

**Reference:** 06/20/0433/F**Parish:** Rollesby**Officer:** Mr R Tate**Expiry Date:** ETA**Applicant:** Mr and Mrs J Doyle**Proposal:** Proposed self-build detached dwelling and garage and associated works**Site:** Land adjoining Folly Cottages, Court Road, Rollesby

## REPORT

This application was reported to the Monitoring Officer as an application submitted by an applicant in a personal capacity who is a close family member of Councillor Lawn. The Monitoring Officer has checked and made a record on the file that she is satisfied that it has been processed normally and the member has taken no part in the Council's processing of the application.

### 1. Background / History:-

- 1.1 The site comprises 0.2 hectares of land which fronts Court Road. The land is described within the application form as vacant land although the site visit revealed that there is a static caravan stationed on the site.
- 1.2 The proposal is for a chalet style property with four bedrooms and a detached garage. An application for a three-bedroom dwelling was approved on the site in 2019, with an application for a larger property refused under delegated powers in 2020. This larger property was set back a considerable distance from the road and would have been incongruous in the street scene.
- 1.3

1	<a href="#">06/19/0702/F</a> F	REF	17-04-20	Folly Court Cottages Court Road Rollesby	Proposed self-build detached dwelling and garage
2	<a href="#">06/18/0563/F</a> F	APP	30-07-19	Folly Court Cottages Court Road Rollesby	Proposed self-build detached dwelling and garage

3	<a href="#"><u>06/11/0271/F</u></a> F	REF DIS	15-03-12 29-11-12	Folly Cottage (land adjacent) Court Road	Change of use for temporary storage of personal touring caravan
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1.4 The previous application on the site was refused for the following reasons:

- The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the proposed increase in scale and location of the dwelling on the plot would not have a significant adversely impact upon the Trinity Broads Site of Specific Scientific Interest (SSSI) which is part of the Broads Special Area of Conservation (SAC) by way of water course pollution and that the mitigation proposed would not address this issue. The Local Planning Authority therefore, considers the proposed development would result in an adverse harm on designated areas and watercourses due to the proposed drainage plans and would be contrary to Policies CS9(g) and CS11 of the Great Yarmouth Local Plan: Core Strategy (2015) which seeks to avoid any harmful impacts of development on its biodiversity, geodiversity, landscape assets and priority habitats and species. The proposal is also considered to be in conflict with aims of the National Planning Policy Framework Paragraphs 170-183 on Conserving and Enhancing the Natural Environment.
- The approved development (Application No. 06/18/0563/F) provides for a successful integration. The Local Planning Authority considers that this proposal would undermine the character and appearance of the street scene and result in an inharmonious form of development out of keeping with the existing street scene detracting from the character of the area therefore, would be contrary to Policies CS9 of Great Yarmouth Local Plan: Core Strategy (2015) which seek to ensure good design and that new development is not detrimental to the character of an area and avoid any harmful impacts. It is not considered that the avoidance of a telecom line is sufficient justification for the adverse impacts identified as a result of the proposal. The proposal is also in conflict with the good design aims of the National Planning Policy Framework

**2 Consultations:- All consultation responses received are available online or at the Town Hall during opening hours.**

2.1 Parish Council – The Parish Council objects and comments on the application as follows:

The development is out of character in the area, has access issues with the entrance on a single-track road and is outside the Neighbourhood Plan area of development.

2.2 Neighbours – There have been three letters of objection to the application, they are summarised as follows:

- Bathroom windows should be obscure glazed only
- 3 windows to the side at ground floor are unnecessary and an invasion of privacy
- Overlooking due to velux windows in bedroom
- Planting / hedgerow
- Design improvement over previous applications
- Contaminated land
- Doesn't enhance biodiversity / the character of the area
- Larger than the approved dwelling
- Surface water would run into the drainage ditch which flows to the trinity Broads
- There should be no building works at weekends or evenings.

2.3 Highways – No objection subject to conditions – I am minded of the recent planning history on this site and the LHA's responses in that respect, which is a matter of record. The current proposal does not materially affect the scale of development. Therefore, I have no objection in highways terms.

2.4 Broads Authority - No comments to make on the application.

2.5 Assistant Grounds Manager and Arboricultural Officer - These two trees at the site entrance (North) are of high value and need to be protected during the development process; however, I cannot see how this is possible due to their site location.

The western tree is of poor condition however it is still of high Arboricultural value with possible ecological benefits such as potential bat roost.

Would object to this planned development based upon the Arboricultural issues; unless these issues can be addressed fully. The trees loss (albeit removal or damage caused through development) would be a great loss to the surrounding area.

2.6 Environmental Health – No objection subject to conditions

2.7 Resilience Officer – no objection

- 2.8 Natural England – Natural England have noted that the development has triggered one or more impact risk zones and have provided standing advice.
- 2.9 Norfolk County Council Ecology – The site was surveyed on 31/01/2019. The site comprises a paddock. Oak trees on the northern boundary are of ecological value and moderate bat roost potential.

The site is in the Red Impact Zone – information to support an AA is contained within the Ecology Report and Supporting Evidence for Appropriate Assessment (amended) (Wild Frontier Ecology, 2020). The AA determination form is attached.

The site is 295 m from the Broads SAC and 1860m from the Broadland SPA and Ramsar site.

Subject to mitigation no adverse impacts on the SPA, SAC or Ramsar site are anticipated however failure to comply with the mitigation strategy contained within the report could result in pollutants entering Trinity Broad SSSI and the Broads SAC.

I note this application is broadly in the same location as 06/18/0563/F (as supposed to 06/19/0702 which was further south).

The site is located within at SSSI IRZ. Natural England should be consulted on the application if they have not already been so.

The ecological report and information to support an AA is considered fit for purpose. The report makes a number of recommendations for mitigation (section 9) and enhancement (section 10). The mitigation measures are required, as part of the AA, to prevent adverse effects on statutory designated sites\*. For example, Section 9.2 of the report identifies measures to prevent silt and pollutants entering Trinity Broads SSSI. These include phased vegetation clearance and retention of a vegetative buffer between the site and ditch would be retained in perpetuity and subject to ecological management, and discharge of any treated foul water must be in excess of 50 m from the drain to the south. Subject to these measures being secured the report concludes no impacts on statutory sites would be anticipated however it is understood (from D. Parson's comments) the site has mostly been cleared.

It is recommended that the extent of site clearance is established (and the vegetative buffer remains) and the location of the septic tank provided (and distance from ditch). It may be necessary to review the report and recommendations in light of any significant changes onsite.

(\*I also note Norfolk Wildlife Trust's comments for 06/19/0702/F (objection) and that of Essex and Suffolk Water (for 06/19/0702/F (objection)). In Essex and Suffolk Water's response I note that the site is low lying and prone to flooding which can wash raw sewage into the dyke system. They were also concerned about pollution from garden pesticides and fertilizers and note historic pollution events of the dyke behind the proposed property from sewage and phosphorous which have had negative impacts on the features for which the sites are designated.)

### **3 National Policy:- National Planning Policy Framework (NPPF)**

- 3.1 Paragraph 2: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 3.2 Paragraph 7: The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs<sup>4</sup>.
- 3.3 Paragraph 8: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
  - a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising

waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

3.4 Paragraph 48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

3.5 Paragraph 55. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

3.6 Paragraph 59. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

3.7 Paragraph 76. To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. For major development involving the provision of housing, local planning authorities should also assess why any earlier grant of planning permission for a similar development on the same site did not start.

3.8 Paragraph 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

3.9 Paragraph 177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an

appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

3.10 Paragraph 179. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

3.11 Paragraph 180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

#### **4 Core Strategy – Adopted 21st December 2015**

4.1 Policy CS2 – Achieving sustainable growth: This policy identifies the broad areas for growth, sets out the sustainable settlement hierarchy for the borough and two key allocations.

- a) Ensure that new residential development is distributed according to the following settlement hierarchy, with a greater proportion of development in the larger and more sustainable settlements (extract only):
  - Approximately 5% of new development will take place in the Secondary and Tertiary Villages named in the settlement hierarchy

4.2 Policy CS3: To ensure that new residential development in the borough meets the housing needs of local people, the Council and its partners will seek to (extract only):

- c) Encourage the development of self-build housing schemes and support the reuse and conversion of redundant buildings into housing where appropriate and in accordance with other policies in the Local Plan

- 4.3 Policy CS9: Encouraging well designed and distinctive places. This policy applies to all new development.
- 4.4 Policy CS11: The Council will work with other partner authorities and agencies to improve the borough's natural environment and avoid any harmful impacts of development on its biodiversity, geodiversity, landscape assets, priority habitats and species.
- 4.5 Policy CS14: New development can result in extra pressure being placed on existing infrastructure and local facilities. To ensure that the necessary infrastructure is delivered the Council will: (a to f)
  - e) Seek appropriate contributions towards Natura 2000 sites monitoring and mitigation measures.

## **5 Local Policy :-**

- 5.1 Local Policy - Saved Great Yarmouth Borough-Wide Local Plan Policies (2001):
- 5.2 Paragraph 213 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the Local Plan is to the policies in the NPPF the greater the weight that is given to the Local Plan policy. The Great Yarmouth Borough Wide Local Plan was adopted in 2001 and the most relevant policies were 'saved' in 2007. An assessment of policies was made during the adoption of the Core Strategy December 2015 and these policies remain saved following the assessment and adoption.
- 5.3 The Saved Policies listed have all been assessed as being in general conformity with the NPPF and add further information to the policies in the NPPF, while not contradicting it. These policies hold the greatest weight in the determining of planning applications.
- 5.4 HOU10: Permission for new dwellings in the countryside will only be given in connection with agriculture, forestry, organised recreation, or the expansion of settlements.
- 5.5 HOU16: A high standard of layout and design will be required for all housing proposal. A site survey and landscaping scheme will be required with all detailed applications for more than 10 dwellings. These should include measures to retain and safeguard significant existing landscape features and give details of, existing and proposed site levels planting and aftercare arrangements.

## **6 Emerging policy – Local Plan Part 2:-**

6.1 Rollesby is a relatively well serviced secondary village comprising two separate but socially linked hamlets by footpath. The north-western hamlet has the most historic character centred around the village church, school and a collection of historic farmsteads. To the south-east, the other hamlet consists of a handful of dwellings strung along Low Road. Rollesby services and facilities include a primary/nursery school, restaurant/takeaway, rural business park, a hair salon, and a village hall. The settlement also benefits from bus services along the main road providing connections to larger settlements including Great Yarmouth.

To the east of Rollesby lies the Broads Authority area which is recognised both nationally and internationally as being a critically important site to wildlife, designated as the Broads Special Area of Conservation. In association with these wetland areas, there are some areas at higher risk of flooding (Flood Zones 2 and 3) in the south and east areas of the settlement.

Development limits are defined on the Policies Map for the settlement, including some sites recently granted planning permission for residential development. Development proposals will generally be permitted within development limits where they are in accordance with policies of the Local Plan. Policy G1-dp (the second part of this policy in particular) addresses development proposals outside of development limits, where this lies within the Great Yarmouth plan area, which will be treated as the countryside or areas where new development will be more restricted, subject to the consideration of other relevant policies of the Local Plan.

## 6.2 Policy GSP1-dp Development limits

### Policy GSP1: Development Limits

Development Limits are defined on the Policies Map. Development will be supported in principle within the Development Limits.

Development will not be permitted on land outside of Development Limits except where:

- a. it comprises the use and development of land associated with agriculture or forestry;
- b. it comprises the provision of utilities and highway infrastructure; or
- c. specific policies in the Local Plan indicate otherwise.

## 7 Habitat Regulations Assessment considerations:

7.1 “European” or “Natura 2000” sites are those that are designated for their wildlife interest(s) through the Conservation of Habitats and Species Regulations 2017 and constitute the most important wildlife and habitat sites within the European Union. The Council has an adopted policy approach, the Habitats Monitoring and

Mitigation Strategy, prepared alongside the Part 1 Local Plan (and most recently updated at the Policy & Resources Committee meeting on 5th February 2019).

- 7.2 Guidance for applicants is available on Great Yarmouth Borough Council's website identifying when bespoke shadow Habitat Regulation Assessments (HRA) are required to be prepared by the applicant and submitted to the Council. In this case, in accordance with the guidance issued, a bespoke shadow HRA has been required and submitted. The bespoke shadow HRA found that the in-combination effects of the development cannot rule out an effect on protected sites.
- 7.3 The application, informed by a bespoke HRA has been assessed by the Competent Authority as likely to have significant indirect effects on one or more Natura 2000 sites (but no significant direct effects). The appropriate assessment concludes that there would be no adverse effect on the integrity of internationally designated sites from recreation.
- 7.4 Further information has been provided on the foul sewerage system supported by a statement. A plan showing the position of the purifying tank 50m+ from the water course has been provided. These measures would ensure that there would be no adverse impacts on statutory sites.
- 7.5 The design and access statement argues that the required £110 has been paid on the previous application. HMMS payments cannot be transferred between applications so if members are minded to approve then this should be subject to the required HMMS payment being secured.

## **8 Local finance considerations: -**

- 8.1 Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus or the Community Infrastructure Levy. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. The proposed development is for a single dwelling and as such the financial considerations are not assessed as so great as to consider a decisive factor.

## **9 Assessment**

- 9.1 The proposal seeks approval for one 'chalet' style detached dwelling and garage. The Broads Authority area is contiguous to the southern boundary of the plot, however by locating the proposed dwelling and garage towards the northern end of the plot, adjacent to the Court Road and broadly parallel with the existing building line established by the adjoining ribbon development the applicant is seeking to

mitigate the adverse impact on the character of the Broads. The southern boundary also comprises mature planting and trees helping to screen views of the Broads as well as those obtained within.

- 9.2 There are two mature oak trees located at the frontage of the site, these are subject to a tree preservation order. The application does not seek to remove any of the existing trees on site and the removal of the oaks would have a detrimental impact on the street scene and adverse impact on the character of the area. It is noted that the Arboricultural Officer objects to this application; however, no mitigation measures were conditioned on the previous application and therefore there is an extant permission without protection measures already on the site. It is recommended to condition an arboricultural impact assessment and ensure that satisfactory mitigation measures are in place.
- 9.3 As of the 18<sup>th</sup> December 2020, the Council now enjoys a housing supply of 6.51 years and therefore great weight can be applied to the development limits and the tilted balance outlined in Paragraph 11 (d) of the NPPF no longer applies. Despite this, the site does benefit from an extant permission for a similar sized dwelling and therefore the principle of development has been established, irrespective of the fact that the site is situated outside of the village development limits.
- 9.4 Although the Broads Authority has no comments on the application, as noted above the dwelling has been sited at a position to reduce the impact on the setting of the Broads and will continue an existing ribbon development. The development as proposed will not, in policy terms, create an isolated dwelling in the countryside but will instead add an existing dwelling to the cluster that are in existence. The Broads had previously suggested that biodiversity enhancements could be conditioned given the location of the dwelling. These shall include bird and bat boxes and fences (where appropriate) which have access for small mammals and planting of appropriate species to be submitted and approved.
- 9.5 The design of the dwelling is for a chalet style dwelling which is not exciting in appearance although will not cause a significant detriment to the character of the area or the street scene. The foot print of the dwelling is larger than those immediately adjacent although the character of the area is signified by individual dwellings with groupings of those in a similar appearance before reaching the more built up sections of Rollesby which have more unity and groupings of design. The dwelling has been designed to minimise overlooking with consideration given to the first-floor windows and as such this is not deemed significantly adverse to the occupiers of the adjoining dwellings. The design of the dwelling is assessed as acceptable in this location. Likewise, the side windows on the ground floor would not lead to significant levels of overlooking.

9.6 In order to prevent urbanisation of the curtilage to the detriment of the Broads it is recommended that the permitted development rights are removed from the curtilage of the dwelling which is outlined in red (the application site).

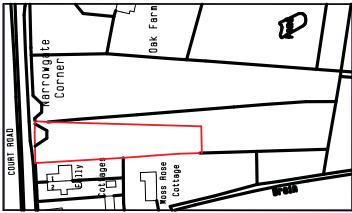
9.7 The Parish Council, within their objection and comments on the application, note the width of the Court Road. There are no objections received from the Highway Authority to the application and, in accordance with the NPPF at paragraph 109 there are no reasons for the application to be refused on highway grounds. Especially when noting the extant permission on the site.

9.8 When assessed on balance the application in the revised form can be supported with appropriate conditions restricting permitted development rights, ensuring additional planting and those required by the Highways Authority. The development should also offer ecological gains in the form of bat and bird boxes and the mitigation as outlined within the ecology report should be conditioned with specific reference lighting and the time of year that works can be carried out. Moreover, a condition should be imposed ensuring that the protected trees are protected during the course of construction.

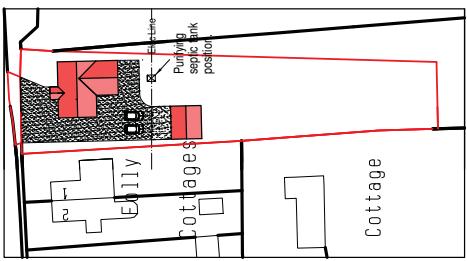
10 RECOMMENDATION: -

10.1 Approve – subject to the conditions requested by Highways, and those required to ensure a satisfactory form of development subject to the securing of the £110 Habitat Monitoring and Mitigation Strategy contribution.

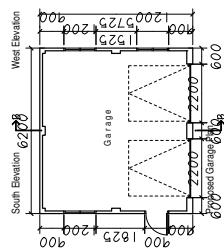
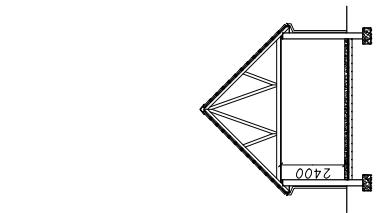
10.2 The proposal complies with the aims of Policies CS2, CS3, CS9 CS11 and CS14 of the Great Yarmouth Local Plan and the National Planning Policy Framework.



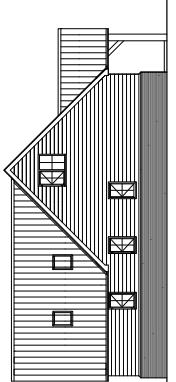
Location Plan 1:1250



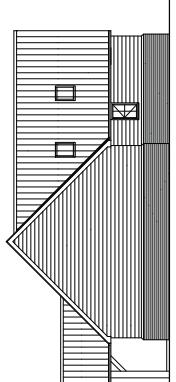
Block Plan 1:500



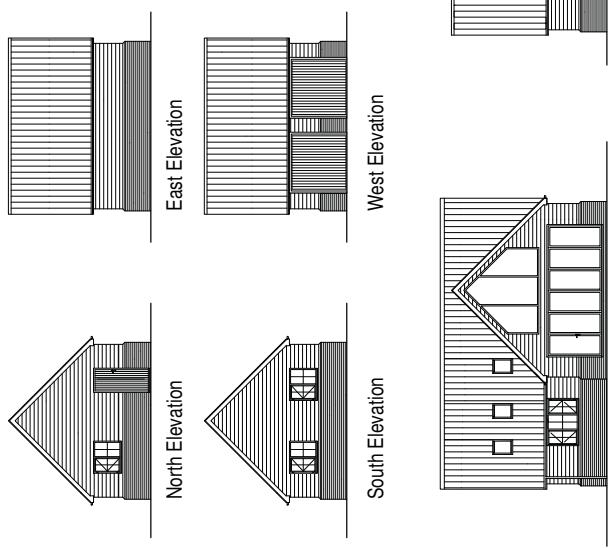
East Elevation  
West Elevation



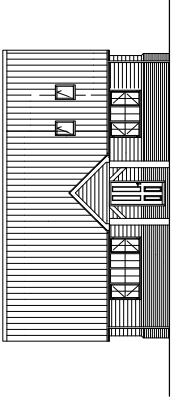
East Elevation



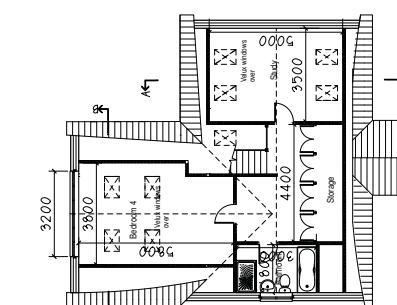
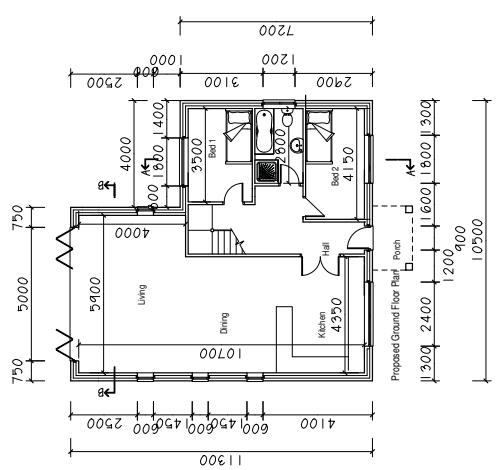
West Elevation



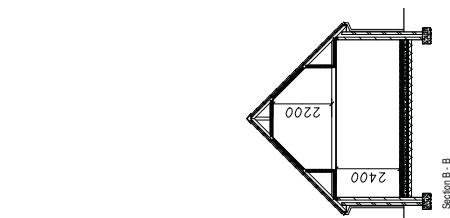
South Elevation



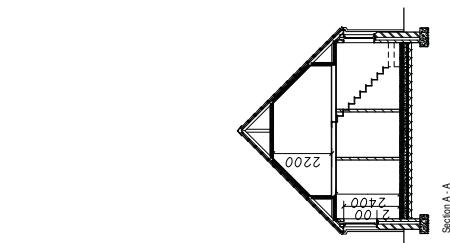
North Elevation



Proposed First Floor Plan



Section A-A



Section B-B

**Graham Nourse**

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CLIENT

Mr J Doyle

PROJECT  
Proposed Dwelling, Court Road,  
Rolleyby, Great Yarmouth.

DRAWING  
Proposed Plans, Elevations Section.

REF. NO.  
19/180/001  
SCALE  
1:500  
DATE  
September, 2019  
REVISION  
F  
1:100.