Development Management Committee

Members of the Development Management Committee:

Conservatives

Mr J Mooney (Chairman)
Mr D Blake (Vice-Chairman)
Mrs Y Bendle
Mrs F Ellis
Mr C Gould
Mr L Hornby
Dr C Kemp
Dr N Legg
Mrs L Neal

Liberal Democrats

Mr T East
Dr M Gray

Pool of Substitutes

Mr L Dale
Mr C Foulger
Mr B Riches
Mr R Savage
Mr G Walden
Miss L Webster

Mrs V Bell

Pre-Committee Members’ Question Time

9.00 am Blomefield Room

Agenda

Date

Wednesday 6 November 2013

Time

10.00 am

Place

Council Chamber
South Norfolk House
Swan Lane
Long Stratton Norwich
NR15 2XE

Contact

Caroline Heasley tel (01508) 533685
South Norfolk District Council
Swan Lane
Long Stratton Norwich
NR15 2XE
Email: democracy@s-norfolk.gov.uk
Website: www.south-norfolk.gov.uk

PLEASE NOTE that any submissions (including photos, correspondence, documents and any other lobbying material) should be received by the Council by noon the day before this meeting. We cannot guarantee that any information received after this time will be brought to the Committee’s attention.

The order of the agenda may change at the discretion of the Chairman, so it is advisable to arrive at the commencement of the meeting if you are intending to speak.

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

Large print version can be made available

30/10/2013
The Development Management process is primarily concerned with issues of land use and has been set up to protect the public and the environment from the unacceptable planning activities of private individuals and development companies.

The Council has a duty to prepare Local Development Documents (DPDs) to provide a statutory framework for planning decisions. The Development Plan for South Norfolk currently consists of a suite of documents. The primary document which sets out the overarching planning strategy for the District and the local planning policies is the Joint Core Strategy for Broadland, Norwich and South Norfolk. The Strategy is broadly consistent with the National Planning Policy Framework (NPPF) and accompanying technical guidance and was adopted by South Norfolk Council in March 2011. It is the starting point in the determination of planning applications and as it has been endorsed by an independent Planning Inspector the policies within the plan can be given full weight when determining planning applications. South Norfolk Council is also in the process of preparing its Site Specific Policies and Proposals DPD, Area Action Plans and Development Management DPD. These documents will allocate specific areas of land for development, define settlement boundaries and provide criterion based policies giving a framework for assessing planning applications.

In accordance with legislation planning applications must be determined in accordance with the policies of the Development Plan, unless material considerations which are relevant to planning indicate otherwise.

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

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

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

**THEREFORE** we will:

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

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

**LOCAL COUNCILS**

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

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

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

1. To report apologies for absence and identify substitute voting members (if any);

2. To deal with any items of business the Chairman decides should be considered as matters of urgency pursuant to Section 100B (4) (b) of the Local Government Act, 1972; [Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]

3. To receive Declarations of Interest from Members;
   (Please see flowchart and guidance attached, page 7)

4. Minutes of the meeting of the Development Management Committee held on 9 October 2013; (attached – page 9)

5. Planning Applications and Other Development Control Matters; (attached – page 21)
   To consider the applications as listed below:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Planning Ref No.</th>
<th>Parish</th>
<th>Site Address</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2012/1814/F</td>
<td>HETHERSETT</td>
<td>Land North Of Great Melton Road Hethersett</td>
<td>22</td>
</tr>
<tr>
<td>2</td>
<td>2013/0335/F</td>
<td>BROOKE</td>
<td>Village Hall Norwich Road Brooke</td>
<td>56</td>
</tr>
<tr>
<td>3</td>
<td>2013/0828/O</td>
<td>STOKE HOLY CROSS</td>
<td>Land North of Long Lane Stoke Holy Cross</td>
<td>62</td>
</tr>
<tr>
<td>4</td>
<td>2013/1247/F</td>
<td>FORNCETT</td>
<td>3 Orchard Close Forncett St. Peter</td>
<td>72</td>
</tr>
</tbody>
</table>

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. Enforcement Report (attached – page 77)

8. Planning Appeals (for information) (attached – page 80)

9. Date of next scheduled meeting – Wednesday 4 December 2013
1. GUIDELINES FOR DETERMINING THE NEED TO VISIT AN APPLICATION SITE

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

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

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

2. PUBLIC SPEAKING: PLANNING APPLICATIONS

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

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

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

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

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

Please note: In accordance with the Council’s constitution no one may make photographs, film, video or other electronic recordings of the meeting without the Chairman’s consent.
HEALTH AND SAFETY INFORMATION

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

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

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

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

Key to abbreviations used in Recommendations

| S.P | Structure Plan |
| S.N.L.P | South Norfolk Local Plan |
| 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). |
| J.C.S | Joint Core Strategy |
| N.P.P.F | National Planning Policy Framework |
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.

<table>
<thead>
<tr>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the interest directly:</td>
</tr>
<tr>
<td>1. affect yours, or your spouse / partner's financial position?</td>
</tr>
<tr>
<td>2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?</td>
</tr>
<tr>
<td>3. Relate to a contract you, or your spouse / partner have with the Council</td>
</tr>
<tr>
<td>4. Affect land you or your spouse / partner own</td>
</tr>
<tr>
<td>5. Affect a company that you or your partner own, or have a shareholding in</td>
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<tr>
<td>If the answer is “yes” to any of the above, it is likely to be pecuniary.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</td>
</tr>
<tr>
<td>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
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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

What matters are being discussed at the meeting?

Do any relate to an interest I have?

A  Have I declared it as a pecuniary interest?

OR

B  Does it directly affect me, my partner or spouse’s financial position, in particular:
   • employment, employers or businesses;
   • companies in which they are a director or where they have a shareholding of more than £25,000 face value or more than 1% of nominal share holding
   • land or leases they own or hold
   • contracts, licenses, approvals or consents

YES

The interest is pecuniary – disclose the interest, withdraw from the meeting by leaving the room. Do not try to improperly influence the decision

If you have not already done so, notify the Monitoring Officer to update your declaration of interests

NO

The interest is related to a pecuniary interest. Disclose the interest at the meeting. You may make representations as a member of the public, but then withdraw from the room

YES

Does the matter indirectly affects or relates to a pecuniary interest I have declared, or a matter noted at B above?

NO

The Interest is not pecuniary nor affects your pecuniary interests. Disclose the interest at the meeting. You may participate in the meeting and vote

YES

Have I declared the interest as an other interest on my declaration of interest form? OR

Does it relate to a matter highlighted at B that impacts upon my family or a close associate? OR

Does it affect an organisation I am involved with or a member of? OR

Is it a matter I have been, or have lobbied on?

NO

You are unlikely to have an interest. You do not need to do anything further.
### PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

**Report of Director of Growth and Localism**

Key to letters included within application reference to identify application type – e.g. 2013/0001/A – Application for consent to display and advert

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**Key to abbreviations used in recommendations**

- **S.P**: Structure Plan
- **S.N.L.P**: South Norfolk Local Plan
- **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 or works specified).
- **J.C.S**: Joint Core Strategy
- **N.P.P.F**: National Planning Policy Framework.
1. **Appl. No**: 2012/1814/F  
**Parish**: HETHERSETT

**Applicants Name**: Gladedale Estates  
**Site Address**: Land North Of Great Melton Road Hethersett Norfolk  
**Proposal**: Proposed residential development of 158 dwellings and associated access, car parking and open space provision

**Recommendation**: Approval with Conditions

1. Full permission time limit  
2. In accordance with amended plans  
3. Detailed surface water scheme (including maintenance and management of SuDS) to be submitted  
4. Foul water scheme to be submitted and approved  
5. Detailed highway drawings to be approved (estate roads)  
6. Roads to binder course before occupation  
7. Construction Traffic Management Plan (CTMP) to be agreed  
8. Location and details of site compound and wheel washing to be agreed  
9. All traffic to use CTMP during construction of the development  
10. Off-site highway works to be agreed  
11. Agreed off-site highway works to be completed before occupation  
12. Tree and hedge protection  
13. Landscaping  
14. Landscaping management  
15. Management and maintenance of open space to be agreed  
16. Scheme of archaeological work to be agreed and completed prior to commencement of development  
17. Fire hydrants (1 per 50 dwellings)  
18. Contaminated land during construction  
19. Permitted development rights removed for extensions to south elevation of plot 125  
20. Permitted development rights removed for conversion of garages/car ports  
21. No alterations to lose garage  
22. Construction noise and hours  
23. External materials to be agreed  
24. Detailed design drawings of the footpath (including surface material choice) to the north boundary of the site to be agreed  
25. Management and maintenance of the footpath and adjacent landscaping (inc. hedgerow) to be agreed prior to its implementation. Footpath to be implemented and available for use within 1 year of the commencement of development.

Subject to a S106 legal Agreement to secure contributions towards education, libraries, off-site open space and affordable housing.

1. **Planning Policies**

1.1 **National Planning Policy Framework**  
NPPF 01: Building a strong competitive economy  
NPPF 03: Supporting a prosperous rural economy  
NPPF 04: Promoting sustainable transport  
NPPF 06: Delivering a wide choice of high quality home  
NPPF 07: Requiring good design  
NPPF 08: Promoting healthy communities  
NPPF 11: Conserving and enhancing the natural environment
NPPF 12: Conserving and enhancing the historic environment

1.2 Joint Core Strategy
Policy 1: Addressing climate change and protecting environmental assets
Policy 2: Promoting good design
Policy 3: Energy and water
Policy 4: Housing delivery
Policy 5: The Economy
Policy 6: Access and Transportation
Policy 7: Supporting Communities
Policy 9: Strategy for growth in the Norwich Policy Area
Policy 10: Locations for major new or expanded communities in the Norwich Policy Area
Policy 14: Key Service Centres
Policy 20: Implementation

1.3 South Norfolk Local Plan
ENV 2: Areas of open land which maintain a physical separation between settlements within the Norwich Area (Part Consistent)
ENV 8: Development in the open countryside (Part Consistent)
ENV 13: Sites of regional and local nature conservation interest and geological/geomorphological value (Part Consistent)
ENV 14: Habitat protection
ENV 15: Species protection
IMP 8: Safe and free flow traffic
IMP 9: Residential amenity
HOU 3: Strategic Land Reserve (Part Consistent)
HOU 4: Residential development within the defined Development Limits of the Norwich Policy Area settlements, and at selected locations along strategic routes
IMP 2: Landscaping
IMP 10: Noise
IMP 15: Setting of a listed building
IMP 25: Outdoor lighting

1.4 Supplementary Planning Document
South Norfolk Place Making Guide 2012

2. Planning History

2.1 2012/0584 Screening opinion for residential development EIA – Not required

3. Consultations

3.1 Parish Council No comments.

3.2 District Members To be reported if appropriate.

3.3 Environmental Services (Protection) No further comments received.

3.4 NCC: Public Rights Of Way Officer (PROW) Original comments
The footpath route needs to join up with a public highway at its eastern end. Section 3 shows the footpath running immediately adjacent to a ditch. It is recommended that the corridor is widened to allow a minimum of 1 metre between the ditch and the footpath. The route at the western end should be simplified.

Further comments
Agrees with the comments of the applicants in that the proposed path is indeed comparable with many others across the country.

Response to Police Architectural Liaison Officer (PALO) comments

The PALO states that the footpath should be re-routed. At the present time, there is no registered public right of way. There is a claim for a new footpath to be added to the definitive map on a route which the footpath applicants state that they have walked for a long period of time. The claim can only be for the route that has been habitually walked and for no other route.

Mr Moore states that public footpaths should not run at the rear of dwellings. The fact that this route may in the future be at the rear of houses is irrelevant in this case. It is likely that the footpath claimants were using the field edge route for many years prior to the planning application even being thought of, hence their application to have the definitive map modified to include it.

The claimed route and that proposed by the developer is, for the most part, a straight line and therefore should have good visibility along its length.

The PALO has also states that routes for walkers, cyclists and vehicles should not be separated. The claim is for a public footpath, along which the public would have the right to use it on foot only.

From a public right of way perspective, the width of the route as shown on drawing PL210 in the planning application is considered reasonable (subject to the recommendations in my e-mail of 19 September 2013), for the public to exercise their right to pass and repass on foot. The full comments of the PROW officer are attached at appendix 2.

3.5 NCC Highways

No objection to a route being created as proposed. The footpath should join Cedar Road at its eastern end, whilst still maintaining adequate turning and parking facilities. A second path adjacent to the adopted path at the western end should also be avoided. Future maintenance of any new PROW should also be undertaken by the management company, this should include the maintenance of the adjacent hedge / ditch.

3.6 Police Architectural Liaison Officer (PALO)

Has been contacted by a member of the public and comments as follows:

- The footpath should not run along the backs of houses unseen, such footpaths could be used for anti-social behaviour.
- Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings and these have been proven to generate crime.
- Where a segregated footpath is unavoidable, designers should consider making the footpath a focus of the development and ensure that it is as straight as possible, wide, well lit, devoid of potential hiding places, overlooked.
- Where isolated footpaths are unavoidable, they should be at least 3-metres wide with at least a 2 metre verge on either side. (Full comments are attached at appendix 3)
3.7 Representations

60 letters of objection to the incorporation of the footpath received

- Footpath not wide enough and is a safety hazard
- Not safe for families with young children
- Will be dark in winter months and therefore unsafe
- Track does not follow the route of the walked path
- Hoggin not a common surface in the landscape
- Application should not be granted until footpath application processed.
- Will promote anti-social behaviour

Further objections also received in respect of the principle of development and the location of the vehicular access.

4 Assessment

4.1 INTRODUCTION: - This application comes before Development Management Committee to resolve a procedural error in the presenting of updates to the application when it came before members for determination on the 9th October. As explained below, this report only seeks to deal with this issue and allow members to take the correct updates into consideration. A material consideration is a resolution to approve this application.

4.2 At a meeting of the Development Management Committee on the 9th October, members resolved to approve an amendment to planning application 2012/1814. This amendment included the provision of a footpath along the north boundary of the site connecting Cedar Road with footpath FP4. The provision of the footpath follows the lodging of a footpath modification order claim with the County Council’s Definitive Map Team. This request has been made by two local residents, and is based on the assumed use of the northern edge of the application site by walkers and dog walkers for the last 20 + years.

4.3 Although the suggested footpath modification has yet to be confirmed, the applicants have elected to take account of its proposed route within their scheme. The amended site Master plan and footpath cross sections are included as appendix 4.

4.4 At the previous committee, members were updated with a comment incorrectly referenced as being from the County Public Rights of Way Officer. This was in fact a comment made by the legal representative of the applicants. It stated:

I agree that the claim will be determined in due course, and my colleague will be considering the evidence in detail shortly. At present I would point that, whilst it is acknowledged that a claim has been made to record a public footpath, and the claim is supported by a significant quantity of user evidence, that evidence is far from consistent in respect of the precise location of the claimed route and its width. The landowners have provided evidence which indicates that use of the route does not support the full extent of the claim. The relevant twenty year period of use for the claim is also as yet un-established.

Ultimately these issues will fall to be determined by an Inspector, after consideration of all relevant evidence.

4.5 The County PROW was asked to comment on the above statement, and she has confirmed that she is in agreement that the proposed path is indeed comparable with many others across the country. The original views of the County PROW are included at para. 3.4 and in full at appendix 2.
4.6 All other matters remain as approved by members of the Development Management Committee on the 27th March and the 9th October, other than those matters raised in this covering report. The previous reports are therefore attached as appendix 5.

4.7 Since the above decisions were made by members, a letter (dated 14th October) has been received from the Police Architectural Liaison Officer (PALO). His comments can be found at para. 3.6, and in full at appendix 3. It is clear that he raises several concerns, some of which accord with concerns raised by local residents. However, these concerns are not entirely shared by the PROW officer, who has only raised a concern in respect of the separation distance of the path to the ditch, requesting that the corridor be widened to allow a minimum of 1 metre between the ditch and the path.

4.8 It has to be remembered that no public right of way exists at the present time, and the applicant is under no obligation to provide for it. The applicants have assumed that the footpath modification will be confirmed, and have incorporated provision for this in an already approved scheme. This has been done in a way that minimises the impact on the existing design and layout.

4.9 I acknowledge the comments of the PALO, however the existing pathway used by the residents is already not directly overlooked by anyone, simply being the edge of a field. The footpath in the amended layout will allow for some passive surveillance of the path from the rear elevations of properties, so therefore there is a slight improvement in this respect. No gates are proposed to the rear of the properties backing onto the footpath, so, although not ideal, I do not consider the security issues raised to be significant.

4.10 The proposed route is a total distance of approximately 227 metres from its access point opposite plot 92 to plot 55 by the balancing pond area. This whole distance is straight. Where the route curves in the area of the balancing pond it is open for the majority of its length on both sides for a distance of approximately 104 metres to the point where it leaves the site, and is clearly visible from the adjacent properties and estate road. It offers limited potential hiding places and there are no confined sharp corners.

4.11 Between plots 92 and 55 the route is open on one or both sides for approx. 63 metres and clearly visible from the properties and/or estate roads. For short sections between plots 67 and 60, and 58 and 55 the route is between hedges/fences. Along both of these sections there is clear visibility for a long way in both directions in accordance with the PALO’s preference. As already stated, there is no access provided to gardens or property in this area. Moreover the width of corridor to contain the footpath in these sections is an average of 4.0 metres and 3.7 metres respectively. This is a generous corridor to contain a footpath. In my opinion the proposed footpath would not promote anti-social behaviour.

4.12 As the PROW officer states in her most recent comments (see para. 3.4 and appendix 2), the claimed route and that offered by the developer is in the most part straight, and will therefore have relatively good visibility along its length. Several residents have commented that the footpath would not be safe, particularly in respect of young families who use the current path (some children on bicycles). I would make the point here that even if the footpath is formally adopted as a public right of way, there would be no right to use the path on a bicycle. Notwithstanding this, a hoggin path in my opinion represents a safer path for children, whether on bikes or on foot, than an un-made path. (Note: the applicant has agreed that the final choice of surface material for the footpath can be agreed by condition, in consultation with the PROW officer. This is required by condition 24.)

4.13 Clearly the best option for incorporating a footpath is for it to be routed through the site, however, this is not what the local residents want, as they wish for the footpath to follow the line of that claimed by them. Under these circumstances I feel that the routing of the path as put forward by the applicants in the amended plans creates a safe passage for local residents along a similar route to that claimed, and is an acceptable compromise.
Response to local representations

4.14 A number of local residents have commented on many issues since this application was last discussed by members. I would like to respond to several relevant points not already covered in this report as follows.

4.15 Policy IMP15 (Setting of Listed Buildings) – it has been pointed out that reference to this policy was not made at par.1.3 of my original report to committee. However, the impact on the setting of the listed buildings adjoining the site was clearly taken into account, as referenced in the main body of the report. To be clear, I have referenced this policy at para. 1.3 of this report.

4.16 Representations – at the time of writing the previous report, I had only received 8 letters of objection. Members were updated verbally that many more letters had been received after this time. Para. 3.7 of this report summarises the points made in the 60 letters received to date.

4.17 5-year land supply – although the principle of development on this site has already been accepted by members, a question has been raised in respect of the latest published housing supply figure, which would seem to indicate an over-supply of housing. Para 4.8 of appendix 5 explains the Council’s 5-year land supply position as at the 9th October. However, this position has now changed.

4.18 At the Examination in Public into the remitted parts of the Joint Core Strategy the GNDP Councils presented a supply of 4.58 years for the whole NPA (and 4.66 years for the South Norfolk part of the NPA) at 31 March 2013. Since March there have been changes to some of the sites that make up the 5-year supply, both increasing and decreasing the supply, and there is still debate about the assumptions this calculation is based on; however, this remains the most recent published figure agreed by the three local planning authorities’.

5 Conclusion

5.1 On the assumption that the footpath modification request is confirmed, and that a Public Right of Way is created between Cedar Road and FP4 to the west of the site, the proposed amended layout successfully incorporates the footpath without detriment to the existing approved layout. Should the public right of way not be confirmed, then the layout can revert back quite easily to that previously approved, with footpath access from Cedar Road to FP4 available through the site via estate paths.

5.2 The site is in a sustainable location, and has been chosen as a preferred site for housing for inclusion in the emerging LDF site allocations document. The requirements of the NPPF and the presumption in favour of sustainable development outweigh other material considerations and that the proposed development can be accepted as a departure from local saved plan policy ENV8.

5.3 The design and layout of the scheme is appropriate for its context and will not significantly harm the amenities of neighbouring properties. The development will not cause significant or substantial harm to the setting of the heritage assets adjoining the site, and accords with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as section 12 of the NPPF. The development accords with the relevant saved Local Plan policies, in particular policies IMP8 (Safe and Free Flow of Traffic), IMP9 (Residential Amenity), and IMP15 (Setting of listed buildings). These policies are given due weight as they remain wholly/partly consistent with the published NPPF.
5.4 In all other respects, and subject to appropriate conditions, the proposed development is in accordance with the Sections 6, 7, 10 & 11 of the NPPF and relevant policies the Joint Core Strategy.

Contact Officer, Telephone Number and E-mail:  
Gary Hancox 01508 533841  
ghancox@s-norfolk.gov.uk
Hi Gary

The PALO states that the footpath should be re-routed. At the present time, there is no registered public right of way. There is a claim for a new footpath to be added to the definitive map on a route which the footpath applicants state that they have walked for a long period of time. The claim can only be for the route that has been habitually walked and for no other route.

Mr Moore states that public footpaths should not run at the rear of dwellings. The fact that this route may in the future be at the rear of houses is irrelevant in this case. It is likely that the footpath claimants were using the field edge route for many years prior to the planning application even being thought of, hence their application to have the definitive map modified to include it.

The claimed route and that proposed by the developer is, for the most part, a straight line and therefore should have good visibility along its length.

The PALO has also states that routes for walkers, cyclists and vehicles should not be separated. The claim is for a public footpath, along which the public would have the right to use it on foot only.

From a public right of way perspective, the width of the route as shown on drawing PL210 in the planning application is considered reasonable (subject to the recommendations in my e-mail of 19 September 2013), for the public to exercise their right to pass and repass on foot.

Regards

Sarah Price
Public Rights of Way Officer
Environment, Transport and Development
Norfolk County Council
General enquiries: 0344 800 8020 www.norfolk.gov.uk
highways@norfolk.gov.uk
From: Price, Sarah <sarah.price@norfolk.gov.uk>
Sent: 11 October 2013 16:25
To: Gary Hancox
Subject: RE: Proposed dedication of public right of way. Planning application 2012/1814. [BIRKETTS-Legal.FID2878694]

Gary

I agree with Carol's comments regarding the proposed footpath. It is indeed comparable with many others across the county. I have made comments about the width of the path in earlier correspondence.

Carol is correct in stating that if the claim for a new route is pursued through evidential use, rather than through landowner dedication, the outcome may well be determined by an Inspector.

As previously advised, a mutual agreement between parties to dedicate a route would be the most expedient option in this circumstance.

Regards

Sarah Price
Public Rights of Way Officer
Environment, Transport and Development
Norfolk County Council
General enquiries: 0344 800 8020 www.norfolk.gov.uk
highways@norfolk.gov.uk
Sonia Payne

From: Price, Sarah <sarah.price@norfolk.gov.uk>
Sent: 19 September 2013 16:43
To: Planning
Subject: FW: Planning application 2012/1814

Re: Land north of Great Melton Road, Hethersett
FAO Gary Hancock

Thank you for consulting with us regarding the above application. The proposal to include a new public footpath resulting from a dedication by the developer is noted.

As you will be aware, there is currently a modification order ‘claim’ lodged with the County Council’s Definitive Map Team for a public right of way along the northern boundary of the site. The maps relating to this claim show a route linking Cedar Road (public highway) with Great Melton FP4. However, the plans showing the proposed dedicated route do not meet with the public highway at the eastern end (Cedar Road). Norfolk County Council will not accept a dedication that does not link into the existing highway network. No doubt the parties concerned are aware of this and will take this into account.

The claimed footpath route is slightly different to that proposed by the developer. At the western end (by the pond) the proposed footpath runs parallel to the footway and close to the houses. It seems unnecessary to have two routes running in parallel at this point. A more direct route for users of the proposed public footpath would turn due west between the pond and the pumping station before meeting FP4 rather than the proposed sinuous route which mirrors in part the road and footway.

The width of the dedicated footpath is variable along its length. The access statement concludes that there will be a ‘route which is sensitive to the request of a natural path within a wider corridor’. Sections 3 (as shown on drawing number PL210) shows the footpath running immediately adjacent to a ditch. It is recommended that the ‘corridor’ is widened here to allow minimum 1000mm between the ditch and the footpath.

If the above width recommendation is taken up, the width of the proposed footpath corridor will be such that the management company can use the corridor with appropriate machinery to maintain the hedges and ditches. However, it also would mean that unwanted vehicles could also use the footpath corridor. The developer may wish to consider including lockable/removable bollards in the corridor.

Regards

Sarah Price
Public Rights of Way Officer
Environment, Transport and Development
Norfolk County Council
General enquiries: 0344 800 8020 www.norfolk.gov.uk
highways@norfolk.gov.uk

To see our email disclaimer click here http://www.norfolk.gov.uk/emaildisclaimer
Dear Mr Hancox

Thank you for the opportunity to comment on a planning application to construct 158 dwellings, with associated access, car parking and open space provision, at land north of Great Melton Road, Hethersett.

Norfolk Constabulary has been contacted by a member of the public who wishes us to comment on amended plans for this development.

The request refers to the amended proposed route for the public footpath provision for the development, as shown on the amended Site Masterplan.

Although I cannot comment on the proposed height of bordering hedges or walls, if these have the effect of hiding the footpath from public view or cause it to deviate from a straight line sight, thereby causing concern for users, it should be re-routed to provide optimum safety for users. It should not run along the 'backs' of houses unseen, such footpaths can be used for anti social behaviour if not overlooked.

Routes for pedestrians, cyclists and vehicles should not be segregated from one another. Networks of separate footpaths to unsupervised areas facilitate crime and anti-social behaviour and should also be avoided.

Public footpaths should not run to the rear of, and provide access to, gardens, rear yards or dwellings as these have been proven to generate crime.

Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that it is:

**as straight as possible**
**wide**
**well lit (see clause 7)**
**devoid of potential hiding places**
**overlooked by surrounding buildings and activities**

Continued....................

We will answer letters within 10 working days, where information is available. Where this is not possible, an explanation will be given for any delay.
Continued........................

Physical barriers may also have to be put in place where ‘desire’ lines (unsanctioned direct routes) place pedestrians in danger, such as at busy road junctions. It is important that the pedestrian has good visibility along the route of the footpath. The footpath should be as much ‘designed’ as the buildings.

Where isolated footpaths are unavoidable, and where space permits, they should be at least 3 metres wide (to allow people to pass without infringing personal space), with at least a 2 metre verge on either side. If footpaths are designated as an emergency access route they must be wide enough to allow the passage of emergency and service vehicles and have lockable barriers.

The Norfolk Constabulary is currently obtaining information/guidance from each of the District Commanders and Local Delivery Inspectors for Policing impact.

This will include details in respect of any impact arising from this particular development and the estimated costs that would be sought. From the scale of development proposed and considering future development in Norwich, Broadland and other areas, it is anticipated that it may require financial contributions towards delivering Police services to address community safety, tackle the fear of crime and seek to achieve a reduction in crime.

We would respectfully request that fact be documented as part of your consultation process.

Crime Prevention is a partnership of responsibilities – owned by the community, led by the police. The community has an important role to play in preventing crime and by following the recommendations in this report; you can take a significant step towards that goal.


Recommendations included in this document have been considered to the specific site and take into account information available to the Police or supplied by you. If you have any further questions or concerns regarding the physical protection of your property, or any other security matter, please do not hesitate to contact me on 0845 456 4567 or email me on mooreb@norfolk.pnn.police.uk

Brian Moore
Architectural Liaison/Crime Reduction Officer
Norfolk Constabulary

We will answer letters within 10 working days, where information is available. Where this is not possible, an explanation will be given for any delay.
APPENDIX 5

1. **Appl. No:** 2012/1814/F  
   **Parish:** HETHERSETT

**Applicants Name:** Gladedale Estates  
**Site Address:** Land North Of Great Melton Road Hethersett Norfolk  
**Proposal:** Proposed residential development of 158 dwellings and associated access, car parking and open space provision

**Recommendation:** Approval with Conditions

1. Full permission time limit  
2. In accordance with amended plans  
3. Detailed surface water scheme (including maintenance and management of SuDS) to be submitted  
4. Foul water scheme to be submitted and approved  
5. Detailed highway drawings to be approved (estate roads)  
6. Roads to binder course before occupation  
7. Construction Traffic Management Plan (CTMP) to be agreed  
8. Location and details of site compound and wheel washing to be agreed  
9. All traffic to use CTMP during construction of the development  
10. Off-site highway works to be agreed  
11. Agreed off-site highway works to be completed before occupation  
12. Tree and hedge protection  
13. Landscaping  
14. Landscaping management  
15. Management and maintenance of open space to be agreed  
16. Scheme of archaeological work to be agreed and completed prior to commencement of development  
17. Fire hydrants (1 per 50 dwellings)  
18. Contaminated land during construction  
19. Permitted development rights removed for extensions to south elevation of plot 125  
20. Permitted development rights removed for conversion of garages/car ports  
21. No alterations to lose garage  
22. Construction noise and hours  
23. External materials to be agreed  
24. Detailed design drawings of the footpath to the north boundary of the site TBA  
25. Management and maintenance of the footpath and adjacent landscaping (inc. hedgerow) to be agreed prior to its implementation. Footpath to be implemented and available for use within 1 year of the commencement of development.

Subject to a S106 legal Agreement to secure contributions towards education, libraries, off-site open space and affordable housing.

1. **Planning Policies**

1.1 **National Planning Policy Framework**  
NPPF 01: Building a strong competitive economy  
NPPF 03: Supporting a prosperous rural economy  
NPPF 04: Promoting sustainable transport  
NPPF 06: Delivering a wide choice of high quality home  
NPPF 07: Requiring good design  
NPPF 08: Promoting healthy communities
1.2 Joint Core Strategy
Policy 1: Addressing climate change and protecting environmental assets
Policy 2: Promoting good design
Policy 3: Energy and water
Policy 4: Housing delivery
Policy 5: The Economy
Policy 6: Access and Transportation
Policy 7: Supporting Communities
Policy 9: Strategy for growth in the Norwich Policy Area
Policy 10: Locations for major new or expanded communities in the Norwich Policy Area
Policy 14: Key Service Centres
Policy 20: Implementation

1.3 South Norfolk Local Plan
ENV 2: Areas of open land which maintain a physical separation between settlements within the Norwich Area (Part Consistent)
ENV 8: Development in the open countryside (Part Consistent)
ENV 13: Sites of regional and local nature conservation interest and geological/geomorphological value (Part Consistent)
ENV 14: Habitat protection
ENV 15: Species protection
IMP 8: Safe and free flow traffic
IMP 9: Residential amenity
HOU 3: Strategic Land Reserve (Part Consistent)
HOU 4: Residential development within the defined Development Limits of the Norwich Policy Area settlements, and at selected locations along strategic routes
IMP 2: Landscaping
IMP 10: Noise
IMP 25: Outdoor lighting

1.4 Supplementary Planning Document
South Norfolk Place Making Guide 2012

2. Planning History

2.1 2012/0584 Screening opinion for residential development EIA – Not required

3. Consultations

3.1 Parish Council No comments.

3.2 District Members To be reported if appropriate.

3.3 Environmental Services (Protection) To be reported.

3.4 NCC: Public Rights Of Way Officer The footpath route needs to join up with a public highway at its eastern end. The route at the western end should be simplified.

3.5 NCC Highways No objection to a route being created as proposed. The footpath should join Cedar Road at its eastern end, whilst still maintaining adequate turning and parking facilities. A second path adjacent to the adopted path at the western end should also be avoided. Future maintenance of any new PROW should also be included within the
3.6 Representations

8 letters of objection to the incorporation of the footpath received

- Footpath not wide enough
- Will be dark in winter months and therefore unsafe
- Track does not follow the route of the walked path
- Hoggin not a common surface in the landscape
- Application should not be granted until footpath application processed.

Further objections also received in respect of the principle of development and the location of the vehicular access.

4 Assessment

4.1 The application is referred back to committee as the applicants have amended the layout of the approved scheme to include the provision of a footpath along the north boundary of the site connecting Cedar Road with footpath FP4. The provision of the footpath follows the lodging of a footpath modification order claim with the County Council’s Definitive Map Team. This request has been made by two local residents, and is based on the assumed use of the northern edge of the application site by walkers and dog walkers for the last 20 + years.

4.2 Although the suggested footpath modification has yet to be confirmed, the applicants have elected to take account of its proposed route within their scheme. The amended site Master plan and footpath cross sections are included as appendix 2.

4.3 The addition of the footpath has only minimal impact on the layout, and results in some of the plots to the north of the site being reduced in size. The proposed footpath measures 2 metres in width, with an additional landscaped verge to the north side separating the path from the ditch. The suggested construction material is hoggin, which will be natural in appearance and is permeable.

4.4 All other matters remain as approved by members of the Development Management Committee on the 27th March, other than those matters raised in this covering report. The previous report is therefore attached as appendix 3.

4.5 It is noted that several residents have objected to the footpath on the grounds that it is not wide enough, and could become overgrown. As the footpath has not been designed as a cycleway, a width of 2 metres is considered acceptable, and indeed no objection to the width of the path has been received from either NCC: Highways or the County PROW officer. A scheme of management for the footpath can be required by condition of any approval, and this can include maintenance of the hedgerow.

4.6 The path needs to connect to Cedar Road (in order to facilitate future adoption), and I have therefore requested this to be incorporated to a further amended plan, which will be available for members to view at planning committee.

4.7 It is also noted that several objections have been received to the principle of development and the location of the access point on Great Melton Road (a request being made that it be located opposite the New Road junction). However, the principle of development, and the position of the access has already been approved by members, and is not relevant to the proposed amendment. Notwithstanding this, the issue of the location of the access point on Great Melton Road was raised with NCC: Highways, who commented that an access via a roundabout opposite New Road was not proposed as the landowner does not control
Development Management Committee  6 November 2013

enough land to provide it. The alternative access location, as proposed and already agreed, is acceptable in terms of highway impact.

5-year land supply

4.8 Although not relevant to the proposed amendment before you now, I wish to draw members attention to the current published position in respect of the 5-year land supply of housing, (this being a material consideration for members in resolving to approve the application in March). In September this year the Council has published the housing land supply position as at 31st July 2013. Within the South Norfolk part of the Norwich Policy Area, the Council had a land supply of 5.34 years (or 5 years + 7%). This already approved application contributes towards this supply, and is also an allocation for housing development in the Pre-Submission version of the Site Specific Allocations & policies, agreed by Council on the 23rd September 2013.

4.9 Consequently, the reasons for approving this application remain as per the resolution of members of the Development Management Committee on the 27th March 2013.

5 Conclusion

5.1 On the assumption that the footpath modification request is confirmed, and that a Public Right of Way is created between Cedar Road and FP4 to the west of the site, the proposed amended layout successfully incorporates the footpath without detriment to the existing approved layout. Should the public right of way not be confirmed, then the layout can revert back quite easily to that previously approved.

5.2 The site is in a sustainable location, and has been chosen as a preferred site for housing for inclusion in the emerging LDF site allocations document. The requirements of the NPPF and the presumption in favour of sustainable development outweigh other material considerations and that the proposed development can be accepted as a departure from local saved plan policy ENV8.

5.3 The design and layout of the scheme is appropriate for its context and will not significantly harm the amenities of neighbouring properties. The development will not cause significant or substantial harm to the setting of the heritage assets adjoining the site, and accords with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as section 12 of the NPPF. The development accords with the relevant saved Local Plan policies, in particular policies IMP8 (Safe and Free Flow of Traffic), IMP9 (Residential Amenity), and IMP15 (Setting of listed buildings). These policies are given due weight as they remain wholly/partly consistent with the published NPPF.

5.4 In all other respects, and subject to appropriate conditions, the proposed development is in accordance with the Sections 6, 7, 10 & 11 of the NPPF and relevant policies the Joint Core Strategy.

Contact Officer, Telephone Number and E-mail:       Gary Hancox 01508 533841 ghancox@s-norfolk.gov.uk
APPENDIX 5

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   NPPF 03: Supporting a prosperous rural economy
   NPPF 04: Promoting sustainable transport
   NPPF 06: Delivering a wide choice of high quality home
   NPPF 07: Requiring good design
   NPPF 08: Promoting healthy communities
   NPPF 11: Conserving and enhancing the natural environment
   NPPF 12: Conserving and enhancing the historic environment

1.2 Joint Core Strategy
   Policy 1: Addressing climate change and protecting environmental assets
   Policy 2: Promoting good design
   Policy 3: Energy and water
   Policy 4: Housing delivery
   Policy 5: The Economy
   Policy 6: Access and Transportation
   Policy 7: Supporting Communities
Policy 9: Strategy for growth in the Norwich Policy Area
Policy 10: Locations for major new or expanded communities in the Norwich Policy Area
Policy 14: Key Service Centres
Policy 20: Implementation

1.3 South Norfolk Local Plan
ENV 2: Areas of open land which maintain a physical separation between settlements within the Norwich Area (Part Consistent)
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IMP 25: Outdoor lighting

1.4 Supplementary Planning Document
South Norfolk Place Making Guide 2012

2. Planning History

2.1 2012/0584 Screening opinion for residential development
EIA not required

3. Consultations

3.1 Parish Council
- The development site is in the wrong location
- A development of 158 dwellings would compromise and overload existing facilities
- Added congestion to roads
- Urban development in a rural setting
- The development will bring no benefits to the village
- The proposed road network for the development should be redesigned around the periphery of the site to encourage traffic to use New Road rather than through the village centre
- The play areas are designed to be adjacent to the main estate road
- Consideration needs to be given to the capacity of the neighbouring field ditches to take surface water flow
- It is essential that the footway in Great Melton Road joins with the new development

3.2 District Members
To be reported if appropriate.

3.3 GNDP
No comments received

3.4 Environmental Services (Protection)
No objection in respect of flood risk, subject to appropriate conditions.
3.5 Environment Agency No objection, subject to appropriate conditions.

3.6 NCC Highways Amendments requested to improve the internal estate road layout. Comments on amended plans awaited.

3.7 NCC: Historic Environment Service No objection subject to an appropriate condition requiring a written scheme of investigation has been submitted and agreed, and the development shall be built in accordance with the agreed scheme.

3.8 Anglian Water Services Ltd The development will require off-site foul drainage upgrades. The drainage strategy for the site will cover the procurement of these works and should be required by condition.

3.9 Conservation Officer Comments on amended plans to be reported.

3.10 Landscape Officer Consulted but not received.

3.11 Ecologist Consulted but not received.

3.12 Housing Strategy Manager The proposed level of affordable housing (52 units) equates to 33% as required by JCS Policy 4. The proposed housing mix meets an appropriate range of need, and is acceptable.

3.13 NCC- Planning Obligations Request developer contributions towards Primary and High School provision, totalling £807,938.

3.14 SNC Planning Policy • As a Key Service Centre and Major Growth Location in the NPA, Hethersett was identified for an additional 1,000 dwellings in the JCS, plus consideration for additional development to help deliver the ‘smaller sites in the NPA’ allowance.
  • During the recent Site Specific Allocations process, the application site emerged as one of the preferred sites in Hethersett. It has been identified for 106 dwellings.
  • The NPA does not have a five year supply of housing land.

3.15 Highways Agency No objection.

3.16 Norfolk Police No comments received

3.17 Representations 31 letters of objection received

- Infrastructure will not be able to cope with additional dwellings
- There is already too much traffic in the village
- Should not be building on green fields
- Traffic will be forced to go through the village
- Site has a high ground water table
- Site has no footpath links
- Development will lead to increased noise/air pollution and traffic safety issues
- Development will impinge on the setting of a listed building
- Will jeopardise the neighbourhood’s peace and security
- Will affect the setting of two heritage assets (no. 70 Great Melton Road, and Cedar Grange). Should be a screening belt between the site and no. 70 Great Melton Road
- Would result in the loss of grade 3 agricultural land
- Development offers nothing for the residents of Hethersett
- Safe cycle and pedestrian routes need to be considered
Development is too dense
Will there be enough power to serve all the houses?
Existing street lighting is not good enough to serve the development.

4 Assessment

4.1 This applicant proposes the development of 158 dwellings, together with access, open space, landscaping and associated infrastructure. It is a full application, so matters of detailed design are to be assessed at this stage. The application site comprises approx. 5.75 hectares of arable land located to the north of Great Melton Road at the western edge of the village. The western boundary of the site follows the line of the public footpath and parish boundary. This boundary has a hedge and trees that provide significant screening to the site. The northern boundary of the site also contains a mature hedgerow and trees, with the southern boundary being more open where it fronts onto the road. The proposed development density is 27 dwellings per hectare.

4.2 A good mix of 1, 2, 3, 4 and 5 bed properties are proposed, along with 33% affordable housing in accordance with JCS policy.

4.3 The site adjoins existing residential development to the south and east, where there is a mix of bungalows and two-storey properties. No. 70 Great Melton Road (directly adjoining the site to the east) is a grade 2 listed building, as is Cedar Grange to the north-east of the site. The site is not within a Conservation Area.

4.4 Although separate to the recently approved larger Hethersett North strategic site (1196 dwellings to the north of the village), one element of the scheme provides a new road connecting the western side of ‘Hethersett North’ to Great Melton Road. This road will eventually allow for a new bus link through ‘Hethersett North’ to the rest of the village via New Road to the south.

4.5 As the site is located outside the current development boundary in an area of open countryside (as defined by the South Norfolk Local Plan 2003), the application is clearly contrary to saved local plan policy ENV8. The proposal should therefore be refused unless there are material considerations that dictate otherwise. In my opinion, the following material considerations need to be taken into account in this case:

- The provisions of the adopted Joint Core Strategy (JCS), which allocates Hethersett for further development of at least 1000 dwellings during the period 2011 to 2026.

- There is an acknowledged lack of a 5-year housing supply within the Norwich Policy Area (currently 68.3% years supply in the NPA.) The recently published National Planning Policy Framework makes it clear that there is a presumption in favour of sustainable development, and that relevant policies in the local plan cannot be considered up-to-date where a 5-year supply of deliverable housing sites does not exist. The 5-year supply also includes an additional buffer of 5%.

- Having regard to Hethersett being a location for major expanded communities as set out in Policy 10 of the JCS, the site is a sustainable location for development.

- The site appears to be deliverable (as defined by section 6 of the NPPF) in that it is available now and offers a reasonable prospect of significant levels of housing being delivered within the next 5 years).

- Other relevant sections of the NPPF as set out above.
4.6 It will be noted above that there has been a significant amount of objection to the proposal from local residents raising a number of issues. The Parish Council also objects to the development of the site. Taking these comments into account, the main issues that members need to consider are:

- The provisions of the NPPF, the adopted JCS, the identification of the majority of the site as a preferred allocation for residential development, and the requirement to achieve a 5-year land supply of housing.
- Suitability of the site, having regard to the design and layout and the impact on the character and appearance of the area
- Impact on the setting of heritage assets
- Drainage & flood risk
- Impact on residential amenity
- Highways Impact (including cycleway and pedestrian links)

**NPPF, JCS & the 5-year land supply of housing**

4.7 The presumption in favour of sustainable development does not remove the need to assess the proposed development having first had regard to the development plan, however the relevant planning policies referred to need to be up-to-date. The GNDP has accepted that there is a 5-year land supply deficit with the Norwich Policy Area, and as Section 6 of the NPPF points out, where this is the case, the relevant development plan policies cannot be up-to-date. Whilst material considerations then need to be taken into account, the NPPF advises that development should be approved unless the 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

4.8 In terms of sustainability, the site is well located in relation to the secondary school and other local facilities. The village has a range of local facilities dispersed throughout it with there being two clusters of facilities located on the convergence of routes. Hethersett has good bus links to Norwich and Wymondham, and it is well located for the Norwich Research Park, Norfolk & Norwich University Hospital, and the University of East Anglia to the north-east of Hethersett and Longwater Business and Retail Park to the north.

4.9 It is noted that some residents feel that the site should not be considered ahead of specific sites having been allocated for development through the Local Development Framework process. However, taking the above into account it is clear that in location terms this site represents sustainable development and that a demonstrable lack of a 5-year housing supply carries significant weight in the consideration of this application.

4.10 Although carrying limited weight, consideration must also be given to the fact that the site is a preferred allocation for development.

**Design and layout and the impact on the character and appearance of the area**

4.11 Both JCS Policy 2 and Section 7 of the NPPF require high quality design, and great importance is attached to the design of the built environment, with it seen as a key aspect of sustainable development. The design and access statement submitted with the application explains how the scheme has been influenced by a contextual and character appraisal of the site and the surrounding area. A site layout and example street scenes are attached as appendix 2 to this report.

4.12 Landscape and ecological assessments have been carried out that conclude that the due to the undulating nature of the local landscape beyond the site and the frequent occurrence of trees, hedgerows and woodland, the visual impact of development of the site would be constrained to views in close proximity to the edge of the site. The ecological assessment concludes that with the exception of the hedgerows and trees bounding the site, the site
Development Management Committee  6 November 2013

has limited ecological value. I would generally concur with these conclusions, although the development of the site will lead to the loss of habitat for such species as brown hare and grey partridge. I also note that no objections to the development have been received from either the Council’s Landscape Officer or Ecologist.

4.13 Generally, the layout has been informed by the retention of existing landscape features within the site boundary, including hedgerows and trees along the edges of the site that help to enhance the overall quality of the scheme. The retention and enhancement of the pond in the north west corner of the site creates an attractive focal point and will enhance the biodiversity of the area. The layout is structured around a hierarchy of streets with variations in character that help to define streets and keep vehicle speeds low. The central open space area has been improved through negotiation, and now incorporates more of a ‘tree lined avenue’ approach.

4.14 The house types proposed for the site are generally appropriate in terms of their context and scale and amendments have resulted in the majority of parking provided on-plot, in garages, or under car ports. The layout has successfully accommodated car parking so that it does not dominate the street.

4.15 The amended scheme has been assessed by the Council’s Design Officer who comments that it generally follows the criteria set out in ‘Building for Life’, and accords with the requirements of the South Norfolk Place Making Guide. The application therefore accords with JCS Policy 2 and section 7 of the NPPF.

Impact on the setting of heritage assets

4.16 There are two listed buildings adjoining the site. Cedar Grange to the north east of the site, beyond Cedar Road, and No. 70 Great Melton Road (The Hollies). Cedar Grange is a 17th century house with 19th century additions, and No. 70 Great Melton Road is an intact example of a mid-19th century house. Both are Grade 2 Listed buildings.

4.17 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on local planning authorities to give special regard to the preservation of the setting of listed buildings. The Conservation Officer has visited the site and raised some concern with the proximity of the proposed development to The Hollies, and considered that Cedar Grange should be further protected by the enhancement of the natural setting of the building through additional planting on the road frontage.

4.18 Amended plans have now been received from the applicant that indicates an increased gap between the proposed bungalow on plot 125 and the boundary of The Hollies. Additional planting has been provided to the road frontage and the north-east corner of the site. I have reconsidered the impact on the setting of the listed buildings, and have concluded that the amended scheme will not have a significant or substantial detrimental impact on their setting. The scheme therefore accords with the requirements of section 66 of the 1990 Act, and section 12 of the NPPF.

Drainage and flood risk

4.19 Local residents have raise some concerns in respect of flood risk attributable to the development, however the site lies within Flood Zone 1 defined as having a low probability of flooding. The applicants have submitted a Flood Risk Assessment that is compliant with the requirements of the NPPF. The scheme incorporates a sustainable drainage system (SuDS) and the drainage strategy has been designed to accommodate a 1:100 year storm event with a 30% allowance for climate change. The system includes the use of an attenuation basin, and the discharge rates from this will be restricted to less than Greenfield run-off rates.
4.20 Subject to the effective management of the surface water drainage system, which can be required by condition, the Environment Agency raises no objection to the application.

4.21 Anglian Water has been consulted in respect of foul water drainage, and they confirmed that Whitlingham sewerage treatment works has capacity to accept the foul flows from the development. The drainage strategy being prepared in consultation with them will provide for the necessary off-site network improvements required to accommodate the development, and again this can be required by condition.

4.22 Taking the above into account the development is considered to accord with the requirements of section 10 of the NPPF.

**Impact on residential amenity**

4.23 The impact in terms of existing residential amenity has been considered in respect of properties that front onto Great Melton Road, and those that border the site in Glengarry Close, Melton Court and Cedar Road. Adequate separation distances (window to window) have been provided where the site adjoins these neighbouring properties, and, where appropriate, single storey dwellings are proposed to further minimise any potential impact.

4.24 Some residents have raised concerns in respect of the access onto Great Melton Road causing disturbance at night through car headlights shining into facing windows. However, whilst it is clear that there will be additional disturbance from vehicular traffic using this access (which is also a future link through to the large Hethersett North site), I do not feel that this will be so detrimental as to warrant refusal of the application.

4.25 Whilst it is acknowledged that development of this site will give rise to an increase in general levels of disturbance and impact on the amenity of neighbouring properties, this impact would not be so severe as to warrant a refusal of the application, which accords with saved local plan policy IMP9.

**Highway Impact**

4.26 The main access to the site is via a new road in the middle of the site frontage to Great Melton Road that will ultimately link through to the recently approved ‘Hethersett North’ development. A pedestrian/cycle link is proposed to Cedar Road. Improved footway connections along Great Melton Road are proposed to give improved links to the village centre, and the development will also link in to the existing public footpath running along its western boundary. Two smaller private drive accesses will also connect with Great Melton Road.

4.27 I acknowledge that many residents have expressed concerns in respect of highway impact, however NCC: Highways raise no objection to the principle of the development or the proposed access arrangement from Great Melton Road. Amendments to the internal road layout have been requested and these changes have been incorporated within the revised scheme. Comments from NCC: highways on these plans are awaited. Subject to their being no objection raised to the amended plans, then the proposal accords with the requirements of saved local plan policy IMP8.

5. **Reason for Approval**

5.1 It is accepted that there is not a five year supply of sites within the Norwich Policy Area. The National Planning Policy Framework (NPPF) is clear and explicit that in such circumstances Local Planning Authorities should consider favourably sustainable development that would address that deficit. The lack of a five year supply and the requirements of the NPPF are a very strong material consideration in favour of this application.
5.2 The site is in a sustainable location, and has been chosen as a preferred site for housing for inclusion in the emerging LDF site allocations document. The requirements of the NPPF and the presumption in favour of sustainable development outweigh other material considerations and that the proposed development can be accepted as a departure from local saved plan policy ENV8.

5.3 The design and layout of the scheme is appropriate for its context and will not significantly harm the amenities of neighbouring properties. The development will not cause significant or substantial harm to the setting of the heritage assets adjoining the site, and accords with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as section 12 of the NPPF. The development accords with the relevant saved Local Plan policies, in particular policies IMP8 (Safe and Free Flow of Traffic), IMP9 (Residential Amenity), and IMP15 (Setting of listed buildings). These policies are given due weight as they remain wholly/partly consistent with the published NPPF.

5.4 In all other respects, and subject to appropriate conditions, the proposed development is in accordance with the Sections 6, 7, 10 & 11 of the NPPF and relevant policies the Joint Core Strategy.

Contact Officer, Telephone Number and E-mail: Gary Hancox 01508 533841 ghancox@s-norfolk.gov.uk
Character Area 1: Wallington: frontage along the Great Melton Road

6.6 The site frontage on Great Melton Road consists of rows of houses set back from landscaped courtyards. The houses are largely two-storey, made contiguous by linking garages or carparks. Bungalows are located at the eastern end, arranged around a Local Area of Play, presenting the setting of 'The Knolls' Listed Building and reflecting the scale and character of the bungalows opposite.

6.9 The access road area is marked by a pair of prominent houses on either side, picked out in white and given pyramidal roofs and chimneys. The rear back of houses from the road mirrors that on the south side of Great Melton Road: the landscaped areas in front of the parking courts provide a green edge, also mirroring what happens on the south side.
6.10 The Avenue is the principle route into the development, with the potential for the road to extend northwards to the ‘Hathersett North’ development. The Tyron road is a wide tree lined street with deep planted verges and free of car parking and leads to and through the central space, the Green. Short groups of terraced houses line the entrance section of the road.

6.11 The Avenue continues northwards, lined with building frontages by flint walls with entrances, stopping short of the northern boundary with a landscaped strip. Houses will be treated in a mix of materials with predominance of flint, both in the yellow brick found widely in the area and red brick.
Area 3 – ‘The Green’

6.12 The centre of the site is dominated by ‘The Green’, a large open space and containing a 408pm LEAP Local Equipped Area (and). The Green acts as a focus for movement around the site, where the ‘loop roads’ connect to all areas and most footpaths have direct access to it.

6.13 The area is landscaped and defined by short terraces of two-storey houses and will be landscaped to create an attractive amenity in the heart of the development. A raised pedestrian crossing has been proposed across the Type 1 road, to unify both sides of the open space, improve connectivity and provide a safe convenient crossing point.
Development Management Committee
6 November 2013

Applications referred back to Committee

2 Appl. No : 2013/0335/F
Parish : BROOKE

Applicants Name : Mrs F Hornor
Site Address : Village Hall Norwich Road Brooke Norfolk NR15 1AB
Proposal : Erection of bespoke lighting system, comprising 4 steel columns at 8m mounting height with 2x specialised, state of the art Philips Optivision sports projector light fittings on each (8 in total) at Brooke Tennis Club to extend the playing season within limited hours

Recommendation : Refusal

1 Detriment to residential amenities
2 Contrary to SNLP policies IMP9, IMP10 and IMP25

Introduction

The application was presented to Development Management Committee on 17 July 2013. Members voted 7-2 (with 1 abstention) for approval (contrary to the officer’s recommendation). Members considered that harm from the lighting to the neighbouring property is not so significant as to warrant refusal and is balanced by the promotion and development of community access to an established village sports facility, in accordance with paragraph 28 of the National Planning Policy Framework.

Updates given to Committee on 17 July
Applicant:- Reduced the lighting time to 8:30pm
Ecologist:- Before I can support this application, written confirmation is required from the applicant’s ecologist that the findings of the 2008 Ecological Report have not changed. If the situation has not changed, I would recommend that the lighting is restricted to no later than 8:30pm all year round.
Representations:- Additional letter of objection: As a lighting and illumination engineer I consider that the proposed lighting scheme is flawed and completely inappropriate in this particular location
Environmental Health Officer:- Following a recent artificial light training course, it is best practice to consider the existing illuminance where lighting installations are to be installed, in addition to the proposed illuminance. I therefore require that the illuminance measurements are made on behalf of the applicants along the boundary with the nearest residential receptor and are provided prior to determination.

Following the committee meeting concerns were raised that the decision had been made without the information required by the Ecologist and the Environmental Health officer. Legal advice was sought and we were advised to refer the application back to committee with updated ecology and lighting information for members to re-consider the proposal.

During the intervening period the Ecologist has visited the site and had various discussions with applicant’s ecologist. He has confirmed that the situation has not changed since the original survey and there is no need for further surveys. He now raises no objections subject to conditions. A lighting survey has been submitted to address the Environmental Health officer’s comments and he now raises no objections to the proposal.

Therefore the application has been referred back to committee to enable members to re-consider the application.
Original Committee Report

1. Planning Policies

1.1 National Planning Policy Framework
NPPF 08: Promoting healthy communities
NPPF 12: Conserving and enhancing the historic environment

1.2 Joint Core Strategy
Policy 2: Promoting good design
Policy 8: Culture, leisure and entertainment

1.3 South Norfolk Local Plan
IMP 9: Residential amenity
IMP 10: Noise
IMP 18: Development in Conservation Areas.
IMP 25: Outdoor lighting
LEI 2: Village halls and small scale leisure facilities
LEI 6: Smaller scale leisure facilities (Part Consistent)
ENV 15: Species protection
ENV 14: Habitat protection

2. Planning History

2.1 2011/2111 Erection of storage shed for Brooke Play Park Equipment
Approved

2.2 2010/1011 Replacement of recreation facilities to include proposed enlargement of the area designated to the play park. Proposed new equipment and fencing.
Approved

2.3 2010/0759 Proposed solar panels
Approved

2.4 2008/1184 Erection of 6no 8 metre galvanised lamp posts, each with 2 no Philip luminaries type MVP 507 WB 1kWrowing variety set back to improve visibility
Refused

2.5 2000/0121 Erection of extension to rear of parish hall and retention of extension to car park
Approved

2.6 1999/0699 Installation of floodlighting system to tennis courts
Refused

3. Consultations

3.1 Parish Council
Refuse
- Inappropriate and unacceptable within the conservation area, which has limited sources of artificial lighting and no street lights
- Concerned about light pollution affecting a number of nearby residential dwellings, closest of which is only a few metres from one of the proposed lighting columns

3.2 District Member
To be determined by committee
- As a service village, the provision of enhanced sporting and leisure facilities is to be encouraged by Core Strategy and local policies.
The tension between these and the objections should be resolved by committee

3.3 Conservation Officer

- No objections
- The impact of the proposal would be less than substantial harm under Para 134 of the NPPF

3.4 Environmental Services (Protection)

- No objection to the amended details

3.5 Active Life And Play Officer

- No comments received

3.6 NCC Highways

- Support with conditions

3.7 Ecologist

- To be reported

3.8 Representations

- The Brooke Society - object
  - Lights will harm the great valued 'dark skies' of Brooke that add so much to character and appearance of the village
  - Light spill will be detrimental to householders nearby

- The British Astronomical Association’s Campaign for Dark Skies - supports the concerns of local residents

  2 letters of support
  - As long as the hours are not passed 9pm
  - Encourage and enable people to exercise more
  - Understand concerns re light pollution but feel the need for people to exercise out weights this
  - The courts could be used more during the weekends

  26 letters of objection
  - Negative impact on amenities via excessive direct and reflected light and noise disturbance
  - Third application following two previous refusals
  - Negative impact on fauna, flora and great crested newts
  - Inappropriate, unattractive visual intrusion in the conservation area
  - Tennis club is not fully utilised on weekends
  - Increased traffic
  - Norwich road is not noisy in the evenings
  - The village hall is not noisy and rarely experienced any disturbance
  - Enjoyed the amenity of darkness without the benefit of street lighting
  - Concern that the Local Member has asked the application to be determined by committee
  - Concern that the conservation officer has reached his conclusion without supporting evidence that the public benefits outweighs the harm
  - Not a public facility but a private tennis club
  - Members of the Norwich Astronomical Society based at Seething have extreme concerns regarding light pollution
  - The Society moved from its previous site due to light pollution and any additional lighting would have a major impact on the function of the society
  - Impact on its charitable purposes of education and public outreach
  - Negative impact on an area currently known for its excellence for astronomy and nocturnal wildlife including bats and owls
4 Assessment

4.1 This application seeks consent for the erection of 4 no. 8 metre high lighting columns with 2 no Philip Optivision sports projector light fittings on each, at Brooke Tennis Club. The two all-weather courts are located within the village hall complex on the eastern side of Norwich Road, they are to the rear of the existing bowling green which fronts onto Norwich Road. The courts are surrounded by wire fencing which is visible from Norwich Road. There is a club house located to the northern side of the courts. To the south and on the opposite side of the road there are residential properties. The site is within the conservation area for the village and Brooke does not have street lights.

4.2 The applicants wish to develop and sustain the provision of the tennis facilities in Brooke by extending the playing season and by offering training sessions year-round outside the late spring and summer months. The courts would be lit by 4 no columns placed in the corners of the perimeter fence. Each of these poles would support 2 x 1 kW Philip Optivision MVP507 Floodlights (8 in total). The light source would be metal halide with a white colour rendering. It is proposed to restrict the operation of the lights by way of automatic timer, until 9.15pm between April and September and 9pm in other months (they advise that the standard practice on all other flood-lit courts is 10pm cut off-time). They consider that the reduction in number of columns from 6 to 4, the reduction of floodlights from 12 to 8, the reduction in lighting levels from 607 lux average to 444 lux average and the reduction in the spillage envelope surrounding the two courts overcomes the previous reasons for refusal.

4.3 The policies in the NPPF, JCS and SNLP seek to encourage the provision, expansion, enhancement of leisure facilities. This is provided that there would be no harm to the environmental characteristics and where lighting is required that the light spillage and glare are minimised, particularly in areas of open countryside or on the edge of settlements, and there is no detrimental impact on residential amenity.

4.4 The application site is located within the conservation area for the village of Brooke and the previous permission was refused due to the impact on the conservation area. The conservation officer has commented that Brooke and Kirstead conservation areas have their significant interest derived from the Meres, the surviving greens and legacies of the country houses, as well as the many historic buildings. The NPPF in Para 138 advises that not all elements of the conservation areas will contribute to its significance. He considers that the character of the section of the area along Norwich Road could not be said to typify that outlined above and as such does not contribute to the significance of the area as a whole. Therefore the impact of the floodlights would be 'less than substantial harm' and under Para 134 of the NPPF, this harm needs to be weighed against the public benefits of the proposal. In view of the above, which is a policy change in emphasis, the conservation officer raises no objections to the proposed development as its impact would be less than substantial harm under Para 134 of the NPPF.

4.5 The nearest neighbour is located to the south of the site, with a distance of approximately 5m between the south west corner and approximately 2m between the south east corner of the tennis courts and the common boundary with 14 Norwich Road which is a 1.8m wooden screen fence. The previous application was refused on residential amenity grounds. As with the previous applications the environmental health officer has not raised any objections to the proposal, he comments that the revised lighting report now calculates that vertical light intrusion will be 0.56 lux on the north windows of 14 Norwich Road; 1.03 lux on the east windows of the same property; and 0.24 lux on the north windows of 12 Norwich Road.

4.6 Whilst I fully appreciate that this application looks to reduce light spillage and technology has moved on since the 2008 application, the proposal would have an unacceptable impact on the amenity of the adjacent residential properties, notwithstanding the fact that the environmental health officer has not raised an objection based on a statutory nuisance. The light sources would be positioned at a level which is higher than the first floor windows of the adjoining dwelling and will create spillage as set out above. Equally the light will spill
into the rear garden of 14 Norwich Road. Furthermore the current proposal would enable the courts and floodlights to be used until 9pm to 9.15pm depending on the time of year, which will result in additional noise and general disturbance from players using the courts. The current use during daylight hours means that the adjacent occupiers inevitably enjoy quieter surroundings during the winter months and darker spring and autumn evenings, compared with the summer evenings. The proposal would be contrary to policies IMP9, IMP10 and IMP25 of the SNLP.

4.7 I have discussed with the applicants the above concerns and suggested that a compromise would be the lighting of one courts only, that being the furthest away from the neighbour, however they wish the application to be determined as submitted.

4.8 There have been a number of concerns raised as set out above, and whilst I fully appreciate the issues raised and accept that there may be an impact on the users of the Seething Observatory, I do not consider that this impact would be so detrimental as to warrant refusal on this ground due to the distance of the observatory to the tennis club and the number of lights likely to be already in place between Brooke and Seething. In respect of the impact on the conservation area and highway safety given that the conservation officer and the highway officer have not raised an objection to the proposal, I do not consider the proposal could be refused on these concerns.

4.9 The proposal will improve the facilities at the tennis club which is supported by Council policies, but this has to be balanced against the impact on the amenities of the adjoining residential properties. The proposed floodlighting in an otherwise dark environment would adversely impact on the amenities of the neighbouring residential properties to an unacceptable degree and I recommend that the application be refused.

5 Reasons for Refusal

5.1 The proposed floodlighting would by virtue of their siting in a 'Dark Sky' environment and close proximity to the adjacent residential properties, give rise to situation detrimental to the amenities of the adjacent residential properties. The detriment would be by reason of increase noise and disturbance due to the extended use of the tennis courts; and the light spillage into the adjoining residential properties and their associated residential curtilages.

5.2 The proposal is contrary to the provisions of the South Norfolk Local Plan 2003, including, in particular, policies IMP9 (Residential amenity), IMP10 (Noise) and IMP 25 (Outdoor lighting).

Contact Officer, Telephone Number Claire Curtis 01508 533788 and E-mail: ccurtis@s-norfolk.gov.uk
Major applications or applications raising issues of significant precedent

3  Appl. No : 2013/0828/O
Parish : STOKE HOLY CROSS

Applicants Name : Mr R Harrold
Site Address : Land North of Long Lane Stoke Holy Cross Norfolk NR14 8LY
Proposal : An outline application erection of 24 dwellings and associated vehicular access, allotments, public amenity land and community car parking.

Recommendation : Approval with conditions

1. Standard 3 year time limit for implementation
2. In accordance with amended plans
3. Materials
4. Highway details
5. Works in accordance with highway details
6. Roads to binder course before occupation
7. Garages to have minimum dimensions of 7 x 3 metres
8. Off-site highway improvement works details to be submitted and agreed (if required)
9. Implementation of off-site highway works
10. TRO to extend speed limit (if required)
11. Development in accordance with agreed masterplan
12. Surface water drainage details
13. Foul water drainage details
14. Archaeology (written scheme of investigation)
15. Landscaping
16. Landscaping management
17. Boundary treatments TBA
18. Contaminated land during construction

Subject to a S106 legal agreement providing for developer contributions towards libraries, open space and play areas, and the transfer of land to the parish to provide for enhanced community facilities. The agreement will also confirm the type, tenure and mix of affordable housing including its affordability in perpetuity.

1. Planning Policies

1.1 National Planning Policy Framework
   NPPF 01: Building a strong competitive economy
   NPPF 03: Supporting a prosperous rural economy
   NPPF 04: Promoting sustainable transport
   NPPF 06: Delivering a wide choice of high quality home
   NPPF 07: Requiring good design
   NPPF 08: Promoting healthy communities
   NPPF 11: Conserving and enhancing the natural environment
   NPPF 12: Conserving and enhancing the historic environment

1.2 Joint Core Strategy
   Policy 1: Addressing climate change and protecting environmental assets
   Policy 2: Promoting good design
   Policy 3: Energy and water
   Policy 4: Housing delivery
   Policy 5: The Economy
   Policy 6: Access and Transportation
   Policy 7: Supporting Communities
Policy 9 : Strategy for growth in the Norwich Policy Area
Policy 15 : Service Villages
Policy 20 : Implementation

1.3 South Norfolk Local Plan
ENV 8: Development in the open countryside (Part Consistent)
ENV 14: Habitat protection
ENV 15: Species protection
IMP 8: Safe and free flow traffic
IMP 9: Residential amenity
IMP 2: Landscaping
IMP 25: Outdoor lighting

1.4 Supplementary Planning Document
South Norfolk Place Making Guide 2012

2. Planning History

2.1 None

3. Consultations

3.1 Parish Council
Original Plans
Supports the development of this site in principle, but wish to consider and discuss the contents of a S106 agreement to ensure that the current infrastructure problems are taken into account.
Concern has been expressed in respect of loss of views from the rear of the existing houses, and loss of wildlife.

Amended Plans
Comments on amended plans to be reported.

3.2 District Member
To committee.

3.3 SNC: Environmental Services
No objection, subject to suitable conditions.

3.4 NCC Highways
Comments on amended plans to be reported.

3.5 Anglian Water Services Ltd
No objection.

3.6 SNC: Design Officer
No objection to amended Masterplan and supporting information.

3.7 Environment Agency
No comments received

3.8 Ecologist
No objection – requests that an ecological and landscape Masterplan be submitted and approved by condition.

3.9 Housing Strategy Manager
No objection, subject to an appropriate housing mix.
3.10 Operations Manager – Ketteringham Depot

No comments received

3.11 SNC : Flood Risk Officer

Insufficient information has been provided to show that surface water drainage can be effectively managed including long-term maintenance.

3.12 Police Architectural Liaison Officer

No objection

3.13 Flood Defence Officer

No objection, but further information is required in respect of the future management of drainage.

3.14 NCC- Planning Obligations

No contributions sought on this occasion.

3.15 Landscape Officer

Requested a hedgerow assessment to be undertaken in order to make a full assessment of the proposal. Comments on the submitted assessment to be reported.

3.16 Norfolk HES

Request a condition be attached to any approval requiring a programme of archaeological work to be agreed.

3.17 Representations

Two letters of support received
- Provides space for community development land
- Provide parking spaces for school

14 letters of objection received
- Car park not needed
- Loss of view
- Impact on infrastructure e.g. roads, school
- Loss of wildlife habitat
- Development should be single storey only
- Noise/light pollution
- Access will be dangerous
- Site is not identified as preferred
- No demonstrated need for allotments

A petition containing 10 signatures from Long Lane residents received.

4 Assessment

4.1 The application site is located at the eastern edge of the village, outside the development boundary, and comprises 2.4 hectares of agricultural land to the rear of numbers 1 – 18 Long Lane. The majority of the north, east and west boundaries comprise mature hedgerows interspersed with trees, however the southern boundary of the site adjoins the rear gardens of existing development. These dwellings are two-storey semi-detached and have individual accesses of Long Lane. The site is relatively flat, although there is a change in levels down to the land beyond the west boundary of the site, where a pavilion, car park and football pitch are located. A site location plan is attached as appendix 1.

4.2 The application, in outline form only, seeks permission for 24 dwellings, associated access, allotments, public amenity land and community car parking. Only access and scale are for consideration, with all other matters reserved. The scheme also includes the required 33% affordable housing. Access to the site will be directly off Long lane. An indicative site layout and Masterplan are attached as appendix 2.
4.3 As the site is located outside the current development boundary in an area of open countryside (as defined by the South Norfolk Local Plan 2003), the application is clearly contrary to saved local plan policy ENV8. The proposal should therefore be refused unless there are material considerations that dictate otherwise. In my opinion, the following material considerations need to be taken into account in this case:

- The provisions of the adopted Joint Core Strategy (JCS), which allocates Stoke Holy Cross for further small scale housing development during the period 2011 to 2026. Settlements within the Norwich Policy Area (NPA) may also be considered for additional development to help deliver the 1800 dwellings 'in smaller sites within the NPA.'
- The National Planning Policy Framework makes it clear that there is a presumption in favour of sustainable development, and that relevant policies in the local plan cannot be considered up-to-date where a 5-year supply of deliverable housing sites does not exist. The 5-year supply also includes an additional buffer of 5%. At the Examination in Public into the remitted parts of the Joint Core Strategy the GNDP Councils presented a supply of 4.58 years for the whole NPA (4.66 years for the South Norfolk part of the NPA) at 31 March 2013. Since March there have been changes to some of the sites that make up the 5-year supply, both increasing and decreasing the supply, and there is still debate about the assumptions this calculation is based on; however, this remains the most recent published figure agreed by the three local planning authorities.
- The sustainability of the site's location, having regard to Stoke Holy Cross being defined as a Service village within Policy 15 of the Joint Core Strategy.
- The site appears to be deliverable (as defined by section 6 of the NPPF) in that it is available now and offers a reasonable prospect of significant levels of housing being delivered within the next 5 years.
- The environmental impacts of developing the site, including the impacts on existing infrastructure.
- Other relevant sections of the NPPF.

It is noted that there has been a significant amount of objection to the proposal from local residents along with concerns expressed by the Parish Council, raising a number of issues, particularly in respect of the potential impact on local infrastructure. Taking on board the comments raised, in my opinion the critical issue that members need to address is the principle of the development having regard to:

- The provisions of the NPPF, the adopted JCS, the requirement to achieve a 5-year land supply of housing, and the presumption in favour of sustainable development.
- Landscape Impact
- Drainage & flood risk
- Highway Impact
- Indicative layout and design
- Impact on neighbouring amenity

4.4 It is noted that there has been a significant amount of objection to the proposal from local residents along with concerns expressed by the Parish Council, raising a number of issues, particularly in respect of the potential impact on local infrastructure. Taking on board the comments raised, in my opinion the critical issue that members need to address is the principle of the development having regard to:

4.5 The presumption in favour of sustainable development does not remove the need to assess the proposed development having first had regard to the development plan, however the relevant planning policies referred to need to be up-to-date. At the Examination in Public into the remitted parts of the Joint Core Strategy the GNDP Councils presented a supply of 4.58 years for the whole NPA (4.66 years for the South Norfolk part of the NPA) at 31 March 2013. Since March there have been changes to some of the sites that make up the
5-year supply, both increasing and decreasing the supply, and there is still debate about the assumptions this calculation is based on; however, this remains the most recent published figure agreed by the three local planning authorities’.

4.6 The NPPF makes it clear that there is a presumption in favour of sustainable development, and that relevant policies in the local plan cannot be considered up-to-date where a 5-year land supply of deliverable housing sites does not exist. The 5-year land supply also includes an additional buffer of 5%. Whilst material considerations then need to be taken into account, the NPPF advises that development should be approved unless the ‘adverse impacts of doing so would significantly and demonstrably outweigh the benefits’.

4.7 Stoke Holy Cross has been selected as a service village as it has a good range of facilities that enable it to meet local needs. These centres also benefit from good public transport services.

4.8 Taking the above into account I feel that the development cannot be dismissed purely on the grounds of prematurity, and that the demonstrable lack of a housing supply (albeit an improving situation) carries significant weight in the consideration of the application.

4.9 I also acknowledge the recent planning permission for 50 dwellings at land to the south of Long Lane, and the wider preferred housing allocation also to the south of Long Lane. This application taken together with planning permission 2012/2034 proposes a total of 74 dwellings. No statutory consultee has raised an objection to this level of development in Stoke Holy Cross, and it is considered that up to 125 dwellings could be accommodated without the need to significantly upgrade the local infrastructure.

4.10 There are no known capacity issues or infrastructure constraints that are material to the consideration of this application.

4.11 The benefits of the scheme allow for improved village facilities, and the applicants have consulted with the Parish Council and officers prior to submitting amended plans. The amended Masterplan now shows how there will be significant community benefits forthcoming from the development. Taking this in account, along with the presumption in favour of sustainable development set out in the NPPF, I consider that the principle of development on the site can be accepted, subject to consideration of the remaining issues set out below.

Landscape Impact

4.12 Due to the sites’ edge of village location, significant views of the site will be afforded from both the north and the east, particularly as you approach the site along Long lane. Although some existing trees and hedgerows will help to screen some elements of the proposed development, there will be some exposed views of the site. The applicants have recognised this and are proposing to limit the scale of the buildings along the north and east boundaries to a maximum of 1.5 storeys. Additional perimeter planting will also help to further assimilate the development into the landscape. Subject to this approach being a condition of any approval, then I have concluded that the harm to the character and appearance of the wider landscape will not be significant.

Drainage & Flood risk

4.13 In respect of foul drainage, Anglian Water has confirmed that there is capacity in the local treatment works to accommodate foul flows from the development. A foul drainage strategy has been agreed that identifies a suitable point of connection, and details of this can be agreed by condition.
4.14 The applicants have submitted a Flood Risk Assessment that indicates that an area of land to the west of the site is suitable for infiltration drainage. Therefore soakaways are proposed in this area underneath the proposed community car parking. No objections to the development have been received from the Environment Agency.

4.15 The scheme is therefore considered to accord with the requirements of the NPPF.

Highway Impact

4.16 I acknowledge that many residents have raised concerns in respect of highway impact. However, NCC: Highways raise no objection to the principle of development on this site or the proposed access from Long Lane (subject to details of the junction arrangement being agreed). Members will be updated at committee in respect of final comments received from NCC: Highways. Subject to their approval of the proposed junction arrangements, the scheme accords with the requirements of saved local plan policy IMP8.

Indicative layout and design

4.17 Both JCS Policy 2 and Section 7 of the NPPF require high quality design and great importance is attached to the design of the built environment, with it being seen as a key aspect of sustainable development. The applicant’s Design & Access statement, context appraisal and Masterplan for the wider site have demonstrated that the site can be developed having appropriate regard to its context, providing for open space and play areas, links to the wider community and local facilities, appropriate drainage, a good mix of market housing, 33% affordable housing, and strong landscaping to all boundaries. A Masterplan for the site is attached as appendix 2.

4.18 Of key importance within the Masterplan are the connections to the wider community facilities to the west of the site. This scheme provides for land to be gifted to the parish to allow the creation of additional allotments, car parking and relocated play space. These elements are strongly supported by the Parish Council. These elements of the application will be secured by legal agreement.

4.19 At 10 dwellings per hectare, the density of the scheme is very low, however taking into account the context of the site, and the views afforded of it from the north and east, I consider that density to be appropriate.

4.20 Subject to the submission of reserved matters in accordance with Masterplan, the development has the potential to achieve a high standard of design as required by JCS Policy 2.

Impact on neighbouring amenity

4.21 I acknowledge the fact that many existing residents of Long Lane where they back onto the site have objected to the scheme, mainly due to loss of views and general loss of amenity. Although loss of a view in itself is not a planning issue, the applicants have taken on board the potential impact on the amenity of these properties. The Masterplan has been amended allowing for a planting corridor to the rear of the existing properties, increasing the degree of separation to the new development. The low density of the scheme also helps to reduce the dominance of the development on the skyline. A proposed footpath has been relocated to a more central position with the site, further reduced the potential for disturbance to existing amenity.

4.22 Taking the above unto account, I find the impacts of the development in terms of neighbouring amenity acceptable and in accordance with saved local plan policy IMP9.
5 Conclusion

5.1 It is accepted that as at March 2013 there is not a five year supply of sites within the South Norfolk part of the Norwich Policy Area. The National Planning Policy Framework (NPPF) is clear and explicit that in such circumstances Local Planning Authorities should consider favourably sustainable development that would address that deficit. The lack of a five year supply, the requirements of the NPPF, and the fact that the site is a preferred site for residential development, are very strong material considerations in favour of this application.

5.2 The requirements of the NPPF and the presumption in favour of sustainable development outweigh other material considerations and that the proposed development in accordance with the submitted Masterplan can be accepted as a departure from local saved plan policy ENV8, which is given due weight as it remains partly consistent with the published NPPF. In all other respects, and subject to appropriate conditions, the proposed development is in accordance with the Sections 6, 7, 10 & 11 of the NPPF and relevant policies the Joint Core Strategy.

Contact Officer, Telephone Number and E-mail:  
Gary Hancox 01508 533841  
ghancox@s-norfolk.gov.uk
Other Applications

4  Appl. No  :  2013/1247/F
Parish    :  FORNCETT

Applicants Name : Mr P Freeman
Site Address   :  3 Orchard Close Forncett St. Peter Norwich NR16 1HS
Proposal      :  Erection of 1 new residential dwelling with single garage

Recommendation  :  Approval with conditions

1  Full Planning permission time limit
2  In accordance with amendments
3  Materials
4  New Access Construction over verge
5  Provision of parking, service
6  New Water Efficiency
7  Slab level to be agreed
8  No additional windows at first floor
9  Boundary treatment to be agreed

1.  Planning Policies

1.1 National Planning Policy Framework
NPPF 06: Delivering a wide choice of high quality home
NPPF 07: Requiring good design

1.2 Joint Core Strategy
Policy 2 : Promoting good design
Policy 1 : Addressing climate change and protecting environmental assets
Policy 3: Energy and water

1.3 South Norfolk Local Plan
HOU 7: Development within defined boundaries of small villages (Non Consistent)
IMP 8: Safe and free flow traffic
IMP 9: Residential amenity

1.4 Supplementary Planning Document
Place Making Guide

2.  Planning History

2.1 No recent history

3.  Consultations

3.1 Parish Council  Recommend approval to original scheme but raise the following points:
•  Dwelling near to boundaries.
•  Dwelling large for plot.
•  Obscure glass could reduce overlooking of Jonica.
•  Sewer crossing site.

No comments received to amended plans – comments awaited but PC have raised some concerns regarding the possibility of on-street parking.

Comments on amendment to be reported
3.2 NCC Highways
Support subject to conditions regarding provision of vehicular access, car parking and turning.

3.3 Flood Defence Officer
Advice relating to:
- Surface water drainage
- Foul water drain advice.

3.4 Representations
2 letters of Objection
- West elevation 2 dormer windows will overlook bungalow and garden and destroy privacy
- Windows should be high up to avoid overlooking
- North elevation landing window will overlook garden
- Inaccuracies in plans
- Sewer would be under proposed dwelling
- Concern about future maintenance of sewer across site
- Concern about damage to boundary fence
- West elevation 2 dormer windows will overlook 15 Orchard Close front garden
- West elevation 2 dormer windows will look into 15 Orchard Close bedroom
- Loss of privacy to 15 Orchard Close
- Closer to road
- Overbearing on 15 Orchard Close
- Does not follow building line of existing dwellings
- Lack of parking
- Additional on street parking

4 Assessment

4.1 The proposal is for the development of the plot adjacent to No 3 Orchard Close. The Close is a mix of chalets and single storey properties. Immediately adjacent to the site to the south is a modern contemporary two storey property. A close board fence has been erected to provide screening to all boundaries with the exception of the highway frontage. The site is within the Development Limits of Forncett.

4.2 The assessment of this application gives due weight to the saved policies in the South Norfolk Local Plan referred to above, because those policies remain consistent / part consistent with the published National Planning Policy Framework.

4.3 The main issues in this case are the scale and design of the proposed dwelling and the impact on neighbouring properties and highways.

4.4 The plot is an ‘L’ shape with the deepest section of the plot being adjacent to No 2a Orchard Close. The design of the proposed dwelling is a combination of chalet style (in the deepest section of the plot) with a single storey section in the narrow section of the plot. First floor windows are proposed to the rear of the property with the window serving the bathroom (closest to the north boundary) being obscure glazed. Side facing first floor windows serving the landing and a shower room will be obscure glazed protecting the privacy to the neighbouring properties.

4.5 An amended scheme was submitted in September which reduced the size of the dwelling and moving the north boundary allowing an increase in the remaining garden area of No3. However, No 3 Orchard Close has been sold with the boundaries as originally submitted with this application in July therefore the amended scheme submitted by the agent cannot be implemented, and therefore does not form part of the consideration to develop the plot.
4.6 Following a meeting with the applicant, the original scheme (chalet style with a single
storey section) has been slightly adjusted to include two roof windows in the west (rear)
elevation of the single storey section allowing improved natural light into the kitchen area.

4.7 Further comments have been received from the neighbour to the rear of the site stating that
these windows should be obscure glazed to protect privacy. I do not consider it necessary
to obscure glaze the roof windows as they are approximately 2.5 metres above floor level
of the kitchen. Therefore there will be no loss of privacy from the roof windows.

4.8 Concern has also been raised by No 15 to the loss of privacy from the west elevation
dormer windows. The elevation facing No15 is actually the east elevation. The access road
(Orchard Close) separates the proposed plot from No 15. Given the distance of
approximately 23 metres between the front wall of the proposed dwelling and the front wall
of No 15, together with the intervening road, any overlooking is not so significant as to
justify refusal on privacy grounds. To ensure that the privacy of neighbouring properties is
protected in the future, permitted development rights have been removed for any additional
windows at first floor level or above on the rear elevation. Legislation already controls side
facing windows, therefore there is no need to include any further restriction for first floor
side facing windows.

4.9 Concern has been received from neighbours regarding on street parking and the safety
issues this causes. The road serves 21 other properties and the site is just before the bend
of Orchard Close. It has been mentioned that people viewing the plot (currently up for
sale) have already blocked other neighbour’s drives. However, the Highways Authority
raises no objection to the proposal and only requires conditions to ensure adequate parking
and turning space is made available within the site. These conditions have been included.
I believe that once the scheme is complete it will alleviate the parking issue in this section
of the road and in the absence of a highway objection there is no justification to refuse the
scheme on highway safety grounds. The scheme as proposed subject to the conditions
accords with IMP8 of the South Norfolk Local Plan 2003.

4.10 An existing main sewer crosses the site. Neighbouring properties connect into the main
sewer which will need to be routed around the development to ensure access and
maintenance in the future for neighbouring properties. The applicant is aware of this issue,
but it is recommended that an advisory note be added to any decision notice for clarity.

4.11 As already stated, fencing has been erected on the side and rear boundaries of the site,
however no details have been submitted for any boundary details to the highway boundary,
or the wall which forms part of the internal layout separating the driveway from the garden
area, therefore a condition has been included to ensure full details are received and
approved to protect the privacy of the neighbours and that any boundary treatment to the
front of the site is appropriate for the area.

5 Conclusion

5.1 The proposal is acceptable in respect of the aims of the Joint Core Strategy and South Norfolk
Local Plan 2003 and in particular is considered to be in accordance with Policy 2 of the Joint
Core Strategy and HOU 7, IMP8 and IMP9 of the South Norfolk Local Plan. The assessment of
this application gives due weight to the saved policies in the South Norfolk Local Plan referred to
above, because those policies remain consistent / part consistent with the published National
Planning Policy Framework.
5.2 The siting, scale and design of the proposed dwelling respects the overall character of the neighbouring properties and the character of the area. Adequate parking space is available on site which is the subject of a condition to ensure the space remains available for parking to ensure highway safety for other road users. Subject to the above conditions the scheme accords with the policies.

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

1. **Enforcement Ref**: 2013/8099  
   **Parish**: DISS  
   **Site Address**: Two Oaks, Skelton Road, Diss, Norfolk, IP22 4EZ  
   **Development**: Erection of willow and paling fencing above existing close-boarded fencing  
   **Developer**: Mrs S Sawyer

### 1. Background

1.1 It was brought to our attention that willow and paling fencing had been erected at the property which exceeds the height that would normally be allowed under permitted development. The willow fencing has been erected to the north of the access drive and is approximately 2 metres in height. The paling fencing has been erected above an existing 2.4 metre close-boarded fence.

1.2 The owner of the site was invited to submit a planning application to regularise the works but an application has not been forthcoming.

### 2. Planning Policies

2.1 IMP9 – Residential Amenity

2.2 JCS Policy 2: Promoting good design

### 3. Recent Planning History

3.1 2012/0309/H – Retrospective application for the retention of new fencing to rear – Approved 19/04/2012

### 4. Consultations

4.1 **Town Council**  
   Extra fencing is visually intrusive and out of keeping. Support any action SNC feel necessary to take in respect of the breach

4.2 **District Members:**  
   - Cllr Keith Kiddie  
   - Cllr Tony Palmer  
   - Cllr Glyn Walden  
   - No comments on the Willow fencing adjacent the access  
   - The paling fencing above the existing close-boarded fencing has a limited impact on the visual amenity as seen from the road, however, it may impact on the neighbours to the south.

**County Councilor**  
- Cllr Jenny Chamberlin  
  Planning committee sub group should visit the site to assess the situation from the neighbouring properties to consider the impacts

### 4.3 Representations

Three letters received raising the following points:

- Fence is unsightly, shoddily erected and completely unnecessary and if permitted would set a precedent for other similar fences
There are already shrubs that grow above the fence
Our garden will soon be, if it is not already be akin to
a perimeter of a prison
The fence is excessive in height and an eyesore
The planning committee sub group should visit the
site to assess the situation from the neighbouring
properties
In the 2012/0309/H application the applicant stated
the fencing has been erected to screen and protect
their property from further intrusions. One of the local
residents has stated in their consultation response
that to their knowledge no such intrusions have taken
place.

5. Assessment

5.1 Retrospective planning permission was given under reference 2012/0309/H for a
2.4metre tall close-boarded fence on the southern boundary of the site. The paling
fence subject to this report has been added to that given consent. The reason given by
the owner for the additional fencing is to protect their property from intrusion. Whilst I
fully appreciate this concern, this case has been assessed purely on its own planning
merits.

5.2 Policy 2 ‘Promoting good design’ of the Joint Core Strategy states that all new
development will be designed to the highest possible standards. Both the willow and
paling fencing that has erected is not considered to be of a high standard of design
and detracts from the visual amenity of the locality. Furthermore the paling fencing
exceeds 3metres in height has an overbearing effect on the neighbouring properties
which has an adverse impact on their residential amenities. The development is
therefore contrary to Policy IMP9 of the South Norfolk Local Plan 2003. In view of the
above I consider it expedient to seek authority to take enforcement action to remove
the unauthorised fencing.

6. Recommendation

6.1 That subject to legal advice enforcement action be authorised to remove the
unauthorised fencing.

Contact Officer, Telephone Number   Andy Baines 01508 533840
and E-mail:                       abaines@s-norfolk.gov.uk
**Planning Appeals**

**Appeals received from 27 September 2013 to 23 October 2013**

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<td>Ditchingham Land North West of 4 Lamberts Way Ditchingham Norfolk</td>
<td>Badger Building (E.Anglia) LTD</td>
<td>Extension of Lambert's way and erection of 4no. dwellings</td>
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**Planning Appeals**

**Appeals decisions from 27 September 2013 to 23 October 2013**

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