

# Development Control Committee

## Minutes

Wednesday, 12 February 2020 at 18:30

### PRESENT:

Councillor Annison (in the Chair); Councillors Bird, Candon, Fairhead, Freeman, Flaxman-Taylor, Lawn, Mogford, Wainwright, Williamson, T Wright and B Wright.

Also in attendance:

Mr D Minns (Planning Manager), Mrs G Manthorpe (Senior Planning Officer), Ms C Whatling (Monitoring Officer, Ms J Smith (Planning Technician), Mrs T Bunn (Senior Democratic Services Officer).

### **1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Myers and P Hammond.

Councillor Candon substituted for Councillor P Hammond

## **2 DECLARATIONS OF INTEREST**

All Development Control Committee members declared an interest in that they personally knew the applicants for Item 5 as they are current sitting Councillors.

Councillors Bird, Fairhead, Freeman, Lawn and Mogford all declared a personal interest in item 6 in their capacity as members of the Broads Internal Drainage Board.

Councillor Mogford declared a personal interest in item 5 in his capacity as a member of the Broads Authority.

## **3 MINUTES**

The minutes of the meeting held on 8 January 2020 were agreed with the addition of Councillor Mogford shown as attending the meeting.

## **4 APPLICATION 06-19-0639-F -REPPS ROAD (LAND SOUTH OF) MARTHAM**

The Committee received and considered the comprehensive report from the Senior Planning Officer.

The Senior Planning Officer reported that the application was a full application for the erection of 46 dwellings at land accessed off Rising Way. The site has previously been granted planning permission as part of a larger development of 144 dwellings which included, by separate application, the construction of a roundabout. Residents have objected to the access off Rising Way and have commented that the roundabout should be provided as part of this application. Norfolk County Council Highways have assessed the application and have not deemed it necessary to provide the roundabout for this development as a stand-alone development. Should a further application be submitted for the erection of additional dwellings accessed off Repps Road this will be assessed, as with the current and all applications, on merit and the matter of the access requirements will again be consulted on. The current application does not, at this time, require a roundabout to be provided.

The Senior Planning Officer reported that one of the comments received from the Highways Authority stated that the potential access, currently to undeveloped land, should be removed. Although additional development at a section of land that has never received an application for residential development is not currently being considered it is deemed appropriate to leave an access point at this location. Should Highways object to a future

application if one is submitted this will be a material consideration that the application shall be judged against.

The application was subject to pre-application advice during which comment was made on a number of areas including design, layout and parking. The applicants have taken these comments onboard with the current submission and the layout is attractive with thought having gone into the placement of the open space as a buffer to the existing village development. The attenuation area has been altered through the application process as the applicants have sought to locate it at the location which will offer the best drainage for the site.

The Senior Planning Officer reported that the Lead Local Flood Authority (LLFA) have not commented on the application however the Water Management Alliance have stated that infiltration drainage is supported. In the absence of a comment from the LLFA the applicant's agents have helpfully suggested a drainage condition to secure adequate drainage. The condition, if not requested by the LLFA, will not be assessed by the LLFA and as such it will be for the Local Authority to assess the appropriateness while also taking into consideration the responses from other consulted parties.

The Senior Planning Officer reported that the landscaping plan, following comments from the Assistant Grounds Manager and Arboricultural Officer, has been amended to increase the number of trees proposed. the increase to 30 no. trees is a positive one and will offer an improvement to the site. The Natural Environment Team at Norfolk County Council have helpfully assessed the site for biodiversity and suggested conditions.

The Senior Planning Officer summarised the comments from the Natural Environment Team at Norfolk County Council and suggested condition, which shall be placed upon any grant of planning permission are as follows:

"The application site comprises 3.5 ha of arable land. A species rich hedgerow runs along the eastern boundary. The site has limited suitability for protected species or species of conservation concern although an oak on the eastern boundary was considered to have moderate potential for bat roosts. There are no plans to fell this tree. The proposals will result in the loss of 2.5 ha of arable land, approximately 21m of defunct hedge and crown lifting work to two trees, and potentially impact on bat foraging habitat. There are no EPS licencing requirements. The following conditions and informatives were suggested:

- To minimise and mitigate for potential impacts on bats a Lighting design strategy for light-sensitive biodiversity should be conditioned: Prior to occupation, commencement a 'lighting design strategy for biodiversity' for shall be submitted to and approved in writing by the local planning authority.

The strategy shall:

- Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and

resting places or along important routes used to access key areas of their territory, for example foraging; and

- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to breeding sites, resting places or feeding areas.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- To secure habitat enhancement and biodiversity gain, in accordance with NPPF, a Biodiversity Method Statement, containing all recommendations made in the Phase 1 Ecological Survey report (NWT, 2019) should be conditioned.

“No development shall take place (including any demolition, ground works or site clearance) until a biodiversity method statement has been submitted to and approved in writing by the LPA. The content of the method statement will include:

- Purpose and objectives for the proposed works,
- Detailed designs and/or working methods necessary to achieve the stated objectives
- Extent and location of proposed works shown on appropriate scale maps and plans,
- Timetable for implementation, demonstrating that works are aligned to the proposed phasing of construction,
- Persons responsible for implementation of the works,
- Initial aftercare and long-term maintenance (where relevant);
- Disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and will be retained in that manner thereafter.

The Senior Planning Officer reported to the Committee the Natural Environment Team at Norfolk County Council Recommendation: Nesting Bird Informative “The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while the nest is in use or being built. Planning

consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present. Cut vegetation is to be either removed from site or chipped. Piles of brash are not to be stored on site as this provides potential nesting habitat for birds. If piles of brash are left on site during the main breeding bird season these will need to be inspected for active nests prior to removal."

The Senior Planning Officer reported that the landscaping scheme included the planting of shrubs, hedges and trees as well as root protection areas for the existing trees that are to be retained on site. The hedges to be planted include the reinforcing of the existing boundaries which is encouraged as per the comments above and improvements to biodiversity, as per the above condition taken from the submitted Phase 1 Ecological Survey report (NWT, 2019) shall ensure that there are improvements made at the site.

The Senior Planning Officer reported that although there has not been a consultation response received from the Parish Council the information submitted in support of the application details the community consultation that has been undertaken and has detailed the Parish Councils comments that were submitted directly to them and how they have addressed the concerns. The Parish Council, according to the application details, emphasised the importance of ecology and the mitigations and enhancements were considered, as per the above, and can be conditioned effectively.

The Senior Planning Officer reported that the applicants describe the appearance of the development as providing a traditional appearance. The design includes rubbed brick window heads, stone sills and soffits to eaves which are assessed as appropriate to the local vernacular. The materials include Dorchester Red, Guilt Red Multi and buff stock bricks to be matched to Sandtoft Shire Grey and Red tiles. Plots 7 and 8 have white render porches. The design mix and use of materials demonstrates a fully conceived development that is appropriate for the local area. The mix of dwellings proposed includes bungalows, two storey houses as a mix of semidetached, detached and terraced dwellings and 8 flats in two storey blocks offers an appropriate mix for the site.

The Senior Planning Officer reported that the development as proposed is for all of the properties to be affordable homes with a mix as referenced above. The public consultation covered the proposed use of the site as an all affordable site and the details submitted show the responses received from the public. The provision of the affordable housing was supported by Great Yarmouth Borough Councils Enabling & Empty Homes Officer who supplied positive comments to the application in support.

The Senior Planning Officer reported that although comments were not

currently received from the Highways Officer there was no objection in principle to the development. Further information and minor amendments have been requested and have been made by the applicant baring the alteration detailed above. Should circumstance change and an objection and recommendation for refusal be brought by the Highways Authority the application shall be brought back to members and as such and resolution in the positive shall be subject to Highways returning their consultation response in a positive manner.

The Senior Planning Officer reported that An important factor when determining applications is whether a Local Authority has the ability to demonstrate a five-year housing land supply. If a Local Planning Authority cannot show that they are meeting this requirement, their policies with regards to residential development will be considered to be "out of date". There is currently a housing land supply of 3.42 years (as at the end of year 2018/2019) which is a clear shortfall. In addition, the publication of the first Housing Delivery Test figures in February 2019 showed that the Borough had not seen delivery of 75% of the housing requirement over the previous three-year period. Although this does not mean that all residential developments must be approved the presumption in favour of sustainable development must be applied.

The Senior Planning Officer reported that In weighing the material considerations in this application considerable weight must be given to Paragraph 11 (d) of the National Planning Policy Framework states that where the policies which are most important for determining the application are out-of- date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits. Footnote 7 states that "this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."

In the case of *Wavendon Properties Ltd v SoS for Housing, Communities & Local Government plus Another* (June 2019, reference [2019] EWHC 1524 (Admin)), Mr Justice Dove made an important judgement on the correct interpretation of paragraph 11(d) of the National Planning Policy Framework (February 2019). Paragraph 11 (d) states:  
"Plans and decisions should apply a presumption in favour of sustainable development..."

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of

particular importance provides a clear reason for refusing the development proposed(6); or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Senior Planning Officer reported that the implication of the Wavendon judgement is that there must: firstly be an assessment as to which policies of the Development Plan are most important for determining this planning application; secondly, an assessment as to whether each of these policies are, or are not, “out of date”; and thirdly, a conclusion as to whether, taken as whole, these most important policies are to be regarded as “out-of-date”. If, taken as whole, they are regarded as “out-of-date”, then the “tilted balance” of NPPF paragraph 11 applies (for a refusal to be justified, the harms must “significantly and demonstrably outweigh the benefits...”). If, taken as a whole, they are not regarded as out-of-date, then the tilted balance does not apply.

The Senior Planning Officer reported that the application site had previously been granted approval for residential development and was located adjacent to existing residential properties. The development is not an isolated one and is within a sustainable location with access to public transport, open spaces, education facilities and village amenities. There are no significant or demonstrable harms that outweigh the need for the provision of housing in a sustainable location.

The Senior Planning Officer reported that the application was recommended for approval subject to the highway issues being addressed and conditions to ensure an adequate form of development including those requested by consultees and a s106 agreement securing Local Authority requirements of children’s recreation, public open space, affordable housing and Natura 2000 payment. The proposal complies with the aims of Policies CS2, CS3, CS9, CS11 and CS14 of the Great Yarmouth Core Strategy.

Members raised questions in respect of the access to the site with particular reference to access by emergency vehicles, the Senior Planning Officer advised that this access would have lowering bollards installed which would prevent use by any other than the emergency services. Any application for future development access would be assessed.

Councillor T Wright asked for clarification in respect of the affordable housing if the application for the rest of the site was received, would this be subject to 20% affordable housing. The Senior Planning Officer advised that the S106 agreement would require review if the applicant wished to offset the 20% required.

Councillor Williamson asked if the new hedgerows were subject to any protection and the Senior Planning Officer advised that these would fall under the standard five year conditions as they cannot be covered by the ancient hedgerow controls.

Members were advised that the RSL working with the applicant was Flagship Housing.

No Ward Councillors wished to speak on this item.

Mr Duxbury - objector, spoke on behalf of local residents living in Rising Way and expressed concerns in respect of the site access for the development period with particular reference to the nature of Rising Way, with resident parking and that it would cause a danger having constructions vehicles using this as access. He also questioned why, when the original planning permission on the larger site specified a roundabout to lead into the site, that this was not included or required in this application.

In respect of the roundabout the Planning Manager advised that there was no requirement for the roundabout as there would be no more than 46 dwellings having egress from Rising Way. If there are above 46 dwellings then a roundabout will be required. In respect of the construction traffic he advised that there would be a traffic management plan which can be imposed as part of the conditions.

Following a vote it was RESOLVED:-

That application 06-19-0639-F be approved subject to the reinforcement of conditions relating to access and the reinforcement of the West and South access points.

## **5 APPLICATION 06-19-0593-F LAND ADJACENT TO WESTAYLEE, WEST ROAD, WEST END, WEST CAISTER**

The Committee were advised that the applicants were sitting Councillors, P and D Hammond.

The Committee received and considered the comprehensive report from the Senior Planning Officer.

The Senior Planning Officer reported that the proposal seeks approval for the erection of a dwelling in the open countryside near to the minor settlement of West Caister, which is identified in Core Strategy Policy CS2, as one of the Tertiary Settlements, which are to absorb 5% of the Districts Housing requirement as minor developments within the settlement, appropriate in scale to the settlement.

The Senior Planning Officer reported that there have been several recent housing developments within the settlement including a replacement dwelling to the east of the application site, a new dwelling approved to the west and a new bungalow under construction on the opposite side of the road. As a result, it is not considered that the erection of another single dwelling raises any



particular 'policy' objections to the principle, the main concern being the position of the proposed dwelling in relation to the character and form of the settlement.

The Senior Planning Officer reported that West Caister is an unusual settlement in 2 parts, with a nucleated grouping of dwellings based around the church – at the eastern end close to the A149 (Caister by-pass) – and a second grouping of dwellings further west, which has a particularly 'linear' character with each dwelling having a frontage to the various public highways/lanes. The applicant's current dwelling is already set-back some distance from the highway – with an outbuilding between the dwelling and the road - although in keeping with the settlement form, it has a direct road frontage - however in comparison, the proposed dwelling (which would be served from the same access drive), is to be positioned much further from the road. The proposed dwelling is a typical tandem-backland situation, sharing a common drive, but situated behind the host dwelling in relation to the highway.

The Senior Planning Officer reported that this form of development was totally out-of-character with the established character and pattern of development and is an alien form of development that conflicts with the current form of the settlement. It is in effect, a new dwelling in the countryside beyond the obvious settlement limits established by other dwellings.

The Senior Planning Officer reported that the applicant has pointed to other sites within the settlement and other settlements as justification for the proposal, however the other developments quoted are either in villages with a completely different character or are ones which comply with the village form, by having a direct road frontage. Whilst a new dwelling within the settlement would generally comply with policy –and the applicant has been informed that the logical 'infill' plot between the existing dwelling and the nearby stable-block would be considered to be appropriate and could be supported by officers - the applicant has declined to amend the proposal as they did not want to lose their view from the existing dwelling.

The Senior Planning Officer reported that whilst a dwelling that complied with the character and form of the settlement would raise no particular policy concerns, the current proposal is not considered to be acceptable in settlement form terms and would be an alien intrusion in to the countryside outside of the settlement, and as such, is considered to be in conflict with Core Strategy Policy CS2 and the guidance within the N.P.P.F

The Senior Planning Officer reported that, whilst the West Road area of West Caister has a very eclectic mix of dwelling types, with numerous architectural styles and ages of construction – to the extent that there is no readily definable character – the village still has a rural charm and a very simple architectural form to most dwellings. The existing dwelling is very modern in its style and this is continued in relation to the new dwelling, although as stated by the Design and Conservation Officer, the design does not readily gel with the existing rural form of the village.

The Senior Planning Officer reported that the proposed dwelling is a mix of numerous styles and treatment, having both hipped and gable roof construction, corner quoins and a mock-classical entrance canopy supported on columns, a glazed entrance feature, and a multitude of differing window fenestration with dormers above the garage, and large picture windows which are very regimented, particularly the rear elevation which faces the public footpath to the west.

The Senior Planning Officer reported that the N.P.P.F indicates at paragraph 127, that Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

It goes on to state at paragraph 130, that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents".

The Senior Planning Officer reported that the proposed dwelling is not a high-quality design, being a mix of styles which is completely at odds with the local rural character, and as a result, it fails to take the opportunity to improve the character and quality of the area as required by paragraph 130 and it conflicts with Core Strategy Policy CS9.

The Senior Planning Officer reported that, unlike all of the other dwellings within the village -which have a direct road-frontage to one of the lanes within the settlement, the application proposal is not only set back an appreciable distance from the highway, it has no direct road frontage and it is set behind the applicant's existing dwelling and shares its drive in a tandem backland situation and as discussed above, would appear out-of-character with the form of this linear rural settlement. The dwelling would be sited in a relatively open grazing paddock, extending north from the settlement and the curtilage as shown on the plans extends to the treeline to the north of the site which represents the boundary with The Broads Authority Executive Area.

The Senior Planning Officer reported that, In addition to the concerns regarding the village character, the dwelling represents an intrusion in to the countryside beyond the obvious limits of the settlement. And be read in conjunction with Broads area, particularly in views from West Road, and from the public footpath to the west of the site.

The N.P.P.F indicates that the countryside should be protected for its beauty, and that "great weight should be given to conserving and enhancing

landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues”.

The Senior Planning Officer reported that The Broads Authority had objected to the application on the grounds of the significant adverse impact on the Broads Authority Executive Area. The Broads Authority's objections are that:- “The proposal is situated outside of a defined settlement limit and the design, scale materials of the proposal are not sympathetic to the countryside location adjacent to the Broads Authority Executive Area and are likely to result in an adverse visual impact on the locality”.

The Senior Planning Officer reported that the Broads is designated as of equivalent status to a National Park and its landscape is accorded the highest level of protection. The introduction of the development proposed adjacent to the Broads boundary would adversely affect the character and appearance of the landscape and it's quality, particularly from the adjacent footpath.

The Senior Planning Officer reported that when assessing the application, the impact on the Broads Authority is a material consideration that holds substantial weight. As can be seen from the comments above, the assessment is that the impact of the development is considered to be detrimental to the countryside location adjacent to the Broads Authority Area and should be refused for this reason.

The Senior Planning Officer reported that an alternative siting for a dwelling is available on the road frontage – as an infill plot between the applicant's dwelling and nearby stables – that would both comply with Core Strategy Policy CS9, and would not have the same detrimental impact on the countryside or the Broads Area, however the applicant has declined invitations to relocate the proposal as he does not wish to lose the outlook from the existing dwelling.

The Senior Planning Officer reported that the N.P.P.F; The Conservation of Habitats and Species Regulations 2017, and Core strategy Policy CS11/Natura2000 Monitoring and Mitigation Strategy, establishes a strict regime for consideration of the impact of a development on both protected species and wildlife habitats. There are 3 separate issues to consider in relation to the above legislation and policy and the current proposal, being the ecology of the site itself, any recreational pressures on Natura2000 sites and impact on protected species off-site.

The Senior Planning officer reported that the applicant currently manages the land to the north of his dwelling as a wildlife site, and actively encourages bats/owls, hedgehogs and other species. An ecology report has been submitted that concludes that there is potential for wildlife to be present at the site, and with appropriate additional bio-diversity enhancement/extra nest-boxes, the development would not harm wildlife. The County ecologist confirms that the report is fit-for-purpose. The submitted HRA report concludes that there could be some impact on Natura2000 sites arising from visitor

pressure, however it would not be significant and the County Ecologist confirms that it could be dealt with via the Monitoring and Mitigation Strategy. The appropriate payment has been made.

The Senior Planning Officer reported that the key concern relates to the potential impact on protected species off-site. The applicant's own ecology report confirms the potential for water-voles with the drainage ditches adjacent to the site and where water-voles presence has been recorded nearby. The drainage proposals for the new dwelling include the disposal of surface-water run-off to the adjacent ditch network, with foul water utilising the existing dwellings package treatment plant, which also discharges to the same ditch network. Information relating to the final discharge position of the ditches (to assess potential for hydro-logical link to Natura2000 sites) is outstanding, and the County Ecologist has indicated that permission should not be granted until such time as a water-vole survey has been undertaken, and an assessment made as to the impact

The Senior Planning Officer reported that in the absence of such information/reports, the appropriate assessment by the competent authority (in this case the Local Planning Authority) cannot be made and the Council would be failing in its statutory duty under The Conservation of Habitats and Species Regulations 2017 if permission was to be granted. Circular 06/2005 makes it clear that the presence or otherwise of protected species and the extent to which they would be affected by a development proposal, should be established before the grant of permission, otherwise all material considerations have not been considered (i.e. the matter cannot therefore be subject to a condition) and the High Court has ruled that failure to make the appropriate assessment – and proceeding straight to mitigation – is a failure to comply with the Regulations, and makes any permission fundamentally flawed.

The Senior Planning Officer reported that, in the absence of the water-vole report and information regarding the discharge position of the ditch, the L.P.A as the competent authority is unable to make the appropriate assessment and therefore cannot carry out its statutory duty under the above Regulations and therefore permission should not be granted. In discussions, the applicant has declined to provide the appropriate water-vole survey, and there is therefore no alternative under the above Regulations but to refuse permission.

In conclusion the Senior Planning Officer reported that, whilst the general principle of a modest housing development in a Tertiary village is acceptable in policy terms, the proposal does not represent an acceptable infill, and would be a tandem-backland development that would appear out-of-character with the linear form of the settlement, contrary to the N.P.P.F and Core Strategy Policy CS2.

The Senior Planning Officer reported that the design of the dwelling is inappropriate for the location and would be harmful to the rural character, and as a result, it fails to take the opportunity to improve the character and quality of the area as required by paragraph 130 of the N.P.P.F and conflicts with Core Strategy Policy CS9. The dwelling constitutes an alien encroachment in

to the countryside adjoining the Broads Authority Executive Area, which is to be afforded the highest level of protection.

The Senior Planning Officer reported that the application is not accompanied by sufficient information for the L.P.A to make the appropriate assessment of its impact on protected species and Natura2000 habitat and therefore the L.P.A could not meet its statutory duty to make such an assessment as required by the regulations, the N.P.P.F, Core Strategy Policy CS11 and Circular 06/2005.

The Senior Planning Officer reported that the application was recommended for refusal for the following reasons:-

1. Insufficient information has been provided in relation to water-Voles – a protected species – and the final discharge points of the drainage ditch to be used for the disposal of foul and surface water, and therefore the Local Planning Authority as the competent authority, is unable to make the appropriate assessment of its impact of the development proposal on protected species and Natura2000 habitat and therefore the Local Planning Authority could not meet its statutory duty as required by The Conservation of Habitats and Species Regulations 2017, Circular 06/2005, the National Planning Policy Framework, and conflicts with the provisions of Adopted Core Strategy 2015 - Policy CS11.

2. Whilst the general principle of a modest housing development in a Tertiary village is acceptable in policy terms, the proposal does not represent an acceptable infill within the obvious development limits of the settlement, and would constitute an unacceptable form of tandem-backland development that would appear out-of- character with the linear form of the settlement, contrary to the N.P.P.F and conflicts with the provisions of Adopted Core Strategy 2015 - Policy CS2.

3. The dwelling constitutes an alien encroachment in to the attractive countryside to the north of the settlement, and adjoining the Broads Authority Executive Area, which is to be afforded the highest level of protection. The proposed dwelling would appear out-of-place within the open rural landscape. The impact on the landscape is exacerbated by the scale and design of the dwelling, which is inappropriate for the location and would be harmful to the rural character, and as a result, it fails to take the opportunity to improve the character and quality of the area as required by paragraph 130 of the National Planning Policy Framework and conflicts with the provisions of Core Strategy Policy CS9.

The applicant Mrs D Hammond provided comments on the issues raised. She advised members that the Ecological Survey undertaken in November 2019 specifically stated that there was no risk to water voles and felt that this was not correctly recorded in the report. She also stated that there were three other properties in the same lane which do not have a road frontage

In respect of the drainage she advised that the Environment Agency had given permission to discharge and that this is outside the CMTP301 drainage board

area.

Members asked for clarification in respect of the comments made by Mrs Hammond in respect of the ecological report and whether this had been taken into account in the assessment. The Senior Planning Officer advised that the full ecological report had formed part of the planning file and that the report had been undertaken in August 2019. This was reviewed by the County Ecologist and the response dated 18 December 2019 and the statements contained within the report reflect these comments.

No Ward Councillors wished to speak on the application.

Following member debate and a vote it was

RESOLVED that permission be refused for the following reasons:

1. Insufficient information has been provided in relation to water-Voles – a protected species – and the final discharge points of the drainage ditch to be used for the disposal of foul and surface water, and therefore the Local Planning Authority as the competent authority, is unable to make the appropriate assessment of its impact of the development proposal on protected species and Natura2000 habitat and therefore the Local Planning Authority could not meet its statutory duty as required by The Conservation of Habitats and Species Regulations 2017, Circular 06/2005, the National Planning Policy Framework, and conflicts with the provisions of Adopted Core Strategy 2015 - Policy CS11.

2. Whilst the general principle of a modest housing development in a Tertiary village is acceptable in policy terms, the proposal does not represent an acceptable infill within the obvious development limits of the settlement, and would constitute an unacceptable form of tandem-backland development that would appear out-of-character with the linear form of the settlement, contrary to the N.P.P.F and conflicts with the provisions of Adopted Core Strategy 2015 - Policy CS2.

3. The dwelling constitutes an alien encroachment in to the attractive countryside to the north of the settlement, and adjoining the Broads Authority Executive Area, which is to be afforded the highest level of protection. The proposed dwelling would appear out-of-place within the open rural landscape. The impact on the landscape is exacerbated by the scale and design of the dwelling, which is inappropriate for the location and would be harmful to the rural character, and as a result, it fails to take the opportunity to improve the character and quality of the area as required by paragraph 130 of the National Planning Policy Framework and conflicts with the provisions of Core Strategy Policy CS9.

## **6 APPLICATION 06-19-0565-F 19 YALLOP AVENUE, GORLESTON, GREAT YARMOUT, NR31 6HD**

The Committee received and considered the Senior Planning Officer's report and noted that the applicant was an employee of GYBC and that this was a

retrospective application.

The Senior Planning Officer reported that, under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class E (criterion d, e and f) which states that; Development is not permitted by Class E if -

(d) the building would have more than a single storey;

(e) the height of the building, enclosure or container would exceed -

(i) 4 metres in the case of a building with a dual-pitched roof.

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse.

(iii) 3 metres in any other case

(f) the height of the eaves of the building would exceed 2.5 metres

7.2 The outbuilding sits within 2 metres of the shared east boundary with neighbour

No.17 and its existing height of 3.15 metres therefore, exceeding the permitted height of 2.5 metres by 0.65 metres.

The Senior Planning Officer reported that when considering the development in the context of Policies CS9 and HOU18 and Paragraph 127 of the NPPF it is acknowledged that the siting of the outbuilding has an impact on the view from adjoining neighbour's property of the dwellings and gardens in Yallop Avenue to a certain degree however, there is no right to a view under the planning system the outbuilding. Impacts for loss of light were also assessed and due to the siting of the adjoining neighbour's dwelling the east of the application site and the sun's path from the east towards the west, it was observed and noted the impact is minimal therefore, not resulting in a significant loss of light.

The fallback position here is that a building could be erected on the site in the current location albeit 0.65m lower. In practical terms it is for the LPA to consider the additional impact of the building over and above that allowed under the permitted development rights. On balance the impact would not be significant and would not result in an unduly oppressive living environment for the occupants of No.17 nor to the neighbour No.21 to the west.

The Senior Planning Officer reported that according to the Noise Policy Statement for England (NPSE), The Government is committed to sustainable development and The Department for Environment, Food and Rural Affairs (Defra) plays an important role by working to secure a healthy environment in which people and future generations can prosper. A particular type of noise which is addressed by the NPSE is "neighbour noise" which includes noise from inside and outside people's homes. These objectives are echoed by the National Planning Policy Framework. (NPPF) paragraph 180, which states that planning policies and decisions should 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.

The Senior Planning Officer reported that providing that the building is used for

purposes ancillary to 19 Yallop Avenue as a residential dwelling and no other unrelated uses - as condition of should planning permission then the impact of the use of the building upon the neighbouring properties should be minimised. Taking into consideration the factors discusses above, the recommendation was to approve with conditions.

The Senior Planning Officer recommended that the application should be approved with conditions for the use of the outbuilding to be incidental and related to the main dwelling.

The Senior Planning Officer reported that the proposal complies with the aims of Policies CS9 of the Great Yarmouth Local Plan: Core Strategy and saved Policies HOU18 of and the Great Yarmouth Borough-wide Local Plan (2001) (LP).

No Ward Councillors wished to speak on the application.

Members discussed the number of retrospective applications received. The Monitoring Officer advised that if Members wished to refuse a retrospective planning application then the planning reasons would need to be detailed if this was going against the officer recommendation.

Following a vote the application was APPROVED.

## **7 PLANNING APPLICATIONS CLEARED UNDER DELEGATED AND COMMITTEE DECISIONS BETWEEN 20 DECEMBER 2019 AND 31 JANUARY 2020**

The Committee received and noted the planning applications cleared under delegated officer decision and by the development control committee for the period of 20 December 2019 to 31 January 2020.

## **8 ANY OTHER BUSINESS**

The Planning Manager reported that there had been three Ombudsman decisions received, all with no evidence of fault.

The Planning Manger advised members that this was the last Development Control Committee to be attended by the Senior Planning Officer as she was moving on to another authority. On behalf of the Committee he expressed his thanks to her for all her hard work and gave best wishes for the future. The Chair and members expressed their thanks and said that she would be missed and they hoped to see her return to GYBC in the future.



The meeting ended at: 20:30