

# Development Management Committee

## Agenda

### Members of the Development Management Committee:

Cllr V Thomson (Chairman)	Cllr T Holden
Cllr L Neal (Vice Chairman)	Cllr C Hudson
Cllr D Bills	Cllr T Laidlaw
Cllr F Ellis	Cllr G Minshull
Cllr J Halls	

### Date & Time:

Wednesday 21 September 2022  
10.00am

### Place:

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

### Contact:

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Email: [committee.snc@southnorfolkandbroadland.gov.uk](mailto:committee.snc@southnorfolkandbroadland.gov.uk)  
Website: [www.southnorfolkandbroadland.gov.uk](http://www.southnorfolkandbroadland.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-iPyRlmsTCIng>

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 [committee.snc@southnorfolkandbroadland.gov.uk](mailto:committee.snc@southnorfolkandbroadland.gov.uk), no later than **5.00pm on Thursday 15 September 2022**.

### 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.

# 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 6)
4. Minutes of the Meeting of the Development Management Committee held on Wednesday 24 August 2022;  
(attached – page 8)
5. Planning Applications and Other Development Control Matters;  
(attached – page 16)

To consider the items as listed below:

Item No.	Planning RefNo.	Parish	Site Address	Page No.
1	2021/2766/F	BAWBURGH	Land off Long Lane Bawburgh Norfolk	16
2	2020/1920/F	FLORDON	Land North of The Street Flordon Norfolk	21
3	2022/0530/F	SHELFANGER	Agricultural building west of Diss Road Shelfanger Norfolk	32
4	2022/0533/H	CAISTER ST EDMUND & BIXLEY	55 Caistor Lane Caistor St Edmund Norfolk NR14 8RB	41
5	2022/1098/F	BROOKE	11 The Street Brooke Norfolk NR15 1JW	46
6	2022/1166/A	MULBARTON	Co-Op Supermarket, Cuckoofield Lane, Mulbarton, Norfolk, NR14 8BA	53

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 59)

8. **Date of next scheduled meeting-** Wednesday 19 October 2022

## 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

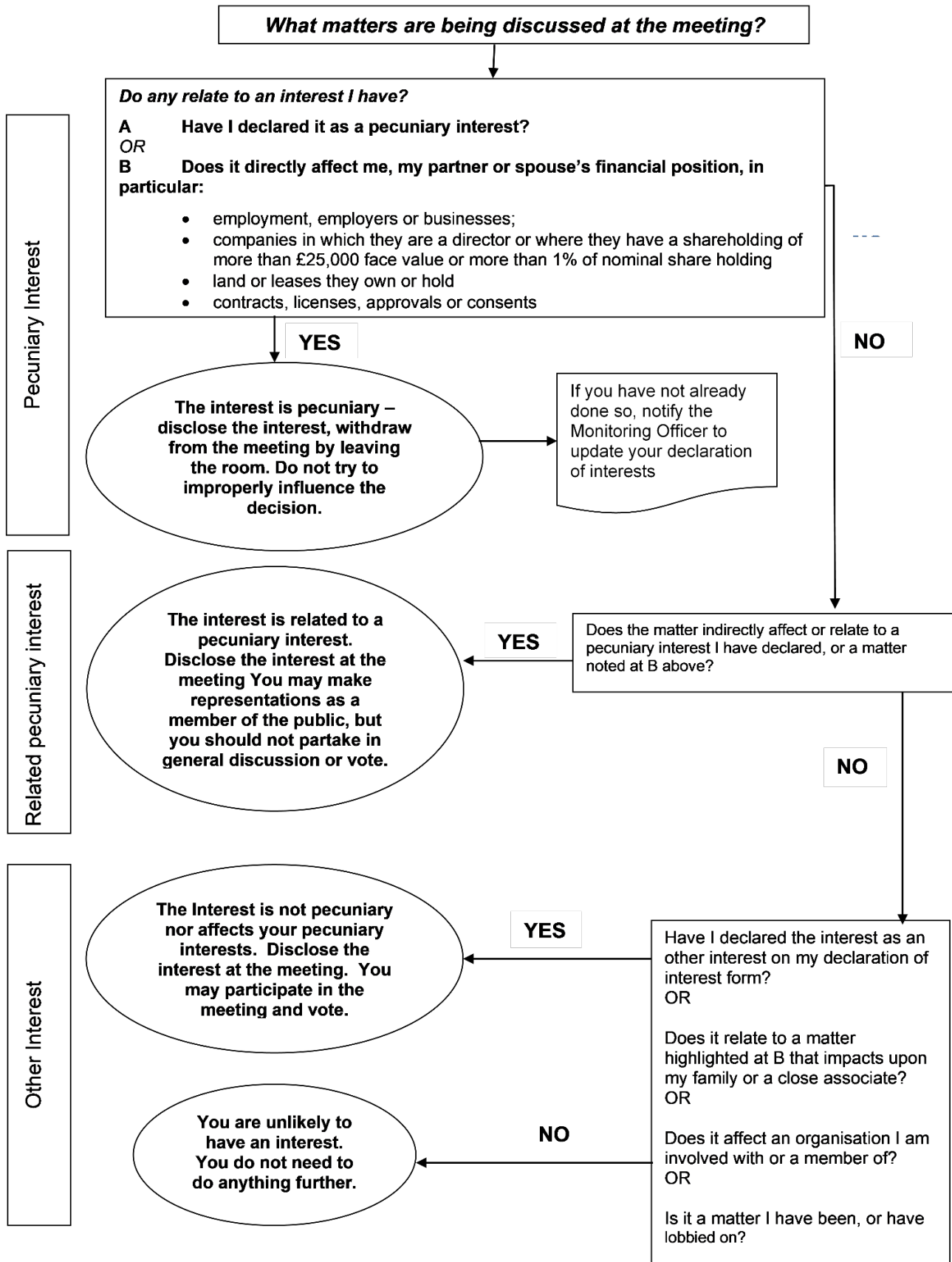
When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda 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</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 24 August 2022 at 10am.**

**Committee Members Present:** Councillors: V Thomson (Chairman), D Bills, J Halls, T Holden ,C Hudson (Items 1,3 & 4), T Laidlaw and L Neal (Items 1-3).

**Apologies:** Councillors: F Ellis (with J Easter appointed substitute) and G Minshull.

**Officers in Attendance:** The Development Manager (T Lincoln) and the Area Team Manager (G Beaumont), the Principal Planning Officer (S Everard) and the Senior Planning Officer (C Rickman)

13 members of the public were also in attendance

## 625 DECLARATIONS OF INTEREST

Application	Parish	Councillor	Declaration
2021/1721/F (Item 2)	PULHAM MARKET	C Hudson	Other Interest As Local Member, Cllr Hudson chose to step down from the Committee and speak solely as Local Member on the application
2022/0767/A (Item 4)	WYMONDHAM	T Holden & J Halls	Other interest Member of Wymondham Town Council
		L Neal	Local Planning Code of Practice As a Cabinet Member,



			Cllr Neal left the room while this application was considered
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## 626 MINUTES

The minutes of the meeting of the Development Management Committee held on 27 July 2022 were confirmed as a correct record.

## 627 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 applications listed below.

Application	Parish	Speakers
<b>2021/2645/F</b>	<b>STOKE HOLY CROSS</b>	C Bussey – Parish Council M Robins – Objector N Miller – Objector C Fagg – Agent Cllr N Legg – Local Member
<b>2021/1721/F</b>	<b>PULHAM MARKET</b>	Cllr M Wilby – Local Member (written submission) Cllr C Hudson – Local Member
<b>2022/0316/F</b>	<b>LANGLEY WITH HARDLEY</b>	M Pitt – 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.

## 628 PLANNING APPEALS

The Committee noted the planning appeals.

(The meeting concluded at 12:28pm)

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Chairman

**Updates for DEVELOPMENT MANAGEMENT COMMITTEE**  
**– 24 AUGUST 2022**

Item	Updates	Page No
1 2021/2645	<p>Further planning conditions are proposed in relation to lighting and management/maintenance</p> <ul style="list-style-type: none"> <li>• Lighting – This requires lighting to be limited and designed in accordance with Obtrusive Light Limitations of The Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2021, and the Institution of Lighting Professionals Guidance Note 08/18 Bats and Artificial Lighting</li> <li>• A condition requirements details management and maintenance of the site.</li> </ul> <p>A Further written response received from Swainsthorpe Parish Council attached at appendix 1</p>	13
2 2021/1721	<ul style="list-style-type: none"> <li>• Response received from Highway Authority following a visit to the site to check visibility splays:</li> </ul> <p><i>The hedge along the frontage has been well cut and visibility in the direction of the A140 is currently about 60 metres. The 70 metres should be achievable with some cutting back, but the 80 metres is unlikely to be achieved without quite severe cutting back, including the front hedge to the front of the cottage on the western side of the site.</i></p> <p><i>In the context of the location and the traffic movements on Wood Lane I am fine with 70 metres.</i></p> <p>Conditions recommended related to the provision of visibility splays and the position of access gates 8m from the near edge of the adjacent carriageway. These two conditions will replace</p>	30

	<p>condition 5 in the Committee report, which in light of the Highway Authority's comments, is no longer required.</p> <ul style="list-style-type: none"> <li>• A further planning condition is also proposed to prevent commercial activities at the site. This is considered to be necessary when having regard to the impact on neighbouring residential properties and the character and appearance of the area.</li> </ul>	
3 2022/0316	<p>As the application is retrospective, the Local Planning Authority are also seeking confirmation from the committee to take the necessary enforcement action.</p> <p>Secondly, some additional information in relation to flood risk. The front part of the site is within Flood Zone 2 and the access to the site is within Flood Zone 3. Having considered the table within the Technical Guidance to the NPPF sets out that the proposed use is classified as a 'less vulnerable' use it is considered that this doesn't cause any flood risk concerns.</p>	41
4 2022/0767	<p>Wymondham Town Council commented further following the amended plans suggesting that the application be approved.</p> <p>35 Norwich Road commented further following the amended plans. The revision has not alleviated their initial concerns.</p> <p>Clarification on condition number 4 listed within the Committee report. This relates to the hours that the sign can be illuminated for.</p>	20

## Swainsthorpe Parish Council

### Planning Application 2021/2645

The following comments are made in addition to those previously submitted by the Council in relation to the original planning application and the second report issued by the SNDC Planning Officer.

1. We note that the second report provided by the planning team was published on the council's website on the 16<sup>th</sup> August 2022, which, considering the impact of this report on the recommendation made by the planning officer in the original report leaves a bare minimum of time for consideration and due process on the part of the Parish Council. Given that the original deferment was determined on 6<sup>th</sup> April 2022 we consider the late timing of the officer's second report to be unacceptable,
2. We regard the additional information and consultation between the applicant and the planning officer referred to in the second report is not supported by evidence of significant attention being given to the critical issues of the environmental impact of this application and the health and safety risks of the development. We cannot see any evidence within the file of an Environmental Impact Assessment, or a clear plan for management of the fire and emission risks associated with a large BESS development such the one proposed.
3. The Council notes that no evidence is provided relating to how the BESS site will connect to the National Grid site at Dunston. This is particularly concerning that the route will necessitate a route over / under the A140 and the main Norwich to London railway line.
4. The Parish Council notes and approves of the many points made by Mr Nick Miller in relation to the omissions from the updated application. We are particularly concerned about the reference to the environmental impact of the emergency at a much smaller BESS site in Liverpool and in particular support his call for a public enquiry in BESS project developments.
5. The Council would wish to re-iterate its concern that, yet again good agricultural land is being sacrificed to industrial development. In addition the lack of evidence of any strategic approach by SNDC to the increasing number of 'renewable; energy projects impacting on South Norfolk.

The Council strongly recommends that this application is refused/ deferred until further evidence is provided in relation to the many concerns.

**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.

**Application Referred back to Committee**

1. **Appl. No** : **2021/2645/F**  
**Parish** : **STOKE HOLY CROSS**  
**Applicant's Name** : FPC (Electric Land) Ltd  
**Site Address** : Land North Of Stoke Lane Dunston Norfolk  
**Proposal** : The installation and operation of a Battery Energy Storage System to provide standby emergency electricity for National Grid in times of high electricity demand or when renewable energy projects are unable to fulfil demand. This would be for the installation of 130MW of modular battery units with ancillary equipment, including power conversion units, 132kV transformer compound, metering cabinet, switch room, DNO control room and welfare container.  
**Decision** : Members voted unanimously for approval

**Approved with Conditions**

1. Time Limit
2. Submitted Drawings
3. Construction Traffic Management Plan (PC)
4. On-site parking for construction workers (PC)
5. Scheme of archaeological investigation (PC)
6. Tree Protection Plan (PC)
7. Landscaping scheme
8. Lighting
9. Management and maintenance of the site

## Other applications

2.   **Appl. No**                         :   **2021/1721/F**  
      **Parish**                         :   **PULHAM MARKET**  
      Applicant's Name             :   Mr & Mrs Jay  
      Site Address                 :   Land west of Bungalow Farm Wood Lane Pulham Market  
  Norfolk  
      Proposal                     :   Change of use of land to Gypsy/Traveller site with  
  associated storage of forestry equipment, including siting of  
  1 no. static caravan, 2 no. touring caravans, erection of day  
  room and refurbishment of existing hard standing  
  (retrospective)  
      Decision                     :   Members voted 7-0 to Authorise Assistant Director of  
  Planning to grant planning permission subject to full  
  consideration by Officers of the issue of nutrient pollution  
  and its impacts on the integrity of Special Areas of  
  Conservation and the submission of satisfactory Unilateral  
  Undertaking relating to payment of GIRAMS
- 1 In accordance with submitted drawings  
2 Gypsy and Traveller accommodation  
3 No more than one pitch  
4 Details of foul drainage  
5 Details of materials  
6 Visibility splays  
7 No commercial activities on site  
8 Details of any replacement hedge along front boundary

3. **Appl. No** : **2022/0316/F**  
**Parish** : **LANGLEY WITH HARDLEY**  
 Applicant's Name : Mr Matthew Pitt  
 Site Address : Langley Cottage, Langley Street Langley NR14 6AD  
 Proposal : Change of use for part of site and garage to dual use as residential and used car sales (retrospective)  
 Decision : Members voted unanimously for Refusal

Refused

- 1) The application does not propose to re-use redundant rural buildings or hardstanding, the application site is not particularly well related to a rural town or village and the proposal would not create accessible jobs and business opportunities in the rural area. The application is considered to fail to comply with Policy DM2.1 of the South Norfolk Local Plan 2015.
- 2) The application also fails to demonstrate any overriding benefits in terms of economic, social and environment dimensions and therefore fails to accord with Policies 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk and with either criteria 2 (c) or 2 (d) of Policy DM1.3 and DM1.1 of the South Norfolk Local Plan 2015.

During discussion Members of the Committee agreed that officers delayed enforcement on the site for 18 months subject to the principles laid out in the report.

#### **Application submitted by South Norfolk Council**

4. **Appl. No** : **2022/0767/A**  
**Parish** : **WYMONDHAM**  
 Applicant's Name : Mr Rob Adams  
 Site Address : Wymondham Leisure Centre, Norwich Road, Wymondham, Norfolk, NR18 0NT  
 Proposal : 3 x fascia signs and lighting bar above  
 Decision : Members voted 6-2 for Approval

Approved with Conditions

- 1 Time Limit – Adverts, and condition 4 to Hours of Use
- 2 In accordance with submitted drawings
- 3 Illumination limits
- 4 Time Limits
- 5-9 Standard Advertisement Conditions

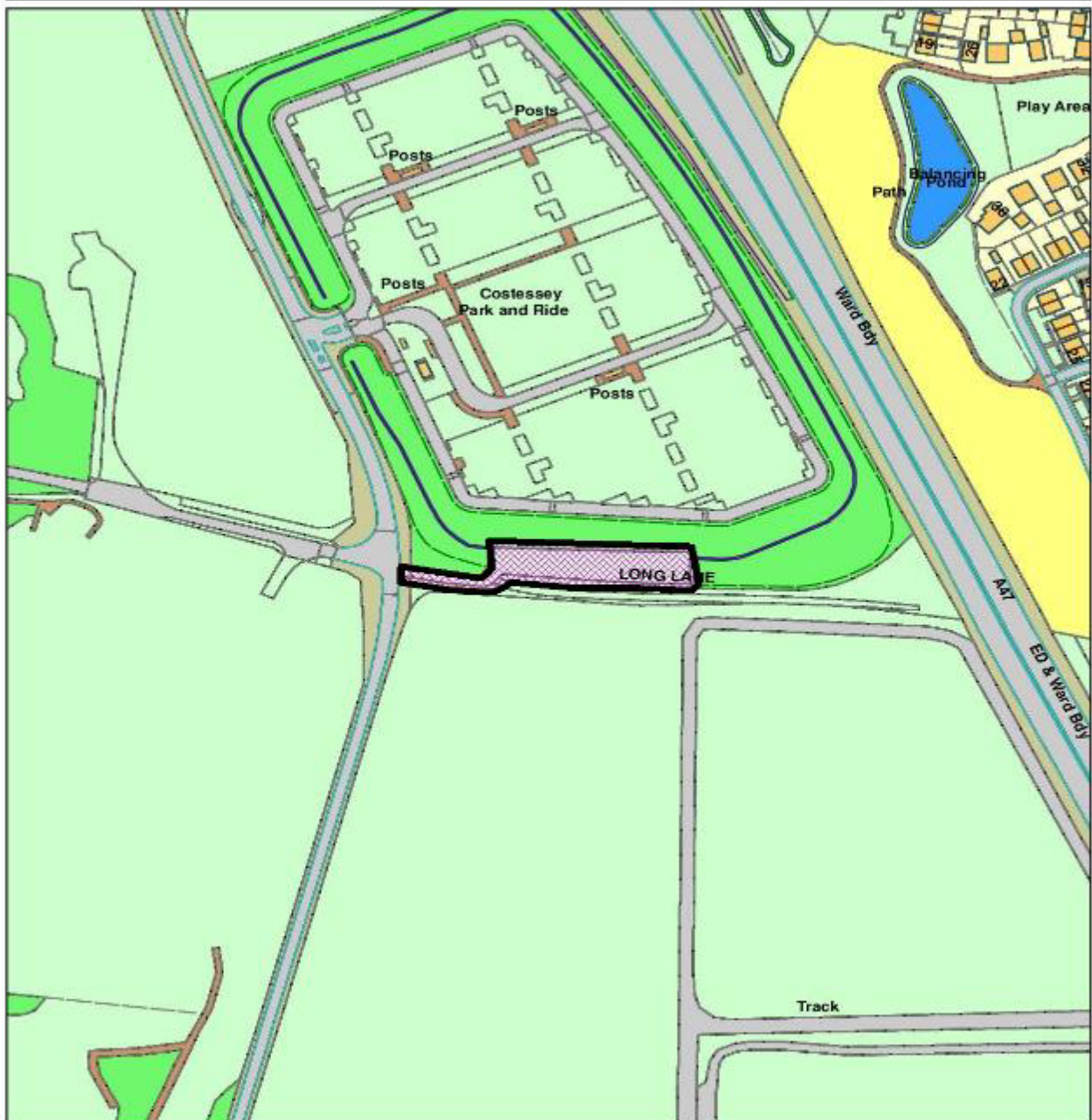
PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

**Report of Director of Place**

**Applications submitted by South Norfolk Council**

**Application 1**

2021/2766



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



**1. Application No : 2021/2766/F**  
**Parish : BAWBURGH**

Applicant's Name: Ms Gina Hopkinson, South Norfolk Council  
 Site Address Land off Long Lane Bawburgh Norfolk  
 Proposal Alterations to the existing site to create a safe and appropriate short-term tenancy for the travelling community.

Reason for reporting to Committee

The applicant is South Norfolk Council.

Recommendation summary :

Approval with Conditions

**1** Proposal and site context

- 1.1 The application seeks alterations to the existing Gypsy and Traveller short stay stopping place in Bawburgh. The site was granted planning permission in 2013 which allowed for a transit site with 6 pitches. The site opened in 2014. This application seeks to improve security and safety on the site through the introduction of new gates, fencing and CCTV. The site was temporarily closed in 2020, following a number of unauthorised vehicles accessing the site. Access to the site from Long Lane is currently blocked.
- 1.2 The site is located on Long Lane in Bawburgh. To the north of the site is the Costessey Park and Ride, whilst the land to the south is in agricultural use. The A47 is located to the east of the site.

**2.** Relevant planning history

2.1	2003/1145	Erection of conservatory	Approved
2.2	1999/0681	Erection of modular office accommodation for Highways Contractors	Approved
2.3	1992/1165	Use of building and surroundings for processing and storage of recyclable materials	Approved
2.4	2013/0892	Creation of a six pitch Gypsy and Traveller short stay stopping place (SSSP utilising a former section of highway and adjacent land)	Approved
2.5	2014/0775	Discharge of Condition 06 from planning permission 2013/0892, details of fencing and other means of enclosure including vehicular barriers, planting plans, schedules of plants and implementation programme.	Approved

**3** Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
 NPPF 02 : Achieving sustainable development  
 NPPF 04 : Decision-making  
 NPPF 12 : Achieving well-designed places

- 3.2 Joint Core Strategy (JCS)  
Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting good design  
Policy 3: Energy and water

- 3.3 South Norfolk Local Plan Development Management Policies  
DM3.3 : Gypsy and Travellers sites  
DM3.8 : Design Principles applying to all development  
DM3.11 : Road safety and the free flow of traffic  
DM3.12 : Provision of vehicle parking  
DM3.13 : Amenity, noise, quality of life

4. Consultations

- 4.1 Bawburgh Parish Council

The parish council has strong reservations about this plan and regret that they were not consulted more by the district council regarding the plans especially considering the past experiences that the PC have encountered.

- 4.2 District Councillor  
Cllr A Dearnley

Application can be delegated.

- 4.3 NCC Highways

Long Lane is a public highway. A Traffic Regulation Order prevents the public using the road in a vehicle, however it can be accessed by foot, cycle or horse. It is not lawful to fence or gate across the public highway unless a traffic order is in place. Therefore in the event that planning consent is granted a traffic order under the Highways Act will be needed.

- 4.4 SNC Water Management Officer

No comments received

- 4.5 SNC Community Services - Environmental Quality Team

No comments received

- 4.6 National Travellers Action Group

No comments received

- 4.7 The Gypsy Council

No comments received

- 4.8 Housing Standards

No comments received

- 4.9 Other Representations

No public representations received

## 5 Assessment

### Key considerations

#### 5.1 The key considerations in the determination of this application are:

- The principle of the development
- Design
- Impact on amenity
- Highways

### Principle

- 5.2 The principle of the use of the site as a short stay stopping place for Gypsies and Travellers has been granted through permission 2013/0892. Whilst the use of the site temporarily ceased in June 2020 it is not considered that the use has been abandoned. Access to the site was blocked, following a number of unauthorised vehicles accessing the site and the need to make security improvements which this application seeks to do.
- 5.3 Policy DM3.3 relates to sites for Gypsies and Travellers. Transit sites are recognised at criterion 4. This recognises the different needs of transitory occupiers to access local facilities and the short term tolerance to localised environmental conditions. It also recognises the need to locate the site conveniently to access the main travelling routes. The national Planning Policy for Travellers Sites is also of relevance, which supports the use of transit sites.

### **Design**

- 5.4 Policy DM3.8 relates to design and requires all development to demonstrate good design. The application includes 3 metre high palisade fencing surrounding the site, alongside new palisade gates. An automatic bollard will also be installed at the entrance to the site with automatic number plate recognition. Two CCTV cameras will also be installed at a height of 8 metres. One of which will be placed at the site entrance, whilst the other will be located to the at the south-east corner of the site. Whilst the design is functional, regard has been had to the existing site arrangements, which include wire mesh fencing. Furthermore, having regard to the site's location to the east of Long Lane there is limited visibility. The site is also screened to the north by existing trees which will be retained. The proposal is not considered to result in an adverse impact upon the character and appearance of the area and is considered to accord with the requirements of DM3.8.

### **Impact upon amenity**

- 5.5 There are no immediate neighbouring residential occupiers to the site. The proposal is not considered to result in an adverse impact upon the amenity of the future occupiers of the site. The proposal is considered to accord with DM3.13.

### **Highways**

- 5.6 Policy DM3.12 relates to the satisfactory functioning of the highway. The proposal includes two sets of gates across Long Lane. The first set of gates will be bi-fold gates which are set back from the highway, whilst the second gate is a manual palisade access gate located to the south-east of the site, restricting access to the rest of Long Lane. There is a third set of gates proposed at the entrance to the site.
- 5.7 Long Lane is currently public highway albeit there is an existing Traffic Regulation Order which restricts vehicular access along the lane. The lane continues east towards the A47. The lane does not connect to the wider road network and is a dead-end. Access is available to cyclists, walkers and people on horses. Following discussion with both the Highways Authority and the Applicants, the gates on Long Lane (excluding the access gate to the site are proposed to form a phase 2 of the work. The gates have been proposed to prevent fly tipping along the lane, which

has been a problem in recent years. A Gating Order under section 129 A of the Highways Act would be needed to install the gates on Long Lane. Gating Orders for land within the public highway can be used to prevent anti-social behaviour. A revised site plan has been provided to indicate the elements of work which will fall within phase 2. It is proposed to condition this to prevent the phase 2 gates being installed until the Gating Order has been completed. Subject to the inclusion of the condition, the proposal is considered to accord with DM3.12.

### Other Issues

- 5.8 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. This site is located within the catchment area of one or more of these sites as identified by Natural England and as such the impact of the development must be assessed. The development proposed does not involve the creation of additional overnight accommodation and as such it is not likely to lead to a significant effect as it would not involve a net increase in population in the catchment and is not considered a high water use development. This application has been screened, using a precautionary approach, as is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).
- 5.9 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.
- 5.10 This application is not liable for Community Infrastructure Levy (CIL)
- 5.11 This application is not liable for contributions towards Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS).

### **Conclusion**

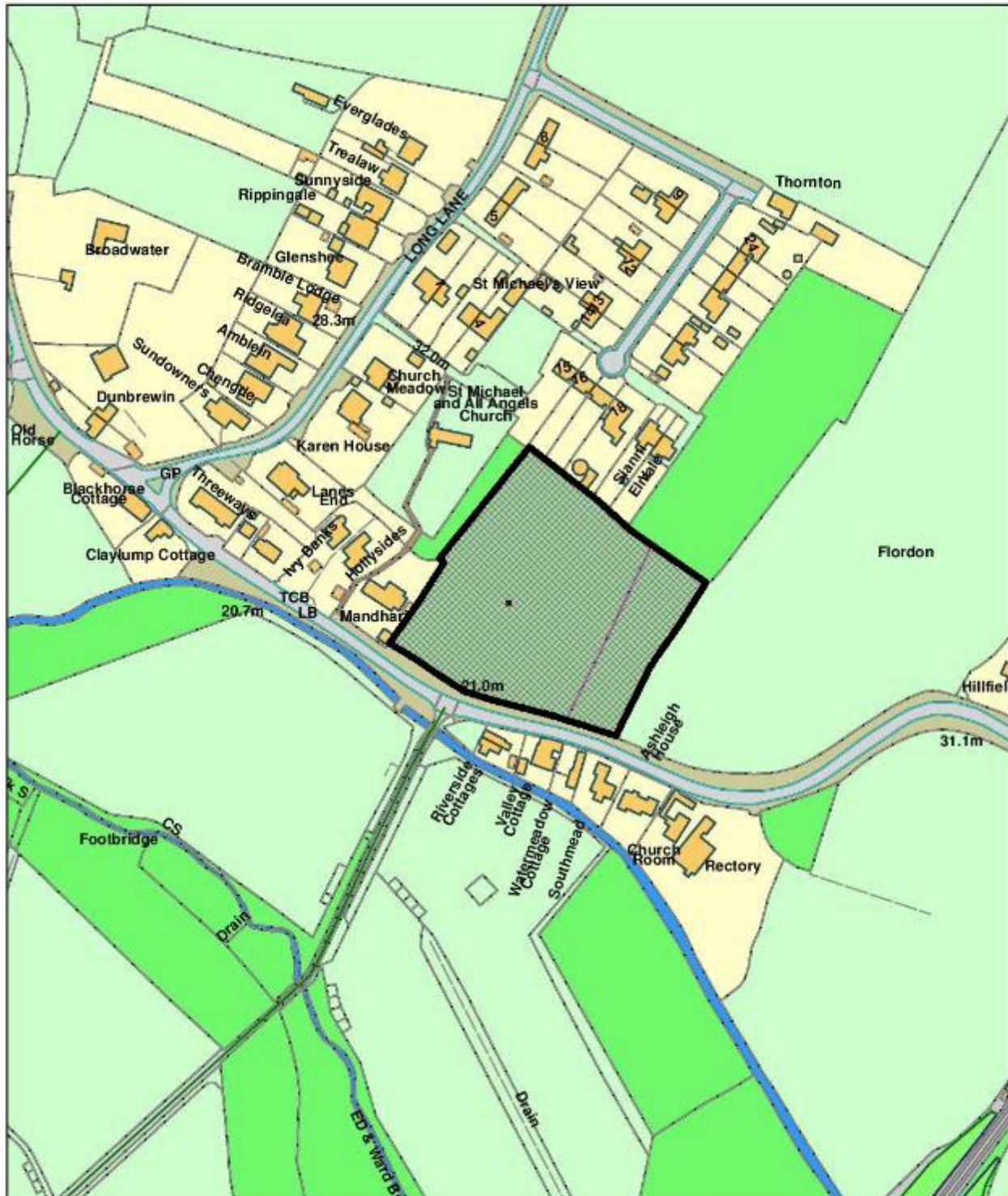
- 5.12 The application is considered to be acceptable and accord with the requirements of DM3.3. The proposal is not considered to result in an adverse impact in the form of design, amenity or highways. The proposal is therefore recommended for approval.

Recommendation : Approval with Conditions

- 1 Time Limit
- 2 Submitted drawings
- 3 Highways Gating Order

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2020/1920



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

**2. Application No : 2020/1920/F**  
**Parish : FLORDON**

Applicant's Name: Mrs Pat London  
 Site Address Land North of The Street Flordon Norfolk  
 Proposal Erection of 9 houses and bungalows to include public green and toddler play park with nature trail

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 consists of a parcel of land that is a former agricultural landholding. It is adjacent to built-up parts of the village of Flordon which is classified as an Other Village under Policy 16 of the Joint Core Strategy. The development boundary has been drawn tightly around the built-up area thereby excluding this land.
- 1.2 The site is to the south-east of the parish church of St Michael, Flordon, which is a Grade II\* listed building. The site falls from north to south with the southern part of the site falling within the identified river valley. The land has become well vegetated since falling out of agricultural use and is now covered in scrub.
- 1.3 The proposal is to erect nine dwellings around a new village green with other benefits include a toddler play space, footpath links and a wildlife nature trail. Access would be from a new access to be created onto The Street. There would also be parking and drop-off space for the church which would be accessed directly through the site creating a new means of access to the church from The Street.

**2.** Relevant planning history

- |     |           |   |           |
|-----|-----------|---|-----------|
| 2.1 | 2019/2014 | Erection of 14 dwellings with associated access road, turning head and public open space including village green and new lychgate and enclosing wall to churchyard. | Withdrawn |
|-----|-----------|---|-----------|

**3** Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
 NPPF 02: Achieving sustainable development  
 NPPF 04: Decision-making  
 NPPF 05: Delivering a sufficient supply of homes  
 NPPF 09: Promoting sustainable transport  
 NPPF 11: Making effective use of land  
 NPPF 12: Achieving well-designed places  
 NPPF 14: Meeting the challenge of climate change, flooding and coastal change  
 NPPF 15: Conserving and enhancing the natural environment  
 NPPF 16: Conserving and enhancing the historic environment
- 3.2 Joint Core Strategy (JCS)  
 Policy 1: Addressing climate change and protecting environmental assets  
 Policy 2: Promoting good design

Policy 3: Energy and water  
 Policy 4: Housing delivery  
 Policy 16: Other Villages  
 Policy 17: Small rural communities and the countryside  
 Policy 20: Implementation

- 3.3 South Norfolk Local Plan Development Management Policies Document  
 DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
 DM1.3: The sustainable location of new development  
 DM1.4: Environmental Quality and local distinctiveness  
 DM3.1: 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  
 DM4.8: Protection of Trees and Hedgerows  
 DM4.9: Incorporating landscape into design  
 DM4.10: Heritage Assets

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

- 3.5 Statutory duties relating to setting of Listed Buildings:

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

#### 4. Consultations

##### 4.1 Flordon Parish Council

Support.

- Flordon is a small but physically drawn-out village without a centre or heart apart from the church / community centre which is hidden from view and with difficult vehicular and pedestrian access. There has been a diminution of interest in village affairs in recent years with use of the church dropping off. Whilst some surrounding villages have developed, Flordon has seen virtually no new houses for many years. Introducing nine new family homes in the centre of the village and close to the church / community hall will help to revitalise the social fabric of the community. Fewer than nine would reduce the beneficial impact, and any more are considered to be excessive for the village
- the developer has roots in the village and has expressed a desire to do something for the village and intends to gift the village a large area of green space in the centre of the development with a toddlers play area and a wild area. It will also open up the church / community centre and provide a more attractive and accessible access with drop-off space and some parking
- the Parish Council disagree with comments that the architecture is not in keeping with the village. The existing houses in the village range in age from several hundred years to the 1970s with a consequent range of styles. The proposed designs offer high quality sustainable houses that are contemporary but sensitive to the surroundings.

- continually increasing traffic volumes through village however the majority of this traffic is passing through the village and it would be wrong to penalise the village development rather than tackle the main issue
- some concern about the financial burden of maintenance of the open space. When the proposed specifications for the work are available the Parish Council will calculate the projected cost and to assess the financial viability of accepting the gift of the land

#### 4.2 District Councillors

Former Cllr Vivienne Clifford-Jackson: To Committee. Support the application but it is a major application with a high impact on the village

Cllr Nigel Legg: To Committee. Major application

#### 4.3 Historic England

No objection on heritage grounds

- development of the site could have an impact on the setting of the church however we consider that the layout and design does much to limit this
- the Council should also consider the public benefit delivered by the new housing as required by the NPPF
- if the Council are minded to grant consent we would recommend conditions are placed on the approval to ensure a high quality of detailing is achieved in the new building and quality traditional materials are used for the exterior treatments

#### 4.4 SNC Ecology & Biodiversity Officer

Conditional support following receipt of further information

#### 4.5 SNC Senior Heritage & Design Officer

Planning balance needs to be considered as there is some harm to the setting of the church

#### 4.6 SNC Housing Enabling & Strategy Manager

To be reported on the viability assessment

#### 4.7 Historic Environment Service

Conditional Support

#### 4.8 Water Management Alliance

Proposal to discharge surface water into riparian watercourse will require land drainage consent

#### 4.9 SNC Water Management Officer

Conditional support

#### 4.10 NCC Highways

Conditional support following receipt of further information



#### 4.11 Other representations

##### 4 letters of support

- a community needs to grow in order to thrive and there has been no house building in Flordon for many years
- development will improve the visual appearance of the area
- the development will open up views of the historic church which at the moment is hidden by scrub
- will improve access and parking for the church
- large central green area will be pleasing the site
- toddler play area will be an asset to the village
- architecture is contemporary which is correct for this setting
- only reason flooding is a problem is because the drains from the bridge over the railway line are blocked or have collapsed
- extra traffic will be a drop in the ocean compared to the traffic that comes through the village
- injection of £16,000 into the Parish Council's funds for community projects will be welcome

##### 16 letters of objection

- not justified
- plenty of new development provided at Mulbarton and Long Stratton
- village has no amenities and poor bus service
- village is not popular with families as a consequence
- at peak times the village road is extremely busy as it is used as an access to and from places such as the Hethel Engineering Hub and mushroom farm and as a route to the A11
- everyone who will live in the new homes will own a car resulting in even more traffic
- dangerous section of road to create a new access
- church has existing parking area so there is no need for two new parking areas
- new parking area for church not well related
- flooding in close proximity to the site which is becoming more frequent
- no affordable housing is being provided
- responsibility for maintaining the open space and facilities provided likely to become the responsibility of the residents of the parish
- materials and design is not in keeping with the village
- will result in removal of trees when we should be planting more rather than removing them
- site currently provides habitat for lots of wildlife
- scrubland is a valuable habitat in national decline
- question need for new play area when existing play area is not well used
- unacceptable impact on neighbouring property in terms of intrusion on privacy and from noise / light disturbance

#### 5 Assessment

##### Key considerations

- 5.1 The main issues are the principle of development, the visual impact of the development, the design of the scheme and having regard to the impact on heritage assets, the accessibility of the site, highway safety, impact on the amenities of neighbouring properties, provision of affordable housing, flood risk and drainage, and ecology.

##### Principle

- 5.2 Planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in determining planning decisions.
- 5.3 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.

- 5.4 It should be noted that the Council currently has less than a 5 year supply of deliverable sites having regard to the temporary impact of Nutrient Neutrality and in noting this, regard is given to paragraph 11 of the NPPF which states that:

*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (see footnote 7); or*
- ii. 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.*

- 5.5 Footnote 7 states that “*The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change*”

- 5.6 In this instance it is evident that the proposal is affected by policies in the NPPF which relate to a National Park (Broads Authority) in particular paragraphs 174, 176, 180, 181 and 182.

- 5.7 With this in mind the "tilted balance" from paragraph 11 is not engaged and the Local Plan policies are not considered "out of date". On this basis the scheme is assessed against the relevant policies contained within the Local Plan, planning guidance and having regard to any other material considerations.

- 5.8 The application states that the provision of the village green and play area, improved access and parking to the church and other benefits from the scheme are such that they constitute overriding benefits. Whether this is sufficient to justify new dwellings outside the development boundary under criterion (d) is considered later in this assessment.

- 5.9 The site is consequently considered an unsuitable location for new development and therefore fails to comply with the NPPF, and Policies DM1.1 and DM1.3 of the South Norfolk Local Plan Development Management Policies Document regarding the principle of residential development in this location.

#### Visual Impact

- 5.10 As noted above the site is currently well vegetated. As such it forms a verdant green entrance to the main part of the village as you enter from the east and is particularly visible on this approach given the road descends towards the site from where it crosses the railway line.
- 5.11 The scheme has been designed to retain trees on the eastern boundary to reduce any impact on the views from the east. However, the site frontage will be opened up and although parts of the hedgerow will be retained and are proposed to be enhanced there will inevitably be a change in character from a wooded site frontage to views of development even if in part behind a hedgerow. The difference in levels with the site rising up the valley side from The Street will further contribute to the visibility of the development. As a result there will be a loss to the semi-rural character of this section of The Street and also to the wider river valley landscape. Of the vegetation to be removed, much of it is scrub growth which is not of significant arboricultural

value. However there some trees are that are graded category B which will need to be removed to facilitate the proposed development.

- 5.12 As a consequence it is considered that the development would conflict with Policies DM3.8 and DM4.5 as it would not conserve and enhance the landscape character of the area, nor is it considered to comply with criteria (i) of policy DM1.4 which requires that development makes a positive contribution to local character and distinctiveness.

#### Design and Impact on Heritage Assets

- 5.13 The scheme has been designed as a series of detached dwellings centred on the village green. The dwellings are a mixture of single and two storey dwellings. The style of the new buildings are proposed to be contemporary / modern in appearance, although the materials are traditional or more modern standing seam. The Council's Senior Heritage and Design Officer has commented that given the context of the site (or lack of it in terms of being viewed against existing development) the development can be quite distinctive. He has noted that the materials fit in well in terms of the character and that the elevations appear relatively well balanced. The design of the scheme is considered acceptable in itself.
- 5.14 St Michael's Church is an important medieval building that is reflected in its Grade II\* listed status. It is a modest structure and until modern development enclosed it to the north and west it was set away from Flordon village on high ground above the valley beyond. The area to the east still provides a corridor of green fields to the wider countryside. As development would occupy land to the south-east there is potential for the development to detract from an understanding of the church's traditional setting and as a consequence the Council's Senior Heritage and Design Officer advises that there will be less than significant harm as a consequence.
- 5.15 Historic England have commented that the proposed layout and design of the development has reduced this impact. This is partly due to the low density nature of the development but also by the positioning of the open space within the site and ensuring building on the sensitive northern side of the site responds well to the creation of the green space with cars placed behind the houses and a shared space in front. As such they do not object to the proposal.
- 5.16 It is therefore not considered that the harm to the setting of the church balanced against the benefits of the scheme would not warrant refusal of the application.
- 5.17 In addition to the setting of the church, the site's proximity means that there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site. Norfolk County Council's Historic Environment Service have requested that if planning permission were to be granted that a condition is included to secure a programme of archaeological mitigatory work,
- 5.18 The proposal is therefore considered to accord with policy DM4.10 and is acceptable in regard to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Accessibility of Site

- 5.19 Flordon has a very limited range of services with no shop or school and with the nearest catchment primary school being in Hapton some 2km from the site. The nearest access to public transport is a bus stop on Tasburgh Hill which the footway past the site frontage does not provide a continuous link to although it is understood there are plans to complete this link subject to funding being secured.
- 5.20 As such the site has limited access to services. However Flordon has been identified as a village in which a limited level of growth through infill development is acceptable. It is not impossible that cumulatively development of a similar scale to this proposed development may result from infill plots and therefore whilst there is some concern at the accessibility of services for occupants of

the proposed dwellings, on balance the level of development proposed is not considered to be unacceptable in relation to the level of services available in the settlement.

#### Highway Safety

- 5.21 As noted above the development is proposed to be served from a new access onto The Street. The access road within the site is to be a private drive, which is acceptable for a proposal for nine dwellings.
- 5.22 Norfolk County Council's Highways Officer has commented that the position of the access now proposed is the most appropriate position that can be provided along this frontage. Visibility splays will need to be secured by condition but these are achievable.
- 5.23 It is noted that there is concern raised about traffic passing through the village and the potential for this development to exacerbate that. However nine dwellings will not result in a significant level of additional traffic and in the absence of an objection from the Highway Authority in regard to the capacity of the local highway network it is not considered that the impact of the development on this issue could warrant refusal of the application.
- 5.24 The proposal is therefore considered to accord with policy DM3.11 of the Local Plan, whilst sufficient parking is provided in accordance with policy DM3.12 of the Local Plan.

#### Residential Amenity

- 5.25 The site adjoins a number of residential properties on its northern boundary, as well a single storey property known as Mandhari on The Street on the site's western boundary. In regard to the properties to the north, there is considered to be adequate separation distances in terms of any concerns of overlooking or dominance from the dwellings.
- 5.26 In regard to Mandhari, this will be immediately adjacent to one of the plots. However the new dwelling will be immediately adjacent to the detached garage building and so will not impact on the dwelling itself. Furthermore, the property is single storey and therefore it is not considered that it would introduce any unacceptable overlooking.
- 5.27 In regards to occupants of the new dwellings themselves it is considered that the dwellings have been designed with an acceptable relationship with each other and with adequate private amenity space.
- 5.28 As such the proposal is considered to accord with policy DM3.13 of the Local Plan.

#### Provision of Affordable Housing

- 5.29 The site is in excess of 0.5 hectares and as such affordable housing is required to be provided.
- 5.30 The applicant has contended that the costs associated with developing the site in particular in regard to the infrastructure costs are such that to provide affordable housing would render the development unviable. This has been considered by a consultant acting for the Council who has confirmed that with such costs the scheme would be unviable. Whilst the consultant is not qualified to fully assess all the costs presented, they do note that even if some savings could be found it is unlikely to bring them down to a level that could enable the delivery of affordable housing.

#### Flood Risk and Drainage

- 5.31 The site is within Flood Risk Zone 1 and therefore is not at risk from fluvial flooding, nor is the site at a particular identified risk from surface water flooding.

- 5.32 It is recognised that there is some concern about flooding in the wider area and as such it is important that the surface water drainage on the site is accommodated in a way that does not add to any off-site flood risk. A Flood Risk Assessment has been submitted with the application which was considered the Council's Water Management Officer. This identifies that the site has low infiltration capacity and therefore recommends that surface water is attenuated through the use of permeable surfaces prior to discharge into the watercourse system. There is no objection to this approach, subject to full details of the attenuation measures being secured by condition. The Highways Officer has also noted that given the difference in levels from the site onto the public highway that measures will need to be provided to stop surface water from running off the site and onto the public highway which would need to be included in any such condition.

#### Ecology

- 5.33 The site has the potential to provide habitat for a number of species and as such an Ecology Report has been submitted. This has been considered by the Council's Ecologist and is considered fit for purpose.
- 5.34 The report identifies that the development will result in the loss of suitable habitat which supports common reptiles such as slow worms, common lizards and potentially grass snakes. Proposed mitigation for this is to undertake a translocation exercise to safeguard all reptiles present within the main development footprint. This will require a suitable receptor site to be identified and secured. The Council's Ecologist has commented that they would prefer this to be identified prior to determination but has accepted that it would not warrant refusal of the application for this not be identified at this stage and instead secured by condition.
- 5.35 The proposal also allows for some habitat for both reptiles and other species to be retained, particularly in the eastern part of the site but also on the northern and southern boundaries. Mitigation measures will be needed to protect these habitats during the construction phases but it is again accepted that these along with measures to enhance biodiversity on the site can be secured by condition.

#### Potential impacts on Habitats Sites

- 5.36 On 16 March 2022, the Chief Planner at the Department for Levelling Up, Housing & Communities wrote to Chief Planning Officers regarding nutrient pollution, which is having an adverse effect on some rivers and waterbodies in the catchments of Habitats Sites. The application site is within the catchment area for the Broads Special Area of Conservation and insufficient information has been submitted to enable the Local Planning Authority to undertake a Habitat Regulation Assessment to assess the impact of the proposal on protected sites under Regulation 63 of the Habitat Regulations. It is recognised that the applicant has not been able to address this but in view of the in-principle concerns that this application raises and that are considered elsewhere in this report, it would be unreasonable for the Council to require the applicant to go to the unnecessary expense of addressing this matter as the development will still not be acceptable.

#### Whether the Development Provides Overriding Benefits

- 5.37 The provision of open space would be welcome. However, it has not been demonstrated that there is such a pressing need nor an inability to provide open space elsewhere that this is considered to be of such importance that it would constitute an overriding benefit. Equally it is accepted that the development would also improve access to the church, albeit that this is tempered by the fact that the church does already benefit from a vehicular access and parking area accessed from Long Lane to the west as well as an existing pedestrian footpath direct to The Street. As such it is not considered that either of the provision of the village green and play area or the improved access to the church could be considered an overriding benefit. Nor does the limited amount of planting and ecological enhancement, which in any event is necessary in part to mitigate against the loss of existing habitat by the proposed development.

- 5.38 It is noted that there is also some level of support including from the Parish Council for these community benefits as well as the introduction of a small level of new residential development in the village, however the Local Plan sets out how the delivery of housing should be achieved to meet the housing needs of the district and to ensure the viability of communities is preserved balanced against the level of services those communities have. In the case of Flordon the Joint Core Strategy identified it is as being an Other Village with a limited level of services and therefore the development boundary was drawn to allow a very limited level of new development form infill development rather than larger scale development which is directed towards settlements with a wider range of services.
- 5.39 In view of the limited benefits arising from nine dwellings, including the other elements of the scheme, when seen in the context of the plan-led approach to planning, it is not considered that the "overriding benefits" specifically required by Policy DM1.3 of the Local Plan are provided by this scheme. When also taking into account the harm to the character of the area and the river valley from introducing development on a site that is currently well vegetated it is considered that the proposed development is not acceptable as contrary to policies DM1.3 and DM3.8 of the Local Plan.

#### Other Issues

- 5.40 Paragraph 69 of the NPPF states that small and medium sized sites can made an important contribution to meeting the housing requirement of an area. The Council has taken a proactive approach to this through the allocation of a range small and medium sized sites and through defining Development Boundaries for over 80 settlements to facilitate suitable windfall development. Point (c) of NPPF para 69 states that local planning authorities should '*support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes*'. This is a material planning consideration. However, this site is not considered suitable for the reasons already set out and therefore is considered contrary to paragraph 69, which is not overriding in this instance. The Council is already delivering a number of windfall sites/small sites to align with paragraph 69 and therefore the need for additional small sites is not considered overriding in terms determining this application and would not outweigh the harm previously identified.
- 5.41 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.
- 5.42 This application is liable for Community Infrastructure Levy (CIL) and is also liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS).

#### **Conclusion**

- 5.43 The proposed development is contrary to the provisions of the Local Plan due to its location outside of the development boundary for Flordon and due to the lack of overriding benefits, thereby contrary to policy DM1.3 of the Local Plan.

Recommendation : Refusal

- 1 No overriding benefits
- 2 Visual harm
- 3 Insufficient information - nutrients

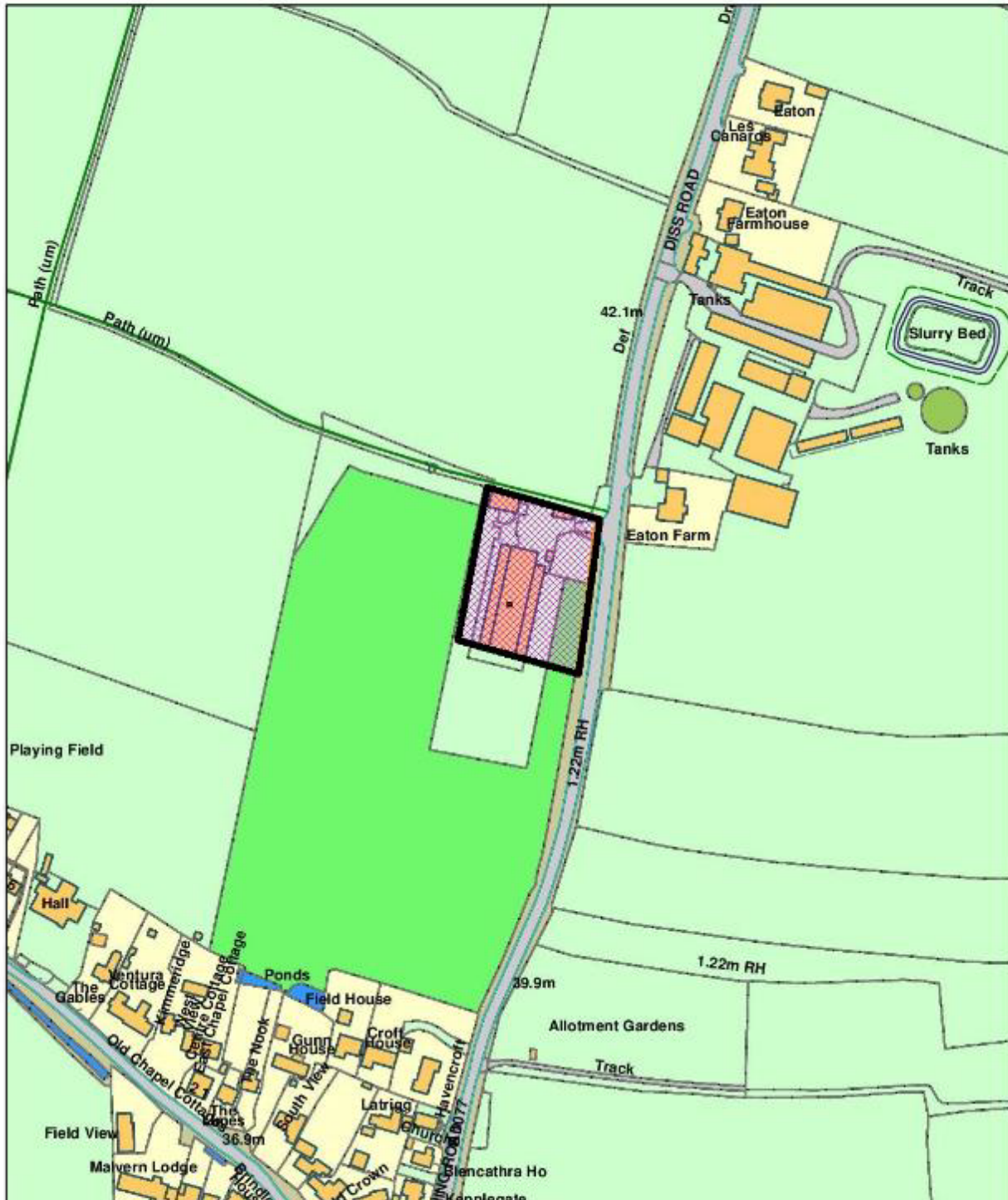
Reasons for Refusal

- 1 The proposed development is not supported by any specific Development Management policy which allows for development outside of the development boundary and nor does it represent overriding benefits when having regard to the harm identified. As such, the application does not satisfy the requirements of either items 2 (c) or (d) of Policy DM1.3 of the South Norfolk Local Plan Development Management Policies Document 2015.
- 2 The development would result in a loss of rural character by the removal of vegetation and introduction of residential development leading to a loss of the rural character of the approach to this part of Flordon and the river valley contrary thereby not conserving or enhancing the landscape character of the area contrary to policies DM3.8 and DM4.5 of the Local Plan and Policy 2 of the Joint Core Strategy, and contrary to criterion (i) of policy DM1.4 as the development does not make a positive contribution to local character and distinctiveness.
- 3 Insufficient information has been provided to demonstrate that the proposal would not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads. The proposal is therefore considered contrary to The Conservation of Habitats and Species Regulations (2017) and the aims of Policy DM4.4 of the South Norfolk Local Plan.

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## Application 3

2022/0530





**3. Application No : 2022/0530/F**  
**Parish : SHELFANGER**

Applicant's Name: Mr and Mrs Peacock  
 Site Address Agricultural building west of Diss Road Shelfanger Norfolk  
 Proposal Demolition of existing poultry unit and erection of five new dwellings, associated car ports and hardstanding.

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:

To authorise the Assistant Director of Place to approve subject no adverse comments being submitted by Natural England, that the applicant enters into a unilateral undertaking that secures contributions towards GIRAMS and subject to conditions.

**1 Proposal and site context**

- 1.1 This application follows 2021/2108, which granted prior approval under Class Q of the Town and Country (General Permitted Development) Order to convert the existing poultry building on site into five dwellings. This latest application seeks to demolish that building and replace it with five single-storey dwellings.
- 1.2 The site is located on the western side of Diss Road approximately 350m to the north of the centre of Shelfanger and is outside of any development boundary. It is accessed from its northeast corner directly from the highway, which runs parallel with the front/eastern boundary. Ground levels are fairly even. The existing building is largely clad in black boarding with a breeze block plinth wall at ground level and has a corrugated roof. Neighbouring land is largely agricultural in all directions although to the northeast on the opposite side of the road is a detached bungalow and farm. A smaller agricultural building is located in the northwest corner of the site that at the time of my visit was being used to accommodate the applicant's donkeys. A belt of trees is located between the poultry shed and front boundary and trees are present elsewhere around the site.
- 1.3 The dwellings will be arranged in a loose horseshoe arrangement and will comprise 1 x two-bed and 4 x three-bed units. Two of the dwellings will have carports. Materials proposed for use include red brick, black featheredged timber cladding and pantiles. The existing access is to be re-used.

**2. Relevant planning history**

- |     |           |   |          |
|-----|-----------|---|----------|
| 2.1 | 2021/2108 | Notification for Prior Approval for a proposed change of use and associated building works of an agricultural building to 5 no dwellinghouses (QA and QB) | 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 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
- 3.3 South Norfolk Local Plan (SNLP) Development Management Policies Document  
DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
DM1.3 : The sustainable location of new development  
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  
DM4.5 : Landscape Character Areas and River Valleys  
DM4.9 : Incorporating landscape into design

#### 4. Consultations

##### 4.1 Shelfanger Parish Council

Strongly objects as the site is outside the village development boundary. The Parish Council's further concerns are as follows.

- There has been no independent professional ecology report carried out at this site. The site area is defined as an 'Amber zone'- where great crested newts are likely to be present especially as there are several water courses and ponds within 250 metres of the site.
- There has been no investigation into contamination of the land by a qualified engineer. Something which should be carried out before any construction begins. Especially an investigation about how thirty years of free-range chicken faeces, feathers, bedding materials and spilt feeds and drugs have contaminated the land. Much of which can have a potential negative impact on degraded soil.
- There is evidence that hazardous asbestos should be removed professionally.
- The proposed buildings, and proposed hardstandings surrounding them, will be discharging and using a far higher volume of water than the current chicken sheds ever did. These should be removed and any replacements made of permeable materials to prevent surface water flooding.
- On the flood risk maps, the site is located somewhere in between two high flood risk areas BUT each of the five proposed buildings and treatment plants connected to these properties will be discharging water into a soakaway or catchment tank and when no more water can be absorbed into the clay beneath, the water will have to go somewhere and that is downhill into the village. Watercourses in the village have not always been able to take the volumes of water that drain from all the surrounding farmland and this resulted in seventeen houses being seriously flooded in 2020. In 2016 the village was also flooded and historically it has done so many times in the past. In a recent communication that the Parish council has had with Lord Dannatt this proposed development looks as if it might well exacerbate existing flood problems. And NCC knows one of the objectives of the NSFA is to ensure that this does not happen.

- As suggested by Highways there is a need to have a footpath along the B1077 adjacent to the development. However, neither is there one to the catchment school in Winfarthing.
- Access to the site will be to and from the B1077 at which point the speed limit is 60mph, although traffic often exceeds this limit. Therefore the Parish Council is aware that this will create dangerous driving conditions.
- Under the Hedgerow Regulations of 1997, the boundary hedgerow must be retained.
- New build properties require solar panels to reduce their carbon footprint and we recommend that electric car charging points should be installed at each of the five properties.

4.2 District Councillor  
Cllr J Easter:

The proposed 5 new buildings would be built outside the village development boundary although the applicant has an accepted application for the conversion of the existing chicken building.

I note from Highways that it would be advantageous to extend the footpath from this development to the village. I feel this should be a necessity on the grounds of safety.

The application shows that there is no land contamination report, this has been a free range chicken farm for some 30 years and therefore the land is likely to be heavily contaminated.

4.3 Water Management Officer

No comments received

4.4 Environmental Quality Team

It is not clear whether the contamination report has been compiled by persons suitably qualified and experienced to do so. It does not have the level of detail which is accepted as the industry standard and is unacceptable.

However, do not wish to object subject to conditions relating to:-

Investigations into potential for contamination;  
Implementation of any remediation required for contamination;  
The discovery of any previously undiscovered contamination during building works;  
Details of foul water disposal;  
The submission of a construction management plan.

4.5 Conservation & Tree Officer

The tree removal internally to the site to facilitate the proposal is primarily low category Poplar, occasional Ash and recommendations to relocate the young cherry trees rather than remove them. I have no objection to these proposals.

The boundary hedgerow along Winfarthing Road is important to retain and would benefit positive management. Please condition the retention of the hedgerows. An appropriate landscaping scheme should also be provided setting out replacement planting to be integrated into the scheme.

Please could you condition work is in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan.

4.6 Ecologist & Biodiversity Officer (in summarised form)

First comments

Further information requested in relation to the location of ponds and the potential presence of Great Crested Newts, the mapping of habitats around the site, non-statutory designated sites

Front hedgerow should be maintained at a minimum height. Concerned at the loss of biodiversity within site arising from the amount of trees being removed relative to what is being proposed. Full landscaping and boundary treatments should be subject to a condition.

Not clear whether there will be a net gain or loss of biodiversity.

Details need to be secured of bat and bird boxes and it is not clear how other enhancements that have been recommended will be incorporated.

A condition securing hedgehog gaps in the boundary treatments should be used.

Lighting condition recommended.

Recommend that Natural England and the County Council's Public Rights of Way Officer is consulted.

Second comments

Subject to comments from Natural England regarding potential impacts on a nearby SSSI and subject to conditions securing a Biodiversity Method Statement and controlling lighting, I have no objections on ecological grounds. I concur with the Conservation & Tree Officer's recommendation for a condition to secure retention of hedge.

4.7 NCC Highways

No highway objections but would ask whether an informal footpath link can be provided from the site to link to the footway to the south of the site on Diss Road to improve the accessibility of the dwellings. Planning conditions recommended in relation to the position of any gates, the provision of visibility splays and parking/turning areas.

4.8 NCC Public Rights of Way

We offer a holding objection to this application. The Public Right of Way, known as Shelfanger Footpath 6 is aligned adjacent to the proposed development. We therefore strongly advise that a Highway Boundary plan is obtained by the applicant in order to ensure that the full legal extent of these Public Rights of Way remain open and available.

The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

#### 4.9 Other representations

One objection received as the implications of surface water run-off and associated flood risk on lower ground have not been sufficiently addressed. The Council should refuse any development which could affect groundwater in this area until the Environment Agency has published its report and recommendations into the December 2020 floods that took place in the Shelfanger.

#### 5 Assessment

##### **Key considerations**

- 5.1 Principle of development
- Impact on the appearance of the area
- Impact on residential amenity
- Parking and highway safety
- Trees
- Ecology
- Flood risk

##### **Principle of development**

- 5.2 As referred to above, the site is outside of any defined development boundary. Policy DM1.3 permits new development outside of the countryside where a proposal complies with another policy and/or allocation of the local plan that permits development in such locations or where overriding benefits are demonstrated. However, material to the determination of this application is that there is an extant permission (ref. 2021/2108) granted via the Class Q prior approval process to convert the poultry shed into five dwellings. There is a reasonable prospect that this can be implemented and thus it acts as a viable fallback option as an alternative development that can take place at the site. The combined footprint of the dwellings is of a similar amount to that which was granted prior approval and taking account of these factors, I accept that the principle of constructing a new dwellings instead of converting the barn is acceptable subject to consideration being given to other relevant planning matters.

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

- 5.3 The existing poultry shed is a rectangular building of some 45m in length and 4.6m in height that runs north to south and parallel with the highway to the east. While visible from the road, due to the planting around the boundaries of the site, it does not stand out as a prominent feature within the locality.
- 5.4 The area of the dwellings that benefit from consent under Class is approximately 600sqm. However, the intention is to demolish this building and to replace it with five bungalows arranged generally in a horseshoe shape. The total floorspace of these dwellings is approximately 660sqm, 70sqm of which is associated with car ports. I therefore consider the quantum of development to be comparable with that can be provided under the Class Q consent.
- 5.5 The design approach takes its cue from that of a farmstead courtyard with dwellings surrounding a central driveway and parking and turning area. As explained in the introductory section to this report, the materials to be used on the external surfaces of the dwellings include red brick, black featheredged timber cladding and pantiles. While admittedly introducing a layout that is not currently present at the site, within this rural context, I consider the approach to be acceptable.
- 5.6 The dwellings range in height from 6m to 7.7m and in view of this and the amount of trees scheduled for removal, the development will be more visible within closer quarters. However, recognising the increased height relative to the existing poultry building, subject to the submission and agreement of a suitable landscaping scheme (which would be secured by condition) that would soften views into the site, I do not consider that the development will stand out as being discordant or dominant within the immediate or wider area.

- 5.7 Having regard to the above, the application complies with Policies 1 and 2 of the JCS and Policies DM3.8 and DM4.5 of the SNLP.

#### **Impact on residential amenity**

- 5.8 There are no neighbouring residents immediately adjacent to the application site and while the development may be visible to varying degrees from the properties to the north and south, I am not persuaded that impacts on their living conditions will be significant. Within the site itself, the layout shows that five dwellings can be accommodated without resulting in substandard living conditions.
- 5.9 The agricultural building in the northwest/rear corner of the site is relatively modest and is currently used by the applicant to accommodate donkeys. He wishes to retain this building for agricultural purposes. Its size limits the level of activity that can take place and I consider it unlikely that the intensity of activity will give rise to conditions that are harmful to living conditions of future residents.
- 5.10 Taking account of these factors, I am satisfied that the application complies with Policy DM3.13 of the SNLP.

#### **Parking and highway safety**

- 5.11 Sufficient parking is shown as being provided for each dwelling and subject to standard conditions, the Highway Authority has not objected to the application on the grounds of highway safety. The application complies with Policies DM3.11 and DM3.12 of the SNLP.
- 5.12 The Highway Authority also requested that consideration is given to providing an informal footpath link towards the formal footpath to the south of the site. However, it has not required its provision and it has not objected to the application without it. In other words, the provision of a footpath is not necessary to make the development acceptable. In addition, in the event of the extant Class Q consent being built out, an informal footway will not be provided.

#### **Trees**

- 5.13 The Arboricultural Impact Assessment submitted with the application explained that 47 trees were inspected in total with 26 requiring removal, 5 requiring protection and transplanting and 16 pollarding and protection. These trees are category C trees. The number of trees proposed for removal is due to a previous lack of maintenance and potential risk of failure during high wind conditions. Replacement planting is proposed.
- 5.14 The Conservation and Tree Officer has not objected to the tree removal proposals but has requested the use of planning conditions to require that works takes place in accordance with the submitted tree details, that hedgerows are retained and that a landscaping scheme is submitted for approval (the latter two can be wrapped into the same condition). I consider that all of these details are reasonable and necessary to make the development acceptable and will contribute towards the application complying with Policies DM4.8 and DM4.9 of the SNLP.

#### **Ecology**

- 5.15 Ecological information was submitted with the application, including a Preliminary Ecological Appraisal which took account of a variety of species in its assessment. It concluded that:
- the site offered limited potential for foraging and commuting bats but recommended the adoption of a lighting strategy;
  - there is low potential for impact on badgers with no further surveys recommended;
  - a precautionary approach should be taken in relation to nesting birds and hedgehogs during the construction phase;
  - the presence of Great Crested Newts is considered highly unlikely;

- the site provides sub-optimal habitat for reptiles.

Various enhancements were also recommended including the installation of bat and bird boxes, species rich planting/landscaping and potentially providing a wildlife pond.

- 5.16 In commenting on submitted information, the Ecology and Biodiversity Officer did not object to the application subject to the imposition of conditions that secure a Biodiversity Method Statement (which would cover site clearance and ecological enhancements) and the submission of details of external lighting. In view of the recommendations of Preliminary Ecological Appraisal and the need to ensure that adequate ecological mitigation and enhancement measurements are achieved, these conditions are considered to be necessary to secure compliance with Policy 1 of the JCS.
- 5.17 The site is within an Impact Risk Zone for the Shelfanger Meadows Site of Special Scientific Interest, which is approximately 750m to the south of the site. Natural England has been consulted on the basis that the site may discharge more than 2 cubic metres of liquid to the ground and its comments are awaited and Members will be updated on this where possible.

### **Flood risk**

- 5.18 Concerns have been raised by the local community about this development contributing to flooding within Shelfanger. Parts of the village to south along Common Road, Wash Lane and Rectory Road are at risk from fluvial and surface water flooding. However, the application site is in Flood Zone 1 for fluvial flooding and is at very low risk from surface water flooding and is located approximately 180m from the nearest area within the village that is at risk from flooding. It is therefore unclear as to how this development will increase flood risk elsewhere. That being said, given the changes to the buildings and layout at the site, to ensure compliance with Policy DM4.2 and adequate drainage arrangements are in place, it is necessary to impose a planning condition that requires the submission of details of surface water and foul water drainage.

### **Other matters**

- 5.19 Although the site, the building and the concrete slabs inside and around it appears to be in decent condition, the previous use of the site as a poultry shed may have introduced the risk of contamination from activities associated with that. The Environmental Management Officer has expressed reservations over the report that was submitted with the application and so has recommended the use of an appropriately worded planning condition to require a further assessment of that risk to be submitted for approval along with details of any necessary remediation measures. With these conditions, the application would comply with Policy DM3.14 of the SNLP.
- 5.20 Concerns over asbestos removal have been raised. The Council is not the enforcing authority for this. Instead, this lies with the Health and Safety Executive.
- 5.21 The Public Rights of Way Officer at Norfolk County Council has provided a holding objection to the application as the site is adjacent to Shelfanger Footpath 6 and she wishes for the full extent of the path to be identified and for it to remain open. In my view, on the basis that the submitted drawings showing the position of the long established boundary of the site remaining the same and the path being unobstructed, this objection cannot be sustained and I have not required the applicant to identify the full legal extent of the path.
- 5.22 The amount of development does not trigger a specific requirement for it to be served by renewable or low carbon energy sources. The provision of electric vehicle charging points will be secured through Building Regulations.
- 5.23 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species

and Habitats Regulations 2017 (as amended) (Habitats Regulations). The proposal will result in additional overnight accommodation but the site is located outside the catchment areas of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site and does not involve foul or surface water drainage into those catchment areas. As such, it is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regard nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

- 5.24 The application also triggers contributions towards GIRAMS. As part of the recommendation, it is requested that officers are authorised to grant planning permission subject to a satisfactory unilateral undertaking being provided that secures payment of these contributions.
- 5.25 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.
- 5.26 The development is liable for the Community Infrastructure Levy.

### **Conclusion**

- 5.27 In having regard to those matters raised, including the recent planning history of the site, the provision of new dwellings to replace the existing poultry shed with a similar amount of development is acceptable in principle. Subject to no adverse comments being received from Natural England and a Unilateral Undertaking being entered into to secure contributions towards GIRAMS, the application otherwise represents an acceptable form of development that complies with the remaining policies of the development plan and is recommended for approval.

Recommendation : Approval with Conditions

- 1 Time Limit - Full Permission
- 2 In accordance with submitted drawings
- 3 External materials to be agreed
- 4 Contaminated land - investigation
- 5 Implementation of remediation scheme
- 6 Contaminated land during construction
- 7 Details of surface water drainage to be submitted
- 8 Details of foul water drainage to be submitted
- 9 Landscaping scheme
- 10 Tree protection
- 11 Submission of biodiversity method statement
- 12 Details of external lighting
- 13 Visibility splays
- 14 Access Gates - Configuration
- 15 Provision of parking
- 16 Water efficiency
- 17 Any necessary conditions recommended by Natural England if appropriate

Contact Officer	Glen Beaumont
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Application 4

2022/0533



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

**4. Application No : 2022/0533/H**  
**Parish : CAISTER ST EDMUND & BIXLEY**

Applicant's Name: Mr Lewis Bilham  
 Site Address 55 Caistor Lane Caistor St Edmund Norfolk NR14 8RB  
 Proposal Erection of cart lodge to front of 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 residential dwelling within the development limits of Caister St Edmund. The dwelling has previously approved permission for an extension and other alterations.
- 1.2 The proposal is for a detached cart lodge to the front of the property.
- 1.3 The previous scheme had a front cart lodge initially which was removed in order to allow the extensions and alterations to be approved following guidance that the garage would give reason to refuse the application.

2. Relevant planning history

- |     |           |  |          |
|-----|-----------|--|----------|
| 2.1 | 2021/2632 | Two storey rear extension, alterations to existing dwelling including reposition of dormers to front roof and conversion of existing garage. | Approved |
|-----|-----------|--|----------|

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
 NPPF 02: Achieving sustainable development  
 NPPF 04: Decision-making  
 NPPF 12: Achieving well-designed places
- 3.2 Joint Core Strategy (JCS)  
 Policy 2: Promoting good design  
 Policy 16: Other Villages
- 3.3 South Norfolk Local Plan Development Management Policies  
 DM3.8: Design Principles applying to all development  
 DM3.11: Road safety and the free flow of traffic  
 DM3.12: Provision of vehicle parking  
 DM3.13: Amenity, noise, quality of life

4. Consultations

- 4.1 Caister St. Edmund Parish Council  
  
 Consultation 1:  
 No Objection

Consultation 2:  
No comment received

Consultation 3  
No Objection

4.2 District Councillors:

Consultation 1:  
Cllr John Overton  
No response received

Cllr Lisa Neal:  
No response received

Cllr Trevor Spruce:  
No response received

Consultation 2:  
Cllr John Overton  
Delegated if approval, committee if refusal

Cllr Lisa Neal:  
No response received

Cllr Trevor Spruce:  
No response received

Consultation 3:  
Cllr John Overton  
Delegated if approval, committee if refusal

Cllr Lisa Neal:  
No response received

Cllr Trevor Spruce:  
No response received

4.3 NCC Highways

Consultation 1:  
Request for additional plan - proposal appears to constrain access

Consultation 2:  
Revised proposal is acceptable

Consultation 3:  
No Response received

4.4 Other Representations

Consultation 1:  
No responses received

Consultation 2:

- Size more than twice that of the existing hedge and on the boundary
- Drawings do not show guttering or drainage
- Main water supply is close to the hedge and may be affected

- Concerns front driveway will become car park for commercial vehicles
- Oak tree in the front hedge will be affected
- Heath road is not a road but a farm track
- Not in keeping with neighbourhood

Consultation 3:

No response received

## 5 Assessment

### **Key considerations**

- 5.1 The key considerations are design, character of the area, amenity and highways.
- 5.2 I note that there have been several design iterations during the course of the application and that many of the themes of the single neighbour comment received therefore do not relate to the final proposal as it has been moved away from the boundary with that neighbour.

### **Principle**

- 5.3 The proposal relates to an outbuilding within the curtilage of a residential dwelling and as such the proposal is acceptable in principle under policy DM3.4 subject to assessment of other relevant development management criteria.

### **Design/Layout**

- 5.4 Policy DM3.8 of the SNLP and 2 of the JCS consider the design of the proposal while good design forms a strong theme of the NPPF within section 12.
- 5.5 The proposal site is located within a street dominated by a linear form of development, with street fronting dwellings of varying styles. However, while the style of the dwellings are consistent, open frontages, free of built form with consistent setbacks for dwellings is a significant character trait of the street. Most highway boundaries utilise low walls for hedges, leaving the views down the street open with dwellings visible but less dominant on the highway boundary itself. The application site itself borders an access lode to a farm behind with a low fence and it has trees to the front.
- 5.6 In some views this vegetation, when in full leaf, would go some way to screening the proposed cart lodge. However, given its location in advance of the host dwelling and its height and size, the new cart lodge would still be readily apparent in views from both sides of Caister Lane, especially on the approach to the site from the east due to the open boundary caused by the adjacent lode.
- 5.7 Even with a building design that is not unattractive, and efforts made to retain existing vegetation, it would stand out as a prominent, dominant and somewhat isolated building in this section of the road. It is therefore considered that the proposed cart lodge would be a visually incongruous addition to the front garden and the street scene by failing to have regard to the wider setting of the buildings hereabouts and by detracting from the spacious quality at the front of this dwelling, which makes a positive contribution to the distinctive character of this particular locality.
- 5.8 As such, the proposed cart lodge would cause material harm to the character and appearance of the area. This would run contrary to the aims of Policies DM 3.4 and DM 3.8 of the SNLP.

### **Amenity**

- 5.9 Policy DM3.13 of the SNLP considers residential amenity in relation to overlooking, overshadowing and noise. The proposed cart lodge is located away from neighbouring boundaries. As such, no significant impacts are anticipated to arise from the proposal, and it is considered that it accords with policy in this regard.

### Highways

- 5.10 Policy DM3.11 considers highway safety and Policy DM3.12 considers parking. The local highway authority has been consulted at each stage and raised some queries early on. While no comment has been received on the final scheme, the footprint has moved back away from the access compared to the initial proposal and therefore has much less chance of impact on vehicles entering the site.
- 5.11 As such I am satisfied the proposal is acceptable in regard to highway matters.

### Other Issues

- 5.12 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. The proposal relates to an existing residential unit and will not increase the number of dwellings. Using the average occupancy rate of 2.4 people, the proposal is unlikely to lead to a significant effect as it would not involve a net increase in population in the catchment and is not considered a high-water use development. This application has been screened, using a precautionary approach, as is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).
- 5.13 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.
- 5.14 This application is not liable for Community Infrastructure Levy (CIL)

### Conclusion

- 5.15 The proposal is acceptable in principle and there are no issues in regard to amenity and highways however, the location within the street scene is such that the proposed cart lodge would cause material harm to the character and appearance of the area. This would run contrary to the aims of Policies DM 3.4 and DM 3.8 of the SNLP. The proposal is therefore recommended for refusal as per the reason set out below.

Recommendation: Refusal

### Reasons for Refusal

- 1 By virtue of the location, form and size of the cart lodge, especially taking into account its position in front of the principal elevation of the dwelling, the proposed cart lodge would be a visually incongruous addition to the front garden and the street scene by failing to have regard to the wider setting of the buildings hereabouts and by detracting from the spacious quality at the front of this dwelling, which makes a positive contribution to the distinctive character of this particular locality. As such, the proposed cart lodge would cause material harm to the character and appearance of the area. This would run contrary to the aims of Policies DM 3.4 and DM 3.8 of the SNLP. Policy 2 of the JCS and the principles running through section 12 of the NPPF.

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Application 5

2022/1098



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

**5. Application No: 2022/1098/F**  
**Parish: BROOKE**

Applicant's Name: Mrs Emma Joyce  
 Site Address 11 The Street Brooke Norfolk NR15 1JW  
 Proposal Change of use from use Class E (commercial hair salon) to use class C3 (residential dwelling) with single storey side extension

Reason for reporting to committee

The proposal would result in the loss of employment

Recommendation summary: Authorise Assistant Director of Planning to grant planning permission subject to the submission of a satisfactory Unilateral Undertaking relating to payment of GIRAMS.

**1 Proposal and site context**

- 1.1 The application site contains a small single storey building currently with permission for use as a hairdresser (Class E in use class order). The site is located within the development boundary and Conservation Area of Brooke and is surrounded by residential development within large curtilages set back from the highway.
- 1.2 The proposal is to extend the building and change the use to a single residential dwelling.

**2. Relevant planning history**

2.1	2018/2006	Replacement of all existing windows and external doors and external lighting. Re-painting of property	Approved
2.2	2018/2007	Replacement of signage to front of property and road signs. All with new company logo.	Approved
2.3	2001/0053	Retention of lamp and four wall lights	Approved
2.4	2000/1647	Minor alterations to hair consulting rooms consulting rooms	Approved
2.5	1999/1559	Minor internal alterations and extensions to form hair consulting rooms	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 10: Supporting high quality communications  
 NPPF 11: Making effective use of land  
 NPPF 12: Achieving well-designed places  
 NPPF 16: Conserving and enhancing the historic environment
- 3.2 Joint Core Strategy (JCS)  
 Policy 1: Addressing climate change and protecting environmental assets

Policy 2: Promoting good design  
Policy 3: Energy and water  
Policy 4: Housing delivery  
Policy 5: The Economy  
Policy 6: Access and Transportation  
Policy 15: Service Villages

3.3 South Norfolk Local Plan Development Management Policies

DM1.3: The sustainable location of new development  
DM2.2: Protection of employment sites  
DM3.1: Meeting Housing requirements and needs  
DM3.4: Residential extensions, conversions within settlements  
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  
DM4.8: Protection of Trees and Hedgerows  
DM4.10: Heritage Assets

3.4 Statutory duties relating to Conservation Areas:

Section 72 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 Brooke Parish Council

No Objection

4.2 District Councillor

To be reported if appropriate

4.3 SNC Water Management Officer

No comments received

4.4 NCC Highways

No objection

4.5 Other Representations

1 comment from 1 address:

No objection in principle however:

- Concerns relating to the extensions
- Close to boundary which has a hedge
- Foundations may damage hedge roots
- No room for scaffolding
- Accepting of changes to roof and retention of parking spaces
- Pity to lose the facility of a hairdressers in the village



## 5 Assessment

### Key considerations

- 5.1 The key considerations are the loss of the employment use, heritage, design, parking and amenity.

### **Principle**

- 5.2 The proposal is for change of use from an employment use to residential technically resulting in the loss of the employment provision. Policy DM2.2 sets out the principle of protecting existing employment sites for employment uses; however, it also sets out a mechanism for justifying a loss if appropriate involving marketing the premises for a period of at least 6 months in order to demonstrate the use is no longer viable.
- 5.3 In this instance, a marketing exercise has been undertaken for a period currently longer than 6 months and a covering letter has been provided from the estate agent confirming the process and lack of viable offers.
- 5.4 It can therefore be concluded, on the basis of the information that has been submitted, that the requirements of policy DM2.2 have been met in this instance. As such, the proposed change of use is acceptable in principle, subject to assessment of other relevant policies including policy DM3.4 relating to changes of use to residential within development boundaries.

### **Design/Layout**

- 5.5 Part (a) of Policy DM3.4, Policy DM3.8 of the SNLP, Policy 2 of the JCS and section 12 of the NPPF require good design. The application site is small and the building as it stands is below the minimum space standard for new dwellings. As such an extension has been proposed forming a small enlargement to bring the space up to standard. However, it remains, as a building and plot, significantly smaller than the surrounding development to the extent that would be unacceptable as a completely new build proposal, however it's presence as an existing small separate unit with existing building is a matter of fact and part of the existing character of the site. The small extensions do not significantly change the relationship between this building and its surroundings in terms of design, as it will remain a small building that almost fills its plot in contrast to the surrounding properties.
- 5.6 The design of the extensions themselves are modest, although with little room to start with they bring some side walls very close to boundaries. The materials are proposed to match the existing for the most part and complement the existing structure. The front elevation will inevitably host the largest change in character from shop front to dwelling, however this is seen in passing along a small part of the street scene and the change is relatively minor in the wider context.
- 5.7 As a result of the small plot, it is considered necessary to remove permitted development rights for all extensions and additions to the dwelling along with outbuildings by condition.
- 5.8 As such, largely as a result of the existing circumstances the building finds itself in, the proposed changes are acceptable in relative terms and accord with the above referenced design policies and guidance.

### **Heritage**

- 5.9 The impact on Conservation Areas requires consideration under the development management policies and section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The application has been assessed in this regard and concluded that it would not have any harmful impact on the character or appearance of the Conservation Area as a result of the small scale and nature of the physical changes proposed. As

such, it is considered that the proposal would accord with section 16 of the NPPF, Policy DM4.10 of the SNLP. Equally in consideration of the Council's duties under the Act it is considered that for the reasons set out above that the proposal would not adversely affect the Conservation Area.

### **Amenity**

- 5.10 Part (b) of Policy DM3.4 and Policy DM3.13 considers residential amenity including impacts on neighbours such as overlooking, overshadowing and noise.
- 5.11 The building is located adjacent to front gardens and access ways to neighbouring dwellings and proposed minor extensions. As such no significant impact is expected in this regard. As such the proposal accord with policy DM3.13 and part (b) of Policy DM3.4 in this respect.
- 5.12 Part (c) of Policy DM3.4 requires adequate amenity space for the residents of the proposed building. In this instance, the outside space available for future residents is very small with boundaries close. The large outside space is used for parking with very little other space usable for incidental and recreational purposes. This is somewhat mitigated by the very small size of the dwelling and single bedroom which would potentially attract residents without those needs. Being mindful of Policy DM3.1 in relation to ensuring there is a good mix of housing, and the nature of the existing building leave options open to allow for smaller dwelling that may not be provided, especially as single storey dwellings rather than flats, in other development or in the immediate area of this site. Further to the consideration is that the building is existing which limits the scope of altering layouts and positioning as one might do in a new build proposal. Overall, therefore, while it is finely balanced, reusing an existing building and the proportionality between the proposed dwelling and the small plot tips the consideration to the conclusion that the plot size, in this particular instance, would not be of such significant detriment to refuse the application under policies DM3.13 and part (c) of Policy DM3.4.

### **Highways**

- 5.13 Policy DM3.11 relates to highway safety and Policy DM3.12 relates to parking.
- 5.14 The local Highway Authority have been consulted and offer no objection on the grounds of highway safety and I am therefore satisfied that the proposal complies with policy DM3.11.
- 5.15 In regard to parking, provision accords with county requirements for a single bedroom dwelling. Given the small size of the plot, a condition has been included to require provision of the parking area prior to first occupation and for it to remain in that use in perpetuity. As such the proposal accords with policy DM3.12 of the SNLP.

### **Trees/Hedges**

- 5.16 Policy DM4.8 requires material consideration be given to the value to retaining existing trees and hedges. Furthermore, the neighbouring dwelling has expressed concerns around the impact of the extensions and construction on existing hedges that bound the site.
- 5.17 While some work close to boundaries is unavoidable due to the size of the site, the hedges provide a good buffer between properties and are worthy of retention as a result of their contribution to character and amenity. As such, the applicant has provided a protection plan and mitigation statement to minimise construction impacts. In proportion to the proposal, I consider these to be acceptable subject to an appropriate condition on the decision notice ensuring the fencing remains in place for the full construction period.

Other Issues

- 5.18 Paragraph 69 of the NPPF states that small and medium sized sites can made an important contribution to meeting the housing requirement of an area. The Council has taken a proactive approach to this through the allocation of a range small and medium sized sites and through defining Development Boundaries for over 80 settlements to facilitate suitable windfall development. Point (c) of NPPF para 69 states that local planning authorities should '*support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes*'. Although this is a material consideration in the determination of the application, it can only be afforded limited weight, given the previous supply of housing on small sites within the district.
- 5.19 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The proposal will result in additional overnight accommodation; however, it is located outside the catchment areas of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site, and does not involve foul or surface water drainage into those catchment areas. As such, it is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).
- 5.20 It is requested that delegated authority is given to Officers to grant planning permission subject to receipt of a satisfactory unilateral undertaking for the payment of the GIRAMS tariff at £185.93 per unit of relevant development and subject to full consideration by Officers of the issue of nutrient pollution and its impacts on the integrity of Special Areas of Conservation.
- 5.21 It is requested that delegated authority is also given to Officers to refuse planning permission if a satisfactory unilateral undertaking is not received and/or if – after full consideration by Officers – they are of the opinion that due to nutrient pollution, the integrity of Special Areas of Conservation is not satisfactorily secured.
- 5.22 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.23 This application is liable for Community Infrastructure Levy (CIL) for the extension to the building.

**Conclusion**

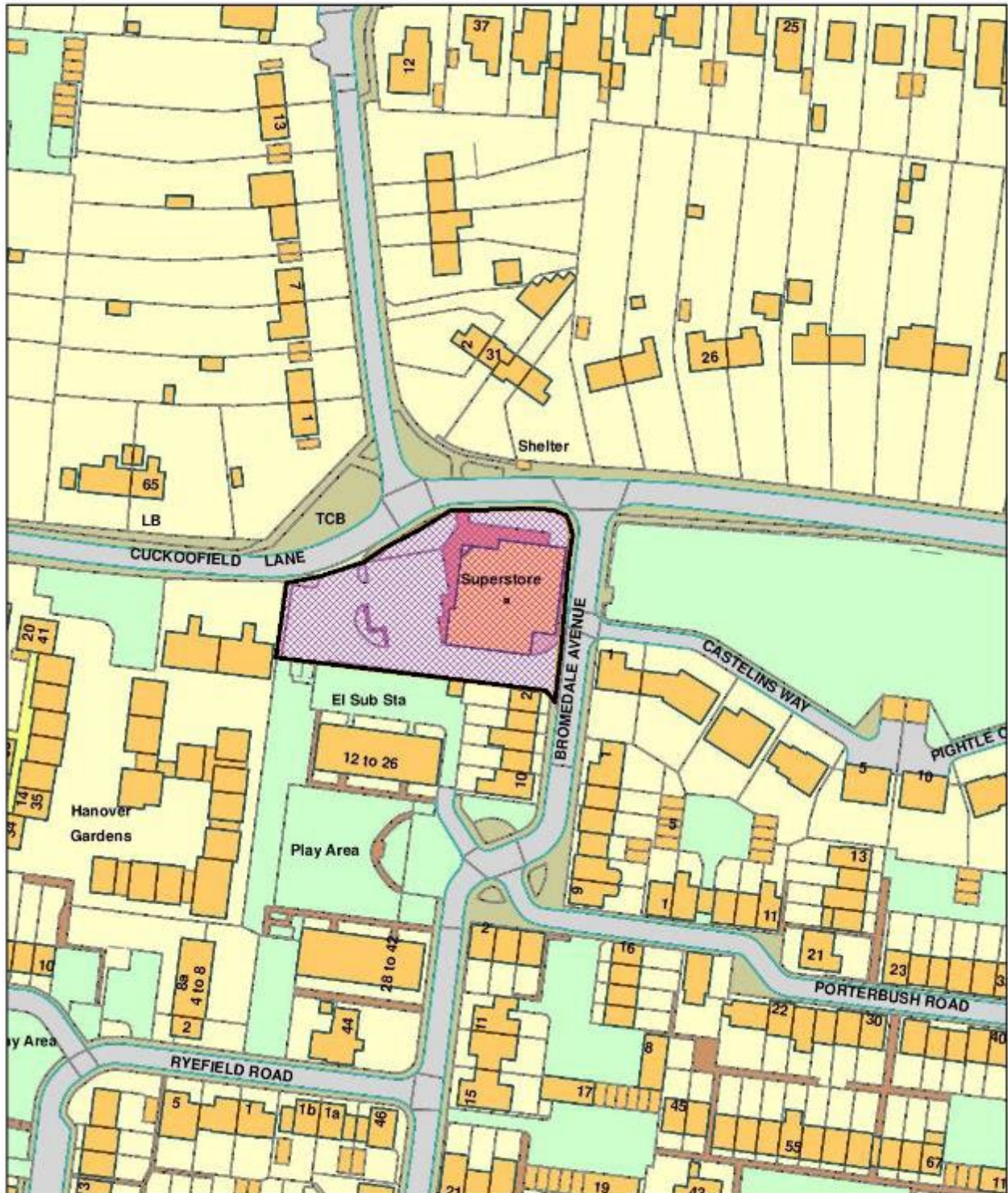
- 5.24 The proposal accords with policy DM2.2 in relation to the loss of employment and, despite come concerns regarding amenity space, with the requirements of policy DM3.4 in relation to changes of use to residential within development boundaries. Finally, there are no issues in regard to impact on neighbours, trees/hedges, highways or heritage and as such it accords with all policies relevant to those areas.

Recommendation: Authorise Assistant Director of Planning to grant planning permission subject to the submission of a satisfactory Unilateral Undertaking relating to payment of GIRAMS.

- 1 - Time Limit - Full Permission
- 2 - In accordance with submitted drawings
- 3 - Materials
- 4 - Tree protection
- 5 - Provision of parking
- 6 - New Water efficiency
- 7 - Foul drainage to main sewer
- 8 - No PD for Classes ABCDE & G

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2022/1166



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**6. Application No : 2022/1166/A**  
**Parish : MULBARTON**

Applicant's Name: Ms Sophie Mead  
 Site Address Co-Op Supermarket, Cuckoofield Lane, Mulbarton, Norfolk, NR14 8BA  
 Proposal 2 x halo illuminated signs, 1 x non-illuminated fascia sign and 2 x non-illuminated totem panels (retrospective permission)

Reason for reporting to Committee

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

Recommendation summary:

Approval with conditions

**1** Proposal and site context

- 1.1 The application site is The Co-operative Food Supermarket that is located within the development boundary of Mulbarton. The site is outside of the Mulbarton conservation area and is surrounded by residential development of varying character and appearance. The site is within an Area of Special Control of Advertisements.
- 1.2 The proposal is to alter the design of the previously existing signage. The retrospective changes relate to the primary signage above the main entrance at the north-western corner, which was previously lit by a light bar and now halo-illuminated, the redesign of the totem panel and the redesign of the triangle fascia sign on the eastern elevation.
- 1.3 The core criteria on which advertisement applications are assessed is NPPF 12 and Policy DM3.9 of the Local Plan. The primary considerations are design, amenity, and public/highway safety.

**2.** Relevant planning history

- |     |           |   |          |
|-----|-----------|---|----------|
| 2.1 | 2020/1107 | Variation of condition 1 of 2009/0999 -<br>Extend opening hours to 07.00 - 22.00<br>Monday to Saturday and reduce hours to<br>10.00 - 16.00 Sunday  | Approved |
| 2.2 | 2009/0999 | Variation of condition 4 on application<br>2005/0055 - extending opening hours to<br>Monday - Wednesday 07.00 - 21.00,<br>Thursday - Friday 07.00 - 22.00, Saturday<br>07.00 - 20.00 and Sunday 09.00 - 17.00 | Approved |
| 2.3 | 2006/1811 | Erection of illuminated totem and tower signs   | Approved |

**3** Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
 NPPF 12: Achieving well-designed places  
 NPPF 15: Conserving and enhancing the natural environment
- 3.2 Joint Core Strategy (JCS)  
 Policy 2: Promoting good design  
 Policy 15: Service Villages

### 3.3 South Norfolk Local Plan Development Management Policies

DM3.8: Design Principles

DM3.9: Advertisements and signs

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

DM3.13: Amenity, noise, and quality of life

### 3.4 Mulbarton Neighbourhood Plan

No relevant policies

## 4. Consultations

### 4.1 Mulbarton Parish Council

The Parish object to the application as it is contrary to the dark skies policy within the neighbourhood plan, voted to maintain the strong rural feel of Mulbarton.

### 4.2 District Councillors

Cllr N Legg:

Requested the application to be determined at committee. There has been no previous consultation with the local community nor the Parish Council. Considers the development is in contravention of the Mulbarton Neighbourhood Plan dark skies policy.

Further comments – there are many concerns from residents. The site is a large building and clearly visible. There appears to be little need for the signage to be illuminated. There is considerable light pollution.

### 4.3 NCC Highways

No objections, subject to condition restricted the level of illumination to 600cd/m<sup>2</sup> during hours of darkness and no part of the lights being directly visible to highway users.

### 4.4 SNC Community Services - Environmental Quality Team

Requested confirmation that the signage has been designed in accordance with the 'Institute of Lighting Professionals Guidance, Note 01/20, Guidance Notes for the Reduction of Obtrusive Light'. Until confirmed, we object to the application.

### 4.5 Other representations

Three members of the public have objected to the application in addition to the Campaign for the Protection of Rural England (CPRE). The objections are summarised in the following points:

- The proposal is considered contrary to the Mulbarton Neighbourhood Plan (Key Statement 1).
- The proposal is considered contrary to the guidelines issued by CPRE Norfolk on the reduction of light pollution and Outdoor advertisements and signs: A guide for advertisers (2007).
- The illumination shines directly towards the windows of nearby residential properties.
- Original signs had downward directed light and were acceptable.
- The new signage is almost identical, serves no practical purpose, are not necessary for the operation of the business or for security. The safety and security of staff is already provided by lighting in the car park and wall-mounted lights.
- No prior consultation to the signs being constructed.



- Adverse impact on neighbouring amenity. One neighbour reported that the sign shines directly into a bedroom window and cause nuisance. The harm to local amenity is not appropriately justified or outweighed by any public benefit.
- The application is contrary to original consent 2005/0055.
- Applicant should confirm that a change in Sunday trading hours, or ability to change hours does not form part of this application.
- The design is not consistent with the original classical design. The 'wood-grain' finish is not considered a quality design.
- The colour temperature of the proposal is not consistent with the surrounding lighting.
- Presence of bats and the impact upon these may need to be assessed.
- No existing plans to compare and effectively assess.

## 5. Assessment

### **Principle**

- 5.1 The alteration to the existing signage is considered acceptable in principle. As such the main considerations are design, impact upon residential amenity and highway and pedestrian safety.
- 5.2 Policy DM3.9 considers advertisements and signs that require consent. The policy states that signs will be permitted when they are well designed and sympathetic to the character and appearance of their location, having regard to their size, materials, construction, location, level of illumination and cumulative impact with other signs in the vicinity. Furthermore, the policy states that illuminated signs will not be permitted where safety and amenity of the surrounding area is adversely affected.

### **Design and preserving dark skies**

- 5.3 The proposal has raised considerable concern regarding the preservation of the dark skies in Mulbarton and thus the strong rural feel that is achieved in the area. The reason for this application to be presented at committee is primarily due to the assertion that the proposal is contrary to the Mulbarton Neighbourhood Plan 'dark skies' policy. The Neighbourhood Plan makes two references to 'dark skies' within section 5.3: Street Lighting. The section makes no regard to advertisements or signs and only contains a 'key statement' (Key Statement 1: Street Lighting), not a formal policy. The statement reads 'It will be essential to maintain "dark skies" and the strong rural feel in Mulbarton by avoiding the introduction of street lighting as part of new development. New street lighting will therefore not be encouraged'. As this proposal is not for street lighting it would not appropriate to refuse the application as being contrary to this element of the Mulbarton Neighbourhood Plan. The impact on the character and appearance of the area, including the 'strong rural feel' and the wider intentions of the Neighbourhood Plan are however considered.
- 5.4 Signage was approved under application 2006/1811 which resulted in alteration to the original scheme approved in 2005, as referenced by one neighbour. The previously approved signage included the erection of aluminium composite panels to the triangular/gable sign on the east elevation and the main signage on the north-western corner as well as the erection of the totem. The core material treatment remains the same within this application. The 2006 application also approved external lighting to the signage above the main entrance, which was permitted with the condition that the level of illumination shall not exceed 1200cd/m<sup>2</sup>. The level of illumination that the proposed signage above the entrance displays is 121cd/m<sup>2</sup> and will be conditioned to not exceed this. The sign is lit internally within the letters which leads to the light being directed back towards the existing white aluminium panels and creating a 'halo' effect around the new lettering reading 'the co-operative food'. The colour of the proposed lighting is white, as opposed to warm lighting provided by the trough light previously. No other signage proposed is to be lit.



- 5.5 It is noted that the corporate branding of the co-operative has changed overtime without further consent, yet these changes were considered permitted development as there was no significant changes to the lighting design, building materials or area of advertisement.
- 5.6 Cuckoofield Lane includes six white streetlights in close proximity to the store. The car park also includes seven warm lights. The north elevation of the store also has further wall mounted warm lights. In assessing the character of the area, Mulbarton is identified as a rural service village that largely does not promote street lighting. However, this area is an exception to the wider area by already being significantly lit. Furthermore, the level of illumination is considered soft with no direct light spillage. The impact is limited to the opening times of the supermarket and will be conditioned as such. The size and scale of this sign is identical to the previously existing. As a result, I do not consider that the alteration to the illuminated signage above the north-western entrance creates a significant adverse impact on the character and appearance of the wider area. Whilst it is noted the CPRE consider the lighting conflicts with their guidelines, I consider the impact to be acceptable for the reasons set out above.
- 5.7 The quality of the design of both the totem and eastern sign has also been questioned. As established, the signage base is aluminium panels. The proposal is to vinyl wrap these panels with the co-operatives corporate branding often used within conservation areas. The finish is a light wood effect that is not obtrusive and subtle within its setting in comparison to the previously existing signage. The wider area includes a wide variety of materials and forms of design, and the proposal does not sit uncomfortably in this context. I therefore consider that the proposed material design of the scheme is appropriate.
- 5.8 Considering the above, I believe the proposal accords with Policy DM3.8 of the local plan.

### **Amenity**

- 5.9 There are several concerns to the neighbouring amenity as a result of the proposal. The site is surrounded by residential housing. To the north are two bungalows that are screened significantly with well-established and maintained hedging. Towards the northwest is a row of two storey houses, one of which includes a bedroom window facing south, thus having a view over the co-op car park. There are also several dwellings to the south also overlooking the car park. I consider that the impact on the amenity of these dwellings is limited by virtue of distance, separation and in some cases natural screening. The dwellings already overlook a well-lit area, and there is no direct light towards these dwellings because of the design. The light is limited to a low level of illuminance. By virtue of opening times, the lights will be turned off by 10pm Mon-Sat and 4pm on Sunday with a 10-minute allowance. The comments of the Council's Environmental Quality team are noted and clarification is being sought as to whether the lighting complies with the Institute of Lighting Professionals Guidance and this will be updated prior to the committee meeting. However for the reasons set out above I consider that the proposal does not significantly harm residential amenity and accords with DM3.13.

### **Highway safety**

- 5.10 There has also been some concern raised regarding the potential impact upon highway safety. The Highway Authority has assessed the application and have raised no objections to the proposal, subject to restricting the level of illuminance. I therefore am satisfied that the proposal will not create a significant adverse impact on highway safety and thus accords with Policy DM3.11.

### **Other issues**

- 5.11 The core reasoning for the signage has been questioned by one of the neighbours. I consider this to be the preference of the applicants and therefore the proposal should be assessed against the relevant local policies.

- 5.12 It has been suggested that the lighting also provides additional benefit to the safety of staff, however it should be noted the site is already well-lit.
- 5.13 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. The proposal relates to an existing retail unit and is not considered to create significant regional pull. The application has been screened, using a precautionary approach, as is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).
- 5.14 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.
- 5.15 This application is not liable for the Community Infrastructure Levy (CIL).

### **Conclusion**

- 5.16 It is considered that the design is appropriate and does not create a significant adverse impact on the wider area, neighbouring amenity, or public safety. As such the proposal accords with the criteria set out within policies DM3.8, DM3.9, DM3.11 and DM3.13 of the Local Plan and Policy 2 of the Joint Core Strategy.

Recommendation: Approval with Conditions

- 1-5 Standard Advertisement Conditions
- 6 In accordance with submitted drawings
- 7 Hours of use
- 8 Illumination limits

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**Planning Appeals****Appeals received from 12th August 2022 to 8<sup>th</sup> September 2022**

<b>Ref</b>	<b>Parish / Site</b>	<b>Appellant</b>	<b>Proposal</b>	<b>Decision Maker</b>	<b>Final Decision</b>
2021/2390	Ashwellthorpe and Fundenhall Land West of Rose Farm The Street Ashwellthorpe Norfolk	Mr T Ollett	Erection of two storey dwelling and double garage	Delegated	Refusal

**Planning Appeals****Appeals decisions from 12<sup>th</sup> August 2022 to 8<sup>th</sup> September 2022**

<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>
2021/2367	Costessey Verge at John Hyrne Way Costessey Norfolk	Mr David Galbraith	Retrospective application for 48 sheet paper advertising hoarding	Delegated	Refusal	Appeal dismissed
2021/1800	Diss Walcot House Walcot Green Diss IP22 5SR	Mr D Fiske	Conversion and extension of existing stable block to holiday accommodation with creation of new access (As previously approved under 2020/1952)	Delegated	Refusal	Appeal Allowed

## Planning Appeals

Appeals decisions from 12<sup>th</sup> August 2022 to 8<sup>th</sup> September 2022

2021/0488	Poringland Land to The North of Heath Loke Poringland Norfolk	Boardwalk Property Developments Ltd	Erection of up to 19 dwellings with all matters reserved except for access	Delegated	Refusal	Appeal Allowed
2022/0471	Poringland 32 The Street Poringland Norfolk NR14 7JT	Mr James Trett	Erection of cart lodge to front.	Delegated	Refusal	Appeal dismissed