

# 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 19 October 2022  
10.00am

### Place:

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

### Contact:

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### PUBLIC ATTENDANCE / PUBLIC SPEAKING

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

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

If a member of the public would like to observe the meeting in person, or speak on an agenda item, please email your request to [committee.snc@southnorfolkandbroadland.gov.uk](mailto:committee.snc@southnorfolkandbroadland.gov.uk), no later than **5.00pm on Friday 14 October 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 21 September 2022;  
(attached – page 8)
5. Planning Applications and Other Development Control Matters;  
(attached – page 19)

To consider the items as listed below:

Item No.	Planning RefNo.	Parish	Site Address	Page No.
1	2022/0015/F	REDENHALL WITH HARLESTON	Land to The East of Mendham Lane Harleston Norfolk	19
2	2021/0092/F	BRESSINGHAM AND FERSFIELD	Land South Holly Farm, Common Road, Bressingham	33
3	2021/2656/S106 A	ASLACTON	Land west of Boundary Villa Church Road Aslacton Norfolk	42
4	2022/1007/F ITEM DEFERRED	MULBARTON	Land north of Lantana, Norwich Road, Mulbarton	47
5	2022/1150/F	REDENHALL WITH HARLESTON	Outbuildings at 1 Station Road, Harleston, IP20 9ES	57
6	2022/1205/LB	GISSING	Gissing Hall Upper Street Gissing Norfolk IP22 5UN	63
7	2022/1206/F	GISSING	Gissing Hall Upper Street Gissing Norfolk IP22 5UN	63

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 71)

8. **Date of next scheduled meeting-** Wednesday 16 November 2022

(Please note this meeting will take place at Thorpe Lodge, 1 Yarmouth Road,  
Thorpe St Andrew, Norwich, NR7 0DU)

## 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

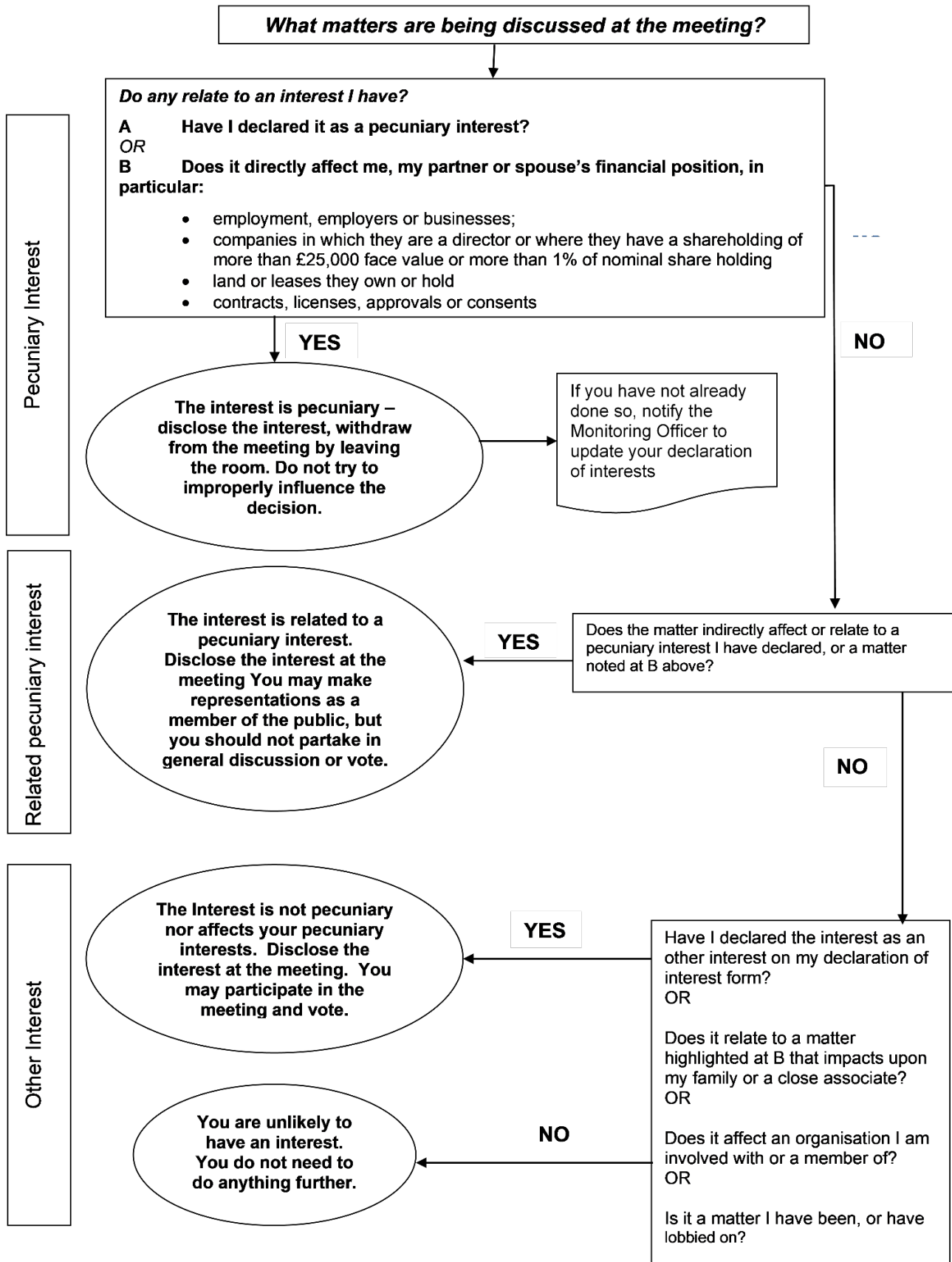
When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda 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 21 September 2022 at 10am.**

**Committee Members Present:** Councillors: V Thomson (Chairman), D Bills (Items 2-6), J Halls, T Holden (Items 2-6), C Hudson, T Laidlaw and L Neal (Items 2-6).

**Apologies:** Councillors: F Ellis (with J Easter appointed substitute for items 1,2,4,5 &6) and G Minshall.

**Officers in Attendance:** The Development Manager (T Lincoln) and the Area Team Manager (G Beaumont), the Principal Planning Officers (T Barker & P Kerrison) and the Community Enforcement Officer (M Siddall)

11 members of the public were also in attendance

## 629 DECLARATIONS OF INTEREST

Application	Parish	Councillor	Declaration
2021/2766/F (Item 1)	BAWBURGH	L Neal	Local Planning Code of Practice As a Cabinet Member, Cllr Neal left the room while this application was considered
		D Bills	Local Planning Code of Practice Chairman of the People and Communities Committee which considered a report containing details on the site, Cllr Bills left room while this



		T Holden	<p>application was considered.</p> <p>Local Planning Code of Practice A Member of the People and Communities Committee which considered a report containing details on the site, Cllr Holden left room while this application was considered</p>
<b>2020/1920/F (Item 2)</b>	<b>FLORDON</b>	J Halls & T Laidlaw	Local Planning Code of Practice Lobbied by a Supporter
<b>2022/0530/F (Item 3)</b>	<b>SHELFANGER</b>	<p>All</p> <p>J Easter</p>	<p>Local Planning Code of Practice Lobbied by an Objector</p> <p>Other Interest As Local Member, Cllr Easter chose to step down from the Committee and speak solely as Local Member on the application</p>
<b>2022/0533/H (Item 4)</b>	<b>CAISTER ST EDMUND &amp; BIXLEY</b>	L Neal	Other Interest Local Member for Caister St Edmund and Bixley
<b>2022/1166/A (Item 6)</b>	<b>MULBARTON</b>	All	Local Planning Code of Practice Lobbied by an Objector

## 630 MINUTES

The minutes of the meeting of the Development Management Committee held on 24 August 2022 were confirmed as a correct record.

## **631 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.

<b>Application</b>	<b>Parish</b>	<b>Speakers</b>
<b>2020/1920/F</b>	<b>FLORDON</b>	T Webster – Parish Council J Barbuk – Agent Cllr N Legg – Local Member Cllr I Spratt – Local Member
<b>2022/0530/F</b>	<b>SHELFANGER</b>	Shelfanger Parish Council – Written representation L Brewer – Agent Cllr J Easter – Local Member
<b>2022/0533/H</b>	<b>CAISTER ST EDMUND &amp; BIXLEY</b>	L Biham – Applicant
<b>2022/1166/A</b>	<b>MULBARTON</b>	D Aldous – Objector Cllr N Legg – Local Member

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

## **632 PLANNING APPEALS**

The Committee noted the planning appeals.

(The meeting concluded at 12:55pm)

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Chairman

**Updates for DEVELOPMENT MANAGEMENT COMMITTEE**  
**– 21 SEPTEMBER 2022**

<b>Item</b>	<b>Updates</b>	<b>Page No</b>
1. 2021/2766	No updates.	16
2. 2021/1920	<p>SNC Housing Enabling Officer – disappointed but accepts that it is not viable to provide affordable housing and therefore raises no objection</p> <p>Two further letters of objection</p> <ul style="list-style-type: none"> <li>- Inability to provide affordable housing is another reason for refusal</li> <li>- Need affordable houses not a village green when we have a fantastic common</li> </ul>	21
3. 2022/0530	Representation attached from Shelfanger Parish Council.	32
4. 2022/0533	<p>Recent nearby appeal decision attached – has been used to guide officer recommendation.</p> <p>Approximate Dimensions of cart lodge are confirmed as follows:  Height (Ridge):3.4m  Height (Eaves):2.4m  Width:6.6m  Depth:5.5m</p>	41
5. 2022/1098	<p>To amend recommendation to</p> <p><i>“Delegate authority to approve subject to a Unilateral undertaking in relation to a GIRAMS payment”</i></p> <p>as this has not been secured in advance of the meeting.</p>	46
6. 2022/1166	No updates	53

## **Appendix 1 Statement from Shelfanger Parish Council**

In December 2020 there was a catastrophic flood in Shelfanger, just 2 days before Christmas, 17 properties flooded, 6 cars and 50+ people's lives devastated by the flood. Their property blighted, millions of pounds lost from their property values, huge insurance claims and the real possibility of never being able to sell their property with a history and a constant threat of further flooding.

In the aftermath and after a considerable length of time, a report was produced by the Norfolk Strategic Flooding Alliance and in that report, Chair Lord Dannatt stated and I quote "But local preparedness and planning is only part of what's needed: we will also be making the case to the government that the Planning system needs to recognise the importance of ensuring that development does not exacerbate the risk of flooding, either to existing residents and businesses or new ones. Addressing flooding and flood risk is something that needs coherent action from the parish level right up to the government."

Lord Dannatt is also concerned that this site will exacerbate the already serious flooding issues in the village. The planning department, rather than working together and recognising these problems continue quoting very low flooding risk from diagrams and reports that are woefully out of date.

It is easy to understand that when flooding occurs surface water runs off the fields adjacent to this site and because there are absolutely no drainage measures in place on the site or adequate drainage on the highway, surface water runs down the road in a torrent, even the ditches surrounding the site were explained in the ecology report as shallow, where they have not been maintained properly, which is another area of concern when riparian owners fail to do essential maintenance. A neighbouring property, the Old Chapel has flooded twice in recent years due to surface flooding. The property is directly downhill from this site and further development will certainly make things worse, even though this property too is reportedly in a very low risk of surface flooding zone! This whole area sits on a layer of clay which compounds these issues.

Considering the information that has come to light in this revised planning application the Parish Council would like the original type Q application and this application to be refused. Taking into account there are 17 conditions recommended by Planning proves that this site is totally ill conceived and not viable. Why build beyond the development boundary of the village using a loophole and risk condemning our villagers to further misery!

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## Appeal Decision

Site visit made on 14 July 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17TH August 2022

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Appeal Ref: APP/L2630/D/22/3300078

32 The Street, Poringland, Norwich NR14 7JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr James Trett against the decision of South Norfolk District Council.
  - The application ref. 2022/0471, dated 2 March 2022, was refused by notice dated 11 May 2022.
  - The development proposed is "The erection of a wooden framed cart shed in the ample front garden upon the area that is currently shingled. It will be sympathetic to the **property and the surrounding views.**"
- 

### Decision

1. The appeal is dismissed.

### Preliminary matter

2. An unnumbered plan without a scale showing visual perspectives of a new cart shed or cart lodge was submitted **with the Council's questionnaire but this** drawing did not appear in the list of plans (drawing nos 01/01 and 01/02) submitted with the application. The hipped roof shown on the visual perspectives is wholly different to the pitched roof depicted on those 2 main scaled plans which a builder would need to follow for construction purposes. For these reasons, I have disregarded the visual perspectives drawing.

### Main issues

3. The main issues in this appeal are the effects of the proposed cart lodge upon the character and appearance of the area and upon the living conditions of the occupants of the neighbouring property at 30 The Street with particular regard to the potential for overbearing and overshadowing impacts.

### Reasons

4. The appeal property is a sizeable, detached two-storey house. It is set well back from the western side of The Street which is part of a relatively busy B-road which progresses north-south through the settlement of Poringland.
  5. The large, wide front garden, where the cart lodge would be erected, has an open appearance and is mainly given over to various types of hard surfacing. The new single-storey cart lodge would be 6.85 m wide by 6.32 m deep and provide 2 covered vehicle parking spaces. It would have a fairly tall pitched roof which would overhang all sides of the building.
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6. I did not observe any other detached garages, cart lodges or outbuildings in the front gardens of any of the neighbouring properties in the vicinity of the appeal site. Although many of the other properties do have garages, these tend to be integral garages or ones that are set back from or to the side of their respective dwellings. I have no details about the planning history of the **detached garage in the front garden of no. 19A, shown in one of the appellant's** photographs. It appears to be of some age, stands directly behind thick and tall roadside hedging and is a notable distance away from the appeal site on the opposite side of the road. It has little relevance to the development proposed in the subject appeal which I have assessed on its own merits.
7. There are hedges and shrubs to some of the plot boundaries nearby and groups of tall trees can be found at no. 20 some distance to the north and in front of no. 34 to the south. In some views this vegetation, when in full leaf, would go some way to screening the proposed cart lodge. However, given its location well in advance of the host dwelling and its height and size and the generous width of the open front garden, the new cart lodge would still be readily apparent in views from both sides of The Street, especially on the approach to the site from the south. Even with a building design that is not unattractive, existing vegetation retained and additional planting being undertaken, it would stand out as a prominent, dominant and somewhat isolated building in this section of the road.
8. I consider 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.
9. I find on the first main issue 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 South Norfolk Local Plan Development Management Policies Document (LP) and Policy 14 of the Poringland Neighbourhood Plan, particularly where they seek to ensure that new development will protect or enhance the local character, appearance and context and will be of high quality design.
10. The proposed cart lodge would lie to the east and south-east of the house at no. 30 which has a similar building line to no. 32. It would be sufficiently close to this neighbouring property to be of concern. By virtue of the orientation some degree of overshadowing of the front garden and the nearest wide ground floor front window at no. 30 would occur in the mornings, especially during those times of the year when the sun is lower in the sky. Its roof would be clearly visible in views from this neighbouring habitable room window above the hedge growing along the common boundary. In my view, it would curtail the outlook from that window to an unreasonable extent and appear overbearing. Landscaping of equal or greater height could be planted in the same position but such natural features rarely have impacts that are comparable to a permanent and physical new building.
11. I find on the second main issue that the proposed cart lodge would cause material harm to the living conditions of the occupants of the neighbouring property at 30 The Street with particular regard to the potential for overbearing

and overshadowing impacts. This would be contrary to LP Policy DM 3.13 which explains that planning permission will be refused where proposed development would lead to an excessive or unreasonable impact on existing neighbouring occupants.

12. There is conflict with the development plan. Good design is also a cornerstone of the National Planning Policy Framework. This would not be achieved. The harm cannot be mitigated by the imposition of conditions and it is not outweighed by other considerations, including the acceptable arrangements for private amenity space, parking and access. For the reasons given above and taking into account all other matters raised and the absence of objections from the Parish Council, the Highway Authority and local residents, I conclude that this appeal should not succeed.

*Andrew Dale*

INSPECTOR

**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.

**Applications submitted by South Norfolk Council**

1. **Appl. 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.  
Decision : Members voted 5-0 for approval

Approved with Conditions

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

**Other applications**

2. **Appl. 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  
Decision : Members voted 5-3 (contrary to Officer's recommendation for refusal which was lost 3-5) to Authorise Assistant Director of Planning to grant planning permission subject to nutrient neutrality and GIRAMS.

Reasons for overturning officer recommendation

Local housing benefit, open space, and improved access to the church.



3. **Appl. 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.  
Decision : Members voted 7-0 for Approval subject to the submission of a satisfactory Unilateral Undertaking relating to payment of GIRAMS

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

4. **Appl. 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  
Decision : Members voted 5-3 for Approval (contrary to Officer's recommendation for refusal which was lost 3-5)

Approved with Conditions

- 1 Limited height
- 2 Materials
- 3 Tree Protection works- recommencement

Reason for overturning officer recommendation

Members felt the cart lodge did not impact on the local street scene.

5. **Appl. 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  
  
Decision : Members voted unanimously to 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

6. **Appl. 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 nonilluminated totem panels (retrospective permission)  
Decision : Members voted unanimously for approval

Approved with Conditions

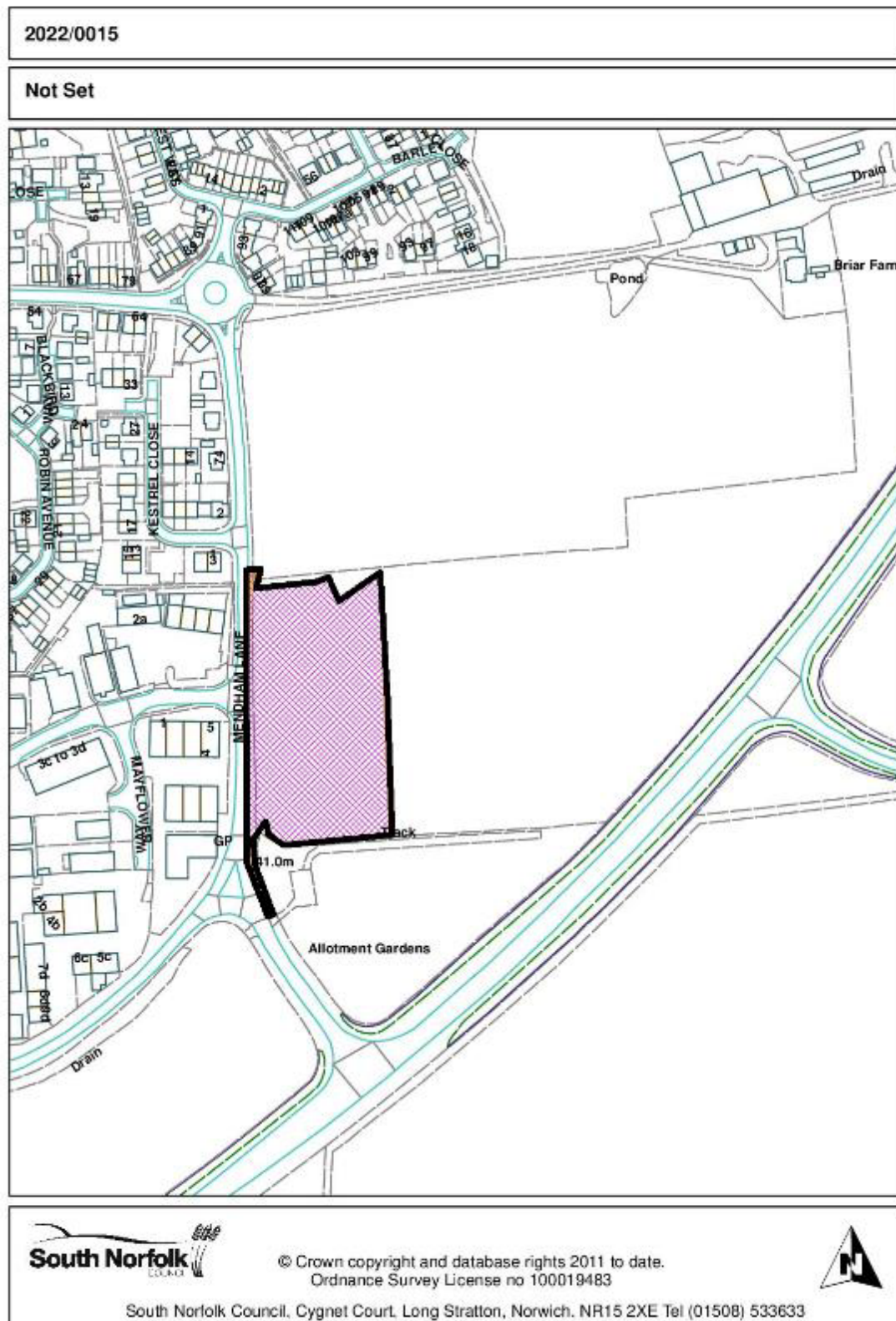
1 1-5 Standard Advertisement Conditions  
2 In accordance with submitted drawings  
3 Hours of use  
4 Illumination limits

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

**Report of Director of Place**

**Major Applications**

**Application 1**



**Major Application**

1. **Application No :** 2022/0015/F  
**Parish :** REDENHALL WITH HARLESTON

Applicant's Name: Lidl Great Britain Limited and Gwyneth Pretty and Allen Pretty  
 Site Address Land to The East of Mendham Lane Harleston Norfolk  
 Proposal Erection of a new discount foodstore (Use Class E) with access, car parking and landscaping and other associated works.

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 relates to an agricultural field on the East side of Mendham Lane and is located outside the development limit for Harleston. There are allotments located to the south and industrial units on the opposite side of Mendham Lane.
- 1.2 The application is for a new discount food store with a gross floor area of 1895 m<sup>2</sup> and a net sales area of 1251m<sup>2</sup>. The access is proposed indirectly off Mendham Lane. The application also includes a 130 space car parking including EV charging points and associated landscaping and off-site highways providing a cycle/ footway along the east side of Mendham Lane between the residential development to the North and the allotments to the south.

2. Relevant planning history

- |     |                            |   |                     |
|-----|----------------------------|---|---------------------|
| 2.1 | 2021/1830                  | Screening Opinion for erection of a discount foodstore with access, parking, landscaping and other associated works.  | EIA Not Required    |
| 2.2 | 2022/0067<br>Adjacent site | Proposed planning application for 354 residential dwellings, 91 extra care apartments, 16 extra care bungalows, public open space, allotments and 1.61ha of land for community use together with associated site infrastructure, demolition of existing agricultural buildings. | Under consideration |

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
 NPPF 02 : Achieving sustainable development  
 NPPF 04 : Decision-making  
 NPPF 06 : Building a strong, competitive economy  
 NPPF 07 : Ensuring the vitality of town centres  
 NPPF 09: Promoting sustainable transport  
 NPPF 12 : Achieving well-designed places  
 NPPF 14 : Meeting the challenge of climate change, flooding and coastal change  
 NPPF 15 : Conserving and enhancing the natural environment  
 NPPF 16 : Conserving and enhancing the historic environment

- 3.2 Joint Core Strategy (JCS)
- Policy 1 : Addressing climate change and protecting environmental assets
  - Policy 2 : Promoting good design
  - Policy 3: Energy and water
  - Policy 4 : Housing delivery
  - Policy 5 : The Economy
  - Policy 6 : Access and Transportation
  - Policy 7 : Supporting Communities
  - Policy 8 : Culture, leisure and entertainment
  - Policy 9 : Strategy for growth in the Norwich Policy Area
  - Policy 10 : Locations for major new or expanded communities in the Norwich Policy Area
  - Policy 11 : Norwich City Centre
  - Policy 12 : The remainder of the Norwich Urban area, including the fringe parishes
  - Policy 13 : Main Towns
  - Policy 14 : Key Service Centres
  - Policy 15 : Service Villages
  - Policy 16 : Other Villages
  - Policy 17 : Small rural communities and the countryside
  - Policy 18 : The Broads
  - Policy 19 : The hierarchy of centres
  - Policy 20 : Implementation
- 3.3 South Norfolk Local Plan Development Management Policies
- DM1.2 : Requirement for infrastructure through planning obligations
  - DM1.3 : The sustainable location of new development
  - DM1.4 : Environmental Quality and local distinctiveness
  - DM2.1 : Employment and business development
  - DM2.1 : Employment and business development
  - DM2.5 : Changes of use in town centres and local centres
  - DM3.8 : Design Principles applying to all development
  - DM3.10 : Promotion of sustainable transport
  - DM3.11 : Road safety and the free flow of traffic
  - DM3.12 : Provision of vehicle parking
  - DM3.13 : Amenity, noise, quality of life
  - DM3.14 : Pollution, health and safety
  - DM4.2 : Sustainable drainage and water management
  - DM4.5 : Landscape Character Areas and River Valleys
  - DM4.8 : Protection of Trees and Hedgerows
  - DM4.9 : Incorporating landscape into design
  - DM4.10 : Heritage Assets
- 3.4 Harleston Neighbourhood Plan
- RWH2 : High Quality Design
  - RWH5 : Community infrastructure and growth
  - RWH10 : Town centre vitality and viability
  - RWH12 : Small scale, day to day retail in new developments
  - RWH15: Traffic generation and safety
  - RWH16: Pedestrian and cycle connectivity
  - RWH18 : Parking
  - RWH19 : Landscape character and town gateways
  - RWH21 : Natural Assets
  - RWH22 : Climate change and flood risk
  - RWH23 : Landscape buffers and pollution

### 3.5 Emerging Greater Norwich Local Plan

GNLP2136 Land at Briar Farm, Harleston (approx. 27.04 ha) is allocated for mixed-use development. The site is likely to accommodate approximately 360 homes, of which around 60 will be single storey dwellings aimed at the active elderly. In addition to housing, the mix of uses is also to include a 90 unit extra care housing scheme<sup>1</sup>, 0.8 ha of retail or employment land, 1.6 ha for community use, allotments, and public open space.

### 3.6 Supplementary Planning Documents (SPD)

South Norfolk Landscape Character Assessment  
NCC Parking standards 2022

## 4. Consultations

### 4.1 Town Council

#### Original proposal

Support this application but would recommend the following considerations be reviewed and considered as a matter of priority.

- There are significant pinch points as Mendham Lane narrows when joining Old Market Place which must be addressed. The concern being in respect of traffic accessing the site directly from the Town Centre.
- The speed along the A143 along with the general traffic flow must be addressed.
- We support the recommended conditions from the Historic Environment Officer due to a large number of medieval finds during the build of the A143.
- Highways and traffic concerns includes the creation of bottlenecks with one being highlighted near to the High School on Wilderness Lane between the pedestrian crossing and the junction to London Road must be addressed.
- It is proposed that travel surveys may be carried out following occupation of the site and may be undertaken by an independent survey company. These surveys should be required and not optional. Projections for the use by customers of public transport, cycling or walking may be optimistic, the Development could result in a substantial increase in vehicle movements with associated pollution impacts.
- The opening hours are shown until 11.00 p.m. this may impact on nearby existing and future residents and is later than quoted in their Public Consultation.
- There may be impact on existing competitors in the Town Centre with the possibility of the loss of footfall and thus potential for reduced trading for other non-food related businesses.
- The emerging Neighbourhood Plan, Policy RWH12 - Small scale, day-to-day retail in new developments; states: 'Where major new housing development is proposed, the inclusion of provision for small scale new retail including convenience shops, that would meet the day-to-day needs of residents in those new development areas will be supported. Such provision should be of a scale proportionate with the size of the development proposed and should be located to be easily accessible from all areas of the development by pedestrians and cyclists.'
- While the scale of this application does not meet the above criteria, the proposal is not directly within a residential development and is therefore not contrary to the intentions of the policy.

#### Additional information

No additional comments to make

## 4.2 District Councillor

Cllr Jeremy Savage

To be determined by committee

- I would expect applications of this importance should be decided by committee.
- There may be numerous details that will need negotiating. I would ask that this be decided by full committee
- I am concerned about the junction of Mendham Lane and the A143 which should be carefully considered at this stage.
- I am fully in support of the Lidl development but think the increased volume of traffic entering and leaving at this junction may make a round about necessary for safe traffic movement

Cllr Fleur Curson

To be reported if appropriate

## 4.3 NCC Highways

Original scheme

Object

- Do not object to the principle of the development
- Cycling provision on the spine road should be segregated and have priority over the store access
- Comments on design of access
- Disabled parking should account of 6% of total provision , an additional 2 spaces are required.
- Appropriate access in required to the cycle parking
- New guidance requires addition EV charging points.
- Visibility splays needs to be demonstrated for access and onto Mendham Lane
- Need to demonstrate swept pass analysis for largest refuse vehicle
- Details of drainage for the spine road
- Basin encroaches in root protection zone and may need amending
- Lidl needs to provide new cycle way on east side of Mendham Lane if it delivered before residential and should include link to Spirketts Lane
- Dropped curbs on cycle way to west of Mendham Lane should be retained.

Additional comments

- No further comments on cycling provision
- Further amendment is required to access to improve access for pedestrians
- Visibility splays need to be demonstrated
- Increased cycle provision and improved access are noted
- A further two accessible spaces are required
- Noted improved EV provision
- Cycle works are supported further amendment are required in relation to layout and connections

Additional comments

Support with conditions

- Applicant has indicated they will prior to opening of the proposed food store, provide the proposed 3.0m wide cycleway at Mendham Road, between Harvest Way and the allotments to the south
- S278 works will be subject to technical review process , highlight island in the spine road will need to be widened to accommodate cycles
- Basin 1B north encroaches on root protection zone and likely to require revision.

## 4.4 NCC Lead Local Flood Authority

## Object

- Inadequate flood risk assessment

## Additional information

## Object

- Flood Risk Assessment has not addressed all the issues

## Additional consultation

## No objection subject to conditions

- The scheme submitted as part of this re-consultation is significantly improved, showcasing a suitable drainage scheme, adopting SuDS features and providing support through clear justification

## 4.5 Anglian Water Services Ltd

- Capacity in sewage system and Waste water treatment works
- Informative on proximity to Anglian Water assets
- Surface water drainage not proposed to use Anglian Water assets

## 4.6 Water Management Alliance

- With catchment of Waveney, Lower Yare and Lothingland Internal Drainage Board (IDB)
- Full drainage strategy required
- If infiltration is not possible water should not be discharge at no more than green field run off rate

## Additional comments

- Note there will be discharge into a watercourse within the watershed catchment of the Board's IDD
- Discharge should be attenuated at greenfield run off rates

## 4.7 East Suffolk Council

No comment to make

## 4.8 Mid Suffolk District Council

- Harleston offers many services and facilities that residents in the North of Mid Suffolk utilise. The introduction of a Class E Food store would be a welcomed addition
- Concern about the juxtaposition of siting a food store of this scale next to adjacent allotments
- Scheme would create further urban sprawl
- By no means to object to this application but would ask that the spatial elements are carefully considered against the Local Plan, Emerging Plan and NPPF



## 4.9 Historic Environment Service

Support with conditions

- Potential for archaeological remains
- Programme of archaeological works required

## 4.10 Senior Heritage &amp; Design Officer

- Although ordinary in term of design no fundamental objections
- Will have active glazed elevation and advertising boards which will break up the bulk of the elevations.
- A change in panel colour will assist in 'grounding' the building and adding interest.
- The appearance and materials will be typical of a Lidl store – however being to the edge of the town in an area of new development it will not appear incongruous.
- It is also not that high and will be set back from both streets with the parking to the front and west sides and landscaping to screen that parking so acceptable.
- The plant and deliveries will be toward the south end and quite discretely located – with deliveries on the opposite side of the building to the care home to the east.
- In terms of integration, it will be accessible by pedestrians and cyclists, with visitor cycling located in a visible location to the north end of the store close to the entrance. It would be good to plant some more trees and or shrubs within the car parking area – for example to the side of the pedestrian cut through near the entrance so that it is clear where it is with added
- The elevation facing east and the intended care home will be quite a blank elevation – however it is the intention to landscape and plant trees as part of that separate application.

## 4.11 SNC Community Services - Environmental Quality Team

Original comments

- Satisfactory contamination report has been submitted
- Just need to condition unexpected contamination
- Agree with the assessment in that delivery noise likely to fall below the Lowest Adverse Effect levels (LOAEL) and therefore no mitigation is required.
- With reference to plant noise, whilst noise levels are not predicted to be a problem to current or proposed residential properties, mitigation measures are required at the care home and should be submitted.
- Delivery hours should be limited 07:00 – 23:00 Monday and Saturday and no deliveries on a Sunday
- Lighting scheme is satisfactory
- Construction Environmental Management Plan (CEMP) is required

Additional comments

- Applicant wishes to increase delivery hours 08:00-20:00 hours on a Sunday no objection to extended hours but should be limited to 09:00-17:00

## 4.12 Ecologist

Original comments

- Ecology report refers to Great Crested Newt Surveys which have not been submitted need to see these
- Potential for bat foraging in the hedges and trees need a lighting strategy sympathetic to these
- Impermeable fencing should be used to discourage small mammals into site where there are lots of vehicles
- Wet land wild flower planting is inappropriate as not wet land and needs to be amended as well as moving hedge outside root protection zone of trees

## Additional comments

- One of the ponds on the residential site had a positive GCN in 2022, whilst disagree with the Ecology Report in relation to distance, but intervening habits are unsuitable for newts and unlikely to be used.
- Construction Environmental Management Plan should be conditioned which will ensure any animals transverse the site will not be trapped in excavations
- Applicant is agreeable to condition lighting scheme suitable for bats.
- Applicant has agreed to impermeable fencing and amendments to soft landscaping plan
- Ten bat and bird boxes need to condition an ecological design strategy

## 4.13 Other Representations

## Five letter of objection

- Lorries turning into industrial estate use both sides of the carriageway and more traffic will cause a bottleneck
- Will be detrimental to local business
- Increased traffic will cause air pollution
- Increased risk of flooding
- Increased noise
- Already a good range of shops
- Affect road safety and cause grid lock
- Increase in HGV
- Too close to housing
- Loss of green space
- Build-up of traffic on A143
- Antisocial behaviour locking car park overnight. Litter and trollies being abandoned
- Road safety
- Junction with A143 and Spirketts Lane have poor visibility
- Spirketts Lane has poor footways and lighting

## Eight letter of support

- Will improve shopping in the area
- Less impact on traffic on town centre
- Will serve local neighbourhoods
- Harleston needs greater range of shops and facilities
- People use discount retailer better they use one in town rather than going elsewhere

5. Assessment

## Key considerations

- Principle sequential test and retail impact test
- Design and layout
- Landscape and visual impact
- Highways
- Residential amenity
- Flood risk and drainage
- Ecology
- Contamination
- Archaeology

## Principle and sequential and retail impact test

- 5.1 Planning law requires that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.2 The site is currently outside a defined development boundary and is located outside the defined Town Centre for Harleston. Policy DM1.3 in the SNLP required all new development should be located so that it positively contributes to the sustainable development of South Norfolk as led by the Local Plan. Criteria C) of the policy permits development outside the development limits where specific Development Management Policies allow for development outside of development boundaries.
- 5.3 Local plan policies define a hierarchy of town and village centres to be the focal points for the majority of shopping, services and other town centre uses. The application site is outside of these defined centres and so, in accordance with policy DM2.4 of the SNLP, the applicant has carried out an assessment to determine if there are any sequentially preferable sites that would be suitable and available to accommodate this proposal. The assessment identifies a catchment based on a 10 minute drive time from the application site which is considered acceptable given the site's rural location. Sequentially only sites in Harleston have been considered. The following sites were considered.
- 5.4 Allocated site HAR5 which is located to the east of Station Hill for mixed use with a single retail store up to 270 m<sup>2</sup>. This is not considered suitable due to policy constraint on size of retail, the irregular shape of the site and the fact the site has a current permission for residential.
- 5.5 The other alternative site considered was the site of the former Apollo club a residential permission is currently being built out on that site so is not available and it falls below the minimum size criteria for a Lidl store.
- 5.6 Therefore, the conclusions of the submitted sequential assessment that there are no more sequentially preferable sites in Harleston are accepted and it is considered that this requirement of policy DM2.4 is met.
- 5.7 As required, the applicants have also carried out an assessment of the potential impact of the proposal on investment within the catchment area and on town centre vitality and viability.
- 5.8 In terms of convenience shops there is currently there is a medium sized Coop food store, a smaller Budgens, Londis and McColl's and a small number of butchers, bakers and green grocers within the Harleston Town Centre.
- 5.9 Between 2022-27 there is £43.46 m rising to £45.25 m convenience retail expenditure capacity within the catchment currently existing retailers are only achieving £14.33 m in sales indicating substantial leakage of convenience expenditure outside the catchment which the report identifies is being largely diverted to Diss as people travel to a centre offering a wider choice. The Tesco, Morrisons and Aldi in Diss are all substantially over trading. There is more than sufficient capacity to absorb the predicted £9 m convenience sales from the proposed store. The introduction of a Lidl will result in more retail choice in Harleston and more people shopping in the town and reducing travel times to shop which is more sustainable.
- 5.10 Drawing on the distribution of existing convenience facilities and the local network, it is estimated that a proportion of the proposed store's turnover will be drawn from the existing Co-op, Londis, McColl's and Budgens in Harleston which is predicted to be 1.61m to £1.67 m between 2022 and 2027. The likely trade diversion from small convenience facilities is likely to be minimal. The main impact would be on the Coop store where there is a predicted 18% reduction in trade. In overall retail terms this is not considered unacceptable.

- 5.11 In terms of comparison goods available expenditure in the catchment is £22.28m - £26.05m (2022 – 2027). Existing retailers within the catchment generate £15.97m and £18.52m in 2022 and 2027 respectively. The proposed comparison turnover of the store is £1.26m (2022), rising to £1.46m by 2027. These figures confirm that there is ample capacity to accommodate the proposed development, as there will be £5.05m - £6.08m (2022 – 2027) available for other comparison goods retailers. In regard to the comparison turnover of the proposed Lidl store (£1.26m [2022]), it is deemed this will have a minimal impact on defined town centre. The comparison goods sold at Lidl stores tend to be purchased by customers who visit the store for convenience shopping purposes, as opposed to customers undertaking a comparison only visit. In any case, Lidl is not a comparison goods destination, given that items are typically sold on a 'promotional' basis, and effectively represent impulse purchases in association with the primary purpose of food shopping.
- 5.12 A Town Centre health check has been carried out on Harleston Town Centre with no substantial issues identified and low vacancy rates.
- 5.13 It is considered the proposed store would result in the combined convenience and comparison retail impact of 6.32% (2022) and 6.00% (2027) on Harleston Town Centre. It is considered that these impacts fall within acceptable limits and will not cause any significant adverse impact on the vitality and viability of the centre, the majority of this impact would be on convenience retail rather than comparison.
- 5.14 Due to the immediate need nature of retail offer that other service villages fulfil; the report identifies the proposed store will not impact on these centres.
- 5.15 Additionally, in carrying out these assessments, policy DM2.4 gives preference to accessible sites which are well connected to town centres. There are existing pedestrian paths connecting the site with the town centre which is approximately 14 minute walk or 4 minute cycle ride. Pedestrian and cycle access will be enhanced with a new dedicated cycle path/ footpath on the east side of Mendham Lane.
- 5.16 In summary, it is considered that this proposal accords with policy DM2.4 as it has been demonstrated that no sequentially preferable sites are available within the identified catchment and this proposal would not significantly adversely affect existing or planned investment or the vitality and viability of Harleston Town Centre or surrounding service villages. As a result, of the proposed development's compliance with policy DM2.4 of SNLP it also complies with criteria C) of policy DM1.3 and the location of the proposed development is considered to be acceptable.

#### Design and layout

- 5.17 Joint Core Strategy policy 2 and policy DM 3.8 of the SNLP and RWH2 in the HNP promote good design which protects and enhances the environment and local landscape character. The proposed design has a monopitch roof and is functional in character. The Senior Conservation and Design Officer comments that although ordinary in term of design he raised no fundamental objections. The active glazed elevations and advertising boards which will break up the bulk of the elevations and the change in panel colour will assist in 'grounding' the building and adding interest. In the edge of the town in an area of new development it will not appear incongruous. This proposal has been assessed to ensure that it does not prejudice the bringing forward of the emerging allocation and is considered it complies with Policy 2, DM3.8 and policy RWH2.

## Landscape / visual impact

- 5.18 Policy DM4.5 of the SNLP requires that new development should respect, conserve and where possible enhance existing landscape character. Policy DM4.9 requires that proposals must demonstrate a high quality of landscape design, implementation, and management as an integral part of new development. Policy RWH19 in the HNP requires landscape features to be incorporated into new development and requires “Green Gateways” which (The approach from A143 into Mendham Lane is identified as one) are maintained as a ‘soft’ entrances to assist with rural to urban transition.
- 5.19 A Landscape Statement has been submitted with the application. The site is within A5 Waveney Rural River Valley’ as defined by the South Norfolk District Landscape Character Assessment. The most notable character elements that relate to the Site include ‘intimate and enclosed’, ‘arable farming’ use and ‘hedgerows occurring intermittently as field boundaries’ Existing trees and hedging which are outside the site are proposed to be retained and will help to soften the impact of the development in the landscape. New hedging is proposed along the road frontage which will help to soften the impact on the landscape and ensure that the junction of the A143 with Mendham Lane remains a “Green Gateway”. As a result, it is considered the proposed development complies with policies DM4.5, DM4.9 and RWH19.
- 5.20 Only one small tree is proposed to be removed due to ill health, tree protection works have been conditioned.

## Highways

- 5.21 Policies DN3.11 and DM3.12 in the SNLP and policies RWH15, RWH16 and NWH18 in the RWHNP seek to ensure safe and free movement of traffic, adequate car parking and improved pedestrian and cycle connectivity.
- 5.22 Concern has been raised about the capacity of the highway network to take the additional traffic. A transport assessment has been submitted with the application which analyses the use of the junctions including the A143/ Mendham Lane junction and factors in this development and the emerging allocations and concludes that there is sufficient capacity in the existing junctions for the additional movements that will be created. The Highway Officer raised no concerns about the implications on the highway network.
- 5.23 There have been some amendments to the access and layout to ensure that it is more cycle and pedestrian friendly and that larger vehicles safely access the site.
- 5.24 Off-site highway works are proposed which will provide a new dedicated off-site cycle/ footway to the East of Mendham Lane from the new development to the north right down to the allotments. This will help improve connectivity to the site by foot and cycle.
- 5.25 In line with the NCC update Car Parking Standards the car park provides 130 spaces, 8 of which are suitable for disabled use and 12 for parents/ toddler use. The car park also provides 11 EV charging points including 2 which are rapid chargers and in addition 13 passive charging points are proposed, (where the cabling is installed ready for future use). Covered storage for 20 cycles is also proposed. Policy RWH22 supports the provision of EV charging points.
- 5.26 As a result, it is considered that the development complies with policies DM3.11, DM3.12, RWH15, RWH16, NWH18 and RWH22.

## Residential amenity

- 5.27 Policy DM3.13 in the SNLP requires Development should ensure a reasonable standard of amenity reflecting the character of the local area. Including the introduction of incompatible neighbouring uses in terms of noise, odour, vibration, air, dusts, insects, artificial light pollution, and other such nuisances. This is also reflected in policy RWH23 of RWHNP.

- 5.28 An acoustic report has been submitted with the application which demonstrates that delivery noise likely to fall below the Lowest Adverse Effect levels (LOAEL) and therefore no mitigation is required. Further mitigation will be required to plant and machinery, so it doesn't adversely affect residential properties directly behind the store. The report put forward a number of possible measures are proposed including quieter plant, reduced fan speed and an acoustic enclosure. The exact mitigation option has been conditioned.
- 5.29 Opening hours being restricted 08:00-22:00 Monday to Saturday including bank holidays and 10:00-16:00 on a Sunday and delivery and hours have been restricted to 07:00-23:00 Monday to Saturday and 09:00-17:00 Sunday. With these measures conditioned Environmental Services Officer raises no objection to the application.
- 5.30 A Construction Environmental Management Plan has been conditioned to ensure that the impact on nearby residential during construction is minimised.
- 5.31 The scale of the proposed building means that development of the wider emerging allocation would not be prejudiced.

#### Flood risk and drainage

- 5.32 The NPPF and policy DM4.2 of the SNLP and policy RWH22 in the RWHNP requires the use of sustainable drainage measures to minimise the risk of flooding. This site is within flood zone 1 with small areas at low risk of surface water flooding. The drainage strategy has been amended and a satisfactory system has been agreed with the LLFA which incorporates SuDs and attenuates discharge off the site. It is therefore considered the proposal complies with the NPPF and policies DM4.2 and RWH22.
- 5.33 Anglian Water have confirmed that there is sufficient capacity to take the resulting foul water and this can be conditioned. The site is outside the catchment for nutrient neutrality.

#### Ecology

- 5.34 This application is supported by a preliminary ecological appraisal which concluded that subject to mitigation the proposed development would not significantly adversely affect any protected species. Ecological enhancements and mitigation including the installation of bird and bat boxes, landscaping, ecological design strategy and implementation of a sympathetic lighting scheme and are proposed and would be secured by condition. On this basis, it is considered that this proposal accords with policy DM1.4 of the SNLP and policy RWH21 in the RWHNP.

#### Contamination

- 5.35 Policy DM3.14 of the SNLP requires that development should minimise and where possible reduce the impacts of pollution and ensure no deterioration in the quality of watercourses. A satisfactory contamination report has been submitted and no remediation is required unexpected contamination condition has been imposed.

#### Heritage Assets

- 5.36 The site is an area of archaeological interest and the Historic Environment Service have requested a programme of archaeological works is conditioned

#### Energy

- 5.37 Policy 2 of the JCS required non-residential development over 1000 m<sup>2</sup> to achieve at least 10% of their energy from decentralised or renewable sources. An energy report has been submitted with the application which demonstrates with the use of solar panels and air source heat pump which will result in the equivalent of more than 100% of the store's energy requirement being generated from renewable and decentralised sources. This has been conditioned.

### Other issues

- 5.38 The site is part of an emerging allocation for in the Greater Norwich Local Plan Policy GNLP2136 Land at Briar Farm, Harleston (approx. 27.04 ha) is allocated for mixed-use development. The site is likely to accommodate approximately 360 homes, of which around 60 will be single storey dwellings aimed at the active elderly. In addition to housing, the mix of uses is also to include a 90 unit extra care housing scheme<sup>1</sup>, 0.8 ha of retail or employment land, 1.6 ha for community use, allotments, and public open space. A separate application 2022/0067 for the rest of the emerging allocation has been submitted and has not yet been determined for “Proposed planning application for 354 residential dwellings, 91 extra care apartments, 16 extra care bungalows, public open space, allotments and 1.61ha of land for community use together with associated site infrastructure, demolition of existing agricultural buildings”. This development does not prejudice the bring forward of the emerging allocation.

### EIA

- 5.39 This proposal has been screened against the Environmental Impact Assessment Regulations and an EIA is not required.

### Public Sector Equality Duty

- 5.40 Under section 149 of the Equality Act 2010, the Council has had due regard to the impacts of this proposal, in respect of layout, design, access and connectivity, on those groups with protected characteristics. It is considered that the benefits of this proposal outweigh any negative impacts.
- 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)
- 5.43 This application is not liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS)

### Conclusion

- 5.44 In conclusion it is considered the proposed development passes the sequential test and the retail impact on Harleston Town Centre is considered to be acceptable, as result the proposed development accords with policy DM2.4 and DM1.3 in the SNLP and subject to conditions would not significantly adversely affect highway safety, residential amenity the character and appearance of the area and wider landscape or the ecology of the site or increase flood risk elsewhere.

- Recommendation :      Approval with Conditions
1. Time Limit - Full Permission
  2. In accordance with submitted drawings
  3. Restrict to use class E(a) retail
  4. Provision of parking, turning and servicing
  5. Provision of EV charging points
  6. Surface water from spine road (PC)
  7. Visibility splays
  8. Construction worker parking (PC)
  9. Construction Traffic Management Plan (PC)
  10. Compliance with CTMP
  11. Off-site highway works
  12. Implementation of off-site highway works
  13. Acoustic mitigation for Plant and machinery (PC)
  14. Construction Environmental Management Plan (PC)
  15. Lighting for biodiversity
  16. Ecological design strategy (PC)
  17. Tree protection (PC)
  18. Details of Landscaping
  19. Landscape management plan
  20. Surface water drainage
  21. Finished floor levels (PC)
  22. Foul drainage to mains
  23. Delivery hours 07:00 -23:00 Monday – Saturday 09:00-17:00 Sunday
  24. Opening hours 08:00-22:00 Monday – Saturday and 10:00-16:00 Sunday
  25. Contamination during construction

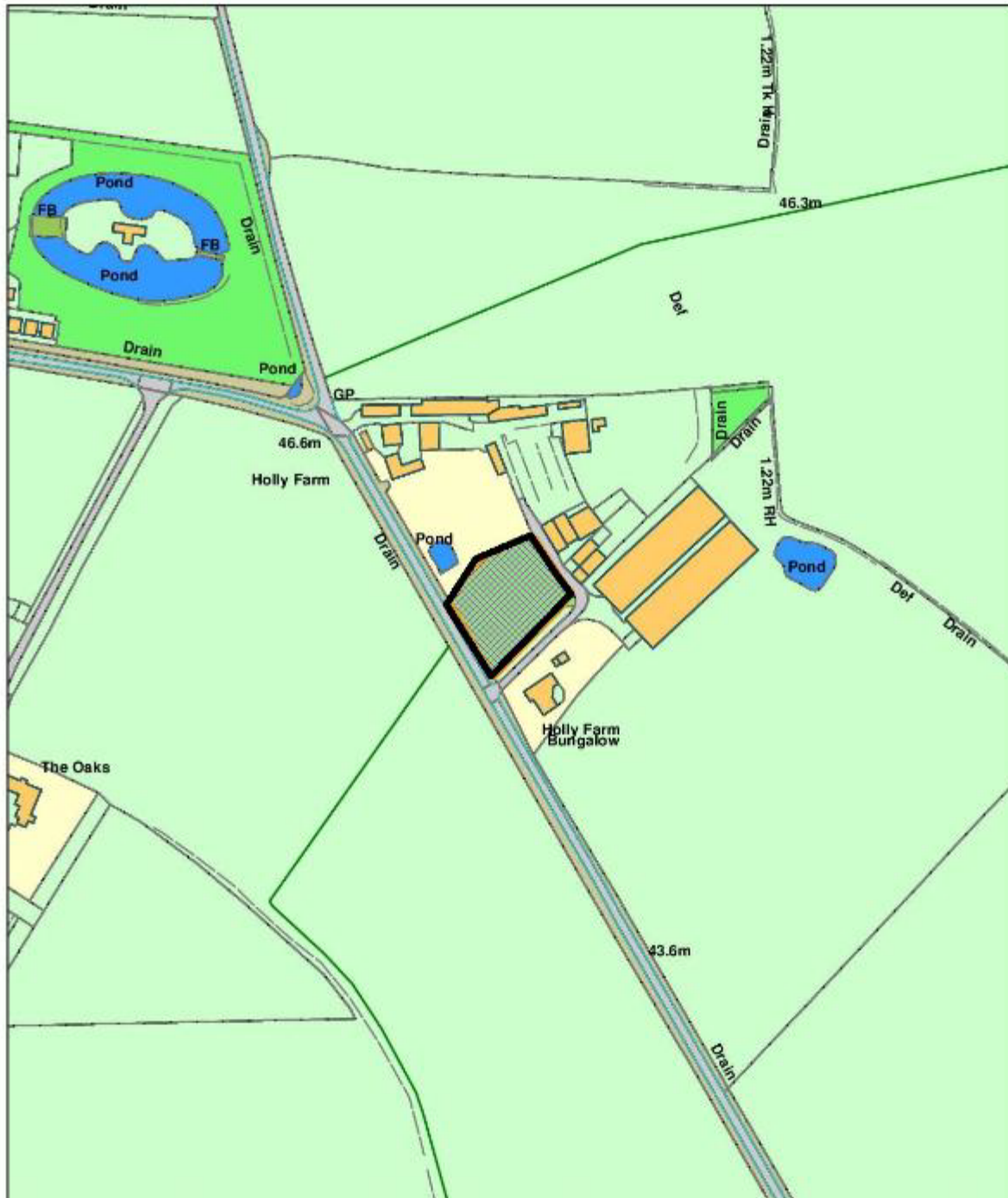
Contact Officer	Helen Bowman
Telephone Number	01603 430628
E-mail	<a href="mailto:helen.bowman@southnorfolkandbroadland.gov.uk">helen.bowman@southnorfolkandbroadland.gov.uk</a>



Other Application

Application 2

2021/0092



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

**Other Application**

- 2. Application No: 2021/0092/F**  
**Parish: BRESSINGHAM AND FERSFIELD**

Applicant's Name: Mr James Montagner  
 Site Address Land South Holly Farm, Common Road, Bressingham,  
 Proposal Proposed new dwelling and two bay cart-lodge, all relating to farm use.

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 refuse the application

1 Proposal and site context

- 1.1 The application site is located approximately 1.3km to the north of Bressingham village directly along Common Road. The farm is within the Parish but outside of the development boundary. It is to the east of Common Road.
- 1.2 The site is within the farm holding, located to the south-east of the existing agricultural buildings. It is bounded by the farm on two sides, the road to the west and a separate residential dwelling to the north-west. Opposite on Common Road, and to the rear of the farm is open farmland. The site is contained with a hedge along the frontage and to the south.
- 1.3 To the south, within the farm's ownership is a modest bungalow which is occupied by the applicant's parents who have now retired from the farm business. The land and buildings owned by the farm is small and, as it is not arable it does not include the surrounding fields.
- 1.4 The proposal is for the construction of a detached property and cart-shed. The applicants would like it in association with the farm to be used as an agricultural dwelling and are aware it would require an occupancy condition. The application includes confidential financial information in support of the business and the need for a dwelling.

2. Relevant planning history

- 2.1 None

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 08: Promoting healthy and safe communities  
 NPPF 09: Promoting sustainable transport  
 NPPF 11: Making effective use of land  
 NPPF 12: Achieving well-designed places  
 NPPF 14: Meeting the challenge of climate change, flooding and coastal change  
 NPPF 15: Conserving and enhancing the natural environment

- 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 16: Other Villages  
Policy 17: Small rural communities and the countryside
- 3.3 South Norfolk Local Plan Development Management Policies  
DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
DM1.3: The sustainable location of new development  
DM1.4: Environmental Quality and local distinctiveness  
DM2.1: Employment and business development  
DM2.11: Agricultural and other occupational dwellings in the Countryside  
DM3.8: Design Principles applying to all development  
DM3.10: Promotion of sustainable transport  
DM3.11: Road safety and the free flow of traffic  
DM3.12: Provision of vehicle parking  
DM3.13: Amenity, noise, quality of life  
DM3.14: Pollution, health and safety  
DM4.2: Sustainable drainage and water management  
DM4.5: Landscape Character Areas and River Valleys  
DM4.8: Protection of Trees and Hedgerows
- 3.4 Supplementary Planning Documents (SPD)  
  
South Norfolk Place Making Guide 2012  
Landscape Character Assessment  
Parking Standards
4. Consultations
- 4.1 Parish Council  
  
Bressingham and Fersfield Parish Council have no view.
- 4.2 District Councillor  
  
If a refusal is made on this one, I will call it in on economic and employment grounds.
- 4.3 SNC Water Management Officer  
  
It is noted from the Anglian Water asset maps that currently there is no **foul sewer** available near this location. The method of non-mains disposal should be the most appropriate to minimise the risk to the water environment. No information has been provided with regards to foul drainage arrangements. The applicant should be aware of the minimum standards and conditions set out in the General Binding Rules that apply to all private sewage treatment systems and can be found at the following link;  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/397173/ssd-general-binding-rules.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397173/ssd-general-binding-rules.pdf)  
  
Should the drainage aspects of this application not be formally agreed prior to any approval being granted, the permission should include a condition to ensure foul drainage to a sealed system or private treatment plant only.

No information appears to have been submitted to advise of proposed **surface water** drainage arrangements for the proposed development. Rainwater re-use can reduce demand on mains water supplies and reduce household bills, as well as helping to alleviate flood risk and the impact of drought. We expect all new dwellings to incorporate water butts or an alternative rainwater recycling system such as rain-save planters or rainwater harvesting systems to encourage rainwater re-use and water conservation. Information about Green Water is on the Anglian Water website;

<https://www.anglianwater.co.uk/developers/development-services/green-water/>

Further information regarding surface water drainage is available on our website;

<https://www.south-norfolk.gov.uk/residents/neighbourhood-issues/drainage-and-flood-risk/new-development#open>

If the surface water drainage arrangements are not confirmed by the submission of favourable percolation test results and design standards or an alternative surface water drainage strategy prior to this application being determined, we suggest that full details of the means of sustainable surface water drainage are secured by condition.

#### 4.4 NCC Highways

No objections. Standard conditions to attach relating to laying out of access, visibility splays, set-back.

#### 4.5 Other Representations

None received

### 5 Assessment

Key considerations

#### 5.1 Principle of development and whether it meets the policy requirements

Impact on the character and appearance of the countryside

Impact on residential amenity

Highway safety

Trees and ecology

Principle and whether it meets the policy requirements

#### 5.2 Planning law requires applications for planning permission to be determined in accordance with the provisions of the development plan unless material considerations dictate otherwise. The NPPF is one such material consideration.

#### 5.3 The site is located outside of the development boundary has been defined for Bressingham and therefore is contrary to part 1(a) of policy DM1.3 of the SNLP which directs new dwellings to be located inside the boundary.

#### 5.4 It should be noted however that the Council currently has less than a 5 years of deliverable sites and in confirming such the second part of paragraph 11 of the NPPF is engaged, which states: "where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted."

#### 5.5 On the basis of the above the following assessment seeks to establish the benefits of the scheme and any harm that would be caused in the context of sustainable development as set out in the NPPF, and in particular, with reference to the three dimensions (economic role, social role and environmental role) and under each of these three headings the relevant Broadland Local Plan Policies will be referred to.

- 5.6 In respect of the current housing land supply position referred to above, it is anticipated that this will be a “short lived” position brought about by the entirely unforeseen circumstances relating to Natural England’s recent advice on nutrient neutrality.
- 5.7 In respect of Nutrient Neutrality, the Council is a member of the Duty to Co-Operate Board for Norfolk, which is coordinating the response to the Nutrient Neutrality issue in the County. To help with the resolution of this matter, the Norfolk authorities have engaged Counsel to provide advice on the legal implications and restrictions resulting from Nutrient Neutrality. The Greater Norwich authorities (which cover the area over which land supply is calculated) have also engaged Royal Haskoning to prepare a Nutrient Management and Mitigation Strategy. Royal Haskoning have been engaged based on their extensive experience of nutrient neutrality issues elsewhere in the country and on the basis that they are able to progress this mitigation strategy at pace. This will enable solutions to be implemented at the earliest opportunity.
- 5.8 The Council is also working proactively with developers across the Greater Norwich area to understand the impact of the Nutrient Neutrality guidance on the delivery of development sites and identify opportunities for where sites are able to progress.
- 5.9 Notwithstanding the significant work that is going on, and the strong likelihood of a mitigation solution being installed in a substantially quicker timeframe than has been achieved elsewhere, at the time of writing the Council recognises that there remains a significant degree of uncertainty about the progress of a number of permitted and allocated development sites. Therefore, the Council proposes that, taking a precautionary approach, the application is determined, as set out above, on the basis that there is not a demonstrable five-year supply of deliverable housing sites.

#### Economic role

- 5.10 The NPPF confirms the economic role as:  
*“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure.”*
- 5.11 The scheme would result in some short term economic benefits as part of any construction work and in the longer term by local spending from the future occupants. It is therefore considered that the scheme would bring forward a level of economic benefit.
- 5.12 In this instance, while it could be argued that some economic benefit is created the enabling of the farm business to be created, this could also be done through the a proposal compliant to policy DM2.11 so this is of little weight when considering a permanent dwelling.

#### Social Role

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

## Impact on the character and appearance of the countryside

- 5.14 The site is in the countryside within the area identified as Waveney Tributary Farmland in the Landscape Character Assessment which is characterised by open fields interspersed with small farms. The buildings which would be used for the pigs are existing and the location of the house is close to the agricultural buildings and would clearly be associated with these. It is screened by hedges which will largely remain, apart from a small section required for access onto Common Road but as it is Leylandii its loss is not of concern. It is not considered that there will be an adverse impact on the character of the surrounding landscape and the proposal complies with Policy DM4.5.
- 5.15 Policies DM1.4 and DM3.8 require all development to create a high-quality development, avoid environmental harm and seek a net environmental improvement. The proposal is for a detached four-bed house of an acceptable standard design, built of brick and tile with rendered elevations and the precise materials can be controlled by condition. The cart lodge would match but with black stained boarded elevations. A new hedge would be planted to the rear, otherwise the application does not specify any environmental improvements, but it is considered that with some additions, such as bird and bat boxes and water butts, the property could meet the requirements of both these policies. It would be possible to condition this if the application were to be approved.

## Residential Amenity

- 5.16 The nearest dwelling is occupied by the parents of the applicants which is separated by a track and a hedge. The only other property in the vicinity lies to the north-west, some 65 metres from the proposed dwelling.
- 5.17 The proposal will have no adverse impact on the amenity of any existing property and the design of the dwelling is adequate to protect the amenity of its future residents and complies with Policy DM3.13.

## Highways

- 5.18 Policy DM3.11 of the SNLP states that planning permission will not be granted for development which would endanger highway safety or the satisfactory functioning of the highway network while Policy DM3.12 of the SNLP relates to adequate parking and turning provision for new developments.
- 5.19 The proposal demonstrates adequate parking spaces and turning for the new dwelling and the Highway Authority considers this as acceptable subject to standard conditions. Therefore, the proposal complies with Policies DM3.11 and DM3.12 of the SNLP.
- 5.20 Notwithstanding the highway's response on technical matters, consideration has been given to the location of the dwelling in terms of its sustainability. It is in a location with scattered agricultural buildings and few dwellings. It is significantly distant from the nearest services. The road network is rural, narrow and without pedestrian or cycle refuge, street lighting or public transport. It is therefore considered to be an unsuitable and unsustainable location for new residential development that demonstrates significant and demonstrable harm in relation to sustainability and the development plan in this instance.

## Self Build

- 5.21 Under paragraph 62 of the National Planning Policy Framework requires Councils to plan for people wishing to build their own homes. This can be a material planning consideration for this application as self-build has been identified as the method of delivering the site. Whilst this indication has been given by the applicant it should be noted that at this stage it cannot be certain that the method of delivering this site will be self-build. In the instance of this application the other material planning considerations detailed above are of greater significance.

### Environmental Role

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

### Trees and Ecology

- 5.23 Policy DM4.8 requires the protection of trees and hedgerows. There are no trees within the site, but there are some around the boundaries.
- 5.24 It is not necessary to retain the non-native hedge along the frontage and, in any case this will be more than compensated for if a native hedge is planted to the rear of the site. Conditioning of the application would result in a neutral or very minor benefit in the planning balance depending on the landscaping secured.

### Flood Risk and Drainage

- 5.25 The application is not in a high risk flood area. As it does not include details of surface water or foul drainage and there is no mains foul drainage available, the SNC Water Management Officer has suggested standard conditions to ensure this information is agreed to comply with Policy DM4.2.

### Tilted Balance Summary

- 5.26 The assessment above has highlighted that while some economic benefit is created by the proposal, significant and demonstrable harm is caused in relation to environmental considerations and sustainability due to the unsustainable location of the proposal in the open countryside.
- 5.27 As such the assessment moves on to local Plan Policy DM1.3 where it permits dwellings outside of development boundaries, either where specific development management policies allow (criterion (2, c)) or where overriding benefits are demonstrated in relation to economic, social and environmental considerations (criterion 2d).
- 5.28 Given the assessment above in relation to the level of harm caused, the proposal cannot demonstrate overriding benefits in relation to criterion (d). However the proposal is for an agricultural workers' dwelling where Policy DM2.11 is applicable and sets out criteria to assess a proposal in the first instance.

### Agricultural Workers Dwelling

- 5.29 The first criterion 1(a) of Policy DM2.11 requires there to be a functional need for one or more full time workers to be readily available at all times for the enterprise. In this case the applicants have explained that the dwelling is required in connection with the pig farm business they want to establish. They have a contract in principle with one of the UK's leading food companies, supplying fresh and cooked products. The company supplies the pigs, the farm grows them on and then the company takes them back for meat production. The farm is looking to produce pigs on this wean to finish system which means a 7.5kg piglet would be taken through to finish. This size piglet requires significant attention, especially in the early weeks of the batch and also, to satisfy the company they would be supplying, the RSPCA assured, and Red Tractor assurance requirement on welfare, biosecurity and general security of the animals, it is a necessity to live on site.

- 5.30 There are existing buildings on site which the applicant confirms are adequate to house 1,990 pigs and this number of pigs is sufficient to sustain the business. Because this is a new venture the company they are working with is prepared to offer a longer-term agreement of up to five years. Confidential financial information has been submitted in support of the application and your Officers consider that the applicants have adequately demonstrated the need for a dwelling for this type of operation.
- 5.31 Criterion b) requires that the functional need could not be met by another existing dwelling in the area that is available and suitable. Given the need set out above, the requirement for a dwelling is at or adjacent to the site. There is an existing agricultural dwelling, but that is occupied by the applicant's retired parents in accordance with the terms of its agricultural tie. Due to the rural nature of the immediate area, it is considered that a suitable alternative is unlikely to be found given the very limited options in locations that would meet the functional need.
- 5.32 As it is a new venture the policy sets out under criterion (f) that new permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable and is likely to remain viable for the foreseeable future. It states that, if there has been insufficient time to demonstrate financial soundness permission may be granted for a temporary dwelling in the form of a residential caravan, mobile home or other prefabricated structure which can easily be dismantled and removed from the site. The text explains that, in most circumstances, the unit and the agricultural activity concerned should have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so.
- 5.33 In this case while the site is a former livestock farm, the applicant has been working elsewhere in agriculture, letting the original business cease upon the retirement of the operators (parents). As such, this proposal results in what would be a new business starting again from scratch, albeit with farming experience. The family have a history of farming here and the son wishes to continue this back on the family farm now their parents have retired. Their commitment is to restart the farming operations on the site in order to make it viable and they have the undertaking from a reputable nationwide company to work with them to supply and then buy the pigs however, there is always a level of uncertainty until operations start due to changing market conditions. Under the requirements of Policy DM2.11 they have not yet demonstrated financial soundness due to the fact that the enterprise is not yet operational and only temporary accommodation is acceptable. The applicants have explained that a caravan/mobile home would not be desirable given that they have a young child and that three years is a long time for a family to be in temporary accommodation. While this is acknowledged, and the case put forward is relatively sound, as case officer the policy leaves little room for manoeuvre in terms of its requirement and considerations of other personal circumstances. For this reason, the application for a permanent dwelling is not acceptable under Policy DM2.11.

#### Other Issues

- 5.34 The site is a green paddock but, given that the site is part of a working farm it would be necessary to attach a condition relating to any unforeseen contamination to comply with Policy DM3.14 in the event of an approval, but for the purposes of this assessment has no impact on the planning balance.

#### Nutrient Neutrality: Overnight Accommodation Outside catchment

- 5.35 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. Therefore, the application can, regarding nutrient neutrality, be safely determined with regard to the Conservation of Species Habitats Regulations 2017 (as amended).

- 5.36 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.37 This application is liable for Community Infrastructure Levy (CIL) however a self-build exemption would be claimed.
- 5.38 This application is liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS) so a unilateral undertaking and habitat regulations assessment would be required in the event of an approval.

### **Conclusion**

- 5.39 The proposal is for a single dwelling outside of development limits in the open countryside. Through, the above assessment it has been determined that it causes significant and demonstrable harm in relation to sustainability when considered against the tilted balance. Following that, criterion (c) of the SNLP has been considered in regard to the provision of an agricultural dwelling, but it does not meet the criteria of being a temporary dwelling when proposed for a new farming enterprise. Finally, criterion (d) of DM1.3 has been considered with regard to the demonstration of overriding benefits which it does not meet, having already demonstrated demonstrable harm through the first part of this assessment. As such, the proposal is recommended for refusal for the reasons listed below.

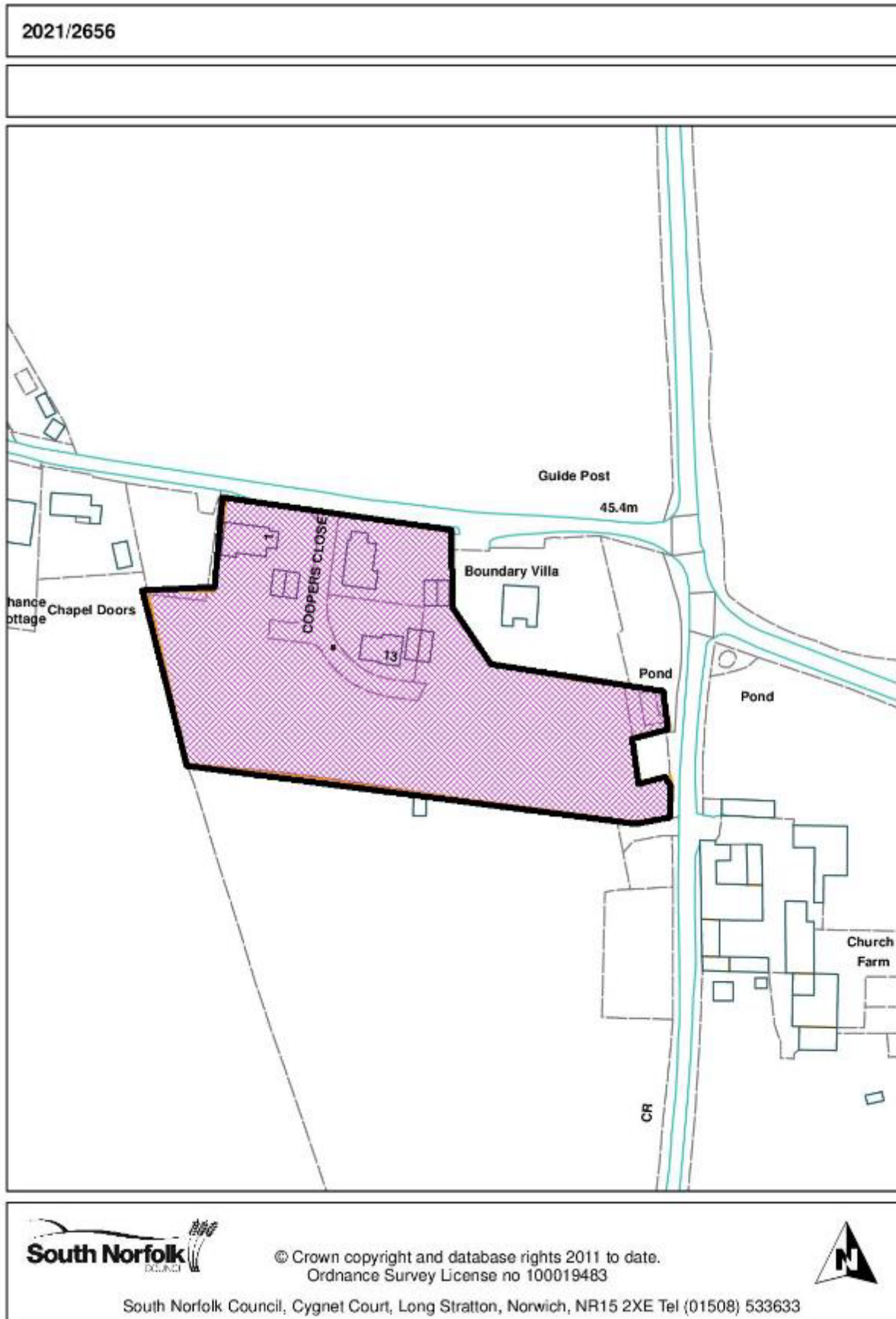
### **Recommendation: Refuse**

1. The proposal, when considered against paragraph 11b of the NPPF, has demonstrated significant and demonstrable harm in relation to the social role of sustainable development through proposing a dwelling located in an unsustainable location, with inadequate road connection to local services, no provision for pedestrian, cycle or public transport access.
2. Whilst the proposal is for employment generating development in the countryside and it is acceptable in principle this is a new venture and therefore the dwelling should be temporary in order to meet criterion (f) of DM2.11, however the proposal is for a permanent dwelling and the proposal therefore does not comply with criterion (f). As such the proposal is contrary to DM2.11 of the SNLP and by default therefore contrary to the requirements of policy DM1.3 (criterion c) of the Local Plan also.
3. By virtue of reason for refusal 1, the proposal has been considered against DM1.3(d) where the assessment has shown a failure to demonstrate overriding benefits in accordance with DM1.3(d) and as such it would result in a dwelling located in the open countryside distant from the nearest development boundary with no pedestrian, cycle or public transport access to services due to the unlit single-track road, without justification. It is therefore considered to be unsustainable development in the open countryside this regard contrary to the aims of policy DM3.10, DM1.3 and DM1.1 of the SNLP.

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Major Application

Application 3



**Major Application****3. Application No : 2021/2656/S106A  
Parish : ASLACTON**

Applicant's Name: Vantage Construction  
 Site Address Land west of Boundary Villa Church Road Aslacton Norfolk  
 Proposal Deed of Variation of the Section 106 Agreement from 2020/0493 to remove the need to provide affordable housing.

Reason for reporting to committee

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

Recommendation summary :

Approve the variation of the S106 to reduce affordable housing from 4 affordable units to 1 and include a review mechanism within the S106.

**1 Proposal and site context**

- 1.1 This applications seeks the variation of the S106 agreement related to planning permission 2020/0493. Application 2020/0493 granted full planning permission for 14 dwellings on land at Church Road in Aslacton. The site was allocated through the Site Specific Allocations and Policies DPD. The allocation included the requirements for a footway to be provided along Church Road between the access and the school entrance and the bus stops on Muir Road.
- 1.2 The original planning permission included four 2-bedrom units affordable housing units which provided 28% affordable housing on the site. This was a policy compliant scheme. As part of the applicant's submission they have requested to remove all affordable housing.
- 1.3 The application does not seek to make any amendments to house sizes or design.

**2. Relevant planning history**

- |     |           |  |                     |
|-----|-----------|--|---------------------|
| 2.1 | 2020/0493 | Residential development of 14 dwellings and associated access  | Approved            |
| 2.2 | 2021/1882 | Discharge of Condition 6 from 2020/0493 - Off-site highway improvement works   | under consideration |
| 2.3 | 2021/2571 | Discharge of Condition 9 of permission 2020/0493 - Predicted energy requirement  | Approved            |
| 2.4 | 2022/0688 | Non material amendment of 2020/0493 - (Plots 1 to 15) permeable construction for private parking, (Plots 2 and 15) amendments to fencing, (Plots 6 and 7) replace brickwork wall to timber fencing | Approved            |
| 2.5 | 2022/0812 | Variation of conditions 6 and 7 of 2020/0493 - to amend the trigger point for the submission of details and implementation of highway works.   | 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
- 3.2 Joint Core Strategy (JCS)  
Policy 4 : Housing delivery
- 3.3 South Norfolk Local Plan Development Management Policies Document  
DM3.1 : Meeting housing requirements and needs

### 4. Consultations

#### 4.1 Aslacton Parish Council

No objection but would not support any move to upgrade the smaller properties to ones more profitable to the developer. This parish has a disproportionate number of four bedroom properties and the Parish Council has determined that any new development should address this balance.

#### 4.2 District Councillor Cllr Ridley

To be reported if appropriate.

#### 4.3 SNC Housing Enabling & Strategy Manager

Verbal confirmation that there is no objection

#### 4.4 Other representations

One objection to the proposal has been received to the proposal noting that the increase in house prices should offset the increase in build costs. Furthermore, that developers accept a level of risk in relation to profit and it is unacceptable that the village is expected to accept reduced affordable housing.

One letter of support has also been received noting the impact that pandemic has had on businesses. The support is on the basis that the houses sizes and number of bedrooms remain the same.

### 5 Assessment

#### Key considerations

- 5.1 The key considerations in the determination of this application are:
  - Principle
  - Viability

### Principle

- 5.2 A Section 106 planning obligation may be changed (Deed of Modification) or discharged in two ways:
- 1) Within five years of the date of the completion of the obligation, at any time, by agreement between the local planning authority and the person or persons against whom the obligation is enforceable.
  - 2) After five years beginning with the date the obligation was legally completed (or a later date specified in the obligation itself).
- 5.3 The Section 106 for application 2020/0493 was signed on 13 May 2021, as the agreement is less than five years old, it may only be varied by agreement with the Local Planning Authority. The applicant has sought to vary the application due the viability of the scheme.
- 5.4 Policy 4 of the Joint Core Strategy relates to affordable housing. This sets out that the proportion of affordable housing sought may be reduced and the balance of tenures amended where it can be demonstrated that site characteristics, including infrastructure provision, together with the requirement for affordable housing would render the site unviable in prevailing market conditions.
- 5.5 Having regard to both the Town and Country Planning Act and the adopted JCS, the principle of viewing the affordable housing obligation can therefore be seen as acceptable at this stage as by agreement with the Council.

### Viability

- 5.6 A viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return. The national Planning Practice Guidance sets out the principles for how viability assessment should be undertaken, including the use of standardised inputs, and also acceptable levels of developer returns. This is the level of return a developer will need to bring the site forward.
- 5.7 As part of the application, the applicants have submitted a viability assessment which has set out that on the basis of the increase in build and labour costs since the Covid-19 pandemic, this has impacted the deliverability of the scheme. The applicant's financial viability scheme has reviewed the viability and recommended that the scheme is not viable with any affordable housing.
- 5.8 The Council instructed an independent viability consultant CP Viability to review the findings of the applicant's viability assessment. As part of this review the Council has sought further information from the applicants in relation to build costs, in order to reflect that part of the site has been constructed. The Council's viability appraisal for the site has shown that the level of developer return with 4 affordable housing units would be below the level required to bring the site forward. Having regard to the findings from CP Viability, a negotiated position has been sought on affordable housing. The negotiated position would see 1 affordable housing unit retained within the site and the other 3 units becoming market dwellings. The affordable housing unit would be for shared ownership. No changes to the house design or size would be proposed. The Council's viability consultant has considered that this would be an acceptable approach.
- 5.9 Having regard to the viability appraisal and the ongoing uncertainty in the housing market including in relation to build costs, the negotiated position of 1 affordable housing unit is considered to conform to the requirements of JCS Policy 4. It is recommended that a review mechanism is included within the S106, which would allow a re-examination of the scheme should the market conditions improve.

### Other Issues

- 5.10 Nutrient neutrality - 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 of the development must be assessed. The development proposed does not involve the creation of additional overnight accommodation beyond that which has already been permitted and remains extant. 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. 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).
- 5.11 Under Section 143 of the Localism Act the Council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.12 This application is liable for Community Infrastructure Levy (CIL)
- 5.13 This application is not liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS).

### Conclusion

- 5.14 The viability information submitted by the applicant and independently reviewed by the Council's consultants show that the provision of 4 affordable housing units on the scheme is not considered to be deliverable. The negotiated position of providing 1 affordable housing unit on the site is considered to be an acceptable level of affordable housing having regard to the deliverability of the scheme.
- 5.15 In addition to the affordable housing unit, the scheme will still provide all other requirements that were conditioned under 2020/0493. This includes the footpath along Church Road. Furthermore, the scheme also remains liable for CIL. As such it is recommended that the S106 should be varied, as set out above.

Recommendation : Approve the variation of S106 to reduce affordable housing to reduce affordable housing from 4 affordable units to 1 and include a review mechanism within the S106.

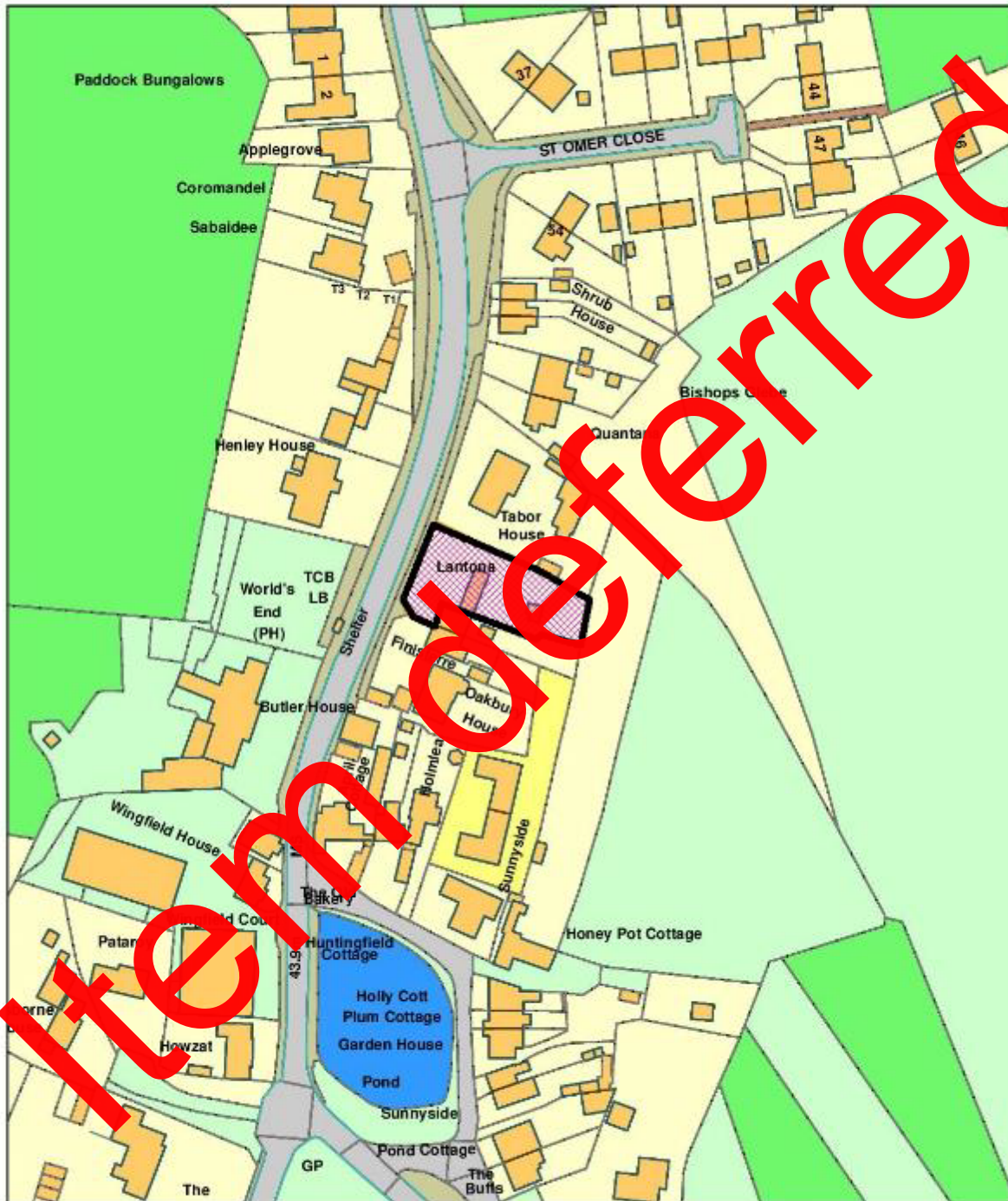
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Other Application

Application 4

2022/1007



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

## Other Applications

### 4. Application No 2022/1007/F Parish MULBARTON

Applicant's Name Mr Paul Freeman  
Site Address Land north of Lantana, Norwich Road, Mulbarton  
Proposal New dwelling (resubmission of 2021/1647)

#### 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: Authorise the Director of Place to approve subject to satisfactory addressing the requirements under the Habitats Regulations regarding nutrient neutrality, GIRAMS and subject to conditions.

#### 1 Proposal and site context

- 1.1 The application site is located within the garden of the property known as Lantana, to the east of the B1113 within the development boundary and Conservation Area of Mulbarton. The site is bounded by residential properties to the north and south; with open land/gardens to the east and mixed business and residential uses to the west.
- 1.2 The proposal is for the sub-division of the garden of Lantana to provide a new plot for a one two-storey detached new dwelling with landscaping. The original proposal included an attached garage which was removed during amendments in the application process.
- 1.3 This is a resubmission of the previously refused application with amendments to address the reasons for refusal which were as follows;
  - By virtue of the form, massing and design details (especially the gable street fronting elevation), the proposal is considered to be detrimental to the character and appearance of the street scene and gives the appearance of over development of the site. By virtue of this, the proposal causes less than substantial harm to the character and appearance of the Conservation Area which is not outweighed by the public benefit of a new dwelling and therefore contrary to paragraph 202 of the NPPF, S72 Listed Buildings Act 1990, policy 1 and 2 of JCS, policies DM3.8 and DM4.10 of the SNLP and Policy HOU4 of the Mulbarton Neighbourhood Plan.
  - By virtue of the lack of supporting information and assessment, the proposal has not demonstrated nutrient neutrality with regard to its nitrate and phosphate impact on The Broadlands SAC for which it is within the catchment. As such, the proposal fails to meet the requirements of the Conservation of Species and Habitats Regulations 2017 (as amended) and the aims of Policy DM4.4 of the SNLP.

#### 2. Relevant planning history

- |     |           |              |         |
|-----|-----------|--------------|---------|
| 2.1 | 2021/1647 | New dwelling | Refused |
|-----|-----------|--------------|---------|



### 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 11: Making effective use of land  
NPPF 12: Achieving well-designed places  
NPPF 14: Meeting the challenge of climate change, flooding and coastal change  
NPPF 15: Conserving and enhancing the natural environment  
NPPF 16: Conserving and enhancing the historic environment
- 3.2 Joint Core Strategy (JCS)  
Policy 1: Addressing climate change and protecting environmental assets  
Policy 2: Promoting good design  
Policy 3: Energy and water  
Policy 4: Housing delivery  
Policy 5: The Economy  
Policy 6: Access and Transportation  
Policy 14: Key Service Centres
- 3.3 South Norfolk Local Plan Development Management Policies  
DM1.3: The sustainable location of new development  
DM1.4: Environmental Quality and local distinctiveness  
DM3.1: Meeting Housing requirements and needs  
DM3.5: Replacement dwellings and additional dwellings on sub-divided plots within Development Boundaries  
DM3.8: Design Principles applying to all development  
DM3.11: Road safety and the free flow of traffic  
DM3.12: Provision of vehicle parking  
DM3.13: Amenity, noise, quality of life  
DM3.14: Pollution, health and safety  
DM4.2: Sustainable drainage and water management  
DM4.4: Natural Environmental assets - designated and locally important open space  
DM4.8: Protection of Trees and Hedgerows  
DM4.10: Heritage Assets
- 3.4 Site Specific Allocations and Policies  
Mulbarton Neighbourhood Plan  
MOU3: Density  
MOU4: Design  
TRA1: Access to services and road safety  
ENV1: Conservation Area and Heritage Assets  
ENV3: The Local Environment  
ENV4: Flood Risk
- 3.5 Supplementary Planning Documents (SPD)  
Parking Standards  
South Norfolk Place Making Guide 2012

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

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

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

## 4. Consultations

### 4.1 Parish Council

No comments received

### 4.2 District Councillor -

Cllr Legg

My previous comments still apply:

I find it difficult to comment on this application as it stands. There appear to be discrepancies in the application form. It is stated that there are no affected trees on the site. Strictly speaking that is true. However, the existing trees appear to have been removed without the appropriate permission in a conservation area. Similarly, there are trees on the boundary of the adjacent Laburnum House which would be impacted. I also understand that there is a proposal to demolish the existing single-story extension of Lantana. This is not detailed in the application. The amended plans do not show any relationship to the previously unauthorised tree removal on the site. Since these will need to be reinstated, I would like to see detail of how this is proposed to be undertaken with reference to potential root involvement.

Cllr Francis – No comments received

### 4.3 Senior Heritage & Design Officer

No objections

This is a more neutral area in terms of the character and appearance within the conservation area being predominantly mid C20 housing which is simple in form and no particularly discerning architectural quality that makes buildings stand out or of significant interest. The houses are however set back from the road and use additional forms and materials so cannot be considered to result in any harm.

This is a more significant gap in the street scene between housing, but not a gap of significance within the conservation area, with the general character being quite built up. The important aspects is the varied building line and appearance of buildings being set back from the road with frontage landscaping. It is important that the hedgerow to the front is retained and it good to see a native hedge proposed for the other garden boundaries.

The proposal is for a simple traditional hipped dwelling form using traditional materials and which is now well balanced. It will also be set back from the road. Consequently it will fit in with the neutral character of the area. I therefore consider that it will preserve the character and appearance of the conservation area and have no objection to the design.

#### 4.4 SNC Water Management Officer

No comments received

#### 4.5 NCC Highways

##### Consultation 1

I note that the proposed scheme is the same as that put forward previously. The site layout showing 2 car parking spaces for Lantara and 4 for the new dwelling. The parking allocation is acceptable. As previously noted, the entrance that serves Lantara is quite narrow and approaches the footway at quite an acute angle. It is therefore recommended that the means of access onto Norwich Road should be widened to 4m in width prior to the property being occupied. Standard Conditions to be agreed to ensure laying out of parking as per the submitted plan.

##### Consultation 2:

Confirmation that alternative to widening is acceptable and no objection subject to improvements to the existing access and surfacing.

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

No objections subject to a Condition requiring investigation if, during development, contamination not previously identified is found to be present.

#### 4.7 Other Representations

Three letters of objection have been received, summarised as follows;

- The plot is being prepared prior to consent
- The site plan and CIL form are incorrect
- Proposal is still too large for the plot
- Proposal creates an overdevelopment of the plot
- It makes the area high density which is not compatible with the area and contrary to the Neighbourhood Plan HOU3
- Access is already inappropriate for 3 properties to share, and the opening of the frontage would destroy hedges
- Gable frontage does not fit in with the surrounding properties and creates an imposing development
- Development does not fit in with the development plan or conservation area
- At least 6 trees have been removed in the conservation area without consent, they should all be replaced
- There are vehicles on site and demolition taking place and the remaining trees are not being protected as set out in the Arboricultural Report.
- The addition of two 1.8m cherry trees does not in any way make up for the loss of substantial trees that were removed prior to an Arboricultural Report. They are unlikely to survive.
- The hornbeam hedge is to be removed, a holly hedge is slow growing and will not provide adequate enclosure or screening. Please retain the hornbeam hedge or replace with a 2m(7ft) solid fence.

- It will overlook the living areas in the adjacent house to the north. The upstairs windows would look down into the conservatory. A previous argument minimising the overlooking was the screening provided by foliage. This is not the case in winter and the Hornbeam hedge provides much of any screening foliage in summer.

## 5 Assessment

### Key considerations

- 5.1 The key considerations are design, heritage assets, amenity, trees/landscaping, highway safety and the potential impact on habitat sites.

### Principle

- 5.2 The proposal is located within the development boundary of Mulbarton and therefore compliant with part 1(a) of policy DM1.3 of the SNLP. Within this context, Policy DM3.5 of the SNLP establishes the principle of plot subdivisions within development boundaries subject to a set of assessment criteria along with assessment of other SNLP and neighbourhood plan policy considerations.

### Design/Layout

- 5.3 Part (a) of Policy DM3.5 and Policy DM3.8 of the SNLP, both JCS Policy 2 and Section 12 of the NPPF require high quality design with importance being attached to the design of the built environment, which is seen as a key aspect of sustainable development. Further to this, policies HOU3 and HOU4 of the Mulbarton Local Plan consider design and density of new housing respectively. There have been neighbour objections relating to design details, size and layout.
- 5.4 Firstly, with regard to the site layout, the context of the dwelling is a pair of semi-detached dwellings to the south, the southernmost one has been subdivided with a dwelling (since extended) within its curtilage. To the north, a detached dwelling is located within a relatively large plot. In relation to the locality, the built environment is dense to the south up to the common, although this is a relatively small area in the context of the wider settlement and the density generally reduces to the north. The street scene features traditional materials and designs in this locality, but aside from a few common themes, it has mixed rather than uniform building types, reflecting different eras of construction.
- 5.5 The proposal delivers a relatively large dwelling in comparison to its host, however in terms of footprint, it is not significantly larger than the existing subdivided dwelling to the south, Tabor House to the north or some of the other buildings along the B1113. Furthermore, whilst the concerns regarding densities are acknowledged, with the layout of built form directly to the south and the policy requirements of considering its immediate setting and making most efficient use of land on a house, it is not considered that this proposal results in a density that is out character with the surrounding area.
- 5.6 Within the plot itself, the original proposal was close to the boundaries, but the removal of the garage gave some additional space to the side to be landscaped. The revised proposal has reduced the length of the south-west elevation by 900mm which reduces the floor area by 3.65m<sup>2</sup> at ground and first floor. The porch has also been reduced in size. These alterations reduce the bulk and impact of the dwelling by relatively little in absolute terms, but make a larger impact in relation to the appearance and form giving the impression of a larger reduction. There is sufficient space at the front to accommodate parking and turning space for the new and existing dwellings and adequate garden space to the rear. Therefore, with the reduction in the side elevation and the revised design to the roof resulting in a significant reduction in the bulk of the dwelling it is not considered to be overdevelopment of the site. The proposal is therefore acceptable in this regard and this reason for refusal has been overcome.

- 5.7 In relation to design detail, concerns have been raised with regard to impact on the conservation area. The proposed dwelling previously had a gable fronting the road with a front pitched roof porch and this was one of the main reasons for refusal. The dwelling to the north has a hipped roof and the proposal has now been amended to reflect this. Using a hipped roof has the added benefit of reducing the overall bulk of the building and its visibility in the street scene and this is a significant improvement to the application. The roof height is no higher than Lantana to the south. Where the side elevation has been reduced in length at ground and first floor it sets the southern side of the property further back from the road and breaks up the front elevation giving it a more interesting, stepped appearance. The porch has also been reduced in size and is now in proportion with the front elevation.
- 5.8 Given the reasons for refusal the Senior Heritage and Design Officer has considered the revised application in detail and raises no objection on the basis of the comments provided in paragraph 4.3 of this report. As such it can be considered that the amendments are an improvement to the appearance of the dwelling in the street scene and it is considered that the proposal will not have a significant impact on the conservation area. It is considered that this reason for refusal has been overcome and the proposal is acceptable in relation to the designated conservation area.
- 5.9 In terms of materials, some specifications have been included on the form. However because of the location and heritage considerations a condition should be used to require the details and samples of all external materials so they can be reviewed to ensure the materials contribute positively to the area.
- 5.10 The proposal has a single storey section on the rear of the dwelling with the appearance of an extension. Given the potential increases allowed under permitted development it is proposed to remove the rights for extensions to allow for the full design, layout and amenity implications to be sufficiently assessed through an application in the future. This includes roof-based extensions and alterations given their potential impact on the Mulbarton Conservation Area.
- 5.11 On balance, the proposal is considered to meet the design criteria set out in Policy DM3.5 and Policy DM3.8 of the SNLP, Policy 2 of the JCS and Section 12 of the NPPF and Policies HOU3 and HOU4 of the Mulbarton Local Plan.

#### Heritage

- 5.12 Policy 16 of the NPPF and Policy DM4.10 of the SNLP requires Local Planning Authorities to assess the impact of any development on the significance of heritage assets and sections 16 and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that local planning authorities must have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. This application would involve development within the wider setting of a grade II listed building (which is located on the opposite side of the highway from the site). Taking into consideration the significance of the listed building and its setting the proposal would amount to 'less than substantial harm' to its significance as set out in the NPPF by virtue of the location/separation and design in the context of a mixed street scene. As such, it is considered that the proposal accords with paragraph 16 of the NPPF, Policy DM4.10 of the SNLP and Sections 16 and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.13 The impact on conservation areas requires consideration under the development management policies and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas. The application has been assessed as required by this legislation in the design section of this report and it is considered that it would amount to 'less than substantial harm' to its significance in the context of a mixed street scene as set out in the NPPF. As such, it is considered that the proposal accords 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

- 5.14 Policy DM3.13 and parts (b), (c) and (e) of policy DM3.5 of the SNLP directs that development should not be approved if it would have a significant adverse impact on nearby residents' amenities or the amenities of new occupiers. A concern has been raised by neighbours to the north, with regard to overlooking their conservatory which is sited on the southern side of their property. The proposed dwelling has one first floor window in each side, however these serve bathroom and en-suite rooms so they can be suitably conditioned to remain obscured and fixed to prevent overlooking. In relation to the front and rear windows there is also potential for some impact. For street scene purposes, the proposed dwelling is set back from the principal elevation of Lantana, but the neighbouring dwelling to the north is much closer to the road which could introduce overlooking from the first-floor front windows. This has been considered in detail given the location of the neighbour's conservatory as this is a relatively sensitive space. However, the angle of any potential overlooking is acute as the windows of the proposed dwelling face directly to the road. The rear windows face directly towards the end of the rear garden so would only affect parts of neighbour's gardens furthest from their dwellings as in any residential street, which gives it limited weight in terms of impact. Therefore, given that the side window can be conditioned to be obscure glazed, the acute viewing angle at the front and location of overlooking at the rear, the impact would not be significant enough to warrant a refusal due to loss of privacy.
- 5.15 Overshadowing has also been considered which would mainly be focused on the dwelling to the north due to the sun angle. This is mitigated by the roof slope direction and the separation from the boundary following the removal of the garage and the amendment to a hipped roof further lessens this impact. At certain times of the year and time of day, there may be an impact, but again not significant enough to warrant a refusal to refuse the application given the small area affected.
- 5.16 It is therefore considered that the proposal accords with Policy DM3.13 and parts (b), (c) and (e) of Policy DM3.5 of the SNLP in relation to the protection of amenity.

## Trees/Landscaping

- 5.17 Policy DM4.8 advises that the Council will promote the retention and conservation of significant trees, woodlands and hedgerows. Furthermore, ENV3 of the Mulbarton Neighbourhood Plan places significant weight on frontage hedgerows within the Conservation Area. Policy DM4.10 of the SNLP is also relevant to trees and hedges.
- 5.18 Representation refers to alleged tree removal in the Conservation Area without permission. In the consideration of the previous application discussion was undertaken with the council enforcement and tree teams and the principle of replacement planting as part of the planning application rather than further enforcement action agreed as an approach given that the original trees are no longer in place. Therefore, the revised application has been assessed with regard to the necessary landscaping and tree mitigation measures required as a result of this removal.
- 5.19 The proposal removes no further trees and provides an arboricultural assessment with tree protection measures for trees located outside of the site area and outlines mitigatory planting proposals including trees and hedges. This information is relatively basic at present, but considered sufficient to condition a detailed landscaping plan to be submitted to resolve the outstanding details. It is noted that since the previous application a section of hedge has been removed from the side boundary. This had no protections on it, but is proposed to be replaced with hedging through this application.
- 5.20 In terms of assessment, a much larger area hedging is being planted than being lost. Further to this a greater number of trees are also being proposed compared to those lost with some at the front of the site to add positively to the street scene. Some concern has been raised with regard to planting sizes, however this is not a significant enough matter to refuse the application and larger standard trees can be required in this instance (to be secured through the aforementioned

condition. Overall, while it is accepted that the loss of 2 metres of front hedge is contrary to ENV3 of the Mulbarton Local Plan, the compensatory tree planting along with the size of the retained portion of hedgerow is enough to consider this change acceptable. Furthermore, the submitted scheme is considered adequate to compensate for previously lost trees.

- 5.21 It is also noted that a fence is shown in one of the site plans, however the applicant has confirmed it is not necessarily going to be provided. The final boundary treatment has therefore been included in the landscaping condition requirement.
- 5.22 Therefore, the proposal accords with the relevant policies and provides the necessary mitigation for the previous tree removal. On balance, the proposal is considered to comply with Policies DM4.8 and DM4.10 of the SNLP and ENV3 of the Mulbarton Local Plan.

#### Highways

- 5.23 Policy DM3.11 of the SNLP states that planning permission will not be granted for a development which would endanger highway safety or the satisfactory functioning of the highway network while Policy DM3.12 and part (d) of Policy DM3.5 of the SNLP relates to adequate parking and turning provision for new developments.
- 5.24 The proposal was revised in response to concerns raised by the Highway Authority and the site layout shows 2 car parking spaces for Lantana and 4 for the new dwelling and the Highway Authority considers this as acceptable.
- 5.25 A concern has again been raised about the use of the access for four dwellings. The Highway Authority has not objected to this but has noted that the entrance that serves Lantana is narrow and approaches the footway at an acute angle. A previous suggestion to widen the access has not been carried forward due to internal rearrangements and wall removal in order to avoid hedge removal. It is agreed that this is not necessarily an issue but that some surfacing/access improvements will be necessary to the existing surface. A suitable condition has been proposed to secure this.
- 5.26 With these amendments it is considered that the impact is not severe enough to warrant refusal for reasons of highway safety and the proposal therefore complies with Policies DM3.5, DM3.11 and DM3.12 of the SNLP.

#### Nutrient Neutrality and GIRAMS

- 5.27 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.
- 5.28 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.

#### Other Issues

- 5.29 Paragraph 69 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. The Council has taken a proactive approach to this through the allocation of a range of small and medium sized sites and through defining development boundaries for over 80 settlements to facilitate suitable windfall development. Point (c) of NPPF para 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 consideration in the determination of the application.

- 5.30 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.
- 5.31 This application is liable for Community Infrastructure Levy (CIL).
- 5.32 This application is Liable for GIRAMS

### Conclusion

- 5.33 The proposal is acceptable in principle, being located inside the development boundary. The revised application has responded positively to the reasons for refusal and it is considered that the proposal is acceptable within the context of Policy DM3.5 relating to plot subdivisions along with other relevant SNLP policies and Mulbarton Neighbourhood plan considerations.

Recommendation: To authorise the Director of Place to approve subject to satisfactorily addressing the requirements under the Habitats Regulations regarding nutrient neutrality and subject to the following conditions:

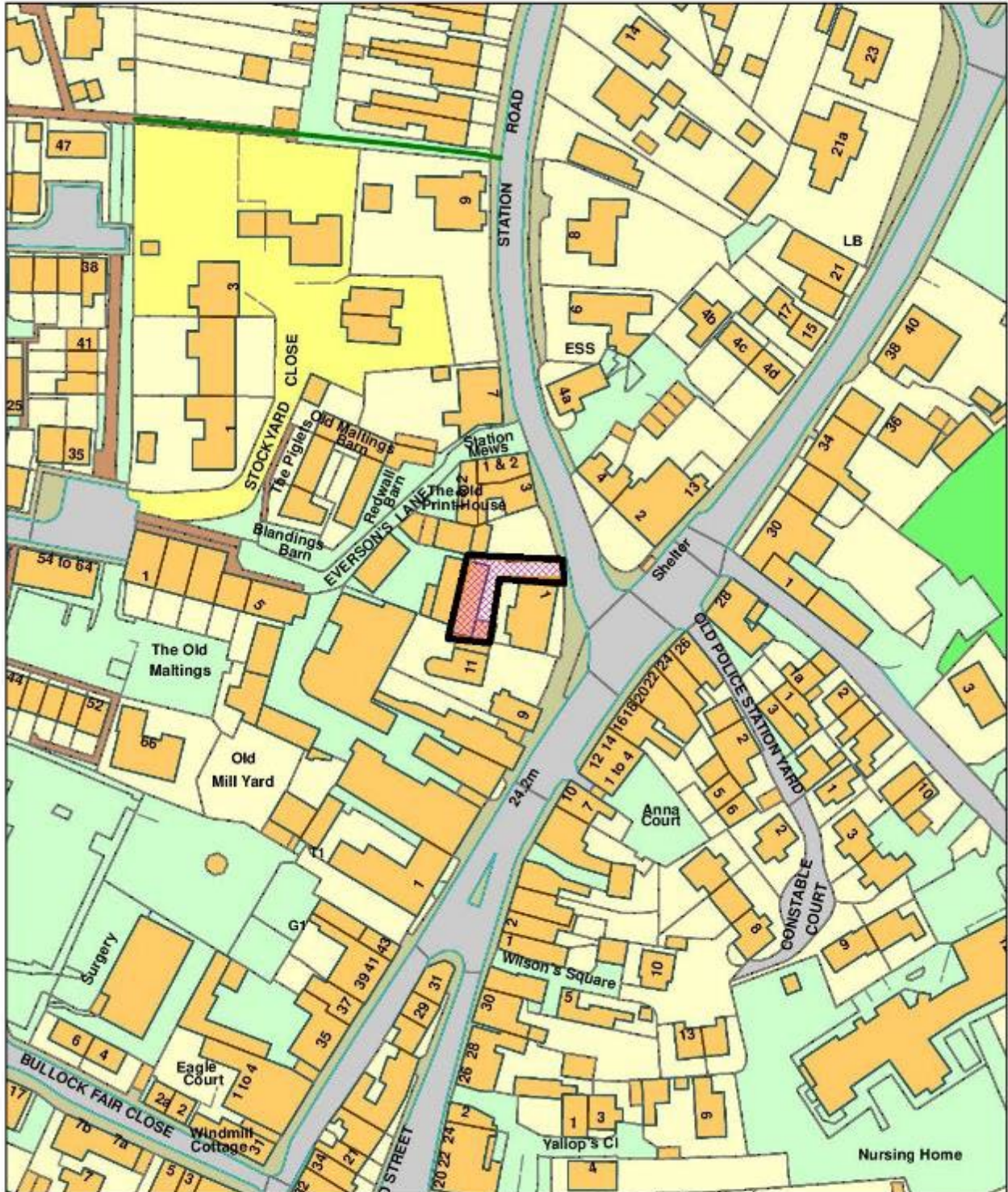
- 1 Time Limit - Full Permission
- 2 In accordance with submitted drawings
- 3 External materials to be agreed, samples to be provided
- 4 Tree protection
- 5 Retention of Trees and Hedges
- 6 Landscape Scheme (PO)
- 7 Provision of Parking/Turning
- 8 Access Details to be agreed
- 9 Surface water
- 10 Foul drainage to main sewer
- 11 New Water efficient
- 12 Contaminated land during construction
- 13 No PD for Classes BCD&G.
- 14 Two bathroom windows in first floor side elevations to be obscure glazed. No further windows to be inserted.

Contact Officer Peter Kerrison  
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Application 5

2022/1150



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

**5. Application No : 2022/1150/F**  
**Parish : REDENHALL WITH HARLESTON**

Applicant's Name: Mr Paul Frewin  
 Site Address Outbuildings at 1 Station Road, Harleston, IP20 9ES  
 Proposal Change of use reverting outbuildings from business premises back to residential in association with the main house.

Reason for reporting to committee

The proposal would result in the loss of employment.

Recommendation summary:

Approval with Conditions

**1 Proposal and site context**

- 1.1 The application site is located in the built-up area of Harleston on the west side of the junction of Station Road and Redenhall Road. It is inside the development boundary and Harleston Conservation Area and just outside the area designated as the Town Centre.
- 1.2 The outbuilding is in the curtilage of a residential property, 1 Station Road, which fronts the road. The outbuilding is an 'L' shape, situated behind the main residence with access from the gate to the right of the house on Station Road, leading between the house and garden into the back yard. The outbuilding is constructed of brick with the long section having a slate roof and the shorter side with a pan-tiled roof.
- 1.3 Beyond the property's access to the north is its garden which is contained by a 2.5m high brick wall along the path with vegetation behind. To the north is a hair salon which is attached to a row of dwellings, with Everson's Lane running behind to the west giving access to further residential properties at the rear of the application site. There is a small storage business at the Old Mill Yard, which is adjoining the rear wall of the application outbuilding. To the south wall of the outbuilding is a residential property, 11 Redenhall Road, which is set well back from the road with a large parking area to the front.
- 1.4 The proposal is for the outbuilding, which was last used as a pottery studio, to revert back to residential use to be used in association with the main dwelling at 1 Station Road, Harleston. The application is for a change of use and there will be no material alterations to the building which require planning permission. As there are no internal or external alterations and the purpose of this application is to only change the use classification of this outbuilding, Listed Building Consent is not required in this instance.
- 1.5 1 Station Road is a Grade II Listed Building which was first listed in November 1976. The building dates back to the early 19<sup>th</sup> Century for which it is believed the outbuilding would have been built in the same time period, although this is not listed itself, it would be considered curtilage listed given the relation with the main property. This application before the Committee is to consider the principle of the change of use only as there are no alterations to the building.

**2. Relevant planning history**

- |     |       |  |               |
|-----|-------|--|---------------|
| 2.1 | 13301 | Change of use for a pottery studio and retail showroom | Approved 1970 |
|-----|-------|--|---------------|

### 3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
NPPF 02: Achieving sustainable development  
NPPF 04: Decision-making  
NPPF 06: Building a strong, competitive economy  
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 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 5: The Economy  
Policy 13: Main Towns
- 3.3 South Norfolk Local Plan Development Management Policies  
DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
DM1.3: The sustainable location of new development  
DM1.4: Environmental Quality and local distinctiveness  
DM2.1: Employment and business development  
DM3.8: Design Principles applying to all development  
DM3.11: Road safety and the free flow of traffic  
DM3.12: Provision of vehicle parking  
DM3.13: Amenity, noise, quality of life  
DM4.10 Heritage Assets
- 3.4 Redenhall with Harleston Neighbourhood Plan 2022  
  
RWH3: Heritage protection
- 3.5 Supplementary Planning Documents (SPD)  
  
South Norfolk Place Making Guide 2012  
Parking Standards
- 3.6 Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:  
  
S16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission or listed building consent for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.  
  
S72 Planning (Listed Buildings and Conservation Areas) Act 1990 provides: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

#### 4. Consultations

##### 4.1 Town Council

Neither objects nor supports, comments. The Town Council would like to see preference given to the site remaining a single dwelling.

##### 4.2 District Councillor

No comments received

##### 4.3 NCC Highway Authority

I would be grateful if the applicant could provide a site layout plan to show the parking and turning spaces that are to be made available for both the outbuilding and the main dwelling at number 1 Station Road.

*OFFICER NOTE: The applicant has confirmed that parking arrangements will not change as a result of the proposal to change the use of this building into a residential outbuilding in association with the main dwelling.*

*Highways comments are awaiting following this confirmation and will be provided as an update to committee.*

##### 4.4 Other Representations

None received

#### 5 Assessment

Key considerations

##### 5.1 Principle of development and whether it meets the policy requirements

Impact on the character and appearance of the area

Impact on residential amenity

Impact on heritage assets

Highway safety

Principle and whether it meets the policy requirements

##### 5.2 Planning law requires applications for planning permission to be determined in accordance with the provisions of the development plan unless material considerations dictate otherwise. The NPPF is one such material consideration.

##### 5.3 The property is located inside of the development boundary where development is acceptable in principle subject to complying with other policies of the Local Plan. In this case Policy DM2.2 is relevant as it deals with the protection of employment sites.

##### 5.4 Criterion 2 states that 'the Council will safeguard all other land and buildings currently in or last used for an Employment Use (both inside and outside Development Boundaries)'. It goes on to say that the loss will be permitted where either 'The possibility of re-using or redeveloping the site/premises for a range of alternative business purposes has been fully explored and it can be demonstrated that the site or premises is no longer economically viable or practical to retain for an Employment Use' or 'There would be an overriding economic, environmental or community benefit from redevelopment or change to another use which outweighs the benefit of the current lawful use continuing'.

- 5.5 The pottery studio had a change of use from residential outbuilding to pottery studio in the 1970s for the potter who lived in the house and used the outbuilding as a studio and for sales. The potter has retired, closed down the business as she was the only one who worked there, and moved out of the house and the property has been up for sale. However, the only interest they have had is if the pottery studio was to be used as residential in association with the main house.
- 5.6 No restrictions were put on the decision to tie it to the main dwelling or make it personal so that it would revert back to residential when it was no longer needed. This is usual in such cases where the use is so closely related to the existing owner and the property. The physical situation makes it almost impossible to operate the two independently because of the orientation and layout (you would have to go past the main house kitchen window and use their existing house access to get to it) and it is unreasonable to make them use the building for another retail/commercial purpose. If a condition had been attached as mentioned above, the outbuilding would have been required to revert back to the original residential use without the need for an application. It is therefore considered that reverting back to a residential outbuilding for the use of the main house only is the best, and potentially the only reasonable and justifiable, option.
- 5.7 This is an unusual case and for these reasons it is considered that the application does not conflict with the aims of Policy DM2.2 and is acceptable in principle subject to a condition requiring the outbuilding to remain ancillary to the main dwelling. This means that there would be no additional dwelling which was the concern of the Town Council. This is providing there are no adverse impacts on the character of the surrounding area, heritage assets, highway safety or the amenities of neighbours. These are discussed below.

#### Impact on the character and appearance of the area

- 5.8 The outbuilding is set back behind the existing listed building and can barely be seen from any public vantage point. It is in a mixed-use area with both residential and commercial properties surrounding it. The proposal will have no adverse impact on the character of the area and complies with Policy DM Policies DM1.4 and DM3.8 of the SNLP.

#### Residential Amenity

- 5.9 There are no windows in the outbuilding facing outside of the site and no overlooking will occur. It could be argued that the change from a commercial use to a residential use in this location is beneficial to the adjoining residents as a noisier use could come into the building. The proposal will have a positive impact on the amenity of the existing properties and future residents of the dwelling and complies with Policy DM3.13 of the SNLP.

#### Impact on heritage assets

- 5.10 The outbuilding is not mentioned in the listing and is therefore considered curtilage listed and the listed building, 1 Station Road, will be unaffected by the proposal. The details of this will be considered further in the listed building application. Given the location of the building to the rear of the property it will have no adverse impact on the character of the conservation area. The proposal therefore complies with the NPPF and Policy DM4.10 of the SNLP.

#### Highways

- 5.11 Policy DM3.11 of the SNLP states that planning permission will not be granted for development which would endanger highway safety or the satisfactory functioning of the highway network while Policy DM3.12 of the SNLP relates to adequate parking and turning provision for new developments.



- 5.12 Given that the layout of the site will remain unchanged following this change of use to be used as part of the residential dwelling, the proposal demonstrates adequate parking spaces and turning for the proposal and the Highway Authority considers this as acceptable subject to standard conditions. Therefore, the proposal complies with Policies DM3.11 and DM3.12 of the SNLP. This will be confirmed in the update sheet for committee following comments being received from the Highway Authority.

#### Other Issues

- 5.13 I consider it necessary to tie the outbuilding to the main dwelling as a condition on the decision notice in order for it not to become a separate unit of accommodation. This is to allow the Local Planning Authority to retain control over the outbuildings use.
- 5.14 Any further internal or external alterations to the building will require planning permission and/or listed building consent. The site is within the Harleston Conservation Area also where there are further restrictions on permitted development. Therefore, I do not see any requirement to impose further conditions other than those listed below.

#### Nutrient Neutrality Overnight Accommodation Outside Catchment

- 5.15 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 not 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).
- 5.16 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.17 This application is not liable for Community Infrastructure Levy (CIL).
- 5.18 This application is not liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS).

#### Conclusion

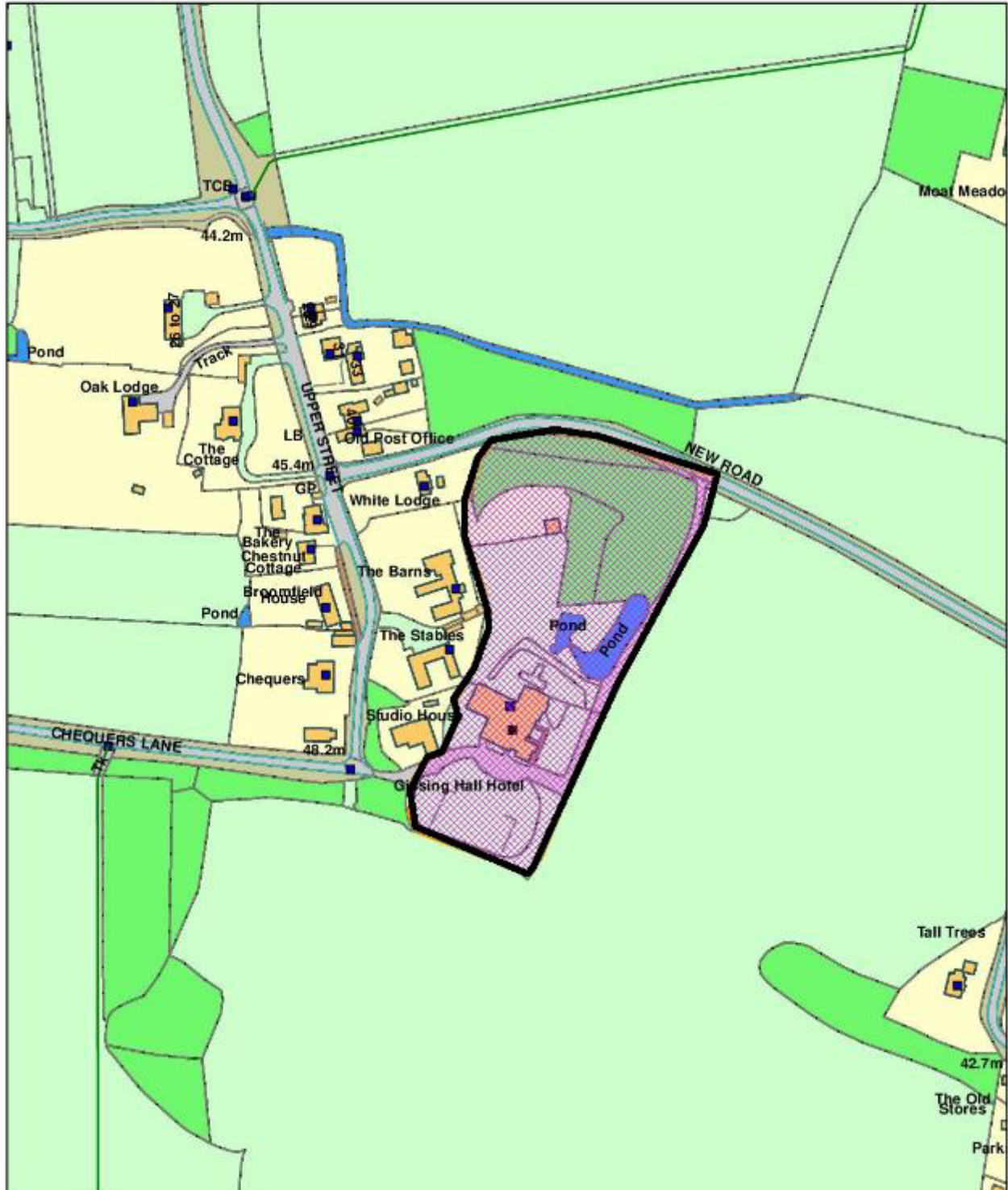
- 5.19 Whilst the proposal results in the loss of an existing employment generating use it is considered that it is not practical to retain it for an Employment Use in this case and as it will have no detrimental impacts the recommendation is to approve the application.

Recommendation: To approve with conditions

- 1 Time Limit - Full Permission
- 2 In accordance with submitted drawings
- 3 Ancillary to main dwelling

Contact Officer      Ellie Yarham  
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2022/1205 & 2022/1206



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

**6. Application No : 2022/1205/LB**  
**Parish : GISSING**

Applicant's Name: Mr Steve Hatib  
 Site Address Gissing Hall Upper Street Gissing Norfolk IP22 5UN  
 Proposal Change of use from hotel to 3no apartments.

**7. Application No : 2022/1206/F**  
**Parish : GISSING**

Applicant's Name: Mr Steve Hatib  
 Site Address Gissing Hall Upper Street Gissing Norfolk IP22 5UN  
 Proposal Change of use from hotel to 3no apartments.

Reason for reporting to Committee

The proposal would result in the loss of employment.

Recommendation summaries:

2022/1205: Approve subject to conditions

2022/1206: To authorise the Assistant Director of Place to approve subject to conditions

**1 Proposal and site context**

- 1.1 These applications seek planning permission and listed building consent to change the use of a former hotel at Gissing Hall into three apartments comprising two 2-bed apartments and one 5-bed apartment. Gissing Hall is a Grade II listed three-storey building that is accessed via a driveway from New Road to the north. It is located within the Gissing conservation area and neighbouring properties include the applicant's own dwelling (also part of Gissing Hall) adjoining the north elevation of the hotel with its garden curtilage beyond, converted barns and a modern dwelling to the west on Upper Street (with a row of listed dwellings further to the west on the opposite side of Upper Street) and agricultural land to the east and south.
- 1.2 By way of background information, Gissing does not have a development boundary.

**2. Relevant planning history**

2.1	2021/2388	Subdivision of main residence to create additional 4 apartments, including internal changes	Withdrawn
2.2	2021/2389	Change of use from hotel to residential use. Subdivision of main residence to create additional 4 apartments, including internal changes, erection of 4-bay garage and swimming pool	Withdrawn
2.3	2017/1053	Minor amendments to planning permission 2013/1286	Approved
2.4	2017/1054	Minor amendments to planning permission 2013/1287	Approved



2.5	2015/2230	Change of use to revert the main part of the building from hotel to 3 residential units leaving part of ground floor for art gallery and restaurant.	Refused
2.6	2015/2231	Internal alterations to revert the main part of the building from hotel to 3 residential units leaving part of ground floor for art gallery and restaurant.	Approved
2.7	2012/2286	Proposed removal of internal partitions to convert 3 no bedrooms and en-suite bathrooms into managers apartment. Proposed removal of flat ceiling with strengthening of roof structure. Proposed addition of sleeping gallery in roof space	Approved
2.8	2013/1286	Proposed single storey 40sqm extension with removal of industrial shed roof and the creation of glazed roof along with the demolition of storage sheds and boiler room to allow new terraced outdoor space	Approved
2.9	2013/1287	Proposed single storey 40sqm extension with removal of industrial shed roof and the creation of glazed roof along with the demolition of storage sheds and boiler room to allow new terraced outdoor space	Approved
2.10	2004/0257	Proposed erection of 2no storey dwelling within grounds of existing hotel - annex to hotel	Withdrawn
2.11	2004/0256	Proposed erection of 2no storey dwelling within grounds of existing hotel - annex to hotel	Approved
2.12	2004/0255	Proposed single storey extension to existing bar with associated internal alterations to include disabled facilities	Approved
2.13	2004/0254	Proposed single storey extension to existing bar with associated internal alterations to include disabled facilities	Approved
2.14	2000/1265	Erection of conservatory to dwelling	Withdrawn
2.15	1999/0827	Renewal of permission 95/0327/F Erection of extension and marquee	Approved
2.16	1995/0328	Alterations and extensions plus siting of marquee	Approved
2.17	1995/0327	Erection of single storey extensions and marquee	Approved
2.18	1993/1720	Construction of gravelled car park extension	Approved

- |      |           |  |          |
|------|-----------|--|----------|
| 2.19 | 1991/1846 | Extension and alterations                      | Approved |
| 2.20 | 1991/1845 | Extension to form kitchen and associated works | 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 12 : Achieving well-designed places  
 NPPF 15 : Conserving and enhancing the natural environment  
 NPPF 16 : Conserving and enhancing the historic environment
- 3.2 Joint Core Strategy (JCS)  
 Policy 1 : Addressing climate change and protecting environmental assets  
 Policy 2 : Promoting good design  
 Policy 3: Energy and water  
 Policy 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  
 DM2.2 : Protection of employment sites  
 DM3.8 : Design Principles applying to all development  
 DM3.11 : Road safety and the free flow of traffic  
 DM3.12 : Provision of vehicle parking  
 DM3.13 : Amenity, noise, quality of life  
 DM4.10 : Heritage Assets
- 3.4 Statutory duties relating to listed buildings, setting of listed buildings and conservation areas:
- S16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission or listed building consent for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- Section 72 of the same Act 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 Gissing Parish Council  
 No comments received
- 4.2 District Councillor  
 To be reported if appropriate.

## 4.3 Ecologist &amp; Biodiversity Officer

After discussing the applications with the agent, I note that no external works are proposed and given that there are no loft spaces, I do not have any concerns.

## 4.4 Senior Heritage &amp; Design Officer

On the whole, I have no objection to the change of use proposal which will make the building more viable.

## 4.5 Water Management Officer

No comments received

## 4.6 Highway Authority

No highway objections.

## 4.7 Other representations

One comment received from a neighbouring property confirming the road from which Gissing Hall is accessed.

5. Assessment

Key considerations

## 5.1 Principle of development

Impact on the appearance of the surrounding area, including on designated heritage assets  
Residential amenity  
Highway safety and parking

Principle of development

## 5.2 As this proposal will result in the loss of a building that was used for business purposes, Policy DM2.2 of the SNLP is engaged. This seeks to safeguard buildings currently or last used for employment use but permits the loss of such uses where:-

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

or

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

## 5.3 Information submitted with the application explains that the applicant purchased the hotel, which also provided wedding receptions, in 2012 but running costs, building and access constraints and the location of the site meant that it was no longer viable to operate. The hotel closed approximately 7 years ago.

## 5.4 In support of the application, emails have been submitted from Northwood Estate Agents, Strutt &amp; Parker and Humberts (the applicant was recommended to contact the latter two following advice from Roche Surveyors). Those emails details visits and discussions that took place and that consideration was given to refurbishing the hotel as a hotel and conference centre, selling it and leasing it.

- 5.5 Humberts and Strutt & Parker did not consider that leasing the hotel would be a viable option given the level of investment required in refurbishing the building. Humberts suggested that it may have a client interested in Gissing Hall as a convalescence home but this would require planning permission. However, this appears not to have been pursued. Instead of leasing, both companies suggested that the property is placed on the open market.
- 5.6 Northwood did not recommend putting the hotel up for sale as it does not consider that it would be marketable and the refurbishment costs would not make it a viable option. It raised concerns over:
- Access and parking restrictions;
  - The proximity of residential properties and prospective disturbance to those properties;
  - The modest outside space for a hotel and conference venue;
  - The total cost of an almost complete refurbishment.
- 5.7 Despite Humberts and Strutt & Parker advising that the property should be placed on the open market, it should be borne in mind that as additional constraints to those identified above, the applicant still lives in the dwelling that adjoins the application site and he wishes to retain ownership of this; and, the kitchen facilities for both his dwelling and the hotel accommodation are within the dwelling part of Gissing Hall.
- 5.8 From my own experience of dealing with other planning applications, providing offices in a building of this type and in this location would not appear to be viable and Members may recall considering applications to convert care homes in rural settings into dwellings on the basis that they are not viable to operate. That the application site is a listed building may also present difficulties in respect of any adaptations that may be required to accommodate either use.
- 5.9 Although a full marketing exercise has not been carried out, I nevertheless accept most of the identified constraints above as being plausible. I have therefore taken a pragmatic position and consider that there is enough information available for me to come to the view that it is no longer practical or viable to retain the property for business purposes and that the application complies with the spirit of what Policy DM2.2 is seeking to achieve.

Impact on the appearance of the surrounding area, including on designated heritage assets

- 5.10 No changes are being made to the external appearance of the building and the existing parking area to the front is to be re-used for occupants. Accordingly, the impact of the change of use on the appearance of the surrounding area will not be significant and the character and appearance of the conservation area will be maintained.
- 5.11 Some internal changes are necessary to divide the hotel up into individual properties. At ground floor level, this entails blocking up three existing doorways. At first floor level, four existing doorways are to be blocked up and the same at second floor level. At ground and first floor level, the doors will remain in place but encased with plasterboard fixed to studwork. At second floor level, doors are newer and these will be removed – with the door frames remaining in place – and filled in with plasterboard as at ground and first floor level. This work is reversible. The Council's Senior Heritage and Design Officer has considered the applications and not objected to them.
- 5.12 Considering the above, the application complies with Policies 1 and 2 of the JCS and Policies DM3.8 and DM4.10 of the SNLP. Regard has also been given to sections 16(2), 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act in reaching this view.

## Residential amenity

- 5.13 The change of use of the property from a hotel to residential is compatible with neighbouring residential properties to the west and north. I am satisfied that the impact on those properties will, in all likelihood, not be significantly different to the previous use. A shared amenity area (to be maintained by a management company) is being provided beyond the parking area to the south and this provides ample outside space for residents. The application complies with Policy DM3.13 of the SNLP.

## Highway safety and parking

- 5.14 The Highway Authority has not objected to the application on the grounds of highway safety. Nine car parking spaces are shown as being provided, which is sufficient for the number and size of units being provided. The application complies with Policies DM3.11 and DM3.12 of the SNLP.

## Other matters

- 5.15 Given the age of the building, the Council's Ecologist & Biodiversity Officer raised the prospect of bats being present. However, following discussions with the agent about internal layout of the building and the roof being repaired or replaced approximately 15 years ago, she did not raise any concerns.
- 5.16 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 provides 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).
- 5.17 On 1 April 2022, South Norfolk Council adopted the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS) and began collecting contributions from development. These contributions comprise payment of the Recreational Avoidance Mitigation (RAMS) tariff of £185.93 per dwelling, or accommodation unit equivalent, and the provision of on-site or off-site green infrastructure equivalent to 2ha per 1000 population. The collection of these contributions will enable the Council to conclude through a Habitat Regulations Assessment that a development will not have any adverse impact on the integrity of a Habitats Site as a result of increased recreational usage. The GI (Green infrastructure) portion of this consideration is covered through the above open space provision and contribution. This has not yet been pursued pending the outcome of the Committee decision but will be via a Unilateral Undertaking in the event of Members agreeing to the recommendation.
- 5.18 Under Section 143 of the Localism Act, the Council is required to consider the impact on local finances. This can be a material consideration but the other material planning considerations detailed above are of greater significance.
- 5.19 The application is liable for the Community Infrastructure Levy as the property has not been in lawful use for 6 of the last 36 months.

**Conclusion**

- 5.20 In having regard to those matters raised by these applications, it is accepted that it is no longer practical to retain the property for business use and that the application represents an acceptable form of development that will preserve the character of the property and that of the surrounding area and designated heritage assets while also have having acceptable impacts on residential amenity and highway safety. The proposals comply with the provisions of the development plan as a whole and are recommended for approval.

Recommendation 2022/1205 :	Approval with conditions  1 Time Limit – Listed Building Consent 2 In accordance with submitted drawings
Recommendation 2022/1206 :	To authorise the Director of Place to approve subject to conditions  1 Time Limit - Full Permission 2 In accordance with submitted drawings 3 Water efficiency
Contact Officer Telephone Number E-mail	Glen Beaumont 01508 533821 glen.beaumont@southnorfolkandbroadland.gov.uk

**Planning Appeals****Appeals received from 9 September 2022 to 6 October 2022**

<b>Ref</b>	<b>Parish / Site</b>	<b>Appellant</b>	<b>Proposal</b>	<b>Decision Maker</b>	<b>Final Decision</b>
None					

**Planning Appeals****Appeals decisions from 9 September 2022 to 6 October 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>
2021/0893	Costessey Land north of 12 Stafford Avenue Costessey Norfolk	Mr William Clark	Erection of building to be used as a care facility (Use Class C2) with associated landscaping scheme and car parking, for children with autism, mental health conditions and learning difficulties	Delegated	Refusal	Appeal dismissed
2020/1689	Poringland Land to the east of Overtons Way Poringland Norfolk	Mr Stephen Litten	Construction of 9 new residential dwelling units, to include 1 retail unit facing North towards existing retail/commercial units.	Development Management Committee	Refusal	Appeal Allowed