

**Reference:** 06/18/0717/O

**Parish:** Fleggburgh

**Officer:** Mrs G Manthorpe

**Expiry Date:** 25/05/19

**Applicant:** Mr and Mrs Coleman

**Proposal:** Residential development to provide 4 no. plots for detached houses and garages.

**Site:** Beech House, Main Road Fleggburgh.

## **1. Background / History :-**

- 1.1 The site comprises 1987 square metres of land located on the south side of Main Road Fleggburgh and to the west of Marsh Road. To the east of the application site is the dwelling to which the application site relates, Beech House. The site is, according to the application form grade one agricultural land.
- 1.2 The previous planning history relates to an extension to the house known as Beech House previously called Beech Farm and the creation of a vehicular access and fencing. There is no planning history on site which is relevant to the current application.
- 1.3 There has been a previous planning application, reference 06/06/0683/O, for the subdivision of land and creation of a dwelling off Pound Lane which was refused, and the appeal was dismissed. This application was 13 years ago and the refusal and appeal were on the then current Borough Wide Local Plan and village development limits.

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

- 2.1 Parish Council – Fleggburgh Parish Council support this application, whilst noting concern regarding access onto the road.
- 2.2 Neighbours – There have been two objections to the development from neighbours, the objections are summarised as follows:

- The entrance road of the proposed is on a blind corner.
- This could open the flood gates for others to apply to build.
- Vehicles speed along this section of road.
- A previous planning application (06/06/0683/O) has been refused.
- Overlooking.
- People on Pound Lane were not notified of the application.

2.3 Highways – No objection to the application subject to conditions.

2.4 Assistant Grounds Manager and Arboricultural Officer – The trees are currently being reviewed and those that are deemed worthy shall be protected by TPO.

2.5 Building Control – No comments received.

2.6 Environmental Health – No objection to the application, conditions requested to limit the hours of operation. The applicant is advised to note the recommendation relating to suppressing dust.

2.7 Strategic Planning – No objection to the application.

### **3 Borough Wide Local Plan :-**

3.1 Local Policy - Saved Great Yarmouth Borough-Wide Local Plan Policies (2001):

3.2 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.

3.3 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.

3.4 HOU10: Permission for new dwellings in the countryside will only be given in connection with agriculture, forestry, organised recreation, or the expansion of settlements.

- 3.5 HOU16: A high standard of layout and design will be required for all housing proposal. A site survey and landscaping scheme will be required will 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.

#### 4 **Core Strategy:-**

- 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. Fleggburgh is identified as a Secondary Village and is expected to receive modest housing growth over the plan period due to its range of village facilities and access to key services.

- 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:

a) Make provision for at least 7,140 new homes over the plan period. This will be achieved by (extract only):

- Focusing new development in accessible areas and those with the most capacity to accommodate new homes, in accordance with Policy CS2
- Ensuring the efficient use of land/sites including higher densities in appropriate locations

d) Ensure that new housing addresses local housing need by incorporating a range of different tenures, sizes and types of homes to create mixed and balanced communities. The precise requirements for tenure, size and type of housing units will be negotiated on a site-by-site basis, having regard to the Strategic Housing Market Assessment, Policy CS4 and the viability of individual sites

- 4.3 Policy CS9: Encouraging well designed and distinctive places. This policy applies to all new development.

- 4.5 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.

- 4.6 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 Draft Local Plan Part 2

### 5.1 Policy G1-dp Development limits

Development will be permitted within the development limits of settlements shown on the Policies Map, provided it is in accordance with the other policies in the Local Plan. The areas outside development limits (excepting specific allocations for development) will be treated as countryside or other areas where new development will be more restricted, and development will be limited to that identified as suitable in such areas by other policies of the Local Plan, including:

- domestic extensions and outbuildings within existing residential curtilages, under Policy H8-dp; replacement dwellings,
- under Policy H4-dp;
- small scale employment, under Policy B1-dp;
- community facilities, under Policy C1-dp;
- farm diversification, under Policies R4-dp, L3-dp & L4-dp;
- rural workers' housing, under Policy H1-dp; and
- development relocated from a Coastal Change Management Area, under Policy E2-dp.

### 5.2 Housing Applications Reliant on the 'Presumption in Favour of Sustainable Development'

In the event that the Council is unable to demonstrate a five year supply of deliverable housing land, or meet the Housing Delivery Test, it will give favourable consideration to proposals for sustainable housing development (as defined by the National Planning Policy Framework) which will increase the delivery of housing in the short term, and apply flexibly the relevant policies of the development plan where it is robustly demonstrated that the development will be delivered promptly (i.e. within 5 years maximum).

Consideration will be given to applying a shorter than standard time limit to such permissions, in order to signal the exceptional nature of the permission and to encourage prompt delivery. Applications for renewal of permissions which relied on that presumption will be considered in the light of the housing delivery and supply situation at the time.

Such renewals will only be permitted where the applicant can demonstrate convincing reasons both why the development did not proceed in the time frame

originally indicated, and why, in the light of the previous delay, the development can now be expected to proceed promptly.

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

- 6.1 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.
- 6.2 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>.
- 6.3 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.
- 6.4 Paragraph 11 (partial): 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<sup>6</sup>; 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.

6.5 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).

6.6 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.

6.7 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.

6.8 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.

6.9 Paragraph 170 (partial). Planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

- 6.10 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.

## **7 Local finance considerations:-**

- 7.1 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. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. It is assessed that financial gain does not play a part in the recommendation for the determination of this application.

## **8 Shadow Habitats Regulation Assessment**

- 8.1 The applicant has completed the Great Yarmouth Borough Council template for the preparation of a Shadow Habitat Regulations Assessment (HRA) as this application site is a small site and does not have any direct effects on internationally protected wildlife sites. The development would have in combination effects on designated sites and as such the appropriate assessment is required to be carried out by Great Yarmouth Borough Council as competent authority.
- 8.2 It is confirmed that the shadow HRA submitted by the applicant has been assessed as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.
- 8.3 The appropriate assessment concluded that payment of £110 per dwelling is required, in accordance with the Monitoring and Mitigation Strategy, to mitigate the effect on designated sites. Following the completion of the shadow HRA the applicant has paid the appropriate mitigation of £110 per dwelling totalling £440.

## 9 Assessment

- 9.1 The application is an outline application with appearance only as a reserved matter. The current application will therefore determine layout, access, scale and landscaping. The layout provides four houses accessed from a private drive to a central point off the northern boundary of the site. The layout provides garages for each dwelling with plots three and four shown as detached garages and plots one and two with attached garages. The application has provided a turning circle within the site and car parking and turning to each dwelling. The layout of the dwellings is a continuation of the existing dwellings to the east and as such continues the linear progression of the village.
- 9.2 The size of the dwellings is in keeping with the curtilage sought to be provided and, as shown by the indicative drawings, can provide four bedroom properties. The scale of the dwellings is deemed acceptable when looking the character of the area. Although appearance is not applied for there are indicative drawings showing that the heights of the dwellings varies to try to offer some individuality to the dwellings proposed.
- 9.3 Although appearance is not applied for at this stage it would be the goal of the Local Planning Authority to seek for a high-quality design in this location. It would be deemed necessary as this site provides the natural stop to the developed boundary with Manor Farm on the opposite site of Main Road having a built-up form which ends opposite Marsh Road. Marsh Road is the natural boundary for the application site as it is a public highway. The prominence of the site as the village is entered requires high quality materials and individual design to ensure that the development enhances the area and does not detract from the form and character.
- 9.4 There have been objections to the access from neighbours and, although they are in support of the application, the Parish Council have noted the potential danger of an access in this location. Norfolk County Council as Highway Authority have not objected to the application but have requested conditions should the application be approved. In the absence of an objection by the Highway Authority the National Planning Policy Framework states, at paragraph 109 (paragraph 5.8 of this report) that in the absence of an unacceptable impact on the highway network applications should not be refused on highway grounds. In the absence of an objection from the Highway Authority it is assessed that there is no unacceptable risk to highways safety or that the highway network could not sustain the development proposed.
- 9.5 One of the objections to the application was that the notifications were not correctly carried out. The application was advertised by way of site notice erected at the application site and neighbours that adjoin the site were also written to. Adequate notification of the application was carried out in excess of statutory requirements.



- 9.6 A neighbour has stated that the previous refusal at a separate piece of land as referenced at paragraph 1.3 of this report should be a reason for refusal of the current application. Since the previous application was refused in 2006 there have been several changes to the planning system; while there are saved policies of the Borough Wide Local Plan and the development site is not put forward for the future development limits the current application must be assessed against current local and national planning policy on its merits.
- 9.7 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 2.55 years. Although this does not mean that all residential developments have to be approved the presumption in favour of sustainable development must be applied. In this case the application site cannot be assessed as isolated and has links to the built form of the village.
- 9.8 Taking the above in to account when assessing against the previous refusal the change in planning policy is clearly demonstrated and the lack of a five-year housing land supply tilts the balance in favour of sustainable development. This demonstrates a significant change in local and national planning policy and therefore the previous refusal, in relation to policy considerations, is not comparable to the current application.
- 9.9 In the interest of clarity the development limits as proposed by the emerging Local Plan Part Two cannot be afforded significant weight as there are outstanding objections. Although only very limited weight could be applied at this stage of the document the objections reduce the weight further.
- 9.10 One neighbour objection states that the development will cause overlooking to other properties on Pound Lane. The layout of the development has been designed so as to reduce the overlooking and while there may be an increase in overlooking given the exiting situation with regards residential dwellings and the distance that the proposed dwellings are to be, at the absolute closest point (measured building to boundary at plot 1 to nearest non-donor dwelling) of at least 28 metres, this is not deemed so significant to warrant a recommendation of refusal.
- 9.11 Landscaping is applied for as part of the application and the rear gardens, it is assumed will remain grassed. There are mature trees to the frontage of the site which are worthy of retention and are marked to be retained as part of the application. To safeguard the trees a tree preservation order has been requested and an update can be provided verbally if there is any further development on this matter. The application does not seek the removal of any trees and includes the

planting of 7 trees to the frontage of the site, set slightly back so that they do not interfere with the established trees which are at the boundary of Main Road.

9.12 Although the application is an outline application there is a significant level of details provided leaving only appearance to be approved by way of reserved matters. It can be concluded that the site is deliverable however if the application is approved a reduced time limit for the submission of reserved matters for one year would be recommended and this has been agreed by the applicant demonstrating that the site is deliverable.

9.13 The application site is Grade 1 Agricultural land and, although this is the best farming land, it is an acceptable loss given the limited size and the need to provide housing. Concerns have been raised by both objectors that the application would lead to further applications. All applications are assessed on merit and are subject to assessment against material considerations. There is no true precedent in planning and therefore the decision on whether to approve an application should not be determined by placing a disproportionate amount of weight on potential future applications.

## 10 RECOMMENDATION :-

10.1 Approve – subject to the conditions to ensure an adequate form of development including those requested by consultees.

10.2 The proposal complies with the aims of Policies CS2, CS3, CS9 CS11 and CS14 of the Great Yarmouth Local Plan: Core Strategy.

**George Bolan**

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**From:** Fleggburgh PC <fleggburghpc@gmail.com>  
**Sent:** 18 January 2019 14:12  
**To:** plan  
**Subject:** 06/18/0717/O

Dear Planning,

Fleggburgh Parish Council wish to submit the following comment re: 06/18/0717/O, Residential development to provide 4 no plots for detached houses and garages. Beech House, Main Road, Fleggburgh.

Fleggburgh Parish Council **support** this application, whilst noting concern regarding access onto the road.

Best wishes,  
Catherine

—

Catherine Fletcher  
Fleggburgh Parish Clerk  
Telephone: 07988 178 295  
[www.fleggburghpc.norfolkparishes.gov.uk](http://www.fleggburghpc.norfolkparishes.gov.uk)

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## Internet Consultees

Application Reference 06/18/0717/O

Attachments

Invalid Consultee Comment? ☐Copy to existing Consultee? ☐

Name Mr &amp; Mrs Winter

Address Griffen Cottage

Pound Lane

Fleggburgh

Post Code NR29 3BB

Telephone 01263 888888

Email Address [REDACTED]

For or Against OBJ Object

Speak at Committee ☐

1. The bend in the road where the entry / exit is to be located is in a extremely dangerous position. Vehicles enter this blind bend from Acle direction in excess of 30mph (current speed limit) and are accelerating in the opposite direction out of the village. Having lived here for 8 years I know the perils of trying to exit Pound lane already! Come and have a look I will be happy to show you! Adding a further entry / exit point onto the main road in this location, right on a blind bend is only increasing the inevitable major incident. Highways need to look at this seriously.

2. I would also like to bring attention to "refusal of planning position" Ref no 06/06/0683/O dated 31st July 2006. Refusing permission for a single dwelling / Policy HOU10 as applied for by the current applicants. This clearly states "Permission for new dwellings in the countryside will only be given if required in connection with agriculture, forestry,

Date Entered 15-01-2019

Internet Reference 0WPC2381

# Internet Consultees

Application Reference 0018/0717/0

Attachments

Invalid Consultee Comment? ☐

Copy to existing Consultee? ☐

Name Mr & Mrs Winter

Address Griffen Cottage

Pound Lane

Floggburgh

Post Code NR29 3BB

Telephone

Email Address

For or Against OBJ Object

Speak at Committee

be refused permission?

3. I purchased my current property partly because of the uninterrupted view from my Garden. Also the fact that we are not overlooked. This application

(if approved) will change all this as most of my garden will be in view (as will all of Pound lane residents gardens) from these new proposed double storey dwellings.

4. I, and most Pound Lane residents have received no notification whatsoever of this planning application. In fact the only resident we know of that received a letter is my next door neighbour. The other neighbour and to the best of mt knowledge the rest of Pound lane have had nothing???

Date Entered 15-01-2019

Internet Reference OWPC2381

Gemma Manthorpe  
Great Yarmouth Borough Council  
Town Hall  
Hall Plain  
Great Yarmouth  
Norfolk  
NR30 2QF

NCC contact number: 0344 800 8020  
Text Relay - 18001 0344 800 8020

Your Ref: 06/18/0717/O  
Date: 4 January 2019

My Ref: 9/6/18/0717  
Tel No.: 01603 638070  
Email: stuart.french@norfolk.gov.uk

Dear Gemma

**Fleggburgh: Residential development to provide 4 no plots for detached houses and garages**  
**Beech House Main Road Fleggburgh GREAT YARMOUTH NR29 3BA**

Thank you for your recent consultation with respect to the above.

In highway terms only I have no objection to the proposal but I would recommend that the following conditions and informative note be appended to any grant of permission your Authority is minded to make.

**SHC 05** Prior to the first occupation of the development hereby permitted the vehicular access shall be constructed in accordance with the highways specification (TRAD 5) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.

**SHC 16** Prior to the first occupation/use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with the principles of the NPPF.

*Continued/...*

**SHC 20** Prior to the first occupation/use of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

**Inf. 2** This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Design & Development Group. Please contact Stuart French on 01603 638070.

If required, street furniture will need to be repositioned at the Applicant's own expense.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

Yours sincerely

*Stuart French*

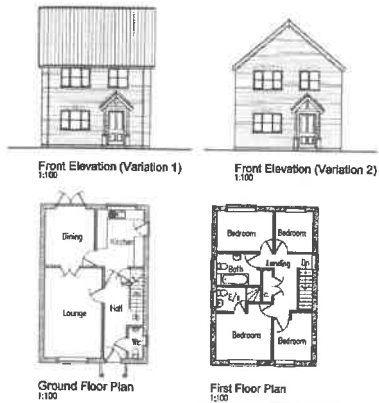
Highways Development Management & Licensing Officer  
for Executive Director for Community and Environmental Services

# PROPOSED RESIDENTIAL DEVELOPMENT

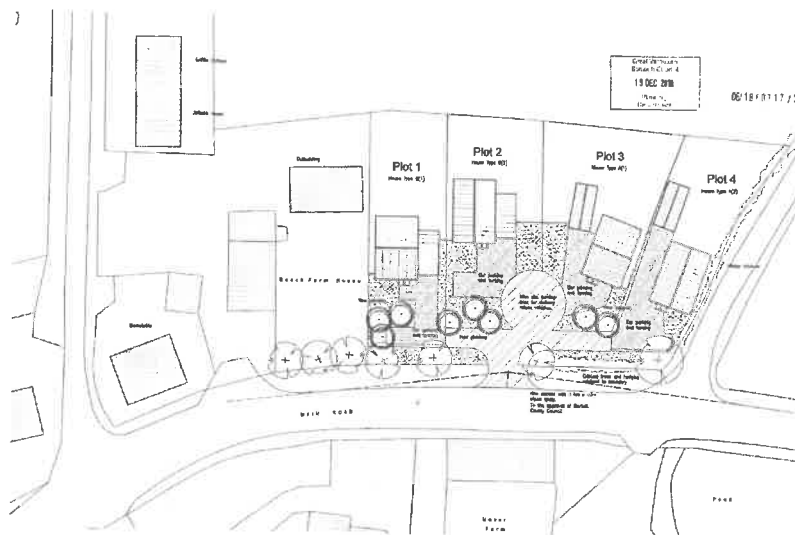
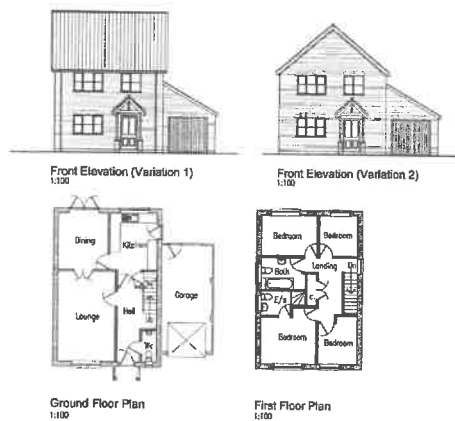
Beech House Farm, Main Road, Foggburgh.

Planning Drawing.

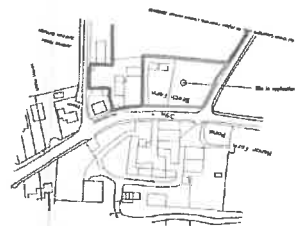
HOUSE TYPE A



HOUSE TYPE B



Block Plan  
1:250



Site Location Plan  
1:1250

Andrew Middleton  
23, Regent Street,  
Great Yarmouth  
NORFOLK  
Tel: 01493 154211

Project:  
Proposed residential development,  
Beech House Farm, Main Road, Foggburgh.  
Planning drawings.

Client:  
Mr & Mrs Colman

Scale: 1:100 Date: December 2018

We warrant to the best of our knowledge and belief that the information contained in this drawing is true and correct and that it complies with all relevant planning and building regulations.

Drawn:  
1355/1  
Reviewed:





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Ordnance Survey 100018547