

**Reference:** 06/16/0321/F

**Parish:** Burgh Castle

**Officer:** Mr G Clarke

**Expiry Date:** 07-07-2016

**Applicant:** Mr E Foster

**Proposal:** Self-build chalet bungalow

**Site:** land adjoining Briarcroft  
Porters Loke  
Burgh Castle

## REPORT

### 1. Background / History :-

- 1.1 The application site is to the south of Porter's Loke which is a private, unsurfaced road, to the north of the road is the Kingfisher Holiday park, there is a sewage pumping station to the north east corner of the site and bungalows adjoining the east and west boundaries, to the south there is an area of woodland. There are two other dwellings on the south side of Porter's Loke between the application site and Butt Lane.
- 1.2 The site is mostly open grass land which is currently used as a paddock, there are trees towards the rear of the site, the site is lower than the road and slopes down towards the south.
- 1.3 The site is outside the Village Development Limit and is partly within Flood Zone 3b.
- 1.4 In March 2016 planning permission was refused for a chalet bungalow on the site – reference 06/16/0029/F, the reasons for refusal were that the building was outside any area defined in the Local Plan: Core Strategy where residential development might be permitted, it is an unsustainable location served by an unmade road, visibility at the junction of Porters Loke and Butt Lane is inadequate and the dwelling was sited in an area at high risk from flooding.
- 1.5 The only difference between the current application (as revised) and the previous refusal is that the bungalow has been re-sited so that only part of the garage is within the flood zone.
- 1.6 In 2015 the Council refused planning permission (ref. 06/15/0329/O) for a new dwelling on land next to a property called Shahdara on Mill Road in Burgh Castle

as it was outside the Village Development Limit and contrary to Policy HOU10. This site is served by a public highway and adjoins existing dwellings but it would have extended housing into open countryside and was therefore not considered a suitable site for development. The applicant appealed against the refusal but the appeal was dismissed, the Inspector considered that the proposal would be contrary to saved Policy HOU10 and also Policies CS1 and CS2 of the Core Strategy. The Inspector concluded that the development would have a harmful effect on the character and appearance of the area and that the contribution of a single dwelling to the supply of housing would not be a compelling reason to find in its favour.

## **2 Consultations :-**

- 2.1 Highways - Notwithstanding the current submission and supporting information, the application does not address the Highway Authority's comments on the earlier application which are still relevant in this case and I would refer you to my letter dated 25 February 2016 in that respect. Whilst the application makes reference to the conclusions made in the document Manual for Streets 2, the document does not supersede the requirements of Manual for Streets, and given the characteristics of the highway network in the vicinity of the application site, any increase in vehicular use is clearly not acceptable and could result in vehicular conflict and increase the risk of possible personal injury accidents.

It has previously been acknowledged that visibility to the north could possibly be improved but in relation to the visibility splay to the south, the critical traffic direction, the issue is not one of parked vehicles within the visibility splays, but that the visibility splay cannot be provided without third party land required or secured by agreement.

In light of the above I would recommend that the application be refused for the following reason:-

'As far as can be determined from the submitted plans, the Applicant does not appear to control sufficient land to provide adequate visibility at the site access. The proposed development would therefore be detrimental to highway safety, Contrary to Local Plan Core Strategy Policy CS16'

- 2.2 Parish Council – There were no objections but, as before, concerns were raised regarding proximity to the pumping station and potential flooding.
- 2.3 Environment Agency – Objects on flood risk grounds, this objection was to the siting of the dwelling as originally shown with the current application, following receipt of this objection the bungalow was re-sited so that only part of the garage is within the flood zone. If members resolve to approve the application the EA will have to be re-consulted before any decision is issued.
- 2.4 Neighbours – One letter of objection has been received a copy of which is attached, the main reasons for objection are that the road is a private road and will not be able to cope with additional traffic, sewerage from the pumping station often floods the site and if the Loke is dug up to provide services this will interfere with the access to the Caravan Club site.

### **3 Policy :-**

#### **3.1 POLICY CS1 – FOCUSING ON A SUSTAINABLE FUTURE**

For the Borough of Great Yarmouth to be truly sustainable it has to be environmentally friendly, socially inclusive and economically vibrant not just for those who currently live, work and visit the borough, but for future generations to come. When considering development proposals, the Council will take a positive approach, working positively with applicants and other partners to jointly find solutions so that proposals that improve the economic, social and environmental conditions of the borough can be approved wherever possible.

To ensure the creation of sustainable communities, the Council will look favourably towards new development and investment that successfully contributes towards the delivery of:

- a) Sustainable growth, ensuring that new development is of a scale and in a location that complements the character and supports the function of individual settlements
- b) Mixed adaptable neighbourhoods, which provide choices and effectively meet the needs and aspirations of the local community
- c) Environmentally friendly neighbourhoods that are located and designed to help address and where possible mitigate the effects of climate change and minimise the risk of flooding
- d) A thriving local economy, flourishing local centres, sustainable tourism and an active port
- e) Safe, accessible places that promote healthy lifestyles and provide easy access for everyone to jobs, shops and community facilities by walking, cycling and public transport
- f) Distinctive places that embrace innovative, high quality urban design that reflects positive local characteristics and protects the borough's biodiversity, unique landscapes, built character and historic environment

Planning applications that accord with this policy and other policies within the Local Plan (and with policies in adopted Neighbourhood Plans, where relevant) will be approved without delay, unless other material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole

- Specific policies in that Framework indicate that development should be restricted

### **3.2 POLICY CS2 – ACHIEVING SUSTAINABLE GROWTH**

Growth within the borough must be delivered in a sustainable manner in accordance with Policy CS1 by balancing the delivery of new homes with new jobs and service provision, creating resilient, self-contained communities and reducing the need to travel. To help achieve sustainable growth the Council will:

- 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:
  - Approximately 35% of new development will take place in the borough's Main Towns at Gorleston-on-Sea and Great Yarmouth
  - Approximately 30% of new development will take place in the borough's Key Service Centres at Bradwell and Caister-on-Sea
  - Approximately 30% of new development will take place in the Primary Villages of Belton, Hemsby, Hopton on Sea, Ormesby St Margaret, Martham and Winterton-on-Sea
  - Approximately 5% of new development will take place in the Secondary and Tertiary Villages named in the settlement hierarchy
  - In the countryside, development will be limited to conversions/replacement dwellings/buildings and schemes that help to meet rural needs
- b) To ensure compliance with Policy CS11, the proportions of development set out in criterion a) may need to be further refined following additional work on the impact of visitor pressures on Natura 2000 sites
- c) Ensure that new commercial development for employment, retail and tourism uses is distributed in accordance with Policies CS6, CS7, CS8 and CS16
- d) Promote the development of two key strategic mixed-use development sites: the Great Yarmouth Waterfront area (Policy CS17) and the Beacon Park extension, south Bradwell (Policy CS18)
- e) Encourage the reuse of previously developed land and existing buildings

To ensure that the Council delivers its housing target, the distribution of development may need to be flexibly applied, within the overall context of seeking to ensure that the majority of new housing is developed in the Main Towns and Key Service Centres where appropriate and consistent with other policies in this plan. Any changes to the distribution will be clearly evidenced and monitored through the Annual Monitoring Report.

### **3.3 POLICY CS16 – IMPROVING ACCESSIBILITY AND TRANSPORT**

The Council and its partners will work together to make the best use of, and improve, existing transport infrastructure within and connecting to the Borough, having first considered solutions to transport problems that are based on better management and the provision and promotion of sustainable forms of travel. This will be achieved by:

- a) Supporting improvements that reduce congestion, improve accessibility and improve road safety without an unacceptable impact on the local environment, in accordance with Policy CS11; and communities, in accordance with Policy CS9. High priority schemes that will assist in achieving this include:
  - Working with our partners to mitigate congestion at pinch points and actively manage the road network
  - Supporting any future proposals to dual the A47
  - Supporting the development of a new link road to the south of Bradwell via the A12 through Beacon Park to the A143 Beccles Road, in accordance with Policy CS18
  - Supporting proposals for a third river crossing over the River Yare which appropriately balances the needs of road and river traffic and continuing to protect the route alignment
  - Working with our partners to reduce car dependency by improving both the quantity and quality of the public transport service on offer in the borough and the wider area, including the promotion of a quality bus corridor from Great Yarmouth to Lowestoft
  - Upgrading Great Yarmouth Railway and Bus Stations to provide higher quality facilities that encourage greater use of public transport
  - Improving accessibility to employment, education, health, recreation, leisure and shopping facilities by enhancing linkages between existing 'green travel' routes to create a coherent network of footpaths, cycleways and bridleways
  - Supporting the port and its future development as a passenger and freight intermodal interchange, with facilities to achieve efficient staging, loading and unloading and to realise the potential of the port to function as a sustainable transport corridor
- b) Directing new development towards the most sustainable locations in accordance with Policy CS2, thereby reducing the need to travel and maximising the use of sustainable transport modes
- c) Ensuring that new development does not have an adverse impact on the safety and efficiency of the local road network for all users
- d) Seeking developer contributions towards transport infrastructure improvements, including those made to sustainable transport modes, in accordance with Policy CS14
- e) Minimising the impact of new development on the existing transport infrastructure by encouraging applicants to:

- Produce and implement Transport Assessments and Travel Plans, as appropriate
  - Improve accessibility to sustainable transport modes
  - Ensure that adequate access routes are available for emergency services, waste collection and delivery vehicles
  - Ensure that necessary transport improvements are addressed prior to development, where possible
- f) Working with operators to ensure the continued need for, and appropriate maintenance and upgrading (as appropriate) of, the heliport, coach, bus, rail and heavy goods vehicle facilities
- g) Ensuring that development proposals contribute to the implementation of the Norfolk Local Transport Plan to deliver improved accessibility through integrated and sustainable transport modes

### **3.4 POLICY HOU10**

Permission for new dwellings in the countryside will only be given if required in connection with agriculture, forestry, organised recreation, or the expansion of existing institutions.

The Council will need to be satisfied in relation to each of the following criteria:

- (i) the dwelling must be required for the purpose stated
- (ii) It will need to be demonstrated that it is essential in the interests of good agriculture or management that an employee should live on the holding or site rather than in a town or village nearby
- (iii) there is no appropriate alternative accommodation existing or with planning permission available either on the holding or site or in the near vicinity
- (iv) the need for the dwelling has received the unequivocal support of a suitably qualified independent appraiser
- (v) the holding or operation is reasonably likely to materialise and is capable of being sustained for a reasonable period of time. (in appropriate cases evidence may be required that the undertaking has a sound financial basis)
- (vi) the dwelling should normally be no larger than 120 square metres in size and sited in close proximity to existing groups of buildings on the holding or site
- (vii) a condition will be imposed on all dwellings permitted on the basis of a justified need to ensure that the occupation of the dwellings shall be limited to persons solely or mainly working or last employed in agriculture, forestry, organised recreation or an existing institution in the locality including any

dependants of such a person residing with them, or a widow or widower or such a person

- (viii) where there are existing dwellings on the holding or site that are not subject to an occupancy condition and the independent appraiser has indicated that a further dwelling is essential, an occupancy condition will be imposed on the existing dwelling on the holding or site
- (ix) applicants seeking the removal of any occupancy condition will be required to provide evidence that the dwelling has been actively and widely advertised for a period of not less than twelve months at a price which reflects the occupancy conditions \*

In assessing the merits of agricultural or forestry related applications, the following additional safeguard may be applied:-

- (x) Where the need for a dwelling relates to a newly established or proposed agricultural enterprise, permission is likely to be granted initially only for temporary accommodation for two or three years in order to enable the applicant to fully establish the sustainability of and his commitment to the agricultural enterprise
- (xi) where the agricultural need for a new dwelling arises from an intensive type of agriculture on a small acreage of land, or where farm land and a farm dwelling (which formerly served the land) have recently been sold off separately from each other, a section 106 agreement will be sought to tie the new dwelling and the land on which the agricultural need arises to each other.

\* Note: - this would normally be at least 30% below the open market value of the property.

#### **4 Assessment :-**

- 4.1 The site is outside the Village Development Limit and no justification has been put forward for a dwelling on this site as required by saved Policy HOU10 of the Great Yarmouth Borough-Wide Local Plan.
- 4.2 Policy CS1 of the Core Strategy relates to sustainable growth, criterion e) of the Policy states that new development should provide safe accessible places that promote healthy lifestyles and provide easy access for all to jobs, shops and community facilities by walking, cycling and public transport.
- 4.3 Policy CS2 states that growth within the Borough must be delivered in a sustainable manner by balancing the delivery of new homes with new jobs and service provision creating resilient self-contained communities and reducing the need to travel, it lists Burgh Castle as being a "Secondary Village" where some new development will be allowed subject to growth being in a sustainable manner.

- 4.4 The site is served by an unmade road and is remote from jobs and services it is therefore considered that the proposal is contrary to the aims of Policies CS1 and CS2 in that it would be an unsustainable form of development that would not provide easy access to jobs, shops and community facilities.
- 4.5 The Interim Housing Land Supply Policy 2014 (IHLSP) states that new housing development may be deemed acceptable outside but adjacent to existing urban areas or village development limits subject to various criteria. The site is in an isolated location that is not adjacent to the village development limit so the (IHLSP) does not apply in this case.
- 4.6 The Highways Officer objects to the development and recommends refusal of the application on the grounds that the development will generate additional traffic movements through a junction with already sub-standard visibility which is likely to give rise to conditions detrimental to highway safety contrary to the aims of Policy CS16 of the Local Plan: Core Strategy. In addition to the Highways comments it also has to be taken into consideration that the site is served by an unmade road that is also a public footpath, the surface of this road is poor in places at present and the additional traffic associated with building work is likely to lead to a further deterioration in the road.
- 4.7 The southern part of the site is within Flood Zone 3 and the Environment Agency originally objected to the application on the grounds of risk to the future occupants in the event of a flood. The dwelling has been re-sited so that only part of the garage is within flood zone so the dwelling itself should be safe in the event of a flood but the potential risk to the garden remains.
- 4.8 Planning permission for a dwelling on the site was refused less than six months ago and nothing has changed in policy terms since that refusal, the only difference between the current proposal and the previous application is the re-siting of the dwelling out of the flood zone. This minor change does not overcome the policy reasons for refusal and the Highways Officer still maintains an objection on highway safety reasons due to the inadequate visibility at the junction of Porters Loke and Butt Lane. For these reasons it is considered that there are no grounds to reverse the previous decision to refuse.

## **5 RECOMMENDATION :-**

- 5.1 REFUSE - the proposal is contrary to the aims of Policies CS1, CS2 and CS16 of the Local Plan: Core Strategy and saved Policy HOU10 of the Great Yarmouth Borough-Wide Local Plan.



ACK 22/6/16

Bremar Stud

Porters Loke

Burgh Castle

NR31 9PX

Planning Services Development Control

Town Hall

Hall Plain

Great Yarmouth

NR30 2QF

Dear Sir/Madam



**Planning Application 06/16/0321/F**

I am rather disappointed that the applicant did not approach me with his intentions, before submitting his planning application.

My concerns are that the state of the private road is now in the worst state in my 87 years of life. My grandfather, father and for the last 66 years myself, have upkeep the loke. With this new application, with standing for 4 cars, it will make 12 cars using the private road. Nobody helps or says thank you for our work. We have a lot of traffic to and from the farm, with only enough room for one vehicle. The loke is only 10 feet wide with no place to pass.

Sewerage from the pumping station often floods the applicants site or swamp. It smells very bad. I have seen salt water from the river, when the wall burst, right up the loke. Water from the field's runs into the loke, water from the road runs to the pump house as does the surface water from the loke.

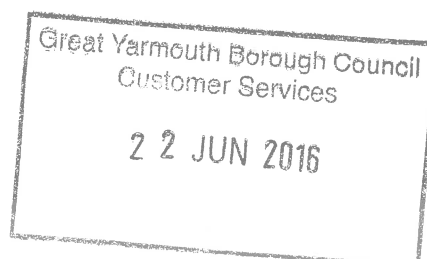
I am worried that if the loke is dug up to lay water, electric and sewer pipes it will interfere with the right of way to the Caravan Club CL which has been mine since 1969.

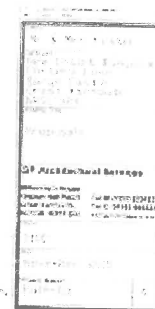
The applicants' field is 3 feet lower than the private road. It is a public footpath which we at the farm respect.

Yours sincerely

[Redacted signature]

Mr D Smith





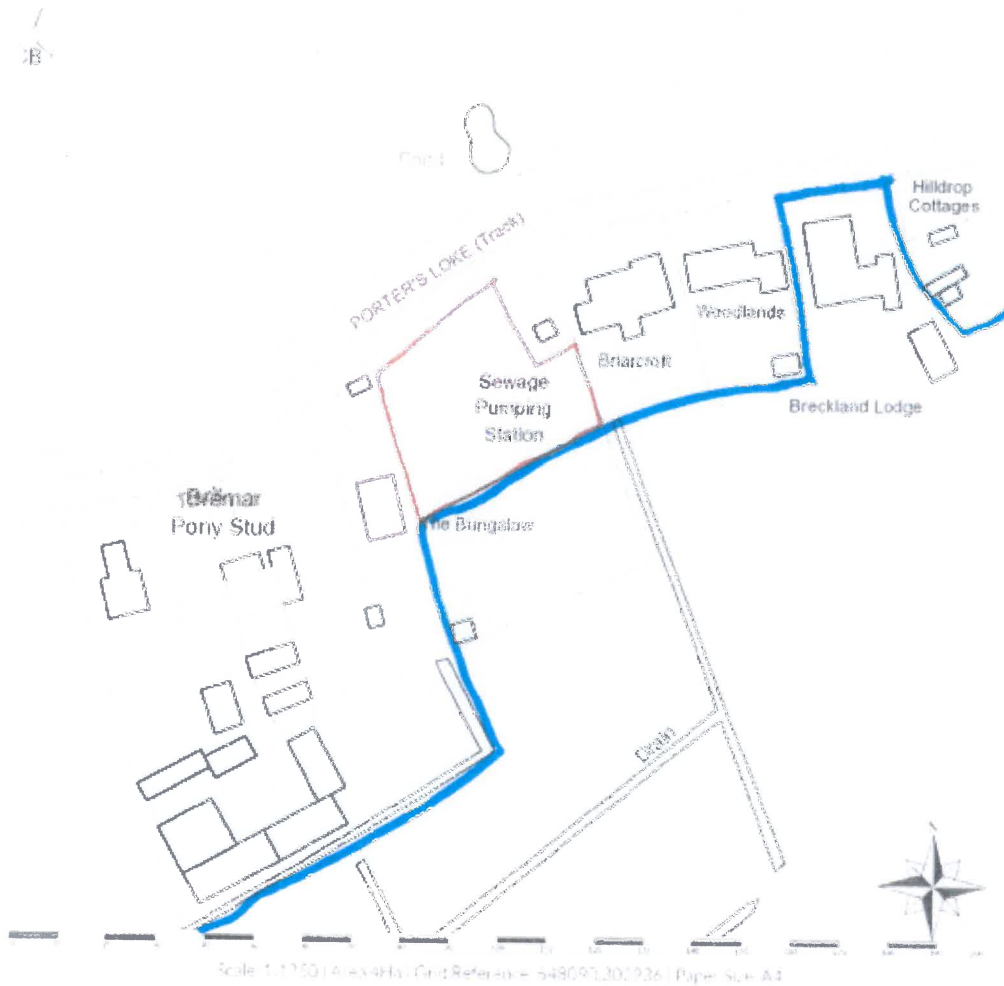
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Groundsure

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