Reference: 06/19/0048/F

Parish: Gorleston
Officer: Mr G Clarke
Expiry Date: 05-04-2019

Applicant: Hollowdale Homes

Proposal: Construction of a two-bedroom bungalow with vehicular parking/turning

space.

Site: land between 7 & 12 Cotoneaster Court

Gorleston

REPORT

1 Background / History :-

- 1.1 The application site is an area of open space to the east of the parking and turning area that serves the western end of Cotoneaster Court, the area is mostly grassed with hedges, shrubs and a small tree to the east, west and south boundaries. The northern boundary is open and adjoins a footpath that serves the bungalows on Cotoneaster Court to the north and west, there are houses on Cherry Road adjoining the southern boundary.
- 1.2 The site is shown as an open area of land on the original layout for the development and appears to have been maintained by the Council (there is a standard Council 'No ball games' sign on the grassed area) but the land does not belong to the Council and is privately owned. The site is currently enclosed by temporary fencing and is not available for public use.
- 1.3 In 2018 a planning application was refused for a three-bedroom bungalow with an integral garage with vehicular access from the turning/parking area (06/18/0029/F), the reasons for refusal were loss of open space, effect on the outlook from the dwellings to the north and loss of parking space for existing dwellings. A subsequent appeal was dismissed but mainly on the grounds that the proposed bungalow was too large and that a three-bedroom bungalow would generate the need for more than one car parking space resulting in a loss of parking space in the adjacent turning head.
- 1.4 The current proposal is for a smaller two-bedroom bungalow without a garage that leaves more space around the dwelling.

2 Consultations:-

- 2.1 Highways no objections subject to conditions.
- 2.2 Building Control no adverse comments.

2.3 Neighbours - five objections have been received and one comment from 8 Cotoneaster Court that they would have no objection subject to yellow lines being provided on the north eastern side of the road leading into the Court. The main reasons for objection are based on potential parking problems and loss of the open space.

3 Policy:-

GREAT YARMOUTH LOCAL PLAN: CORE STRATEGY

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 polices 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 CS11 – Enhancing the natural environment

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. This will be achieved by:

- a) Conserving and enhancing designated nature conservation sites, including Sites of Special Scientific Interest (SSSIs), Special Protected Areas (SPAs), Marine SPAs, Special Areas of Conservation (SAC), RAMSAR sites, National Nature Reserves, Local Nature Reserves Norfolk County Wildlife Sites and Norfolk County Geodiversity Sites
- b) Working in partnership with relevant nature conservation organisations to ensure that protected species, such as Little Terns, are adequately protected from any adverse effects of new development. This includes the preparation of the Natura 2000 Sites Monitoring and Mitigation Strategy and ensuring assessment of development proposals in the vicinity of the colonies
- c) Relevant development will be required to deliver the mitigation measures identified in the Natura 2000 Sites Monitoring and Mitigation Strategy. This document is being prepared and will secure the measures identified in the Habitat Regulations Assessment which are necessary to prevent adverse effects on European wildlife sites vulnerable to impacts from visitors
- d) Ensuring that the Norfolk Coast Area of Outstanding Natural Beauty (AONB), the Broads and their settings are protected and enhanced
- e) Safeguarding and where possible enhancing the borough's wider landscape character, in accordance with the findings of the borough's and the Broads Authority's Landscape Character Assessment
- f) Improving the borough's ecological network and protecting habitats from fragmentation by working with our partners to:
 - create coastal habitats, including those along developed stretches
 - enhance and protect the quality of the habitats, including buffering from adverse impacts

- g) Ensuring that all new development takes measures to avoid or reduce adverse impacts on existing biodiversity and geodiversity assets. Where adverse impacts are unavoidable, suitable measures will be required to mitigate any adverse impacts. Where mitigation is not possible, the Council will require that full compensatory provision be made
- h) Ensuring that all new development appropriately contributes to the creation of biodiversity and/or geodiversity features through the use of landscaping, building and construction features, sustainable drainage systems and geological exposures
- i) Further developing public understanding of biodiversity and geodiversity and where appropriate, enabling greater public access to any notable biodiversity and/or geodiversity assets
- j) Protecting and where possible enhancing the quality of the borough's resources, including inland and coastal water resources and high quality agricultural land, in accordance with Policy CS12
- k) Working with developers and landowners to ensure land management practices protect and enhance landscapes and to restore landscapes where valued features and habitats have been degraded or lost
- Identifying and where appropriate reassessing the locations of strategic gaps to help retain the separate identity and character of settlements in close proximity to each other
- m) Identifying and where appropriate reassessing the locations of local green spaces to help protect open spaces that are demonstrably special to a local community and hold a particular local significance.

3.3 Saved Great Yarmouth Borough-Wide Local Plan Policies

The Great Yarmouth Borough Wide Local Plan was adopted in 2001 and the most relevant policies were 'saved' in 2007 and assessed again in January 2016. An assessment of policies was made during the adoption of the Core Strategy in December 2015 and these policies remain saved following the assessment and adoption. The Saved Policy listed has been assessed as being in general conformity with the NPPF and add further information to the policies in the NPPF, while not contradicting it. These policies hold the greatest weight in the determining of planning applications.

3.4 POLICY HOU7

NEW RESIDENTIAL DEVELOPMENT MAY BE PERMITTED WITHIN THE SETTLEMENT BOUNDARIES IDENTIFIED ON THE PROPOSALS MAP IN THE PARISHES OF BRADWELL, CAISTER, HEMSBY, ORMESBY ST MARGARET, AND MARTHAM AS WELL AS IN THE URBAN AREAS OF GREAT YARMOUTH AND GORLESTON. NEW SMALLER SCALE

RESIDENTIAL DEVELOPMENTS* MAY ALSO BE PERMITTED WITHIN THE SETTLEMENT BOUNDARIES IDENTIFIED ON THE PROPOSALS MAP IN THE VILLAGES OF BELTON, FILBY, FLEGGBURGH, HOPTON-ON-SEA, AND WINTERTON. IN ALL CASES THE FOLLOWING CRITERIA SHOULD BE MET:

- (A) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE FORM, CHARACTER AND SETTING OF THE SETTLEMENT;
- (B) ALL PUBLIC UTILITIES ARE AVAILABLE INCLUDING FOUL OR SURFACE WATER DISPOSAL AND THERE ARE NO EXISTING CAPACITY CONSTRAINTS WHICH COULD PRECLUDE DEVELOPMENT OR IN THE CASE OF SURFACE WATER DRAINAGE, DISPOSAL CAN BE ACCEPTABLY ACHIEVED TO A WATERCOURSE OR BY MEANS OF SOAKAWAYS:
- (C) SUITABLE ACCESS ARRANGEMENTS CAN BE MADE;
- (D) AN ADEQUATE RANGE OF PUBLIC TRANSPORT, COMMUNITY, EDUCATION, OPEN SPACE/PLAY SPACE AND SOCIAL FACILITIES ARE AVAILABLE IN THE SETTLEMENT, OR WHERE SUCH FACILITIES ARE LACKING OR INADEQUATE, BUT ARE NECESSARILY REQUIRED TO BE PROVIDED OR IMPROVED AS A DIRECT CONSEQUENCE OF THE DEVELOPMENT, PROVISION OR IMPROVEMENT WILL BE AT A LEVEL DIRECTLY RELATED TO THE PROPOSAL AT THE DEVELOPER'S EXPENSE; AND,
- (E) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE RESIDENTIAL AMENITIES OF ADJOINING OCCUPIERS OR USERS OF LAND.
- (Objective: To ensure an adequate supply of appropriately located housing land whilst safeguarding the character and form of settlements.)

4 Local finance considerations:-

4.1 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 they are 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. In this case local finance considerations are not considered to make the development more acceptable.

^{*} ie. developments generally comprising not more than 10 dwellings.

5 Assessment:-

- 5.1 The application site has been used as an area of open space since the surrounding development was built, it has always been in private ownership and has never belonged to the Council although it appears to have been maintained by the Council until purchased by the present owner who has erected temporary fencing around the site.
- 5.2 The previous proposal was for a three-bedroom bungalow with integral garage which had an external floor area of 147.63 sq. metres, the current proposal is for a two bedroom bungalow without a garage having a floor area of 99.78 sq.m. The floor area of the proposed bungalow will be 47.85 sq.m less than the previous proposal giving more space around the dwelling and providing a bungalow closer in size to the existing development nearby.
- 5.3 In the appeal decision the Inspector concluded that residential development on the site would be appropriate in principle but the size of the bungalow would have an adverse effect on the character and appearance of the area and the living conditions of nearby occupiers. The current application is for a two-bedroom bungalow that is two thirds the size of the previous design giving more space around the building and providing a similar curtilage to the nearby bungalows. The vehicular access will result in the loss of parking space in the turning head but there is no objection from Highways so a refusal on the grounds of loss of parking would be difficult to sustain.
- 5.4 The application has been on hold awaiting the submission of a Shadow Habitats Regulations Assessment (SHRA) to determine whether the application will be likely to have significant effects on one or more Natura 2000 sites. Permission may only be granted if it is determined that the application will not adversely affect the integrity of any Natura 2000 site. A SHRA has now been submitted and it is the assessment of the Local Planning Authority, as Competent Authority, that any adverse effects of the development on Natura 2000 sites can be adequately mitigated for by a contribution to the Habitats Monitoring and Mitigation Strategy. This assessment is made having taken into account both the direct and cumulative effects that the site may have in terms of recreational pressures on any Natura 2000 sites.
- 5.5 Taking into account the Inspector's conclusion that some form of residential development would be acceptable and the lack of a highway objection it is considered that it would be difficult to justify refusal of the current proposal.

RECOMMENDATION:-

Approve – the proposal complies with the aims of Policies CS1 & CS11 of the Great Yarmouth Local Plan: Core Strategy and saved Policy HOU11 of the Great Yarmouth Borough-Wide Local Plan.

pplication Reference	06/19/0048/F	Attachments	P
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Name	Andrew M Wemyss		
Address	68 Marine Parade	We are a second	
	Gorleston-On-Sea		
	Norfolk		
Post Code	NR31 6EZ		
Telephone	07747797821		
Email Address	milkeonsea@hotmail.com	n y	
For or Against	OBJ Object		
Speak at Committee			
Email Address For or Against Speak at Committee The same criteria stil	OBJ Object exist whether it is a 2 be and I suspect that the foot	ed property or as originally plan	ned 3 bed (although I have not had a bed proposal but with bed room 3 now
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My Mother who lives NHS ambulance for h the East of Mums tha	ospital visits night and da at do not have vehicle acc	ry, The court is already very cor cess outside their houses and t	rgested by cars due to the houses to

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Mr David & Mrs Tracey Borgenvik
8 Cotoneaster Court
Gorleston
Great Yarmouth
Norfolk
NR31 8EH

10th February 2019

Dear Sir/Madam,

Application No: 06/19/0048/F

With regards to the proposal of constructing a 2 bedroom bungalow with vehicular parking/turning space, we are writing to express our view.

As our property is without parking and we rely on the road spaces available, we had originally stated that we would lose these spaces to which the application was declined.

We will now accept the bungalow to be constructed on the grounds that double yellow lines can be painted on the right hand side as you drive into the road. This will allow more cars to be parked on the left instead of only 2 on the right hand side. This small section of parking on the right is used by resident's that live on Cherry Road and they have driveways.

We do not have any objection providing that there can be some compromise from both parties, otherwise we will object to the bungalow being built.

Yours faithfully,

David & Tracey Borgenvik

Application Name Address	06/19/0048/F Mark Faithfull 58 The Street Lound NR325LR
Telephone	(1957)74533
Email Response	mark faithfull@btintemet.com OBJ Object
Speak	No No
Comments	Development of this plot will create parking problems for the existing vehicles on this quiet cul-de-sac as it will remove several vital parking spots for the current residents. It will also add intrusive traffic volumes to those on the access route. In addition, it will remove an important green space and it will intrude on the neighbours opposite, who were entitled to expect that this space
Change Type	
OWPC2578	Transfer Delete or Invalidate Delete/Invalidate

Development of this plot will create parking problems for the existing vehicles on this quiet cul-de-sac as it will remove several vital parking spots for the current residents. It will also add intrusive traffic volumes to those on the access route. In addition, it will remove an important green space and it will intrude on the neighbours opposite, who were entitled to expect that this space (because it is not suitable as a building plot) would remain undeveloped

		Internet Consultees	
pplication Reference	06/19/0048/F	Attachments	
ivalid C	onsultee Comment?		Copy to existing Consultee?
Name	Mr Christopher Wilkins	on and Miss Gemma B	
Address	16 Cherry Road		
	Gorleston		
	Great Yarmouth	41	
	Norfolk		
Post Code	NR31 8EB		
Telephone	07990554374		
Email Address	chriswillonson2@ntlwor	rid.com	
For or Against	OBJ Object		
Speak at Committee	•		

land has developed trees & wild flowers which attract many species of birds & butterflies, together with a large assortment of other creatures. These will be lost if the development goes ahead (loss of enjoyment for all). When you look at the development proposal it appears to cover the 460sqm and there appears to be no plan to re-

that backs onto the proposal and I have concerns that any such soak away close to my fence and property borders

Internet Reference OWPC2678

2. The application for the plan states that rain water would be into soak away. I own a property

instate any trees which would have to be removed.

could after a period of time cause

Date Entered 21-02-2019

internet Consultees Application Reference 06/19/0048/F **Attachments** rvalid Consultee Comment? Copy to existing Consultee? Name Mr Christopher Wilkinson and Miss Gemma B Address 16 Cherry Road Gorleston **Great Yarmouth** Norfolk Post Code NR31 8EB Telephone Email Address For or Against OBJ Object Speak at Committee movement and subsidence. Where would the responsibility lay if this was to happen - the developer or the planning

department who gave it

permission? Perhaps you could respond to me on this point.

3. We understand the need for more housing, however there is massive development on the old Claydon High School Site, The Arches Pub (5

bungalows), 4 or 5 new properties at the Tesco Convenience Store Site in Bradwell, not forgetting the Persimmon Site at Bluebell Meadow & further development by M H King. Is there a need for the council to sell this small plot for development?

Date Entered 21-02-2019

Internet Reference OWPC2678

internet consumees Application Reference 06/19/0048/F Attachments Copy to existing Consultee? **Invalid Consultee Comment?** Name Mrs Patricia Wernyss Address 14 Cotoneaster Court Gorleston-On-Sea Norfolk Post Code Telephone Email Address For or Against OBJ Object Speak at Committee • I am a disabled 83 year old women I relay heavily on transport by the centre 81 mini bus and NHS ambulance service for hospital visit's, if another property were to built in the court which would take away parking for the houses to the east of mine that do not have parking outside their houses the court would be so congested that it would be impossible for larger (ambulance and centre 81 mini bus) vehicles to gain access to my property this would lead me to lose my independence and also risk that I may not be able to be attended in the case of a medical emergency.

the green space that has stood for 40 years is a magical area full of birds and other wonderful wildlife including bats which I often watch at dusk, to build on this open land would be criminal, and a blight on our fantastic Court with its great friendship where everybody helps and looks out for each other.

Date Entered 25-02-2019

Internet Reference

OWPC2718

memer consumees Application Reference 06/19/0048/F Attachments **Invalid Consultee Comment?** Copy to existing Consultee? Name Mrs Patricia Wemyss Address 14 Cotoneaster Court Gorleston-On-Sea Norfolk Post Code Telephone **Email Address** For or Against OBJ Object Speak at Committee impossible for larger (ambulance and centre 81 mini bus) vehicles to gain access to my property this would lead me to lose my independence and also risk that I may not be able to be attended in the case of a medical emergency.

the green space that has stood for 40 years is a magical area full of birds and other wonderful wildlife including bats which I often watch at dusk, to build on this open land would be criminal, and a blight on our fantastic Court with its great friendship where everybody helps and looks out for each other.

I do not see any change from the original plan that was correctly turned down by the local planning department previously, 2 or 3 beds makes no difference to the amount of disruption that another property would bring to everyone who lives here around the court.

Date Entered 25-02-2019

Internet Reference

OWPC2718

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	69 butt lane Burgh c	astle	
Post Co	ode		
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Email Addre	ss seteball444@omail.o	tom:	
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For the residents	who have made complain	ofs renarding the trees shrubs & wi	ld life -
All if not most of taking up any ext The proposed pro This area is not a Comments should	theses are staying along to tra spaces as stated in the operty foot print is now re an amenity area any longe of the made after consideri	e plans. duced significantly compared to the er and is now privately owned so ca ing the plans and within the time fra	hin the development boundary & not e original plans. Innot be enjoyed by local residents. The given.
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Appeal Decision

Site visit made on 4 December 2018

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2018

Appeal Ref: APP/U2615/W/18/3201388 Land between 7 and 12 Cotoneaster Court, Gorleston, Great Yarmouth NR31 8EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Ball against the decision of Great Yarmouth Borough Council.
- The application Ref 06/18/0029/F, dated 15 January 2018, was refused by notice dated 6 March 2018.
- The development proposed is construction of a 3 bedroom bungalow with integral garage.

Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of neighbouring occupiers, with particular regard to outlook and the availability of car parking space.

Reasons

- (i) Character and appearance
- 3. The proposed bungalow would occupy a small parcel of open space located to the rear of housing fronting Cherry Road. The site is accessed from one of the two cul-de-sacs which form Cotoneaster Court and lies adjacent to its turning head. This turning head provides some of the informal car parking available for the small semi-detached bungalows which front directly onto the footpath linking the two sections of Cotoneaster Court and which runs along one side of the appeal site.
- 4. The site is fenced and there appears no mechanism for securing its future use as public open space. Given this situation, and the fact that the site is surrounded by housing, there would be no conflict with Borough-wide Local Plan (BWLP) Policy REC11 over the principle of the land being used for residential development.
- 5. However, the large footprint of the bungalow, which occupies a major proportion of this site, would not relate well and be harmfully out of keeping with the adjacent small semi-detached bungalows. These dwellings might provide an appropriate cue for a potentially acceptable development here. However, the relatively large-plan bungalow proposed would be entirely out-of-

- character with those nearby. Although the bungalow at 14 Cotoneaster Court is of a similar scale to that proposed it is the closer, smaller semi-detached bungalows which provide the most appropriate reference point.
- 6. Due to the excessive scale of bungalow proposed, both relative to the size of plot and to the neighbouring single-storey dwellings, the scheme is considered to have a detrimental impact upon the character and appearance of the area. This would be in conflict with Policy CS9 of the Council's Core Strategy (CS) and BWLP Policy HOU7 which both seek that new developments respect the nature of their built surroundings.

(ii) Living conditions

- 7. Because of the large footprint of dwelling proposed the bungalow would occupy an excessive proportion of the available plot and extend close to the site boundaries, with little and inadequate garden space. The surrounding dwellings have small gardens and the juxtaposition of the large bungalow with these would have an oppressive and over-bearing impact on the outlook enjoyed by the existing occupiers.
- 8. It is not unreasonable to conclude that a three bedroom bungalow would likely generate the need for more than one car parking space. Both this factor and the new site access would result in a material loss of available car parking in the adjacent turning head, which I observed to be quite well-used.
- 9. The loss of car parking and manoeuvring space within the adjacent cul-de-sac and the overbearing impact of the scale of bungalow proposed would combine to have an unacceptably adverse impact on the present living conditions of neighbouring occupiers in this location. For this reason the proposal would conflict with Policy CS9 and BWLP Policy HOU7 which both seek that new developments preserve the amenities of existing residents.

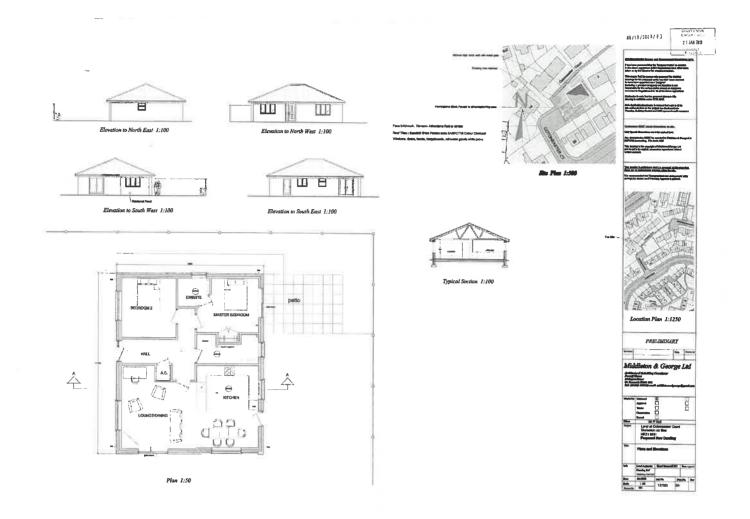
Conclusion

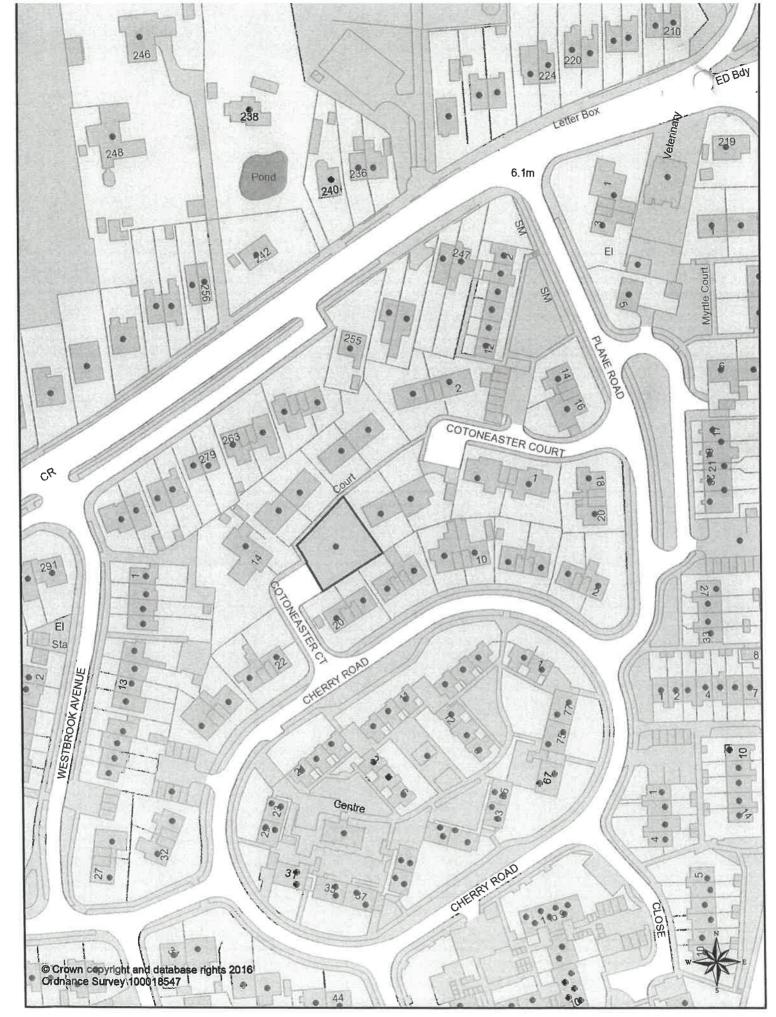
10. The proposal would provide a home in a location where regularly-required needs could conveniently be met without high dependence on private car use and where further residential development would be appropriate in principle. However, these benefits would be outweighed by the harm found from this particular scheme to both the character and appearance of the area and the living conditions of nearby occupiers. I therefore conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR

06/19/0048/F





Great Yarmouth Borough Council

Land Between 7 & 12 Cotoneaster Court - 06/19/0048/F

Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

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