

# Development Management Committee

## Members of the Development Management Committee:

### Conservatives      Liberal Democrats

Mr V Thomson      Dr M Gray  
(Chairman)  
Mrs L Neal  
(Vice-Chairman)  
Mr D Bills  
  
Mr B Duffin  
Mrs F Ellis  
Mr C Gould  
Dr C Kemp  
Mr G Minshull

### Pool of Substitutes

Mrs Y Bendle      Mr D Fulcher  
Mr C Foulger  
Mr J Hornby  
Mr J Mooney  
Dr N Legg  
Mrs A Thomas

**Pre-Committee Members' Question Time**  
9.00 am      Blomefield Room

## Agenda

### Date

Wednesday, 5 December 2018

### Time

10.00 am

### Place

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

### Contact

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**PLEASE NOTE** that any submissions (including photos, correspondence, documents and any other lobbying material) should be received by the Council by noon the day before this meeting. We cannot guarantee that any information received after this time will be brought to the Committee's attention. Please note that where you submit your views in writing to your District Councillor, this is described as "lobbying" and the District Councillor will be obliged to pass these on to the planning officer, where they will be published on the website. Please also note that if you intend to speak on an application, your name will be recorded in the minutes of the meeting and kept on public record indefinitely.

This meeting may be filmed, recorded or photographed by the public; however, anyone who wishes to do so must inform the Chairman and ensure it is done in a non-disruptive and public manner. Please review the Council's guidance on filming and recording meetings available in the meeting room.

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

**Large print version can be made available**

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

**Please familiarise yourself with this information if you are not in receipt of the agenda.**

**If the meeting room is busy, please use the upstairs public gallery until such time as your application is heard. You will need to be in the main meeting room if you wish to speak in regard to an application. Please be aware that the Committee can over-run, and if your application is later on the agenda it may be some time before your application is heard.**

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

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

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

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

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

**THEREFORE, we will:**

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

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

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

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

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

# A G E N D A

1. **To report apologies for absence and identify substitute voting members (if any);**
  
2. **To deal with any items of business the Chairman decides should be considered as matters of urgency pursuant to Section 100B (4) (b) of the Local Government Act, 1972;** [Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]
  
3. **To receive Declarations of Interest from Members;**  
(Please see flowchart and guidance attached, page 7)
  
4. **Minutes of the Meeting of the Development Management Committee held on 7 November 2018;**  
(attached – page 9)
  
5. **Planning Applications and Other Development Control Matters;**

(attached – page 27)

To consider the items as listed below:

Item No.	Planning Ref No.	Parish	Site Address	Page No.
1	2018/1981/F	BROOME	Marsh Land Rear Of 184 Yarmouth Road Broome Norfolk	27
2	2018/2303/DC	CRINGLEFORD	Land East of A11 And North and South of Round House Way Cringleford Norfolk	43
3	2018/0958/CU	DENTON	Rainbows End Norwich Road Denton IP20 0AN	53
4	2018/0962/F	HEDENHAM	Willow Farm Earsham Road Hedenham NR35 2DF	61
5	2018/1913/O	HALES	Faber Roofing Green Lane Hales NR14 6TA	66
6	2018/2090/F	GREAT MOULTON	Land West Of Overwood Lane Great Moulton Norfolk	72
7	2018/2131/F	REDENHALL WITH HARLESTON	11A London Road Harleston IP20 9BH	79
8	2018/2163/CU	HETHERSETT	Field South of Norwich Road, Hethersett Norfolk	87

## 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 95)
8. **Date of next scheduled meeting – Tuesday, 8 January 2019**

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

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

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

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

## 2. PUBLIC SPEAKING: PLANNING APPLICATIONS

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

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

**TIMING:** In front of you there are two screens which tell you how much time you have used of your five minutes. After four minutes the circle on the screen turns amber and then it turns red after five minutes, at which point the Chairman will ask you to come to a conclusion.

**MICROPHONES:** In front of you there is a microphone which we ask you to use. Simply press the left or right button to turn the microphone on and off

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

## 3. FILMING AT COUNCIL MEETINGS: GUIDANCE

Members of the public and press are permitted to film or record meetings to which they are permitted access in a non-disruptive manner and only from areas designated for the public. No prior permission is required, however the Chairman at the beginning of the meeting will ask if anyone present wishes to record proceedings. We will ensure that reasonable facilities are made available to the public and press to assist filming or recording of meetings.

The use of digital and social media recording tools, for example Twitter, blogging or audio recording is allowed as long as it is carried out in a non-disruptive manner.

## HEALTH AND SAFETY INFORMATION

<b>Fire alarm</b>	If the fire alarm sounds please make your way to the nearest fire exit. Members of staff will be on hand to escort you to the evacuation point
<b>Mobile phones</b>	Please switch off your mobile phone or put it into silent mode
<b>Toilets</b>	The toilets can be found on the right of the lobby as you enter the Council Chamber
<b>Break</b>	There will be a short comfort break after two hours if the meeting continues that long
<b>Drinking water</b>	A water dispenser is provided in the corner of the Council Chamber for your use

## PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

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

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

## Key to abbreviations used in Recommendations

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



## DECLARATIONS OF INTEREST AT MEETINGS

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

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

Does the interest directly:

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

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

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

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

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

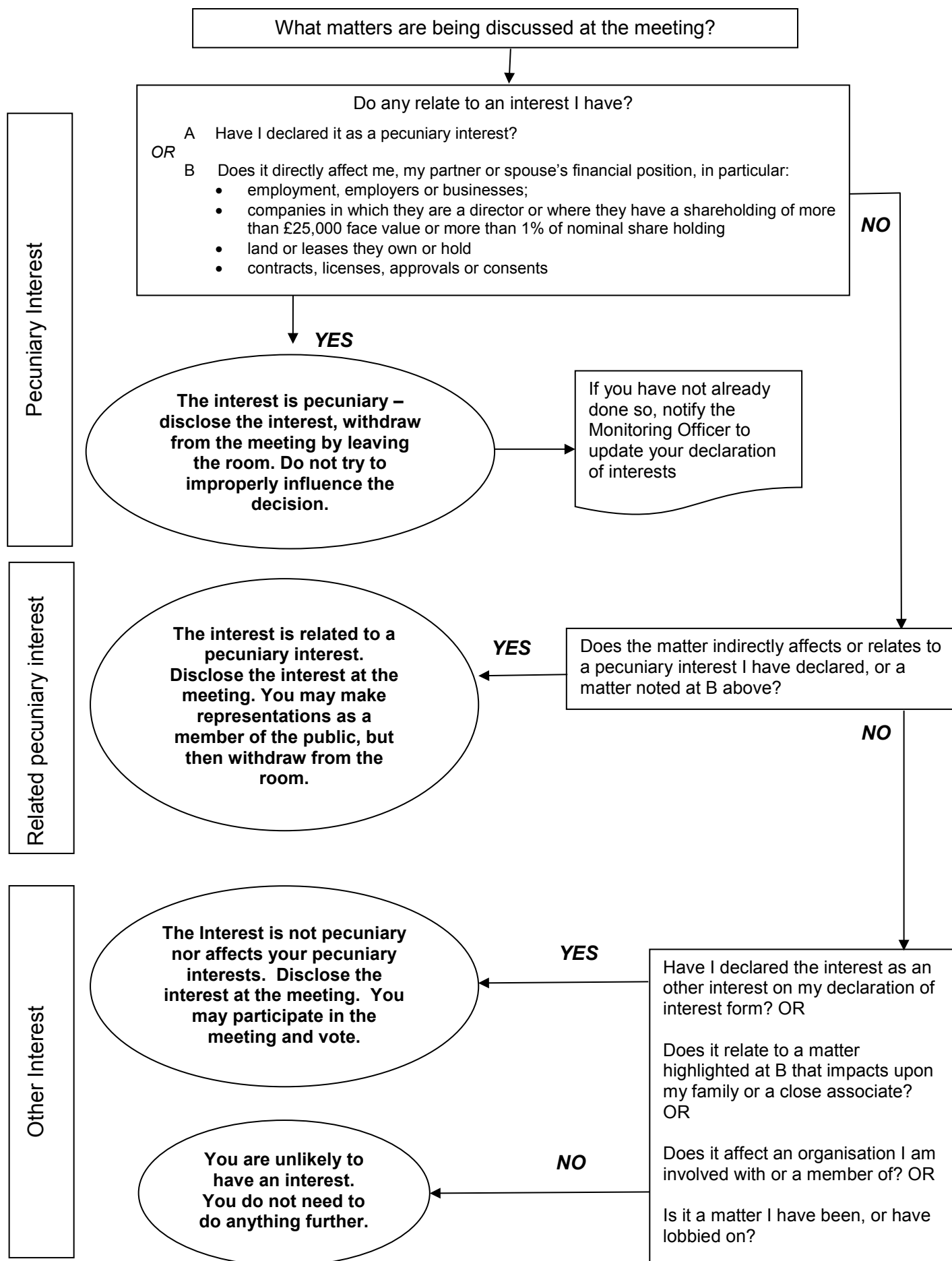
Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.

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

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

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

## DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF







## DEVELOPMENT MANAGEMENT COMMITTEE

**Minutes of a meeting of the Development Management Committee of South Norfolk District Council held at South Norfolk House, Long Stratton, on Wednesday 7 November 2018 at 10.00 am.**

**Committee Members Present:**      **Councillors:**    V Thomson (Chairman), B Duffin, C Gould, M Gray, C Kemp, G Minshull and L Neal

**Apologies:**                      **Councillors:**    D Bills and F Ellis

**Substitute Members:**                      **Councillors:**    N Legg for F Ellis and A Thomas for D Bills

**Officers in Attendance:**                      The Development Manager (H Mellors), the Development Management Team Leader (T Lincoln), the Senior Planning Officers (G Beaumont, C Curtis, C Raine and C Watts and the Planning Officers (T Barker and B Skipper)

30 members of the public were also in attendance

### 415. DECLARATIONS OF INTEREST

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

Application	Parish	Councillor	Declaration
2018/0280/F (Item 1)	CRINGLEFORD	All except A Thomas	Local Planning Code of Practice Lobbied by Objector
2018/0281/F (Item 2)	CRINGLEFORD	All except A Thomas	Local Planning Code of Practice Lobbied by Objector
2018/0939/O (Item 4)	COLNEY	C Kemp	Local Planning Code of Practice Lobbied by Objector
2018/2144/F (Item 8)	BRACON ASH AND HETHEL	N Legg	Local Planning Code of Practice Lobbied by Applicant
2018/2146/F (Item 9)	BRACON ASH AND HETHEL	N Legg	Local Planning Code of Practice Lobbied by Applicant

<b>2018/2102/A (Item 11)</b>	<b>LONG STRATTON</b>	L Neal	Local Planning Code of Practice As a Cabinet Member, Cllr Neal left the room whilst this item was considered
<b>2018/2128/F (Item 12)</b>	<b>WYMONDHAM</b>	L Neal	Local Planning Code of Practice As a Cabinet Member, Cllr Neal left the room whilst this item was considered
<b>2018/1846/H (Item 13)</b>	<b>CRINGLEFORD</b>	C Kemp	Local Planning Code of Practice Lobbied by Applicant
<b>2018/2046/H (Item 15)</b>	<b>CRINGLEFORD</b>	C Kemp	Local Planning Code of Practice Lobbied by Objectors
<b>2018/2062/RVC (Item 16)</b>	<b>SAXLINGHAM NETHERGATE</b>	A Thomas	Other Interest Cllr Thomas was present at the Parish Council meeting where this application was discussed
<b>2018/2096/F (Item 17)</b>	<b>MORNINGTHORPE AND FRITTON</b>	A Thomas	Other Interest Cllr Thomas was present at the Parish Council meeting where this application was discussed

#### 416. MINUTES

The minutes of the Development Management Committee meeting dated 10 October 2018 were confirmed as a correct record and signed by the Chairman.

#### 417. PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

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

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

<b>APPLICATION</b>	<b>PARISH</b>	<b>SPEAKER</b>
<b>2018/0280/F (Item 1)</b>	<b>CRINGLEFORD</b>	T Wang – Parish Council C Chaplin – Objector J Dale – Agent for the Applicant Cllr G Wheatley – Local Member
<b>2018/0281/F (Item 2)</b>	<b>CRINGLEFORD</b>	T Wang – Parish Council J Dale – Agent for the Applicant Cllr G Wheatley – Local Member
<b>2018/0852/F (Item 3)</b>	<b>BROOME</b>	R Holmes – Parish Council E Gilder – Applicant Cllr B Bernard – Local Member
<b>2018/0939/O (Item 4)</b>	<b>COLNEY</b>	T Wang – Parish Council A Dugdale - Applicant M Carpenter – Agent for the Applicant Cllr G Wheatley – Local Member
<b>2018/0980/O (Item 5)</b>	<b>DICKLEBURGH AND RUSHALL</b>	A Goodman – Parish Council T Leeder – Objector N Wright – Agent for the Applicant Cllr M Wilby – Local Member
<b>2018/1528/F (Item 6)</b>	<b>WYMONDHAM</b>	C Papadopoulos – Agent for the Applicant
<b>2018/1703/DC (Item 7)</b>	<b>CRINGLEFORD</b>	M Wagstaff – Parish Council
<b>2018/2144/F (Item 8)</b>	<b>BRACON ASH AND HETHEL</b>	C Rudd – Parish Council S Jones – Agent for the Applicant Cllr C Foulger – Local Member
<b>2018/2146/F (Item 9)</b>	<b>BRACON ASH AND HETHEL</b>	C Rudd – Parish Council S Jones – Agent for the Applicant Cllr C Foulger – Local Member
<b>2018/1846/H (Item 13)</b>	<b>CRINGLEFORD</b>	T Scott – Agent for the Applicant
<b>2018/2046/H (Item 15)</b>	<b>CRINGLEFORD</b>	K Howes – Applicant
<b>2018/2062/RVC (Item 16)</b>	<b>SAXLINGHAM NETHERGATE</b>	C Bough – Applicant
<b>2018/2096/F (Item 17)</b>	<b>MORNINGTHORPE AND FRITTON</b>	J Boon – Agent for the Applicant

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

#### **418. PLANNING APPEALS**

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

(The meeting closed at 4.35pm)

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Chairman

Updates for DEVELOPMENT MANAGEMENT COMMITTEE - 7<sup>th</sup> November 2018

Item	Updates	Page No
Item 1 2018/0280	Information submitted from a resident who is objecting with request to be made available to Committee	18
Item 2 2018/0281	<p>1 letter from a local resident stating that the lack of progress in completion of the public highway and footpaths should be taken into consideration</p> <p>Officer response This is a separate issue from the determination of this application, although development of this last parcel of land then completion of these works should occur</p>	28
Item 3 2018/0852	<p>Highways Recommend additional condition requiring bin storage provision for dwellings served by service road</p>	38
Item 4 2018/0939	<p>Cringleford Parish Council comments Understand applicants' reasoning for selecting this site but still object to proposed development. Current site would not be peaceful due to proximity of A47. Requirements of hospice can be met on site at southern part of COL1 allocation, west of the hospital. Good access and impact on protection zone minimal. Hospice traffic could use improved Watton Road, avoid congested Colney Lane. Consider alternative site should be investigated.</p> <p>Colney Parish Council comments Re-iterate objections to impact on bypass protection zone. SNC not giving sufficient weight to landscape impact. Represents 'nibbling away' at landscape character. Agree with comments of Cringleford Parish Council re alternative sites. Recommend deferral to allow consideration of other sites.</p> <p>Officer response Issues raised addressed in officer's report. No other applications for hospice development on other sites have been submitted.</p> <p>1 objection from a resident – reiterated previous objections on traffic and drainage. Noise has not been addressed. Being considered before expiry of consultation period.</p> <p>Officer response Issues raised are addressed in officer's report. Environmental Services comments regarding noise are outlined below. Last consultation period expired on 25 October.</p> <p>Environmental Services comments</p>	46

	Satisfied that any noise from bypass could be mitigated at reserved matters by window specification and internal layout	
Item 5 2018/0980	Recommendation to include "subject to S106 agreement to secure affordable housing and public open space".	<b>54</b>
Item 6 2018/1528	No updates	<b>67</b>
Item 7 2018/1703	Landscape Architect  No objection in principle but has request some minor changes/alterations	<b>79</b>
Item 8 2018/2144	<p>Further information has been provided about use of the test track by Lotus Driving Academy which demonstrates that this is an established incidental use of the site. As such, condition 3 is recommended to be deleted from the recommendation. It should be noted that if there was a substantial intensification of the use then a material change of use would have occurred requiring a planning application for change of use.</p> <p><u>Parish Council</u></p> <p>Have always been very supportive of Lotus Cars and do not object to these plans but serious concerns were raised about the current level of use of the test track which is generating exceptionally loud noise causing a statutory nuisance. These applications are clearly aimed at increasing the use of the site and would inevitably lead to even more use of the track facilities.</p> <p>The parish council would appeal to Councillors that if they approve these applications that conditions be applied to restrict use of the test track to alleviate the impact on local residents.</p> <p>Officer response Conditions proposed to ensure the developments do not result in any additional harm to residential amenity</p>	<b>89</b>
Item 9 2018/2146	<p>Following receipt of further clarification about use of the Customer Experience Centre it is proposed to delete condition 3 from the recommendation. Use of the track associated with this building will be for customers buying new cars which is an existing incidental use of the site.</p> <p><u>Parish Council</u></p> <p>See Item 8.</p> <p><u>Economic Development</u></p>	<b>95</b>

	<p>Lotus is a key business for Norfolk and a global brand which brings tremendous value to the local economy. It is currently experiencing growth as a result of investment from Geely Holding Group Ltd (a multi-billion pound Chinese organisation). The success of this enhances New Anglia Local Enterprise Partnership's advanced manufacturing cluster and the Cambridge to Norwich Tech Corridor.</p> <p>These specific developments will create an additional 20 jobs, but more importantly the growth plans of Lotus are expected to lead to the creation of approximately 200 new jobs within the first phase of planned works. These enhancements to the site will involve the additional of approximately 3,500 sqm of commercial space.</p> <p>Lotus is important to the continued economic development of South Norfolk and we would wish to fully support the current planning applications.</p>	
Item 10 2014/2611	For clarification the applicant is seeking to secure two options in the amended S106. The proposed option for consideration of 23% affordable housing plus one mid-term review; and a fall-back position of the original agreement of 17% affordable housing plus phase by phase open book viability, this would enable, in the unlikely event another developer acquiring the land, for the original affordable housing proposals to be complied with.	<b>101</b>
Item 11 2018/2102	No updates	<b>105</b>
Item 12 2018/2128	<p>Highway Authority – no objection</p> <p><u>Verbal update given by officer at meeting</u> Agent has instructed an arboriculturalist and officers are awaiting the necessary information.</p>	<b>109</b>
Item 13 2018/1846	No updates	<b>114</b>
Item 14 2018/2017	<p><u>Conservation and Design</u> The site lies to the west of the A140 and the railway line, where it is heavily landscaped.</p> <p>Dunston Hall is a graded II listed building and was built as a large country house within an historic park and garden setting. However, with the extent of existing landscaping, and the separation created by the A140 and the railway line, with associated landscaping to either side, there will be very limited, if any, intervisibility between the site and the hall/its wider parkland setting. I therefore have no objection to the proposals from the point of view of potential impact and harm of the setting of heritage assets.</p>	<b>118</b>

	<p><u>Highways Authority</u> The nature of the proposed Battery storage facility is that once constructed, vehicle traffic to and from the premises will be low and for routine maintenance only. Vehicular movements will therefore principally be for the construction of the project.</p> <p>The site entrance onto Mangreen Lane is existing and formed to an appropriate standard for HGV use. Mangreen Lane is however, only of a two-way vehicle width for the section from the A140 up to the site entrance. The remainder of the lane is somewhat narrower.</p> <p>The junction with the A140 is of a good standard and has the benefit of a right turn facility. This route is therefore acceptable for use by the level of construction traffic identified in the submission. Therefore, no highway objections are raised to this proposal, subject to all vehicle movements relating to the scheme being to and from the direction of the A140.</p> <p><u>Officer response</u> CMP including routing can be dealt with via additional planning condition</p> <p><u>Water Management Officer</u> No adverse comments.</p> <p><u>Verbal update given by officer at meeting</u> No concerns or other comments from Network Rail.</p>	
Item 15 2018/2046	No updates	<b>126</b>
Item 16 2018/2062	No updates	<b>131</b>
Item 17 2018/2096	<p>Highway Authority - No highway safety objections. The proposal is remote from local service centre provision conflicting with the aims of sustainable development, the need to minimise travel, and the ability to encourage walking, cycling, use of public transport and reduce the reliance on the private car as represented in national and local policy. Contrary to Paras 102 and 103 of the NPPF</p> <p>SNC Surface Water Management Officer - No objection subject to conditions to agree details of foul water drainage and surface water drainage</p>	<b>136</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 Growth and Business Development's final determination.

**Major Applications**

1.     **Appl. No**                 :   **2018/0280/F**  
       **Parish**                 :   **CRINGLEFORD**
- Site Address            :   Mr John Dale & Ms Hollie Howe  
       Development            :   Parcel R1 (South of Colney Lane And East of Round House Way)  
                                      Phase 2 Round House Park Round House Way Cringleford Norfolk
- Developer               :   Construction of 35 dwellings (including 2 affordable dwellings),  
                                      associated infrastructure, landscape, play area and public open  
                                      space.
- Decision                :   Members voted unanimously for **Refusal** (contrary to officer  
                                      recommendation, which was lost 0-8 with 1 abstention)
- Refused
- Reason for overturning officer recommendation
- 1 Not in keeping with local area.  
                                      2 High density  
                                      3 Impact and overlooking on neighbour

**2      Appl. No                :    2018/0281/F**  
**Parish                :    CRINGLEFORD**

Applicants Name        :    Mr John Dale

Site Address             :    Land South Of Dragonfly Lane (Parcel NC2) Round House Park  
   Cringleford Norfolk

Proposal                 :    New build construction of 16 apartments and 2 houses, associated  
   parking and landscape

Decision                 :    Members voted 8-1 for **Approval**

Approved with conditions

- 1 Full Planning permission time limit
- 2 In accord with submitted drawings
- 3 Materials in accordance with submitted details
- 4 Provision of parking area
- 5 Contaminated land scheme to be submitted
- 6 Implementation of remediation scheme
- 7 Unexpected Contamination
- 8 Renewable energy
- 9 Water efficiency
- 10 Foul water to mains sewer
- 11 Surface water drainage
- 12 Construction Management & Parking

Subject to completion of S106 agreement to cover provision of affordable housing (in respect of this application and 2018/0280)

Subject to completion of a S106 agreement to cover provision of affordable housing

**4      Appl. No                :    2018/0939/O**  
**Parish                :    COLNEY**

Applicants Name    :    Priscilla Bacon Norfolk Hospice Care Ltd  
Site Address        :    Land south east of NNUH Off Colney Lane Colney Norfolk  
Proposal             :    24 bed end of life hospice with associated offices and car parking

Decision             :    Members voted unanimously for **Approval**

Approved with conditions

1. Outline Permission Time Limit
2. Standard outline requiring reserved matters
3. In accord with submitted drawings
4. In accord with parameters plan
5. Landscaping scheme to submitted
6. Implement landscaping scheme
7. Landscaping management plan
8. Tree protection
9. Boundary treatment to be agreed
10. Provision of parking, service
11. Construction parking
12. Details of foul water disposal
13. Surface Water
14. Unexpected contamination
15. Ecology
16. Fire hydrant
17. Archaeology
18. Restriction within use class C2

**5      Appl. No                   :   2018/0980/O**  
**Parish                   :   DICKLEBURGH AND RUSHALL**

Applicants Name : Mr Charles Inglis  
Site Address : Land West of Norwich Road Dickleburgh Norfolk  
Proposal : Demolition of an existing dwelling and the erection of a mixed use development comprising of 7 affordable homes, 7 custom-build homes and 8 accessible dwellings for older people. A small scale community facility. A unit for commercial/community use. Public open space and enhanced areas of woodland.

Decision : Members voted 8-0 (with 1 abstention) for **Approval**

Approved with conditions

- 1 Outline - 5 Year Land Supply
- 2 Reserved matters required
- 3 Surface water drainage
- 4 Standard Estate Road (details)
- 5 Standard Estate Road (construction)
- 6 Standard Estate Road (construction)
- 7 Visibility splay
- 8 Construction Traffic (Parking)
- 9 Construction Traffic Management
- 10 Construction Traffic Management (implement)
- 11 Highway Improvements - Offsite
- 12 Highway Improvements - Offsite (implement)
- 13 Traffic Regulation Orders
- 14 Bat surveys
- 15 Construction Environmental Management PI
- 16 Ecological Management Plan
- 17 Renewable energy
- 18 Water Efficiency
- 19 Archaeology
- 20 Hours of use of commercial unit
- 21 Foul water to be agreed, subject to legal agreement

Subject to completion of an S106 agreement to secure affordable housing and public open space

**6**      **Appl. No**                   :   **2018/1528/F**  
           **Parish**                     :   **WYMONDHAM**

Applicants Name   :   Hestia Real Estate Ltd  
 Site Address       :   The Bungalow, Station Road, Spooner Row, Norfolk  
 Proposal            :   Proposed residential development of 10 dwellings and demolition  
   of existing bungalow.

Decision               :   Members voted 7-2 for **Approval**

Approved with conditions

1. Time limit full permission
2. In accordance with plans
3. Standard highways conditions
4. Future management and maintenance of roads
5. Details of construction of roads and footways
6. Off-site highway works for footway
7. Extension of the 30mph local speed restriction
8. Visibility splays to be provided
9. Construction traffic management plan and worker parking
10. Materials to be agreed
11. Surface water drainage scheme
12. Foul water drainage scheme
13. Finished floor levels to be agreed
14. Fire hydrants to be provided
15. Landscaping and management plan to be submitted
16. Tree protection measures
17. Ecology enhancement to be agreed
18. Contaminated land scheme
19. Renewable energy
20. Water efficiency

**7**      **Appl. No**                   :   **2018/1703/DC**  
           **Parish**                     :   **CRINGLEFORD**

Applicants Name   :   Mr Ian Mitchell  
 Site Address       :   Land East Of A11 And North And South Of Round House Way  
   Cringleford Norfolk  
 Proposal            :   Discharge of Condition 6 - Design Code of Planning Permission  
   2017/2120

Decision               :   Members voted 7-0 (with 2 abstentions) for **Approval**

Agreed that the Design Code be approved pursuant to condition 6 of planning permission 2017/2120, subject to the resolution of outstanding matters of minor amendment and clarification

- 8**      **Appl. No**                   :   **2018/2144/F**  
           **Parish**                    :   **BRACON ASH AND HETHEL**
- Applicants Name   : Mr Nigel Marshall - Lotus Cars Ltd  
 Site Address       : Lotus Cars Ltd Potash Lane Hethel NR14 8EZ  
 Proposal            : Re-clad existing building and addition of new roof terrace to facilitate the expansion of Lotus Cars Ltd.
- Decision            : Members voted unanimously for **Approval**
- Approved with conditions
- 1 Full Planning permission time limit  
 2 In accord with submitted drawings
- 9**      **Appl. No**                   :   **2018/2146/F**  
           **Parish**                   :   **BRACON ASH AND HETHEL**
- Applicants Name   : Mr Nigel Marshall - Lotus Cars Ltd  
 Site Address       : Lotus Cars Ltd Potash Lane Hethel NR14 8EZ  
 Proposal            : Construction of a new customer based experience building to facilitate the expansion of Lotus Cars Ltd.
- Decision            : Members voted unanimously for **Approval**
- Approved with conditions
- 1 Full Planning permission time limit  
 2 In accord with submitted drawings  
 3 Tree protection  
 4 Renewable energy  
 5 Surface water drainage

### Major Application in Respect of Deed of Variation to Original S106

- 10**      **Appl. No**                   :   **2014/2611/O**  
           **Parish**                   :   **EASTON**
- Applicants Name   : Persimmon Homes Anglia and Easton Landowners Consortium Joint Venture LLP  
 Site Address       : Land north and south of Dereham Road Easton Norfolk  
 Proposal            : Variation (in respect of affordable housing provision) of section106 agreement relating to the erection of 890 dwellings; the creation of a village heart to feature an extended primary school, a new village hall, a retail store and areas of public open space; the relocation and increased capacity of the allotments; and associated infrastructure including public open space and highway works.
- Decision            : Members voted unanimously for **Approval**
- Agreed the suggested variations to the S106

**Applications Submitted by South Norfolk Council**

**11      Appl. No               :   2018/2102/A**  
**Parish               :   LONG STRATTON**

Applicants Name : Mr Mark Heazle  
 Site Address : Leisure Centre, Swan Lane Long Stratton NR15 2UY  
 Proposal : Three signs advertising the facility; 2 x fascia signs and one illuminated totem sign

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

Approved with conditions

- 1–5 Standard advertisement conditions
- 6 Source of illumination
- 7 In accord with submitted drawings

**12      Appl. No               :   2018/2128/F**  
**Parish               :   WYMONDHAM**

Applicants Name : Mr Mark Heazle  
 Site Address : Ketts Park, Harts Farm Road, Wymondham, NR18 0UR  
 Proposal : Outdoor tennis court extension, car park extension and new pavilion.

Decision : Members voted 8-0 to authorise the Director of Growth and Business Development to **Approve**

Approved with conditions

- 1 Full planning permission time limit
- 2 In accordance with submitted drawings
- 3 Surface of car park

Subject to no additional relevant material planning considerations being raised, between the Planning Committee and before the expiration of the press notice on 8<sup>th</sup> November.

**Other Applications**

**13      Appl. No               :   2018/1846/H**  
**Parish               :   CRINGLEFORD**

Applicants Name : Mr Hind  
 Site Address : 53 Intwood Road, Cringleford, NR4 6AA  
 Proposal : Proposed timber cart lodge to provide undercover parking

Decision : Members voted 8-1 for **Approval** (contrary to officer recommendation, which was lost 1-8)

Approved

Reasons for overturning officer recommendation

- 1 No detrimental Impact on the character and appearance of the area



- 25

- 1 Outside development limit without justification (DM1.3)
- 2 Remote from services (DM3.10)
- 3 Impact on Listed Buildings and Conservation Area (DM4.10)
- 4 Adverse impact on landscape impact (DM3.8 and DM4.10)
- 5 Does not represent sustainable development (NPPF)

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

- 1      Appl. No                :    2018/1981/F**  
**Parish                :    BROOME**
- Applicants Name : Mr Darren Broughton  
 Site Address : Marsh Land Rear Of 184 Yarmouth Road Broome Norfolk  
 Proposal : Change of use of Land from Grade 4 Agricultural grazing marsh to the development of 32 Mobile Homes, one caravan for manager's accommodation, acoustic bund and fence between the A143 and site for sound reduction. Children's play area, widening for dykes to create wildlife environment. Creation of pedestrian access with locking gate to rear garden of The Artichoke P.H. Retention of lagoon.
- Recommendation : Refusal  
    1 Unacceptable risk of flooding  
    2 Scale is out of character  
    3 Impact on amenity  
    4 Insufficient access  
    5 Unacceptable impact on biodiversity  
    6 Unacceptable landscape impact  
    7 Not sustainable development

Reason for reporting to committee

Refusal of planning permission for development which has the potential to generate employment and the Local Member has requested that the application be determined by the Development Management Committee for the material planning reasons given below.

- 1      Planning Policies
- 1.1    National Planning Policy Framework (NPPF)  
         NPPF 02 : Achieving sustainable development  
         NPPF 04 : Decision-making  
         NPPF 06 : Building a strong, competitive economy  
         NPPF 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
- 1.2    Joint Core Strategy (JCS)  
         Policy 1 : Addressing climate change and protecting environmental assets  
         Policy 2 : Promoting good design  
         Policy 3: Energy and water  
         Policy 5 : The Economy  
         Policy 6 : Access and Transportation  
         Policy 15 : Service Villages

- 1.3 South Norfolk Local Plan Development Management Policies  
 DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
 DM1.3 : The sustainable location of new development  
 DM2.9 : Rural tourist and recreational destinations  
 DM2.12 : Tourist accommodation  
 DM3.8 : Design Principles applying to all development  
 DM3.10 : Promotion of sustainable transport  
 DM3.11 : Road safety and the free flow of traffic  
 DM3.12 : Provision of vehicle parking  
 DM3.13 : Amenity, noise, quality of life  
 DM3.14 : Pollution, health and safety  
 DM4.2 : Sustainable drainage and water management  
 DM4.5 : Landscape Character Areas and River Valleys  
 DM4.8 : Protection of Trees and Hedgerows

2. Planning History

- 2.1 None relevant

3. Consultations

- |     |   |   |
|-----|---|---|
| 3.1 | Town / Parish Council                       | <p>The planning application should be REFUSED; for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Is an area of major flood risk.</li> <li>2. Will cause loss of agricultural land.</li> <li>3. Outside development boundary of village.</li> <li>4. Would spoil rural nature of village.</li> <li>5. Would spoil the amenity quality for villagers.</li> <li>6. There is not satisfactory access and development will cause traffic problems.</li> <li>7. Work has been able to start before the application for planning permission.</li> </ol> |
| 3.2 | District Councillor<br>Cllr Brendon Bernard | <p>There is considerable opposition to this application and this should be determined by committee only on the grounds of flood risk and environmental / waste impact.</p>  |
| 3.3 | Anglian Water Services Ltd                  | <p>No comments received</p>   |
| 3.4 | Camping and Caravanning Club Ltd            | <p>No comments received</p>   |
| 3.5 | Environment Agency                          | <p>9<sup>th</sup> November 2018<br/>         Confirmation has been provided that this development will connect to the public main foul sewer. This is sufficient to overcome the holding objection relating to foul drainage. However, the objection in principle relating to flood risk remains and refusal is recommended.</p> <p>8<sup>th</sup> November 2018<br/>         Both log cabins and caravans are classified as 'more vulnerable' development because they are both used as holiday lets, so changing to log cabins would not overcome our objection.</p>  |

In the production of their SFRA, South Norfolk District Council has stated that Flood Zone 3b is to be defined as land that would flood with a 5% chance in each and every year. The applicants correctly recognise that Flood Zone 3b should take into account any infrastructure or development that has the potential to prevent an area from functioning as floodplain, such as a road. The applicant may therefore wish to demonstrate that the site would not actually flood in the 1 in 20 annual probability event due to the presence of the A143. To do this, they would need to submit a new flood model which takes into account the flood risk from both the River Waveney and the currently unmodelled Broome Beck. We would then review the outputs from this flood model to see if the site should not be considered to be Flood Zone 3b.

2<sup>nd</sup> November 2018

It is not appropriate for any 'more vulnerable' development to be located in Flood Zone 3b, according to the Planning Practice Guidance. As this development is inappropriate, your proposal to use mitigation measures such as tethering the caravans or restricting their use seasonally is not sufficient to overcome our objection.

22 October 2018

In addition to our previous comments, we have concerns that the Lagoons have been dug below the water table. We would urge you to request that the applicant provides further information on this to ensure that this has no detrimental impact to groundwater in the area.

5<sup>th</sup> October 2018

The Planning Practice Guidance (PPG) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each flood zone. In this case, the application site lies within the fluvial Flood Zone 3b, the functional floodplain, as delineated by the 1 in 20 annual probability event modelled outline of the River Waveney. The proposed development is classified as 'more' vulnerable' in Table 2: Flood Risk Vulnerability Classification of the PPG. Table 3 of the PPG makes clear that this type of development is not compatible with Flood Zone 3b and should not therefore be permitted.

The proposal is for mobile homes for holiday use. Provided the mobile homes are to be used for short term holiday use, the vulnerability classification of the development is considered as 'More Vulnerable', this has been confirmed.

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. The site is shown to be at risk from the reservoir Ditchingham Lake. This risk has not been analysed within the FRA. It is upstream of the site and the flow route is along Broome Beck. We have not undertaken any detailed modelling for the nearby Broome Beck, so this source of flood risk has not been assessed for the purpose of the flood map. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

The application form indicates that a package treatment plant is proposed as the means of foul drainage. Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted first before use of a package treatment plant.

3.6 NCC Lead Local  
Flood Authority

A Drainage Strategy that sets out how the Applicant will manage surface water runoff, in line with the Sustainable Drainage Systems (SuDS), has not been provided for the LLFA to review. Surface Water runoff rates and volumes have not been provided. Additionally, the SuDS hierarchy has not been followed as the proposed development has not fully considered the use of infiltration drainage which has been discounted due to a lack of infiltration testing rather than providing data to confirm unsuitable ground conditions. Surface water runoff management is proposed via attenuation and discharge to an existing watercourse and pond/lake, however, insufficient information has been provided by the Applicant in relation to this. Safe evacuation of all occupants in the event of a surface water flood event has not been adequately addressed.

We **object** to this planning application in the absence of an acceptable Drainage Strategy and management of flood risk.

We assume that you, as the Local Planning Authority, are satisfied that the sequential test considering all sources of flooding, and exception test as appropriate has been undertaken.

We would like to highlight that Flood Re insurance is likely to not be available for temporary accommodation mobile homes or permanent accommodation mobile homes built after 1 January 2009. We advise that the Applicant ensures that suitable insurance cover is available for any proposed development. This is to ensure that the risks of flooding are appropriately considered and mitigated at the planning stage.

3.7 Waveney Lower Yare  
& Lotingland IDB

13<sup>th</sup> November 2018

It is noted reference has been made to the status of the A143 road as a flood barrier. For the avoidance of doubt, it should be noted that there are culverts under the A143 main road in the immediate vicinity of the site so that water can pass freely from one side to the other.

29<sup>th</sup> October 2018

The application plan shows a 10ft high bank with fence and landscaping both sides adjoining the watercourse besides the A143. This is not acceptable as the watercourse is maintained by this Board and access to clear the same using a mechanical excavator is required.

16<sup>th</sup> October 2018

It would appear that the surface water and sewage treatment plant overflow from the proposed development will enter the Boards system for which Board Consent will be required.

- |      |  |   |
|------|--|---|
| 3.8  | Upper Yare and Tas IDB                 | No comments received  |
| 3.9  | Waveney Valley Internal Drainage Board | No comments received  |
| 3.10 | NCC Highways                           | <p>No objection to the principle of the development, however further clarification with regard to the access arrangements is required. The applicant is proposing to serve the site from an existing access onto Old Yarmouth Road with 66m visibility splays proposed in each direction. Whilst this access arrangement would be acceptable, it is not clear from plan submitted or from visiting the site if this can actually be achieved on the ground. Therefore, a more detailed plan, based upon a topographical survey, showing the access arrangement and demonstrating the level of suitable level of visibility (from a 2.4 m set back in each direction) can actually be achieved, is required.</p> <p>In addition, I note from the location plan that, the applicant has suggested that the access road will be 4.8 m in width however again no detailed plans have been submitted to demonstrate this. To satisfy the requirements of the Highway Authority the surfaced access road should be a minimum of 4.8 m in width for the first 10 metres into the site (measured from the kerb edge) to allow 2 vehicles to pass.</p> <p>Please note however the 4.8 m width relies upon the availability of a verge / footway margin flanking either side of the track to take into account wing mirrors. If there is a hedge / wall adjacent to the access road and only 4.8 m is available between then this would not be considered suitable to allow two vehicles to pass.</p> <p>Until such as time as our concerns are addressed I would request that this response be considered to be a Holding Objection.</p> |
| 3.11 | Norfolk Fire Service                   | Due to the number of mobile homes being proposed, the owner/developer need to ensure sufficient distance is left between each unit to form a fire break and that access to the site is maintained, roadways are capable of carrying a fire appliance and turning circles where necessary are in place.  |
| 3.12 | Architectural Liaison Officer, Police  | <p>Though not necessarily a security issue per se, the potential for flooding on this land appears realistic and thereby safety of users is a significant consideration. IF serious flooding should occur then security of remaining property within the site may become an issue.</p> <p>The two containers holding house batteries should be secured away from casual access and locked within a robust attack resistant structure. The shed to store gardening equipment should be equally robust. The entrance doors to both containers and shed should be positioned in direct line of sight to the managers/caravan office for added natural surveillance benefits. Alarm devices should be considered appropriate to protect the contents from attack/loss</p> <p>Perimeter boundary treatment should provide both demarcation and security protection for the residents/users and equally protect</p>   |

adjacent properties from disturbance or residential access to their land.

Access to mobile homes should be controlled by management policy and appropriate key safe security protection for master keys must be considered essential.

Managers caravan/office should be protected with an appropriate alarm system.

For security and safety of residents I recommend the provision of security lighting features.

Landscaping on site should not be permitted to screen off areas where criminal activity could then occur without natural surveillance protection. Openness of site is the best protection against criminal opportunity and reduces the fear of crime for users.

Key lockable gating between the site and nearby public house is important to prevent casual access by pub users who are not site residents.

The play area should not be positioned adjacent to neighbouring properties nor near to the nearby public house. If this play area is designed solely for the residents it should be sited in to the centre of the development thereby maintaining a high level of surveillance protection for its young users. Sited near to the public house will attract users from the public house and thereby adults will also become attracted to the site and undermine security within it.

3.13 SNC Landscape  
Architect

I have concerns about this application and consider that there is insufficient information and justification regarding the landscape-related issues.

Fundamentally there is no particular consideration of the landscape character, nor reference to published landscape character assessment as required by DM4.5. The general land use along this 'back land' is undeveloped with fields bisected with ditches, hedgerows and also wooded areas. The proposed development represents a departure from this.

It is clear that the site has already been changed prior to the application; aerial images of the site show that central lagoon and boundary 'ditches' are much greater in scale than they were previously, and it appears that – in part at least – some of the ground level may have been raised as a result of excavations to achieve this. These features have undoubtedly changed the character of the site. Whilst there are larger bodies of water nearby, these are intended as a setting for the caravans, which will be a new landscape character in this locality.

An apparent fundamental element of the scheme is the proposed earth mounding and acoustic fencing and associated planting. No detail of this is provided and so its acceptability for the situation is impossible to ascertain. Such feature as can be incongruous, so I would not advise acceptance of the principle of the development without first understanding the nature of the likely bunding/fencing



required. The application does not provide sufficient information in order to be sure that it accords with DM4.9.

#### 3.14 Broads Authority

The proposed development lies within landscape character area A5, Waveney Rural River Valley and to the south is landscape character area 2, Waveney, East of the A143 Bungay/Ditchingham to Shipmeadow/Geldeston.

Both character areas are predominantly rural and characterised by pastoral grazing marshes and meadows. The primary landscape detractor within the area is the presence of the A143, however, this is relatively well screened by vegetation.

The proposed development will be visible from an existing field access off A143 and from Old Yarmouth Road.

Whilst effects on the Broads administrative area are limited, due to the A143, there is likely to be a negative effect on both landscape character and visual amenity as a result of the development. Some shortcomings in the information submitted are also noted

#### 3.15 NCC Ecologist

No ecological information has been submitted in support of this application. From publically available aerial sources there appears to be semi-natural habitats, a ditch and trees within the site and therefore there is potential for protected species to be present on the site. Several designated sites including Broome Heath Pit (SSSI) are located in close proximity to the site and no assessment of the potential impacts of the proposed change of use on these designated sites has been carried out.

A Preliminary Ecological Appraisal needs to be undertaken by a suitably qualified ecologist prior to the planning application being determined to establish baseline conditions and to understand the potential impacts upon biodiversity.

#### 3.16 Other Representations

62 letters of objection to the proposal have been received, their comments are summarised as follows:

- A wall of caravans will be visible from Old Yarmouth Road.
- The Environment Agency and Flood Authority have already noted concerns regarding potential flooding of the site. All of these experts identify a flood risk.
- The sequential test site area is considered inappropriate.
- No consideration has been given to the effect the significant drainage changes may have on neighbouring marshes and properties. The Flood Risk Assessment only addresses the users of the site.
- The flood risk information submitted is debated.
- The current site being a marsh (inclusive of unauthorized lake) will in no way benefit from increased surface water run-off.
- I assume that inclusion of foul water drainage for the units will include a sewage treatment system which inherently fail in water logged locations through both water ingress and inadequate discharge ability.
- There are no sections, indication depth or landscape proposals for the lagoon.
- The water in the lagoons is presumably just a exposure of the water table supplemented by run off from the site. When surrounded by vehicles and 53 static caravans with their associated

drainage the site run off would present an environmental hazard and risk to neighbouring marshland.

- Works have been undertaken on the site without consent i.e. lagoons in centre of the site and works to ditches.
- The only business in the village is the pub and nowhere else to spend money in the village, therefore enhance revenue is not justification for this development.
- There is a huge difference between the odd farm vehicle using the access occasionally to constant day and night movement of tourist vehicles, creating a highway safety issue.
- Reducing the number of caravans makes no difference whatsoever. The fact remains, the site is unsuitable.
- The proposal is outside the Development Boundary.
- This is not a community asset nor is it Social Housing.
- The new plan shows that trees will be planted to shield the houses on Old Yarmouth Rd. How long do they take to grow? The proposed trees adjacent to the boundaries of properties with existing properties would, in time, have roots which would penetrate into neighbouring properties gardens causing damage to fencing and pipes and will overshadow rear gardens.
- Widened ditches would be a huge safety issue if the site was a holiday park.
- The submission is vague and of poor quality.
- There is no evidence of demand for this development. There are vacant lots on other caravan sites in the Waveney Valley and existing touring sites.
- With regard to Local Plan policies DM 2.1 and 2.9 the proposal does not use redundant rural buildings or hard-standings, requires vehicular access to all amenities/ services except the local public house and in the absence of any management details alludes only to the creation of one job. A field full of caravans, providing only a small playground could not be regarded as a “recreational and leisure destination attraction” or “protect the intrinsic beauty and character of the countryside”.
- This style of new development is likely to harm the asset on which our existing and growing tourism depends.
- Many of the citations given in the applicant’s statement are the aspirations of public bodies charged with promoting tourism. They do not relate to this specific proposal.
- The scale and location of the proposed development is not appropriate to the existing development and will have a detrimental effect on the local and natural environment.
- Visitors to the development would constitute a 20% to 30% increase to the existing population of Broome.
- Harm and loss of amenity due to overlooking, noise, pollution.
- Part 5 Permitted Development could provide great freedom to the operator, causing an unsightly collection of aged uncared for static caravans visible from the main road.
- Harm has already been done to the existing environment and habitats by the excavation of lagoons and raising of marsh levels.
- It will upset the dynamics of the village.
- It will affect wildlife on the marsh land greatly.
- There will be light pollution.
- Longford bridge is narrow as is that part of Yarmouth Road
- Plans for new houses opposite the proposed entrance to the park will make the narrow end of Yarmouth road very difficult for traffic.

- Yarmouth Road is currently a quiet road, used by many runners, cyclists and pedestrians. Traffic and congestion will hugely increase if this proposal goes ahead.
- Concern over construction traffic.
- It will set a precedent for other similar development in flood plains.
- Significant environmental risk due to petrol/oil/diesel spillage.
- The village of Broome was bypassed by the A143 to alleviate traffic along Old Yarmouth Road, which still remains a busy road.
- The land is 'grazing marsh' as it is not suitable for the proposed development.
- Overdevelopment
- When appraising 5 year land supply it clearly demonstrates no inclusion of the flood zone for development of any sort.
- There is no clarity of use stated, is this proposal permanent or holiday?
- The only current method of accessing the marsh land in question is via an unmade lane. It is not suitable to support a massive increase in use by the occupants of the proposal.
- How are emergency vehicles including fire engines going to get access in the event of an emergency
- Where and how will waste and recycling be undertaken?
- The area is a known habitat and no ecological assessment has been submitted with the application.
- Ditchingham Stores parked cars already create single line traffic and this proposal will worsen this situation.
- To date have the Wildlife acts 1981-1982 been complied with?
- There is no need for a bund.
- No Ground Investigation appears to have been carried out.
- I would question the ownership of the access track that is proposed to be used?
- I have seen no assessment regarding the orientation of the units regarding the effectiveness of PV panels?
- There appears to be no parking area provided for staff.
- There has not been a tree survey.
- The proposal is too close to neighbouring properties.
- On the other side of the A143 similar work has been done.
- There are going to be new housing developments on Yarmouth which will increase traffic considerably.

One letter of support has been received stating:

- I think this is a really good idea will do the shops of the town loads of good.

#### 4 Assessment

##### *Background*

- 4.1 The application site is located to the south-east of Old Yarmouth Road, Broome and forms the site known as 'The Marshes' previously used as agricultural grazing land. The A143 runs along the south-eastern boundary of the site and behind residential properties running in a linear fashion along Old Yarmouth Road. Access is proposed off Old Yarmouth Road along an existing farm access track and adjacent to a newly permitted two storey dwelling (2018/1308) and an existing bungalow which sits behind the dwelling. Ground levels in this location slope slightly to the south and south-east.

*Principle*

- 4.2 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 4.3 Policy 6 of the NPPF supports sustainable rural tourism and leisure developments which respect the character of the countryside.
- 4.4 The site lies outside any designated development boundary but adjacent to it, within the Countryside. Policy DM1.3 supports new development outside of development boundaries where it accords with a development plan policy or there are overriding benefits in terms of social, economic and environmental.
- 4.5 Policy DM2.9 is supportive of new visitor recreational and leisure destination attractions in the Countryside where it can be clearly justified the unique and special attributes of the location; or the necessity of the development; and why this cannot be met in a local service centre and that it would not affect the vitality or viability of any local service centre. This policy requires new proposals to be of an appropriate scale, appropriate to existing development and/or would not have detrimental effect on the local and natural environment or the character of the landscape/countryside and that harm would not be caused by the nature, scale, extent, frequency of timing of any activates proposed including:
- Noise and Pollution
  - The siting and appearance of buildings
  - Number of people
  - Impact on natural environmental and habitat
- 4.6 All proposals require safe and adequate access also.
- 4.7 Policy DM2.12 supports new tourist accommodation within or well related to development boundaries, and at a scale appropriate to the settlement.
- 4.8 It must also be demonstrated that there will be ongoing management to protect the amenity of the locality and protect nature conservation, landscape and archaeology and good quality agricultural land should not be used.
- 4.9 Very limited information has been submitted with the application to justify the location or necessity of this development and why the need cannot be met in a local service centre. Although policies are supportive of this type of development and the principle of the proposal therefore could be considered acceptable, this is subject to the further consideration of the matters raised above, which have been further discussed below.

*Character and scale*

- 4.10 Policy 3 of the NPPF supports sustainable rural tourism which respects character in the countryside. Policy 12 of the NPPF seeks the creation of high quality places and states that good design is key aspect of sustainable development, which creates better places to live and work and makes development acceptable to communities. Development should add to the quality of an area; be visually attractive; sympathetic; establish a sense of place; accommodate a mix of development; and create places that are safe, inclusive and accessible. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy 3 of the JCS requires new development to create a strong sense of place and to respect local distinctiveness. Policy DM2.9 and DM2.12 seek to ensure the scale of development proposed is appropriate to its adjacent settlement.

- 4.11 The proposals have been amended during the course of the application and the proposed number of caravan pitches moved further away from neighbouring properties to the west off Old Yarmouth Road and the overall number reduced from 53 to 32. The application site is 3.9 hectares.
- 4.12 The proposal is unlikely to be significantly visible from the A143, given the existing screening along this route. There is also further proposed bunding and planting along the boundary with the A143 in this application. There may be glimpse views of the proposal at the access point to the site (not to be used for access to this proposal) off the A143 and in distance views as one approaches Broome along the Old Yarmouth Road, although it is acknowledged that impacts are likely to be minimal given existing planting and that the proposals are likely to be single storey. The proposal, despite the resultant development being single storey is however likely to be visible in between properties off Old Yarmouth Road and down the proposed access off Old Yarmouth Road.
- 4.13 Policies DM2.9 and DM2.12 both require new tourist development to be of an appropriate scale. It is considered given the size of the site and the number of pitches proposed that the scale of the development, even with the numbers being reduced through the course of the application that this would be significant in comparison to the size of Broome as a settlement and the facilities and services it offers. Their obvious visibility in the landscape and the manner in which it changes its character is considered contrary to policies 12 of the NPPF, 3 of the JCS and DM2.9, DM2.12 and DM3.8 of the SNLP. It is considered that the proposal would fail to take the opportunities available for improving the character and quality of an area contrary to Policy 12 of the NPPF.

#### *Landscape*

- 4.14 Policy DM4.5 of the SNLP requires new development to respect, conserve and where possible enhance the landscape character of its immediate and wider environment. Policy DM4.9 requires new proposed to demonstrate a high-quality landscape design, implementation and management.
- 4.15 The Council's Landscape Architect has reviewed the proposals and raises concerns with regards to them on the grounds of insufficient information and justification. The application makes no particular consideration of the landscape character, nor reference to published landscape character assessment as required by DM4.5. The general land use along this 'back land' is undeveloped with fields bisected with ditches, hedgerows and also wooded areas. The proposed development represents a departure from this.
- 4.16 It is clear that the site has already been changed prior to the application; aerial images of the site show that central lagoon and boundary 'ditches' are much greater in scale than they were previously, and it appears that some of the ground level may have been raised as a result of excavations to achieve this. These features have changed the character of the site, without justification or proposals to demonstrate how this will be managed.
- 4.17 An apparent fundamental element of the scheme is the proposed earth mounding and acoustic fencing and associated planting. No detail of this is provided and so its acceptability for the situation is impossible to ascertain. Such feature as can be incongruous in the landscape and therefore details are required in advance of granting planning permission. Without further information the proposal is considered to have landscape impacts which have not been justified and therefore the proposal is considered contrary to policies DM4.5 and DM4.9 of the SNLP.

#### *Amenity*

- 4.18 Policy DM3.13 seeks to protect the amenity of neighbouring properties. The application is located behind a row of properties which front onto Old Yarmouth Road. The applicant has amended their initial proposal to reduce the number of caravan pitches proposed and

distanced the proposed development from the rear gardens of these neighbouring properties with proposed planting to limit any impacts. The neighbouring properties have raised concerns with regards to time the planting would take to mature and then a subsequent impact from shading from the planting and impacts of tree roots. This is in addition to concerns raised with regards to noise and disturbance from this proposed use in this location.

- 4.19 It is noted residential properties off Old Yarmouth Road to the west of the site do have small curtilages. Given the proposal is single storey then it is not considered, given the proposed revisions, that there would be significant overlooking and overshadowing from the proposal to warrant refusal on this basis and planting could assist with this and could be conditioned to ensure impacts on neighbouring gardens are limited. It is also noted that planting could take place at any time on the site without planning permission.
- 4.20 It is considered however, that the proposed development, given its scale, is likely to generate noise over and above that of the existing and would cause noise and disturbance to neighbouring properties during times of high occupation. In addition, there are two properties and their rear gardens located adjacent to the proposed access to the site. The new dwelling facing Old Yarmouth Road has windows facing the access. Given the number of caravans proposed then the use of this access at times of high occupation could cause considerable noise and disturbance to the detriment of their amenity and therefore the proposals are considered to raise amenity concerns which are contrary to Policies DM3.13, DM2.9 and DM2.12 of the SNLP.

#### *Access*

- 4.21 Policy DM3.11 of the SNLP requires new development not to endanger highway safety or the satisfactory functioning of the highway network.
- 4.22 The highways authority has no objection to the principle of development in this location, however, they do raise concerns over the width of the proposed access and whether the required visibility splays can be achieved. Further information has been requested and has not been provided in this regard.
- 4.23 A concern has been raised that the bungalow (number 186) adjacent to their proposed access has not been constructed in accordance with its approved plans. The Council are investigating this in the usual way. In terms of this application, the presence of the bungalow at this time, regardless of being lawful, is material to the determination of this application. It is the applicant's responsibility to demonstrate adequate access to the site and as this has not been provided then the proposal is not considered in accordance with Policy DM3.11 and DM2.9 of the SNLP.
- 4.24 Some of the justification for this development is to support local business. Sustainable development with good linkages to settlements is supported by policy. It is not clear from this application how this is to be achieved and local people raise concern about additional noise and disturbance if a rear entrance is created as access to the public house. The route along Old Yarmouth Road, would be a convoluted route for pedestrians adjacent to visiting vehicles along a narrow access. Therefore, encouraging use of local facilities and accessibility is considered poor.

#### *Flood risk*

- 4.25 Paragraph 155 onwards of Policy 14 of the NPPF seeks to control inappropriate development in areas at risk of flooding, which should be avoided by directing development away from areas at highest risk. Policy 1 of the JCS states that development will be located to minimise flood risk.

- 4.26 The Planning Practice Guidance (PPG) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each flood zone. In this case, the application site lies within the fluvial Flood Zone 3b, the functional floodplain, as delineated by the 1 in 20 annual probability event modelled outline of the River Waveney. The proposed development is classified as 'more' vulnerable' in Table 2: Flood Risk Vulnerability Classification of the PPG. Table 3 of the PPG makes clear that this type of development is not compatible with Flood Zone 3b and should not therefore be permitted. The Environment Agency and Lead Local Flood Authority has objected to the application for these reasons.
- 4.27 The applicant has provided some additional information to the Environment Agency, however, insufficient information or justification for the development has been provided for them to remove their objection and therefore the proposal is considered contrary to policy 14 of the NPPF.
- 4.28 The applicant has also submitted a sequential test. Policy 14 requires that all plans should apply a sequential, risk-based approach to the location of development, taking into consideration climate change. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Although a sequential test has been provided the search area for alternative sites was not been agreed with the Local Planning Authority, as per the advice in the NPPG. The Council disagrees with its approach and believes a District wide search area would be more appropriate for this type of development and therefore considers that the sequential test submitted inappropriate.
- 4.29 Given that the proposal does not pass the sequential test then it is not necessary to apply the exception test. However, in the event the exception test is applied (as set out in paragraph 160 of the NPPF) then the proposal would need to demonstrate that there are wider sustainability benefits to the community that outweigh flood risk and the development will be safe for its lifetime. It is not considered that either of these tests would be met by this development and it would therefore fail the exception test also.
- 4.30 The proposal is therefore considered contrary to Policy 14 of the NPPF and 1 of the JCS.

#### *Ecology*

- 4.31 Policy 15 of the NPPF requires new development to contribute to and enhance the natural and local environment. In the applicant's submission they state their intention to submit an ecological appraisal. This information has not yet been received and therefore the proposal lacks information by which to assess the impacts of the proposal on the natural environment and biodiversity therefore fails to comply with Policy 15 of the NPPF.
- 4.32 Works have already taken place on the site to construct lagoons and works to ditches have taken place. These works are considered to be engineering operations requiring planning permission. A number of concerns have been raised by local people that these works have negatively impacted local ecology. The Council recognises that works of this type can impact ecology and enforcement action has been considered. This is further discussed below.

#### *Loss of agricultural land*

- 4.33 The applicant states this is grade 4 agricultural land, previously used for grazing, this has been checked and is agreed with. Therefore, the proposal does not use the best and most versatile agricultural land which is considered in accordance with Policy 15 of the NPPF and Policy DM2.12 of the SNLP.

*Environmental Impact Assessment (EIA)*

- 4.34 The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment Regulations) 2017 and is not considered to require a separate environmental statement.

*Enforcement*

- 4.35 As set out above the applicant has undertaken works on the site, which are considered engineering operations requiring planning permission, namely a lagoon, site levelling and works to ditches. The Local Planning Authority has investigated these works in the usual way and although there has been a breach of planning control it is intended to take no further action in this regard. It is asked that members agree this also.
- 4.36 It is noted that there has been a number of concerns raised by local residents with regards to the works currently having been undertaken without the necessary planning permissions. Paragraph 58 of the NPPF sets out enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control and Local planning authorities should only take enforcement action when it is expedient to do so having regard to the development plan and any other material considerations.
- 4.37 The works undertaken are not visible from public vantage points and would not impact the amenity of neighbouring properties. Local people have raised concerns that the works would have impacted ecology. Although, it is acknowledged that this may have happened it would be unlikely that that habitat could be recreated by the filling in of the ditches and lagoon and actually, as advised, it is likely that habitat has actually been created by the works undertaken. Concern has also been raised that the lagoon would have changed the water table in this location. Again, the Local Planning Authority has been verbally advised by the Environment Agency that this may actually make an improvement to the water table. For these reasons it is recommended that no further action in terms of enforcement is taken.
- 4.38 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 4.39 This application is not liable for Community Infrastructure Levy (CIL)

5 Conclusion

- 5.1 The application is considered contrary to national policies and those contained within the Development Plan. It would result in an unacceptable future flood risk; the scale of development is considered inappropriate in this location, adjacent to the settlement boundary of Broome and would impact its character; it will generate noise and disturbance for local residents and negatively impact their amenity; it has not been demonstrated that appropriate access to the site can be achieved or appropriate visibility can be achieved, which would impact highway safety; the proposal includes no information with regards to ecology; insufficient information has been provided with regards to landscape impact; and the proposal fails to justify development in this location or its necessity and why this cannot be met in a local service centre and is therefore not considered to be a sustainable form of development, having regard to the three tests set out in the NPPF. The proposal therefore represents unsustainable development, contrary to the NPPF and the Development Plan and there are no other material planning considerations to outweigh this.



## 6 Reasons for Refusal

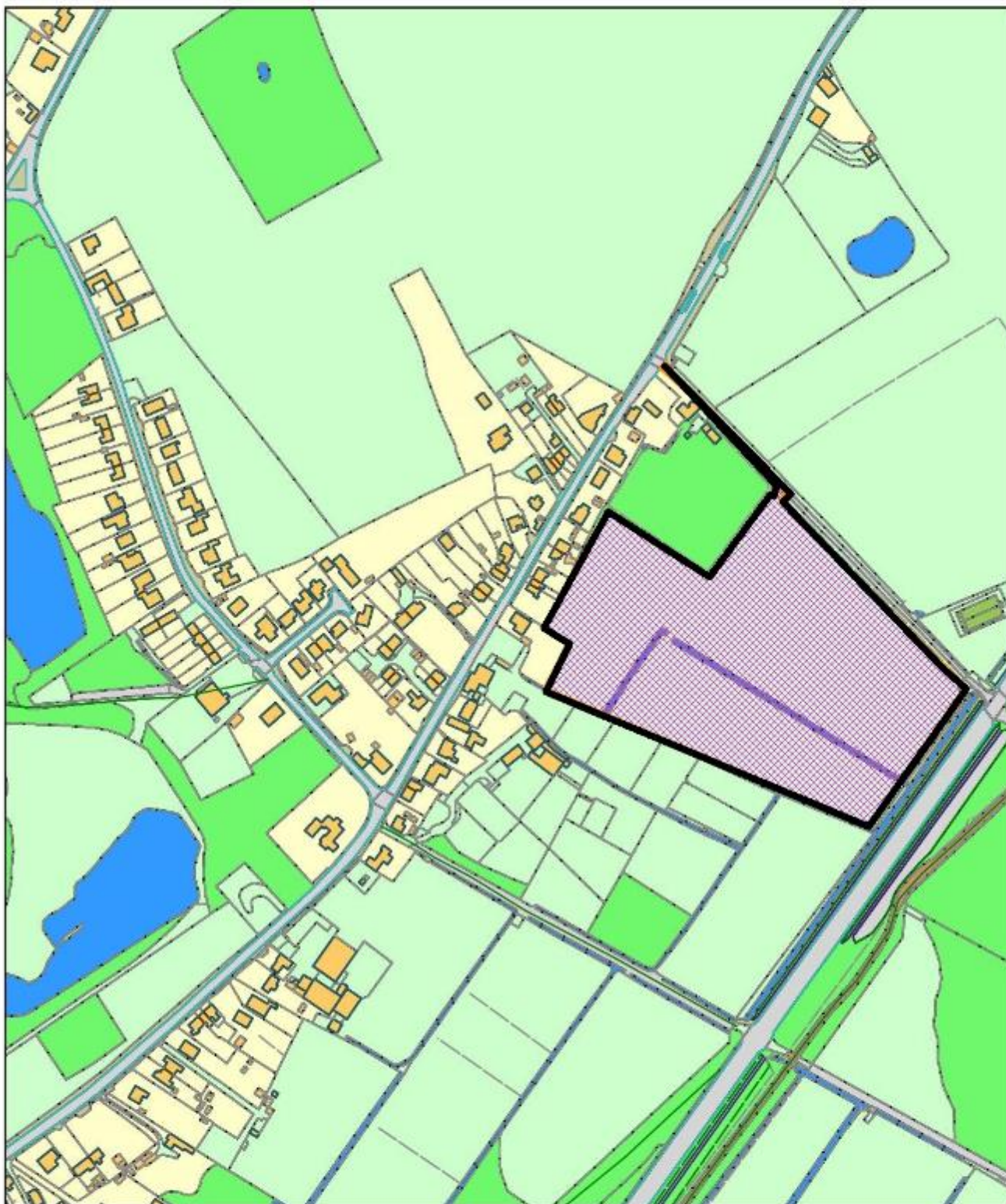
- 6.1 The proposed development falls into a flood risk vulnerability category (more vulnerable) which is incompatible with the site's location within Flood Zone 3b. The proposal would therefore constitute inappropriate development in an area at risk of flooding and would be contrary to Policy 1 of the JCS, Policy 15 of the National Planning Policy Framework and the PPG.
- 6.2 Policies 6 of the NPPF and DM2.9 and DM2.12 of the South Norfolk Local Plan are supportive of tourist development where it has been justified, respects the character of the countryside and it is of an appropriate scale in relation to the settlement to which it relates. It is considered that due to the size of the site and the number of caravans proposed the development would have a detrimental impact on the local and natural environment and the character of the area and landscape, and that harm to the countryside and Broome would be caused by the nature, scale, extent, frequency of use of the site. The proposal has not been suitably justified and is therefore considered contrary policies 6 of the NPPF and DM2.9 and DM2.12.
- 6.3 Policy DM3.13 aims to protect the amenity of existing residents. The scale of the proposals and their use will lead to noise and disturbance for properties adjacent to the access to the site and those on the western boundary which abut the application site. This would have a detrimental impact on their amenity, which is would not be mitigated against by the proposals and therefore it is considered contrary to policy DM3.13 of the South Norfolk Local Plan.
- 6.4 The applicant has failed to demonstrate that an appropriate access with the required visibility splays can be achieved to prevent an unacceptable impact on highway safety contrary to policy DM3.11 of the South Norfolk Local Plan.
- 6.5 There is insufficient information provided with the application to demonstrate that the proposals would protect and enhance biodiversity in accordance with the requirements of Policy 15 of the NPPF, the proposal is therefore considered contrary to this policy.
- 6.6 The application contains insufficient information and justification with regards to landscape impact, which the Council considers would be detrimental from the development proposed. The proposal is therefore considered contrary to Policies DM4.5 and DM4.9 of the South Norfolk Local Plan.
- 6.7 The proposed development does not represent a sustainable development, having regard to the three tests set out in the NPPF, by virtue of being inappropriate development in an area at risk of flooding; the scale of development would have an unacceptable impact on the countryside and neighbouring settlement; the proposal would create an unacceptable impact on the amenity of neighbouring properties; and insufficient information has been provided to demonstrate that the proposals would not harm highway safety, ecology or the local landscape and as such is contrary to the aims of the NPPF.

Contact Officer, Telephone Number    Rebecca Collins 01508 533794  
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2018/1981

Appendix 1

Not Set



Scale 1:3,500

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

**Major Applications on land where South Norfolk Council has an interest**

- 2      Appl. No                :    2018/2303/DC**  
**Parish                :    CRINGLEFORD**
- Applicants Name    :    Mr Spencer Burrell  
Site Address         :    Land East of A11 And North and South of Round House Way  
   Cringleford Norfolk  
Proposal               :    Discharge of condition 6 following planning permission 2017/2120 -  
   Design Code
- Recommendation    :    Agree that the Design Code be approved pursuant to condition 6 of  
   planning permission 2017/2120 subject to the resolution of outstanding  
   matters of minor amendment and clarification

Reason for reporting to committee

There are exceptional circumstances which warrant consideration of the proposal by committee.

1      Planning Policies

- 1.1      National Planning Policy Framework (NPPF)  
NPPF 02 : Achieving sustainable development  
NPPF 04 : Decision-making  
NPPF 05 : Delivering a sufficient supply of homes  
NPPF 09: Promoting sustainable transport  
NPPF 12 : Achieving well-designed places  
NPPF 14 : Meeting the challenge of climate change, flooding and coastal  
change  
NPPF 15 : Conserving and enhancing the natural environment  
NPPF 16 : Conserving and enhancing the historic environment
- 1.2      Joint Core Strategy (JCS)  
Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting good design  
Policy 3: Energy and water  
Policy 6 : Access and Transportation  
Policy 10 : Locations for major new or expanded communities in the Norwich  
Policy Area  
Policy 20 : Implementation
- 1.3      South Norfolk Local Plan Development Management Policies  
DM1.1 : Ensuring Development Management contributes to achieving sustainable  
development in South Norfolk  
DM1.4 : Environmental Quality and local distinctiveness  
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 the collection of recycling and waste  
DM4.4 : Natural Environmental assets - designated and locally important open space  
DM4.8 : Protection of Trees and Hedgerows  
DM4.9 : Incorporating landscape into design  
DM4.10 : Heritage Assets

- 1.4 Cringleford Neighbourhood Plan
- GEN1 : Co-ordinated approach for delivering overall growth
  - GEN2 : Protection of heritage assets
  - GEN3 : Protection of significant buildings
  - GEN4 : Provision of infrastructure
  - ENV1 : Provision of landscape corridors
  - ENV2 : A11 Landscaping
  - ENV3 : Protection of hedgerows
  - ENV5 : Provision of sustainable drainage
  - ENV6 : Provision of open space and community woodlands
  - HOU2 : Design Standards
  - HOU3 : Building Densities
  - HOU4 : Mix of property types
  - HOU6 : Renewable Energy Sources
  - HOU7 : Space standards
  - HOU8 : Provision of garaging
  - HOU9 : Provision of affordable housing
  - SCC3 : Provision of walking/cycling routes
  - SCC4 : Energy efficient community buildings
  - SCC5 : Provision of playing field and play areas
  - TRA1 : Major estate roads
  - TRA3 : Provision of walking / cycling routes
  - TRA4 : Minimising use of private cars

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

**Statutory duties relating to Listed Buildings and 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.

2. Planning History

- |     |           |  |                              |
|-----|-----------|--|------------------------------|
| 2.1 | 2013/0552 | Request for Scoping Opinion for proposed residential development for up to 700 residential units, green infrastructure land, up to 2500 square metres of Class A1-A5 and D1 floorspace and access from the A11 roundabout  | EIA Required                 |
| 2.2 | 2013/1494 | Outline planning application with all matters reserved (save access) for the creation of up to 650 residential dwellings (use class C3), up to 2,500 sq mtrs of use class A1, A2, A3, A4, A5 and D1 floorspace, together with highways works, landscaping, public realm, car parking and other associated works. | Refused<br>Allowed at Appeal |
| 2.3 | 2017/0196 | Variation of conditions 5, 6, 11, 28, 35, 36, 37 and 38 of permission 2013/1494 (Outline planning application with all matters reserved (save access) for the creation of up to 650 residential dwellings (use class C3), up to 2,500 sq mtrs of use class A1, A2, A3, A4, A5 and D1 floorspace, together with   | Approved                     |

		highways works, landscaping, public realm, car parking and other associated works.) - to facilitate greater flexibility in the delivery of the scheme	
2.4	2017/2120	Variation of conditions 1, 3, 4, 7, 10, 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 33, 36, 38, and 39 following application 2017/0196 which relates to - (Outline planning application with all matters reserved (save access) for the creation of up to 650 residential dwellings (use class C3), up to 2,500 sq mtrs of use class A1, A2, A3, A4, A5 and D1 floorspace, together with highways works, landscaping, public realm, car parking and other associated works.) - to facilitate the development coming forward on a phased basis.	Approved
2.5	2017/2207	Discharge of condition 5 - Landscape Strategy of permission 2013/1494 (Outline planning application with all matters reserved (save access) for the creation of up to 650 residential dwellings (use class C3), up to 2,500 sq mtrs of use class A1, A2, A3, A4, A5 and D1 floorspace, together with highways works, landscaping, public realm, car parking and other associated works.)	Withdrawn
2.6	2018/1703	Discharge of Condition 6 - Design Code - Kier - of Planning Permission 2017/2120	Approved
2.7	2018/2205	Discharge of condition 25 from planning consent 2017/2120 - Off-site highway improvements.	Approved
2.8	2018/2404	Reserved matters application for appearance, landscaping layout and scale following outline permission 2017/2120 for the first section of access road and 7 dwellings with associated landscaping. Kier.	under consideration

### 3. Consultations

- |     |                |  |
|-----|----------------|--|
| 3.1 | Parish Council | <ul style="list-style-type: none"> <li>• To date, the Parish Council has had two meetings with Big Sky representatives to discuss this development. In the second they presented their Design Code in draft form.</li> <li>• We were very pleased with their overall concept, the gradation of house dwelling densities, the division into different zones and the recreation areas.</li> <li>• In this discussion, however, they said that some bungalows were to be built and that the code would contain a phrase or phrases to indicate that self-build sites may be available, probably in the southern part of the development. We were disappointed therefore, not to see any definitive statement about bungalows or self-builds.</li> <li>• Although there is one mention of bungalows in section 2.4 in the form of an image, the Building Height Parameter Plan does</li> </ul> |
|-----|----------------|--|

not reserve any areas for 1 - 1.5 storey buildings, rather it cites specific zones for 1-2 storeys meaning there is no guarantee of bungalows. Part 3 of the code 'Site-Wide Coding' likewise mentions bungalows and gives images, but again this is contradicted by the typologies it says it will deliver. They even quote the Cringleford Neighbourhood Development Plan's HOU4 to justify their deliverables. HOU4 defines the type of houses and bungalows that should be built in Cringleford, but their list (page 44) does not deliver bungalows.

- Hence the Design Code for St Giles Park does not guarantee that 1-1.5 storey dwellings will be built on the development. We request, therefore, that the areas currently designated for 1-2 storey buildings should be limited to 1-1.5 storeys. Without the guarantee of bungalows, the developers will not achieve a ".....wider range of housing choices....." to quote their own claim in the document, and they will miss the opportunity to make St Giles Park distinct and prevent it becoming 'South Roundhouse'.

### 3.2 SNC Conservation and Design

#### Original submission

- Overall, the design code provides a comprehensive framework of design principles to inform the reserved matters stage. However, I remain concerned at the intended design of the development blocks where they border the 'informal' public space to the south west and overlooking of the path to the north. This informal space will be between the development and the A47 bypass and will be fully publicly accessible open space. My recommendation would be to provide an active frontage to the space with appropriate separation provided by tertiary roads or private drives. This will assist in providing a more secure environment with better surveillance at ground level for the safe recreational use of the area at all times of the year and providing more secure rear gardens. Locating houses to orientate with their frontages towards the bypass will also assist in helping to block out noise from the bypass for rear gardens.

### 3.3 NCC Highways

#### Original submission

Minor amendments required such as colour of asphalt surface; location of trees in visibility splays; size of parking spaces; and width of access road to sports pavilion.

Amended Proposal to resolve the highway officer's concerns  
No objections

### 3.4 SNC Landscape Architect

#### Original submission

No objections in principle subject to resolution of minor issues relating to the following:

- A much stronger, and consistent aspiration for the positive retention of the mature trees.
- Representation of existing trees and hedgerows be made clearer on the diagrams
- Would advise against the use of landscape bunding as a standard approach. Mounding can be problematical, so would only wish the approach used as a last resort and only then as part of an comprehensive and justified concept.



- Where planting is planted alongside fences, it would be useful to agree explicitly the notion that the planting will be maintained no shorter than the height of the fence. Also, would not advocate blackthorn alongside domestic garden areas or formal open space as it has a propensity to sucker.
- The section of Cantley Lane that is currently closed to traffic should be treated as a character area in its own right. The treatment of the existing trees is especially key, and the relationship to the nearest development will be critical
- Character Area 6 – concerned that the indicative concept sees the loss of much of the hedgerow from this part of the site, which diminishes the opportunities for wildlife connectivity  
Character Area 7 - concerned that this area has limited connection potential when it is being promoted for its biodiversity credentials. At present it reads as an 'island' within the development.
- Character Area 9 - is referred to as a formal recreation area, but would it be better described as an informal space with formal recreational provision? Much of the indicative detailing is of an informal nature. This extensive area needs careful consideration and possibly a stronger concept at this stage. A new 'parkland' might be one approach that gives a stronger identity that has historic precedents nearby. The car park does not necessarily need to be adjacent to the existing hedge; it may be better to site the facility elsewhere and provide new planting.

#### 4 Assessment

##### *Background*

- 4.1 The purpose of the report is to provide an overview of the design code submitted to comply with condition 6 pursuant to outline planning permission 2017/2120 which requires a design code to be submitted and approved for the application site. This discharge of conditions application relates to the land south of the A11 only. Members will recall that the Design Code for Kier on the land to the north of the A11 was agreed at the 7 November Development Management Committee meeting.
- 4.2 The report will explain the purpose of the design code and its relevance to the assessment of all subsequent phases of the development (350 dwellings), as well as providing an understanding of the merits of its submission as a tool for ensuring a high-quality development.
- 4.3 Members should note that officers have been working with the developers before and after submission of the document to ensure that it complies with the condition. As a result, the document has been revised to ensure that it adequately sets out the guiding principles and mandatory requirements for development based on the guiding principles of the outline consent. At the time of writing the report a number of further minor amendments are still required however these are considered to be minor in nature.

##### *Site description*

- 4.4 The application site consists of land on the edge of Cringleford. The approved site is two distinct parcels separated by Newmarket Road and benefits from outline planning permission for a large mixed-use development including up to 650 dwellings granted consent at appeal on 7 January 2016 (2013/1494) and a subsequent variation of conditions application (2017/2120).

- 4.5 The site subject to this discharge lies directly adjacent to Roundhouse Way and extends south from the A11, with the A47 bypass to the west and existing residential development to the east. The site comprises of agricultural land with undulating gradient falling in various directions.

*Proposal*

- 4.6 The application relates to the approval of the design code submission element that was required through condition 6 of the outline consent for 650 dwellings. The precise wording of the condition is as follows:

*Condition 6:*

*Prior to the submission of any reserved matters application on land to the north of the A11, a design code for that area of land shall be submitted to and approved in writing by the Local Planning Authority, with particular reference paid to the adjacent development site as identified within the Housing Site Allocations Area within the Cringleford Neighbourhood Development Plan (2014). Similarly, prior to the submission of any reserved matters application on land to the south of the A11, a design code for that area of land shall be submitted to and approved in writing by the Local Planning Authority, with particular reference paid to the adjacent development site as identified within the Housing Site Allocations Area within Cringleford Neighbourhood Development Plan (2014). Any agreed scheme shall then be adhered to within subsequent reserved matters.*

*Purpose of the design code*

- 4.7 The design code is a technical document which sets out guiding principles and a range of design parameters to ensure a high-quality development. It does not fix every detail but is intended to allow designers a degree of flexibility as long as design quality is retained. Scope also remains for discussion with the Local Authority on detailed design matters which will be subject to a subsequent reserved matters application.
- 4.8 The design code is intended to be used by developers, their agents, South Norfolk Council and by consultees to help establish whether a scheme has met the design quality required and whether it will achieve an integrated development with a strong sense of place and identity.

*Assessment*

- 4.9 The main issue for consideration is whether the design code submission satisfies the requirements of the condition and provides an appropriate base to inform subsequent reserved matters.
- 4.10 The design code is set into five sections: an introduction; development structure; site wide coding; character areas; and summary. Further detail of the content of the sections is set out below.
- 4.11 The overall concept is to create a looser, more organic and 'village based' layout and framework than has been proposed to the parcel to the north of the A47, and this results in a more varied density and character across the site with a range of differing character areas and densities to create a modern village community. This will create a development that will provide a very wide range of housing choices, local amenities, neighbourhood centre including commercial shops, and various different treatments of public spaces varying from more 'urban' play areas in the village centre, playing pitches to large areas of informal space.



### *Introduction*

- 4.12 The Introduction to the design code comprehensively assesses the existing site constraints and opportunities. In particular, the identification and retention of existing field boundary hedging and the emphasis on retaining the rural character of Cantley Lane as a pedestrian and cycle link to the open countryside to the west of the A47 from the existing settlement is particularly welcomed.

### *Development structure*

- 4.13 This section provides an outline of the structure and urban form of the development site, together with the land use, scale, massing and density of the proposed scheme. The structure section sets out various frameworks, with reference to access points and existing green infrastructure. The street hierarchy is based around the principle of development blocks with a variety of approaches as to how the blocks will be developed. Being a transitional area to the edge of the Norwich conurbation, emphasis on retaining green infrastructure and shaping the block structure around it is welcomed. The general framework of the layout and structure showing access points/connections, blocks and public spaces which is considered generally acceptable in outline.
- 4.14 The building heights and density framework are refined from those on the outline consent and are largely in keeping with the principles established. The higher density will be focussed to the north of the development, along the A11 corridor and entrance gate way and along primary streets. Lower density development is concentrated to the south of Cantley Lane, where the site borders the existing residential development and open space. These adequately ensure that the proposals would not exceed a net density of 25 dwellings per hectare across the housing site allocation area.

### *Site Wide Coding*

- 4.15 This section identifies the key connectivity routes through the land and to its wider environs. It sets out the different street hierarchy, together with the criteria for parking.
- Street hierarchy (structure and hierarchy of streets within the development and accesses to it)
  - Key Vehicular access and links (primary site access off existing roundabout on All/Newmarket Road. Secondary site access will be via a new junction onto Cantley Lane).
  - Car and cycle parking (ensuring appropriate parking in terms of number to comply with parking standards and design and location to ensure parking is integrated into the development and to avoid excessive on street parking).
  - Key Pedestrian and cycle access (ensuring pedestrian and cycleways connections through the site to the adjacent development and to existing footways/cycleways).
- 4.16 It also expands upon the key design concepts for the development. Strategic design elements are discussed in more detail providing further guidance in terms of building types, landscape strategy, recreational space and play areas. Together with design details relating to public and private spaces. Further guidance is provided in terms of building materials and architectural details. The technical criteria in relation to utilities, refuse and recycling is also established.
- Materials (colours, textures and types of materials appropriate to the site and its context)
  - Hard Landscaping (palette of materials should reflect the street hierarchy in terms of scale and material choice to help define the character of the area)
  - Boundary treatments (types of boundary treatments appropriate by boundary type i.e. front boundary; rear/side boundary; and open space boundary)

- Street furniture and Public realm (create a sense of space and character with appropriate street furniture)
  - Waste and recycling (to ensure this is integrated in to the design)
  - Utilities (to ensure this is integrated in to the design)
- 4.17 The content of the site wide coding is, at a broad level, acceptable in principle and there are a few minor amendments, corrections and clarifications that need to be made to the document for officers to be fully satisfied of the detail.
- 4.18 The design code identifies a number of character areas:
- Character Area 1: The Green - will provide key focal point at the gateway to the development with closer grain and higher density of building to enclose the site, including provision of a mixed-use area and frontage onto the public space. At this stage this is only indicative but shows how the public space can relate to the street hierarchy and surrounding buildings to add emphasis as a focal point.
  - Character Area 2: The Avenue - provides the primary street around which development will shape at the northern section of the development above Cantley Lane. This should assist with legibility and finding your way around.
  - Character Area 3: Cantley Lane - This identifies important aspects of landscape character along the existing Cantley lane, which will ensure that it retains its more informal rural character.
  - Character Area 4: Mews – local streets that bisect larger compound blocks, offering more tightly knit home zones and landscaped parking
  - Character Area 5: Birch Grove - creates a secondary small public space further into the development and more of residential neighbourhood space with lower storey housing.
  - Character Area 6: The Linear Park - demonstrates well how development can shape around the existing field boundary hedging and make a successful landscape feature of it.
  - Character Area 7: South Green/The Pond - provides a 'pocket park' informal in character for the area to the south of Cantley Lane. A useful secondary focal point as although Cantley lane is a strong defining landscaping feature it does sever the north development area from the south.
  - Character Area A8 Buffer Zone/Recreation Space - is the recreation space to the north, but mainly to the west of the development. It comprises of sports pitches and formal play areas. This changes in character from the north to the south.
- 4.19 Whilst the content of the character areas is broadly acceptable. There are a few minor amendments, corrections and clarifications that need to be made to the document for officers to be fully satisfied of the detail.

*Compliance with the Cringleford Neighbourhood Development Plan*

- 4.20 The Design Code has made reference, in the relevant sections, to the Cringleford Neighbourhood Development Plan (CNDP) together with a neighbourhood plan compliance section in the summary part of the design code to show how the scheme will continue to broadly comply with the CNDP in line with the consideration had to the CNDP in determining the outline consent.
- 4.21 Cringleford Parish Council have commented on the application and whilst they are happy with the overall concept, they have raised an issue in relation to the provision of bungalows as set out above in 3.4 of this report. Whilst their concerns are fully appreciated, the Design Code should not be as prescriptive as the Parish Council would wish. It should set out guiding principles and a range of design parameters to allow designers a degree of creative flexibility. The document does make reference to bungalows and has designations for 1-2 storey in line with the outline consent building heights parameter plan. The request that this should be changed to restrict the

development to 1-1.5 storeys, rather than the approved 1-2 storeys would not be appropriate given the role of the Design Code.

*Design code compliance*

- 4.22 Applications for reserved matters will be required to be submitted with a design code compliance statement to show that they have applied the codes to their detailed designs or provided a higher standard of design. Applicants will also be expected to demonstrate how their proposals comply with the South Norfolk Place Making Guide design principles as well as explaining their approach to achieving this by carrying out a Building for Life 12 evaluation.
- 4.23 As stated above, the design code is a technical document which sets out guiding principles and a range of design parameters to ensure a high-quality development. It does not fix every detail but is intended to allow designers a degree of creative flexibility as long as design quality is retained.
- 4.24 All reserved matters applications for development within the code area shall be required to comply with the guiding principles and design parameters of the Design Code unless it can be demonstrated, to the satisfaction of the Local Planning Authority, that individual site circumstances justify a minor departure from it.
- 4.25 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 4.26 This application is not liable for Community Infrastructure Levy (CIL) since it is a discharge of condition application.

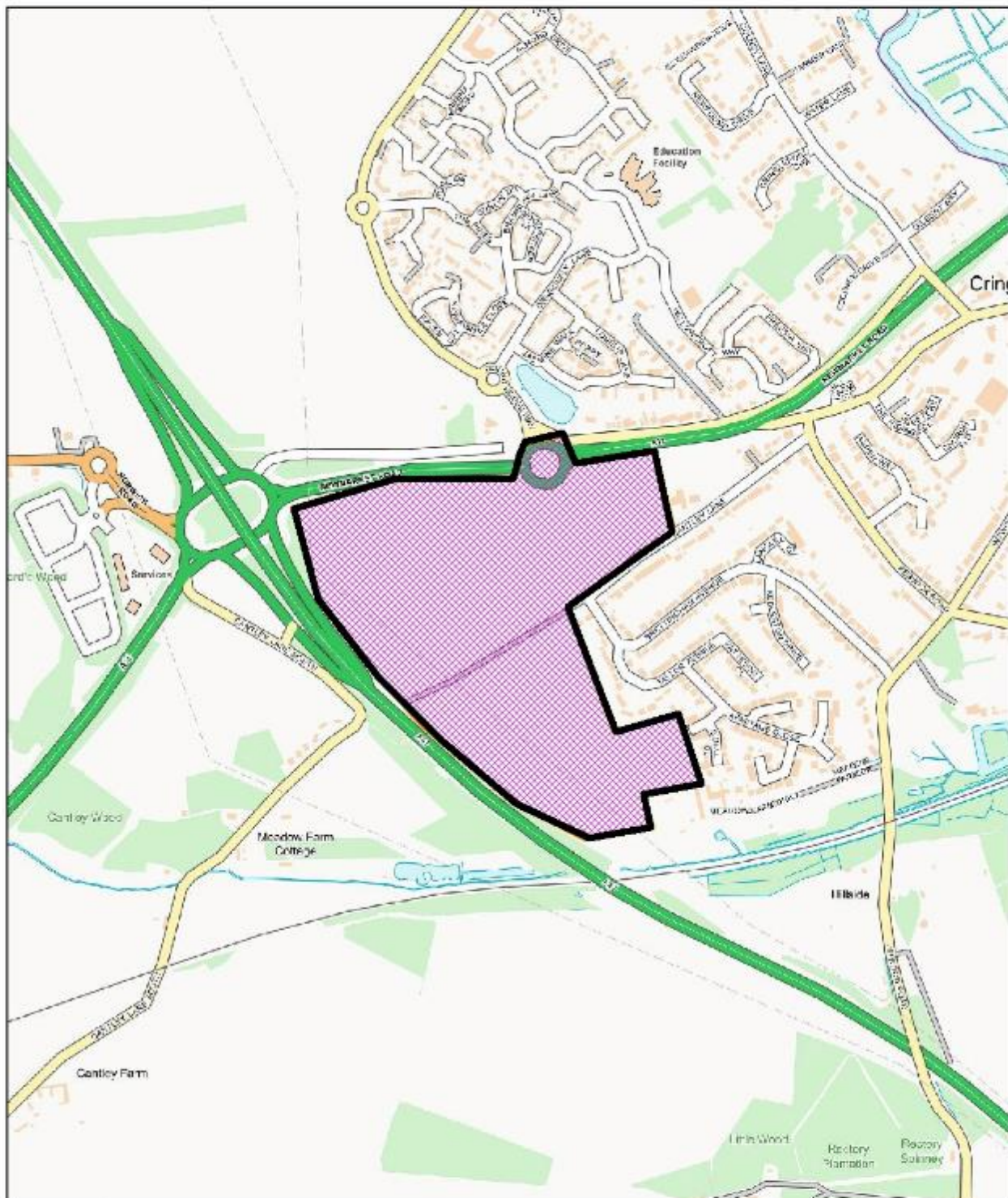
5 Conclusion

- 5.1 Following changes to the Design Code to address matters raised by NCC Highways and subject to additional minor changes requested, officers are satisfied with the document. The format and content of the Design Code is considered to be comprehensive, legible and user friendly as a stand-alone document. Critically it covers and addresses a suitable design solution to the existing development to the east and has created sufficient character within the development through the use of key spaces for its scale and context. Officers are satisfied that the document will provide clear design guidance on which to base subsequent reserved matters to ensure a high quality, integrated development with a strong sense of place and identity is secured.

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2018/2303

Appendix 1



Scale 1:9,340

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

**Other Applications**

- 3      Appl. No                :    2018/0958/CU**  
**Parish                :    DENTON**
- Applicants Name    :    Mr & Mrs Greenmore  
Site Address         :    Rainbows End Norwich Road Denton IP20 0AN  
Proposal              :    Change of use to a mixed use of residential, the keeping of pygmy goats and horses and for the keeping and breeding of dogs and provision of a car parking bay
- Recommendation    :    Authorise Director of Growth and Business Development to Approve with Conditions  
                                  1 In accordance with amendments  
                                  2 Number of adult dogs restricted to 10  
                                  3 Highway Improvements – Offsite to be completed before number of dogs increases to 10.  
                                  4 Waste Disposal  
                                  Subject to the expiry of the consultation period on 10/12/2018 and no new material issues being raised following Planning Committee.

Reason for reporting to committee

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

- 1      Planning Policies
- 1.1    National Planning Policy Framework (NPPF)  
NPPF 02 : Achieving sustainable development  
NPPF 04 : Decision-making  
NPPF 06 : Building a strong, competitive economy  
NPPF 12 : Achieving well-designed places  
NPPF 14 : Meeting the challenge of climate change, flooding and coastal change  
NPPF 15 : Conserving and enhancing the natural environment  
NPPF 16 : Conserving and enhancing the historic environment
- 1.2    Joint Core Strategy (JCS)  
Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting good design  
Policy 5 : The Economy
- 1.3    South Norfolk Local Plan Development Management Policies  
DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
DM1.3 : The sustainable location of new development  
DM2.1 : Employment and business development  
DM3.8 : Design Principles applying to all development  
DM3.11 : Road safety and the free flow of traffic  
DM3.13 : Amenity, noise, quality of life  
DM3.14 : Pollution, health and safety  
DM4.5 : Landscape Character Areas and River Valleys  
DM4.2 : Sustainable drainage and water management

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

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

#### **2. Planning History**

- |     |           |   |          |
|-----|-----------|---|----------|
| 2.1 | 2016/2244 | Use of land for the keeping of pygmy goats and horses and buildings | Approved |
| 2.2 | 2016/2155 | Retention of use as dog breeding facility and dog                   | Refused  |

#### **3. Consultations**

- |     |                                  |  |
|-----|----------------------------------|--|
| 3.1 | Parish Council                   | Refuse <ul style="list-style-type: none"> <li>• Location and noise disturbance, the location is surrounded by other homes and is in the centre of the village</li> <li>• The existing noise from the dog's results in loss of amenity for residents</li> <li>• Concerns about highway safety with arising additional traffic</li> <li>• Concerns over waste management</li> <li>• Previous application was refused</li> <li>• Uphold previous decision that this is not a suitable site for breeding dogs.</li> </ul>  |
| 3.2 | District Councillor<br>Cllr Gray | To be determined by Committee <ul style="list-style-type: none"> <li>• In the view of the previous application refusal, appeal dismissal and enforcement requirement to reduce to 6 dogs.</li> </ul>   |
| 3.3 | NCC Highways                     | Original comments<br><br>Object <ul style="list-style-type: none"> <li>• The site is served from the Norwich Road in Denton, which is a classified highway C366</li> <li>• The road through the village is subject to a 30mph speed limit.</li> <li>• Application access shown as one serving residential property of Rainbow End</li> <li>• The entrance is narrow being single vehicle width and has poor visibility in both directions</li> <li>• To the north the vision is blocked by the cottages which is the direction of oncoming traffic</li> <li>• Visibility to the south is also restricted owing to the conifers along the front boundary of the adjacent garden</li> <li>• Latest guidance for vision splays is CLG and DfT publication Manual for Streets and partner document Manual for Streets 2. Manual for Street recommends a visibility splay of 2.4m x 43 m within 30mph</li> <li>• This 85th percentile speed doesn't make allowance for vehicles travelling in excess of the 30mph limit.</li> <li>• Visibility is blind in both directions and you will need to edge out for some distance to be able to see</li> <li>• Note previous application comments</li> </ul> |

- Information advises number of adult dogs will reduce to 10. However, no control over the number of litters and thus number of visitors
- Concerned about increased use of the substandard entrance where exiting the site is hazardous
- Additional movements will be via an access falling well short of the Government safety guidance the proposal is therefore considered detrimental to highway safety.

#### Amended proposal

#### Support with conditions

- Objected to original proposal to use the existing access to Rainbow End, as the entrance was narrow and had poor visibility in both directions. To the north being restricted by the existing dwellings and to the south by the existing conifer hedge
- Not be able to support the use of the site for dog breeding using that means of access.
- The proposal now includes a layby the western side of Norwich Road. In normal circumstances we would require an applicant to provide safe off-street car parking and that is still our preference.
- Provision of a layby could be accepted in this instance as there would be some public benefit in parking for users of the church and the post box.
- The current on street parking that occurs adjacent to the post box would be considered fly parking, as a vehicle cannot currently park wholly clear of the road.
- As such the layby has benefit rather than significant harm
- Situation is not perfect as it is for a normal vehicle size and is not disabled provision.
- In order for the verge area to be acceptable for parking, a formal tarmac surfaced layby would need to be formed, in order for the vehicle to park clear of the traffic lane.
- All the cost of layby would need to be met by the applicant.
- The ditch is not included within the maintainable highway and consent from the LLFA for the additional piping of the ditch will be required.
- The existing highway drainage close to the layby which will need to be replaced.

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

- Acknowledge that the applicant has significantly reduced the number of adult dogs, there remains concern regarding the noise impact locally.
- Inevitable that the dogs will bark
- Any noise arising from the operation of the business may not arise all the time nor may it amount to a statutory noise nuisance actionable under legislation.
- Due to the location of the proposal there is the potential for the noise to have a significant impact on the surrounding residential amenity which is difficult to quantify. This would be largely determined by how the site was managed and operated.
- Do not feel that we have sustainable grounds to object to the application would recommend conditions on disposal of waste, a noise management plan and sound proofing of kennels.



- 3.5 SNC Conservation and Design Officer No Objection
- The proposed parking area is in front of the grade II listed United Reform Church and its attached grave yard, with the intervening hedgerow remaining in situ.
  - The creation of the car parking space will have some impact on the setting of the listed building though removal of the more rural grass verge and filling in the ditch.
  - This is minimal considering that the road already creates the impact of passing cars, the existing hedge provides screening and the space will be only one car and not be parked there all the time
  - Would recommend a more informal sustainable drained parking surface rather than tarmac.
- 3.6 Other Representations
- Nineteen letters of objection received on the original proposal
- This matter has already been looked at and refused
  - Application has not changed materially to mitigate the concerns of local people
  - Dog breeding on this scale does not follow the Kennel Club assured breeders recommendations or requirements
  - Unacceptable noise nuisance
  - In appropriate location close to many properties
  - Barking can be heard some distance
  - Affecting quality of life 2/3rds increase
  - No indication of ratio of bitches to dogs which affect number of dogs and puppies
  - Dispersal of dogs around the site will serve to distribute noise and affect more properties
  - Operates 24 hours a day
  - No allocated car parking
  - Difficult to police the number of dogs
  - Unclear if this is an increase or decrease from the current number at Rainbow End
  - Unclear how many puppies
  - Dog breed could be changed to some noisier dogs
  - Kennel Club recommend being able to see all puppies and handling them
  - Unlikely people would be happy with a courier and they would still need to collect them
  - Could lead to dog boarding
  - Where is waste going
  - Dogs are mainly housed close to the house and other people's homes
  - Food deliveries
- Five additional letters of objection regarding the amended proposal
- The ditch outside the Chapel is within the ownership of the Chapel, who maintain the ditch and the hedge on a regular basis.
  - We have previously discussed options for an additional car parking at the chapel but have decided not to because chapel is grade II listed and the ditch is within the curtilage
  - Would affect the appearance and setting of the listed building and impact on the health of the hedge.
  - The road is narrow and there are no pavements. A permanent parking space would restrict visibility when walking or driving.



- There is a post office in the chapel once a week which is used by elderly people who walk.
- Stewards and Elders of the Chapel do not give permission for the ditch to be infilled.
- Inadequate place to park a car
- Could be used as an access to the Chapel in the future
- Previous planning application for dog breeding is being overlooked.
- Noise continues
- Concerned about welfare given intensive breeding
- Ditch an important part of the drainage network
- Application has already been rejected
- Unsuitable location in the centre of the village
- Dangerous corner has been accidents and many near misses

#### 4 Assessment

##### *Background*

- 4.1 The application relates to Rainbow End which is a detached bungalow in the village of Denton and the land to the south east which a certificate of lawfulness granted on it for the keeping of pygmy goats and horses. The bungalow is within the development limit, but the rest of the field is within the open countryside.
- 4.2 An application was made in 2016 (application number 2016/2155) for a dog breeding facility. That application was for 35 dogs, at the time the application was determined there were around 16 adult dogs on site including puppies, but it had been higher during the application process. That application was refused on residential amenity and highway safety grounds. An enforcement notice was served requiring the number of adult dogs to be reduced to 6. The enforcement notice was subsequently appealed on ground "d" that the use had occurred for more than 10 years and was immune from enforcement action, which was dismissed by the Planning Inspectorate.
- 4.3 This application is to allow the number of adult dogs on the site to increase to 10 and provide an off-site car parking bay on the opposite site of the road adjacent to the chapel, this would include piping part of the ditch. The site has been recently inspected and the number of adult dogs has been reduced to 6. There would be a maximum of 3 litters at a time, but generally there would be one litter at a time.

##### *Principle*

- 4.4 The development does generate employment so has been assessed under policy DM2.1 of the SNLP, which supports businesses within development limits subject to other local plan policies. Given its location within and adjacent to the development limit, in principle it complies with policy DM2.1 of the SNLP an assessment of its compliance with other relevant local plan policies is set out below.

##### *Residential amenity*

- 4.5 A considerable number of letters of objection have been received regarding the amount of noise generated from the site from dogs barking. Paragraph 180 in the NPPF (2018) states planning polices and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should;

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
  - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 4.6 At Local Plan level, Policy DM3.13 seeks to ensure a reasonable standard of amenity which includes avoiding the introduction of incompatible neighbouring uses in terms of noise and other nuisances. Development would not be permitted where the proposed development would generate noise which would be significantly detrimental to nearby residents.
- 4.7 A large number of dogs has the potential to generate noise which would be detrimental to the amenity of the surrounding residents. Having given careful consideration, it is considered on balance, that having 10 adult dogs on the site would not cumulatively result in a loss of amenity which would be significantly worse than the permitted 6 adult dogs. This number would therefore in Officers opinion not warrant the refusal of the application. This is a maximum number of adult dogs that we would allow on site and be controlled through a suitably worded condition. As a result, it is not considered that the proposal is contrary to policy DM1.3 of the SNLP.

#### *Highways*

- 4.8 It was originally proposed to provide parking in front of the dwelling, using the existing access, however, the visibility is extremely constrained in both directions and falls significantly below the required standard of 2.4 metres x 43 metres and the Highway Officer objected to the application on the basis that any intensification of the use of the access, has the potential to be detrimental to highway safety.
- 4.9 The application was subsequently amended to provide an off-site layby. Although the Highway Authority would generally require on-site provision, which is still their preference in this instance the provision of the lay-by has some public benefit for users of the Chapel and post box. The current on-street parking by the post box is fly car parking as a vehicle cannot currently park wholly clear of the road. As such the layby has a benefit rather than significant harm. With the provision of the layby it is considered that the proposal is no longer detrimental to highway safety and would accord with policy DM3.11 of the SNLP.
- 4.10 There are still unresolved civil matters over who owns the land and whether the applicant would have a right to carry out the work. In addition, a separate consent is required from Norfolk Council as Local Lead Flood Authority to culvert the ditch. These are civil matters or covered by separate legislation and the planning system does not override these requirements. With regards to the planning permission, a Grampian condition is proposed so that no more than 6 adult dogs can be on the site until the completed lay-by has been provided. This will ensure the proposal does not have a negative impact on highway safety in accordance with policy DM3.11 of the SNLP.

#### *Heritage Assets*

- 4.11 The United Reform Chapel is a grade II listed building. 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. The Conservation and Design Officer considers that the provision of the lay-by could result in some harm to setting of the listed building, however some harm already exists from the impact of passing cars but the existing hedge provides screening for this and the proposal. In addition, the space will be for only one car and a car will not be parked in it all the time.

As a result, the harm generated is considered to be “less than substantial” in the context of paragraph 196 of the NPPF and it has been balanced against the public benefit of the provision of the lay-by which could be used by users of the post box and chapel as well as the dog breeding business. As such, it is considered that the proposal would accord with Policy 16 of the NPPF, Policy DM4.10 of the SNLP and Sections 16 and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as required by policy DM4.10 of the SNLP.

#### *Other issues*

- 4.12 Dog waste is currently stored in a purpose made bin and collected by a commercial waste disposal company, this arrangement is considered to be acceptable and this is an ongoing requirement which can be controlled via a suitably worded planning condition.
- 4.13 Animal Welfare has also been raised as a concern, this is not a planning matter. However, the applicant has been submitted evidence of an inspection from the RSPCA which raised no welfare concerns and has also been inspected by a vet and granted a 5\* dog breeding licence.
- 4.14 A certificate of lawfulness has been granted in respect of the buildings on site.
- 4.15 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 4.16 This application is not liable for Community Infrastructure Levy (CIL) as no new floor space is being created

#### 5 Conclusion

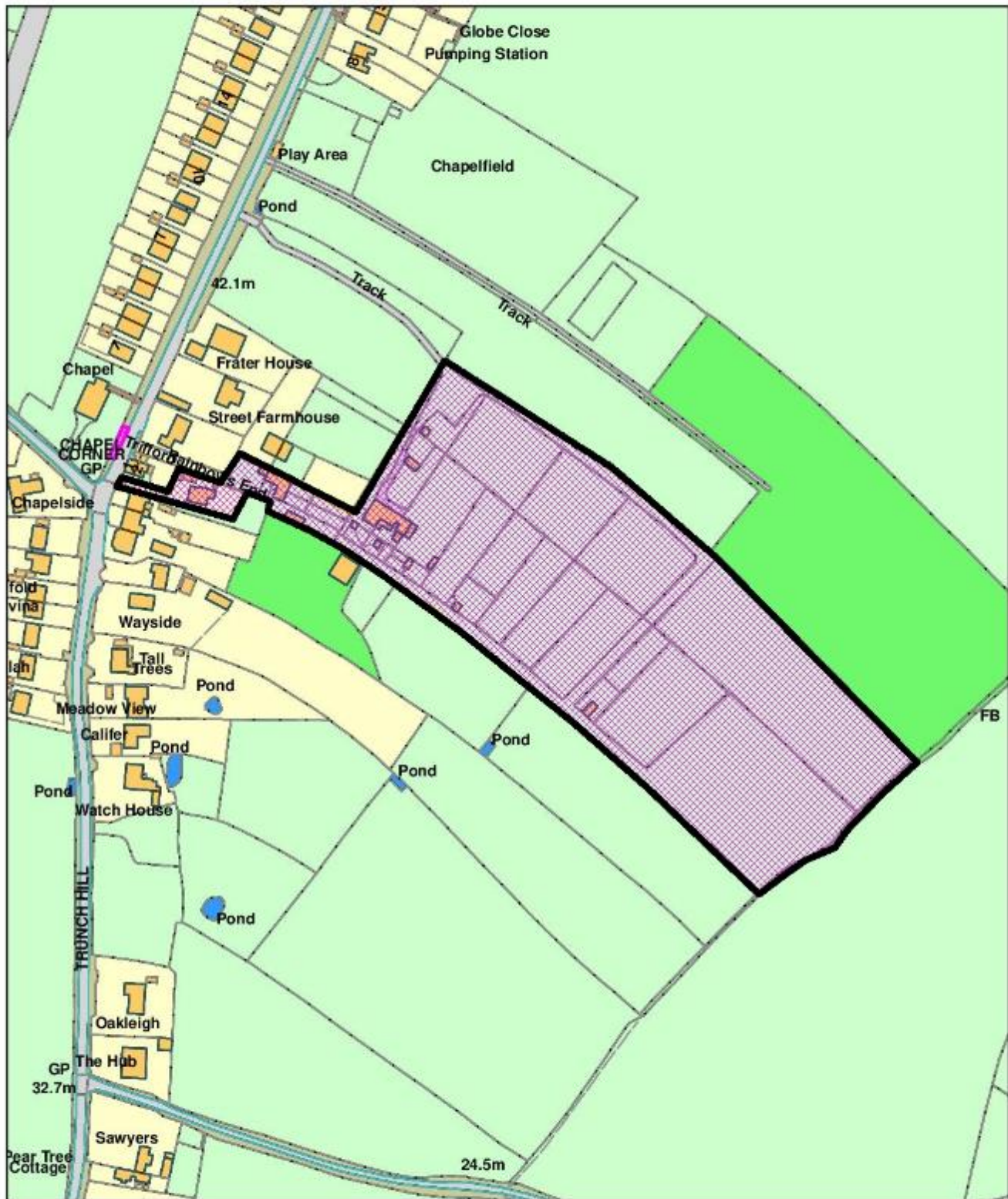
- 5.1 The provision of the off-site layby, which has a public benefit, would address matters of highway safety. Therefore, it is considered that the impact of breeding a maximum of 10 adult dogs (an increase of 4 from the current allowed situation) on residential amenity, highway safety and the setting of the listed building is acceptable and in accordance with relevant national policies and the development plan and is therefore recommended for approval, subject to the imposition of conditions.

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2018/0958

Appendix 1

Not Set



Scale 1:2,500



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

**4      Appl. No                :    2018/0962/F**  
**Parish                :    HEDENHAM**

Applicants Name    :    Mrs Buck  
 Site Address        :    Willow Farm Earsham Road Hedenham NR35 2DF  
 Proposal             :    Change of use of Children's Nursery back domestic use

Recommendation   :    Approval with conditions  
                               1 Full Planning permission time limit  
                               2 In accord with submitted drawings  
                               3 Ancillary use only

#### Reason for reporting to committee

The proposal would result in the loss of employment.

#### 1      Planning Policies

- 1.1      National Planning Policy Framework (NPPF)  
           NPPF 02 : Achieving sustainable development  
           NPPF 04 : Decision-making  
           NPPF 06 : Building a strong, competitive economy
- 1.2      South Norfolk Local Plan (SNLP)  
           South Norfolk Local Plan Development Management Policies  
           DM1.3 : The sustainable location of new development  
           DM2.2 : Protection of employment sites  
           DM3.7 : Residential annexes  
           DM3.8 : Design Principles applying to all development  
           DM3.11 : Road safety and the free flow of traffic  
           DM3.12 : Provision of vehicle parking  
           DM3.13 : Amenity, noise, quality of life  
           DM4.10 : Heritage Assets

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

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

#### 2.      Planning History

- |     |           |   |                     |
|-----|-----------|---|---------------------|
| 2.1 | 2014/2276 | Installation of an 50kW Ground Mounted Photovoltaic Array   | Approved            |
| 2.2 | 2015/2484 | Erection of extension to the existing 12,000 bird free range egg production unit to accomodate additional 10,000 birds. | Refused             |
| 2.3 | 2018/2215 | Installation of 21m rural broadband lattice mast.   | under consideration |

2.4	2002/2197	Conversion & extension of existing pig buildings to free range egg production unit	Approved
2.5	2001/0714	Conversion of barn to form childrens nursery	Approved
2.6	2001/0713	Conversion of barn to form childrens nursery	Approved
2.7	2000/0103	Conversion of existing outbuildings to form a childrens nursery	Approved
2.8	2000/0102	Conversion of existing outbuildings to form childrens nursery	Approved
2.9	1998/1716	Removal of agricultural occupancy condition on Willow Farmhouse and demolition of Willow Farm Cottage	Withdrawn
2.10	1998/1715	Removal of agricultural occupancy condition - imposed by planning permission 90/0936	Approved

### 3. Consultations

3.1	Parish Council	No comments received
3.2	District Councillor Cllr Bernard	To be reported, if appropriate
3.3	Public Rights of Way	No objection Public Right of Way, Hedenham Footpath 5 crosses the main access. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.
3.4	The Ramblers	No comments received
3.5	NCC Highways	No comments received
3.6	Other Representations	None received.

### 4. Assessment

#### *Principle*

- 4.1 The application seeks planning permission for the change of use of two buildings on-site which have been used as a children's nursery to ancillary residential use to that of the existing dwelling known as Willow Farm.
- 4.2 The buildings lie within the curtilage of Willow Farm with other buildings used for ancillary agricultural and residential buildings.
- 4.3 Given that the buildings lawful planning use is an employment use, Policy DM2.2 applies. This requires that:

*The Council will safeguard all other land and buildings currently in or last used for an Employment Use (both inside and outside Development Boundaries). Proposals leading to the loss of such sites and buildings will be permitted where:*

*a) The possibility of re-using or redeveloping the site / premises for a range of alternative business purposes has been fully explored and it can be demonstrated that the site or premises is no longer economically viable or practical to retain for an Employment Use;*

*Or*

*b) There would be an overriding economic, environmental or community benefit from redevelopment or change to another use which outweighs the benefit of the current lawful use continuing*

- 4.4 The applicant has confirmed that the Unit closed Christmas 2017 and at that time numbers had reduced significantly, this being largely as a consequence of the Government giving 30 hours of Nursery time would have to be given free from 15 hours previously, this would have moved the whole dynamic of the Nursery from one which opened 8.30 till 4 term time to one which would have to run all year and from 8 till 6 to ensure enough billing hours could be invoiced to keep it a viable business. Many local children's nurseries have closed for the same reason.
- 4.5 This change was not workable for the applicant as a business model as she is an integral part of the Farm operation, especially at harvest time and wouldn't have been able to run both operations over the summer months without the 6-week recess of the Nursery closing.
- 4.6 In considering the possibility of a someone else running the nursery or finding an alternative use, the buildings are attached to the main dwelling house and this could cause amenity issues to the occupants of the dwelling, which was not an issue with the applicant running the business. Based on this it is impractical to see an alternative use for the building and as such criterion a) of Policy DM2.2 is considered to be satisfied.

#### *Neighbour amenity*

- 4.7 The separation distances to neighbouring properties and existence of intervening structures means that no issues surrounding outlook, privacy, light or disturbance would occur. For this reason the requirements of Policy DM3.13 are considered to be met.

#### *Traffic matters*

- 4.8 It is anticipated that vehicle movements and parking requirements would be less as a consequence of the change of use and therefore there are no traffic concerns. For this reason the requirements of Policies DM3.11 and DM3.12 are considered to be met.

#### *Heritage*

- 4.9 Given that no physical changes to the building are proposed it is considered that the heritage interests of the site are preserved and the significance of the building protected and as such the requirements of S16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy DM4.10 of the SNLP are met.

#### *Other issues*

- 4.10 It has been confirmed by the applicant that given their large family the buildings can be used as a combination of extra accommodation when required, play area for the grand children, extra storage etc. It is considered that these represent suitable ancillary uses to the main residential use of the dwelling and can be reasonably controlled via a suitably worded condition similar to that associated with annexe uses as referred to in Policy DM2.7 of the SNLP.
- 4.11 An informative note alerting the applicant to the requirement to keep open Hedenham Footpath 5 will be added to any approval.

4.12 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

4.13 This application is not liable for Community Infrastructure Levy (CIL)

## 5 Conclusion

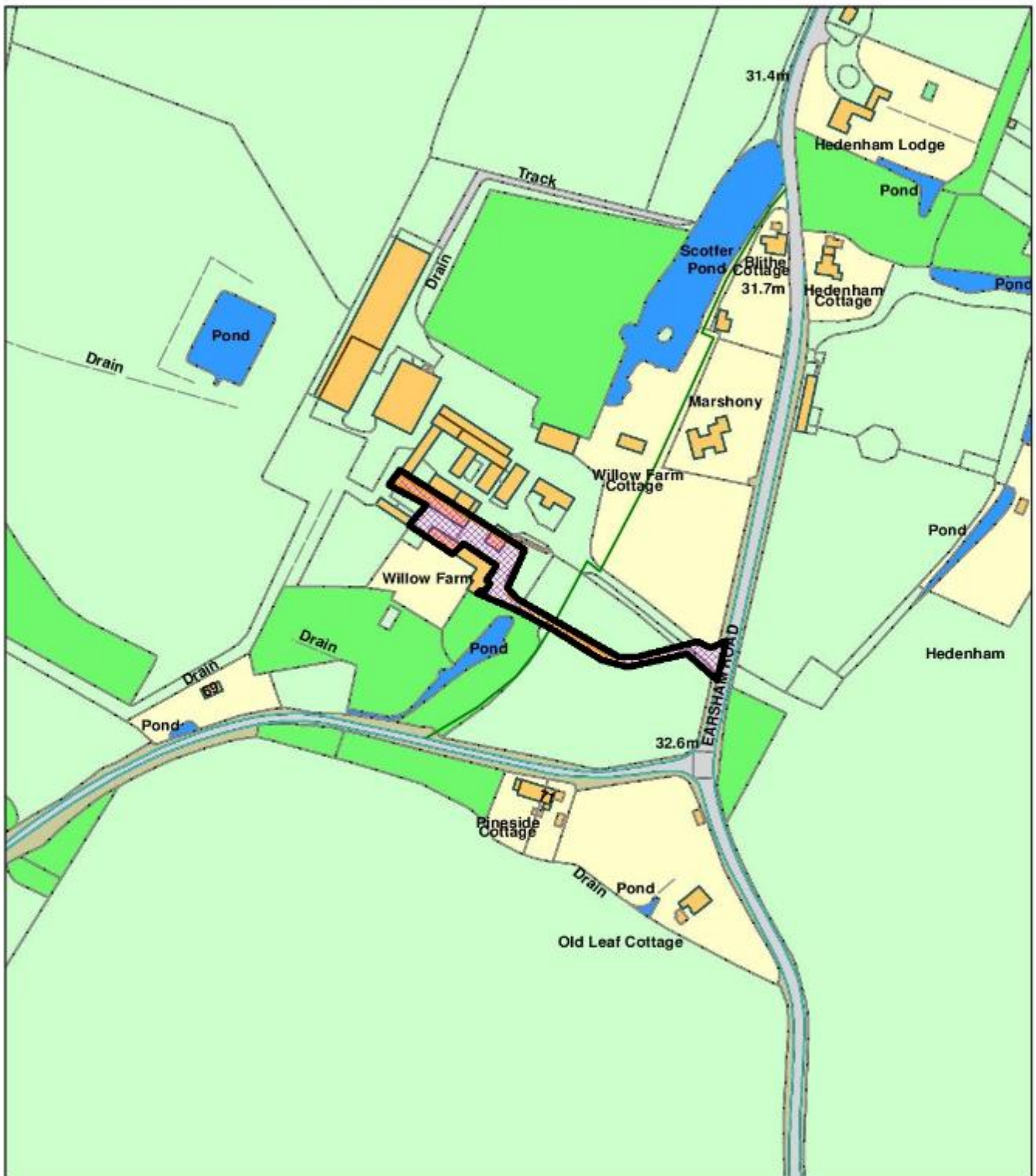
5.1 It is considered that the scheme complies with the requirements of the aforementioned policies and is therefore recommended for approval subject to conditions.

Contact Officer, Telephone Number    Chris Raine 01508 533841  
and E-mail:                                      craine@s-norfolk.gov.uk



2018/0962

Appendix 1



Scale 1:2,500

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

**5      Appl. No                :    2018/1913/O**  
**Parish                :    HALES**

Applicants Name    :    Mr P Cullum  
 Site Address        :    Faber Roofing Green Lane Hales NR14 6TA  
 Proposal             :    Demolition of existing B2 premises, erection of 3no two bedroom dwellings including access with all other matters reserved.

Recommendation   :    Approval with conditions  
                               1    Outline Permission Time Limit  
                               2    Standard outline requiring RM  
                               3    In accordance with amendments  
                               4    Single storey dwelling only  
                               5    No additional windows at first floor  
                               6    New Access over verge  
                               7    Access Gates - Restriction  
                               8    Visibility splay, approved plan  
                               9    Provision of parking, service  
                               10   Protection of Highway Boundary  
                               11   Contaminated land - submit scheme  
                               12   Implement of approved remediation  
                               13   Reporting of unexpected contamination  
                               14   Surface Water  
                               15   New Water Efficiency

#### Reason for reporting to committee

The proposal would result in the loss of employment

#### 1      Planning Policies

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

NPPF 02 : Achieving sustainable development

NPPF 04 : Decision-making

NPPF 05 : Delivering a sufficient supply of homes

NPPF 06 : Building a strong, competitive economy

NPPF 09: Promoting sustainable transport

NPPF 11 : Making effective use of land

NPPF 12 : Achieving well-designed places

##### 1.2    Joint Core Strategy (JCS)

Policy 1 : Addressing climate change and protecting environmental assets

Policy 2 : Promoting good design

Policy 3: Energy and water

Policy 4 : Housing delivery

Policy 15 : Service Villages

##### 1.3    South Norfolk Local Plan Development Management Policies

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

DM1.3 : The sustainable location of new development

DM2.2 : Protection of employment sites

DM3.8 : Design Principles applying to all development

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

DM3.12 : Provision of vehicle parking

DM3.13 : Amenity, noise, quality of life

DM3.14 : Pollution, health and safety

DM4.2 : Sustainable drainage and water management

2. Planning History

## 2.1 No relevant planning history

3. Consultations

- |     |   |  |
|-----|---|--|
| 3.1 | Parish Council                                      | <p>Approve</p> <ul style="list-style-type: none"> <li>• The Council supports this application</li> <li>• Whilst it is acknowledged that it may cause a reduction in employment opportunities in Hales. No jobs would be lost due to the relocation</li> <li>• Pleased to see housing development in place of the current use as this will enhance the living conditions for those residents currently living on the boundaries of the site.</li> </ul>   |
| 3.2 | District Councillor                                 | To be reported if appropriate.   |
| 3.3 | SNC Community Services - Environmental Quality Team | Support with conditions on contaminated land   |
| 3.4 | SNC Water Management Officer                        | <p>Support with conditions</p> <ul style="list-style-type: none"> <li>• Surface water drainage proposed to via soakaways.</li> <li>• Aware that infiltration drainage may not be viable in this area.</li> </ul>   |
| 3.5 | NCC Highways  | <p>Original proposal</p> <ul style="list-style-type: none"> <li>• Plan incorporate public highway within the development which is not acceptable.</li> <li>• The proposed access road to plot 3 is not technically required to serve one plot.</li> <li>• The plot could be served by a residential access drive only turning provision providing within the plot's curtilage.</li> <li>• If the access road is to remain, it would be useful if all plots were accessed off it to minimise the number of points of access onto the public highway.</li> <li>• If access road is retained then its junction with the highway does not need to be a formal radius junction, a standard vehicle access would suffice.</li> <li>• No visibility splays are indicated on the plan</li> <li>• Given the recent highway works which has now closed off Green lane as a through route, a 2.4 metres parallel visibility splay across the site frontage would suffice.</li> </ul> <p>Amended drawing</p> <ul style="list-style-type: none"> <li>• Support with conditions</li> </ul> |
| 3.6 | Other Representations                               | <p>Two letters of support</p> <ul style="list-style-type: none"> <li>• Although Faber Roofing have not caused any major problems, there is always a certain amount of noise and inconvenience with the associated industrial activity.</li> <li>• Site surrounded on three sides by residential, not a suitable site for B2 use.</li> <li>• Now Green Lane has been closed off difficult for HGVs sites visiting the site. Either, has to turn at end of Green Lane which</li> </ul>   |

has damaged bank and bollards, reverse in a cul de sac or reverse out onto Yarmouth Road.

- Current use is causing a traffic hazard.
- Development will complement surrounding uses
- Land to west of Beeches already has permission for a dwelling, if this application was approved it would be desirable if the two sites were combined having a single access onto Green Lane
- This would benefit the area.

One letter of objection

- Plot one at the back of the site is very close to house and will impinge of views from the lounge and kitchen
- Need to move plot 1 further away
- Rear garden is not shown to scale and is very narrow
- Otherwise agree it will be an improvement to the area.

#### 4 Assessment

##### *Background*

- 4.1 The application relates to the existing Faber roofing site in Hales which is located off Green Lane. The site is surrounded by residential properties and there is an extant permission for a single storey dwelling in the land to the rear of the Beeches which is adjacent to the site application number (2018/0401). This is an outline application for three single storey dwellings, access is being considered but layout, scale, appearance and landscaping are reserved.

##### *Principle*

- 4.2 Planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in determining planning decisions.
- 4.3 The site is inside of the development boundary and as such criterion a) and b) of Policy DM1.3 apply. Criterion a) is met by virtue of the site being within the development boundary and b) requires that the proposal is of a scale proportionate to the level of growth planned in the town and the role and function of the settlement. By virtue of the small scale of the proposed development of one dwelling in a service village where policy 15 in the JCS identifies capacity of additional houses, the proposal is considered to fulfil the requirements of criterion b).
- 4.4 On the basis of the above DM1.3 is met by the proposal.

##### *Employment*

- 4.5 Policy DM2.2 in the SNLP seeks to safeguard employment sites. Employment uses should only be lost where the redevelopment of the site has been fully explored and it can be demonstrated that the site is no longer economically viable or practical to retain for employment use. Or there are overriding economic, environment or community benefits which override the retention of the employment use.
- 4.6 The applicant wishes to relocate the existing business and has found a more suitable site within South Norfolk where all its employees will transfer too. This move has been forced upon the business as a result of the closure of the access on Green Lane onto the A146 as part of the A146 roundabout improvements. This has resulted in HGV vehicles having to

back out on the B1136, resulting in situation detrimental to highway safety and preventing the free flow of traffic as well as making the operation of the business more difficult. In addition, the site is surrounded by residential properties and although the current business has not been subject to significant complaints, the B2 industrial use is not particularly compatible with the surrounding uses along with the highway constraints and the availability of more suitable business accommodation nearby in Loddon or Beccles it is unlikely that the site would attract an alternative employment use. This view has also been confirmed by a commercial agent. As a result, it is considered that the test in policy DM2.2 have been met.

#### *Brownfield Land*

- 4.7 The site is brownfield land and paragraph 121 of the NPPF supports the redevelopment of unallocated brownfield land in areas of high housing demand as long as this would not undermine key economic sectors or sites.

#### *Small Sites*

- 4.8 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 small and medium sized sites and through defining Development Boundaries for over 80 settlements to facilitate suitable windfall development. Point (c) of NPPF para 68 states that local planning authorities should '*support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes*'. Although this is a material consideration in the determination of the application, it can only be afforded limited weight, given the previous supply of housing on small sites within the district.

#### *Highways*

- 4.9 Access is being considered as part of this application. The number of accesses has been reduced and the standard of the access has been downgraded as it was over designed for the number of dwellings it was proposed to serve. The Highway Authority is now supportive of the application as a result the proposed development complies with policy DM2.11 of the SNLP, which seeks to ensure highway safety.

#### *Design*

- 4.10 Policy 12 of the NPPF, policy 2 of the JCS and policy DM3.8 of the SNLP, require new development to achieve a high standard of design. Appearance, layout, scale and landscaping has been reserved and will be considered at reserved matters stage. However, it is considered that three single storey dwellings could be satisfactorily achieved in within the site, with out adversely affecting the character of the area. Concerns from the neighbours with regards to the indicative layout proposed are noted and will be examined at reserved matters stage.

#### *Residential amenity*

- 4.11 Policy DM3.13 of the SNLP seeks to ensure that the occupiers of new development would achieve a good standard of amenity whilst not adversely affecting the amenity of surrounding uses. An indicative layout has been provided but appearance, layout and scale have been reserved. Concern has raised about loss of light to a neighbouring property. Residential amenity will be fully considered at reserved matters space, but it is considered that there is sufficient space to accommodate a dwelling at the rear of the site without adversely affecting residential amenity. It has been indicated that the dwellings would be single storey, which has been conditioned as two storey dwellings are likely to result in overlooking issues. Permitted development rights for first floor windows have also

been removed to prevent future overlooking. As a result, three single storey dwellings could be accommodated without adversely affecting residential amenity as required by policy DM3.13 of the SNLP.

#### *Contamination*

- 4.12 Given the industrial use of the site a contamination report has been conditioned which will inform if any remedial work is necessary as required by policy DM3.14 of the SNLP.

#### *Drainage*

- 4.13 The application states that surface water drainage will be dealt with via soakaway. The Water Management Officer has raised concern that infiltration drainage may not be suitable on the site. Furthermore, the result of any contamination investigation may also prevent the use of soakaways as a result surface water drainage has been conditioned.
- 4.14 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 4.15 This application is liable for Community Infrastructure Levy (CIL) as it is for new dwellings, the CIL liability would however, be calculated at reserved matters stage.

### 5 Conclusion

- 5.1 Para 11 of the NPPF requires housing applications to be considered in the context of the presumption in favour of sustainable development.
- 5.2 It has been demonstrated that the site is no longer economical or practical to retain as an employment site as required by policy DM2.2 of the SNLP. The site is located inside the development boundary with access to facilities and services, and three single storey dwellings could be achieved on the site without adversely affecting highway safety or residential amenity or harming the character of the area and in consideration of the three roles is considered to represent a sustainable development. The proposal is therefore recommended for approval, subject to conditions.

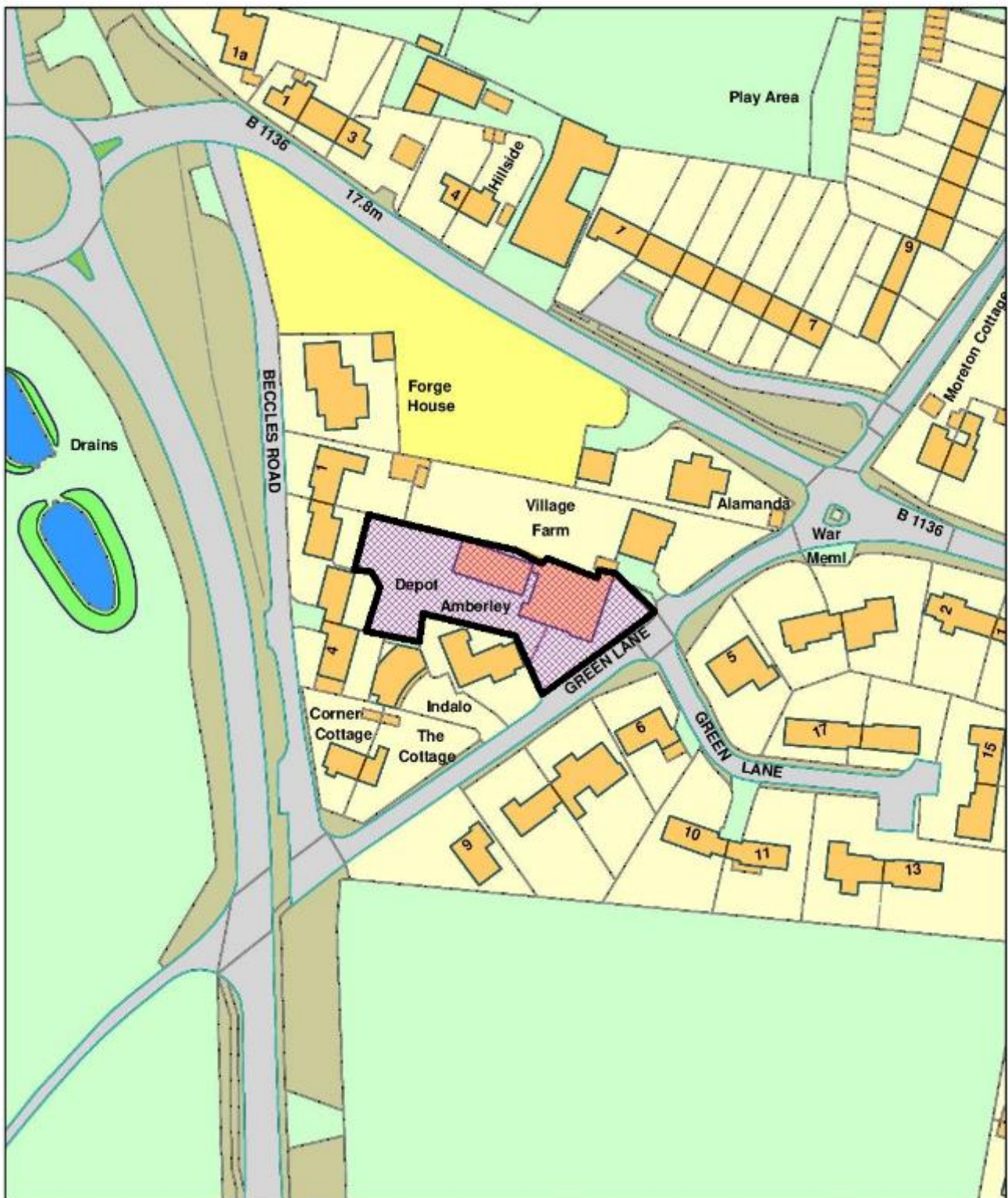
Contact Officer, Telephone Number   Helen Bowman 01508 533833  
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2018/1913

Appendix 1

Not Set



Scale 1:1,250

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

- 6**      **Appl. No**                    :    **2018/2090/F**  
           **Parish**                     :    **GREAT MOULTON**
- Applicants Name    :    Mr & Mrs Calver  
 Site Address         :    Land West Of Overwood Lane Great Moulton Norfolk  
 Proposal             :    Erection of floricultural building.
- Recommendation   :    Approval with conditions  
    1 Full Planning permission time limit  
    2 In accord with submitted drawings  
    3 Retention trees and hedges  
    4 Visibility splays to be retained

#### Reason for reporting to committee

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

#### 1      Planning Policies

- 1.1      National Planning Policy Framework (NPPF)  
           NPPF 06 : Building a strong, competitive economy  
           NPPF 12 : Achieving well-designed places  
           NPPF 14 : Meeting the challenge of climate change, flooding and coastal change  
           NPPF 15 : Conserving and enhancing the natural environment
- 1.2      Joint Core Strategy (JCS)  
           Policy 1 : Addressing climate change and protecting environmental assets  
           Policy 2 : Promoting good design  
           Policy 5 : The Economy  
           Policy 17 : Small rural communities and the countryside
- 1.3      South Norfolk Local Plan Development Management Policies  
           DM2.7 : Agricultural and forestry development  
           DM3.8 : Design Principles applying to all development  
           DM3.11 : Road safety and the free flow of traffic  
           DM3.12 : Provision of vehicle parking  
           DM3.13 : Amenity, noise, quality of life  
           DM4.5 : Landscape Character Areas and River Valleys

#### 2.      Planning History

- |     |           |   |                             |
|-----|-----------|---|-----------------------------|
| 2.1 | 2015/1673 | Change of use to mix of three Gypsy and Traveller residential pitches, garden and vehicle parking area and paddocks for the keeping and breeding horses                           | Refused                     |
| 2.2 | 2015/2550 | Change of use to a mix of single Gypsy and Traveller residential pitch, garden and vehicle parking area, and paddock for the keeping and breeding of horses (revised application) | Refused<br>Appeal withdrawn |
| 2.3 | 2016/1114 | Change of use of land to a mix of single Gypsy and Traveller residential pitch and paddocks for the keeping and breeding of horses, together with widening the existing           | Refused<br>Appeal allowed   |



		access onto Overwood Lane, closure of northern access onto Overwood Lane, and closure of the existing access onto Low Common Road	
2.4	2017/0780	Discharge of conditions 6 and 7 of the appeal decision in respect of 2016/1114	Approved
2.5	2017/2370	Variation of conditions 4 and 8 of planning consent 2016/1114 - (Change of use of land to a mix of single Gypsy and Traveller residential pitch and paddocks for the keeping and breeding of horses, together with widening the existing access onto Overwood Lane, closure of northern access onto Overwood Lane, and closure of the existing access onto Low Common Road) - Retention of mobile wash-room block and not erecting approved day room. Not installing all approved external lighting.	Approved
2.6	2018/1738	A new agricultural steel frame portal building	Withdrawn
3.	<u>Consultations</u>		
3.1	Town / Parish Council	Neither support or object but raise the following: <ul style="list-style-type: none"> <li>• Concern of level of traffic.</li> <li>• Size of building.</li> <li>• No mention of packing facilities i.e. noise or machinery.</li> <li>• Errors on form, states no works have commenced on site when works have been going on.</li> </ul>	
3.2	District Councillors Cllr Willby	To be determined by Committee: Additional traffic on unsuitable roads	
	Cllr Easton	To be determined by Committee: concerns over highways and the environmental history of the site, which are material planning considerations to put the matter before DMC to ensure any interested parties are able to witness the decision-making process.	
3.3	NCC Highways	Support subject to visibility splays being retained.	
3.4	NCC Ecologist	To be reported.	
3.5	Other Representations	3 letters of objection (2 from same address) <ul style="list-style-type: none"> <li>• Planning Inspector stated no commercial activities.</li> <li>• Size of growing land is not enough to be a sustainable business</li> <li>• Size of the building is excessive</li> <li>• Packing and disruption</li> <li>• Vehicle parking</li> <li>• Work has already started</li> <li>• Cladding of building states it should be dark but the details suggest light colour.</li> <li>• No details for biodiversity</li> </ul>	

- Concerned of unsociable hours of vehicles both off road and on road types which is common with the cut flower business sector as wholesalers open very early with flowers already delivered to them.
- Application is vague and need more information
- If permission is granted for an agricultural building can this be converted to a residential dwelling?

#### 4 Assessment

##### *Background*

- 4.1 The proposal is for the construction of an agricultural building on agricultural land off Overwood Lane. The site falls within the Parishes of Great Moulton, Bunwell and Fornsett but is outside the main villages.
- 4.2 The site comprises an open field of about 1.3 hectares and is bounded by the highways of Overwood Lane to the east and Low Common Road (also known locally as Bunwell Road) to the south and there are established field hedges along most of these boundaries. The northern and western boundaries of the site are also enclosed by field hedges. The area of land which includes the pond to the south of the application site does not form part of this application leading to the junction of the two roads and this area is low lying close to the River Tas.
- 4.3 Prior to the most recent use the site was a vineyard which included tours to the public and a small shop.
- 4.4 In 2016 the land was sold and a retrospective application made for a traveller site which was refused, but allowed on appeal for a temporary period of 4 years from the 9 March 2017 after which time the use permitted was to cease and all caravans, materials and equipment brought onto the land in connection with the use was to be removed, and the land restored to its former condition in accordance with a plan which had first been submitted to and approved in writing by the local planning authority. The site has now been sold, all mobile homes and associated equipment have been removed and the land has now reverted back to agricultural land.

##### *Principle*

- 4.5 The current application seeks to construct an agricultural building, permission is required due to the site being under 5 hectares. If the holding were to be 5 hectares or more, the building could have been submitted under the Agricultural Prior Approval procedure.
- 4.6 The proposal is assessed against policy DM2.7 Agricultural and forestry development will be permitted where:
- a) The proposed development is necessary for the purpose of agriculture and forestry or*
- b) In the case of development for an agricultural or forestry contractor serving a wider area, demonstrate that the site is well related to the area to be served and that there are no other alternative sites with existing buildings available;*
- and*
- c) The proposed development is appropriate to the location in terms of use, design and scale, and is sensitively sited to protect the amenity of existing neighbouring uses in the locality; and*
- d) It is designed to avoid significant adverse impact on the natural and local environment and the appearance of the locality, integrate the proposals with existing features, and respect and enhance the character of the surrounding landscape / area.*

- 4.7 The building measures a ridge height of 5.6 metres, a length of 18 metres and width of 12 metres. Part of the building is an undercover area with the enclosed element being 12 metres x 12 metres.
- 4.8 Additional information regarding the business has been sought from the applicant who has stated *"The business is for growing a small variety of cut flowers for a high end commercial market. ie hotels and restaurants. Many of the flowers are "bulbs" and will require storing inside over the winter months and replanting in the spring. We will not be open to the public and will not be selling wholesale from the site. A small number of cars would need access to the site during peak season and a Luton size van (3.5T) would be used to transport the produce"*.
- 4.9 Given the land has reverted to the lawful use of agriculture, the building is considered acceptable for the proposed use. Concern has been raised regarding the scale of the building, however, given that the building provides an undercover section and an enclosed storage area, I do not consider the overall building is excessive for the proposed use. In terms of impact on the neighbours, the nearest neighbours are some distance to the south east of the site with intervening land and Overwood Lane, the site is also enclosed by hedging therefore there is no impact on the residential amenities of the neighbouring properties as such the scheme accords with criteria a) and c) of policy DM2.7 and with policy DM3.13 of the SNLP 2015.

#### *Highways*

- 4.10 Concern has been raised regarding access to the site, this is as a result of the previous access off Low Common being used prior to the access off Overwood being created. It is the intention to use the access off Overwood Road for activities associated with the business. There is an access to the pond area off Low Common Road which will be retained but only used for maintenance of the pond area.
- 4.11 The traffic generation for the site is considered low from the information provided by the applicant (as set out in paragraph 4.8). In addition, no public will be visiting the site therefore the traffic generation is not considered to represent issues in terms of highway safety and subject to the visibility from the entrance onto Overwood Lane being retained the scheme is supported by the Highways Authority. A hard standing is already on site for parking and the site provides ample space for all vehicles to turn and leave the site in a forward gear. The proposal as conditioned accords with policies DM3.11 and DM3.12 of the SNLP 2015.

#### *Ecology*

- 4.12 The previous application for the traveller site included Ecology Mitigation and protection for Great Crested Newts. Works has been undertaken in the pond area to the south of the application site. The applicant has provided the following information regarding the works to this area and the future intentions for the pond area:

*"We are aware of the ecological report associated with a planning application in 2015. Whilst this area is not official classed as a "restricted" area, it is our intention to restore the pond to a habitat suitable for wildlife to thrive. We are working with a local ecologist on a management program, but it is currently out of season to carry out a survey. It is on their advice that the best time to carry out maintenance is Late Oct/Nov as this is when the wildlife will be least active.*

*The pond has been dry since July. We have cut back many of the Willow trees which have overgrown around the pond. We will be using the cuttings to make a natural fence on the southern boundary.*

*We would also like to remove the 18 inches of silt from the bottom of the pond. We have cleared the land drains to help prevent flooding.*

*Improvements we are currently looking at carrying out. We will be removing the Ivy from the Oak trees, we are looking at possible ways to divert fresh water from the nearby spring to the pond to maintain a water level all year round. We found all the old grapevines in a ditch, and we will be using these to make "bug hotels".*

*We have had a "open door" policy since we took ownership in July. Many locals and neighbours have quickly become friends and visit us regularly."*

- 4.13 I have had confirmation from the applicant that they are to engage Norfolk Wildlife Services as Ecologists to work with them on the future ecology plans for the site. Given that the land has now reverted back to agricultural land, the access and hard standing area already in situ, I am of the opinion that no further mitigation is necessary in this instance.
- 4.14 The County Ecologist has been consulted on the application, but at the time of the report comments have not been received, an update will be provided for the Committee.

#### *Trees and hedges*

- 4.15 The site already benefits from established trees and hedgerows which form the boundary of the site. All trees and hedges are to be retained although some general maintenance will be necessary. A condition has been included to ensure all existing trees and hedges are retained.

#### *Other issues*

- 4.16 The Parish Council and local residents have noted works appear to have already commenced on site. Further information has been sought from the applicant as to the works being carried out on site which area as follows:

*"The old caravan, which came with the purchase has been removed and replaced with a anti-vandal welfare unit. This is not a "site office" it is purely toilets and a kitchen which we use for welfare whilst working on site and to store a few tools.*

*The "plant" onsite is a small digger and dumper truck, 95% of the work carried out by theses has been clearing out the land drainage ditches. We have cleared and removed from site large quantities of rubbish, including plastic, tyres, metal and a lorry back. 7 tons of sewage has been emptied from the two tanks on site.*

*We have replaced the old metal gates for wooden gates, replaced the existing fencing with new, installed stock fencing around the hard-standing area and on the southern boundary of the area under application. Dug up and reinstated the existing drains as these were not installed to current regulations and added a Kerb edging to the hard-standing area. All of this work is permitted and although this is shown on the application as a general scheme, the application is for the building not for permitted work already carried out."*

*In addition, along with a local farmer, we have invested a lot of time into clearing out the land drain ditches around the perimeter on the site. This is essential maintenance which has not been carried out for at least 25yrs. We have removed up to 3ft in silt in places which will hopefully help prevent local flooding of Low Common Road. We have also removed the Diseased Ash trees (Ash die-back) and burnt these on site.*

- 4.17 The works carried out are indeed permitted and not development therefore I am satisfied no unauthorised works has been carried out on the site.

4.18 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

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

## 5 Conclusion

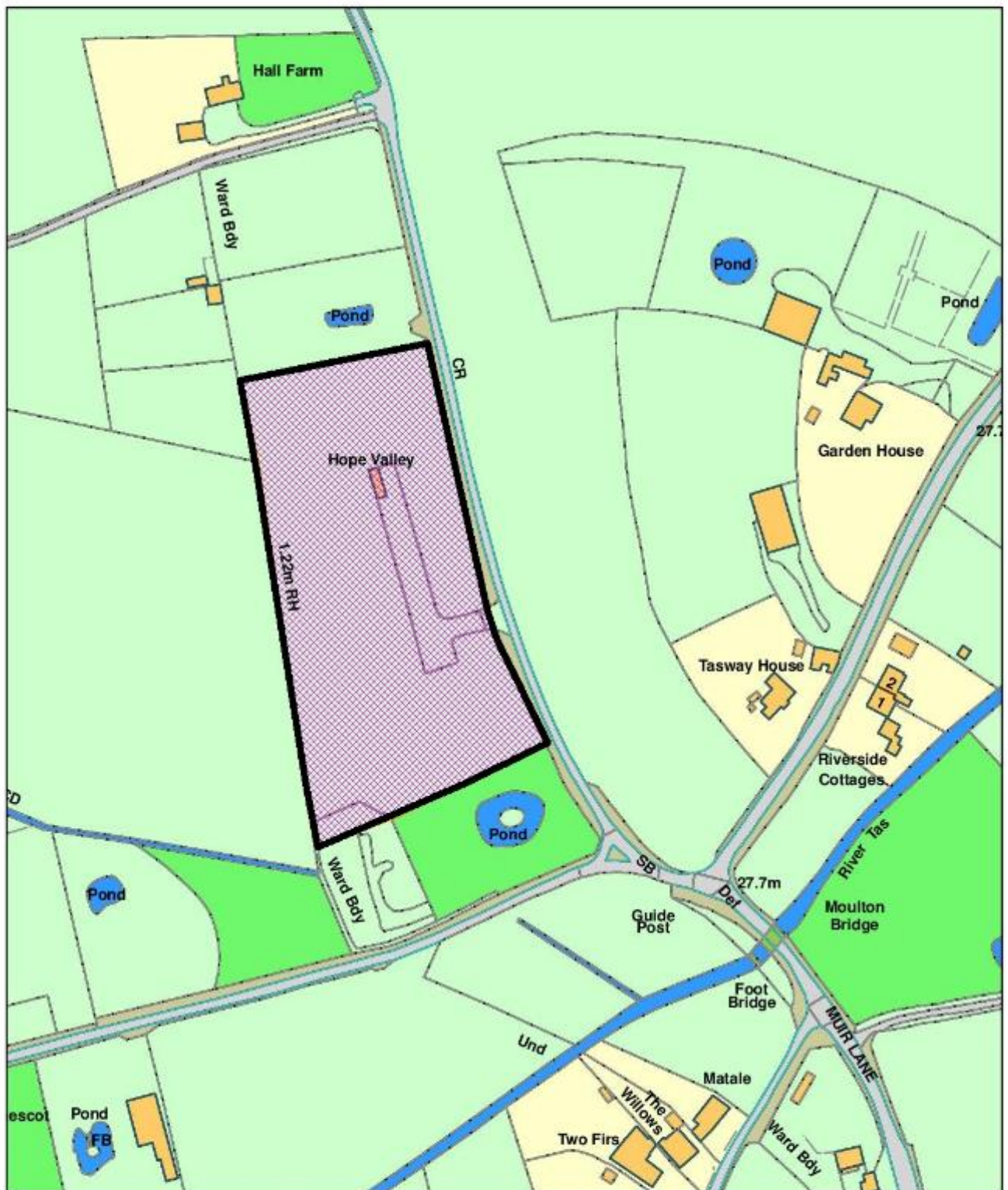
5.1 The use of the land as proposed is lawful as the previous temporary use has now ceased and all materials removed from the site. The proposed building is considered appropriate in terms of scale and design for the proposed use having no adverse impact on the character of the area. The level of traffic to the site is low and there are no highway objections to the scheme. As submitted and conditioned the scheme is considered acceptable and the application is therefore recommended for approval.

Contact Officer, Telephone Number    Jacqui Jackson 01508 533837  
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2018/2090

Appendix 1

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

- 7      Appl. No                    :    2018/2131/F**  
**Parish                    :    REDENHALL WITH HARLESTON**
- Applicants Name    :    Ms Susan Whymark  
 Site Address        :    11A London Road Harleston IP20 9BH  
 Proposal             :    Change of use from B1 office to A1 shop
- Recommendation   :    Approval with conditions  
                                  1 Full Planning permission time limit  
                                  2 In accord with submitted drawings  
                                  3 Removal of PD rights for re-surfacing  
                                  4 Waste management details to be agreed  
                                  5 Air conditioning/refridgeration system to be agreed  
                                  6 No ventilation, refridgeration extraction etc systems to be installed  
    without permission  
                                  7 Full details of external lighting  
                                  8 Hours of opening to general public (Monday to Friday 08:00 to 18:00)  
                                  9 Roller shutter door details to be agreed

#### Reason for reporting to committee

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

- 1      Planning Policies
- 1.1    National Planning Policy Framework (NPPF)  
         NPPF 02 : Achieving sustainable development  
         NPPF 04 : Decision-making  
         NPPF 06 : Building a strong, competitive economy  
         NPPF 07 : Ensuring the vitality of town centres  
         NPPF 16 : Conserving and enhancing the historic environment
- 1.2    Joint Core Strategy (JCS)  
         Policy 1 : Addressing climate change and protecting environmental assets  
         Policy 2 : Promoting good design
- 1.3    South Norfolk Local Plan Development Management Policies
- DM1.3 : The sustainable location of new development  
         DM2.4 : Location of main town centre uses  
         DM3.8 : Design Principles applying to all development  
         DM3.11 : Road safety and the free flow of traffic  
         DM3.12 : Provision of vehicle parking  
         DM3.13 : Amenity, noise, quality of life  
         DM3.14 : Pollution, health and safety  
         DM4.10 : Heritage Assets

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

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

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

## 2. Planning History

- |     |           |   |          |
|-----|-----------|---|----------|
| 2.1 | 2013/1601 | Change of use from D1 (Chiropractic Centre) to B1 (Office use)    | Approved |
| 2.2 | 2012/0495 | Change of use of building from chiropractic centre to residential | Approved |
| 2.3 | 1998/1470 | Change of use to residential                                      | Approved |

## 3. Consultations

- |     |                                     |  |
|-----|-------------------------------------|--|
| 3.1 | Town / Parish Council               | No comments received   |
| 3.2 | District Councillors<br>Cllr Riches | If possible, can you let me know if any decision has been taken with this application. From the amount of discussion I feel this will have to go to committee.   |
|     | Cllr Savage                         | I feel this application should be discussed at a full planning committee as it is a very contentious application. I have had several complaints from local residents as this is asking for permission to have a funeral undertakers at this address which is a residential area of Harleston. There are considerable issues about parking which is very limited at the site 11A. London Road Harleston is often blocked because of necessity many residents have to park on the road as they have no parking in their curtilage this means that if any traffic for 11A has to park outside the premises the road may well be blocked as it already is on occasions. Allowing B1 Office use on this building was originally obtained for a doctor's surgery, this seemingly innocuous application hides a very considerable change whilst B1 office usage is possible in a residential area the change to A1 and furthermore as a funeral parlour open 24 hours a day is totally unacceptable therefore I would suggest that this application be refused. |
| 3.3 | NCC Highways                        | <p>Original comments:</p> <p>The application is entitled Change of use from B1 office to A1 shop although the information states that the proposal is to use the building for Funeral related activities.</p> <p>Funeral homes by their very nature tend to be quietly run locations with the majority of visitors by appointment. I would however, be grateful if the applicant can clarify how the premises are to be run. The application states no staff.</p> <p>Parking for the site is limited, clarification as to whether hearses and funeral cars are to be based at the premises is therefore required.</p> <p>Additional information:</p> <p>No objection</p>   |



## 3.4 SNC Community Services –

Original comments:

## 3.5 Environmental Quality Team

Whilst the applicant has kindly provided some reassurance regarding our concerns we unfortunately remain unable to support this application for the following reasons:

- The number of visits at night are anticipated to be few and far between, however, there is no way to control this frequency and in essence if approved, it would be approval for use 24/7 in a quiet residential area. Another less conscientious operator could take over the business without any further planning control.
- Noise from the refrigeration units, air conditioning units and roller doors might be able to be mitigated but no noise assessment has been carried out to demonstrate this.
- Any substantiated noise complaints about the activities onsite could ultimately result in environmental restrictions being placed on the business which could impact on its viability.
- Noise from vehicles arriving during the night and the movement of the deceased into the building, even if carried out as quietly as possible, may not amount to a statutory nuisance but would be likely to have a significant impact on the residential amenity of the neighbours due to their proximity.

Unfortunately for these reasons we are unable to support this application. However, if you are minded to approve it we would recommend the following:

- Submission of a noise assessment and noise management plan prior to determination
- A condition limiting the opening hours for the public
- A condition restricting the use of the roller doors to daytime only
- A condition requiring submission and approval of external lighting details.

## Additional information:

Having reviewed the information submitted by the applicant I feel our previous comments remain valid based on the inability to control frequency of night-time visits and how close the adjacent property is. Even if managed very well we feel that night time noise could negatively impact on residential amenity

However further to our earlier discussion I note in an email from the applicant on 26<sup>th</sup> October it was stated that the roller door will not be used at night. This would provide further reassurance if it could be agreed/ conditioned if you are minded to approve.

Again if you are minded to approve the and condition noise details to be submitted (refrigeration, air conditioning and roller doors) we would normally advise that they are assessed in accordance with BS 4142:2014 against the background noise levels in the area. This should be submitted for approval prior to the operation being brought into use.

3.6 Other  
Representations

1 no letter of support received.

14 objections received, a summary of the issues raised is as follows:

- Increased vehicle movements leading to safety concerns
- Lack of parking provision
- Size of property parking and local parking restrictions make parking and Accessibility unmanageable
- Obvious signage will be out of keeping with locality
- Shop is misleading description
- Collection/disposal of waste not fully addressed
- 24 hour service unacceptable in a residential area
- Introduce the spectre of death into a residential environment
- Should be in a more appropriate location
- Neighbour amenity concerns
- Devaluation of property and reduce saleability
- Set a precedent for creeping commercial operations
- Noise from air conditioning units
- Contrary to the Highways Act 1980, it is the duty of the highway authority to assert and protect the rights of the public to use and enjoy the highway (the term 'highway' in this instance meaning pavements). They also have a duty to prevent obstruction to the highway (again this means keeping streets clear).
- It is a criminal offence under the Highways Act (and the Town and Police Clauses Act) to wilfully obstruct free passage along the highway and to deposit anything on the highway which causes an interruption to, or obstruction of, the highway.
- In addition to this, under section 175A of the Highways Act, local authorities are required to have regard to the needs of blind people when placing lamp-posts, bollards, traffic-signs, apparatus or other permanent obstructions in a street. Operating a shop of any type from the property will have problems advertising its presence adequately under these limitations.
- Detrimental to the ambience of the Conservation Area
- Lack of detail on floorplan
- Lack of detail on ventilation and extraction systems etc
- Hours of operation 24 /7 noise and light during the night
- Does Harleston need another A1 shop unit
- Spread and dilute the centre of Harleston
- Adverse impact on heritage assets
- No traffic assessment undertaken
- Adverse impact on pedestrians
- Lack of consultation
- No LVIA undertaken
- Smell
- Another A1 could follow without further control
- Unpleasant seeing coffins etc

4 Assessment

*Background*

- 4.1 The application seeks planning permission for the change of use of an existing B1 premises, this having been used as a design studio most recently, into an A1 premise. The application indicates that it is likely that the premises will be a funeral parlour.
- 4.2 The premises are located within Harleston and lies within the Conservation Area. The site is accessed via London Road which lies to the west and the building itself is a detached

rendered two storey building with hard surfacing at the front of the site. The site is adjacent to residential properties with the town centre to the north.

*Principle*

- 4.3 In planning policy terms, A1 can be defined as a "main town centre use" and as such Policy DM2.4 of the SNLP is applicable. This states:

*(1) The development of new or improved retailing, services, offices and the other 'main town centre uses' will be encouraged at a scale appropriate to the form and functions in the following hierarchy of centres:*

*Main Town Centres - of Diss and Harleston. (Wymondham is subject to the separate policies of an Area Action Plan);*

*Key Service Centres - the large village and district centres of Hethersett, Hingham, Loddon, and Poringland. (Long Stratton is subject to the separate policies of an Area Action Plan); groups and individual village shops in the Service Villages, Other Villages and the local centre at Norwich Road, Costessey.*

*(2) Proposals for 'main town centre uses' should be located within the defined Primary Shopping Area or elsewhere in the defined Town Centres Areas (or on the sites allocated in the Local Plan) as shown on the Policies Map (see Plans 2.4 & 2.5 (1) to (6)).*

*(3) A sequential assessment and impact assessment will be required for planning applications for 'main town centre uses' over the thresholds specified to be located outside of the Town Centre Areas. Preference will be given to accessible sites that are well connected to the town centre. All proposals for retail, leisure and office uses of 1000 sq m or more near Diss and Wymondham, and 500 sq m elsewhere, will be required to submit an assessment of:*

*The impact of the proposal on existing, committed and planned public and private investment in a centre in the catchment area of the proposal; and*

*The impact of the proposals on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.*

*All new retail, leisure and office development of 500sq.m or more near Diss and Wymondham, and 200sq.m elsewhere, will be required to submit a sequential assessment of any availability of sequentially preferable locations for potential alternative sites.*

- 4.4 As the premises is located outside of the defined main town centre, the final part of the policy is directly applicable insofar as it seeks to avoid unacceptable impacts on the viability and vitality of the town centre by requiring a sequential and/or impact test where certain sqm thresholds are exceeded, in this case, neither of the relevant thresholds are exceeded. For this reason, the scheme is not contrary to the requirements of Policy DM2.4 of the SNLP.

*Traffic matters*

- 4.5 Concern has been expressed at the limited parking and turning provision available, traffic levels in the locality, parking restrictions in the vicinity of the site and configuration of the local highway network. The Highway Authority has been consulted and whilst does not have an objection in principle to an A1 use, it wished to have clarification on how a funeral parlour is run and clarification on whether hearses and funeral cars are to be based at the premises given the limited parking provision on-site. Further information has been provided and the Highway Authority will confirm their formal position in due course, albeit from initial discussions it is understood that there are likely to be no objections. If this is to be the case

the requirements of Policies DM3.11 and DM3.12 of the SNLP would be met. Members of the committee will be updated accordingly.

*Residential amenity*

- 4.6 Concern has been raised including how will waste be dealt with, unsociable hours of operation, noise, smells, unpleasant seeing coffins etc.
- 4.7 It should be noted that the lawful planning use of the site is unrestricted B1 and as such the premises could be used as an office, research and development of products and processes, light industry. Likewise, consent would not be required to change to a B8 storage and distribution use and as such it is evident that all of these would have an impact on neighbour amenity and it is necessary to assess whether an A1 use is likely to have significant additional amenity impacts beyond those which could occur now.
- 4.8 Given that the building is not to be extended or significantly changed (except for the introduction of a roller shutter door in the side elevation and the installation of air conditioning equipment), then the scheme would not result in any significant impacts in terms of light, outlook or privacy.
- 4.9 In terms of noise, firstly, it is evident that the equipment has the potential to create noise, it is considered that it is reasonable to impose a planning condition to agree the model to be used in order to prevent excess levels of noise from being caused.
- 4.10 Secondly, it is noted that there could be visits to the site during the night associated with taking the deceased from the place of death, specifically this would involve two members of staff visiting the site to pick up the removal vehicle (black unmarked people carrier or estate car) and then returning to the site to place the deceased in the mortuary room. In terms of noise generation, this would be from vehicles and the opening of a roller shutter door. Whilst it would be unreasonable in planning terms to attempt to limit when and at what frequency this occurs, it is evident that this is unlikely to be on a frequent basis, and therefore in decision making terms it is reasonable to have regard to this. When considering what is likely to be an infrequent occurrence, coupled with actions that are not significant noise generators i.e. cars entering, parking and leaving a hard-surfaced parking area and the opening of a roller shutter door it is not considered that an objection could be substantiated in terms of it presenting a significant adverse impact on neighbour amenity.
- 4.11 Concern has been raised at the issue of how waste will be managed. It would appear from the submission that there will only be modest levels of waste produced by the likely use (funeral parlour), and as such it is considered that having a condition to agree a waste management strategy is sufficient to avoid any significant amenity impacts from waste.
- 4.12 Consideration has been given as to what conditions could be attached to any permission to limit the impacts upon neighbouring properties. The Council's Environmental Management Team has referred to conditions relating to limiting the opening hours for the public, restricting the use of the roller doors to daytime only, submit and agree any external lighting details. In terms of hours of opening, it is necessary to have regard to the fact that it is a request for an A1 use that could relate to businesses other than a funeral parlour, with this in mind it is still considered appropriate to restrict opening times to the general public, this will be done to reflect those attached to the previous change of use permission. It is not considered reasonable in planning terms to restrict the opening of the shutter to daytime only given the likely noise associated with this when noting the likely frequency of it occurring. The need to agree external lighting is reasonable in planning terms. It would also seem appropriate to remove permitted development rights for re-surfacing of the parking area, to avoid a "quite" hard surface being replaced with a shingle or gravel one.

*Heritage impacts*

- 4.13 The limited changes to the building, all are internal except for the introduction of a roller shutter door in the side elevation and the installation of an air conditioning unit, means that there will be no meaningful impact upon the character and appearance of the Conservation Area or the setting of adjacent listed buildings. For this reason, the requirements of S16(2), S66(1) and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy DM4.10 of the SNLP are met.

*Other matters*

- 4.14 In response to the other issues raised, the following observations are made:
- Signage is inevitable, and this would be out of keeping with the locality, signage is controllable under the advertisement regulations and in the event that permission is required the Local Planning Authority would be able to prevent signs that have an adverse impact on amenity under Policy DM3.9.
- 4.15 Description as a “shop” is misleading, the description does also make reference to A1.
- 4.16 Devaluation of property and concerns about introducing the spectre of death to the locality are not considered to be material planning considerations.
- 4.17 This will set a precedent for other commercial operations in the locality, it is evident that each application must be assessed on its merits and there is no reason why the Local Planning Authority could not refuse any further applications for changes of use provided there are valid planning reasons to do so.
- 4.18 Reference to non-compliance with the Highway Act 1980, and in particular with reference to obstruction to the highway and meeting the needs of blind people. It is not considered that the A1 use as proposed is likely to lead to particular circumstances where this is likely.
- 4.19 Despite concerns at the lack of detail accompanying the application, officers are satisfied that there is sufficient information to determine the planning merits of the scheme.
- 4.20 The level of consultation exceeds the statutory requirements.
- 4.21 The nature of the application (change of use only) and the location of the site in a built-up area means that an Landscape Visual Impact Assessment is unnecessary.
- 4.22 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.
- 4.23 This application is not liable for Community Infrastructure Levy (CIL)

## 5 Conclusion

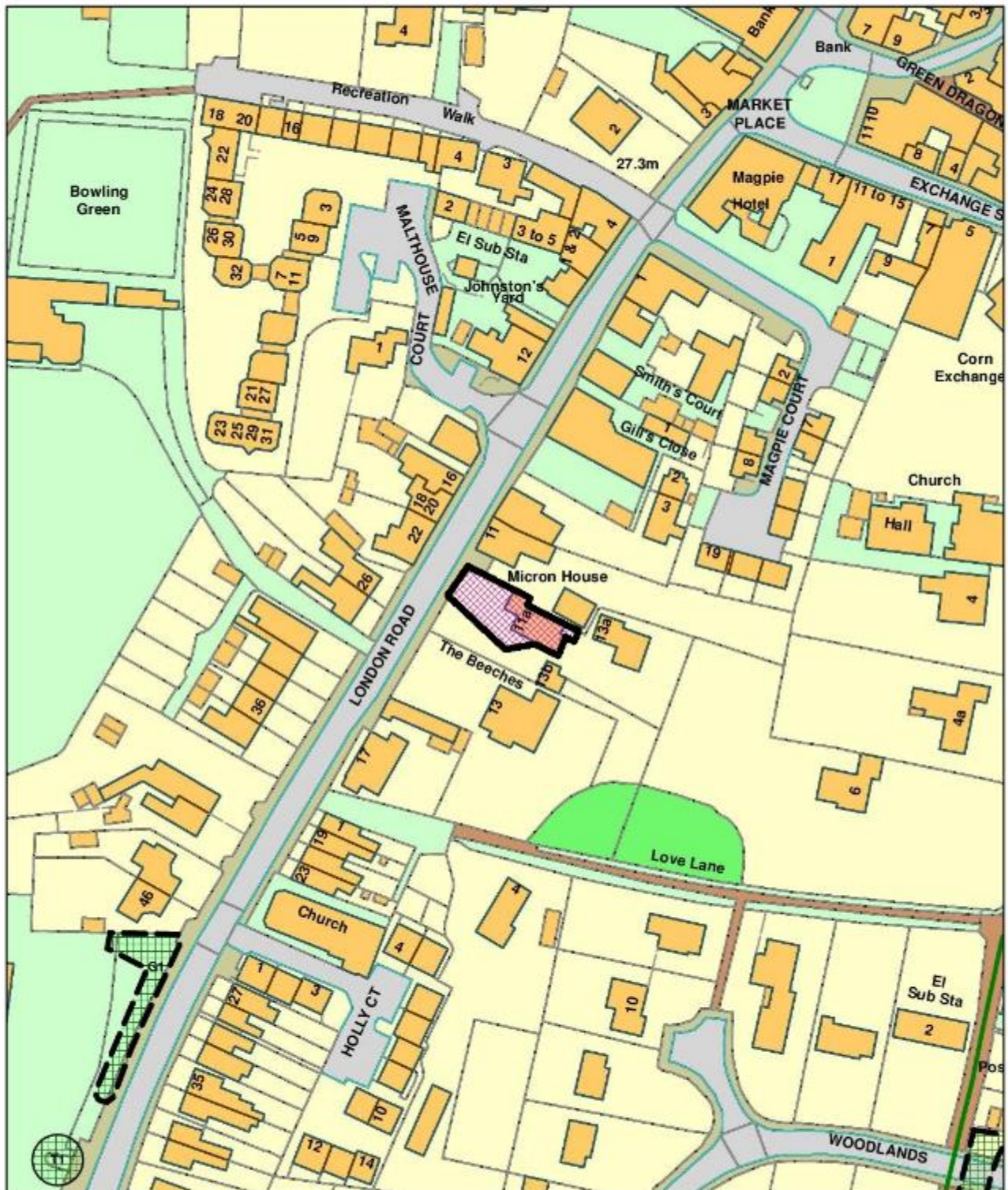
- 5.1 It is considered that the scheme complies with the requirements of the aforementioned planning policies and is therefore recommended for approval subject to conditions.

Contact Officer, Telephone Number    Chris Raine 01508 533841  
and E-mail:                                    craine@s-norfolk.gov.uk



2018/2131

Appendix 1



Scale 1:1,250

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

**8      Appl. No                :    2018/2163/CU**  
**Parish                :    HETHERSETT**

Applicants Name    :    Mr Brad Williams  
 Site Address        :    Field South of Norwich Road, Hethersett Norfolk  
 Proposal             :    Change of use of existing paddock for an organised outdoor  
    assault course and associated ancillary equipment.

Recommendation    :    Approval with conditions  
                                  1    Full Planning permission time limit  
                                  2    No public on site before 7.30am  
                                  3    No equipment above 4 metres in height  
                                  4    No loud speakers or loud hailers  
                                  5    No lights unless otherwise approved  
                                  6    No generators or other machinery unless otherwise approved

#### Reason for reporting to committee

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

#### 1      Planning Policies

- 1.1    National Planning Policy Framework (NPPF)  
       NPPF 06 : Building a strong, competitive economy  
       NPPF 08 : Promoting healthy and safe communities  
       NPPF 12 : Achieving well-designed places  
       NPPF 14 : Meeting the challenge of climate change, flooding and coastal  
       change
- 1.2    Joint Core Strategy (JCS)  
       Policy 1 : Addressing climate change and protecting environmental assets  
       Policy 2 : Promoting good design  
       Policy 5 : The Economy  
       Policy 17 : Small rural communities and the countryside
- 1.3    South Norfolk Local Plan Development Management Policies  
       DM2.1 : Employment and business development  
       DM2.9 : Rural tourist and other recreational destinations  
       DM3.11 : Road safety and the free flow of traffic  
       DM3.12 : Provision of vehicle parking  
       DM3.13 : Amenity, noise, quality of life  
       DM4.8 : Protection of Trees and Hedgerows  
       DM4.10; Heritage Assets

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

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

2. Planning History

## 2.1 No relevant history

3. Consultations

- |     |                                   |   |
|-----|-----------------------------------|---|
| 3.1 | Town / Parish Council             | Refuse - no details of car parking or expected number of people.  |
| 3.2 | District Councillors<br>Cllr Dale | To be determined by Committee because the proposed use is not a conforming use as regards clearly permissible countryside applications.   |
|     | Cllr Bills                        | To be reported if appropriate   |
| 3.3 | NCC Highways                      | Support subject to details relating to the access as submitted.<br>No objections to the scale of the proposal in terms of numbers of public.  |
| 3.4 | Other Representations             | <p>2 neither objecting or supporting</p> <ul style="list-style-type: none"> <li>• Concern regarding noise from loud speaker and any anti-social hours especially in the evenings and weekends.</li> <li>• Concern relating to additional traffic would suggest and 40mph restriction should be in place.</li> <li>• I would like to know, what (if any), consideration has been given to abating the noise - namely shouting - that will undoubtedly be generated by users of the course, particularly at weekends when it most likely be used to full.</li> <li>• The use of loudhailers/tannoy system for staff could cause concern.</li> </ul> <p>1 letter supporting</p> <ul style="list-style-type: none"> <li>• No objection to the large area involved being given over to purposeful recreational pursuit as an aid to general wellbeing, subject to the over-riding condition that the area will be kept as green as possible with the absence of the internal combustion engine in any form apart from machinery needed for ground maintenance.</li> </ul> <p>4 letters of objection (3 from same address)</p> <ul style="list-style-type: none"> <li>• Timing of the use of the site is excessive. Providing the gym only is used, may be OK but outdoor activity is likely to cause noise nuisance especially at weekends and evenings during the summer.</li> <li>• Additional noise from the customers attending the site 7 days a week</li> <li>• As the proposal is for an assault course, teams are likely to be 'encouraged' verbally and the use of profanities is highly likely. (Watch any boot camp style movie that is likely to be the basis of most participants expectation of behaviour.)</li> <li>• I am concerned that the use of the site will damage the amenity and quiet enjoyment of my garden at times when I am home and not at work.</li> <li>• The site should not be used for motorised activities with the exception of mowing and ground maintenance during normal working hours</li> <li>• Security - will there be any form of fencing or barrier around the site to separate it securely from other residents.</li> </ul> |



- Any additional traffic will add to the existing problems on the Thickthorn roundabout.

#### 4 Assessment

##### *Background*

- 4.1 The proposal seeks to convert the grassed area of land to organised outdoor assault course and associated ancillary equipment. The site benefits from a thick buffer of trees to the north, east and west. The field itself is bounded by an existing fence and accessed via a wooden gate. Access to the site is off the main Norwich Road (B1172). The site is outside the main settlement of Hethersett but is adjacent to a scattering of residential properties to the west and opposite John Kemps 4X4 car sales and children's day nursery (Nellie's Nursery).

##### *Principle*

- 4.2 The proposal is assessed against policy DM2.9 which seeks to be supportive of proposals for new and expanded visitor recreational and leisure destination attractions in the Countryside where clearly justified on the basis of:
- *the unique and special attributes of the location; or*
  - *the necessity of the development proposed to the continued viability and enhancement of the attraction; and*
  - *explanation of why these attributes or needs cannot be met at existing facilities in a local service centre and that it would not adversely affect the viability and vitality of any local service centre.*

##### *Development proposals will be permitted where:*

- a) The expansion / extension to existing facilities is of a scale appropriate to the existing development and / or would not have a detrimental effect on the local and natural environment and the character of the landscape and Countryside; and*  
*b) Harm would not be caused by the nature, scale, extent, frequency of timing of the activities proposed, including:*
- i. Any noise and other pollution likely to be generated by the proposed activities;*
  - ii. The siting and appearance of any new buildings, extensions to existing buildings or structures required for the activity and the appropriateness of building conversions;*
  - iii. The number of people / activity likely to be at the site at any one time and their degree of concentration or dispersal within the site; and*
  - iv. Impact on the natural environment and habitats (including high quality agricultural land, water courses and wildlife).*

*All proposals will require safe and adequate access to serve the whole site, and the local road network and access routes should be sufficient to serve the attraction and surrounding area with a safe and free flow of traffic, as assessed under Policy DM 3.11.*

- 4.3 The applicant is the director of an existing business (121 Gym) which is Norwich based and provides Personal training services to Hotels and residential buildings, and corporate events across the UK.
- 4.4 The nature of the proposal requires a large area of open land to provide the assault course which will include various obstacles such as cargo nets, fences etc, all of which will change from time to time to meet the demands/interest of the customers. The scheme also includes an area for gym equipment which is located towards the entrance of the site further away from the neighbouring properties. The area of land required for the purposes of this facility would not be available for this specific use

within the development boundary of a settlement. The scheme will enable the existing business to provide additional facilities to their customers. I am therefore satisfied that the location for such a facility in the open countryside is justified in this instance and accords with criteria 1) of policy DM2.9.

#### *Residential amenities*

- 4.5 The local residents located to the west of the application site have raised some concern on the level of noise such a facility may cause from shouting instructions and machinery, however, it is not the intention to use any form of tannoy system as the clients will work at their own pace not 'boot camp style'. There will be no machinery on site such as quad bikes or other forms of machinery which, judging from the comments received, has been the assumption made. Given the type and level of activity I am of the opinion that while there will be some noise, this will not be so significant to have an adverse impact on the amenities of the neighbouring properties.
- 4.6 It is proposed the site will operate 7 days a week from 6.30am to 11.30am with a break over lunch and then the hours proposed were from 2.30pm to 6.30pm Monday to Friday with extended hours at the weekends. The case officer raised concerns about the 6.30am start given that there are residential properties close to the site and would suggest that there should be no public on the site until 7.30am, by which time there will be more traffic on the road and therefore generally more background noise. For the same reason, while Monday to Friday it is proposed to operate until 6.30, there is the suggestion that weekends will have an extended finish time. To ensure there is a balance between a viable business and good residential amenity, I feel it would be appropriate to also restrict the finish time. I would therefore suggest a condition which would states no public on site before 7:30am or after 07:00pm any day of the week. While there will still be some level of noise and disturbance, subject to this condition I consider the scheme would be acceptable in this location and accords with criteria 2) of policy DM2.9 and with policy DM3.13 of the SNPP 2015.

#### *Highways*

- 4.7 As well as the impact on the neighbouring properties, consideration has also been given to the scale of the proposal and the impact it will have on the Highway.
- 4.8 The site is served by a wide public footpath on the opposite side of the road and is also accessible by bike. Information sought from the applicant suggests that there will be 10 – 15 cars with up to 20 people at any one time. In terms of staff, it is estimated that there will be 2 full time staff and the potential for part-time employees. Parking for the site is to be provided in an area immediately adjacent to the main road adjacent to the access. Given the low level of additional traffic proposed from the activities on the site, and subject to the improvements to the entrance of the site as submitted the Highways Authority support the scheme which accords with Criteria 3) of policy DM2.9 and with policies DM3.11 and DM3.12 of the SNLP 2015.
- 4.9 Concern has been raised by the Local Members as to the potential conflict between the improvements to the Thickthorn Roundabout and the application site. However, the public consultation documents received in March indicates the proposed alterations/improvements to the Thickthorn junction and roundabout but they do not impact on the application site. A plan of the Improvements is attached at Appendix 2. At the time of this report I am seeking the views of Highways England regarding the proposal, any comments will be reported to the Committee.

#### *Other issues*

- 4.10 As already mentioned the site benefits from an extensive tree belt which is to be retained. This has the benefit of protecting the residential amenities of the

neighbouring properties, and will, to some degree, also provide a buffer in terms of noise. In terms of impact on the landscape as there are no permanent structures on the site, and any exercise equipment is restricted to a maximum height of 4 metres. The proposal will have no adverse harm on the surrounding landscape. The reception/front of house for the development will be housed in a single portable cabin where there will also be benches located outside this unit. It is anticipated that this will be an area for spectators.

#### *Foul Drainage*

- 4.11 Female and male portaloos are located within the site, these are located to the main front entrance. There is no requirement for any connection to any permeant services such as electric and drainage.
- 4.12 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 4.13 This application is not liable for Community Infrastructure Levy (CIL) as the scheme is for the use of land (including the standing of the portacabin) and does not create any floor space.

#### 5 Conclusion

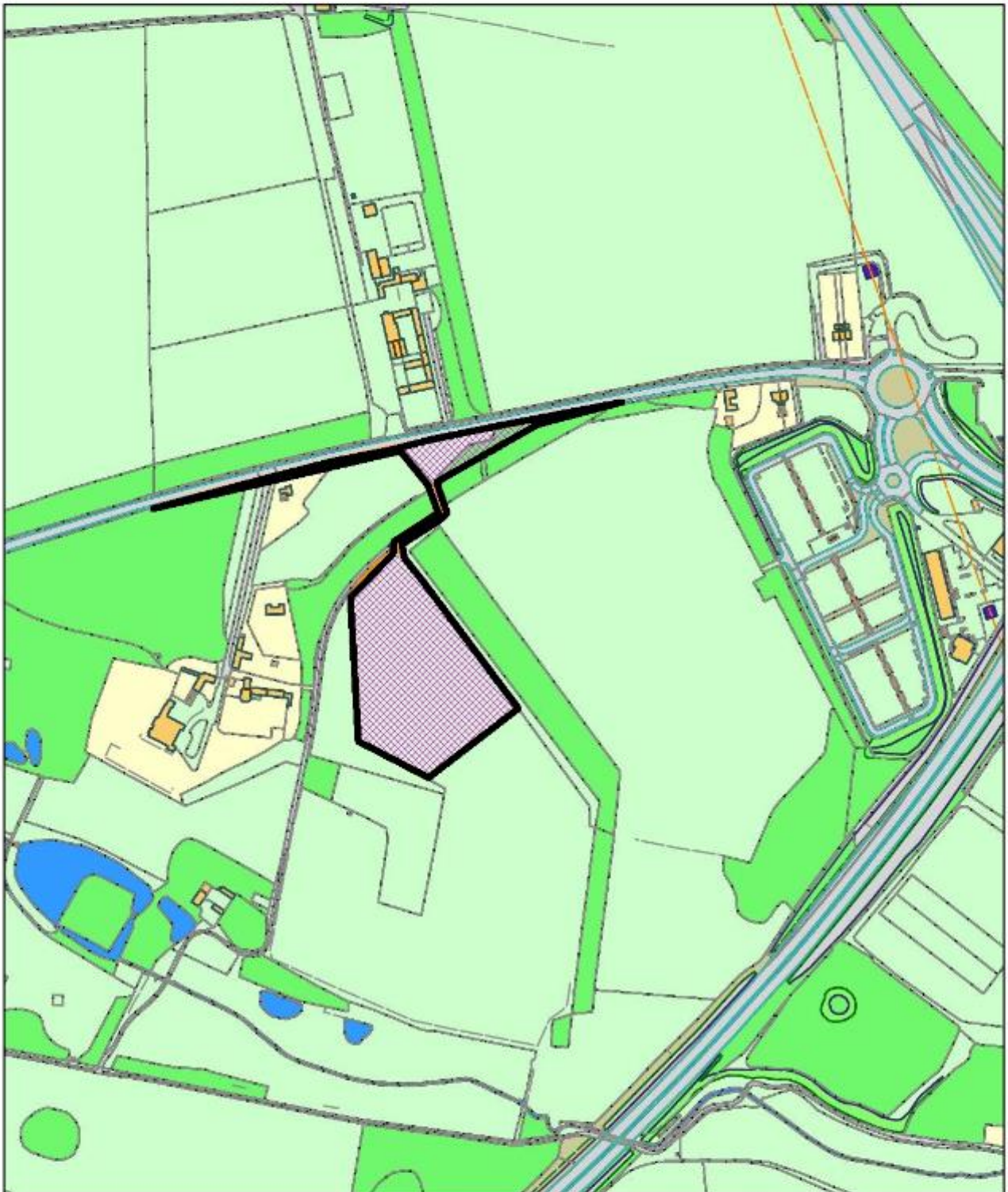
- 5.1 The proposed use is considered to be acceptable in this location having good access to the main road network and is accessible by foot and bike. The use of the land will not involve the construction of any permanent buildings and will have no adverse impact on the surrounding landscape. As conditioned the scheme is not considered to have any adverse impact on the residential amenities of the neighbouring properties, is considered to accord with the above policies and is therefore recommended for approval, subject to conditions.

Contact Officer, Telephone Number    Jacqui Jackson 01508 533837  
and E-mail:                                    jjackson@s-norfolk.gov.uk

2018/2163

Appendix 1

Not Set



Scale 1:5,000

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



## Appendix 2

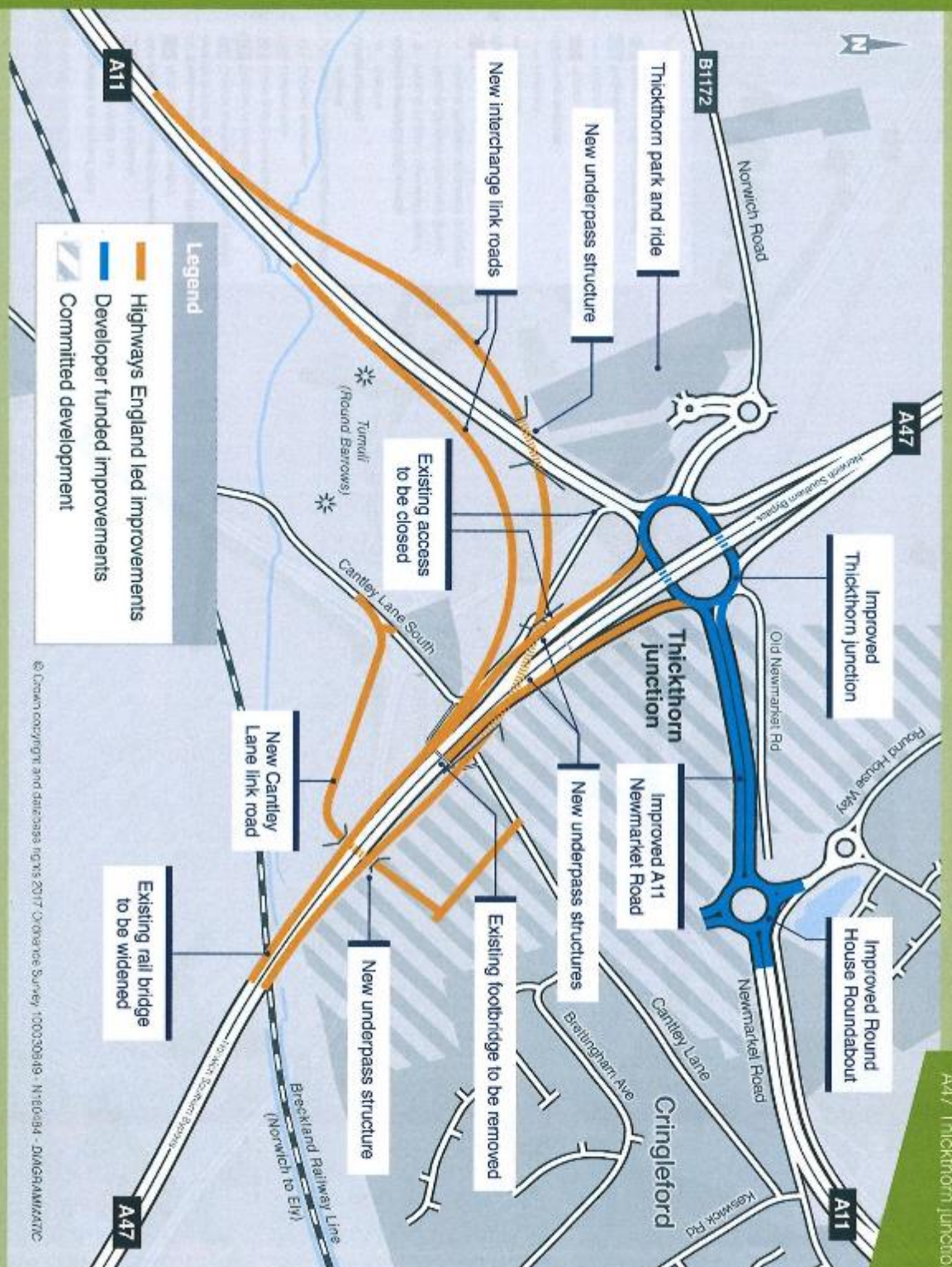
#### 4. Our proposed option

Our proposed option would:

- Create new free-flow links, in both directions, between the A11 and the A47 eastern link.
- Improve the existing A11 signalised junction.
- Improve the existing A11 Round House Roundabout.
- Reconnect Cantley Lane with Cantley Lane South.

This option would re-route traffic away from the existing A47/A11 Thickethorn junction which would release capacity for local traffic movements.

A number of potential alternative options were considered as part of the scheme development process during 2018. These options did not perform well against the objectives therefore were not progressed any further.



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**Planning Appeals****Appeals received from 30 October 2018 to 22 November 2018**

<b>Ref</b>	<b>Parish / Site</b>	<b>Appellant</b>	<b>Proposal</b>	<b>Decision Maker</b>	<b>Final Decision</b>
2017/2652	Poringland Land South Of Burgate Lane Poringland Norfolk	Gladman Developments	Outline application for the erection of up to 165 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Burgate Lane. All matters reserved except for means of access.	Development Management Committee	Refusal
2017/0810	Long Stratton Land Off St Mary's Road Long Stratton Norfolk	Orbit Homes (2020) Ltd	Erection of 52 dwellings with associated car parking and amenity space, roads, public open space, landscaping and vehicular access off St Mary's Road.	Development Management Committee	Refusal
2018/1697	Morley Land Adj To Clearview Hookwood Lane Morley St Peter Norfolk	Mr & Mrs Will & Rachael Lockwood	Erection of 1 No. Self-build Passivhaus dwelling with replacement stable, to be erected within enclosed block of grazing meadow (revised)	Development Management Committee	Refusal

**Planning Appeals****Appeals received from 30 October 2018 to 22 November 2018**

2018/1044	Wymondham Little Dial Farm Station Road Spooner Row NR18 9SP	Mr Freeman	Retrospective application for the retaining of 1 no. holiday let	Delegated	Refusal
2018/2002	Broome Gatehouse Lodge London Road NR35 2HX	Mr Garner	Fell of Oak tree	Delegated	Refusal

**Planning Appeals****Appeals decisions from 30 October 2018 to 22 November 2018**

<b>Ref</b>	<b>Parish / Site</b>	<b>Appellant</b>	<b>Proposal</b>	<b>Decision Maker</b>	<b>Final Decision</b>	<b>Appeal Decision</b>
2017/2738	Bracon Ash And Hethel Land East Of Long Lane Bracon Ash Norfolk	Mr Wickers	Erection of 1 No. dwelling (resubmission)	Delegated	Refusal	Appeal dismissed