

# Development Management Committee

## Members of the Development Management Committee:

### Conservatives      Liberal Democrats

Mr V Thomson      Dr M Gray  
(Chairman)  
Mrs L Neal  
(Vice-Chairman)  
Mrs Y Bendle  
  
Mr B Duffin  
Mrs F Ellis  
Mr C Gould  
Dr C Kemp  
Mr G Minshull  
Mr J Mooney  
Mrs A Thomas

### Pool of Substitutes

Mr L Dale      Mrs V Bell  
Mr D Goldson  
Mr J Hornby  
Dr N Legg  
Mr G Wheatley

### Pre-Committee Members' Question Time

9.00 am      Blomefield Room

## Agenda

### Date

Wednesday 31 January 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.

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. The Strategy is broadly consistent with the National Planning Policy Framework (NPPF) and accompanying technical guidance and was 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.

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 and Mulbarton Neighbourhood Development Plan made in 2016, and full weight can now be given to policies within these plans when determining planning applications in the respective parishes. Some weight can also be given to the policies in the emerging Neighbourhood Development Plan for Easton. In accordance with legislation planning applications must be determined in accordance with the policies of the Development Plan, unless material considerations which are relevant to planning indicate otherwise.

The NPPF states that the purpose of the planning system is to achieve sustainable development. The core planning principles contained within the NPPF are summarised as:

- To be genuinely plan-led
- To drive and support sustainable economic development
- Seek high quality design
- Conserve and enhance the natural environment
- Encourage the effective use of land
- Conserve heritage assets

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**
- **Be consistent in the application of our policy, and**
- **If we need to adapt our policy, we will do it through the Local Plan process.**

**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 3 January 2018;** (attached – page 9)
  
5. **Planning Applications and Other Development Control Matters;**

(attached – page 14)

To consider the items as listed below:

Item No.	Planning Ref No.	Parish	Site Address	Page No.
1	2017/2131/O	<b>BRACON ASH AND HETHEL</b>	Land West Of Long Lane Bracon Ash Norfolk	14
2	2017/1804/RVC	<b>WORTWELL</b>	133 High Road Wortwell IP20 0EN	32
3	2017/2450/H	<b>COSTESSEY</b>	23 Margaret Road Costessey NR5 0AU	40
4	2017/2604/F	<b>BRESSINGHAM AND FERSFIELD</b>	Land South of Boyland Hall Common Road Bressingham Norfolk	45
5	2017/2686/O	<b>THARSTON AND HAPTON</b>	Land North Of Picton Road Tharston Norfolk NR15 2YD	51
6	2017/2802/O	<b>HETHERSETT</b>	Land To East Of 88 Ketts Oak Hethersett Norfolk	58

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 66)
  
8. **Date of next scheduled meeting – Wednesday 28 February 2018**

## 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.

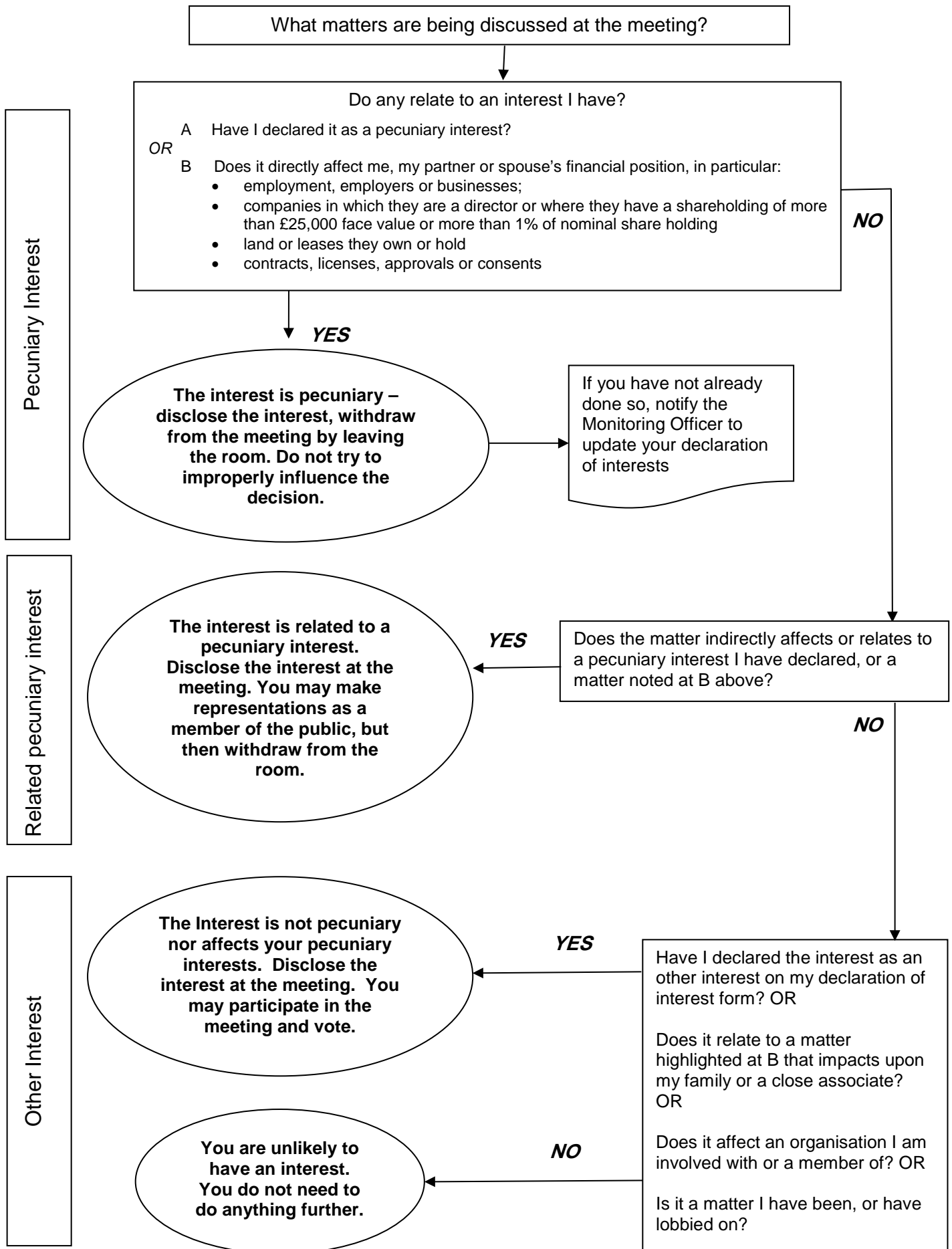
Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.

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 3 January 2018 at 10.00 am.**

**Committee Members Present:** **Councillors:** V Thomson (Chairman), Y Bendle, B Duffin, F Ellis, C Gould, M Gray, C Kemp and G Minshull

**Apologies:** **Councillors:** L Neal, J Mooney and A Thomas

**Substitute Members:** **Councillors:** N Legg for L Neal  
D Bills for A Thomas

**Officers in Attendance:** The Development Manager (H Mellors), the Development Management Team Leader (R Collins), the Major Projects Team Leader (T Lincoln) and the Planning Officer (T Barker)

### 371. 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
2017/2564/F (Item 2)	LONG STRATTON	ALL	Other Interest Applicant is South Norfolk Council
		Y Bendle	Other Interest As a Cabinet Member, Cllr Bendle left the room whilst this item was considered
2017/2746/F (Item 3)	KETTERINGHAM	Y Bendle	Other Interest As a Cabinet Member, Cllr Bendle left the room whilst this item was considered

### 372. MINUTES

The minutes of the Development Management Committee meeting dated 6 December 2017 were confirmed as a correct record and signed by the Chairman.

**373. PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS**

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

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 Director of Growth and Business Development.

**374. PLANNING APPEALS**

The Committee noted the planning appeals.

**375. QUARTERLY ENFORCEMENT REPORT**

The Committee noted the quarterly enforcement report.

(The meeting closed at 10.25 am)

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Chairman

**Updates for DEVELOPMENT MANAGEMENT COMMITTEE**  
**03 January 2018**

Item	Updates	Page No
Item 1 – 2017/2511	No update.	25
Item 2 – 2017/2564	<p><b>Landscape Architect</b>  I note that this proposal necessitates the removal of the existing oak tree, which has been classified as a B2 specimen in the submitted arboricultural information.</p> <p>DM4.8 applies and we would normally seek to retain such trees if possible, but in this instance I accept that arguably the benefits of the scheme outweigh the loss of the tree, especially if mitigation can be provided.</p> <p>A condition is proposed requiring landscaping, this should include the planting of new trees along the frontage. It appears that the verge for the new car park layout will be about 3m wide, which should be feasible for tree planting especially if the whole length is available for rooting. Whoever details the scheme might wish to consider installing root barriers (a common practice now) installed along the edge of the path and parking areas.</p> <p><b>Officer response</b>  The relevant condition will be updated to include the planting of replacement trees along the frontage.</p>	28
Item 3 – 2017/2746	<p><b>District Member – Cllr Legg</b>  Can be delegated.  More accommodation needed for plant and vehicles.  Making good use of an untidy site.</p> <p><b>Highways England</b>  No objection</p> <p><b>NCC Highways</b>  Both aspects of the application will have highway benefits in reducing the number of vehicles that currently have to park on the highway.</p> <p>Clarification to be provided regarding the pedestrian route that will be used from the car park to the SNC depot – this has now been provided to the satisfaction of the highway authority.</p> <p>Condition required to ensure parking and manoeuvring area is retained in perpetuity.</p> <p><b>SNC Water Management Officer</b>  Condition requiring full details of surface water drainage to be submitted.</p> <p><b>Health and Safety Executive</b>  No objection</p> <p><b>SNC Conservation and Design Officer</b>  No comment or objection</p>	34

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS**NOTE:**

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

**Other Applications**

- 1     Appl. No                     :     2017/2511/CU**  
**Parish                        :     ROYDON**
- Applicants Name        :     Mrs Georgina Taylor-Cross  
Site Address                :     1 Manor Road Roydon IP22 5QU  
Proposal                    :     Retrospective application to change the use of bedroom to beauty salon.
- Decision                    :     Members voted unanimously for **Approval**
- Approved with conditions
- 1 In accord with submitted drawings  
2 Personal Permission

**Application submitted and on land owned by South Norfolk Council**

- 2     Appl. No                     :     2017/2564/F**  
**Parish                        :     LONG STRATTON**
- Applicants Name        :     South Norfolk Council  
Site Address                :     Leisure Centre, Swan Lane, Long Stratton, NR15 2UY  
Proposal                    :     External: New first floor extensions comprising fitness suite and studio store. Rationalisation works to existing car park area and creation of additional spaces on the site.  
   Internal: General refurbishment, formation of new facilities comprising soft play, changing rooms and inclusive fitness suite
- Decision                    :     Members voted 9-0 for **Approval**
- Approved with conditions
- 1 Full Planning permission time limit  
2 In accord with submitted drawings  
3 Provision of parking, service  
4 Noise mitigation  
5 No generators/air handling plant  
6 Construction noise management plan  
7 Drainage Strategy  
8 Full details of external lighting  
9 Landscaping scheme  
10 Planting of replacement trees along the frontage

**Application where South Norfolk Council has an interest**

**3      Appl. No                    :    2017/2746/F**  
**Parish                    :    KETTERINGHAM**

Applicants Name        :    Mr Nathan Riches  
Site Address             :    Land West of Station Lane Ketteringham Norfolk  
Proposal                 :    Construction of car park, storage area and haulage yard including a workshop.

Decision                 :    Members voted 9-0 to Authorise the Director of Growth and Business Development to **Approve**

Approved with Conditions

1. In accord with submitted drawings
2. In accordance with tree protection measures
3. Ensure that parking and manoeuvring area is retained in perpetuity
4. Full details of surface water drainage to be submitted

Subject to no objection from NCC Highway Authority, SNC Environmental Services, the Health and Safety Executive and Network Rail and no new material considerations being raised by other consultees and third parties.

**PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS**

**Report of Director of Growth and Business Development**

**Major Applications**

- 1      Appl. No                    :    2017/2131/O**  
**Parish                    :    BRACON ASH AND HETHEL**
- Applicants Name    :    Mr & Mrs Kevin Keable  
Site Address         :    Land West Of Long Lane Bracon Ash Norfolk  
Proposal              :    Phased outline proposal for 15 Self/Custom Build Dwellings and Access
- Recommendation    :    Approval with Conditions
1. Time limit full permission
  2. In accordance with plans
  3. Standard highways conditions
  4. Visibility splay to be provided
  5. Construction Traffic Management Plan
  6. Off-site highway works for footpath
  7. Surface water drainage scheme
  8. Materials to be agreed
  9. Landscaping scheme and management
  10. Ecological management plan
  11. Renewable energy
  12. Water efficiency

Subject to completion of S106 agreement to secure a commuted sum for affordable housing and a contribution for off-site play equipment improvements.

**1      Planning Policies**

- 1.1    National Planning Policy Framework**  
NPPF 06 : Delivering a wide choice of high quality home  
NPPF 07 : Requiring good design  
NPPF 09: Protecting Green Belt land  
NPPF 10 : Meeting the challenge of climate change, flooding and coastal change  
NPPF 11 : Conserving and enhancing the natural environment  
NPPF 12 : Conserving and enhancing the historic environment
- 1.2    Joint Core Strategy**  
Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting good design  
Policy 3: Energy and water  
Policy 4 : Housing delivery  
Policy 6 : Access and Transportation  
Policy 9 : Strategy for growth in the Norwich Policy Area  
Policy 15 : Service Villages

- 1.3 South Norfolk Local Plan  
 South Norfolk Local Plan Development Management Policies  
 DM1.1 : Ensuring development management contributes to achieving sustainable development in South Norfolk  
 DM1.3 : The sustainable location of new development  
 DM1.4 : Environmental Quality and local distinctiveness  
 DM3.1 : Meeting Housing requirements and needs  
 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  
 DM3.15 : Outdoor play facilities and recreational space  
 DM 4.1 : Renewable energy  
 DM4.2 : Sustainable drainage and water management  
 DM4.3 : Facilities for the collection of recycling and waste  
 DM4.8 : Protection of Trees and Hedgerows  
 DM4.9 : Incorporating landscape into design  
 DM 4.10 : Heritage Asset
- 1.4 Supplementary Planning Documents  
 South Norfolk Place Making Guide

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

S66(1) Listed Buildings Act 1990 provides: “In considering whether to grant planning permission 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 None for the application site.

3. Consultations

- 3.1 Parish Councils: No objection

Bracon Ash	Bracon Ash & Hethel Parish Council reviewed the application at its meeting on 9 <sup>th</sup> October 2017 and unanimously agreed to support this application for the following reasons: good quality development; good sized plots providing generous gardens; each property to have individual design adding character and diversity to the area; each dwelling to have 3 car parking spaces; grass verges improving the environmental and visual impact; adequate restrictions to ensure control the development.
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Whilst the parish council is in support of this application it had concerns about the junction of The Rosery, Long Lane and Cuckoofield Lane which is dangerous and heavy goods vehicles in particular would find it difficult if not impossible to get around increasing the risk to other road users.

We consider the application should be refused for the following reasons:

It breaches South Norfolk's established policy and practice of maintaining a substantial distance between settlements. This has previously been cited as grounds for refusal of an application.

Legal decisions on the interpretation of the NPPF suggest that the absence of a five-year land supply does not render all housing policies as automatically out of date and not to be given some consideration. With this application, the negative impacts of allowing the development are more than outweighed by the only small contribution the site could make to reaching a five-year housing land supply. Especially as the Lanpro proposal makes no contribution to mitigating nearby adverse impacts to do with highway safety and risks to existing properties from surface water flood risk; issues that have become apparent from the Oakley Park scheme and are as yet unresolved.

On a principled matter, the site is outside the settlement limit and there is a query about the value of such policies if they are ignored when they need not be.

At the site-level, both the completed Hopkins development and the new partially completed Oakley Park scheme 'turn their backs' to the Lanpro site. Permitting the application could have the effect of creating a disconnected and incongruous form of development that is out of character to the recent developments either side of it.

Access to the proposed development would be via Long Lane and then through the heart of the Village. The full effects of the additional traffic generated by the Hopkins development at Oakley Park has yet to be realised and any additional traffic created by the proposed development is unlikely to improve the situation.

The Long Lane / Cuckoofield Lane / Rosery junction is already inadequate for the existing traffic volume. This situation is already likely to deteriorate further as the latest development at Oakley Park has yet to be completed.

Long Lane is a small country road bounded in the main by hedgerows. The rural nature and feel of the road will be lost with the removal of any hedgerow or trees that may be necessary to facilitate any road widening or the creation of footpaths.

Long Lane has recently undergone a long periods of closure to allow for the installation of utility services. A further series of closures in order serve this development would not be acceptable.

Local knowledge would indicate that the land concerned suffers from poor drainage. Surface water from the land drains via the network of ditches along Long Lane. The water flows through the village via the River Mul. There is already much concern about the increased levels of water flowing through the ditch along Long Lane / Common Road / Birchfield lane. The Cuckoofield Lane / Long Lane junction has a history of flooding and we are still waiting to see the effectiveness of recent improvement work undertaken by Hopkins Homes.



Although the proposed development is outside the Parish of Mulbarton. It is felt that many of the recommendations of the Mulbarton Neighbourhood Plan should be taken into consideration. Any additional traffic flow would likely be through Mulbarton and not Bracon Ash. Future residents of any development on the land are likely to rely on the services in Mulbarton i.e. school, doctors surgery etc.

There will be a further loss of a natural boundary between Mulbarton and Bracon Ash. This urban sprawl will lead to a loss of identity of which both villages are proud. The area will start to feel like it is just a dormitory suburb of Greater Norwich.

There are concerns that the self-build aspects of this development would lead to lengthy periods of construction and an extended period of disruption affecting particularly those living in nearby properties.

3.2 District Member To be determined by the planning committee.

3.3 Anglian Water No objection

The proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

The foul drainage from this development is in the catchment of Swardeston Water Recycling Centre that will have available capacity for these flows.

3.4 NCC Lead Local Flood Authority No objection

The applicant has demonstrated that surface water can be managed on the site without resulting in an increase in the risk of flooding elsewhere. We have no objection subject to conditions being attached to any consent if this application is approved.

3.5 SNC Senior Conservation and Design

No objection

I consider that, subject to agreeing the reserved matters at the appropriate time, the development in principle should not result in any significant harm to the setting of Bracon Lodge.

With regard to design, the outline proposal with the design code means that when plots are brought forward due consideration should be given to design quality and materials to achieve a coherent character to scheme – which would be one of regular plot development within a planned layout and a degree of consistency in terms of scale and use of materials, but variety and individuality in house design that would suit self-builders.

Existing and newly planted landscaping should 'ease' the transition from the field to new development in terms of impact on the surrounding character of the area.

3.6 NCC Ecologist

No objection

This application is supported by both a Preliminary Ecological Appraisal (enims, December 2016) and a Great Crested Newt and Reptile Survey (enims, June 2017). The Great Crested Newt (GCN) survey was undertaken following a recommendation made in the Preliminary Ecological Appraisal. The site does have some value for biodiversity, in particular the hedgerows which should be retained for nesting birds and foraging bats, and also the terrestrial habitat for GCN. It is clear that an EPS licence is necessary for works to proceed due to the likely presence of this species on-site. The GCN report also stated that the terrestrial habitat for GCN will be permanently lost if the development progresses and as such compensation is required.

The GCN report gives some detail as to how compensation will be provided by the construction of a pond on a nearby site which is currently being used as a paddock. This strategy involves a degree of risk as it habitat creation can take time and there is no guarantee of success. There also needs to be some detail as to how the new site will be managed in the medium and long-term, given that the loss of habitat will be permanent if the development proceeds.

As such, if you are minded to approve this application, I recommend that conditions relating to ecology are included in the decision, including submission of an ecological management plan (EMP).

3.7 SNC Environmental Quality Team

No objection

Recommend that any approval of this application include conditions and notes relating to contamination.

3.8 NCC Highways

No objection

The revised plans include the widening of Long Lane and a pedestrian link to the facility being provided by Hopkins as part of their development to the east of Long Lane. Ideally a footway should be provided across the entire site frontage. However, should this outline application only secure the footway being offered we would expect the remainder of the frontage to include a 2m wide verge as the revised plans show.

If this application is approved then the off-site highway improvements will require the developer to submit detailed plans to the County Council for formal vetting under the scope of a legal agreement known as a Section 278 Agreement.

As you'll be aware the scale of development is such where the highway authority would normally expect the road to be designed to adoptable standard. The indicative plan suggests the development will be served via a type 6 shared surface road. As layout is not marked for consideration at this time full details of the road layout and turning provision will be required at the reserved matters stage. Given the custom build nature of the development where there is unlikely to be one developer consideration will need to be given to

how the internal road and off-site improvements will be delivered if multiple developers are involved.

3.9 SNC Housing  
Enabling & Strategy  
Officer

No objection

The application is for 15 dwelling on a site of 2.2 hectares. This means that under Policy 4 of the Greater Norwich Joint Core Strategy there is a requirement for 33% of the dwellings to be affordable homes, with a tenure mix of 85% for rent and 15% intermediate housing.

The applicants have proposed that the affordable housing obligation be in the form of a commuted sum, rather than being built on-site. They have accepted that, because the application is for low density development, any commuted sum should be calculated on the basis that it would be reasonable to calculate the affordable housing contribution on a theoretical higher density: 33% of 33 dwellings. This means that the contribution should deliver 11 affordable homes off-site.

The applicants have provided a financial appraisal intended to demonstrate that the site is viable with a commuted sum of £900,000 as the affordable housing obligation to fund 11 homes off-site. Subject to the District Valuer being satisfied with this evidence, as a housing enabling officer I accept the proposal. The reasons for acceptance are:

- The site will be developed on a 100% custom build basis. The Council wishes to support suitable proposals to fulfil its obligations to provide planning permissions for custom build under the Self-build and Custom Housebuilding Act 2015.
- Although there ongoing is need for affordable housing, as evidenced by the Central Norfolk SHMA and the Housing Register, there is currently no great need for more affordable housing in this particular location. The site to the east of Long Lane (in the parish of Mulbarton) currently under construction is delivering 59 affordable homes, 22 of which are still to be completed.
- The commuted sum is calculated on a reasonable density, and it can deliver the required number and tenure mix.

Consequently, subject to the views of the District Valuer, I have no objection to this application.

3.10 SNC Landscape  
Architect

Objects to the hedgerow loss, but accepts that there may be benefits that outweigh this.

The proposed access, and associated visibility splay necessitates the removal of a greater part of the existing frontage hedgerow, H1. A full assessment of the existing hedgerows has been undertaken against the criteria set out in the Hedgerows Regulations, and all four of the site's existing hedgerows have been found to be 'important' as defined by the Regulations. Policy DM4.8 presumes in favour of the retention of 'important' hedgerows, and states that the Council will safeguard and promote the appropriate management of protected and other significant trees and hedgerows, unless the need for, and benefits of, a development

clearly outweigh their loss. From a landscape perspective alone, I would therefore object to the hedgerow loss, but accept that there may be benefits that outweigh this.

Notwithstanding the site's location outside (but adjacent) the development boundary, the site is in D1 Wymondham Settled Plateau Farmland landscape character area. I have reviewed the Sensitivities and Vulnerabilities, Landscape Strategy and Development Considerations of the published Landscape Character Assessments for this, and it appears that the proposed development will not be incompatible with these.

The proposed Design Code and Plot Passports are acceptable.

3.11	NHS England	No comments received
3.12	Norfolk And Waveney Local Medical Council	No comments received
3.13	District Valuer	Conclude that the proposal can support £900,000 for off site affordable commuted sum and £51,000 open space commuted sum.
3.14	Richard Bacon MP	Comments awaited.
3.13	Representations	<p>14 letters of objection received, summarised as follows:</p> <ul style="list-style-type: none"> <li>• Flood risk concerns.</li> <li>• The development will cause Bracon Ash and Mulbarton to merge</li> <li>• Concerned about flooding from the ditch between the site and Meadows Drive, water-logging of field and flooding.</li> <li>• Road and traffic safety concerns and capacity of Long Lane and junction at Cuckoofield Lane and The Rosery, and junction of Flordon Long Lane and The Rosery.</li> <li>• Quiet rural lane now become a busy road. Cannot safely walk down lane or cross Long Lane.</li> <li>• Concerns regarding the ditch that runs along the properties from Hare Close down to Cuckoofield Lane. Flooding, management and ownership issues.</li> <li>• Loss of views, detrimental to outlook and overlooking from plots</li> <li>• Concerned that individual purchases of plots can built whatever they wish – lack of control over what of the sites development</li> <li>• Potential impact on local wildlife and ecology</li> <li>• Adverse effect of losing rural existing views and increased noise levels</li> <li>• Concerned that individual builders will be making their own arrangements with regards to drainage</li> <li>• Potential visual impact of housing not in keeping with existing development</li> <li>• Lack of school capacity and doctors and dental surgeries.</li> <li>• Outside of the development boundary</li> <li>• Concerned that there could be 15 different builders, all with their own schedule of works</li> <li>• All the services are in Mulbarton, so would there be any responsibility for contributions to Mulbarton`s already overloaded services</li> </ul>

- Concerns that the proposals do not respect the Mulbarton Neighbourhood Plan which says in Policy HOU 1 “Proposals for five or more dwellings that result in the growth of the village further southward will not generally be acceptable”
- The parish boundary between Mulbarton and Bracon Ash would be lost. Sets a precedent for further development.

6 letters of support, summarised as follows:

- Logical extension to the existing settlement form of the village
- Will result in a high-quality development
- Sustainable location with good public transport links and access to facilities
- Helps to meet the needs of those wishing to design or build their home
- Want to stay living in village. Believe that this is not detrimental to the village of Bracon Ash or Mulbarton
- The eco friendly plans will also add value to the community and overall area.
- Will add to the unique character of our village without adding substantially to the demand on the infrastructure of Mulbarton or Bracon Ash.

#### 4 Assessment

##### Site description

- 4.1 The application site is located on the western side of Long Lane, Bracon Ash which is on the eastern edge of the village. The site, although situated within the Parish of Bracon Ash, is in close proximity to Mulbarton and located on the southern edge of the settlement, and bounded by the existing residential development known as Mulberry Gardens to the north.
- 4.2 The site itself is a rectangular paddock of approximately 2.15ha. It is a largely flat, open grassed field enclosed by well-established trees and hedgerows. The site is separated from the Mulberry Gardens estate, with an area of grassed amenity space located immediately to the north of the site and larger residential dwellings on the north side of Meadow Drive. To the east of Long Lane, there is a new residential estate, Oakley Park, which is currently under construction. An area of Public Open Space is to be located on the eastern side of Long Lane opposite to the application site as part of the Oakley Park development. A public footpath has also been constructed on the eastern side of Long Lane providing access into Mulbarton.
- 4.3 Bracon Lodge, a Grade II Listed Building is situated to the west of the application site, separated from the site by a hedgerow, paddock and gardens. Bracon Lodge is set within recently renovated gardens, pond and woodland habitats. Agricultural fields are located to the south of the application site. The landscape to the south is characterised by open agricultural fields and hedgerows.

##### Proposal

- 4.4 The application seeks outline planning permission for the phased construction of 15 self-build/custom build dwellings and access. The outline proposals include the following:
- the number of dwellings and proposed plot subdivision;
  - the access to the site from Long Lane;
  - the access road within the site;
  - a Design Code which sets out the overall development parameters for the site the design and landscape principles and general rules and material palette of the development;

- Plot Passports for each individual plot setting out the specific parameters applicable to each plot.
- 4.5 The precise details of each dwelling, including the position of each dwelling within the plot, and the scale and appearance will be the subject of separate reserved matters applications informed by the design code and plot passports.
- 4.6 The application is submitted as a phased proposal whereby the access and access driveway and installation of services to the plots would constitute the first phase of the development proposal with each individual plot constituting separate phases. The application is submitted in this manner, to bring forward each individual self/custom build plot in a logical manner and to enable the installation of services, drainage and the access road in the first phase of development, prior to any of the plots being brought forward.

#### Principle

- 4.7 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.
- 4.8 It is evident that that the site is located outside of any development boundary and therefore Policy DM1.3 makes provision for development to be granted in such areas where one of two criterion are met including where there are overriding benefits in terms of economic, social and environmental dimensions as addressed in Policy DM1.1.
- 4.9 It should be noted that the Council currently has 4.7 years of deliverable sites in the Norwich Policy Area and therefore regard should be given to this. In particular, the judgment Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) confirms that the narrow interpretation should be used in establishing whether a policy relates to the supply of housing.
- 4.10 The narrow interpretation states:
- limited to policies dealing only with the numbers and distribution of new housing, and excluding any other policies of the development plan dealing generally with the disposition or restriction of new development in the authority's area.*
- 4.11 This means that whilst all of the South Norfolk Local Plan Development Management Policies are not out of date, it is necessary for the decision maker to have regard to the weight attributable to these in their decision making process in acknowledgement of the lack of an up to date 5 year housing land supply, including in relation to Policy DM1.3 as set out in the judgement at para 59 which confirmed that a shortfall in housing land supply triggers the second part of paragraph 14, which states:
- “where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted.”*
- 4.12 On the basis of the above the following assessment seeks to establish the benefits of the scheme and any harm that would be caused in the context of sustainable development as set out in the NPPF, and in particular, with reference to the three dimensions (economic role, social role and environmental role) and under each of these three headings the relevant South Norfolk Local Plan Development Management Policies will be referred to.

- 4.13 In acknowledging the location of the development on the edge of the parish of Mulbarton, Members should note that the site, which lies outside of the parish of Mulbarton, is not covered by the Mulbarton Neighbourhood Plan and as such its policies are not applicable to this application.

#### Economic role

- 4.14 The NPPF confirms the economic role as:

*“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure.”*

- 4.15 The scheme would result in some short term economic benefits as part of any construction work and in the longer term by local spending from the future occupants. It is therefore considered that the scheme would bring forward a level of economic benefit.

#### Social Role

- 4.16 The NPPF confirms the social role as

*“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”*

- 4.17 Bracon Ash is identified as an “Service Village” in the Joint Core Strategy. It is identified that these have a defined development boundary within which land will be allocated for small-scale housing, within the range of 10-20 dwellings, subject to the form and character of the village. It also confirms that where the settlement is in the Norwich Policy Area, as is the case here, additional development will be considered if necessary to deliver smaller sites in the NPA.

- 4.18 Given that it is identified as a “Service Village” and in the NPA, and the site lies immediately adjacent to the development boundary of Mulbarton, it is considered that the site is not isolated to the extent that it could be considered an unsustainable location in planning terms.

#### Self build

- 4.19 The social role also refers to meeting the needs of present and future generations and Paragraph 50 of the NPPF sets out in principle support for the provision of self-build housing, which includes the requirement to *‘deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.*
- 4.20 Further support is given by the Self-build and Custom House Buildings Act 2015 and Housing and Planning Act 2016, which places a duty on Local Planning Authorities (LPA’s) to have a register of people who are interested in self-build or custom build projects in their area. South Norfolk Council operates such a register.
- 4.21 In addition, Section 10 of the Housing and Planning Act requires Local Authorities to give suitable development permission in respect of enough serviced plots of land (or plots which in the view of the LPA could be serviced within the lifetime of the permission) to meet the demand for self-build and custom housebuilding in the authority’s area arising from each base period. The first base period ended on 30th October 2016. To comply with these requirements the LPA needs to give sufficient planning permissions that could be suitable for self-build or custom build properties in relation to any base period in the 3 years

beginning immediately after the end of that base period. Therefore, the timescale to comply with the current requirement is between 31st October 2016 and 30th October 2019.

- 4.22 Given existing self-build exemptions for CIL and the Council's current record on granting planning permissions which could be suitable for self-build or custom build properties, there is no reason not to expect that this requirement will be met from sites which are in accordance with the adopted Development Plan.
- 4.23 In terms of the Council's five-year housing land supply this is defined in NPPF paragraph 47 for market and affordable housing. Self-build housing would be included in this requirement, but there is no specific requirement for a five-year land supply for self-build housing.
- 4.24 The Regulations now make it clear that the demand for self - build housing is defined by the self-build register and there is no requirement to consider other sources of information.
- 4.25 These regulations are not intended to supersede the overarching principle and golden thread of the NPPF which is the delivery of sustainable development.
- 4.26 Likewise, JCS Policy 4 states that proposals for housing will be required to contribute to the mix of housing required to provide balanced communities and meet the needs of an area. Although there is not an individual policy for self-build developments, this policy allows consideration to be given to the provision of any identified need. Furthermore DM 3.1 focuses on meeting housing requirements and needs, specifically referencing self-build sites within the preamble. Para 159 of the NPPF goes on to instruct LPAs that their Strategic Housing Market Assessments (SHMA) should include the range of housing that local populations are likely to require, to include people wanting to build their own homes.
- 4.27 With this in mind, although there is not an individual policy for self-build developments, it is evident that the proposal to provide self-build/custom build plots would be afforded some positive weight in the consideration of this application.
- 4.28 This development is the first of its kind in the district, delivering real opportunity to those interested in acquiring a self build plot within a wholly self build development. The plots are intended to be serviced plots (services to be delivered as one comprehensive first phase) and would therefore offer a genuine choice to the market for those on the self build register.
- 4.29 The provision of self-build is a material consideration in the consideration of this application and whilst not in itself an overriding factor for approval of the application contrary to the development plan, is one of the benefits attributable to the application in favour of the development within the planning balance.

#### Affordable housing

- 4.30 In terms of affordable housing, Policy 4 of the JCS requires 33% of the total number of units to be affordable, unless it can be demonstrated that it is not viable to do so.
- 4.31 The scale of the proposed development triggers the requirements for affordable housing expressed in Policy 4 of the Joint Core Strategy. This application proposes to set out a proposal in lieu of on-site affordable housing provision. This is to provide the Council with a sum of money in lieu of affordable housing to be spent on the provision of affordable housing elsewhere within the District. On this occasion, the JCS allows provision for this and it is considered that given the nature of the development and the benefits of providing self-build plots on this site, that the principle of a commuted sum in lieu of on-site affordable housing is supported.



- 4.32 However, since the site is not making best and most efficient use of the land in terms of housing density, Officers have sought to secure a contribution to equate to more than 33% of the proposed 15 plots on site which is greater than the 5 affordable units that would be required. Evidence has been provided by the applicant to demonstrate that an assumed density of 15 units per hectare could theoretically be achieved on this site which would provide 33 units in total, which would equate to 11 affordable units.
- 4.33 The Council's Housing Enabling and Strategy Officer has assessed this information and has confirmed that this approach is acceptable. A viability appraisal has also been provided to demonstrate that the level of the financial contribution can deliver a policy compliant scheme and as amended and agreed with the District Valuer and applicant would equate to providing 11 affordable units (£900k). The Council has sought independent advice from the District Valuer on the applicant's viability appraisal and values for the plots and build costs as amended. The District Valuer confirms £900k for affordable and £51k for open space is viable, therefore, subject to a S106 legal agreement to secure that commuted sum in lieu of 11 on-site affordable units to be provided elsewhere in the District, it is considered that Policy 4 of the JCS has been met.
- 4.34 Whilst affordable housing would not be provided on site, it is considered that the commuted sum for off-site delivery and at the level agreed is both reasonable and proportionate to the scale and nature of the proposed scheme and offers a significant benefit in the planning balance.

#### Access and highways

- 4.35 With regards to access, which is to be considered at this outline stage, Local Plan Policies DM3.11 (Road safety) and DM3.12 (parking provision) are applicable. The Highway Authority have been consulted and they have confirmed that the proposed single point of access from Long Lane is acceptable subject to a condition to secure an appropriate visibility splay to each side of the access where it meets the highway.
- 4.36 Whilst the internal site layout is not to be considered at this time, it is evident from the indicative scheme that sufficient on-site parking levels could be provided. The plan also indicates that the plots will be served via a shared surface access road. Details of the road layout will be provided as part of the future reserved matters application and submitted as a phased proposal whereby the access and access driveway would constitute the first phase of the development proposal and delivered in advance of any of the plots coming forward.
- 4.37 With regards to off-site highway improvements, the Highway Authority have requested that the revised plans include the widening of Long Lane along the site frontage and a pedestrian link from the site to the footway provided by Hopkins on the opposite side of Long Lane. Whilst the Highway Authority would ideally like to see a footway provided across the entire site frontage, this outline application secures the remainder of the frontage to include a 2m wide verge. The Highways Authority has carried out an assessment of the offsite highways proposals, and subject to a condition requiring detailed plans to be submitted, has no objections to the proposals, including the 2m wide verge along the site frontage
- 4.38 With regards to the additional traffic created by the development and capacity of the junction at Long Lane / Cuckoofield Lane / Rosery, both during the construction phases of development and post construction, the highway authority has raised no objections in this regard.
- 4.39 A condition has been recommended requiring that a Construction Traffic Management Plan is submitted prior to the commencement of development, to incorporate details of onsite parking for construction workers, access arrangements for delivery vehicles and temporary wheel washing facilities for the duration of the construction period in the interests of highway safety.

- 4.40 For these reasons the scheme is acceptable in highway safety terms and satisfies the requirements of Policies DM3.111 and DM3.12, subject to the above conditions.

#### Design and layout

- 4.41 The environmental role also seeks to secure a high quality built environment.
- 4.42 Policy DM3.8 requires that development has a satisfactory relationship and integrates effectively with its surroundings. Whilst layout, scale and appearance are all to be considered at reserved matters stage, it is evident that a linear arrangement as proposed in the indicative layout and design code would have appropriate regard for its surroundings subject to a suitable size and scale being of each dwelling being secured at reserved matters stage.
- 4.43 The Design Code identifies a 'landscape-led' approach to the development, intended to create a tree lined driveway based on a straight access along the axis of Bracon Lodge to the west. Properties sit within a spacious setting and landscaping. The development site is surrounded by well-established hedges and tree planting, including extensive planting between Meadows Drive and the site.
- 4.44 The design code and plot passports detail the parameters of the scheme, and will ensure a good level of design and appropriate palette of materials. With appropriate self-build designs coming forward, accepting that development of the field in itself will change the character of the area, it is considered that the development will not result in an adverse impact on the character of the surrounding area.
- 4.45 To ensure the development of the site has an overall design integrity, a maximum footprint, overall height, distances from front and side boundaries are specified to avoid over-intensification of a dwelling on a plot. The future designs of individual dwellings will be required to be in full accordance with the parameters and details set out in the Design Code and Plot Passports. As such it is considered that the principle of the development accords with the requirements of Policy 2 of the JCS, section 7 of the NPPS and policy DM1.4, DM3.9 and DM4.3 of the South Norfolk Local Plan and South Norfolk Place-Making Guide SPD.

#### Residential amenity

- 4.46 In terms of neighbour amenity, whilst layout would be considered at reserved matters stage, it is evident from the indicative layout plan that a scheme could be provided which has adequate regard for existing neighbouring properties including in terms of light, outlook and privacy. It is also evident that the indicative layout makes adequate provision for the amenities of any future residents through avoiding any overlooking, loss of light or privacy between all of the proposed dwellings. For these reasons, the requirements of Policy DM3.13 are met.

#### Contamination

- 4.47 Policy DM3.14 has regard to development and contamination. The Environmental Management Officer has confirmed that they have no objections to this planning application and have recommended that any approval includes a condition that requires an investigation and risk assessment to have been carried out to assess the nature and extent of any contamination on the site. Having considered this, it is felt that given the nature of the site which was a former grazing paddock and agricultural field, that it is not reasonable to impose such a condition. However, it is recommended that an informative note is added, that in the event contamination that was not previously identified is found, that it must be reported in writing immediately to the Local Planning Authority and a report submitted that includes results of an investigation and a risk assessment along with a remediation scheme to be agreed and carried out. Subject to the imposition of the above informative note to

have regard to contamination, it is considered that the proposal is acceptable and in accordance with policies DM3.14 of the South Norfolk Local Plan.

- 4.48 For the reasons set out above, it is considered that there are significant social benefits of the proposal and limited harms.

#### Environmental Role

- 4.49 The NPPF confirms the environmental role as

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

#### Heritage impacts

- 4.50 With regards to heritage impacts, Policy DM4.10 requires development to have due regard for any heritage assets and the Council is also required to be mindful of its duties under S66(1) Listed Buildings Act 1990, which requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 4.51 In respect to the nearby Grade II Listed Bracon Lodge to the east of the site, the Council's Senior Conservation and Design Officer has carried out an assessment of the impact of the proposals on the listed building and its setting, and considers that subject to agreeing the detailed design of each dwelling at reserved matters, the development in principle should not result in any significant harm to the setting of Bracon Lodge.
- 4.52 Subject to a further assessment of the impacts of each dwelling at the reserved matters stage, it is considered that the requirements of Policy DM4.10 and the requirements of S66(1) are met.

#### Landscaping and public open space

- 4.53 Policy DM4.5 requires development to respect, conserve and where possible enhance the landscape character of the locality. Notwithstanding the site's location outside (but adjacent) the development boundary, the site is in D1 Wymondham Settled Plateau Farmland landscape character area. The Council's Landscape Architect has reviewed the Sensitivities and Vulnerabilities, Landscape Strategy and Development Considerations of the published Landscape Character Assessments, and considers that the proposed development will not be incompatible with these.
- 4.54 Policy DM4.7 identifies that development defined on the Policies Map and shown on Maps 4.7 (1) and (2) will be restricted to avoid areas of development 'sprawl' which would be detrimental to the rural character of the area. The proposed site is not located in a 'strategic gap' and therefore Policy DM4.7 does not apply.
- 4.55 Given the location of the development on the edge of an existing settlement and adjacent to existing and proposed development, it is considered that the proposals result in a logical extension to the existing built form of the village and will not result in a loss of the sense of openness between the settlements which finishes in-line with that of the Oakley Park development, with a strongly defined landscape boundary along its southern extent.
- 4.56 Whilst concerns are acknowledged in respect of the potential impact of the development on the open countryside and landscape character, it is considered that the current scheme does not lead to significant harm in terms of landscape impact. Therefore, subject to reserved matters and detailed landscaping plans to be agreed by condition, the proposal is

considered to be acceptable in this respect and would accord with the aims of DM4.5 of the South Norfolk Local Plan, JCS Policies 1 and 2 and section 11 of the NPPF.

- 4.57 With regards to Policy DM4.8, which seeks to protect trees and hedgerows, the proposed access, and associated visibility splay necessitates the removal of part of the existing frontage hedgerow (H1). The Council's Landscape Architect has reviewed the submitted Arboricultural Impact Assessment, which has been undertaken against the criteria set out in the Hedgerows Regulations, and all four of the site's existing hedgerows have been found to be 'important' as defined by the Regulations. On this basis, the Council's Landscape Architect has raised concerns about the loss of the hedgerow along the front of the site, but acknowledges that there may be benefits that outweigh this.
- 4.58 In considering this, the proposals must be assessed in conjunction with the desire to provide a suitable access into the site. The Highways Authority has indicated that the proposals will necessitate the removal of part of the hedgerow to provide a safe access into the site. Whilst recognising the status of the conflicting policies, I consider that in this instance greater weight should be afforded to the requirements of highway safety as the provision of appropriate visibility splays and access is site specific for development in this location. To mitigate against the loss of the hedgerow it is proposed that the hedge is compensated for by improving the remaining retained hedgerows through supplementary planting using native species and by re-planting a new 2m high native hedge along the site frontage behind the visibility splay and highway verge. The replacement of the hedge and proposed highway verge will, in my opinion, help to retain the rural nature and feel of the road whilst providing a vista along Long Lane that retains its landscape character. As such it is considered that the loss of the hedgerow is acceptable in recognising the weight afforded to the requirements of highway safety and proposed mitigation measures.
- 4.59 In terms of public open space, the Council's Recreational Open Space Standards for Residential Areas, requires a minimum amount of outdoor play facilities and recreational open space to be provided, commensurate with the level of development proposed to meet the need of occupants unless a financial contribution in lieu of onsite provision for play space is deemed appropriate.
- 4.60 In this case, the Council's Play and Amenities Officer has assessed the proposals and considers it appropriate to secure a financial sum which can be spent on improving existing facilities identified with the village. A sum has been calculated by the Play and Amenities Officer taking into account non provision of onsite play space and a sum for non-provision of play equipment where the contribution could be used on existing play facilities in Bracon Ash. This provision will be secured through the S106 Agreement.

#### Ecology and Protected Species

- 4.61 This application has been supported by both a Preliminary Ecological Appraisal and a Great Crested Newt and Reptile Survey, which has been assessed by Norfolk County Council Natural Environment Team. The assessment concludes that the proposed development has some value for biodiversity, in particular the hedgerows for nesting birds and foraging bats, and also the terrestrial habitat for Great Crested Newts (GCN). As such an Environmental Protected Species licence is necessary for works to proceed due to the likely presence of this species on-site. The GCN report also stated that the terrestrial habitat for GCN will be permanently lost if the development progresses and as such compensation is required.
- 4.62 Details as to how compensation will be provided by the reinstatement of a pond on land owned by the applicant to the south west of the site have been provided. The Norfolk County Council Natural Environment Team has identified this is an acceptable approach subject to a condition requiring an Ecological Management Plan to be submitted along with details as to how the new site will be managed in the medium and long-term and a funding mechanism by which the long-term implementation of the plan will be secured to deliver the

biodiversity objectives of the site. Subject to an appropriately worded condition, it is considered that the proposals are acceptable in this respect.

#### Surface water drainage

- 4.63 A number of concerns have been raised from members of the public regarding flooding issues from the ditch between the site and Meadows Drive and also water-logging of the proposed site.
- 4.64 The drainage ditch along the north boundary of the site was recently purchased by the applicant and was subsequently cleared of blockages. A detailed survey has been carried out by the applicant in consultation with the Lead Local Flood Authority (LLFA), which provides information detailing the watercourse that is proposed to receive surface water from the development. It is proposed that surface water is attenuated on site prior to discharging into the local ditch system at a rate agreed by the LLFA.
- 4.65 A Flood Risk Assessment and Surface Water Drainage Strategy has been submitted with the application by Evans Rivers and Coastal, ref. 1728/RE/12-16/01, which following amendments demonstrates that surface water can be managed on the site without resulting in an increase in the risk of flooding elsewhere.
- 4.66 The Lead Local Flood Authority has carried out an assessment of the information submitted and has confirmed that they have no objection to the proposals subject to a condition that requires detailed designs of the surface water drainage scheme, including details of management and maintenance, to be submitted and agreed in accordance with the Flood Risk Assessment and Surface Water Drainage Strategy. Subject to a suitably worded condition, the proposals are acceptable in this respect.
- 4.67 The applicant has confirmed that all surface water features would constitute the first phase of the development proposal and delivered in advance of any of the plots coming forward. A plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development will be provided as part of the proposed condition prior to the commencement of development.

#### Sustainable construction/renewable energy

- 4.68 Policy 1 and 3 of the JCS require the sustainable construction of buildings and water conservation in addition to requiring 10% of the predicted energy requirements to be delivered by on site decentralised and renewable or low carbon energy. Precise details and compliance with the policy will be secured by condition.
- 4.69 In terms of the environmental role, some limited harms are identified that can be mitigated through condition (namely ecology and hedgerow loss) and on balance it is considered that the scheme fulfils this requirement.
- 4.70 Having due regard to the above assessment in relation to sustainable development it is considered that the number and nature of dwellings proposed is acceptable in this instance and will not result in any adverse impact that would significantly and demonstrably outweigh the benefits of delivering housing in this location.
- 4.71 Section 106 Agreement and Community Infrastructure Levy (CIL)
- 4.72 The application is liable for CIL, however self-build is exempt but would need to be demonstrated at the reserved matters stage. A draft S106 Agreement has been prepared and should consent be granted the S106 would need to be entered into to cover a contribution for non-provision of onsite Affordable Housing and a contribution in lieu of onsite play space and a sum for non-provision of play equipment.

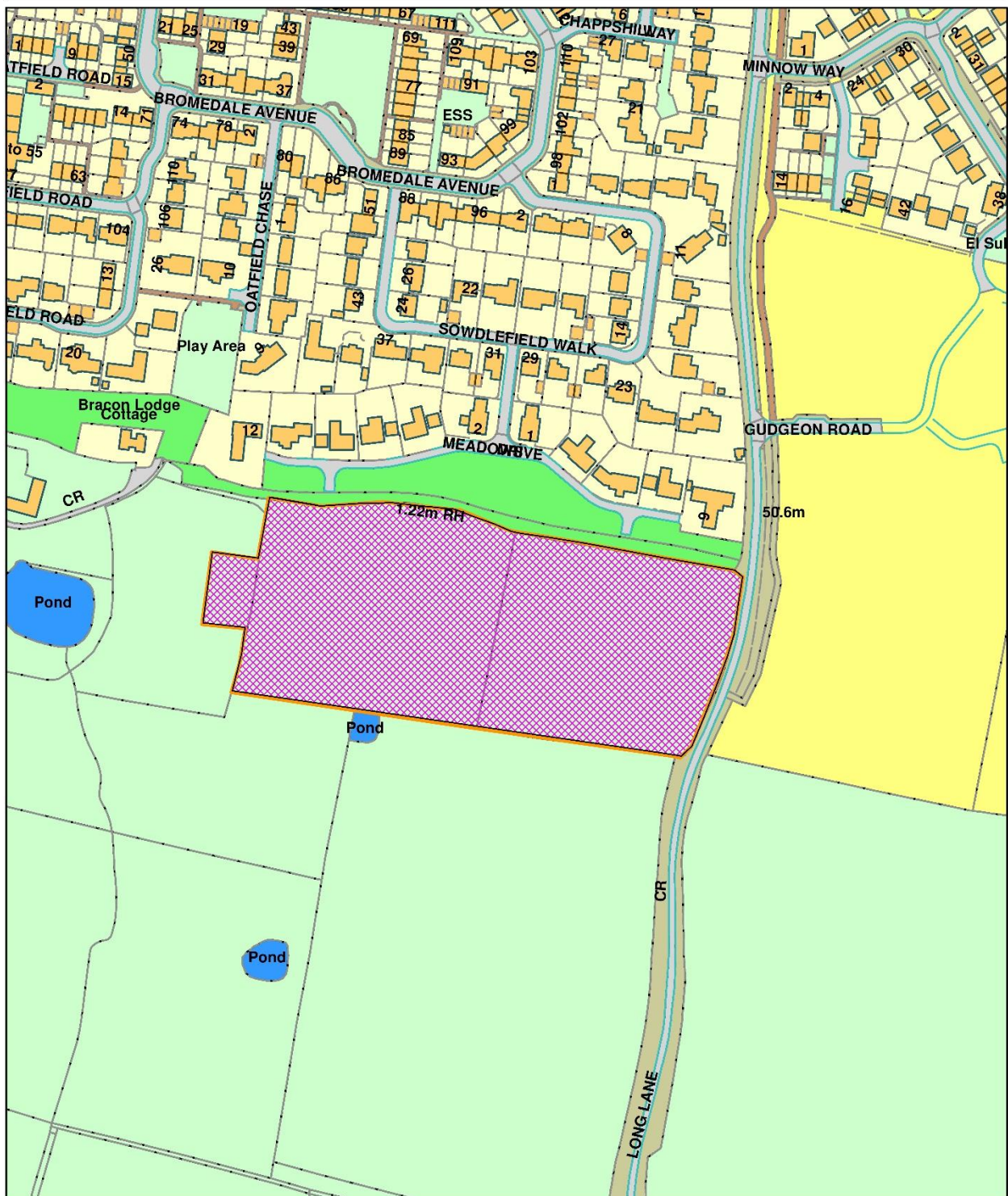
## Financial Considerations

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

## 5 Conclusion

- 5.1 Applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. However, the NPPF is an important consideration in the Council's assessment, particularly given the lack of a 5 year housing land supply, and the Council must take into account the national policy at Para 14 which advises that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the NPPF when taken as a whole. There is a further exception where specific NPPF policies indicate that development should be restricted, but officers do not consider that this exception is engaged in the circumstances of the proposal.
- 5.2 The proposal accords with the majority of Development Plan policies, and on balance it is considered that the loss of the hedgerow as identified above, is acceptable in recognising the weight afforded to the requirements of highway safety and proposed mitigation measures and the clear benefits of the scheme.
- 5.3 The proposals as amended, results in a scheme that is well considered for its rural edge location that relates positively to its surroundings and existing dwellings. It is therefore considered that the requirements of Policy 1, 2, 4 and 15 of the Joint Core Strategy and South Norfolk Local Plan Policies, DM1.4, DM3.1, DM3.2, DM3.8, DM3.11, DM3.12, DM3.13, DM3.14, DM3.16, DM4.2, DM4.3, DM4.9, DM4.10 have been met.
- 5.4 Notwithstanding officers consider the proposal conflicts with policy DM1.3 of the development plan. However, in the context of not having a 5 year supply of housing, and the test of the tilted balance required by Paragraph 14 of the NPPF, Officers consider that the proposal would not result in a level of harm that significantly and demonstrably outweighs the benefits when assessed against the policies of the NPPF when taken as a whole. As directed by the NPPF by paragraph 14 the presumption should therefore be in favour of the grant of permission.
- 5.5 The application for the reasons outlined in this report is therefore recommended for approval subject to the imposition of conditions and the prior completion of a S106 agreement to secure a commuted sum for affordable housing and a contribution for off-site play equipment improvements.

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





## Other Applications

- 2**
- |                 |   |   |
|-----------------|---|---|
| <b>Appl. No</b> | : | <b>2017/1804/RVC</b>  |
| <b>Parish</b>   | : | <b>WORTWELL</b>   |
|                 |   |   |
| Applicants Name | : | Mr Tony Sprake  |
| Site Address    | : | 133 High Road Wortwell IP20 0EN   |
| Proposal        | : | Variation of Condition 2 following Application Number<br>2017/0686/RVC - To obtain consent for revised levels and<br>boundary treatment/landscaping |
|                 |   |   |
| Recommendation  | : | Approve subject to conditions   |
|                 |   | 1 In accordance with submitted amendments   |
|                 |   | 2 Materials as agreed   |
|                 |   | 3 Boundary treatments as agreed   |
|                 |   | 4 Water efficiency  |
|                 |   | 5 Provision of parking and service areas  |
|                 |   | 6 Provision of visibility splays  |
|                 |   | 7 Unexpected contamination  |
|                 |   | 8 Backfill and turf prior to first occupation   |
|                 |   | 9 Earth specification to be agreed  |
|                 |   | 10 Levels as in approved plan   |
|                 |   | NOTE Profile of slope to the rear of the site   |

## 1 Planning Policies

- 1.1 National Planning Policy Framework
  - NPPF 06 : Delivering a wide choice of high quality home
  - NPPF 07 : Requiring good design
- 1.2 Joint Core Strategy
  - Policy 1 : Addressing climate change and protecting environmental assets
  - Policy 2 : Promoting good design
  - Policy 15 : Service Villages
- 1.3 South Norfolk Local Plan
  - South Norfolk Local Plan Development Management Policies
  - DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk
  - DM1.3 : The sustainable location of new development
  - DM1.4 : Environmental Quality and local distinctiveness
  - DM3.1 : Meeting Housing requirements and needs
  - 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 | 2015/0084 | Erection of single storey dwelling with attached garage and provision of vehicle access to no. 133 High Road. | Approved |
| 2.2 | 2015/2754 | Erection of single storey dwelling with attached garage   | Approved |



2.3	2016/2326	Variation of Condition 2 of planning permission 2015/0084/F - amended design	Approved
2.4	2016/2327	Variation of Condition 2 of planning permission 2015/2754/F - amended design	Approved
2.5	2017/0486	Discharge of conditions 3 - materials, 6 - levels, 7 - boundary treatments, 8 - landscaping and 11 - closed off access of permission 2016/2326	Approved
2.6	2017/0487	Discharge of Conditions 3 Materials, 6 Levels, 7 Boundary Treatments and 8 Landscaping from Application 2016/2327	Approved
2.7	2017/0685	Variation of condition 2 of Planning Application 2015/0084/F - Amend the design of the proposed dwelling	Approved

### 3. Consultations

#### 3.1 Parish Council Amended plans

Refuse for the following reasons:

There is a neighbour dispute based on the current ground levels of the development. The residents at 127 High Road are extremely concerned with the difference in height between the new development and their existing garden.

We have spoken to both parties and can see both sides of the disagreement but we feel that the only way this will be resolved amicably is for a planning/building official from SN Council to attend a site meeting and speak to both the residents and developer and to go over all the plans in detail so that any issues with the currently completed work can be discussed and any ongoing issues resolved.

Previously both parties have been on good terms but recent changes to the plans have caused more concern from the residents of 127 High Road. Please can someone from SN Council visit the site to help resolve this?

#### 3.2 District Councillor

Amended plans

This is a holding objection, given that the wall as constructed does not accord with submitted plans. The retaining wall has been constructed at a significantly higher level (c. 0.7m) relative to the neighbours' garden than shown on the long-section.

Amended plans

1. The latest version of the long profile (1902-5e) does not accord with the details requested by Chris Raine in a letter and diagram sent to the agent dated 30 November 2017, e.g. no landscaping, no brick slips on the concrete wall, no method statement for the construction of the fencing up the rear bund, no accurate profile of the neighbour's garden. In relation to this last point, the long profile erroneously shows the neighbour's lawn area as at 8.78m whereas this is the level at the base of the concrete wall on the neighbour's side. The neighbour's rear lawn area is a c.8m, i.e. c.1.6m below the top of the concrete wall.

2. I am seriously concerned about lack of neighbour privacy given that we now know that the top of the concrete wall is at 9.6m (not the 10.2m previously shown). So the top of the 1.8m high close-boarded fence will be at 11.4m, only just over 1m higher than the finished floor level of the bungalow (10.35m) and presumably its exterior terrace. This is only c.5m from the boundary with the neighbour and would lead to serious overlooking of the neighbour's garden.

#### Current plans

1. Reduction in finished floor level of bungalow means that I can remove my previous objection regarding privacy for the neighbour.

2. However, I still have concerns about the design of the boundary treatment. In particular:

- steep slope of the proposed bank on neighbour's side and difficulty of its maintenance;
- lack of landscaping on neighbour's side, given the removal of the previous conifers despite being shown on the previously approved plan;
- the 150mm gap at the top of the concrete wall.

3.3 NCC Highways No objection

3.4 SNC Community Services - Environmental Quality Team No objection

3.5 SNC Water Management Officer No objection

3.6 Other Representations Objections have been received from the owners of no. 127. A summary of these are as follows:

#### Original scheme

We have no objection in principle to the revised ground level or boundary treatment presented in 2017/1804, but we do require further clarification about errors and omissions in the drawings presented with the application.

#### Amended scheme

##### Object.

The revised concrete retaining wall shown in section in drawing 1902.5c has already been installed, and the ground built up behind it, initially to the top of the wall as drawn. This has allowed us for the first time using basic measuring tools to estimate that the top of the wall, i.e. the base of the 1.8m boundary fence, is not 1.0m above our rear garden as now drawn but 1.7m. This is a substantial difference apparent to anyone viewing the wall from our property.

We gave our consent to dwg 1902.5b, that is now rendered void by the developer redesigning the wall foundation method, which we understand, but then installing this huge retaining wall to a significantly different design above ground level to 1902.5b.

With the measured height difference from our rear lawn and house to the base of the fence of about 1.7m, the top of the proposed fence will be 3.5 metres.

Condition 6 of the permission is a pre-commencement condition relating to ground and finished levels.

We are concerned that work is already progressing on the foundations for the second bungalow while this application is still under public consultation. We have no means of measuring ground level across the rest of the site, and make no claims in that regard, but given that the boundary wall ground reference height appears to be 700mm higher than what is declared in the latest drawing, we are very concerned about the resultant elevation of the new bungalow being built close to our boundary.

#### Amended scheme

##### Object.

Following the unapproved construction of a one metre high concrete retaining wall approximately on the line of our agreed boundary, the developer's retrospective proposals under 2017/1804 all represent a worsening of our privacy and amenity afforded under the present consent granted by 2017/0487.

SNC Planning has tried to resolve the present boundary conditions and has asked the developer for drawings with adequate detail of specified features that would be an acceptable compromise. All of our four requests to settle this by Delegated Report have been acknowledged by Council officers as reasonable, but the applicant has refused to accommodate any of them.

#### Current scheme

##### Object

In 1902.5f the cross section purporting to show the boundary condition is still misleading. In particular we object to the terms 'reinstate bank' in 1902.f and 'reinstate original bank profile' in 1902.2j. 'Reinstate' unambiguously means to put back what was there previously.

It has been proved to the satisfaction of SNC officers that all the previous claims by the developer that the height difference between our lawn and the top of this hideous new wall is 1.0 – 1.2 metres are untrue. The developer has been asked to put truthful dimensions on the drawings. Instead he has deleted them altogether and now claims that what he proposes merely 'reinstates' what was there before. Comparison of the section from 1902.5f and reality shown in the photograph demonstrates beyond doubt the utter nonsense contained in the latest drawings

Why in any case should we accept our garden bed being vandalised with Netlon and steeply banked unmanageable turf?

The boundary now shown in 1902.2j is not the agreed final boundary relating to the development, which is already subject to a binding agreement and should be shown on the drawings. The impression given that there is a constant width of so called 'redundant land' at the boundary is yet another falsehood. The concrete wall does not follow the line of the binding agreement.

Even if the assertion that there is a constant width of what the developer calls 'redundant land' were true, and it isn't, how does he account for the fact that the first 10 metres of land to be 'reinstated' at the boundary is an access path that presumably he proposes to bury under steeply sloped turf, blocking access?

Where is the proposal demanded by SNC for what is going to happen for the remaining 14 metres of boundary up the steep slope? The developer yet again refuses to give any information and presents our property as if it were of constant level along the length of the boundary. It stops at the same height as the new fence at the rear of the photo below!

Finally, in our previous objection we make a valid claim that our privacy is compromised by the ground level rising further from the boundary to the second bungalow. Miraculously the problem is now solved by the bungalow finished floor level being 300mm lower than claimed a month previously! Given the extent of the misrepresentation demonstrated above, and the fact that the second bungalow's foundations have been in place for that period, we await with interest the developer's explanation of this to the SNC Development Management Committee. Formal SNC review of this development and enforcement of current planning consents can't come too soon.

Subject only to the unexplained disparity in the second bungalow's finished floor level, the contents of our previous objection dated 14th December remain valid and should be considered in conjunction with this latest objection.

#### 4 Assessment

- 4.1 This application seeks permission to vary condition 2 of 2017/0686/RVC which related to two new dwellings on a site at the rear of 131 High Road, Wortwell. The variation seeks to agree revised site levels and boundary treatment details to the southern boundary of the site only, the site layout and dwelling types are to remain as previously approved. Works have commenced on-site.
- 4.2 The site is accessed via High Road which is located to the east, there are neighbouring properties to the north and south and the A143 is located to the west.
- 4.3 The principle of development has been established by the numerous planning permissions granted on the site and as such this assessment focuses on the key issues brought about by the suggested revisions, and in particular, the potential impact upon the amenities of the neighbouring property no. 127.
- 4.4 The site has historically had significant planting on the boundary between the application site and no. 127 which has acted as a significant screen, this was the case when the previous permissions were granted. It was envisaged that this would be retained when the site was developed, albeit screening would also be added to through the provision of a new 1.8m close boarded fence on the boundary to no.127. This vegetation has recently been removed from the site, and in addition, what was gradual change in site levels between the application site and no. 127 is now more abrupt due to the installation of a concrete retaining wall which has had implications for site levels. It is these matters that the current application is seeking to regularise.
- 4.5 It is considered that the key issue associated with this application is ensuring that the amenities of no. 127 are adequately safeguarded. Following on from discussions with the applicant, mitigation to safeguard neighbour amenity is currently proposed in the form of:
  - backfilling against almost all of the concrete retaining wall which would then be turfed, the small remaining part of the concrete retaining wall (150mm) would remain visible, with a new 1.8m high close boarded fence then provided at the top of the concrete retaining wall.

4.6 As noted in the representations section of the report, the neighbour has raised numerous concerns regarding the currently proposed option in terms of their amenities and also including issues relating to the accuracy of the plans, historic actions undertaken at the site and a binding agreement between the parties.

4.7 With these in mind the following issues have been considered:

- Is the information before the Council sufficient to establish the impact upon the neighbour
- Is the applicant able to deliver the proposed mitigation
- Can the Council reasonably ensure compliance with any scheme (planning conditions)

Observations on these points are as follows:

4.8 The applicant has provided a survey drawing of site levels (prepared by ASD Surveys) having considered the contents of this in the context of the current drawing showing levels for the proposed development they do not contradict one another and as such the proposed drawing would appear capable of being implemented on-site. In terms of the section drawing, this also does not conflict with any of the information on the ASD survey drawing. The case officer has also visited the site on two occasions and the drawings appear to reflect the relationship on-site.

4.9 With regard to the binding agreement to transfer the land to the neighbour. Having discussed this matter with Nplaw, it is evident that there is such an agreement, however, there does not appear to be an agreed date for this transfer to occur, and as such it is reasonable to assume that the proposed re-banking and returfing proposed can be delivered by the applicant if permission were to be granted. This could be achieved via a suitably worded condition and this could ensure that such works are undertaken prior to first occupation of the development and also ensure that suitable earth is used in the backfilling process.

4.10 In acknowledging the above, having visited the site to understand the current relationship of the proposal to the neighbour and taking into account the proposed package of mitigation set out above, it is considered that the proposed mitigation when viewed from no. 127 represents an arrangement that is not overly stark or oppressive to the occupants of no. 127. In terms of viewing the proposed arrangement from the development site, having regard to the proposed ground levels it is considered that the privacy of no. 127 would be sufficiently safeguarded subject to the 1.8m fence being erected.

4.11 As set out above a condition will be added to ensure that the backfilling of earth and returfing against the retaining wall as well as the 1.8m high fence as set out in the submitted plans are completed prior to first occupation of the development.

Other issues

4.12 There is reference to the neighbours land being vandalised by the banking and returfing, however it is understood that these works would be undertaken on the applicant's land and not that of the neighbours. As stated above, until such time as it is transferred to the neighbour as in the binding agreement, it is the applicant's land.

4.13 Concern has been expressed at what works are to be undertaken at the rear part of the site. The proposed plan indicates a sloped profile to the rear of the site which would adequately safeguard neighbour amenity, given the proposed boundary fencing. It should also be noted that the previously approved scheme agreed a sloped arrangement. Consideration has been given to avoiding any unacceptable impacts from an altered slope profile at the rear of the site to the neighbours following completion of the development, however, it is evident that such works would require planning permission

and as such the Council would have the opportunity to assess the impacts of the scheme on neighbours as part of an application. A note would be attached to the planning permission to highlight this point.

- 4.14 It should be noted that it is necessary to consider the planning merits of this particular application, and the non-compliance with any previous permissions or the removal of the vegetation adjacent to the site boundary would not represent reasons for refusing the current proposal.
- 4.15 Any permission granted would represent a new consent for the site and it is necessary to re-impose conditions attached to the previous permission where necessary and revise or add new conditions where necessary. With this in mind it is necessary to attached a greater number of conditions to this permission as opposed to the previous scheme to ensure that the scheme fully safeguards the amenities of the neighbour and sufficient clarity is provided as to what works are undertaken on-site, and when.
- 4.16 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.
- 4.17 Community Infrastructure Levy (CIL) has already been paid given that the scheme has commenced.

## 5 Conclusion

- 5.1 It is considered that the mitigation put forward as part of this revised scheme and revised levels for the development, subject to appropriate conditions being attached to any permission would adequately safeguard the amenities of the neighbouring dwelling and comply with the requirements of the relevant planning policies. Given that the layout and proposed dwellings remain as those previously approved, it is considered that they continue to comply with relevant policies in respect of other planning issues such as achieving a scheme which achieves a suitable quality of design, respects the character and appearance of the area and safeguards highway safety. For these reasons the application is recommended for approval.

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





**3      Appl. No                    :    2017/2450/H**  
**Parish                    :    COSTESSEY**

Applicants Name    :    Mr & Mrs S Swatman  
Site Address            :    23 Margaret Road Costessey NR5 0AU  
Proposal                :    Rear and side extensions

Recommendation    :    Approval with Conditions  
                                      1 Full Planning permission time limit  
                                      2 In accordance with amendments

**1      Planning Policies**

1.1    National Planning Policy Framework  
NPPF 07 : Requiring good design

1.2    Joint Core Strategy  
Policy 2 : Promoting good design

1.3    South Norfolk Local Plan  
South Norfolk Local Plan Development Management Policies  
DM3.11 : Road safety and the free flow of traffic  
DM3.13 : Amenity, noise, quality of life  
DM3.4 : Residential extensions and conversions within Settlements  
DM3.8 : Design Principles applying to all development

**2.    Planning History**

2.1    1994/1580                    Erection of replacement garage                    Approved

**3.    Consultations**

3.1    Town Council                    Original plans  
    Approve

    1st Amended plans  
    No objection  
    Neighbours had complained about overshadowing and reduction of light. Under the proposed amendments the roof height has not actually been reduced, just flattened, so it is unlikely that the light issue will have been solved. It was noted that the Planning Officer had taken the trouble to ascertain the facts at the site.

    2nd Amended plan  
    Object  
    Neighbours explained their objections regarding proximity, light, slope of ground, overshadowing and general domination over their property. Councillors expressed concerns about all these points and noted that although there were steps down into the kitchen from the original building there was no corresponding reduction in roof height, which was no lower than on the first design.  
    RECOMMENDED REFUSAL on the following grounds:  
    overshadowing, removal of light from neighbours' property

3.2    District Councillor                    To be reported to committee. The fall of land levels will mean so much build to get up to floor level then extension will mean serious overlooking of neighbours



3.3	Other Representations	<p>Original plans 2 letters of support</p> <p>1 letter of objection Unacceptable loss of natural light View replaced with brick wall and roof which will be overbearing and obtrusive Overlooking Patio area overshadowed causing a slippery surface Concerns with regard to damage and possible damp penetration Could cause structural instability</p> <p>1st amended plan 1 letter of objection Do not overcome concerns Proximity to boundary cause problems with construction and maintenance work</p> <p>2nd amended plan 1 letter of objection Still cause significant loss of daylight Visually dominate the outlook Overlooking and loss of privacy Overbearing Overshadow patio area</p>
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#### 4 Assessment

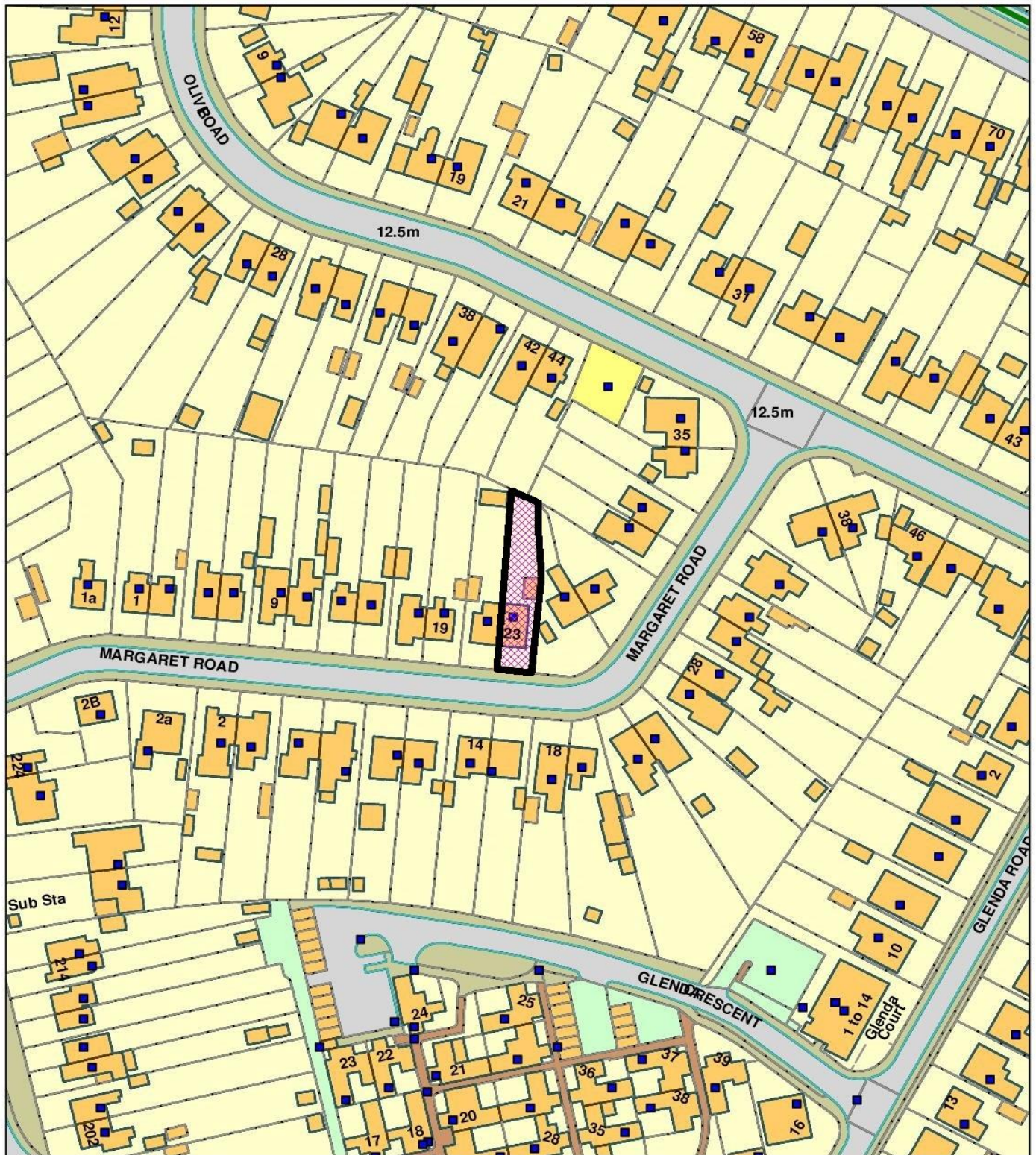
- 4.1 The proposal seeks planning permission for the erection of a single storey rear extension and a side extension increasing the width of the property across its whole length. The proposal also involves the conversion of an existing garage into the residential space including the installation of patio doors in the rear elevation, it should be noted that the conversion of the garage does not require planning permission.
- 4.2 The property is a semi-detached single storey property situated within the development limits for Costessey. The site and surrounding area have changes in ground levels, with the neighbouring property to the east set at a slightly lower level and the site sloping down towards the rear boundary.
- 4.3 The originally submitted plans proposed a rear extension adjoining the boundary with the adjacent neighbouring property and a balcony on the rear of the proposal. There were concerns raised with regard to the impact of the proposal through bulk on the boundary and overlooking of the neighbouring property. Consequently, amended plans have been submitted removing the balcony and stepping the proposal in from the adjoining boundary by approximately 0.88 metres.
- 4.4 The application is assessed against Policy DM3.4 which confirms that extensions to dwellings with a development boundary will be permitted provided they:
- a) Incorporate a good quality design which maintains or enhances the character and appearance of the building, street scene and surroundings; and
  - b) Do not have an unacceptable impact on the amenities of neighbouring occupiers or adversely affect neighbouring commercial uses.
- 4.5 Specifically, proposals must provide and maintain:
- c) Suitable amenity and utility space; and
  - d) Adequate access and parking

- 4.6 With regard to criterion a), the rear extension will not be visible within the street scene. The alterations to the side elevation of the property will be visible within the street scene but as they retain a similar appearance to the original dwelling any impact will be minimal. The design of both extensions is consistent with that of the existing dwelling. It is considered that the scheme complies with the requirements of criterion a) as well as those of Policy DM3.8 which requires a scheme to achieve an acceptable standard of design.
- 4.7 With regard to criterion b), the rear extension extends beyond the rear elevation by 4.4 metres with a height of 3 metres adjacent to the original dwelling but due to the level changes the proposed rear elevation will be 3.5 metres in height. There are proposed steps from patio doors down to the garden on this rear elevation.
- 4.8 Objections have been received from the Parish Council and the adjoining local resident raising concerns over the location and scale of the rear extension and the loss of privacy to the rear garden due to the change in ground levels. Concerns have also been raised regarding overshadowing of the neighbours patio area and the dominant impact on the view from the neighbouring property.
- 4.9 With regards to the overshadowing of the neighbouring property due to the orientation of the proposed extension to the west of the neighbour and its relationship and scale in regard of the original dwelling it is considered that any overshadowing from the proposal would not be so significant to their residential amenities to warrant refusing the application.
- 4.10 The neighbour has concerns with regard to the overbearing impact of the proposal on the view from their windows. Although part of the proposal will be visible from the window of the neighbouring property it will not be the whole length of the extension and will not be so dominant to justify refusing the application.
- 4.11 With regard to overlooking from the proposal there is an existing patio area to the rear of the property where the extension is to be located. The proposed floor area will be at the same level as the patio with steps in a similar position to the existing. Any view from the extension will be looking towards the rear of the neighbour's garden and not the immediate garden space. The view from the proposed doors in the rear of the existing garage will also view the rear of the neighbouring gardens.
- 4.12 The proposal would continue to provide sufficient private amenity space and it is evident that the proposal would not have any impact on the existing parking for the site.
- 4.13 For the above reasons the requirements of criterion b) are met as are those of Policy DM3.12 which requires sufficient on-site parking to be provided and those of DM3.13 which safeguards neighbour amenity.
- 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 not liable for Community Infrastructure Levy (CIL)

5      Conclusion

- 5.1      The site is within the development limit for Costessey. The proposed extension is considered acceptable in design terms and would safeguard neighbour amenities and therefore accords with policies DM3.4, DM3.8, DM3.12 and DM3.13 of the South Norfolk Local Plan 2015. The proposal is therefore recommended for approval.

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4.     **Appl. No**                 :     **2017/2604/F**  
        **Parish**                 :     **BRESSINGHAM AND FERSFIELD**
- Applicants Name     :     Mr Nick Glendinning  
 Site Address         :     Land South of Boyland Hall Common Road Bressingham Norfolk  
 Proposal             :     Reconstruction of a barn to form a dwelling and part reconstruction  
                                       and part conversion of another barn to form a second dwelling and  
                                       change of use of land and buildings from agricultural to residential.
- Recommendation     :     Approval with conditions
- 1     In accordance with amendments
  - 2     External materials as agreed
  - 3     No PD for Classes ABCDE & G
  - 4     No PD for fences, walls etc
  - 5     Domestic Microgeneration Equipment
  - 6     Vehicular access over the ditch
  - 7     Visibility splay shown on plan
  - 8     Access gate restrictions
  - 9     Provision of parking, service
  - 10    Surface Water as agreed
  - 11    Foul water to package treatment plant
  - 12    New Water Efficiency
  - 13    Reporting of unexpected contamination
  - 14    Boundary treatment to be agreed

# 1     Planning Policies

- 1.1    National Planning Policy Framework  
 NPPF 06 : Delivering a wide choice of high quality home  
 NPPF 07 : Requiring good design  
 NPPF 11 : Conserving and enhancing the natural environment  
 NPPF 12 : Conserving and enhancing the historic environment
- 1.2    Joint Core Strategy  
 Policy 1 : Addressing climate change and protecting environmental assets  
 Policy 2 : Promoting good design  
 Policy 3: Energy and water  
 Policy 4 : Housing delivery  
 Policy 17 : Small rural communities and the countryside
- 1.3    South Norfolk Local Plan Development Management Policies  
 DM1.1 : Ensuring Development Management contributes to achieving sustainable  
 development in South Norfolk  
 DM1.3 : The sustainable location of new development  
 DM1.4 : Environmental Quality and local distinctiveness  
 DM2.10 : Conversion and re-use of buildings in the Countryside for non-agricultural use  
 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  
 DM4.2 : Sustainable drainage and water management  
 DM4.5 : Landscape Character Areas and River Valleys  
 DM4.10 : Heritage Assets
- 1.4    Supplementary Planning Documents  
 South Norfolk Place Making Guide

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

S66(1) Listed Buildings Act 1990 provides: "In considering whether to grant planning permission 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	2017/2603	Lawful development certificate application to confirm that Planning Permissions 2015/0757 and 2016/2891 remain extant and it would be lawful to continue with part of that development	under consideration
2.2	2017/2605	Lawful development certificate application to confirm that Planning Permission 2017/0429 remains extant and it would be lawful to continue with that development.	under consideration
2.3	2017/1851	Reconstruction of barn to form one dwelling, part reconstruction and part conversion of barn to form a second dwelling	Withdrawn
2.4	2017/1266	Erection of two foot bridges	under consideration
2.5	2017/1045	Discharge of conditions 3 - materials, 11 - surface water drainage and 12 - foul water and sewage disposal of permission 2017/0429(Change of use of agricultural barns to two dwellings including the change of use of land to residential curtilage and boundary treatments.)	Withdrawn
2.6	2017/0429	Change of use of agricultural barns to two dwellings including change of use of land to residential curtilage and boundary treatments	Approved
2.7	2016/2891	Variation of Condition 2 of prior approval 2015/0757 - Alterations to elevations and floor layout.	Approved
2.8	2015/2503	Residential access	Approved
2.9	2015/0757	Application for determination of prior approval under Class Q (a) and (b) for the proposed conversion of agricultural buildings to 2 dwellings	Approved

### **3. Consultations**

3.1	Parish Council	Approve
3.2	District Councillor	To be reported as appropriate
3.3	NCC Highways	Support with conditions

- |     |                              |  |
|-----|------------------------------|--|
| 3.4 | Historic Environment Service | Support with conditions <ul style="list-style-type: none"> <li>• Site lies within the moated enclosure complex of Old Boyland Hall, a medieval timber framed house, dated by tree rings to the early 15th century, built on the site of an earlier house.</li> <li>• The moat may date from the 13th century.</li> <li>• Consequently, there is potential for archaeological remains to be present on the site.</li> </ul> |
| 3.5 | NCC Ecologist                | Previous comments apply <ul style="list-style-type: none"> <li>• Advisory comments</li> </ul>  |
| 3.6 | SNC Water Management Officer | Condition foul water drainage to a package treatment plant   |
| 3.7 | Representations              | None received  |
- 4     Assessment
- 4.1     The application relates to land to the south of Old Boyland Hall which is a listed building. There is an historic moat running to the east. There are modern agricultural buildings located further to the south.
- 4.2     Prior approval was given (2015/0757) under Class Q of the Town and Country Planning (General Permitted Development) Order 2015 for the conversion of the existing barns to two dwellings. Subsequent approvals for the site have been granted including a full planning permission (2017/0429) to change the use of the barns to 2 dwellings. As a result of the approvals issued under 2015/0757 and 2017/0429, there can be no doubt that the Council has conceded the principle of residential use of the Site.
- 4.3     Work commenced on site. However on visiting the site the Council found that barn A which had a steel frame had been demolished and new steel frame was being erected. None of the original barn remains. The west wing of Barn B had also been demolished and replaced with a new block construction.
- 4.4     A subsequent planning application (2017/1851) using the same drawings as approved under planning application 2017/0429 was made in August 2017 and was due to be determined by Development Management Committee on 13<sup>th</sup> September. The application was however, withdrawn on the day of committee. However, the implications of the works undertaken on-site (ie the demolition of Barn A and the partial demolition of Barn B) were considered as a potential enforcement matter with members agreeing to authorise enforcement action.
- 4.5     Following the withdrawal of 2017/1851, the current application has been submitted for the “Reconstruction of a barn to form a dwelling and part reconstruction and part conversion of another barn to form a second dwelling and change of use of land and buildings from agricultural to residential”. The drawings submitted under this application are identical to those agreed under 2017/0429.
- 4.6     In addition, the two following certificates of proposed development have been submitted:
- 2017/2603 “Lawful development certificate application to confirm that Planning Permissions 2015/0757 and 2016/2891 remain extant and it would be lawful to continue with part of that development” and
  - 2017/2605 Lawful development certificate application to confirm that Planning Permission 2017/0429 remains extant and it would be lawful to continue with that development.

- 4.7 The above three submissions (2017/1851, 2017/2603 and 2016/2605) the Applicant has submitted, which includes their legal advice, establishes that via relevant case law they already have permission to both use the Site for residential purposes and to carry out the operational works to both barn highlighted at paragraph 4.4 above. In particular support of that they cited the case of *R v Ashford BC ex parte Shepway DC* and *Barnet v Secretary of State for Communities and Local Government*.
- 4.8 The Applicants maintain that this decision is authority for the proposition that in a full planning application, the application plans and drawings are incorporated into the planning permission whether expressly or otherwise.
- 4.9 In applying this to the current situation at this site it is evident that the drawings approved under 2017/0429 do not specifically show what was to be retained as existing and what was to be new build although they clearly demonstrate that operational works, including works of demolition to both barns, are proposed to be carried out. Additionally (and bearing in mind the Barnet case above), the decision notice granting full *permission* under reference 2017/0429 specifically states under “particulars of decision” - *“the District Council gives notice in pursuance of the Town and Country Planning Act 1990 that full planning permission has been granted for the carrying out of development referred to above in accordance with the application form and plans submitted subject to compliance with the following conditions....”*,
- 4.10 Nplaw have advised that the Council would be in difficulties in refusing the current application and seeking to take enforcement action for the following reasons:
- a. The Council has already conceded the principle of residential use on the Site (see paragraph 4.2 above)
  - b. Notwithstanding the fact that the full permission issued under reference 2017/0429 purports to authorise a change of use, it is clear applying relevant case law and the plain words of the decision notice (italicised in paragraph 4.9 above) that the Council actually granted a hybrid permission for both a change of use and the carrying out of operational works (including demolition) to both barns on the site by express incorporation of plans and drawings showing those operational works into the decision notice and the planning permission
  - c. The operational works undertaken to date do not exceed anything shown in those plans and drawings.
- 4.11 This is an unusual case and thus the need to seek legal advice on the three applications referred to above. It is likely that the two lawful development certificates referred to above would be withdrawn in the event that this application is given planning permission.

#### Other issues

- 4.12 A comprehensive list of conditions would be included as part of any approval in order to make the scheme acceptable in planning terms and meet the requirements of the points raised by consultees, although it should be noted that the Historic Environment Service has requested archaeological conditions, but due to the fact that significant groundworks have already been undertaken, any harm to below ground archaeology has already occurred, as a result an archaeological condition would serve little purpose.
- 4.13 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.

This application is liable for Community Infrastructure Levy (CIL) because it is for new dwellings.



5. Conclusion

- 5.1 Notwithstanding the works undertaken on-site, having regard to the relevant caselaw outlined above which indicates that the existence of planning permission 2017/0429 represents a reasonable fall-back position of considerable weight in the decision-making process it is considered that the scheme could not be reasonably refused.
- 5.2 As a result, in this instance planning permission should be granted and no enforcement action should be taken.

Contact Officer, Telephone Number   Helen Bowman 01508 533833  
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- 5      **Appl. No**                    :    **2017/2686/O**  
        **Parish**                     :    **THARSTON AND HAPTON**
- Applicants Name    :    Mr Tom Mayes  
 Site Address        :    Land North Of Picton Road Tharston Norfolk NR15 2YD  
 Proposal             :    The erection of 3 No. dwellings with associated access and car parking areas
- Recommendation   :    Refusal  
                                  1    Not sustainable development  
                                       (poor relationship with existing facilities; rural character and impact on trees)

1      Planning Policies

- 1.1    National Planning Policy Framework  
        NPPF 04 : Promoting sustainable transport  
        NPPF 06 : Delivering a wide choice of high quality home  
        NPPF 07 : Requiring good design  
        NPPF 10 : Meeting the challenge of climate change, flooding and coastal change  
        NPPF 11 : Conserving and enhancing the natural environment  
        NPPF 12 : Conserving and enhancing the historic environment
- 1.2    Joint Core Strategy  
        Policy 1 : Addressing climate change and protecting environmental assets  
        Policy 2 : Promoting good design  
        Policy 3: Energy and water  
        Policy 4 : Housing delivery  
        Policy 6 : Access and Transportation  
        Policy 9 : Strategy for growth in the Norwich Policy Area  
        Policy 14 : Key Service Centres  
        Policy 17 : Smaller rural communities and the countryside
- 1.3    South Norfolk Local Plan  
        South Norfolk Local Plan Development Management Policies  
        DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
        DM1.3 : The sustainable location of new development  
        DM1.4 : Environmental Quality and local distinctiveness  
        DM3.1 : Meeting Housing requirements and needs  
        DM3.8 : Design Principles applying to all development  
        DM3.11 : Road safety and the free flow of traffic  
        DM3.12 : Provision of vehicle parking  
        DM3.13 : Amenity, noise, quality of life  
        DM4.2 : Sustainable drainage and water management  
        DM4.3 : Facilities for the collection of recycling and waste  
        DM4.4 : Natural Environmental assets - designated and locally important open space  
        DM4.5 : Landscape Character Areas and River Valleys  
        DM4.8 : Protection of Trees and Hedgerows  
        DM4.9 : Incorporating landscape into design  
        DM4.10 : Heritage Assets
- 1.4    Long Stratton Area Action Plan
- 1.5    Supplementary Planning Documents  
        South Norfolk Place-Making Guide SPD

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

S66(1) Listed Buildings Act 1990 provides: "In considering whether to grant planning permission 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 None

### **3. Consultations**

- |     |   |  |
|-----|---|--|
| 3.1 | Town / Parish Council                               | No comments received   |
| 3.2 | District Councillor                                 | Can be determined by Planning Services as a delegated decision unless a refusal is likely and should that be the case a Committee decision is sought in order to meet increased housing demands as per Government requirements.  |
| 3.3 | SNC Water Management Officer                        | No objection subject to a condition with regards to surface water drainage.  |
| 3.4 | SNC Community Services - Environmental Quality Team | No objection subject to a condition with regards to unexpected contamination and notes with regards to contamination and working hours.  |
| 3.5 | NCC Highways  | <p>No objection to the principle of the site being developed for the three dwellings. The main concern lies with the poor level of visibility at the adjacent junction of Picton Road with Forncett Road. Visibility to the north is restricted to only 15 metres by the perimeter hedging to the applicant's property Heerlen, which extends outwards from the boundary. Whilst the development is only small it will inevitably lead to additional vehicles using the junction. It is therefore requested that the plans be revised to show an improved vision splay at the junction to the north.</p> <p>Subject to the above, should your Authority be minded to approve the application, I would be grateful for the inclusion of the following conditions with regards to access and surface water, gates and visibility splays.</p> |
| 3.6 | NCC Ecologist                                       | <p>14.12.2017 - This application is supported by a Preliminary Ecological Appraisal (Parker Planning Services, November 2017). The report is thorough and details potential impacts of the proposed development where possible. It states that a Bat Roost Assessment is required to determine whether there are any present and what the impacts might be. The author suggests that this should take place at a later stage when it is known which trees will be affected. I think that it is necessary to undertake the Bat Roost Assessment as soon as possible and before a decision is made. This will help inform the design in terms of access rather than plans being made and then possibly changed due to new information.</p>   |

A bat roost study has been submitted and further comments from NCC Ecologist are awaited.

- 3.7 Arboricultural Officer The Tree report submitted is fit for purpose. There is a potential for shading from the east and south with trees retained, which will only increase in the future.
- 3.8 Other Representations One letter of representation has been received raising concerns with regards to condition of the road, ditch and verge; speed of traffic; blind exit and entrance directly opposite driveway.

#### 4 Assessment

##### Principle

- 4.1 The application site lies outside the designated development boundary for Long Stratton/Tharston and in an area classified as a smaller rural community located within the countryside. Policy DM1.3 allows for new development outside designated settlement boundaries within the countryside where specific development management policies allow for it; or where the application demonstrates overriding benefits in terms of economic, social and environment dimensions. Tharston also falls within the Long Stratton Area Action Plan (LSAAP). The LSAAP sets out that Tharston and Hapton parishes are not considered suitable for new housing in accordance with the strategic plan-led system.
- 4.2 The site in question is situated within the Norwich Policy Area (NPA). The Council is currently unable to demonstrate a five-year housing land supply within the NPA. The current housing supply figure in the NPA is 4.7 years (based on the 2015-2016 AMR). Consequently, the land supply policies within the Local Plan are out-of-date. The judgment Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) confirms that the narrow interpretation should be used in establishing whether a policy relates to the supply of housing.
- 4.3 The narrow interpretation states:
- 'limited to policies dealing only with the numbers and distribution of new housing, and excluding any other policies of the development plan dealing generally with the disposition or restriction of new development in the authority's area'.*
- 4.4 This means that whilst all of the South Norfolk Local Plan Development Management Policies are not out of date, it is necessary for the decision maker to have regard to the weight attributable to these in their decision making process in acknowledgement of the lack of an up to date 5 year housing land supply, including in relation to Policy DM1.3 as set out in the judgement at para 59 which confirmed that a shortfall in housing land supply triggers the second part of paragraph 14, which states:
- "where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - specific policies in this Framework indicate development should be restricted."*
- 4.5 On the basis of the above the following assessment seeks to establish the benefits of the scheme and any harm that would be caused in the context of sustainable development as set out in the NPPF, and in particular, with reference to the three dimensions (economic role, social role and environmental role) and under each of these three headings the relevant South Norfolk Local Plan Development Management Policies will be referred to.

- 4.6 Economic - The construction of three dwellings would provide some economic benefits during construction and could support local services and facilities, if accessible.
- 4.7 Social – The proposal for three dwellings would provide a very limited contribution to housing supply. The proposal would and could not contribute to local affordable housing need due to the quantity of development proposed.
- 4.8 Environmental – The application site is located outside of the development boundary for Long Stratton/Tharston. Picton Road is a narrow road leading onto Forncett Road. Both roads have no footways or footpaths from the proposed site leading into Long Stratton or any street lighting and the site would be significantly distanced from any services and facilities within Long Stratton. Policies 4 of the NPPF, 1 and 6 of the Joint Core Strategy and DM3.10 of the Local Plan all seek to promote sustainable travel. Given the sites location and lack of connectivity to Long Stratton then it is likely the predominant means of travel would be by private car, contrary to these policies.
- 4.9 The application site is rural in appearance, there are a number of trees surrounding the application site and these contribute significantly to the character and appearance of this side of Picton Road and also give it, its rural, undeveloped character.
- 4.10 The proposed construction of three dwellings would alter the rural character of this side of Picton Road. Although, bringing development in line with that opposite, this side of the Picton Road has a different character and also contributes to the rural character of Forncett Road. It is considered that the proposed dwellings would be visible around the bend of Forncett Road, which is very open as you approach the site travelling into Long Stratton. Therefore, the presence of dwellings in this location would begin to erode the rural character of the northern side of Picton Road and therefore would be considered contrary to Policies 6 and 7 of the NPPF, 2 of the JCS and DM3.8 of the Local Plan.
- 4.11 The mature and established trees and hedging surrounding the site is a characteristic of the street scene and character of the area, which also defines the countryside character and landscape.
- 4.12 The Arboricultural Officer has raised no objections to the proposals but has mentioned that the proposed dwellings, subject to the final layout, may experience some shading from trees along the boundaries of the site and this may subsequently put pressure on local trees for their removal.
- 4.13 In addition, the Highways Authority have requested a plan showing adequate visibility splays at the junction to the north. It is likely that this will also put additional pressure for the removal of trees at the boundaries of the site.
- 4.14 Although, the application shows minimal tree removal, which is acceptable, it is considered that the construction of three dwellings in this location would put pressure for the removal of or significant pruning of trees along the boundaries of this site, as the trees themselves are likely to shadow the windows and gardens of the properties proposed.
- 4.15 The Highways Authority also require better visibility at the accesses to the dwellings and this will also put pressure on these trees to be removed. The removal of these trees will detrimentally affect the character of this area. This is also contrary to Policies DM3.8 and DM4.8 of the Local Plan and Policies 6 and 7 of the NPPF, 2 of the JCS.
- 4.16 The environmental impacts from the sites location, physically detached from facilities and services; the impact of the proposed development on the rural character of this area and the pressure this development would put on local trees for their removal would not significantly and demonstrably outweigh the benefits of the delivery of three dwellings and

therefore the proposal is considered unacceptable and not in accordance with Paragraphs 14 and 49 and policies 4, 6 and 7 of the NPPF, policies 2, 6 of the JCS and policies DM1.1, DM1.3, DM3.8 and DM3.10 of the Local Plan.

#### Access

- 4.17 Subject to the submission of a revised plan to show adequate visibility, which has been submitted and comments are awaited, the highways authority raises no objection to the proposals and requests conditions with regards to access and surface water, gates and visibility splays to be added to any subsequent permission.
- 4.18 One of the neighbouring properties has raised concerns with regards to the proposed access and visibility but given the Highways Authority comments then it is unlikely that a reason for refusal could be substantiated on this basis and the proposal is considered in accordance with Policies DM3.11 and DM3.12 of the Local Plan.

#### Amenity

- 4.19 The application is for outline planning permission with all matters reserved apart from access. It appears that the site could accommodate three dwellings, which could be positioned so as not to unduly impact the amenity of existing or future occupants from overlooking or overshadowing. Also, amended plans have been submitted setting back the dwellings further into the site to assist with overshadowing of front windows. However, it is considered that there are trees on the rear boundary of the site which would also result in overshadowing of rear windows and gardens. The resultant set back would also result in a small rear gardens for plots 2 and 3, contrary to Paragraph 17 of the NPPF and Policy DM3.13 of the Local Plan. Despite this the layout of the site could be amended to overcome these issues.

#### Other Matters

##### Water Consumption and surface water drainage

- 4.20 Policy 3 of the Joint Core Strategy requires new development to be water efficient. This can be covered by a suitably worded condition.
- 4.21 The water management officer has requested a condition with regards to surface water drainage to be agreed, this could be added to any subsequent permission in accordance with Policy 10 of the NPPF, 1 of the JCS and DM4.2 of the Local Plan.

#### Contamination

- 4.22 Further to the information submitted with the application, the Environmental Quality Team have requested a condition be added to any subsequent permission to ensure adequate measures are in place for unexpected contamination, this could be added to any subsequent permission in accordance with Policy 11 of the NPPF.

#### Impact on the significance of Listed Buildings

- 4.23 There are Listed Buildings to the east and west of the application site, Hill Farmhouse and Picton Farm. The NPPF requires the significance and setting of any heritage asset to be considered. The application site is considered sufficiently distanced from both these Listed Buildings so as not to impact their significance or setting. The proposal is therefore considered in accordance with Policy 12 of the NPPF and DM4.10 of the Local Plan.

## High Court Case

- 4.24 The applicants have brought to our attention a high court case - Braintree District Council v Secretary of State for Communities and Local Government, which they consider to be relevant to the consideration of this application. This case was in response to the Secretary of State allowing an appeal for two dwellings. In this case the judge agreed with the planning inspector that the council used a too restrictive definition of the word 'isolated' when refusing permission. The case officer for Braintree District Council had argued that the proposed development of two dwellings was isolated and did not meet the tests as set out in paragraph 55 of the NPPF and therefore refused planning permission. The case therefore sort to define what is meant by 'isolated'. As this case was born out of a paragraph 55 consideration then it is not considered directly comparable to this application. On these grounds, the proposal does not comply with the environmental aspects of sustainable development and is recommended for refusal on this basis.
- 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 would be liable for Community Infrastructure Levy (CIL), if acceptable.

## 5 Conclusion

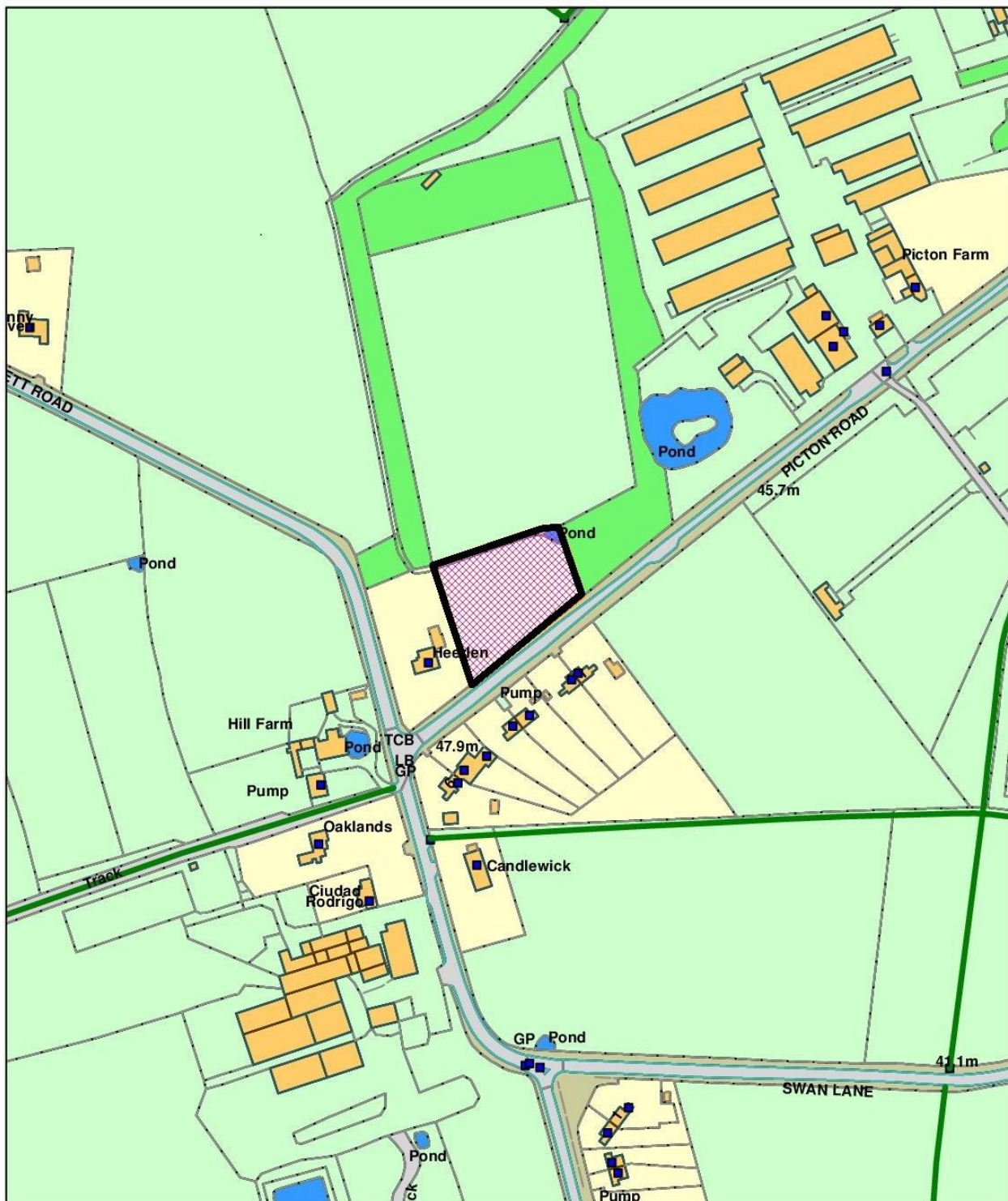
- 5.1 The environmental impacts from the sites location, physically detached from facilities and services; the impact of the proposed development on the rural character of this area and the pressure this development would put on local trees for their removal would not significantly and demonstrably outweigh the benefits from the delivery of three dwellings and therefore the proposal is considered unacceptable and not in accordance with Paragraphs 14 and 49 and policies 4, 6 and 7 of the NPPF, policies 2, 6 of the JCS and policies DM1.1, DM1.3, DM3.8, DM3.10 and DM4.8 of the Local Plan.

### Reasons for Refusal:

- 5.2 The proposal fails to meet the environmental test of sustainable development, as the site is physically detached from facilities and services and the construction of three dwellings in this location would have a detrimental impact on the rural character of Picton Road and Forncett Road, changing its rural character, as well as putting pressure on local trees for removal, which also contribute to the character of this area. The proposed delivery of three dwellings would not significantly and demonstrably outweigh the harm identified and therefore the proposal is considered unacceptable and not in accordance with Paragraphs 14 and 49 and policies 4, 6 and 7 of the NPPF, policies 2, 6 of the JCS and policies DM1.1, DM1.3, DM3.8, DM3.10 and DM4.8 of the Local Plan.

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

6      **Appl. No**                :    **2017/2802/O**  
       **Parish**                 :    **HETHERSETT**

Applicants Name    :    Mr David Bain  
Site Address         :    Land To East Of 88 Ketts Oak Hethersett Norfolk  
Proposal             :    Outline planning permission for proposed dwelling

Recommendation    :    Approval with conditions  
                              1    Outline time limit - 5 Year Land Supply  
                              2    In accordance with submitted drawings  
                              3    Standard outline requiring Reserved Matters  
                              4    External materials to be agreed  
                              5    Standard Highway Outline Condition  
                              6    Contaminated land - submit scheme  
                              7    Implement of approved remediation  
                              8    Reporting of unexpected contamination  
                              9    Surface Water to be agreed  
                              10   Boundary treatment to be agreed  
                              11   Slab level to be agreed  
                              12   Water Efficiency

## 1      Planning Policies

### 1.1    National Planning Policy Framework

NPPF 03 : Supporting a prosperous rural economy  
NPPF 06 : Delivering a wide choice of high quality home  
NPPF 07 : Requiring good design  
NPPF 10 : Meeting the challenge of climate change, flooding and coastal change  
NPPF 11 : Conserving and enhancing the natural environment

### 1.2    Joint Core Strategy

Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting good design  
Policy 3: Energy and water  
Policy 4 : Housing delivery  
Policy 6 : Access and Transportation  
Policy 9 : Strategy for growth in the Norwich Policy Area  
Policy 10 : Locations for major new or expanded communities in the Norwich Policy Area  
Policy 14 : Key Service Centres

### 1.3    South Norfolk Local Plan

South Norfolk Local Plan Development Management Policies  
DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
DM1.3 : The sustainable location of new development  
DM1.4 : Environmental Quality and local distinctiveness  
DM3.1 : Meeting Housing requirements and needs  
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  
DM4.3 : Facilities for the collection of recycling and waste  
DM4.4 : Natural Environmental assets - designated and locally important open space  
DM4.5 : Landscape Character Areas and River Valleys  
DM4.7 : Strategic gaps between settlements within the Norwich Policy Area

#### DM4.9 : Incorporating landscape into design

- 1.4 Supplementary Planning Documents  
South Norfolk Place Making Guide 2012  
Authority Monitoring Report

#### 2. Planning History

- |     |           |                   |         |
|-----|-----------|-------------------|---------|
| 2.1 | 2016/2638 | Proposed dwelling | Refused |
| 2.2 | 2017/0235 | Proposed dwelling | Refused |

#### Appeal History

- |     |                 |                   |           |
|-----|-----------------|-------------------|-----------|
| 2.3 | 17/00024/AGREFU | Proposed dwelling | Dismissed |
| 2.4 | 17/00041/AGREFU | Proposed dwelling | Withdrawn |

#### 3. Consultations

- |     |   |   |
|-----|---|---|
| 3.1 | Town / Parish Council                               | Refuse<br>Outside development boundary                              |
| 3.2 | District Councillor                                 | Currently see no reason why DMC needs to determine this application |
| 3.3 | SNC Water Management Officer                        | No objections subject to conditions                                 |
| 3.4 | SNC Community Services - Environmental Quality Team | No objections subject to conditions                                 |
| 3.5 | NCC Highways  | No objections subject to conditions                                 |
| 3.6 | Other Representations                               | No comments received  |

#### 4. Assessment

- 4.1 This application seeks outline consent for the erection of a dwelling at land east of 88 Ketts Oak, Hethersett. The proposed dwelling would be situated between the existing car sales and workshop business and existing residential property number 86 Ketts Oak.
- 4.2 The previous outline application 2016/2638 for the same proposal was refused for the following reasons:
- The development proposal would be contrary to Local Plan policy DM3.13 as the proposal would be adjacent to an existing commercial business where noise activity can take place. The change in the use of land from commercial car sales forecourt to residential can impact on the amenity of future occupiers of the new dwellings and consequently may place unreasonable restrictions on the existing commercial business contrary to Local Plan policy DM2.2, DM3.13, JCS Policy 5, NPPG section 3 and Section 11, Paragraph 123 of the NPPF.

- The proposal would contain poorly situated amenity space for future occupiers of the new dwelling and there would also be direct noise impacts to future occupiers from the existing commercial business. The proposal would cause overlooking impacts to neighbouring residential garden areas to the rear of properties contrary to policy DM3.13.
- The proposal would represent a cramped form of development situated in between existing commercial development and neighbouring residential curtilage. The proposal would be significantly set back from the street scene at two-storey within the immediate context of low rise single storey properties, which would not integrate sensitively or appropriately with the character or context of the immediate surrounding vicinity, which would be contrary to Local Plan Policy DM1.4 and DM3.8.
- Insufficient information has been provided regarding contamination and noise. The proposal is contrary to local plan policy DM3.13 and DM3.14.
- The proposed development does not represent a sustainable development, having regard to the three tests set out in the NPPF, by virtue of the harmful impacts on the existing employment business, visual impact on surroundings and amenity impact of existing and future occupiers outweighing the modest short term economic benefits as part of any construction work, longer term spending by the future occupants and the provision of one dwelling within a location where a 5-year housing land supply cannot be demonstrated which would be situated on brownfield land. For this reason, the scheme is contrary to paragraph 14 of the NPPF and Policy DM1.3 of the Development Management Policies document.

4.3 Following the refusal, the applicant appealed the Council's decision. The Planning Inspectorates decision is attached as appendix 2 for members information. Notwithstanding our concerns the Planning Inspector considered that the two-storey dwelling would not harm the character of the area; there would be no harmful effect on the living conditions of the existing neighbours or future occupiers via loss of privacy or noise and disturbance; and the proposal would not harm the existing business use. The Planning Inspector did dismiss the appeal, however, as she considered that it had not been demonstrated that land contamination would not pose a hazard to human health.

4.4 The main issues for consideration in this case are the principle of development in this location; contamination; design and layout; highway safety; and residential amenity.

#### Principle of development

4.5 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) 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.

4.6 Whilst, Hethersett is designated as a Key Service Centre as defined by policy 14 of the JCS, the site lies outside of the defined development boundary. Policy DM1.3 states that permission for development outside of development boundaries will only be granted where specific Development Management Policies allow for development outside of development boundaries or where development otherwise demonstrates overriding benefits in terms of economic, social and environmental dimensions as set out in Policy DM1.1.

4.7 The Council is currently unable to demonstrate a 5-year housing land supply within the Norwich Policy Area where this site is located (currently 4.7 years).

- 4.8 The Suffolk Coastal v Hopkins Supreme Court decision established the narrow interpretation should be used in establishing whether a policy relates to the supply of housing (i.e. policies relating to numbers and distribution of new housing) meaning that all of the South Norfolk Development Management policies are not out of date. It is acknowledged that the JCS policies and site allocation policies that specifically allocate site allocations and numbers for Hethersett are out of date.
- 4.9 However, "out of date" does not mean that a policy is necessarily to be disregarded or given no weight, as paragraphs 49 and 14 do not displace the S38(6) statutory approach. However they do operate as a material consideration, and it is thus necessary for the decision maker to consider whether reduced weight should be attributable to policies in their decision making where paragraphs 49 and 14 are engaged in acknowledgement of the lack of an up to date 5 year housing land supply and the policies of the NPPF.
- 4.10 Importantly the Supreme Court decision also determined that a shortfall in housing land supply itself triggers the tilted balance contained in the second paragraph of paragraph 14 of the NPPF.
- 4.11 Therefore the paragraph 14 balance of the presumption in favour of sustainable development applies together with that of criteria (d) of policy DM1.1 which states that new development should be permitted unless the development would result in adverse impacts that significantly and demonstrably outweigh the benefits.
- 4.12 Below is an assessment against the three roles of sustainable development in establishing that planning balance.

#### Economic Role

- 4.13 The NPPF highlights the economic role as "contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure."
- 4.14 The construction of 1 dwelling would help enhance the economic viability through local spending from future occupants of the dwellings.
- 4.15 In addition to the above, the scheme would also provide some short term economic benefits from construction of the dwelling.
- 4.16 These benefits are limited given the proposal for a single dwelling.

#### Social Role

- 4.17 The NPPF confirms the social role as "supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being."

#### Residential amenity of future and existing occupiers

- 4.18 Policy DM3.13 Residential amenity directs that development should not be approved if it would have a significant adverse impact on nearby resident's amenities.

- 4.19 The proposal whilst in outline, has indicated the dwelling will be for a two-storey dwelling with private amenity space forward of the principle elevation south east of the plot. The amenity space would be adjacent to the existing car workshop and sales property (west) and adjacent to the existing car sales forecourt (south east). The plot is set back from the highway and therefore the dwelling will face the rear of 86 Ketts Oak and adjacent to the workshop and stores. The proposed reinstated existing drive that is currently used as a car sales forecourt, would run along the northeast boundary adjacent to 86 Ketts Oak.
- 4.20 Concerns were raised at the impact the proposal would have on the amenities of 86 Ketts Oak via overlooking/loss of privacy; and noise and disturbance to the future occupiers from the existing business. The Planning Inspector concluded that the proposed dwelling could be designed either single-storey or two-storey as to not give rise to any overlooking to the neighbouring property; and that due to the nature of the business it would not give rise to a detriment to the living conditions of future occupiers in respect of noise or amenity space.
- 4.21 In view of the above, with careful consideration in terms of the design of the dwelling, together with appropriate conditions, I consider the scheme would accord with the requirements of Policy DM3.13.

#### Impact on existing employment

- 4.22 The Planning Inspector considered that in view that the proposal would not give rise to a detriment to future occupiers of the proposed dwelling, consequently there would be no unreasonable restrictions placed on the existing business use. On this basis, as the scheme now submitted is the same as that considered by the Inspector an appeal Officers would not consider it reasonable to maintain concern with the impact on the existing business premises. The proposal is not therefore considered conflict with DM2.2, Policy 5 or the NPPF.

#### Highways

- 4.23 Policy DM3.11 of the South Norfolk Local Plan states that planning permission will not be granted for development which would endanger highway safety or the satisfactory functioning of the highway network.
- 4.24 The proposed access is not considered to cause any significant highways impacts as mentioned earlier in this report the proposed drive would be reinstated and access to Ketts Oak highway would be via a previous access point, which is currently closed.
- 4.25 Proposed parking arrangements have not been specifically specified on the proposed plan. However, the NCC Highways have raised no objections subject to relevant conditions regarding visibility, access and parking, which demonstrates the proposal could satisfy policy DM3.11 and DM3.12 via conditions if the proposal was supported.
- 4.26 The social benefit of the scheme is that it provides housing within a location where a 5-year housing land supply cannot be demonstrated. This benefit is however limited given the scale of the development for a single dwelling.
- 4.27 It is evident that Officers have a changed position regarding the social impacts highlighted above having due regard to the Inspectors decision on the previous identical application. On the basis of the appeal decision, it is not considered that there would be any significant harm in the social role.

## Environmental Role

- 4.28 The NPPF confirms the environmental role as "contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."
- 4.29 The proposed dwelling would occupy a narrow gap that between existing dwellings fronting the highway and car workshop and store. The building pattern along Ketts Road frontage has a mixture of one and two-storey dwellings of semi-detached and detached form. Notwithstanding concerns raised under 2016/2638 that the proposed dwelling would be cramped in between an existing commercial development and residential curtilage, which would not maintain or enhance character and appearance of existing buildings, the Planning Inspector concluded that in the context of the modest plots to the east of the site, that the appeal site was of an appropriate width for infill development and the development would not be detrimental to the character and appearance of the area.
- 4.30 Equally, the Planning Inspector considered that the site is situated within an existing development pattern and that is a logical infill site within a Key Service Centre. As such the location of the development would be sustainable.
- 4.31 The site falls within the Strategic Gap as identified by the South Norfolk Local Plan. Given the nature of the site, located between existing buildings, I do not consider the proposal would erode or undermine the openness of the Strategic Gap as the proposal would be tightly clustered in between other existing development. Therefore, I consider the proposal would comply with Local Plan Policy DM4.7.

## Contaminated Land

- 4.32 As the site is land that currently is a hardstanding for a car sales business, concern was raised that insufficient information had been provided to demonstrate any potential risk from the existing and previous uses of the site which include a petrol filling station. In the absence of any information at all, it was not possible to impose a condition to overcome our concerns. The Planning Inspector agreed with the Council and concluded that it has not been demonstrated that land contamination would not pose a hazard to human health.
- 4.33 This application has been supported by a contaminated land desk study which recommends that a further intrusive investigation is carried out on site. The Environment Quality Officer now raises no objections subject to the imposition of conditions requiring further investigation and remediation. In view of the above, Officers now consider adequate information has been submitted to demonstrate that, subject to conditions, the site would not pose a hazard to human health, therefore considering that the proposal complies with Local Plan Policy DM4.7 and overcomes the Inspector's sole reason for dismissing the appeal.

## Other matters

- 4.33 The application can be considered to be previously developed land (brownfield land). In line with the NPPF, I have considered the benefits of the efficient use of land, but consider that in this case, this does not outweigh the other material considerations.

## Conclusion on sustainable development

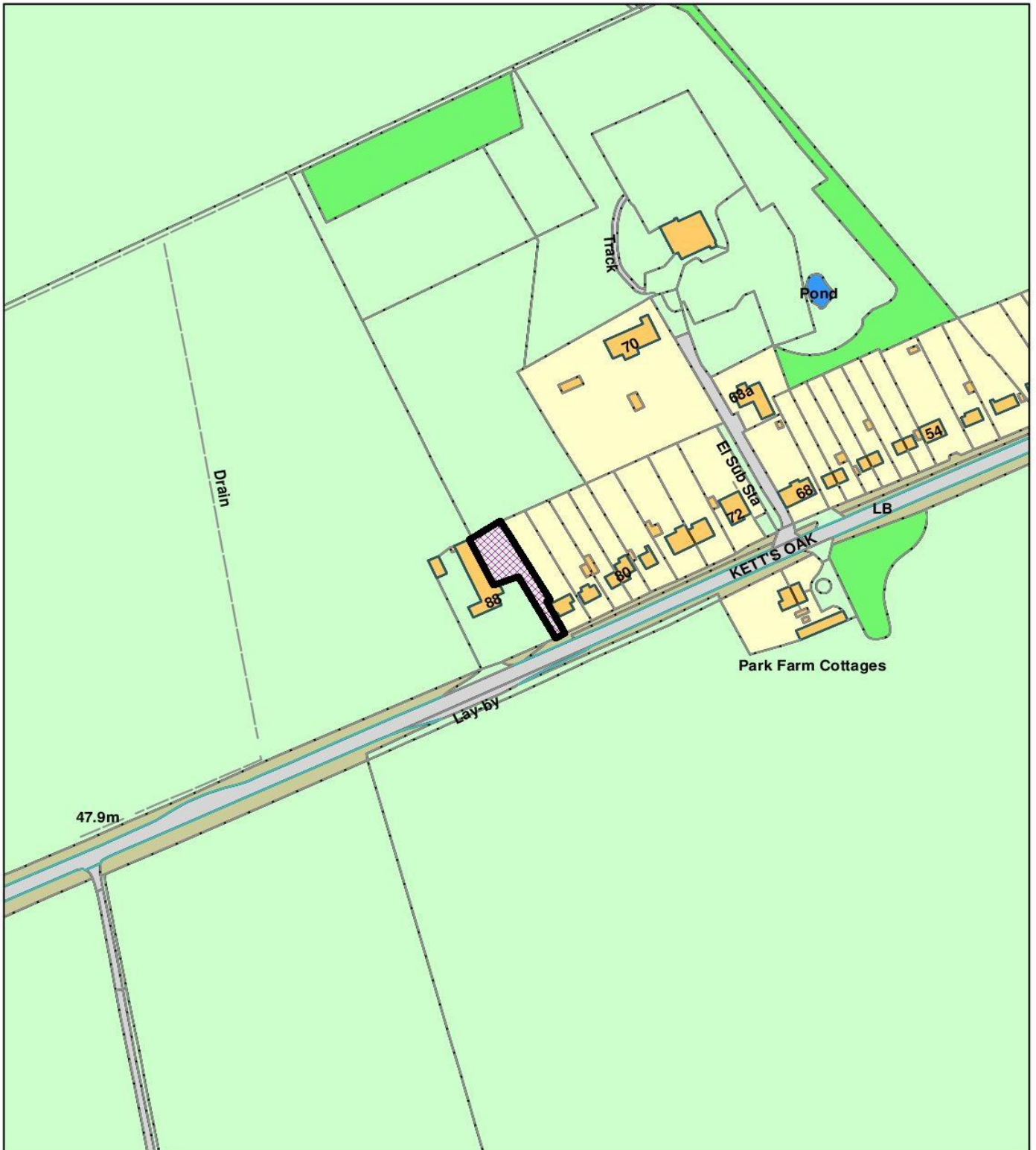
- 4.34 Having due regard to the above assessment made in the context of not being able to demonstrate a 5-year housing land supply and the Planning Inspectors decision, it is considered that the provision of an additional dwelling in this location would provide benefits (housing to boost the housing supply albeit limited due to the scale of the proposal), and would not cause such harm as to significantly and demonstrably outweigh those benefits as set out in paragraph 14 of the NPPF.
- 4.35 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.
- 4.36 This development would be liable for Community Infrastructure Levy (CIL).

## 5 Conclusion

- 5.1 Following the submission of an appropriate contaminated land desk study, the previous harm which significantly and demonstrably outweighed the benefits of the scheme identified by the Planning Inspector has in Officers opinion been overcome. As such, the development proposed in the context of the three dimensions of sustainable development, is not considered to result in a level of harm that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies of the NPPF when taken as a whole.
- 5.2 The application for the reasons outlined in this report is therefore recommended for approval subject to the imposition of conditions.

Contact Officer, Telephone Number    Claire Curtis 01508 533788  
and E-mail:                                    ccurtis@s-norfolk.gov.uk





## Appendix 2



The Planning Inspectorate

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## Appeal Decision

Site visit made on 17 October 2017

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

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

**Decision date: 7<sup>th</sup> November 2017**

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**Appeal Ref: APP/L2630/W/17/3177217**

**88 Ketts Oak Filling Station, Ketts Oak, Hethersett NR9 3DJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr D Baine against the decision of South Norfolk District Council.
  - The application Ref 2016/2638, dated 31 October 2016, was refused by notice dated 6 January 2017
  - The development is proposed dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The evidence before me indicates that this is an outline application with all matters reserved. Although there is a layout plan I have considered this as indicative only.

### Main Issues

3. The main issues are effect of the development on:
  - Human health and the environment with regard to land contamination;
  - The character and appearance of the area;
  - The living conditions of future occupiers with particular regard to noise and amenity space;
  - The living conditions of existing occupiers with particular regard to overlooking; and,
  - Whether the proposals would place unreasonable restrictions on the existing commercial business; and,
  - Whether the development would be in an accessible location in the context of local and national policies.

### Reasons

#### *Land contamination*

4. The appeal site is land currently forming hardstanding for a car sales business. The business is situated at the end of ribbon development along Ketts Oak and

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

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abuts open land to the west. To the east, there is a series of one and two-storey dwellings.

5. Planning Practice Guidance states that if there is a reason to believe contamination could be an issue, developers should provide proportionate but sufficient site investigation information<sup>1</sup>. The appellant argues that the Council did not request a contamination questionnaire during the application. However, the landowner is responsible for demonstrating that potential risk can be mitigated by remediation. Furthermore, the application form states that the proposal does not involve land which is known to be contaminated. Given the previous use of the site as a filling station and repair shop, it is likely that there are land contamination issues.
6. The Council considered there was insufficient information provided with regard to possible contamination to impose a condition if the appeal was allowed, and on the basis of the evidence before me I see no reason to disagree with the Council on this point.
7. As such, it has not been demonstrated that land contamination would not pose a hazard to human health. I conclude that the development would be contrary to Policy DM3.14 of the Local Plan<sup>2</sup> (LP) which requires development to minimise and reduce the adverse impacts of all forms of emissions as well as other requirements.

#### *Character and appearance*

8. The development would occupy a narrow gap that exists between the existing dwellings fronting the road and the repair shop and store associated with the business. The officer's report concludes that a two-storey dwelling set back from the frontage would not integrate sensitively or appropriately in its immediate low rise context. However, the underlying building pattern along the Ketts Road frontage has a mix of one and two-storey dwellings, of detached and semi-detached form and is not particularly consistent. Furthermore, the appellant's statement indicates that the application is to determine the principle of development. Although a two-storey dwelling is shown on the indicative plan, the appellant indicates that the dwelling could be single storey.
9. Moreover, in the context of the modest plots to the east of the site I am satisfied that the appeal site would be of an appropriate width for an infill development, and the scale of the proposal could be determined at reserved matters stage.
10. As such, the development would not be detrimental to the character and appearance of the area and I find no conflict with LP Policy DM1.4 which requires development to make a positive contribution to local distinctiveness, amongst other requirements, or the design aims of LP Policy DM3.8.

#### *Living conditions*

11. The Council argues that the amenity area for future occupiers would be adjacent to the car workshop. However, at my visit the workshop was being used for storage and battery charging only and there is nothing before me to

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<sup>1</sup> 007 Reference ID: 33-007-20140612

<sup>2</sup> South Norfolk Local Plan, Development Management Policies Documents, adoption version October 2015



suggest that the business generates noise out of normal working hours, or of sufficient duration or loudness to be detrimental to the living conditions of the future occupier who is also the owner of the business. In any case, 86 Ketts Oak (No 86) is a similar distance away and will be affected by such noise that already emanates from the business. Consequently, I conclude that the existing business would not be detrimental to the living conditions of future occupiers in respect of noise or amenity space.

12. The Council has also expressed concern that the development would cause overlooking of the rear garden and elevation of No 86. However, as noted above, the appellant is willing to restrict the height of the development to single storey and in that event boundary treatments would mitigate overlooking issues for occupiers of No 86. Alternatively, the use of obscure glazing and the appropriate configuration of living space could address overlooking issues. Consequently, the development would not be detrimental to the living conditions of existing occupiers in respect of overlooking
13. I conclude that the proposals would not be contrary to the provisions of LP Policy DM3.13 in respect of the amenity of existing and future occupiers. LP Policy DM3.14 appears to be concerned with emissions from new development and as such, weighs neither for nor against the appeal here.

#### *Commercial premises*

14. I acknowledge that Paragraph 123 of the National Planning Policy Framework (the Framework) raises concerns in relation to the restrictions that might be placed on businesses as a consequence of changes in land use nearby. However, I have addressed the concern of noise in relation to future occupiers above. As such, I give limited weight to the Council's argument that the development might place unreasonable restrictions on the existing business.
15. The Council has cited LP Policy DM2.2 in its decision notice. However, although the officer's report notes that the development would constitute a change of use from commercial to residential use, no harm is identified in respect of the loss of part of the appeal site to employment use except in relation to the amenity of future occupiers. Consequently, there is no conflict with LP Policy DM2.2 or Policy 5 of the Core Strategy<sup>3</sup> which taken together are concerned with the protection and retention of employment sites, or Paragraph 123 and Section 3 of the Framework.

#### *Accessible location*

16. The Council has cited LP Policy DM1.3 in its decision notice. This is concerned with the sustainable location of development and restricts new development to allocated sites or sites within development boundaries, which would not be the case in this instance.
17. The Council also states that although it does not have a five year housing land supply, policies dealing with the disposition of development or the restriction of new development are excluded from those policies relating to housing supply. Nonetheless, relevant policies for the supply of housing are out of date by virtue of Paragraph 49 of the Framework. As such, the fourth bullet point of Paragraph 14 of the Framework applies to this decision.

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<sup>3</sup> Greater Norwich Development Partnership, Joint Core Strategy for Broadland, Norwich and South Norfolk, amendments January 2014

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18. The appeal site is situated within an existing development pattern and is a logical infill site within a Key Service Centre. As such I conclude that the location of the development would be sustainable, and that such minor conflict as exists with LP Policy DM1.3 would be insufficient to warrant dismissal of the appeal in the absence of other concerns.

*Planning balance*

19. The development would make a limited contribution to local housing supply and the local economy. However, this benefit would not outweigh the harm identified above in relation to potential hazards to human health, to which I attach significant weight. As such, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole, as set out in Paragraph 14 of the Framework.

*Other matters*

20. The Council has cited Section 11 of the Framework in its decision notice. This is concerned with conserving and enhancing the natural environment. However it is unclear how this supports the Council's argument and it weighs neither for nor against the appeal.

**Conclusion**

21. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

*Amanda Blicq*

INSPECTOR

**Planning Appeals****Appeals received from 16 December 2017 to 19 January 2018**

Ref	Parish / Site	Appellant	Proposal
NONE			

**Planning Appeals****Appeals decisions from 16 December 2017 to 19 January 2018**

Ref	Parish / Site	Appellant	Proposal	Decision Maker	Final Decision	Appeal Decision
2016/2607	Pulham Market  Hannahs Barn Barnes Road Pulham Market Norfolk	Mr Paul Schwier	Conversion and extension of Barn B to form a dwelling	Development Management Committee	Approval in part, refusal in part	Appeal dismissed
2017/0360	Saxlingham Nethergate  Land West Of Sandpit Lane Saxlingham Nethergate Norfolk	Ms Nicola Dix	Proposal for outline permission on a windfall/infill site for one self-build dwelling	Delegated	Refusal	Appeal dismissed
2017/1017	Deopham And Hackford  High Elm Farm Pye Lane Deopham Norfolk NR18 9DW	Mrs Elaine Peacock	Notification for Prior Approval for a proposed change of use of an agricultural building to a dwellinghouse (Class Q(a))	Delegated	Approval of details - Refused	Appeal dismissed

2017/1012	Saxlingham Nethergate  White Cottage The Street Saxlingham Nethergate Norfolk NR15 1AJ	Mr Adam Beckett	Removal of Conditon 11 (Glazed Window) of Application 2015/1517 - Proposed demolition of cottage and rebuilding to match existing	Development Management Committee	Refusal	Appeal Allowed
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