

# **Development Management Committee**

## **Agenda**

### **Members of the Development Management Committee:**

Cllr V Thomson (Chairman)  
Cllr L Neal (Vice Chairman)  
Cllr D Bills  
Cllr J Halls  
Cllr G Minshull

### **Date & Time:**

Wednesday 1 September 2021  
10.00am

### **Place:**

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

### **Contact:**

Leah Arthurton      tel (01508) 533610  
Email: [democracy@s-norfolk.gov.uk](mailto:democracy@s-norfolk.gov.uk)  
Website: [www.south-norfolk.gov.uk](http://www.south-norfolk.gov.uk)

### **PUBLIC ATTENDANCE / PUBLIC SPEAKING**

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

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

If a member of the public would like to observe the meeting in person, or speak on an agenda item, please email your request to [democracy@s-norfolk.gov.uk](mailto:democracy@s-norfolk.gov.uk), no later than **5.00pm on Friday 27 August 2021**. Please see further guidance on attending meetings at page 2 of this agenda. Places may be limited.

### **Large print version can be made available**

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

## **Public Speaking and Attendance at Meetings**

All public wishing to attend to observe, or speak at a meeting, are required to register a request by the date / time stipulated on the relevant agenda. Requests should be sent to: [democracy@s-norfolk.gov.uk](mailto:democracy@s-norfolk.gov.uk)

Public speaking can take place:

- Through a written representation
- In person at the Council offices

Anyone wishing to send in written representation must do so by emailing: [democracy@s-norfolk.gov.uk](mailto:democracy@s-norfolk.gov.uk) by 5pm on Friday 27 August 2021.

Please note that due COVID, the Council cannot guarantee the number of places available for public attendance, but we will endeavour to meet all requests.

Democratic Services will endeavour to ensure that each relevant group (ie. supporters, objectors, representatives from parish councils and local members) can be represented at meetings for public speaking purposes.

All those attending the meeting in person must sign in on the QR code for the building and arrive/ leave the venue promptly. The hand sanitiser provided should be used and social distancing must be observed at all times. Further guidance on what to do on arrival will follow once your initial registration has been accepted.

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

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

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

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

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

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

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

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

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

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

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

# AGENDA

1. To report apologies for absence and to identify substitute members;
2. To deal with any items of business the Chairman decides should be considered as matters of urgency pursuant to Section 100B (4) (b) of the Local Government Act, 1972; [Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]
3. To receive Declarations of interest from Members;  
(Please see guidance form and flow chart attached – page 7)
4. Minutes of the Meeting of the Development Management Committee held on Wednesday, 28 July 2021;  
(attached – page 9)
5. Planning Applications and Other Development Control Matters;  
(attached – page 16)

To consider the items as listed below:

Item No.	Planning Ref No.	Parish	Site Address	Page No.
1	2021/0307/F	DISS	Land to the Rear of Thatchers Needle Park Road Diss Norfolk	16
2	2021/0365/F	FORNCETT	The Old Safety Valve Station Road Forncett St Peter NR16 1JA	33

Updates received after publication of this agenda relating to any application to be considered at this meeting will be published on our website:

<https://www.southnorfolkandbroadland.gov.uk/south-norfolk-committee-meetings/south-norfolk-council-development-management-planning-committee>

## 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 38)
8. Date of next scheduled meeting- Wednesday 20 September 2021

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

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

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

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

## 2. PUBLIC SPEAKING: PLANNING APPLICATIONS

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

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

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

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

## PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

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

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

### Key to abbreviations used in Recommendations

**CNDP** - Cringleford Neighbourhood Development Plan

**J.C.S** - Joint Core Strategy

**LSAAP** - Long Stratton Area Action Plan – Pre-Submission

**N.P.P.F** - National Planning Policy Framework

**P.D.** - Permitted Development – buildings and works which do not normally require planning permission. (The effect of the condition is to require planning permission for the buildings and works specified)

**S.N.L.P** - South Norfolk Local Plan 2015

Site Specific Allocations and Policies Document

Development Management Policies Document

**WAAP** - Wymondham Area Action Plan

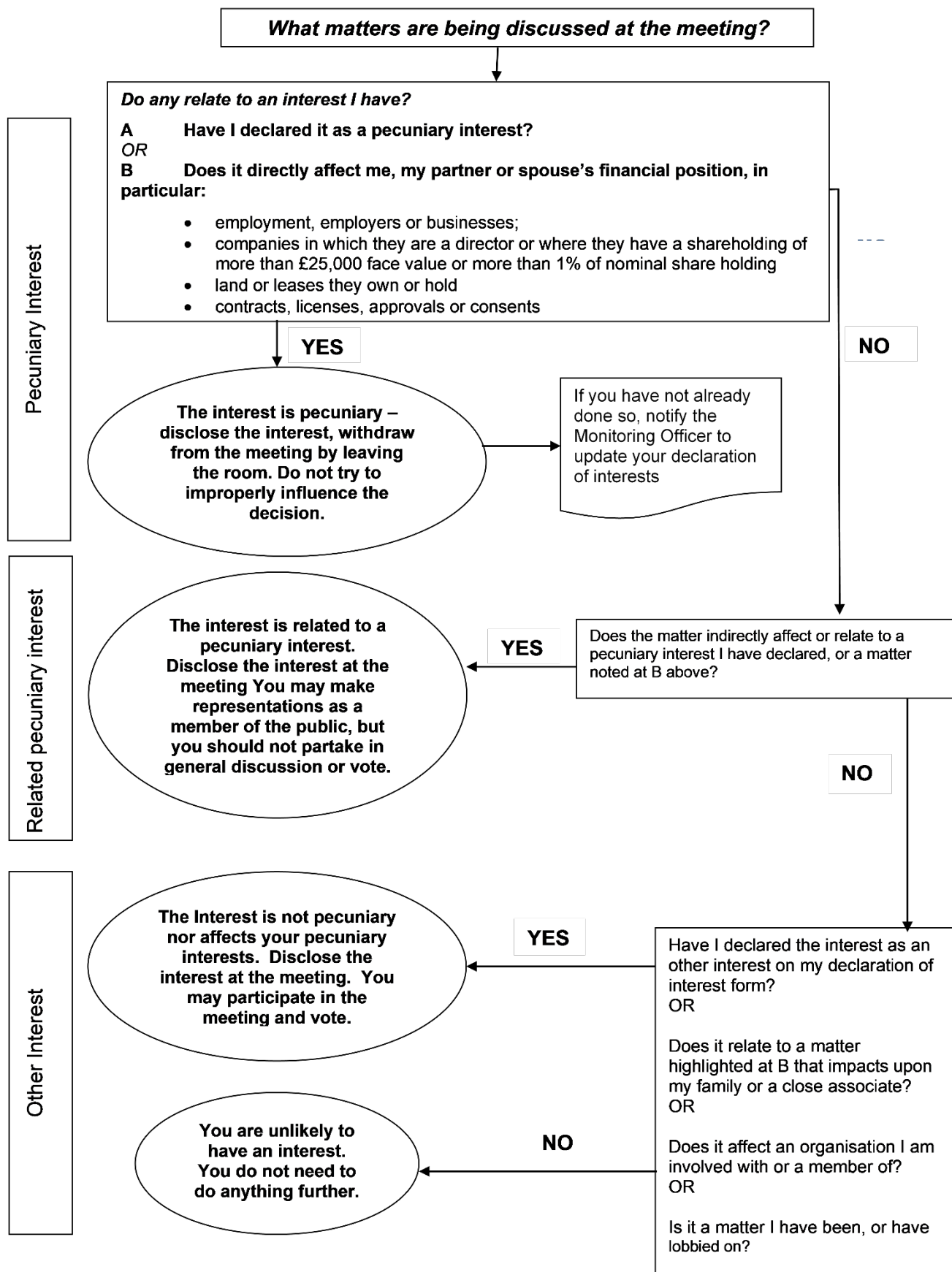
## DECLARATIONS OF INTEREST AT MEETINGS

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

<p>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> <li>1. affect yours, or your spouse / partner's financial position?</li> <li>2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?</li> <li>3. Relate to a contract you, or your spouse / partner have with the Council</li> <li>4. Affect land you or your spouse / partner own</li> <li>5. Affect a company that you or your partner own, or have a shareholding in</li> </ol> <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.  
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST  
INSTANCE**

## DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF





## Agenda Item 4

# DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of a meeting of the Development Management Committee of South Norfolk District Council, held on 28 July 2021 at 10am.

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

**Other Member in attendance:** Councillor: S Nuri-Nixon

**Officers in Attendance:** The Development Manager (T Lincoln), the Area Planning Manager (G Beaumont), the Senior Planning Officer (P Kerrison) and the Principle Planning Officer (T Barker)

6 members of the public were also in attendance

## 568 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
2021/1124/CU	ASLACTON	V Thomson & D Bills	Other interest Members of the County Council who are responsible for Children Services
2021/0591/F	WYMONDHAM	J Halls	Other interest Local Member for Wymondham

## 569 MINUTES

The minutes of the meeting of the Development Management Committee held on 30 June 2021 were confirmed as a correct record.

## **570 PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS**

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

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

<b>Application</b>	<b>Parish</b>	<b>Speakers</b>
<b>2021/1124/CU</b>	<b>ASLACTON</b>	G Gamble – Parish Council S Wilkinson – Objector A King (written representation) – Agent
<b>2021/0571/F</b>	<b>WYMONDHAM</b>	H Gill – Objector S Gibbons (written representation) – Applicant
<b>2021/0591/F</b>	<b>BARNHAM BROOM</b>	Andrew Clark – Agent Brian Oakey – Applicant

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

## **571 PLANNING APPEALS**

The Committee noted the planning appeals.

(The meeting concluded at 11:38 am)

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Chairman

**Updates for DEVELOPMENT MANAGEMENT COMMITTEE**  
**– 28 July 2021**

Item	Updates	Page No
Item 1	<ul style="list-style-type: none"> <li>Revised visibility splays submitted via a new site plan and further highway Authority response confirming they are acceptable.</li> <li>2 additional neighbour comments: <ul style="list-style-type: none"> <li>Unfair that the applicant has submitted information past the cut-off date</li> <li>Why was this detail not included in the original application?</li> <li>Does not consider the planning history of the existing dwelling</li> <li>There are too many spaces in the site plan compared to the existing dwelling</li> <li>The provision of the visibility splays will make the site look like a car park, reduce privacy and cause overlooking.</li> <li>This will be out of character with the street</li> <li>There will be impacts on ecology</li> <li>The responses from the agent do not reflect the neighbour objections submitted</li> <li>Objections are valid concerns from residents who will be affected</li> <li>The fact that the house could be used as a care facility without planning consent is overplayed and is not being proposed so focus should be on the proposal</li> </ul> </li> <li>The revised NPPF has been reviewed in line with this proposal and while there is some extra emphasis on trees and design, this has no material impact on the recommendation to committee.</li> </ul>	19-26
Item 2	The revised NPPF has been reviewed in line with this proposal however none of the changes materially impact the recommendation to committee.	27-31
Item 3	<ul style="list-style-type: none"> <li>Revised plan submitted moving the building 2.5 metres away from the northern boundary.  Officer comment: Amendment is welcome as further reduces the impact on the garden space of Crossways House to the north</li> <li>Lobbying Statement from Applicant:  The proposed dwelling sits comfortably on the site with generous garden amenity space maintained to both the North and South of the property. The plot is surrounded by large trees and hedgerows on the western and northern boundary and the intention is to allow the fruit trees on the Eastern</li> </ul>	28-37

	<p>boundary to continue to grow to give privacy on the site.</p> <p>The proposal has undergone several design modifications and I have worked tirelessly with the planners to alleviate the neighbour's concerns which were received during the consultation process. These revisions include reducing the extent of glazing on the front elevation, removal of first floor balcony and tree planting to the northern boundary. The most recent change being moving both the main house and cart shed a further south by approximately 2.5m, giving at least 6 metres from the boundary thus mitigating any overlooking along the Northern Boundary.</p> <p>The position of the cart shed has also been considered so that the ridge aligns with the centre of the side window to Bedroom 2 to also mitigate any overlooking concerns from the West.</p> <p>In summary we feel the dwelling proposed is in keeping in form with the surrounding properties and any overlooking concerns have been acknowledged and actioned. The proposed dwelling has also been positioned as such to ensure significant distancing from the properties along Silfield Road is maintained.</p> <ul style="list-style-type: none"> <li>• The revised NPPF has been reviewed in line with this proposal however none of the changes materially impact the recommendation to committee.</li> </ul>	
Item 4	<ul style="list-style-type: none"> <li>• Comments received from the Highway Authority:</li> </ul> <p>I note that the scheme for holiday accommodation units has been reduced from 7 units to 5. The revision shows an additional 4 parking spaces to be provided on the grassed area at the rear of the current parking area. As such I now consider the latest scheme to be acceptable.</p> <p>Planning condition recommended in relation to the provision and retention of the on-site car parking area.</p> <ul style="list-style-type: none"> <li>• The revised NPPF has been reviewed in line with this proposal and while there is some extra emphasis on trees and design, this has no material impact on the recommendation to committee.</li> </ul>	38-42

Development Management Committee

28 July 2021

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

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

**Other Applications**

1. **Appl. No** : **2021/1124/CU**  
**Parish** : **ASLACTON**  
**Applicant's Name** : Compass Childrens Homes Limited  
**Site Address** : Oakfield House Pottergate Street Aslacton Norfolk NR15 2JN  
  
**Proposal** : Change of use from dwellinghouse (Class C3) to residential care home (Class C2) for 5 No. residents  
  
**Decision** : Members voted unanimously for **Approval**  
  
 Approved with Conditions  
  
 1 Time limit - full permission  
 2 In accordance with submitted drawings  
 3 Specific Use  
 4 Visibility splay, approved plan  
 5 Retention of trees and hedges
  
2. **Appl. No** : **2021/0500/CU**  
**Parish** : **DICKLEBURGH AND RUSHALL**  
**Applicant's Name** : Mr Richard Argent  
**Site Address** : The Old Bakery, The Street Dickleburgh, IP21 4NQ  
  
**Proposal** : Change of use from beauty salon to residential (C3) use  
  
**Decision** : Members voted unanimously for **Approval**  
  
 Approved with Conditions  
  
 1 Time Limit - Full Permission  
 2 In accordance with submitted drawings  
 3 Incidental to the main dwelling

3.   **Appl. No**                         :   **2021/0571/F**  
      **Parish**                         :   **WYMONDHAM**  
      Applicant's Name             :   Mr Steve Gibbons  
      Site Address                 :   Land to the rear of 87 and 91 Silfield Road Wymondham  
  Norfolk
- Proposal                     :   Erection of a single dwelling with detached two bay car  
  port.
- Decision                    :   Members voted 4-1 for **Approval**

Approved with Conditions

- 1 Time Limit - Full Permission
- 2 In accordance with submitted drawings
- 3 Contaminated land during construction
- 4 Details of any Heat Pump to be submitted
- 5 Visibility Splays
- 6 Parking area
- 7 Off-site highway works (details)
- 8 Off-site highway works (implementation)
- 9 External materials to be agreed
- 10 Surface water drainage details to be agreed
- 11 Foul drainage to main sewer
- 12 Water efficiency
- 13 Landscaping scheme
- 14 No PD for windows on first floor

4.   **Appl. No**                               :   **2021/0591/F**  
      **Parish**                               :   **BARNHAM BROOM**  
      Applicant's Name               :   Mr Oakey  
      Site Address                     :   The Bell Inn Bell Road Barnham Broom NR9 4AA
- Proposal                         :   Proposal for 5 pre-manufactured holiday accommodation  
  units to land at The Bell Inn
- Decision                         :   Members voted 4-1 for **Approval** (contrary to  
  officer recommendation, which was lost 4-1)

Reasons for approval

In view of the number of units, their layout and their association with the public house, Members considered that the holiday accommodation would not result in a significant impact on residential amenity and that the application complies with Policy DM3.13 of the SNLP. In addition to that, the economic benefits arising from the accommodation and the support that they would provide to the future viability of the public house were significant factors weighing in favour of the application and in accordance with Policies DM2.1 and DM2.12 of the SNLP.

Conditions:

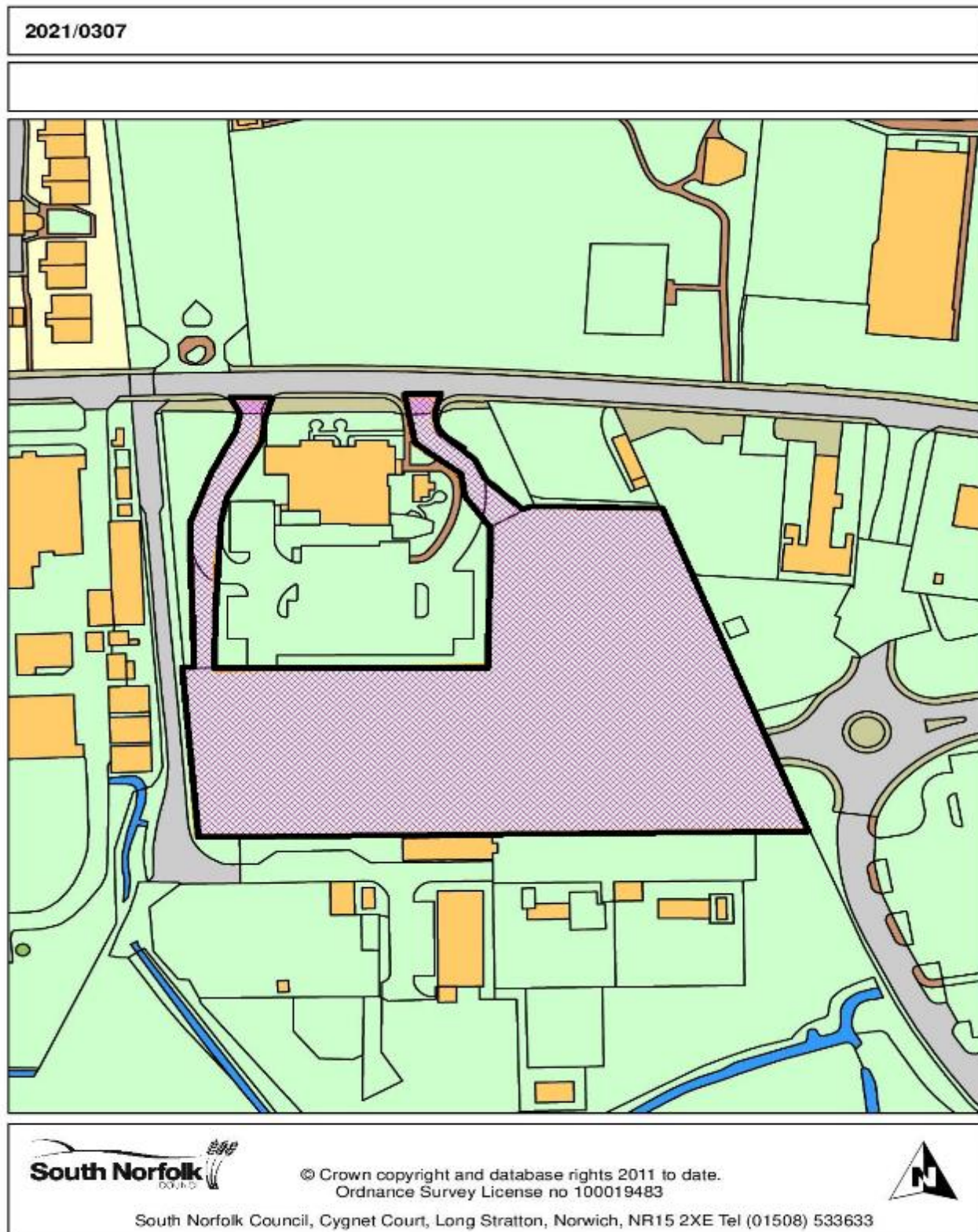
- 1 Time limit – full permission
- 2 In accordance with submitted drawings
- 3 Surface water drainage details to be agreed
- 4 Foul water drainage details to be agreed
- 5 Parking area
- 6 No external lighting to be installed unless a lighting scheme is submitted and approved
- 7 Holiday occupancy condition
- 8 Link accommodation to pub

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

**Report of Director of Place**

**Major Applications**

**Application 1**





1.     **Application No :**     **2021/0307/F**  
       **Parish :**            **DISS**

Applicant's Name:     Churchill Retirement Living  
Site Address           Land to the Rear of Thatchers Needle Park Road Diss Norfolk  
Proposal                Redevelopment of the site to form 58no. retirement apartments and  
                              15no. retirement cottages including communal facilities, access, car  
                              parking and landscaping

Reason for reporting to committee

This application is referred to Development Management Committee following the submission an appeal for non-determination. Now that the appeal has been lodged the Council no longer has authority to determine the application, but the Committee's advice is sought as to how it would have determined the application if it has been required to do so. The advice given will form the basis of the Council's case in relation to the appeal, which is being dealt with by way of a public inquiry.

The report below has been produced by officers to inform the committee and had a formal recommendation been made it would have been one of refusal for the reasons set out below

Recommendation summary : The Committee advise that they would have been minded to refuse the Application for the reasons set out below

1     Proposal and site context

- 1.1     The application seeks full planning permission for the development of 58 retirement apartments and 15 retirement cottages. The site layout includes communal facilities, access, car parking and landscaping. The development is proposed as C3 dwellings with an age restriction of 60 years or over.
- 1.2     The site extends to approximately 0.9ha in size and is presently vacant. To the north of the site is the Thatchers Needle public house/restaurant and associated car park. Beyond Thatchers Needle is Park Road, from which the site will be accessed, and to the north of Park Road is the park (large open space) and The Mere. To the east is Morrisons supermarket, with no direct vehicular access to the application site. To the west is the Feather Mills Factory which is a commercial use. To the north-east is the existing bus station and to the south is an electricity sub-station, beyond which is the River Waveney.
- 1.3     In respect of the wider context, Diss Town centre is situated to the north of Park Road and contains a significant range of shops, services and facilities.
- 1.4     Park Road running along the southern edge of the park also forms the southern edge of the Conservation Area. The majority of the site itself is outside the Conservation Area with the exception of the site access. There are a number of preserved trees within the vicinity of the site, including along the eastern boundary/corner of the site
- 1.5     The application site is located within the defined development boundary and the scheme would provide a density of 81 dwellings per hectare

2.     Relevant planning history

- |     |           |  |                             |
|-----|-----------|--|-----------------------------|
| 2.1 | 2015/1428 | Erection of 4no non-food retail units (Use Class A1) comprising a total of 3948sqm with access from Park Road. | Refused<br>Appeal Dismissed |
|-----|-----------|--|-----------------------------|

2.2	2013/1728	Non-material amendment to planning permission 2012/1493/D - Relocation of play area and hard/soft landscaping amendments	Approved
2.3	2012/1493	Erection of Public House/Restaurant, parking and associated works.	Approved
2.4	2011/0049	Erection of 60 bedroom hotel (Use Class C1), a restaurant/public house (Use Class A3/A4) and associated	Approved
2.5	2017/2853	Proposed retail and hotel development.	Refused

### Appeal History

2.6	16/00032/AGREFU	Erection of 4no non-food retail units (Use Class A1) comprising a total of 3948sqm with access from Park Road.	Dismissed
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## 3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)
  - NPPF 02 : Achieving sustainable development
  - NPPF 04 : Decision-making
  - NPPF 05 : Delivering a sufficient supply of homes
  - NPPF 06 : Building a strong, competitive economy
  - NPPF 12 : Achieving well-designed places
  - NPPF 15 : Conserving and enhancing the natural environment
  - NPPF 16 : Conserving and enhancing the historic environment
- 3.2 Joint Core Strategy (JCS)
  - Policy 1 : Addressing climate change and protecting environmental assets
  - Policy 2 : Promoting good design
  - Policy 3: Energy and water
  - Policy 4 : Housing delivery
  - Policy 6 : Access and Transportation
  - Policy 13 : Main Towns
- 3.3 South Norfolk Local Plan Development Management Policies
  - DM1.3 : The sustainable location of new development
  - DM1.4 : Environmental Quality and local distinctiveness
  - DM3.1 : Meeting Housing requirements and needs
  - DM3.5 : Replacement dwellings and additional dwellings on sub-divided plots within Development Boundaries
  - 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
  - DM4.8 : Protection of Trees and Hedgerows
  - DM4.9 : Incorporating landscape into design
  - DM4.10 : Heritage Assets
- 3.4 Site Specific Allocations and Policies
  - DIS 6 : Former Hamlins Factory Site, Park Road

3.5 Supplementary Planning Documents (SPD)  
South Norfolk Place Making Guide 2012  
Open Space

3.6 Neighbourhood Plans  
Diss and District Neighbourhood Plan  
Note: The Diss Neighbourhood Plan has been through its initial period of consultation at Regulation 14. At this time it has not been submitted to the Council and has not been subject to an independent examination or referendum. At this stage it is not possible to give weight to the policies of the neighbourhood plan.

3.7 **Statutory duties relating to Conservation Areas:**

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

4. Consultations

4.1 Town / Parish Council

Diss Town Council **object** to the proposal on the following grounds:

- The site is not allocated for this use as part of the existing local plan. The Town Council consider it is more suited to a hotel and leisure provisions as likely in the neighbourhood plan. This site has not been allocated for housing in the Diss and District Neighbourhood Plan 2021 to 2038.
- The plans proposed by Churchill do not make best use of the land and fail to deliver a high-quality fit for purpose development. Specific concerns being: The site density is far too high. (over 81 homes per ha) and if approved would be the highest density development in Diss.
- Parking provision is too low even for retirement housing. Churchills acknowledge this by saying that visitors are expected to park offsite. Many people who fall within Churchill's age profile still drive and to expect visitors to park offsite when visiting elderly loved ones at times of illness or for outings, shopping trips and appointments is clearly putting profit before people.
- There is too little amenity space for the number of homes.
- Churchill's proposal to use a narrow private road through the busy restaurant car park as access to the proposed development is clearly flawed when a safer alternative exists that gives better access to the town centre via a controlled crossing.
- This proposed application is clearly not in accord with the SNDC policies DM1.1 and DM1.2 on sustainable development particularly with regard to pedestrian and highway safety improvements necessary to secure satisfactory access to the development via a range of modes of transport.

4.2 District Councillors

Cllr Graham Minshull

Given the local concern and the objection of the Diss and District neighbourhood plan steering group and the Town Council I request that this application be brought before committee unless it is recommended for refusal.

Cllr Keith Kiddie

To be reported if appropriate

Cllr Jenny Wilby

To be reported if appropriate

#### 4.3 Anglian Water Services Ltd

Assets Affected: Anglian Water has assets close to or crossing the site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space.

Wastewater treatment – Foul drainage is in the catchment of Diss Water Recycling Centre that will have capacity for these flows.

Used Water Network: The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal: From the details submitted to support the planning application 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.

#### 4.4 SNC Housing Enabling & Strategy Manager

Under Policy 4 of the Greater Norwich Joint Core Strategy, there is a requirement for 28% (20 homes) affordable housing. However, the Planning Issues document (page 19) includes a summary table seeking to demonstrate that it 'does not support an off-site [or on-site] contribution towards affordable housing'. I accept that such evidence is admissible under Policy 4 of the Joint Core Strategy. I am informed that an independent review of detailed financial viability information submitted is awaited.

Paragraph 65 of National Planning Policy Framework (NPPF) July 2021 expresses an expectation that at least 10% of the total dwellings should be for affordable home ownership. Bearing in mind the NPPF, I propose that any affordable housing should be for affordable home ownership. This can be achieved through legal documentation restricting the initial and future sale price of specified properties to an agreed percentage (no more than 80%) of the open market value.

On this basis, I have no objection to the application subject to the outcome of the independent review of financial viability

#### 4.5 SNC Environmental Waste Strategy

No comments received

#### 4.6 NHS England

No comments received

#### 4.7 NHSCCG

No comments received

#### 4.8 NHS STP Estates

No comments received

#### 4.9 NCC Public Health

No comments received

#### 4.10 NCC Planning Obligations Co Ordinator

Fire: Development would be required to 1 fire hydrant per 50 dwellings or part thereof.

NCC Adult Social Care: recognises there is a need for a range of appropriate housing in Norfolk to support an aging population to live as independently as possible, with the over 65 population set to incur the largest increase of any age group over the next ten years.

#### 4.11 Norfolk And Waveney Local Medical Council

No comments received

#### 4.12 South Norfolk Clinical Commissioning Group

No comments received

#### 4.13 Anglian Water Services Ltd

No comments received

#### 4.14 Senior Heritage & Design Officer

Apartments: the block is L shaped and has externally been broken up in terms of articulation and materials to relieve the impression of bulk. The roof has been designed to be a more domestic scale than previous proposals for the site.

A number of the units are single aspect. Levels of sunlight and daylight are a concern here.

The 'cottages' to the south are built in a terrace form or small groups, which will give a level of cohesiveness to the development. Views to the south from the conservation area and park field public space in particular were raised by the inspector as an issue, and I consider that the development proposal addresses those concerns. I am concerned with regard to layout and the design in terms of amenity of the units to the south, particularly those in the south east corner i.e. blocks D, F, and E. These will feel quite squeezed between units to the north and the substation to the south, with frontage aspect overlooking a long linear strip of car parking spaces and extensive hard surfacing. The south east corner block E & F in particular will be between the substation to the south and three storey corner element of the main home in close proximity to the north west, as well a tall, high tree belt to the north.

Although not meeting the original development aspirations for the site in terms of the use of the buildings, the proposed development of sheltered housing accommodation can be considered in design terms an appropriate form of development for the site with its sustainable location and good connections to the town centre, being close to a park and public transport for further onward connections. However, there are some issues with regard to the quality of design in terms of the relationship of buildings within the layout and adjacent existing development which will mean a reduced level of amenity for residents and this needs to be looked at in the design approach. As per para 12 of the National Design Guide "Well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and wellbeing of their users and all who experience them." and para "123 Well-designed homes and buildings: provide good quality internal and external environments for their users, promoting health and well-being;"

#### 4.15 NCC Highways

The development is proposed at a sustainable location and the Highway Authority is broadly supportive, but does have some layout concerns and whilst it is recognised that the roads at the development will not be adopted by the Highway Authority, they do need to be fit for purpose to ensure the safety of potential future users.

Detailed comments have been provided on the layout.

Comments in addition to those provided on 18 May 2021

The proposal utilises the existing Thatcher's Needle one-way system which seems to impose constraints that affect the ability to provide acceptable layouts for vehicles and safe footpath links to Diss. It also introduces a potential concern with vehicles circulating via the A1066 if they find they are unable to park at the north west area of the development.

Whilst I do appreciate the access road serving Morrison supermarket is not highway, it does have a roundabout that seems to connect to the application site boundary, perhaps provided in anticipation of future development.

I would be interested to learn whether access to the development via the roundabout has been considered.

Additional comments received on 23 August 2021

No further changes to the layout have been submitted. Whilst this is disappointing, the highway authority considers that the inadequacy of the internal layout will not have a detrimental impact on the safety of the highway network as the site is behind the Thatchers Needle public house. The highway authority will not be adopting any of the internal roads.

Any detrimental impact of the internal layout of the proposed development will impact on the site itself and possibly the adjacent public house. The highway authority would however recommend that the applicant consider the needs of its potential residents/visitors and staff and ensure that those who are partially sighted and/or less mobile have some segregated provision.

No objection subject to conditions

#### 4.16 NCC Lead Local Flood Authority

A flood risk assessment needs to be provided.

Comments on amended details:

Object. Further details are required on:

- Level of surface water arising from the development
- Permission to discharge into the Waveney Lower Yare and Lothingland watercourse
- Site specific ground investigation report including recent groundwater monitoring.
- Plans showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% return period need to be provided.

Comments on amended plan

Objection in maintained. The additional information whilst containing the applicant's representative's opinion on the LLFA's position, does not address or offer any physical evidence to support the proposal. As such, our previous response letter to this application dated 29 April 2021 still stands.

#### 4.17 Police Architectural Liaison Officer

Detailed comments on the design of the buildings and site have been provided including:

- All communal dwellings with 10 or more flats, apartments, bedsits, or individual bedrooms should have a visitor door entry system and access control system to enable management oversight of the security of the building. For buildings of more than 25 flats there should be additional measures.
- Concern regarding apartments having access directly onto the pedestrian footpath.
- Access to rear parking facilities should be restricted and well lit.
- Access to amenity space should be restricted to residents only
- Individual dwellings should have an unobstructed view of their parking space within the boundary of their property from a habitable room.

#### 4.18 Economic Development Officer

No comments received

#### 4.19 NCC Ecologist

No objection subject to conditions on:

- Biodiversity method statement
- Lighting

#### 4.20 SNC Landscape Architect

The submitted arboricultural impact assessment (AIA) identifies points where the proposed scheme will conflict with the existing trees' constraints; this is not ideal, and contrary to the default position of BS5837 which recommends that structures be located outside of the RPAs (root protection areas) of retained trees unless where there is an overriding justification.

Of particular concern is T5 in relation to the proximity of the dwelling and the impact of the TPO Oaks, adjacent to the apartment block and the impact that shading may have on them. Concerns about the proximity of the trees could be overcome with relatively minor adjustments.

The landscape strategy is sufficient but a planting strategy would be required.

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

No objections subject to conditions on:

- Contaminated land investigation
- Implementation of remediation scheme and validation
- Unexpected contamination
- Noise assessment
- Implementation of noise remediation and validation
- Air source heat pumps
- Construction management plan

#### 4.22 SNC Water Management Officer

No comments received

#### 4.23 Water Management Alliance

The site in question lies outside any of the WMA Member Boards Internal Drainage Districts as well as any of the Board's wider watershed catchments, therefore the Board has no comments to make

#### 4.24 Norfolk Fire Service - Fire Hydrants Only

No objections providing the proposal meets the necessary requirements of the current Building Regulations 2010 – Approved Document B

#### 4.25 Diss and District Neighbourhood Plan

Object to the application as it would prejudice the aims and objectives of the emerging Diss and District Neighbourhood Plan as detailed in Policy DIS 6 which is presently at the stage of its Regulation 14 Consultation.

#### 4.26 Other Representations

Five public representations have been received setting out the following concerns:

- Park Road is very busy with visual constraints. Consideration needs to be given for both construction traffic and for eventual residents. Access to the site round the back of the Fire Station may be better.
- Consideration needs to be given to the River Waveney to ensure it doesn't Cause flooding and damage to the ecology of the site.
- Proposal will result in additional accesses onto Park Road.
- Concerned regarding increased traffic and the impact on road safety
- The Diss Cycle Touring Club - object due to the lack of cycle provision. One cycle parking space is dismissive of peoples cycling needs. Club membership includes a large percentage of over 60s who routinely undertake bike trips of 50-60 miles and more. Being retired encourages more cycling and should be supported.

### 5 Assessment

#### Key considerations

##### 5.1 The key considerations in relation to this application are:

- Principle
- Design (including scale and massing)
- Affordable housing (including viability)
- Impact on heritage assets
- Trees
- Highways
- Drainage

#### Principle

##### 5.2 The site is within the development boundary for the Town of Diss, outside the Town centre as defined by the South Norfolk Local Plan and is on an allocated site under Policy DIS 6 of the adopted Site-Specific Allocations and Policy Document (2015). Prior to this, the site was also allocated in the 2003 Local Plan.

##### 5.3 Policy DIS 6 sets out the following:

Land amounting to some 1.76 hectares is allocated for retail (non-food goods), leisure, offices (class A2 only), and housing, with any housing only constituting a small (no more than 25% by area) proportion of the site.



Under the terms of the policy the developers of the site will be required to ensure:

- *Retail use is limited to non-food goods;*
- *Residential use is an integral part of a commercial development (with offices limited to Class A2);*
- *Provision of landscaping to screen the adjacent electricity sub-station;*
- *Impacts on TPO trees on Park Road are taken into account;*
- *Scheme design takes into account adjacent Conservation Area;*
- *Potential for contamination on the site is assessed (and managed appropriately if any contamination found);*
- *Contribution made towards green infrastructure provision at DIS 2 (including habitat creation along the river)*
- *Wastewater infrastructure capacity must be confirmed prior to development taking place;*
- *Norfolk Minerals and Waste Core Strategy Policy CS16 applies, as this site is underlain by safeguarded mineral resources.*

- 5.4 The proposed 100% C3 residential use of the site is therefore contrary to the allocation which only allows for 25% residential. Notwithstanding this, a number of planning applications have been received of the site for different uses, however the site remains undeveloped. Having regard to the previously refused applications it is clear that there are difficulties in developing the site in accordance with the requirements of DIS6.
- 5.5 The Greater Norwich Local Plan is also of relevance to this application. This has been submitted to the Secretary of State for examination. For Diss allocations have been devolved to the neighbourhood plan process. As part of the Greater Norwich Local Plan site allocation DIS6 has not been retained. At this stage only limited weight can be given to the policies within the GNLP.
- 5.6 As set out within the preceding paragraph the allocations have been devolved to the Diss neighbourhood plan. The neighbourhood plan is currently at the regulation 14 stage and has allocated the site for a hotel and enabling housing, with the principal access being achieved from the Morrisons roundabout. The allocation caps the housing at no more than 25% of the site area. At this stage it is not considered that weight can be given to the allocations within the neighbourhood plan.
- 5.7 Policy DM3.1 is also of relevance to this application, this requires that all housing proposals should help contribute to a range of dwelling types and bed spaces to meet the requirements of different households. This policy is underpinned by JCS Policy 4, which requires that housing proposals contribute to providing an appropriate mix of tenures as part of the overall provision in highly accessible locations. It is acknowledged that there is a need for a range of appropriate housing in Norfolk to support an aging population to live as independently as possible. It is considered that given the sustainable location of this proposal the scheme contributes positively towards this policy objective and this weighs in its favour in the overall planning balance
- 5.8 Having regard to the site's location within the defined development boundary for Diss, and the length of time it has been allocated for development without coming forward, a scheme of 100% residential development for older peoples housing, whilst contrary to the requirements of DIS6, may be considered to be acceptable. The site is considered to be a sustainable location for an older people's housing scheme. It is close to the centre of Diss providing sustainable transport opportunities for access to services and facilities both by walking and by bus.

## **Design including impact upon heritage assets**

- 5.9 The site includes a large L-shaped block which houses the 58 apartments. The east-west section is two storey whilst the north-south section is three storey, with the 15 cottages located to the south-east and south-west of the site. The Diss Conservation Area is located to the north of the site, with its boundary on Park Road to the south of Park Field. As part of the previous refused applications 2015/1428 (dismissed at appeal) and 2017/2853 a key concern was the bulk scale and massing of the development in relation to the conservation area.
- 5.10 Historically, the area to the south of Park Field was open countryside down to the river, as shown in the historic maps of the conservation area appraisal. In post-war years there has been industrial development south of Park Road including the feather factory to the west, and electricity substation to the south. To the east is the bus station area with a small brick shelter, and further east the development of supermarkets and car parks which have been built on the site of a Poultry Packing Station and Engineering works. This site was the location of an Electrical Component Factory, roughly positioned where the present day Thatcher's Needle is.
- 5.11 The existing Thatcher's Needle public house has been built on the site to the north west, it is built in a traditional based vernacular style with a domestic scale. The rest of the site which is subject to this proposal is presently rough ground following demolition of the existing buildings
- 5.12 Previous planning applications have considered the relationship between this site, the Conservation Area and the wider landscape to the south of the town. Whilst it is noted that these were for different type of development, of particular relevance was application 2015/1428 which was dismissed at appeal. Through the appeal the Planning Inspector concluded in her decision that "The appeal site occupies a significant and sensitive location between Park Field and the countryside" and that the development would "block the existing visual link between the Waveney valley and Park Field and consequently the development would fail to reflect the historic visual and functional links that previously connected Park Field to the River Waveney, and which contribute to the significance of the Conservation Area and its setting."
- 5.13 The bulk, scale and massing of this development in regard to the impact on the setting of the Conservation Area and in the overall design of the development is a key consideration. The two storey elements orientated east-west across the site are at a reduced height to the previously refused developments. This is more akin to a domestic scale which is considered to be more appropriate within the context of this part of town. The site itself is set lower than Park Road. It also includes the separate cottages to the south which are set in small groups. Taken together with the more domestic scale, the proposal is considered to retain longer views of the trees of the Waveney Valley from the Conservation Area. In this regard the proposal is not considered to impact the significance or the setting of the heritage asset.
- 5.14 Turning to the design of the apartments and the cottages, the elevations for the main block have been broken up in terms of articulation and materials to relieve the impression of bulk. The roof has been designed to be traditional two storey with attic storey/dormer windows with a lower eaves height and dormer window for the east section, and two storey for the south, and is therefore of a more domestic scale than previous proposals for the site. The cottages are set in terraces or small groups with a gable roof form which helps to break up their bulk and massing.
- 5.15 In regard to the apartments the majority of these are single aspect, with a number of them being solely north facing. This will restrict light and aspect for future occupiers. The South Norfolk Place Making Guide SPD sets out at section 3.8.2 that new dwellings should be designed to be dual aspect where possible and avoid north facing single aspect flats. A number of the proposed apartments are therefore contrary to this.

- 5.16 The development does represent a high density of units within a relatively small space. There is concern with the position of the cottages to the south of the site and particularly blocks D, E and F. These will feel quite squeezed between units to the north and the substation to the south, with frontage aspect overlooking a long linear strip of car parking spaces and extensive hard surfacing. The south east corner block E & F in particular will be between the substation to the south and three storey corner element of the main home in close proximity to the north west, as well a tall, high tree belt to the north.
- 5.17 In regard to the design and layout of the development it is not considered to comply with the requirements of NPPF para 130 (b) “decisions should ensure that developments b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;” and “d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;” and para 134 “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design”. This needs to be taken together with the requirements of JCS Policy 2 which sets out that “All development will be designed to the highest possible standards, creating a strong sense of place.” And also DM 3.8 which requires that “the Council will refuse development that fails to take the opportunities for improving the character and quality of an area and the way the area functions.” And 4 (a) which requires that the scale, height, massing, form and appearance of development is designed with a satisfactory relationship of structures, spaces and routes within the site and a successful integration into the surroundings.
- 5.18 In view of the above, the proposal is considered to represent overdevelopment of the site, by virtue of its density, massing and layout. This results in a design which does not take opportunities to improve the character and quality of life of an area and the way it functions as required by DM3.8. In particular the position of blocks D, E and F appear cramped between other residential aspects of the site, the substation and trees resulting in both poor design and an overbearing impact. There are also a number of single aspect apartments which are north facing and will be subject to shading from adjacent trees, resulting in a poor level of amenity for the future occupiers of these apartments. The proposal is therefore considered to be contrary to the requirements of JCS Policy 2, DM3.8, DM3.13, DM4.8, NPPF paragraphs 130 and 134 and section 3.8.2 of the South Norfolk Place Making Guide SPD.

### **Impact upon amenity**

- 5.19 Policy DM 3.13 Amenity, noise and quality of life requires development to ensure there is a reasonable standard of amenity reflecting the character of the local area. Consideration is given to both neighbouring occupiers of the site and also future occupiers of the dwellings.
- 5.20 As set out in regard to design, there is concern in relation to the cottages in the south-eastern corner of the site. These are located between the sub-station, three storey corner element of the apartment block and also high protected trees. Taken together these are considered to have an overbearing impact which would not ensure a reasonable standard of amenity for those residents, contrary to DM3.13. There is also concern in relation to overshadowing of the apartments to the east of the site from the protected Oak trees. A shadow assessment has not been provided however having regard to the single aspect nature of a number of these apartments this is also considered to result in an unacceptable impact upon amenity.
- 5.21 Notwithstanding the above, a noise assessment has also been provided in support of the application having regard to the surrounding commercial uses. This has concluded that mitigation will be required to reduce the sound level to an acceptable level. It is considered

that mitigation is a feasible option and in this regard the Environmental Quality Team have confirmed that they would not object to the proposal subject to conditions.

### **Affordable Housing**

- 5.22 Policy 4 of the Joint Core Strategy sets out a requirement for residential developments to deliver 28% affordable housing, this would result in a requirement of 20 dwellings from this scheme. No affordable units are provided as part of this scheme however a financial viability appraisal has been provided which seeks to demonstrate that the development does not support an off-site [or on-site] contribution towards affordable housing.
- 5.23 The financial viability is currently subject to independent review, however there is disagreement in relation to the costings/assumptions within the viability appraisal. Further testing and negotiation with the applicant and the Councils consultants is required. At this stage it is considered that the proposal of 0% affordable housing conflicts with the requirements of Policy 4 of the JCS and Paragraph 65 of National Planning Policy Framework (NPPF) July 2021 expresses an expectation that at least 10% of the total dwellings should be for affordable home ownership.

### **Highways**

- 5.24 Policy DM 3.11 states that planning permission will not be granted for development which would endanger the highway safety or the satisfactory functioning of the highway network. In addition to this Policy DM 3.12 requires development to provide sufficient parking provision.
- 5.25 Access to the site is from Park Road with an in and an out which is shared with Thatchers Needle public house. Car parking is proposed to be provided within the site within the majority of this located to the south of the site. The application has been reviewed by the Highways Authority who whilst not objecting to the principle of the development have raised concerns in terms of the detailed layout. This has included:
- Proposed widths of footpaths
  - Evidence of turning paths for larger vehicles
  - Level of parking provisions and position of it. Including concern regarding inadequate provision of disabled and visitor parking
  - Inadequate provision of cycle parking
  - Demonstration of visibility splays
  - Road layout widths and arrangements
- 5.26 In a further representation the Highways Authority have also requested consideration of access from the Morrisons roundabout to the east of the site as opposed to from Park Road.
- 5.27 The layout of the site in relation to the internal roads and the provision of parking and cycling spaces is not considered to represent the most suitable design solution. This needs to be balanced against the requirements of the NPPF at paragraph 111. This sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this regard whilst the layout is sub-optimal it is not considered that it results in an unacceptable highway safety impact or that the cumulative impact can be considered to be severe. As such whilst the layout is sub-optimal it is not sufficient to substantiate a reason for refusal.

## **Drainage**

- 5.28 Policy DM4.2 relates to drainage and requirement for all developments to demonstrate how drainage measures have been integrated into the design. A Flood Risk Assessment and Drainage Strategy has been provided in support of this application.
- 5.29 In relation to foul drainage the proposal has been reviewed by Anglian Water who have confirmed that the proposal can connect into the main sewer and that there is capacity within the Diss Recycling Centre to accommodate flows from the site.
- 5.30 In relation to surface water the applicant is proposing to discharge surface water runoff from the site to a Waveney Lower Year and Lothingland Internal Drainage Board main drain which flows into the River Waveney. Prior to this, surface water runoff generated from the site will be collected via a lined permeable surfacing along the estate carriageways. Surface water runoff from roofed areas will also be conveyed to this feature. The LLFA have reviewed the strategy and currently object to the submitted information setting out that the flood risk assessment is not considered to be acceptable. Further evidence is required to be provided to overcome objections in relation to:
- Evidence to demonstrate that the proposal will not increase flood risk elsewhere
  - Evidence of permission to discharge into the Waveney Lower Yare and Lothingland IDB
  - Site specific ground investigation including recent groundwater monitoring
  - Updated drainage system plans showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% return period.
- 5.31 In relation to drainage it is considered that the concerns of the Lead Local Flood Authority may be able to be overcome through updated and new information, however at this stage this has not been provided by the applicants. There is therefore currently insufficient information to assess the impact of this development against the requirements of DM4.2 and paragraphs 167, 169 and 174 of the NPPF.

## **Trees**

- 5.32 Policy DM4.8 advises that the Council will promote the retention and conservation of significant trees, woodlands and traditional orchards. Equally, criterion 4 of the allocation DIS 6 requires the TPO trees on Park Road to be fully taken into account within the scheme.
- 5.33 An arboricultural impact assessment has been provided in support of the application which has been reviewed by the Council's Landscape Architect. There are a number of trees both within the site and adjacent to it which would be adversely impacted by the development. The apartment block encroaches on the root protection area of the TPO Oaks on the boundary with the bus station. It is considered that insufficient justification has been provided in regard to this encroachment. Shading patterns have not been provided as part of the assessment. There is also concern in regard to the level of shading the apartments within the north-east corner will receive.
- 5.34 T5 is also of particular concern. This is a category B Field Maple located outside of the site boundary. The AIA has set out that due to the proximity of Block D, the tree can be retained however will require specialist foundations. Notwithstanding this, the Landscape Architect has set out that the close proximity of a tree to a new dwelling will bring with it new management issues as the tree regrows towards the structure.

- 5.35 The proximity of mature trees is often a concern from residents resulting in pressure for the trees to be reduced in scale or removed. The proposal is considered to conflict with DM4.8 and criterion 4 of DIS 6. It may be possible to overcome this through layout changes.

### **Open Space**

- 5.36 Policy DM3.15 sets out that new housing development will be required to provide adequate outdoor play facilities and recreation open space commensurate with the level of development proposed in order to meet the needs of occupants. The policy requires consideration of the Open Space SPD which sets out the levels of open space to be provided in relation to both formal and informal provision. Paragraph 3 of Chapter 4 of the SPD sets out that development proposals consisting entirely of non-institutional sheltered and retirement housing will be exempt from the requirement to provide children's playspace. The requirements do not exempt the site from other forms of open space including adult recreation space, playing pitches and informal recreation space.
- 5.37 The site layout includes an area of open space to the east and north of the site which will form an informal amenity area for residents. The total space proposed amounts to approximately 1600sqm which is just over 50% of the informal recreation space this number of dwellings would be expected to provide under the SPD. No open space or contribution is proposed towards playing pitches or other formal adult recreation space. The proposal is therefore considered to be contrary to the requirements of DM3.15 and the Open Space SPD.

### **Ecology**

- 5.38 Policy 1 of the JCS requires the development to both have regard to and protect the biodiversity and ecological interests of the site and contribute to providing a multi-functional green infrastructure network. Policy DM4.4 looks for new development sites to safeguard the ecological interests of the site and to contribute to ecological and Biodiversity enhancements
- 5.39 Both an Ecological Appraisal and a Reptile Survey have been provided in support of this application, and they have been reviewed by the Ecologists at Norfolk County Council. The reports are considered to be fit for purpose and subject to conditions the proposal meets the expectations of Policy 1 of the JCS and DM4.4.

### **Other Issues**

- 5.40 The application can be considered to be previously developed land (brownfield land). In line with the NPPF, I have considered the benefits of the efficient use of land, but consider that in this case, this does not outweigh the other material considerations.
- 5.41 The impact of Covid-19 is a material consideration in the determination of this application. The proposal will support the local economy during the construction phase.
- 5.42 Consideration has been given to the EIA regulations. The development falls below the threshold set out in Schedule 2.
- 5.43 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.
- 5.44 This application is liable for Community Infrastructure Levy (CIL)

## Conclusion

- 5.45 The application does not conform to the site allocation DIS6 by virtue of its proposal for 100% residential dwellings, where the policy only allowed for a maximum of 25%. Notwithstanding this, it is acknowledged that the site has been allocated for a significant period of time and a suitable scheme has not come forward. The proposal will provide for older people's housing, which could be secured by way of a legal agreement, and for which there is a need in Norfolk. The site is located within the town's development boundary and is considered to represent a sustainable location with access to services and facilities available by both walking and public transport. Whilst contrary to the requirements of DIS 6, it is considered that on balance the proposed use is in principle acceptable on this site.
- 5.46 The application relates to C3 dwellings which are entirely proposed to be for the private market. Policy 4 requires affordable housing to be provided unless viability evidence is provided setting out that this is not feasible. The independent review of the viability is currently ongoing, but at this stage the Council is not satisfied that evidence has been provided justify the absence of any provision of affordable housing, so the proposal is contrary to policy.
- 5.47 Whilst the principle of the development is considered to be acceptable, the layout, massing and density of the site is considered to result in overdevelopment of the site resulting in a cramped scheme. It is not in accordance with the requirements of DM3.8 which requires development to ensure the scale, height, massing, form and appearance of development is designed with a satisfactory relationship of structures, spaces and routes within the site and a successful integration into the surroundings, JCS policy 2 and the NPPF. The position of a number of units within the site is also considered to result in an adverse impact upon amenity for the future occupiers of the site through over shadowing and overbearing impact. There are also a number of single aspect north facing units which would have poor levels of sunlight impact occupiers amenity. The proposal would not therefore meet the requirements of DM3.13 or the design aspirations of the South Norfolk Place-Making Guide SPD as set out at section 3.8.2.
- 5.48 Concern has been raised by statutory consultees as part of the determination of the application in regard to both highways, and drainage. Insufficient information has been provided in relation to drainage. The scheme will need to be amended to ensure that the proposal provides a suitable drainage strategy and road layout. At this stage these have not been received and in cannot therefore be concluded that the development will comply with DM4.2.
- 5.49 The proposal also results in an under provision of open space when having regard to the requirements of DM3.15.
- 5.50 For the above reasons the proposal is recommended for refusal.

Recommendation :	Refusal
	1. Overdevelopment of site
	2. Insufficient information – viability
	3. Insufficient information – drainage
	4. Contrary to DM3.15 - Insufficient levels of open space

## Reasons for refusal

### 1. Overdevelopment of the site

The proposal is considered to represent overdevelopment of the site, by virtue of its density, massing and layout. This results in a design which does not take opportunities to improve the character and quality of life of an area and the way it functions. In particular the position of

blocks D, E and F appear cramped between other residential aspects of the site, the substation and trees resulting in both poor design in the form of a poor outlook and an overbearing impact. There are also a number of single aspect apartments which are north facing and will be subject to shading from adjacent trees, resulting in a poor level of amenity for the future occupiers of these apartments. The proposal is therefore considered to be contrary to the requirements of JCS Policy 2, DM3.8, DM3.13, DM4.8, NPPF paragraphs 130 and 134 and section 3.8.2 of the South Norfolk Place Making Guide SPD.

2. Insufficient information viability

The proposal does not any affordable homes which is contrary to the requirements of Policy 4 of the Joint Core Strategy. The Council is not at this stage satisfied with the submitted viability appraisal and cannot therefore yet confirm whether the residual land value will justify a scheme with no allowance for affordable housing the scheme is therefore currently contrary to JCS Policy 4.

3. Insufficient information drainage

Insufficient information has been received by the local planning authority to allow it to adequately assess the merits of the scheme. In particular the Flood Risk Assessment and Drainage Strategy is not considered to provide sufficient detail to ensure that there is a suitable detail to allow the LPA to determine whether adequate provision can be made for surface water drainage to enable the scheme to comply with the requirements of DM4.2 and paragraphs 167, 169 and 174 of the NPPF so the scheme is contrary to policy at this stage.

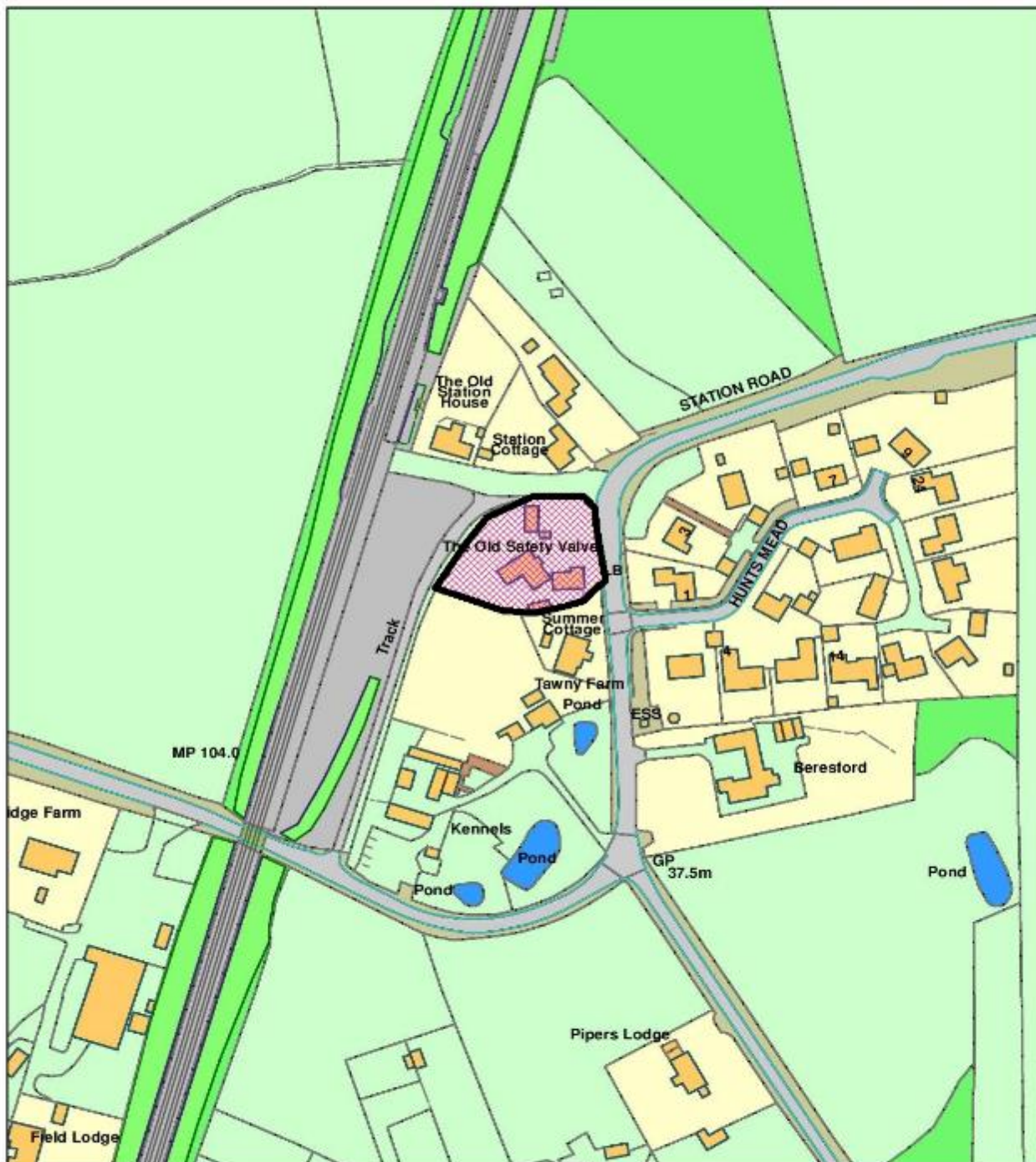
4. Contrary to DM3.15

The amount of open space required for all developments is set out within policy DM3.15 and the Open Space SPD. Whilst this proposal does include an area of informal amenity space to the east of the site, the area is significantly below the requirement set out in DM3.15. Furthermore, no financial contribution towards off-site provision has been made to offset the on-site shortfall. In this regard the proposal is considered to be contrary to DM3.15 and the Open Space SPD.

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2021/0365



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**2. Application No : 2021/0365/F**  
**Parish : FORNCETT**

Applicant's Name: Mr & Mrs D Avery  
Site Address The Old Safety Valve Station Road Forncett St Peter NR16 1JA  
Proposal Proposed change of use and extension of existing annexe to create separate dwelling.

Reason for reporting to committee

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

Recommendation summary:

Refusal

**1** Proposal and site context

- 1.1 The application site contains a detached dwelling with detached annex located between Station Road and the railway line. The site is located outside of the development limits of Forncett. The main dwelling is of a late 20<sup>th</sup> century construction (replacement dwelling) while the annex is an older original structure.
- 1.2 The proposal is to extend the annex and change its use to an independent dwelling separate from the existing detached property.

**2.** Relevant planning history

- |     |           |  |          |
|-----|-----------|--|----------|
| 2.1 | 2007/0404 | Conversion of building to granny annex                             | Approved |
| 2.2 | 1996/0726 | Demolition of existing dwelling & erection of replacement dwelling | Approved |

**3** Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
NPPF 02: Achieving sustainable development  
NPPF 04: Decision-making  
NPPF 05: Delivering a sufficient supply of homes  
NPPF 06: Building a strong, competitive economy  
NPPF 09: Promoting sustainable transport  
NPPF 11: Making effective use of land  
NPPF 12: Achieving well-designed places  
NPPF 14: Meeting the challenge of climate change, flooding and coastal change  
NPPF 15: Conserving and enhancing the natural environment
- 3.2 Joint Core Strategy (JCS)  
Policy 1: Addressing climate change and protecting environmental assets  
Policy 2: Promoting good design  
Policy 3: Energy and water  
Policy 4: Housing delivery  
Policy 5: The Economy  
Policy 6: Access and Transportation  
Policy 15: Service Villages

- 3.3 South Norfolk Local Plan Development Management Policies  
DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
DM1.3: The sustainable location of new development  
DM2.10: 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  
DM3.12: Provision of vehicle parking  
DM3.13: Amenity, noise, quality of life  
DM4.2: Sustainable drainage and water management  
DM4.5: Landscape Character Areas and River Valleys

#### 4. Consultations

##### 4.1 Town / Parish Council

No objections to this application in principle but note the conditions included in the original planning permission granted 2007/0404

##### 4.2 District Councillor - Cllr. Barry Duffin

Comment 1:  
Call in to development management committee

Comment 2:  
There is a balance to be had between the wording of policy DM2.10 and the lack of harm identified in this particular case in terms of amenity, design and highway safety that would benefit from the scrutiny of development management committee.  
I would wish to speak at the meeting.

##### 4.3 SNC Water Management Officer

No objection but recommends condition for foul drainage to go to sealed system in the event of an approval.

##### 4.4 NCC Highways

No objection

##### 4.5 Other Representations

2 Comments:

- 1 comment in support
- 1 comment with no objection

#### 5. Assessment

##### Key considerations

- 5.1 The key considerations of the assessment are the principle of the proposal, design, amenity, parking, landscape impact and highway safety.

##### Principle

- 5.2 The proposal is situated outside of the development limits for Fornsett St Peter whereby the provision of a new dwelling would be contrary to the development plan and policy DM1.3 unless the criteria set out in part (c) or (d) of this policy are met. Part (c) of policy DM1.3

allows for development where it is justified by another development management policy and part (d) allows for development that demonstrates overriding benefits in the environmental, social and/or economic dimensions of social development.

- 5.3 In this instance criterion (d) has not been demonstrated in the context of providing a single dwelling when the council can demonstrate in excess of 5 years housing land supply; however, as an existing building, it has been considered whether the proposal can meet the criteria set out in policy DM2.10 for the conversion of rural buildings in the countryside along with other relevant development management policies.

### **Conversion of Rural Buildings**

- 5.4 The existing building is currently used as an annex that is tied to the main dwelling through a condition placed on application reference 2007/0404; however, this application in itself was a conversion of an existing building. Using historic maps as a record, it is evident that the existing annex building is much older than the main dwelling (that was constructed as a replacement in the late 1990s) and appears to be part of the former station/railway complex that once sat on this site and to the north of it. I am therefore satisfied that the historical connections and traditional construction are sufficient to meet the aims of part (f) of policy DM2.10.
- 5.5 The proposal site is not related to agriculture and is not suitable for commercial uses (given its existing use as an annex) so the proposal meets the aims of part (a) and (e) of this policy. In addition, the proposed use is not commercial in itself so part (d) is not relevant.
- 5.6 Part (c) of Policy DM2.10 and policy DM3.13 consider the amenities of future residents. Sufficient space is retained for the property to meet the requirement of this policy in this regard.
- 5.7 Part (b) requires buildings to be standing and of adequate dimensions for the proposed use without major extension. The existing building is modest in size with all living accommodation within a single space (aside from a separate bathroom). While this is suitable for an annex ancillary to a main dwelling and being tied to it; it would not be suitable for a dwelling in its own right in its current form. The exact dimensions as existing are lower than the guidance given through the government minimum space standards for an independent single person dwelling, although it is acknowledged that this is by a very fine margin of less than 1 square metre. The application, although reduced in size since the original submission, still proposes an extension to house a separate bedroom and bathroom that adds over 50% of the original floorspace to the building and in consideration of Part (b) of DM2.10 this would be considered a major extension. It is therefore considered that the proposal is contrary to part (b) of policy DM2.10 through being of inadequate dimensions for conversion without major extension. By association this would also result in failing the test set out in DM1.3 as it would not be justified by another development management policy.

### **Other Issues**

- 5.8 Policy DM3.8 considers the design of new development proposals while policy DM4.5 considers the impact on the Local Landscape. In this instance, the design would not have an impact on the street scene or the wider landscape due to the set back and enclosed nature of the site. As such, notwithstanding the consideration of DM2.10 above, there are no design considerations that would provide reason to refuse the application on their own merits.
- 5.9 Policy DM3.13 considers the amenities of neighbours to the site. The proposal is single storey and is well separated from the parent dwelling along with other nearby neighbours. The position of parking and access will not compromise that of the parent dwelling due to

the existing driveway location. There are therefore no significant concerns with regard to overlooking, overshadowing or noise for this proposal.

- 5.10 The Local Highway Authority have assessed the proposal and have no objection. There is sufficient parking to serve the development and existing dwelling. The proposal therefore meets the aims of policies DM2.11 and DM3.12 in this regard.
- 5.11 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.
- 5.12 This application is liable for Community Infrastructure Levy (CIL) – the application would create an additional dwelling and increases the floorspace.

### **Conclusion**

- 5.13 The application is for the change of use and extension to an existing annex to independent dwelling in a location outside of development limits. The proposal is acceptable with regard to highways, design, amenity and several of the criteria of policy DM2.10 of the Local Plan (notably part f). However, it is contrary to the requirements of Part (b) of DM2.10 by virtue of its size not being sufficient for conversion without major extension. As such it is also contrary to DM1.3 by virtue of being a new dwelling in the open countryside without meeting the criteria set out in parts (c) and (d) of this policy. It is noted that lack of harm does not demonstrate overriding benefit in the context of part (d) of policy DM1.3. The recommendation is therefore refusal for the reasons discussed above and summarised below.

Recommendation:       Refusal

- 1 - Building not suitable for conversion
- 2 - Outside of Development Boundary

### **Reasons for Refusal**

- 1 By virtue of the size of the original structure, it is not considered that it can be satisfactorily converted to a separate independent dwelling without major extension and is therefore contrary to part (b) of policy DM2.10 of the South Norfolk Development Management Policies Document 2015.
- 2 By virtue of reason for refusal 1, the proposal would result in a new independent dwelling outside of any defined development limits and contrary to the aims of Policy DM1.3 of the South Norfolk Development Management Policies Document 2015 by virtue of a lack of justification through an alternative development management policy (criterion (c) or demonstration of overriding benefits in relation to economic, social and environmental considerations (criterion d)).

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**Planning Appeals**

**Appeals received from 17th July 2021 to 18th August 2021**

<b>Ref</b>	<b>Parish / Site</b>	<b>Appellant</b>	<b>Proposal</b>	<b>Decision Maker</b>	<b>Final Decision</b>
2020/2151	Little Melton 4 The Close Little Melton Norfolk NR9 3AE	Mr Tim Moll	Beech tree - fell	Delegated	Refusal
2020/1941	Hethersett Land Adjacent to 40 Ketts Oak Hethersett Norfolk	Miss Hannah Gowing	Outline planning for a detached dwelling	Delegated	Refusal
2021/0307	Diss Land to the Rear of Thatchers Needle Park Road Diss Norfolk	Churchill Retirement Living	Redevelopment of the site to form 58no. retirement apartments and 15no. retirement cottages including communal facilities, access, car parking and landscaping	Development Management Committee	Non determination - Referred to committee as part of this agenda

**Planning Appeals**

**Appeals decisions from 17th July 2021 to 18th August 2021**

<b>Ref</b>	<b>Parish / Site</b>	<b>Appellant</b>	<b>Proposal</b>	<b>Decision Maker</b>	<b>Final Decision</b>	<b>Appeal Decision</b>
2020/1989	Little Melton Land at The Close Little Melton Norfolk	Mr Daniel Bear	Erection of low carbon, single storey, 4 bedroom residential dwelling with integrated garage/surface parking and private amenity space.	Delegated	Refusal	Appeal Allowed

## Planning Appeals

Appeals decisions from 17th July 2021 to 18th August 2021

Ref	Parish / Site	Appellant	Proposal	Decision Maker	Final Decision	Appeal Decision
2021/0145	Needham 66 High Road Needham IP20 9LB	Mr P Bee	Erection of single storey rear extension with pitched roof to existing front porch and a double garage.	Delegated	Refusal	Appeal part allowed, part dismissed