

Reference: 06/18/0436/O

Parish: Fleggburgh

Officer: Mrs G Manthorpe

Expiry Date: 12/11/18

Applicant: Mr F Brown

Proposal: Residential development of 13 dwellings with estate road, private drive, garages and parking

Site: New House (land adj) off Rollesby Road Fleggburgh

Application re-listed following site visit on the 16th December 2019

1. Background / History :-

1.1 The site comprises 1.485 hectares of land located to the north side of the village of Fleggburgh. The application is an outline application with some matters reserved; access, scale and layout form part of the application with landscaping and appearance to be decided by a later reserved matters application. The application details state that the existing use of the land is garden land and paddock. Part of the land used to be a bowling green however as this is not included within the application details it is assumed that this use has ceased.

1.2 The planning history for the site is as follows:

06/94/0361/F – Formation of a bowling green with pavilion and car parking – approved with conditions.

06/05/0197/O – two detached dwellings with garages – refused

06/16/0430/O – 4 detached bungalows with garages and parking. Including one bungalow for a disabled elderly person.

1.3 Although not on the application site planning permission has recently been given for the erection of 4 dwelling houses off Rollesby Road reference 06/18/0133/F.

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

2.1 Parish Council – Supported whilst noting:

- Concern about the impact of this development on village traffic, particularly Rollesby Road.
- Concern about the density of housing on this development.
- Concern about the overwhelming of *neighbouring* local residents.

Italics represent change from original consultation response.

2.2 Neighbours – There have been 14 objections to the development from neighbours, the main objections are summarised as follows:

- Bats have been recorded in the area.
- Sewerage spills onto Tretts Lane – will the existing sewerage system be able to cope?
- This development will cause safety issues when exiting and entering Tretts Lane from Rollesby Road.
- Impact on wildlife such as badgers, foxes, deer and kingfishers.
- Increased risk of flooding.
- Fundamental change to the village
- There are already too many houses being built in the village.
- The site is not in an area proposed for development and should not even be considered.
- The doctors is already too busy.
- There are few village amenities.
- The school will not be able to cater for the additional children.
- There is no village shop.
- Public transport is poor.
- Local roads cannot cope.
- Foot and cycle paths should be provided.
- There are a large number of mature trees on site.
- The vision spay is not acceptable.
- Bungalow should be adjacent exiting houses to prevent overlooking.
- The development will alter the natural drainage.

2.3 Highways – No objection to the application subject to the following conditions:

SHC 01 No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.

SHC 02 Prior to the occupation of the final dwelling all works shall be carried out on roads, footways, foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.

SHC 03A Before any dwelling is first occupied the road(s) and footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.

SHC 16 Prior to the first occupation/use of the development hereby permitted visibility splays measuring 2.4 metres x 59 metres shall be provided to each side of the access where it meets the highway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

SHC 22 Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

- 2.4 Assistant Grounds Manager and Arboricultural Officer – No comments received.
- 2.5 Building Control – No comments received.
- 2.6 Environmental Health – No objection subject to conditions relating to unidentified contamination, hours of work and advisories on space standards and local air quality (sufficient water available for dust suppression).
- 2.7 Strategic Planning – No objection to the application.
- 2.8 Lead Local Flood Authority – No comment as the application falls under their threshold.
- 2.9 NHS – The NHS have stated that the practice manager has raised concerns regarding the capacity of the surgery owing to other nearby developments. Full comments are attached to this report. The comments asked for an extension of time so that further comments could be submitted however following this request, in May 2019, a consultation response was received stating that they have no further comments to make. For confirmation the original request for an extension of time was received on the 12th October 2018.
- 2.10 Anglian Water – 8th May 2019 – no objection, request a note regarding a nearby asset is included within an approval.

- 2.11 Historic Environment - No objection and no conditions requested.
- 2.12 Natural England – No objection subject to mitigation payments.
- 2.13 Broads Drainage Boards – Note regarding applications drainage, full comments attached to this report.
- 2.14 Campaign to Protect Rural England – Object, full comments attached to this report.
- 2.15 Broads Authority – No comment.
- 2.16 Local Authority Requirements – The application site is in an area requiring, according to the adopted Core Strategy, a 20% affordable housing provision. This should be secured by s106 agreement.

The application is an outline application however layout and scale form part of the application. The requirement is that 40 square metres of public open space per dwelling is provided or, if a contribution is appropriate at the absolute discretion of the Local Planning Authority payment in lieu towards offsite provision at a cost of £12 per square metre shortfall shall be required to be paid. The application shows roughly 600 square metres of open space at the centre of the site. 520 square metres are required so an overprovision is offered. The development is not a large development and no children's play is shown on site. Should children's recreation be provided, at the absolute discretion of the Local Planning Authority, as an offsite a contribution, payment of £920 per multi bed dwelling shall be paid in lieu of on-site provision which would equate to £11,960.

The Local Planning Authority will accept no liability for public open space, children's recreation or drainage and as such this shall be subject to a management company in perpetuity.

The triggers, types and tenures for the affordable housing shall be subject to negotiation during the s106 process. The trigger for the payment of any of the monies for children's recreation shall be payable prior to occupation of 40% of the units. The triggers for the management company or nominated body and all other matters not specifically listed shall be determined through the s106 process.

Payment of £110 per dwelling as a contribution under policy CS14 shall be payable as required by the Habitats Monitoring and Mitigation Strategy. This payment shall be before occupation of any dwellings for the avoidance of doubt.

No viability assessment has been submitted, if any of the above obligations are not met the application should be refused as it is contrary to planning policy.

3 Local Policy :-

- 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 – Adopted 21st December 2015

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

Fleggburgh is identified as a Secondary Village:

a) Ensure that new residential development is distributed according to the following settlement hierarchy, with a greater proportion of development in the larger and more sustainable settlements: (partial)

- Approximately 5% of new development will take place in the Secondary and Tertiary Villages named in the settlement hierarchy

- 4.2 Policy CS3: To ensure that new residential development in the borough meets the housing needs of local people, the Council and its partners will seek to:
- 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 CS4: The need to provide additional affordable housing is one of the greatest challenges facing the borough. To ensure that an appropriate amount and mix of affordable housing is delivered throughout the borough, the Council and its partners will seek to:(partial)
- b) Ensure that affordable housing is either:
- Provided on-site using this contribution to deliver homes of a type, size and tenure agreed by the developer and the local authority based on local evidence and where appropriate, delivered in partnership with a Registered Provider; or
 - Provided via an off-site financial contribution, in exceptional circumstances
- c) Ensure that new affordable housing, when provided as part of a market housing site, is well integrated into the development in terms of its design and layout
- 4.4 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 CS13: The risk of flooding and coastal change is expected to increase with climate change. This presents a challenge for property/business owners and

service providers in susceptible areas and will also place some important biodiversity and heritage assets at risk. The Council will ensure a sustainable and practicable approach to flood risk and coastal change and ensure development does not increase the risk of flooding elsewhere. This will be achieved by:

a) Directing new development proposals away from areas of highest risk of flooding (Flood Zones 2, 3a and 3b) unless it can be demonstrated that:

- The requirements of the Sequential Test are met
- Where applicable, the requirements of the Exception Test are met. A safe access/egress route throughout the duration of the flood event should be provided. However, if this is demonstrated as not being possible then evacuation will be considered as a means of making the development safe
- A satisfactory Flood Response Plan has been prepared

c) Seeking the use of Sustainable Drainage Systems (SuDS) in all new developments

d) Ensuring that new development takes into consideration the findings of the Surface Water Management Plan

4.7 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 Table 8.12. of the draft Local Plan Part 2 2018 consultation gives a summary of reason(s) for the site not being selected:

(part of the application site) Site 89: Site is not well related to Fleggburgh. Significant highway improvements required to upgrade Tretts Loke to serve the proposed development.

5.2 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.

5.3 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 Policy:- National Planning Policy Framework (NPPF), February 2019.**

- 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 needs⁴.
- 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-date⁷, 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; 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 submitted a bespoke Shadow Habitat Regulations Assessment (HRA). 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.
- 8.2 The shadow Habitats Regulations Assessment dated 28 January 2019 has been reviewed. The context of the site is that this development proposal of up to 13 dwellings just north of the existing settlement of Fleggburgh – a rural village comprising approximately 200 houses, with existing residential west of the site. The site is approximately 250m west of The Broads SAC, and 6.5km south-west of Winterton-Horsey Dunes SAC.
- 8.3 Further information has been submitted to consider and address potential hydrological linkage of the site with the nearby Natura 2000 s (the SAC)ite. Foul drainage foul water will be addressed by the existing mains sewerage system. A drainage strategy has been prepared demonstrating how surface water will be satisfactorily discharged to provide the necessary confidence that there will not be a 'likely significant effect' (LSE) on the Natura 2000 network resulting from surface water drainage.

- 8.4 The report rules out direct effects in isolation; but accepts that in-combination likely significant effects cannot be ruled out from increased recreational disturbance on the Broads SAC, Broadland SPA, Winterton-Horsey Dunes SAC, Breydon Water SPA and North Denes SPA. The report identifies that despite the proximity of the nearby Broads SAC, recreational access (and potential for disturbance) to the SAC is extremely limited. An Appropriate Assessment (AA) has been carried out. The AA considers that there is the potential to increase recreational pressures at Winterton-Horsey Dunes SAC and North Denes SPA, but this is in-combination with other projects and can be adequately mitigated by a contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per dwelling) to ensure that there will be no adverse effects on the integrity of the internationally protected habitat sites.
- 8.5 The Borough Council as competent authority broadly agrees with the conclusions of this assessment. To meet the mitigation requirements, it is recommended that the appropriate contribution is secured by either S.111 or S.106 agreement.

9 Assessment

- 9.1 The application is an outline application with some matters reserved, access, scale and layout form part of the application with landscaping and appearance to be decided by reserved matters application. Appearance will need to be carefully considered should the application be approved in order to promote an attractive form of development which does not adversely affect the character of the area giving special consideration to the proximity of the Broads Authority Executive Area. When assessing the application, the impact on the Broads Authority is a material consideration that holds substantial weight. The scale of the development is appropriate and respects the setting, with specific reference the retention of all trees on site which provides natural screening between the development and the Broads Authority Executive Area.
- 9.2 According to the draft Local Plan Part 2, Fleggburgh is one of the largest and best-served secondary village in the Borough, with facilities including a primary school, GP surgery and sports club/gym. The settlement is located along the A1064, inland 6 miles north-west of Caister-on-Sea. The village is adjacent Filby Broad which further encourages its attraction as a tourist destination, with a wide range of holiday cottages, and a camping and caravan park.
- 9.3 The application site is bounded on three sides by low density housing, separated to the south and east by a narrow road way. To the north of the application site are open fields utilised as agricultural land. The application site is designated as Grade 1 agricultural land and partly comprises a bowling green. The design and access statement has noted that the bowling green is no longer in use but does not identify

how long it has been redundant for. The land is within private ownership and has no designation within the Local Plan.

- 9.4 Part of the site is located within Flood Zone 2 and as such a flood risk assessment has been submitted in support of the application. The flood risk assessment concludes that:

CONCLUSIONS

- *The site is located within Flood Zone 1 and 2.*
- *There is a low risk to the site from fluvial sources.*
- *As a precaution a warning and evacuation strategy has been developed within this assessment. It is proposed that the occupants register with the Agency's Flood Warnings Direct and prepare a Family Flood Plan.*
- *Safe (dry) refuge at the site is available during the flood event.*
- *Safe access/egress can be achieved via Rollesby Road.*
- *It is considered that there is a low risk of groundwater flooding at the site from underlying deposits and a very low risk of surface water flooding and artificial sources.*

- 9.5 Only a section of the development site is within Flood Zone 2, the remainder of the site is located within Flood Zone 1 so the discussion on the flood risk is in relation to the section of the site within Flood Zone 2. The Core Strategy, at CS13 a), seeks to direct development away from areas identified as being at high risk of flooding. There has been no comment from the Environment Agency, who were consulted with regards to their assessment of flood risk. They assessed the consultation as 'returning without comment'. The lack of response from the Environment Agency does not automatically allow for the assumption that the site is safe and should be developed. The Local Authority are still required to assess the site for suitability for development.

- 9.6 There have been a number of applications and approvals for development within the village of Fleggburgh so when assessing the site sequentially against other available sites the extended area should be considered. Great Yarmouth has a housing land supply of 2.55 years, it can be reasonably assessed that there are limited development sites available that are not within flood areas given the limited availability of development sites. While development should be situated away from flood zones the development in this instance is not all within a flood zone and has been assessed within the submitted Flood Risk Assessment as having a dry route to land not within the flood zone. The submitted Flood Risk Assessment does not recommend the raising of finished floor levels to avoid the flood risk and has found that the houses that are located within flood zone 2 have safe land within the dwelling.

- 9.7 Objections have stated that the development as proposed will disturb bats within the area. The land as existing is agricultural land with no trees proposed to be removed. The absence of loss of any areas for roosting make the potential for disturbance minimal, although it would be of benefit to restrict external lighting to ensure that the development does not cause excessive light pollution. In addition to the restriction of external lights should the development be approved measures to ensure that protected species are not disturbed should be investigated and adopted.
- 9.8 Although not in relation to the application, information cited as 'Tretts Lane' applications has been submitted detailing the results of a Bat Survey. The survey demonstrated that there are bats in the locality by number of sitings; however it is not verified or put forward with any context of disturbance or impact. While it is valuable to acknowledge that the area has bats foraging, in the absence of context it is difficult to assess that the application will have an adverse impact on the bats within the area. As per the above paragraph planting, restrictions on lighting and biodiversity improvements should be included within the scheme.
- 9.9 The development gives the opportunity for biodiversity enhancements which can come through at reserved matters stage. Enhancements include planting which can include trees that have a long-life span and could provide future roosting locations, bat and bird boxes erected on the dwellings to encourage protected species to the area and, with specific regard to bats, planting of night smelling flowers as part of the landscaping scheme. In addition, the fences should have gaps or holes provided to allow for the free movement of hedgehogs to mitigate the loss of open habitat.
- 9.10 The application site is within 400m of a designated site and as such the applicant has been required to submit details of drainage methods to ensure that the application site will not have an adverse impact on the designated site through hydrological links. The information submitted has been assessed internally and by Norfolk County Council to ensure that there will be no significant impact through the hydrological links. In addition, a bespoke Habitat Regulation Assessment has been submitted and accepted by the Local Authority as Competent Authority (as detailed above in the report).
- 9.11 There have been objections to the application on the grounds of highway safety with reference to the access and the resulting increase in traffic from the development. Norfolk Highways are satisfied, following the submission of additional drawings, that the visibility splay can be provided and that the access and internal layout is acceptable. There are no highways objections to the application from Norfolk County Council subject to conditions being applied to any grant of planning permission.

- 9.12 The NHS have stated that they have concerns over the development's impact on their local surgery and asked for more time within which to carry out consultation on the impacts. There has been further comment from the NHS in May 2019 stating that they had nothing further to add to their previous comment. While it is understood that development puts increased pressure on service providers, in the absence of any additional information regarding the concerns or additional information, the weight that can be placed upon the objection is limited. Although it is unusual to comment on separate applications during an assessment, given that that they are decided on merit, in this instance it is noted that the NHS was consulted on an application for 33 dwellings within the very near proximity and, with a response having been due at the end of August, there has at the time of writing been no comments received.
- 9.13 The application is an outline application. Having discussed this with the agent for the application they have confirmed that there are developers interested in bringing the site forward and they envisage an early start date. Whilst there can be no certainty of eventual delivery, the asserted developer interest is useful to know and this goes towards demonstrating that the site can be delivered. It is recommended that should the application be approved there is a condition placed on the permission requiring that reserved matters are submitted within 12 months of the decision being issued.
- 9.14 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 (as at the end of year 2017/2018) which is a substantial 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.
- 9.15 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."

9.16 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-date⁷, 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.”

9.17 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.

9.18 The application site is a sustainable one being within a village with facilities, albeit limited facilities and adjacent to existing residences it cannot therefore be assessed as isolated. There is a conflict with an in date policy of the Core Strategy, policy CS13 with reference the site having an area of flood risk within however, as per the information submitted and the assessment above, in this particular instance and taking into account the limited amount of space that is included within the flood zone when looking at the site as a whole it is assessed that the harms do not demonstrably outweigh the benefits of providing housing.

9.19 There are also harms associated with the loss of Grade 1 agricultural land and the impact on biodiversity within the local area. Being farmed land the biodiversity present on the site, in the absence of a policy requiring detailed information to be

submitted, can be assessed as no harms occurring through loss of the land that would outweigh the need for housing; however, this is caveated by the need for additional enhancements that can be secured by way of condition.

- 9.20 Whilst various policies are of importance for determining the application (and these are highlighted above), the most important policy for the determination of the application is, in my judgement, Saved Local Plan Policy HOU 10, New Dwellings in the Countryside. This policy – which essentially deals with settlement boundaries – is clearly out-of-date and this confirms that the “tilted balance” therefore applies.

10 RECOMMENDATION:-

- 10.1 The application is not one that can be assessed without balancing the material considerations carefully. The lack of a 5 year housing land supply and the need to provide housing provides a material reason for approval in favour of the development and, it is assessed on marginal balance, that the harms identified do not significantly and demonstrably outweigh the benefits of providing housing.
- 10.2 Approve – subject to the conditions to ensure an adequate form of development including those requested by consultees and a one year condition for the submission of reserved matters 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.

5

Helen Ayers

From: Fleggburgh PC <fleggburghpc@gmail.com>
Sent: 26 November 2018 07:47
To: plan
Subject: 06/18/0436/O Comments from Fleggburgh Parish Council

Good morning,

Fleggburgh Parish Council wish to alter the comments they submitted in relation to planning application 06/18/0436/O, Rollesby Road (Off), New House (land adj), Fleggburgh, NR29 3AT - Residential development of 13 dwellings with estate road, private drive, garages and parking.

Fleggburgh Parish Council wish to alter their comments to read:

SUPPORTED whilst noting:

- Concern about the impact of this development on village traffic, particularly Rollesby Road.
- Concern about the density of housing on the development.
- Concern about the overwhelming objection of *neighbouring* residents.

(Alteration in italics)

Best wishes,
Catherine

Catherine Fletcher
Fleggburgh Parish Clerk
Telephone: 07988 178 295
www.fleggburghpc.norfolkparishes.gov.uk

=====
Email disclaimer: The information contained in the email is intended only for the person or organisation to which it is addressed. If you have received it by mistake, please disregard and notify the sender immediately. Unauthorised disclosure or use of such information may be a breach of legislation or confidentiality and may be legally privileged.

General Data Protection Regulations: The Council continues to safeguard the privacy and security of personal details held in its systems. In line with the new regulations, full details can be found on the parish council website at: www.fleggburghpc.norfolkparishes.gov.uk/privacynotice

Your Ref: 06/18/0436/O
11 October 2018

Great Yarmouth Borough Council

12 OCT 2018

Customer Services

Beccles House
1 Common Lane North
Beccles
Suffolk
NR34 9BN

Tel: 01502 719500

Fax: 01502 719874

Web: www.greatyarmouthandwaveneyccg.nhs.uk

Dear Sir/ Madam,

Further to recent correspondence regarding recent Planning Applications, NHS Great Yarmouth and Waveney Clinical Commissioning Group wishes to raise concerns on the following grounds:

- Planning Application #06/18/0436/O
Outline of Concerns Raised: On behalf of Wendy Parker – Practice Manager at Fleggburgh Surgery;

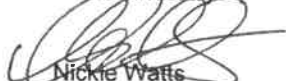
"At the moment there is 3 other developments being built 2 in Fleggburgh consisting of 20 dwellings and 1 in Thurne consisting of 19 dwellings this could increase the list size an average total of 93.6 so with the below also then we could potentially have another 124 patients.

Registered patients today are 2042 (200 more than 5 years ago) and with 1 GP we would struggle to cope with such an increase and as it is difficult to recruit new GPs this would create a lot of extra work for Dr Rogers who is already extremely busy with his work load so on this basis we would object to any new building."

Given our concerns, the CCG also request that an Extension be granted to the process to allow for sufficient consultation and consideration to be made.

Should our position change in relation to any of the above applications, further representation will be made ahead of the deadline.

Yours sincerely



Nickie Watts

Primary Care Transformation Officer

Great Yarmouth
Borough Council
12 OCT 2018
Planning
Department

Chair: Dr Liam Stevens, Chief Executive: Melanie Craig

Helen Ayers

From: LANE, Jenny (NHS GREAT YARMOUTH AND WAVENEY CCG) <jenny.lane@nhs.net>
Sent: 01 May 2019 17:00
To: Helen Ayers
Subject: FW: Consultation - 06/18/0436/O

Hi Helen,

The practice has no further comments to make on top of their previous comment.

Thanks

Jenny

----- Forwarded message -----

From: "Helen Ayers" <helen.ayers@great-yarmouth.gov.uk>
Date: Mon, Apr 15, 2019 at 1:40 PM +0100
Subject: Consultation - 06/18/0436/O
To: "ANGELL, Clare (NHS GREAT YARMOUTH AND WAVENEY CCG)" <clare.angell@nhs.net>

Please have you any further comments on this application (link below) following your previous ones (see attached)?

<http://planning.great-yarmouth.gov.uk/OcellaWeb/planningDetails?reference=06/18/0436/O&from=planningSearch>

I would be grateful if you could let me have any (or let me know if there are none) within the next 14 days (1 May 2019).

Thank you

Helen Ayers (AssocRTPI)
Planning Technician
Development Control
Great Yarmouth Borough Council

Email: helen.ayers@great-yarmouth.gov.uk
Website: www.great-yarmouth.gov.uk
Telephone: 01493 846169



GREAT YARMOUTH
BOROUGH COUNCIL



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To read our email disclaimer visit here: www.great-yarmouth.gov.uk/email-disclaimer



Broads
Authority

(S)

Yare House 62-64 Thorpe Road
Norwich Norfolk NR1 1RY

tel 01603 610734
broads@broads-authority.gov.uk
www.broads-authority.gov.uk

Mrs G Manthorpe
Planning Services
Development Control
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
NR30 2QF

Ms Cally Smith
Head of Planning
01603 756029
cally.smith@broads-authority.gov.uk

Date 29 April 2019

Our ref BA/2019/0142/NEIGHB

Your ref 06/18/0436/O

Dear Mrs Manthorpe

Application No: BA/2019/0142/NEIGHB
Proposal : 13 dwellings with estate road, private drive, garages and parking
Address : Land Adjacent To, New House, Tretts Lane, Fleggburgh
Applicant : Mr F Brown

I write further to the above planning application. I can confirm that the Broads Authority does not wish to raise an objection subject to the connection to the main sewerage system and significant biodiversity enhancements to mitigate the loss of countryside fringe.

I would be grateful to receive a copy of the Decision Notice for my file in due course.

Yours sincerely

Cally Smith
Head of Planning



Broads
National Park



INVESTORS
IN PEOPLE | Silver

Chairman: Mr Haydn Thistle
Chief Executive: Dr John Packman



Planning Applications – Suggested Informative Statements and Conditions Report

If you would like to discuss any of the points in this document please contact us on 03456 066087, Option 1 or email planningliaison@anglianwater.co.uk.

AW Site Reference: 146486/1/0056966

Local Planning Authority: Great Yarmouth District (B)

Site: Land adj off Rollesby Road Fleggburgh
GREAT YARMOUTH NR29 3AT

Proposal: Residential development of 13 dwellings with estate road, private drive, garages and parking

Planning application: 06/18/0436/O

Prepared by: Pre-Development Team

Date: 8 May 2019

ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, in line with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Caister - Pump Lane Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

The sewerage system at present has available capacity for these flows via a gravity discharge regime. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) **INFORMATIVE** - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) **INFORMATIVE** - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) **INFORMATIVE** - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) **INFORMATIVE** - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) **INFORMATIVE**: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information:

Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Foul water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:
 - Development size
 - Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s)
 - Connecting manhole discharge location (No connections can be made into a public rising main)
- Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website)
- Feasible mitigation strategy in agreement with Anglian Water (if required)

Surface water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:
 - Development hectare size
 - Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website -<http://www.uksuds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation> . For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
 - Connecting manhole discharge location
- Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

Internet Consultees

Application Reference 0618/0436/0

Attachments

Invalid Consultee Comment? ☐

Copy to existing Consultee? ☐

Name Mr and Mrs Stubbs

Address Willow Tree Bungalow

Tretts Lane

Fleggburgh

Post Code NR29 3AT

Telephone

Email Address

For or Against OBJ Object

Speak at Committee

1. Increased traffic on Rollesby Road - Safety concern for local residents.
2. Risk of flooding - where will the water go? We are at the bottom on Tretts Lane on an unmade road and additional water on our lane would make it unpassable.
3. Sewerage pump on Tretts Lane - recently upgraded to ensure sewerage does not spill over on Tretts lane. What will 13 additional properties mean to the waste?
4. Wildlife - Bat colony's and Deer reside on the site - what will happen to them?

Date Entered 23-09-2018

Internet Reference OWPC1935

Internet Consultees

Application Reference 06/18/0436 0

Attachments

Invalid Consultee Comment? ☐

Copy to existing Consultee? ☐

Name Debra Gerdes

Address Roby Lodge

Rollsby Road

Fleggburgh

Post Code NR29 3

Telephone

Email Address

For or Against OBJ Object

Speak at Committee ☐

My concerns for this development are as follows:

- the Plan is not in line with the current or proposed area for developemengt within Fleggburgh.
- there will be an increase of traffic onto an already busy narrow road.
- there is poor public transport.
- There is no local shop
- there are no cycle peths
- the school might not be able to cope wth influx of children due to all the extra devlopement which has already been passed

Date Entered 20-09-2018

Internet Reference OWPC1928

Planning Officer
Great Yarmouth Borough Council

Brickle Hatch
Tretts Lane
Fleggburgh
Great Yarmouth
NR29 3AT

4th October 2018

Dear Sir,

Reference: Planning Application **06/18/0436/O**
Residential development of 13 dwellings with estate road, private drive, garages and parking

We wish to object to the proposed development for the following reasons.

The development is on a Greenfield site.

The development is outside the designated area for housing as per the village development limits.

Fleggburgh has very few services and virtually no bus service, there is little or no work locally. In the application it mentions the provision of a footpath, as one parishioner eloquently put it "a footpath to where?"

The doctor has already put on record that his workload has increased considerably over the last 4 years due to development in the area. The increase will not result in making an additional doctor viable but will increase waiting times for appointments, less time per patient etc. These 13 houses in addition to the 13 already agreed by planning along Rollesby Road, 1 in Tretts Lane and a yet to be decided further 3 in Tretts Lane, will again adversely affect medical services. At the recent Fleggburgh Parish Council, the applicant's representative stated that only 10% of the doctor's patients lived in Fleggburgh. In case this is pedalled again at the council meeting – this statement is untrue.

Rollesby Road is a narrow village road which, whilst allowing two way traffic, is restricted to a single lane when (a) cars are parked outside the existing houses, (b) vehicles are delivering, (c) when one of the numerous agricultural vehicles, beet wagons or lorries are using the road. This application would also increase traffic flow through Town Road and Mill Lane which are even narrower. A previous application for Mill Lane was turned down because "poor alignment, restricted width and lack of passing provision. The proposal, if permitted would be likely to give rise to conditions detrimental to highway safety. The inability of the local road network to accommodate the proposed development is contrary to the Policy HOU7 of the Borough Wide Local Plan".

This development would make the already dangerous junctions of (1) Tower, Town and Rollesby Roads (2) Mill Lane and Rollesby Road (3) Tretts Lane and Rollesby Road even more hazardous.

Traffic entering the village from Rollesby Road regularly exceed the 30mph limit and we have had numerous near misses when exiting Tretts Lane or turning right into it. With the additional 4 currently being built adjacent to this application (all have individual drives onto Rollesby Rd), the 9 currently being built opposite St Margaret's Way will have one exit with cars (30ish) emptying onto Rollesby Road. This application will double the combined numbers of cars emptying onto Rollesby Road. This section of Rollesby Road already has 5 junctions, numerous drives, unrestricted parking and speeding cars to contend with.

The success of recent applications is further pushing out the limits of the village which is gradually sprawling ever northward. This will and is changing the village irreversibly for the worse. There are still potential sites within the current development plan limits and these should be explored first.

There is not currently a need for additional housing as can be seen from the number of properties on the market and the number that remain unsold.

The large development in the Bygone Village has and will cater for the expansion of the village for some time.

If change of use is allowed for the land it will set a dangerous precedent and allow future massive expansion to Fleggburgh and thereby change its rural character.

I am not sure how the council's housing policy is informed by its green policies but it would seem unlikely that a large development such as this, in a rural village with virtually no transport links, would help reduce emissions and greenhouse gases. In fact the reverse would be true as it is likely each house will have 3 to 5 cars, even the applicant is allowing for 39, that does not allow for the increase due to the actual build and manufacture of the myriad of building materials and the ongoing heating, water etc.

The Borough Council's proposed development plan for 2020 states

"The settlement has a reasonable range of services and facilities for a Secondary Village and is suitable to accommodate a small range of housing in accordance with Core Strategy Policy CS2. However, owing to the significant number of completions, planning permissions and an allowance for windfall across the Secondary and Tertiary Villages (of which Fleggburgh already contributes significantly), there is little remaining housing need. The above sites have been assessed for potential development by judging the combination of advantages and disadvantages of the competing sites (including those from other Secondary and Tertiary Villages) in the context of meeting the local housing need with the distribution of development as set out in the Core Strategy. Consequently, no allocations are sought for residential development in Fleggburgh". We see no reason why the criteria above should not be considered and used particularly as the applicant's application to have this area included in the development plan was dismissed.

Some mention has been made in the past that increasing the number of houses in the area will make the local school more viable. This has never been the case, even when the considerable number of houses were built on the Bygone Village site, parents chose to send their children elsewhere. There are particular reasons why parents do not send their children to this school.

The proposed area for development includes an area of land bordering Tretts Lane which regularly floods and acts as a soakaway. In the recent past upgrades to the surface drainage were made to deal with a flood problem between Lime Tree Farm and the sewerage pump, with the extra surface water running off the proposed development area we could be back to regular flooding.

In addition upgrades were made to the sewerage pumping station which put an end to the leaking of raw sewerage in people's homes. All the additional homes that are currently being built will put a strain on the existing sewerage system with a further 13 making it likely that it will fail.

We believe that the addition of so many houses will also adversely affect the "dark sky" contrary to Borough policy.

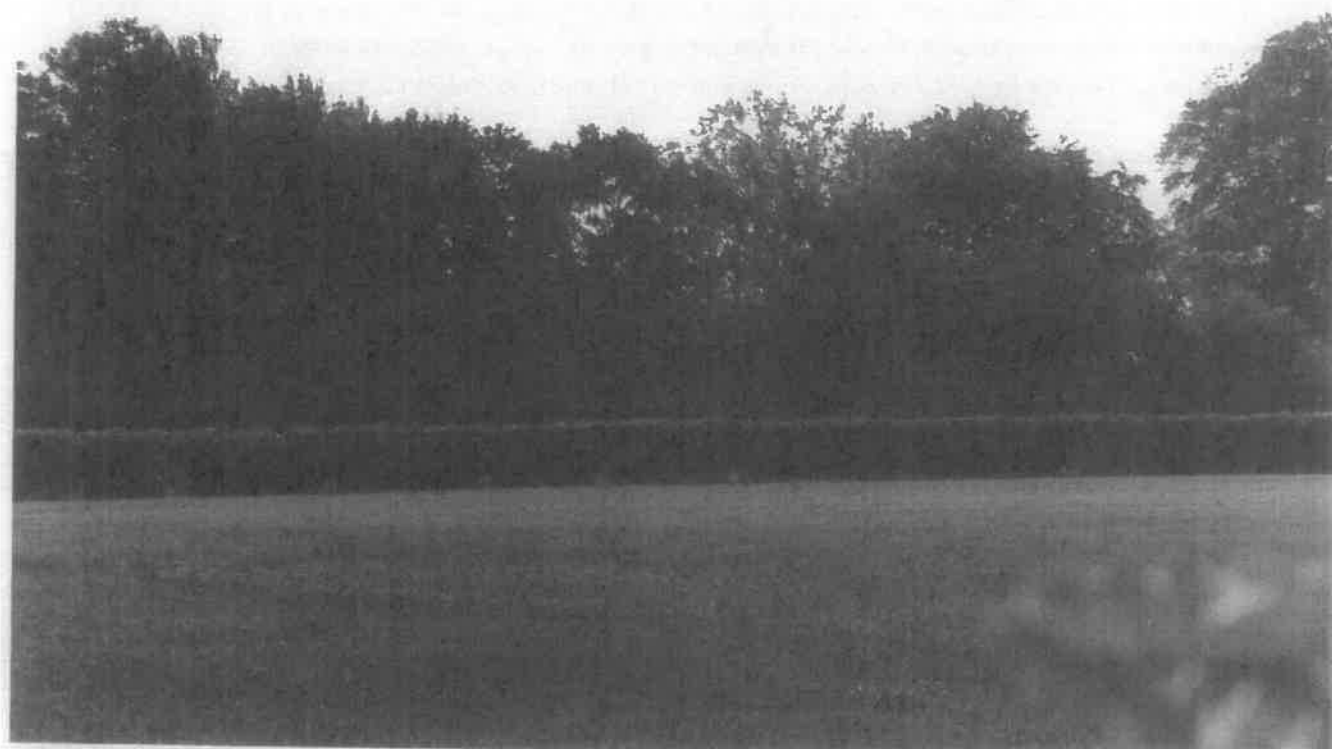
In the application we were surprised that the applicant states that there are no trees or hedges that could influence the development or might be important as part of the landscape character. We have attached pictures of the existing trees and hedges and have also submitted pictures of the previously agreed development by the applicant along Rollesby Road showing the remains of the hedge bordering Rollesby Road and Tretts Loke (hard copies can be supplied if required). We are concerned that even if protection is given for the remaining trees and hedges this would be virtually unenforceable as there will be 13 separate householders. In effect local residents would have to police the enforcement of any orders which realistically could only be requested after the event.

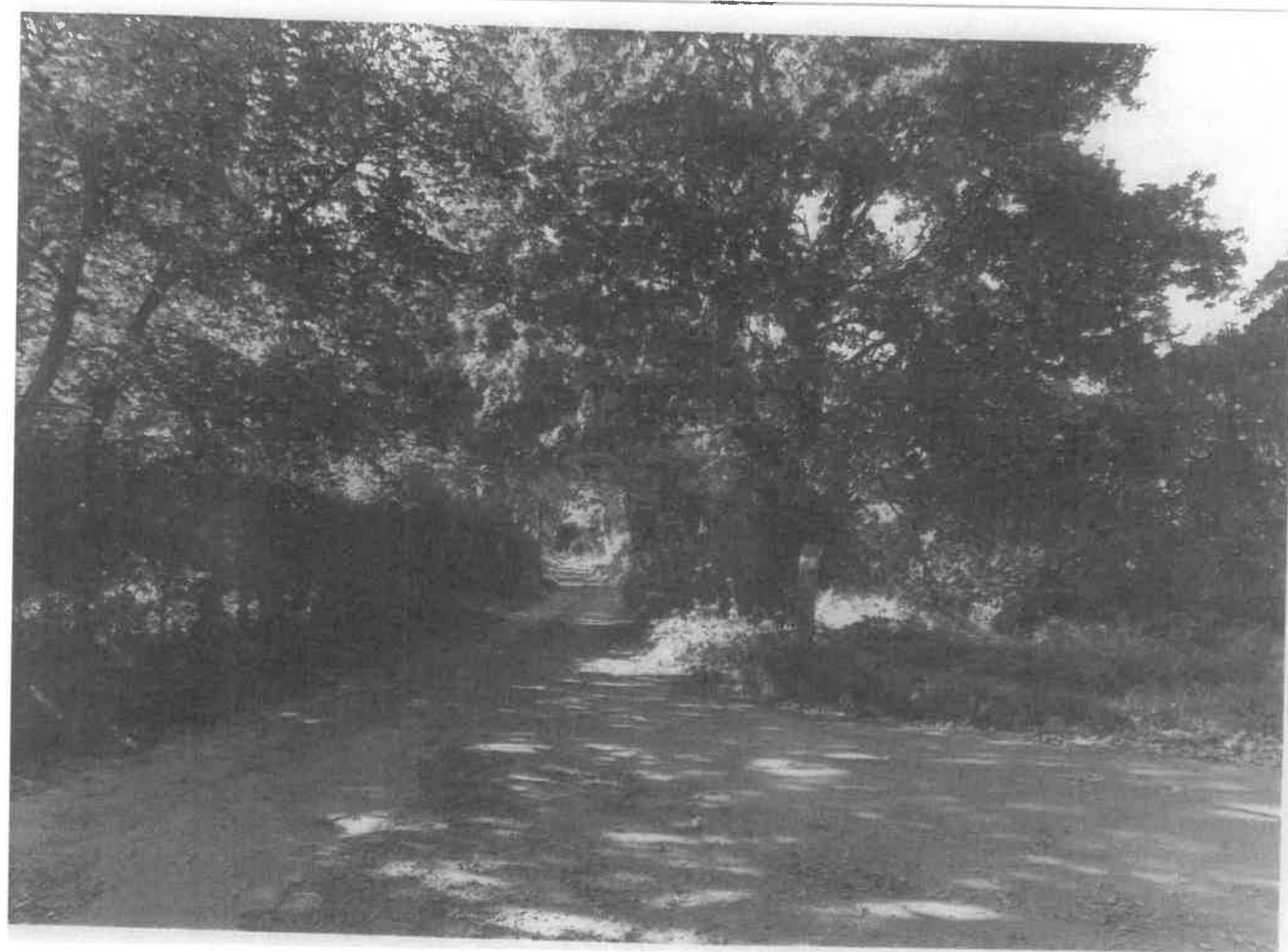
The proposed site is bordered on 3 sides by deciduous trees which are of particular importance in setting the scene towards and from the "Broads View".

This area is bordered by open fields and is a very tranquil, rural and quiet part of the village, with the addition of so many homes there will be an adverse effect to noise levels, the movement of wildlife and the bat colony. Previous reports commissioned by applicants have shown that no bat community exists and yet every householder in the area will testify on having bats circling their homes. There is a suspicion by many that he who pays for the survey gets the result they were hoping for. We believe, if any such survey is commissioned, it should be totally independent of the applicant and carried out by a recognised wildlife organisation.

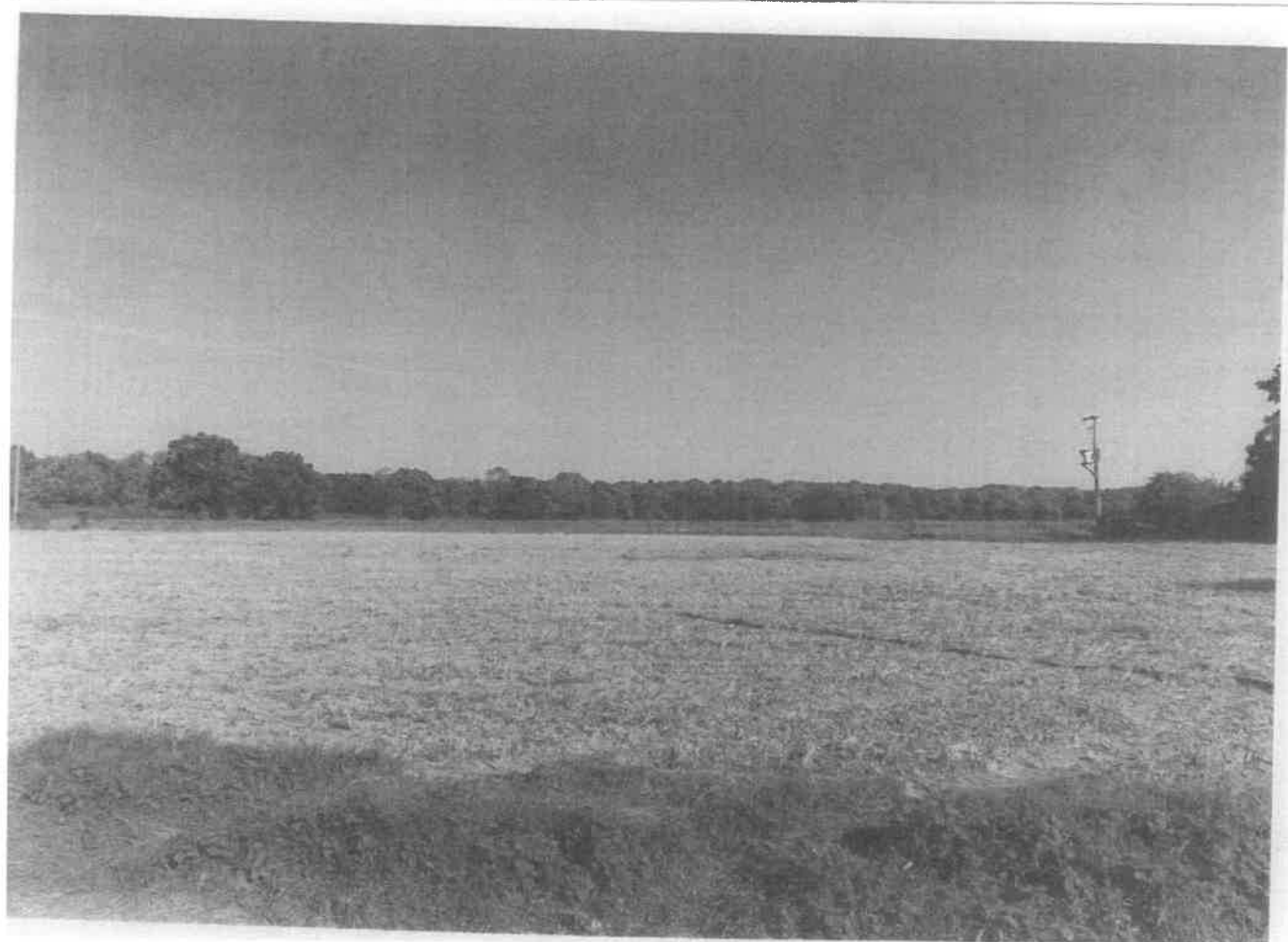
Yours Faithfully

E J & B A Coleman





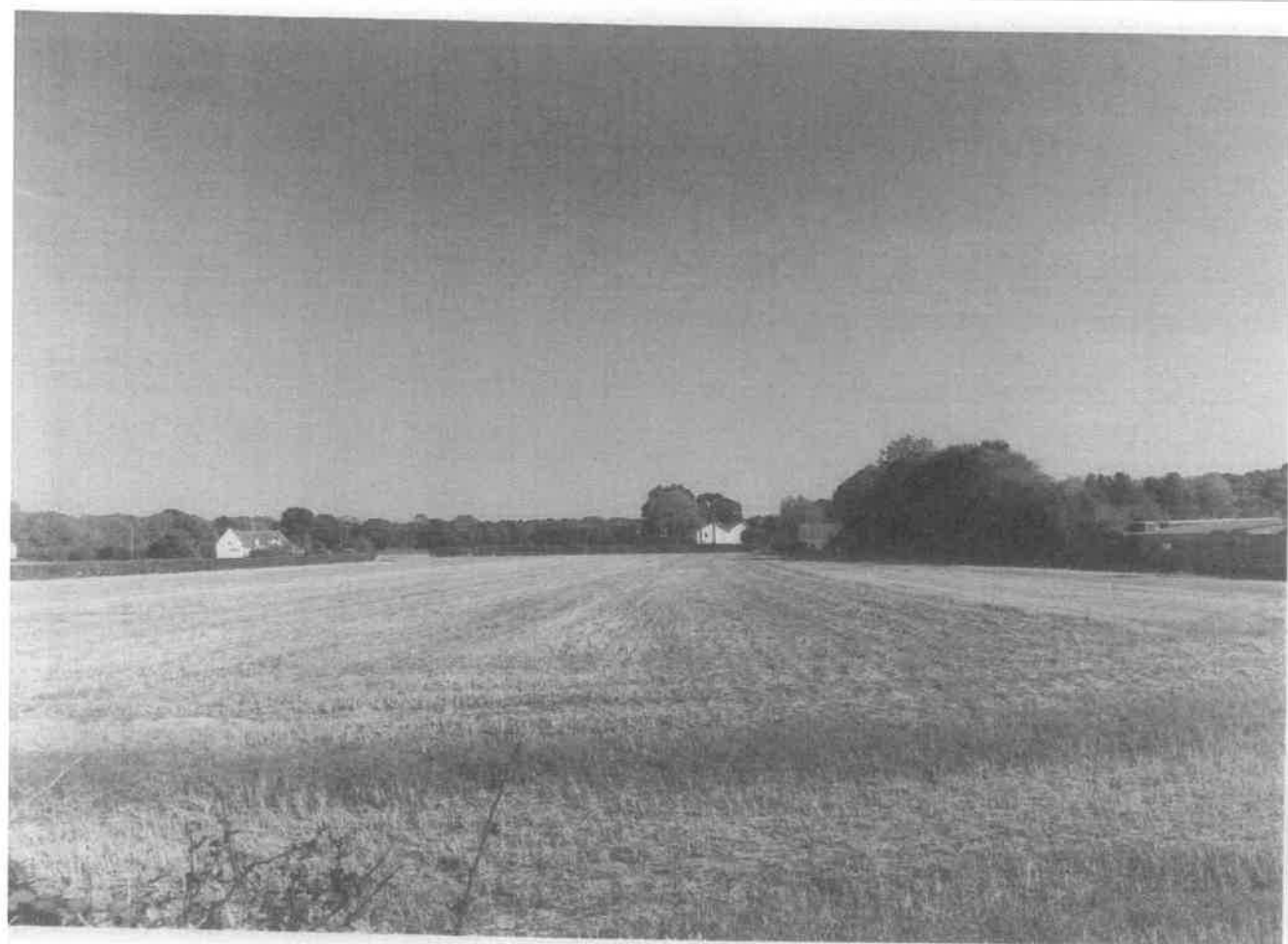




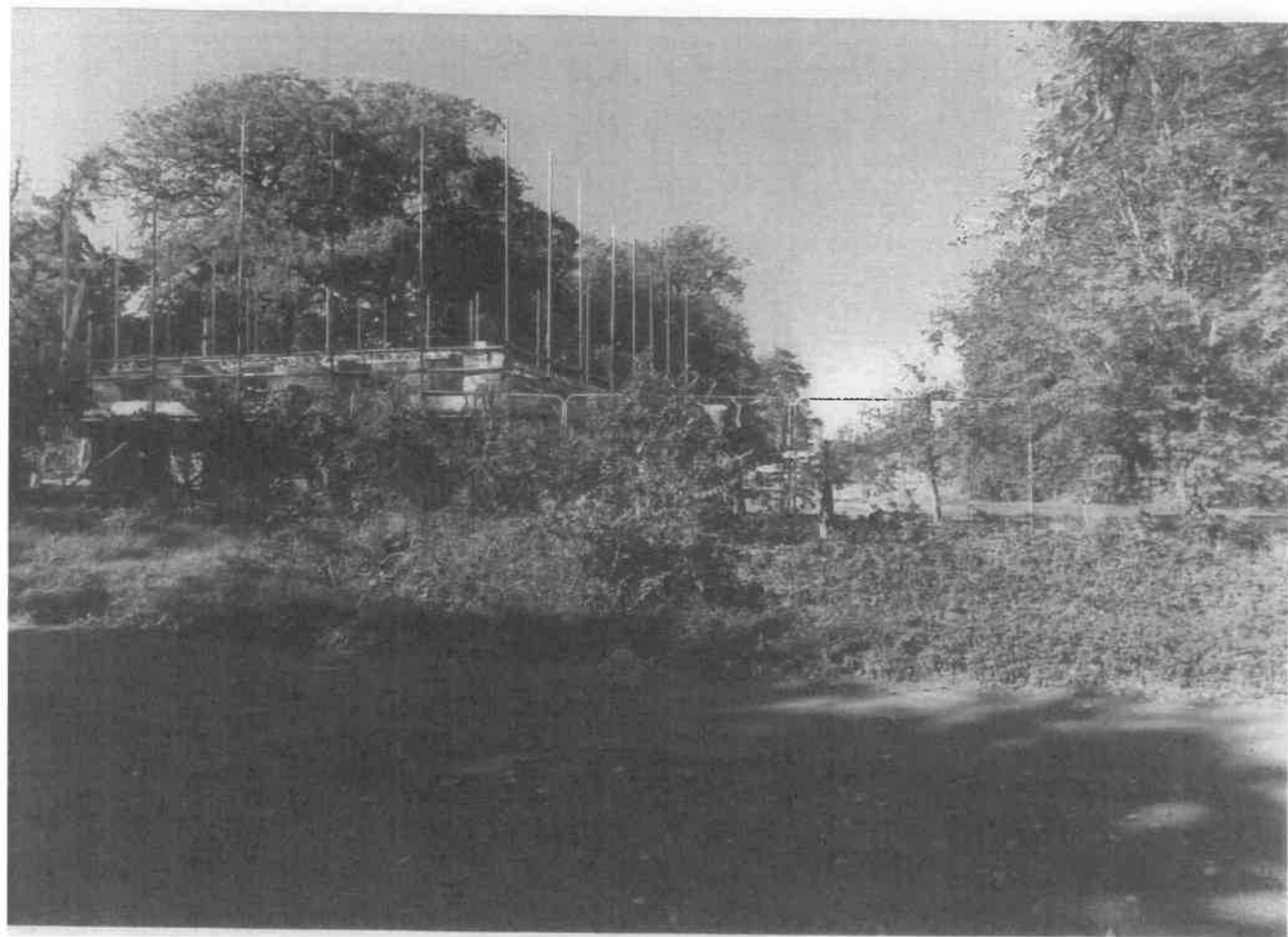














Internet Consultees

Application Reference 06/18/0436-0

Attachments

Invalid Consultee Comment? ☐Copy to existing Consultee? ☐

Name Arnold & Lydia Westveer de Mul

Address Playfords Farm

Tretts Lane

Fleggburgh

Post Code NR293AT

Telephone

Email Address

For or Against OBJ Object

Speak at Committee

Dear Mr Minns

We wish to object to this application for the following reasons

1. The application is outside the local development plan for Fleggburgh
2. Fleggburgh has had more than its fair share of development approved recently, well in excess of government guidelines for a small village with very poor amenities.
3. Fleggburgh has a poor road infrastructure particularly where the proposed development exits onto Rollesby road and into the village which is considered treacherous particularly during rush hour traffic.
4. The proposed development backs onto Tretts Lane / Tretts Lake which is a quiet rural area with an abundance of

Date Entered 28-09-2018

Internet Reference OWPC1949

Internet Consultees

Application Reference 05/18/0436/0

Attachments

Invalid Consultee Comment? ☐

Copy to existing Consultee? ☐

Name Arnold & Lydia Westveer de Mul

Address Playfords Farm

Tretts Lane

Fleggburgh

Post Code NR293AT

Telephone

Email Address

For or Against OBJ Object

Speak at Committee

3. Fleggburgh has a poor road infrastructure particularly where the proposed development exits onto Rolesby road and into the village which is considered treacherous particularly during rush hour traffic.

4. The proposed development backs onto Tretts Lane / Tretts Loke which is a quiet rural area with an abundance of wildlife. Some residents have lived here in excess of 30 years and chose this area for a reason. To develop a housing estate which we note is classified by GYBC as a major development would totally change this environment. Concluding we strongly object to this development

Best regards

Arnold & Lydia Westveer de Mul

Date Entered 28-09-2018

Internet Reference OWPC1949

S.

Brickle Hatch
Tretts Lane
Fleggburgh
Great Yarmouth
NR29 3AT

Planning Officer
Great Yarmouth Borough Council

25th November 2018

Dear Sir,

Reference: Planning Application 06/18/0436/O
Residential development of 13 dwellings with estate road, private drive, garages and parking

Further to our previous objection to the above development we feel we must respond to the assertions and claims in recent letters from the applicant's estate agent.

There are a total of 19 houses where planning consent has been given in Fleggburgh, these are Church View 06/16/0790/F 5 dwellings, Tretts Lane 06/17/0479/F 1 dwelling, Rollesby Rd 06/15/0705/F 9 dwellings and Rollesby Rd 06/18/0133/F 4 dwellings. None of these developments have yet been completed and until an assessment can be made on the impact on services, roads, drainage and amenities we do not see how it can be asserted that further development will not have an adverse effect on some or all of these.

At the risk of being emotive the reported assertion attributed to the applicant that there is "no intention to remove any trees under this application" is of no reassurance whatsoever. In fact the statement has the same value as "there are no current plans". Unless there is a TPO issued to protect the stands of trees and hedges I suspect they will go the same way as the trees and hedges to the front and side of the applicant's current building plot of 4 dwellings.

With regard to Dr Rogers' surgery and the likely impact, we think it would be a fair assumption that a good proportion of any new residents would be minded to use the surgery a few hundred yards away from their doorstep than one 6 miles away.

Whilst it is true that Fleggburgh is a "secondary" village and must take its fair share of development the Borough Council's proposed development plan for 2020 states "However, owing to the significant number of completions, planning permissions and an allowance for windfall across the Secondary and Tertiary Villages (of which Fleggburgh already contributes significantly), there is little remaining housing need."

We are surprised that it has been reported that the applicant has assured Mr Duffield that he (the applicant) is unaware of any application and subsequent refusals. We have reproduced below the refusal by the council for a residential development previously applied for by the applicant on the southern part of this site. The application states Tretts Lane as this was the exit point for the development, the site, however, is the same:-

THE BOROUGH OF GREAT YARMOUTH Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION Part 1 - Particulars of Application

Reference No :- 06/05/0197/O Submitted :- 15th March

2005

New House (land at) Two detached dwellings with Tretts Lane garages Fleggburgh Great Yarmouth

Agent :Architectural Draughting Mr F Brown c/o Mr B Willmott New House 17 Hall Quay Tretts Lane Great Yarmouth Fleggburgh NR30 1HJ Great Yarmouth

Part 2 - Particulars of Decision The Great Yarmouth Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act, 1990 that permission has been refused for the carrying out of the development referred to in Part 1 hereof for the following reasons:

Policy HOU10 of the adopted Great Yarmouth Borough-Wide Local Plan states that permission for new dwellings in the countryside will only be given if required in connection with agriculture, forestry, organised recreation, or the expansion of existing institutions. The proposal is contrary to this policy in that the site is outside the "Village Development Limit" for Fleggburgh as defined in the Local Plan and isolated from any other concentration of development. Moreover, the case that has been put forward in support of the proposal is insufficient to justify a departure from national and local policies designed to protect the countryside.

The site of the proposal is within an area designated in the adopted Great Yarmouth Borough-Wide Local Plan as "Landscape Important to the Setting of Settlements" where the Borough Council will permit development provided a developer can demonstrate essential need or that the development would not impinge on the physical separation between settlements, or give rise to any other significant adverse impact. The proposal is contrary to this policy (Policy NNV5) in that the Borough Council considers that essential need has not been established and that the erection of two dwellings in the location proposed would consolidate a small scatter of development in the countryside beyond the main built-up area of the village to the detriment of the setting of the settlement. Furthermore, the site falls within an area designated in the Local Plan as "Landscape Important to the Broadland Scene" where the Borough Council will only permit development that would not have a significant adverse impact on the landscape character of the area (Policy NNV2 refers). For the reasons already given the proposal is also considered to be contrary to this policy.

3. Tretts Lane is unsuitable to serve the development proposed by reason of its restricted width, lack of passing provision, poor alignment and the severely restricted visibility at its junction with the C457 Rollesby Road. Consequently, if permitted, the proposal would be likely to result in hazard and danger to road users contrary to Policy TCM13 of the adopted Great Yarmouth Borough-Wide Local Plan, the objective of which is to ensure that new development does not prejudice highway safety or the free flow of traffic.

Date: 17th May 2005

Head of Planning & Development Maltings House, Malthouse Lane, Gorleston, Great Yarmouth.

We would also like to reiterate our previous objection that the proposed site is in the countryside, outside the current and proposed development plan areas and is "Landscape Important to the Broadland Scene".

Yours faithfully,

E J & B A Coleman

Mr David Dockerty

Willow Tree Farm

Tretts Lane

Fleggburgh

NR293AT

14th December 2018

Dear Councillor

Fleggburgh: 06/18/0436/0 Objection to application of outline planning permission of 13 dwellings at New House (land adj) off Rollesby Road, Fleggburgh, Great Yarmouth.

Please note my OBJECTION to this planning application as listed below.

Firstly thank you kindly for taking your time during this festive period to read my letter. This time last year my wife and I moved into our current house with our young children after leaving the bright city lights to live an alternative lifestyle. What drew us to this property was the seclusion, tight community and lack of light and sound pollution. We've since got to know our neighbours and I can't tell you enough how much stress and anxiety this application has caused.

I would also like to draw your attention to some very serious considerations which I've noted below:

- The application in question is outside the proposed development plan for the area- which was a critical selling point in our move.
- There is a chronic lack of village amenities in Fleggburgh and this site is away from the centre of the village. There is no village shop, The Doctors surgery is already 15% over subscribed and there are a lack of public footpaths alongside the roads.
- This proposal is SO far out of keeping with the surrounding natural capital.
- The roads in Fleggburgh are just not designed for extra traffic, they are used heavily by tractors and horses, they are tight and often require pulling over to pass on coming vehicles. They are not well lined with pathways, it's almost as if development in the area is blindly going ahead without any real structure, plan or safety being put in place.
- The area is a haven for wildlife. And if you look online you will see an objection from CPRE (Campaign to Protect Rural England)

Practical and legal issues aside the truth is this application would rip into the heart of the neighbouring community. Only a few years ago a resident in the area had his application for a horse stable rejected on the grounds of light pollution. And the current applicant had his previous attempt for six houses declined. Which begs the very real question of do we really need new houses that much that this area is now a viable option?? If new builds really are necessary surely adding to the areas already being developed on would offer the least destructive avenue.

I beg and plead with you to fight for the surviving areas that make the Norfolk countryside what it is, what makes us differentiate from the soulless suburban villages that are springing up everywhere. People walk dogs around here, my children and their friends are taking their first strides in learning how to ride a bike with just the noise of nature in the background. Farmers drive tractors up and down the road. Deer's walk through the garden, neighbours stop and chat with each other, on a clear night there are endless stars on display. Once this is lost it's very hard, possibly impossible to restore. There are owls, bats and countless amphibians living in the dykes that feed into the trinity broads. With all the will in the world these animals need somewhere. And this is currently a place for them and for us to appreciate and enjoy.

Thank you so much for your time and if I can be of any extra assistance in this proposal please don't hesitate to contact me.

Many thanks, and kind regards,

David Dockerty

Contact Mark Duffield
DDI 01493 849112
Email mark.duffield@aldreds.co.uk



29th October 2018

Our Ref: MOD/sjb
Your Ref:

GREAT YARMOUTH BOROUGH COUNCIL
PLANNING SERVICES
Town Hall
Hall Plain,
GREAT YARMOUTH
Norfolk
NR30 2QF

Great Yarmouth
Borough Council

01 NOV 2018

Planning
Department

Garden Room
Star & Garter House
Row 57
Great Yarmouth
Norfolk NR30 1HS

t 01493 853853
e danbypatterson@aldreds.co.uk
w www.aldreds.co.uk

For the attention of: Mrs. Gemma Manthorpe

Dear Mrs. Manthorpe,

**PROPOSED RESIDENTIAL DEVELOPMENT OF 13 DWELLINGS OFF ROLLESBY ROAD
ADJACENT NEW HOUSE, TRETT'S LANE, FLEGGBURGH, GT. YARMOUTH, NR29 3AT**
Planning Ref: 06/18/0436/0

The applicant for the above, Mr. Frank Brown, has asked me to comment on the general objections raised by neighbours in the vicinity of the application site.

Much concern has been raised over the adequacy of the proposed estate road junction with Rollesby Road. This junction and the proposed estate road were included in the prior advice discussions, which took place between the applicant's agent, the Highways Officer and the Planning Officer, at the time of the consultations regarding the four dwellings, currently under construction, fronting Rollesby Road. Consideration of visibility splays and adequate width for a new estate road in place of the existing track were discussed and a favourable response was obtained from the Highways Officer.

The removal of trees and loss of habitat is a very emotive subject by the objectors. The outline proposals drawing and the Design and Access statement clearly indicate there is no intention to remove any trees under this application, indeed, the proposals drawing show an increase in green planting in the centre of the site bounded by the private drive.

The impact of drainage on Trett's Loke/Lane is also of concern. Rupert Evans, of Evans Rivers and Coastal, has carried out a Flood Risk Assessment on the application site and has concluded that no mitigating measures need to be undertaken to overcome flooding issues. However, at Reserved Matters application stage, we are conscious that services, such as surface water drainage, need special consideration and it is hoped that specific measures will be employed, such as, permeable surfacing, where appropriate, and grey water harvesting.

Mention has been made of previous refusals of applications for residential development on this particular site; the applicant assures me that he has owned the site for thirty years and he is unaware of any such applications and subsequent refusals.



Danby Patterson Limited trading as Aldreds Chartered Surveyors
Registered in England. Reg. No. 08211387 Registered Office: 66 North Quay, Great Yarmouth, Norfolk NR30 1HE

Would you please note separate correspondence addressing observations made by Strategic Planning and NHS [Great Yarmouth and Waveney] Clinical Commissioning Group.

We have not commented on correspondence from Natural England, The Environment Agency and Norfolk Constabulary as they do not appear to raise any objections.

Yours sincerely



Mark Duffield BSc, FRICS
Director
Enc

Contact Mark Duffield
DDI 01493 849112
Email mark.duffield@aldreds.co.uk



29th October 2018

Our Ref: MOD/sjb
Your Ref:

GREAT YARMOUTH BOROUGH COUNCIL
PLANNING SERVICES
Town Hall
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GREAT YARMOUTH
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For the attention of: Mrs. Gemma Manthorpe

Dear Mrs Manthorpe

PROPOSED RESIDENTIAL DEVELOPMENT OF 13 DWELLINGS OFF ROLLESBY ROAD ADJACENT NEW HOUSE, TRETTS LANE, FLEGGBURGH, GT. YARMOUTH, NR29 3AT.
Planning Ref: 06/18/0436/0

The applicant for the above, Mr. Frank Brown, has asked me to comment on the information and inaccuracies contained in the letter, sent to your department, from the NHS Great Yarmouth and Waveney Clinical Commissioning Group, dated 11th October, 2018.

The statement of 'At the moment there is [sic] 3 other developments being built 2 in Fleggburgh consisting of 20 dwellings and 1 in Thurne consisting of 19 dwellings' is inaccurate for the following reasons; the two sites currently under construction in Fleggburgh are for nine and four dwellings and the application at Thurne, as your department will be aware, is at Outline Planning stage only and, as such, is not in a state to proceed. Furthermore, the number of residential units for the Thurne development is given as 19, whereas, the actual number of residential dwellings applied for is six, with ten proposed for holiday use.

Dr. Rogers' surgery is in relatively close proximity to others at Acle, Caister, Martham, Hemsby and Ormesby and it is known that many Fleggburgh residents make use of these other facilities; conversely, some of Dr Rogers' patients are from outside the village, therefore it is not a statement of fact that any new development will impact directly on the surgery at Fleggburgh.

Fleggburgh is a secondary village and, as such, must expect some housing development to meet the allocation proposed in the Local Plan. This application, if approved, will assist in meeting the requirement and limit the amount of future development in the village.

Thank you for your time in considering our reply to the objections raised in the aforementioned letter.

Yours sincerely,

Mark Duffield BSc, FRICS
Director
Enc

Cc Nickie Watts — Primary Care Transformation Officer NHS Great Yarmouth and Waveney, Clinical Commissioning Group, Beccles House, 1 Common Lane North, BECCLES, NR34 9BN



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29th October 2018

Our Ref: MOD/sjb
Your Ref:

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For the attention of: Mrs. Gemma Manthorpe

Dear Mrs. Manthorpe

PROPOSED RESIDENTIAL DEVELOPMENT OF 13 DWELLINGS OFF ROLLESBY ROAD ADJACENT
NEW HOUSE, TRETTS LANE, FLEGGBURGH, GT. YARMOUTH, NR29 3AT. Planning Ref:
06/18/0436/00

The applicant for the above, Mr. Frank Brown, has asked me to comment on the queries raised in the Strategic Planning observations sent to your department on 12th October 2018.


The adequacy of the proposed vehicular access is questioned. This access was discussed and agreed as part of the scheme for four dwellings, fronting Rollesby Road and currently under construction, with an achievable width of 11.0 metres, which is more than adequate for the provision of an adoptable standard estate road with footpath.

The bowling green, noted in paragraph three of the consultation, was a private club for the use of subscription paying members only. Its use ceased approximately two years ago, however, Fleggburgh village bowling green is still in operation.

With regard to the concern over the 'deliverability of this site'. The applicant has already been given assurances of interest in this site from third parties and, subject to a favourable outcome of this application and the subsequent Reserved Matters application, an early start would be greatly anticipated.

I would further comment that the support of the Strategic Planning Team is very welcome and every effort will be made on the part of the applicant to ensure that this development will proceed in good faith, if approved.

Yours sincerely


Mark Duffield BSc, FRICS
Director
Enc



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SCALE: 1-500 at A3



1-500
SCALE
0 5m 10m 15m 20m

LEGEND

DWELLING NO. 1, 2, 3, 4 2/3 BED HOUSE
5, 6 3 BED HOUSE
7, 8 3/4 BED HOUSE
9, 10, 11 3/4 BED CHALET
12, 13 3 BED BUNGALOW

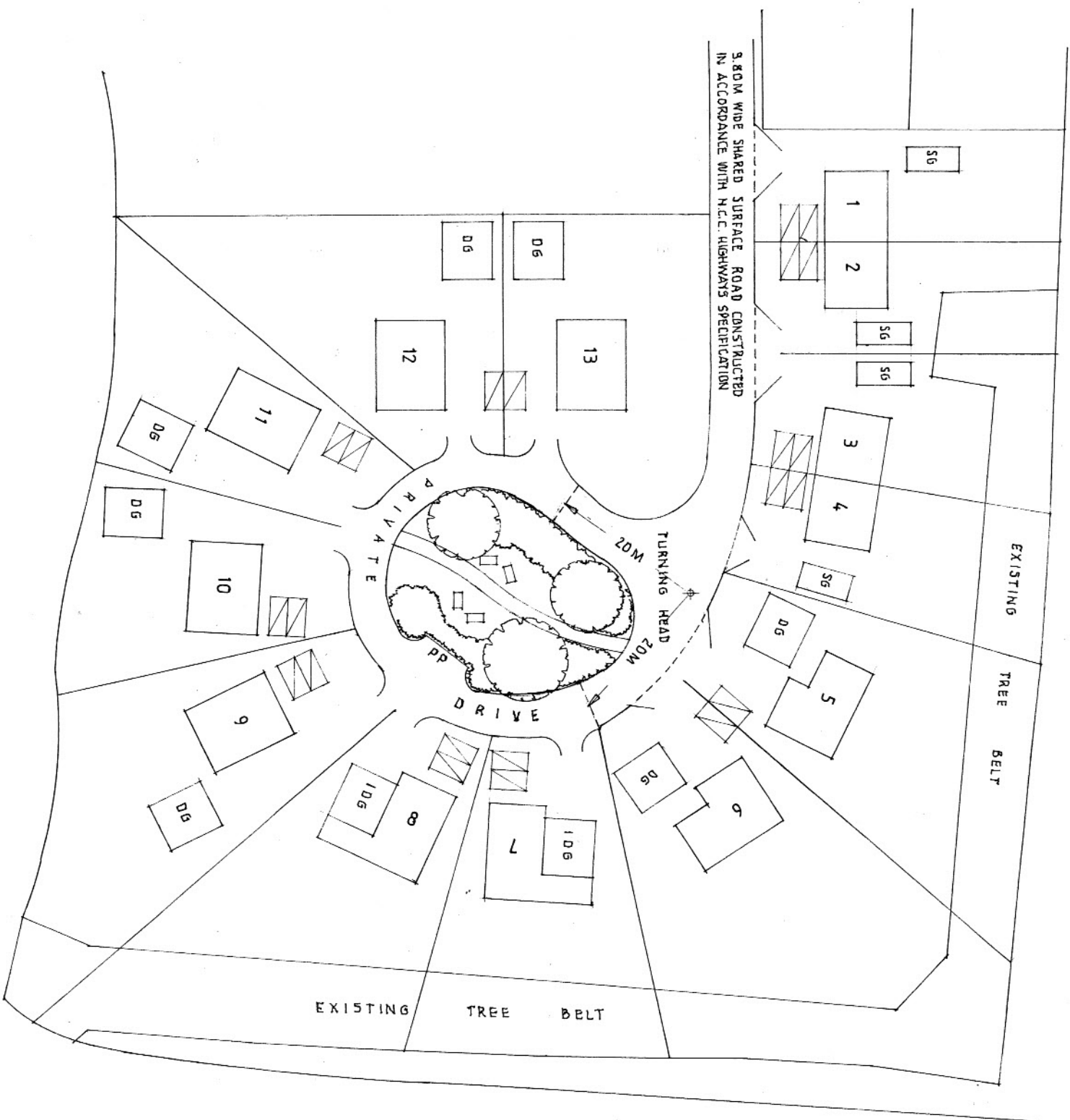
SG SINGLE GARAGE
INTERNAL DIMENSIONS 7.0M X 3.0M

DG DOUBLE GARAGE
INTERNAL DIMENSIONS 7.0M X 6.0M
EQUALS 1 NO. PARKING SPACE
(1 DG DENOTES INTEGRAL DOUBLE GARAGE)
PARKING SPACE 2.40 X 4.80M

PP PASSING PLACE
PRIVATE DRIVE TO BE MIN. 4.50M WIDE TO ALLOW ACCESS FOR EMERGENCY AND SERVICE VEHICLES

PROPOSED RESIDENTIAL
DEVELOPMENT OF LAND
ADJOINING NEW HOUSE,
OFF ROLLESBY ROAD,
FLEGGBURGH, GT. YARMOUTH.

PROPOSED OFF ROAD
PARKING AND TURNING
HEAD DETAILS



**ARCHITECTURAL
DRAUGHTING**

Bernard Willmott 17 Hall Quay, Great Yarmouth, Norfolk NR30 1HT
Tel: Gt. Yarmouth 01493 838376

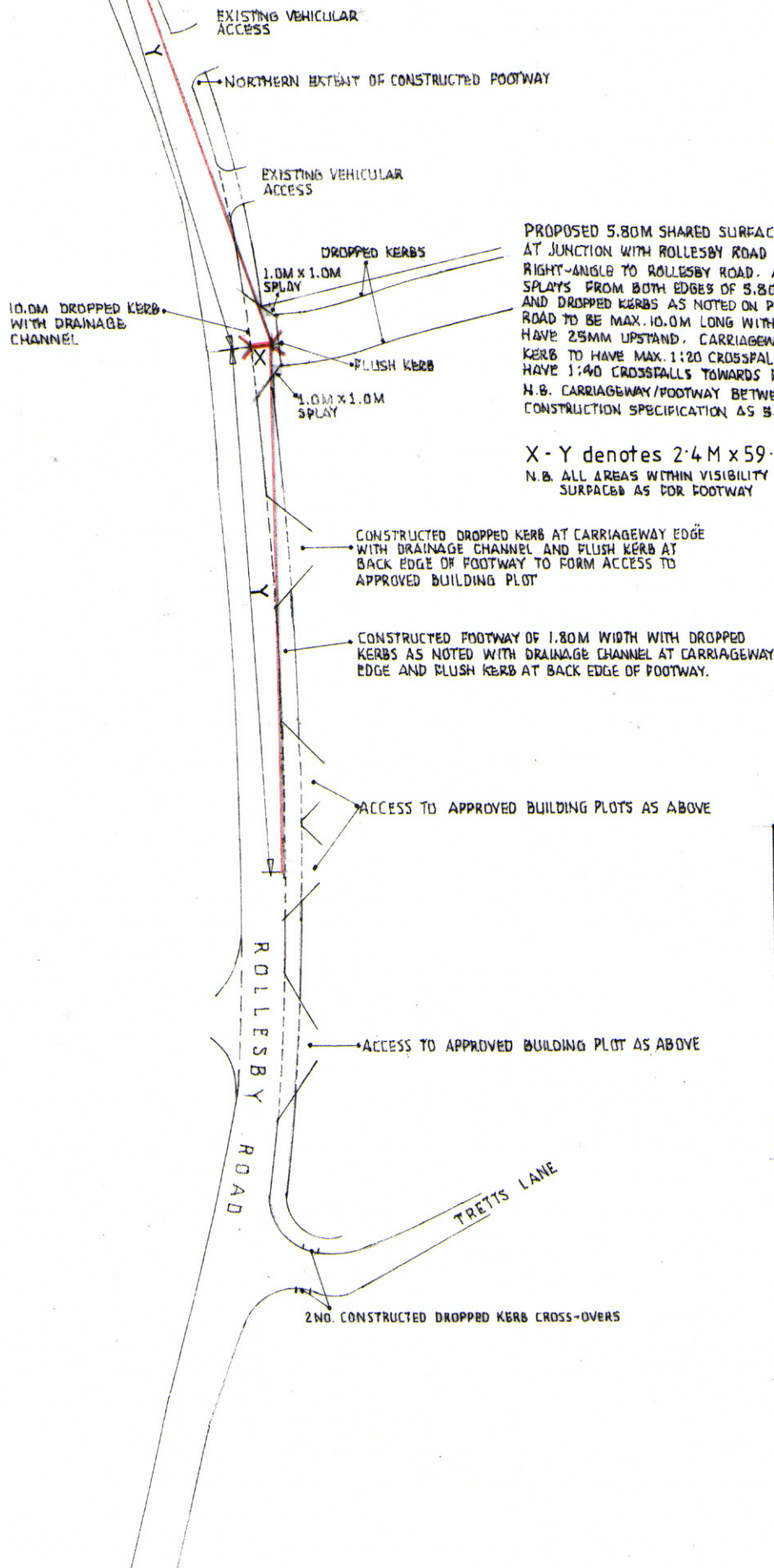
Drawn	Date	Scale	Ref
B WILLMOTT	OCT 2019	AS SHOWN	2315.03

SCALE: 1-500 at A3



1-500

SCALE



PROPOSED 5.80M SHARED SURFACE ROAD GIVING ACCESS TO PROPOSED DWELLINGS AT JUNCTION WITH ROLLESBY ROAD PROVIDE 6.0M OF FOOTWAY/CARRIAGEWAY AT RIGHT-ANGLE TO ROLLESBY ROAD. AT BACK EDGE OF FOOTWAY PROVIDE 1.0M X 1.0M SPLAYS FROM BOTH EDGES OF 5.80M SHARED SURFACE ROAD. PROVIDE FLUSH KERB AND DROPPED KERBS AS NOTED ON PLAN. DROPPED KERB AT JUNCTION WITH ROLLESBY ROAD TO BE MAX. 10.0M LONG WITH DRAINAGE CHANNEL. ALL DROPPED KERBS TO HAVE 25MM UPSTAND. CARRIAGEWAY/FOOTWAY BETWEEN FLUSH KERB AND DROPPED KERB TO HAVE MAX. 1:20 CROSSFALL TOWARDS ROLLESBY ROAD. OTHER FOOTWAYS TO HAVE 1:40 CROSSFALLS TOWARDS ROLLESBY ROAD.
N.B. CARRIAGEWAY/FOOTWAY BETWEEN FLUSH KERB AND ROLLESBY ROAD TO BE OF SAME CONSTRUCTION SPECIFICATION AS 5.80M SHARED SURFACE ROAD.

X-Y denotes 2.4 M x 59.0M visibility splay shown red
N.B. ALL AREAS WITHIN VISIBILITY SPLAYS BEYOND BACK EDGE OF FOOTWAY TO BE SURFACED AS FOR FOOTWAY

PROPOSED RESIDENTIAL DEVELOPMENT OF LAND ADJOINING NEW HOUSE, OFF ROLLESBY ROAD, FLEGGBURGH, GT. YARMOUTH.

ROLLESBY ROAD FOOTWAY, TRETTS LANE AND ESTATE ROAD JUNCTIONS DETAILS

**ARCHITECTURAL
DRAUGHTING**

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Drawn	Date	Scale	Ref
B WILLMOTT	OCT 2019	AS SHOWN	2515.02

Public Highway
Hatched Green

Highway Boundary follows
road-side edge of original
drainage ditch

Lilac Cottage

Rose Cottage

The Shrubbery

4.6m

Track

Rolesby Rd, Fleggburgh

1:500

