

# Development Control Committee

## Minutes

Wednesday, 28 October 2020 at 16:00

PRESENT:-

Councillor Annison (in the Chair); Councillors Bird, Fairhead, Freeman, Flaxman-Taylor, P Hammond, Lawn, Mogford, Wainwright, Williamson, A Wright & B Wright.

Mr G Sutherland (Senior Planning Officer), Mr R Tate (Planning Officer) & Mrs S Wintle (Corporate Services Manager).

### **1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Myers.

### **2 DECLARATIONS OF INTEREST**

Councillor Wainwright declared a personal interest in item 5, as he knew Mr Saunders who was the joint land owner of the application site, in a personal capacity. However, in accordance with the Council's Constitution, was allowed both to speak and vote on the matter.

### **3 APPLICATION 06-18-0631-F - POUND LANE (LAND WEST OF) FILBY**

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

The Planning Officer reported that the site comprised of 1.48 hectares and formed part of an arable field located to the west of Pound Lane, Filby. The land was designated as Grade 1 agricultural land and was accessed off Pound Lane. The application site was outside the development limits. The proposed access road utilised the existing field access, which was located between 16 & 17 Pound Lane, and would serve a single road with a turning area to the western end. Following a consultation period, a number of objections had been received after the closing date, but all objections had been taken into consideration. The application had since been amended to achieve the indicative pedestrian footpath along Pound Lane.

The Planning Officer reported that the application was a full application for a mixture of 15 dwellings including 3 affordable homes. A pumping station would be sited and a lagoon to help manage surface water and to provide bio-diversity enhancements. A public footpath would run around the lagoon and a pavement would run from the site, down Pound Lane to the junction with the A1064 main road.

The Planning Officer reported that a number of supporting documents had been submitted with the application as detailed on page 6 of the agenda report. A total of 76 letters of objection from local residents had been received which were detailed on pages 7 & 8 of the agenda report. One letter of support had also been received from neighbours as part of the public consultation process which was detailed on page 8 of the agenda report.

The Parish Council had also strongly objected to the applications for reasons detailed on page 8 of the agenda report. The Planning Officer reported that the Broads Authority had initially objected due to the potential adverse impacts on the Trinity Broads SSSI from run-off.

The Planning Officer reported that NCC Highways had raised concerns regarding the construction of the proposed footway and the relocation of two telegraph poles at the junction of Pound Lane and the A1064.

The Planning Officer referred Members to paragraphs 11.5 & 11.6 of the agenda report and the ability for a Local Authority to demonstrate a 5 year Housing Land Supply and weight attributed to Paragraph 11 (d) of the NPPF, that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits. There were no sites proposed in Filby in the Draft Local Plan Part 2. However, as this was a full application, it suggests that this site would have a good chance of timely delivery and would help the Council meet its HLS and housing delivery targets.

The Planning Officer reported that a number of objections had raised the issue

of highway safety, speeding traffic on the A1064, that Pound Lane was used as a rat run from Filby to Ormesby and that there was no footpath along Pound Lane. Comments were also received citing lack of visibility to the west at the junction with Pound Lane and Main Road. However, Highways had asked for a condition to ensure a visibility splay can be provided including the relocation of 1 or 2 telegraph poles to ensure the splay can be maintained. A footway had also been requested/conditioned along Pound Lane.

The Planning Officer reported that the application was not isolated and was within a sustainable location with access to open spaces, education facilities and village amenities. There were no significant or demonstrable harms which outweighed the need for the provision of housing in a sustainable location.

The Planning Officer reported that the application was recommended for approval subject to conditions listed in paragraph 12.1 on page 24 of the agenda report.

Councillor A Wright reported that he was concerned regarding what would happen if the pumping station failed and whether this would have an adverse environmental affect on the nearby Trinity Broads SSSI system. He was also concerned regarding the loss of more Grade 1 agricultural land in the Borough. He asked for sight of the email exchange which had occurred between Councillor Thompson & Brandon Lewis, MP.

Councillor Freeman reported that Pound Lane was one of the Borough's worst rat runs and asked whether Highways had undertaken a traffic survey. The Planning Officer reiterated that Highways had raised no objections but had requested conditions if the application was approved.

Councillor Bird asked for clarification regarding the proposed removal of a telegraph pole to allow for the visibility splay at Pound Lane/Main Road and whether this was sited on highways or private land. The Planning Officer reported that this would be dealt with by condition.

Councillor Mogford asked whether Highways had considered making Pound Lane one way up to past this development as this would alleviate many of the traffic issues in this area.

Mr Hardy, applicant's agent, reiterated the salient areas of the application to the Committee and that the resulting development would result in a net gain for the residents of Filby and urged the Committee to approve the application.

Mr Millman, objector, reported that there had been 76 letters of objection submitted to the Council, citing 45 various issues which should not be ignored by the Committee. He urged the Committee to refuse the application and uphold the needs and aspirations of both the local and farming communities.

Councillor Thompson, Ward Councillor, addressed the Committee and confirmed that there had been email correspondence between himself & Brandon Lewis, MP regarding sewerage issues in Pound Lane. The site was

outside the village development envelope, was not included in the emerging Filby Neighbourhood Plan, intruded into the open countryside (Policy CS2) and was on Grade 1 agricultural land (Policies CS6 & CS12). The site was sloping with a 7 m drop and was contrary to Policy CS09 which protected the amenity of both new and existing residents.

Councillor Thompson was concerned with the effect the development could have on the nearby Trinity Broads SSSI. Although Anglian Water had confirmed that Caister had capacity, the pipes from Filby to Caister, narrowed at Filby Heath and often backed up, and as a result, tankers were often seen at Pound Lane taking sewerage away. The proposed footway was not continuous and pedestrians had to cross the busy road which was unsafe (Policy CS16) and several trees on parish land would have to be removed to accommodate the footway.

Councillor Thompson asked the Committee to refuse the application to uphold the Local Plan and public confidence.

Councillor A Wright reported that he was unhappy with the application as it presented him with more questions than answers and he felt unable to support the application.

Councillor Freeman reported that he felt that planning advice to Members lacked consistency. At the last meeting, officers had recommended refusal of an application which would have been built out on Grade 1 agricultural land, however, at today's meeting, they were recommending approval to build out on Grade 1 agricultural land and he therefore asked for clarification. He also reiterated his earlier concern of highway safety.

Councillor Mogford reported that it was difficult to get in or out of Pound Lane onto Main Road at rush hour and therefore, he felt unable to support the application.

Councillor Wainwright reported that he was happy to support the officer recommendation for approval. Unfortunately, pumping stations did break down occasionally but Anglian Water usually responded quickly to such events. There were many traffic rat runs across the Borough especially in Bradwell & Gorleston. He felt that the residents of Filby opposed any development in their village but homes were desperately needed in the Northern Parishes.

The Corporate Services Manager advised Councillor Thompson that he was unable to ask any further questions during the proceedings.

Councillor A Wright proposed that the application be refused. This motion was seconded by Councillor Hammond. The Monitoring Officer asked that the Committee take time to confer with the Planning Officers to draw up a robust list of reasons to refuse the application which would stand up to scrutiny if the application went to appeal.

Councillor Williamson reported that he was concerned that this application

could be won at appeal if the only reason for refusal was the loss of Grade 1 agricultural land.

The Planning Officer suggested that the Committee cite policies CS6 (J) & CS12 (G) which would cover the Committee's concerns regarding possible the possible contamination of Trinity Broads SSSI if the pumping station failed and loss of Grade 1 agricultural land. The Senior Planning Officer suggested that Policy CS11 could be looked at regarding these environmental issues.

The Committee agreed that the application was contrary to Policy CS6 (J), CS11 & CS12 (G) of the Core Strategy and highlighted concerns with the proposed highways/footways improvements at the Pound Lane & Main Road junction.

The Corporate Services Manager reported that Councillor Lawn would not be eligible to vote as he had not been present during the whole of the debate.

Following a vote, it was RESOLVED:-

That application number 06/18/0631/F be refused as the Committee felt that the application was contrary to Policy CS6 (J), CS11 & CS12 (G) of the Core Strategy (adopted 21 December 2015) and concerns with the proposed highways/footways improvements at the Pound Lane & Main Road junction.

#### **4 APPLICATION 06-20-0102-F - HOMESTEAD, MAIN ROAD, FILBY**

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

The Senior Planning Officer reported that the application was for the sub-division of a residential plot of The Homestead and erection of two 3 bedroom detached barn style dwellings, with access from an existing vehicular access from Main Road. There are three agricultural barns located on the site, the largest is a Grade II Listed Building. The site was located outside of flood zones. The first proposal had been initially objected to by the Conservation Officer but this proposal had more regard to the context and setting of the site. The new dwellings fenestration, scale and design would respect the heritage asset and other barns' settings and the surrounding intrinsic village character. The new buildings would be shielded by a landscaping screen from the heritage asset and other barns.

The Senior Planning Officer reported that access and highway safety conditions were recommended as stated in the consultation response from NCC Highways which was detailed on page 30 of the agenda report. Surface water would be disposed of by means of a soakaway and a proposed connection to the existing drainage system for foul sewerage.

The Senior Planning Officer reported that an arboricultural report had been submitted with the application noting that the application site had seven trees

largely to the periphery of the site. One tree would be removed for the development purposes but this tree had low amenity value. To mitigate for this, three new trees would be planted with a maintenance period of 5 years.

The Senior Planning Officer reported that two letters of support and one letter raising no objection had been received from local residents/neighbours. The Parish Council had objected to the application for the reasons set out on page 29 of the agenda report.

The Senior Planning Officer reported that the application was recommended for approval with conditions listed on pages 37 and 38 of the agenda report.

The Chairman reported that there was no applicant, applicant's agent, objector or Parish Councillor who had indicated that they wished to speak on the application.

Councillor Thompson, Ward Councillor, reported that he objected to the application as this would affect traffic flow on Main Road, the site was outside the current and proposed village development envelope and the design/type of houses would be contrary to Filby Neighbourhood Plan's design code. Filby had accommodated 38 new homes in the last four years and there were 24 with approved planning permission yet to be built out which was more than the 5% Core strategy target for the village.

Councillor Hammond proposed that the application be approved. This motion was seconded by Councillor Williamson.

Following a vote, which excluded Councillor Lawn, as he had not been present throughout the whole of the debate, it was RESOLVED:-

That application number 06/20/0102/F be approved subject to the following conditions :-

Soft red bricks laid in lime mortar should be used in the construction of the proposed dwellings with a brick bond including snapped headers to ensure that vernacular materials and approaches are used as far as practicable within the setting of the listed barn.

Vehicular access to be re-graded such that the gradient shall not exceed 1:12 for the first 5 metres into the site and the access shall be constructed in accordance with NCC residential access construction specification.

Visibility splays shall be provided in full accordance with the details indicated in the submitted plans and retained in the approved form thereafter.

Details of construction and surface of access and on- site surface water drainage, the method statement for root protection of trees of the site, conditions that access be constructed in accordance with the approved plans.

On site car parking and turning areas shall be provided in accordance with submitted plans and be retained in the approved form thereafter.

Removal of permitted development rights for extensions and alterations to the proposed dwellings including new windows or other openings into the walls or roof without prior consent from the local planning authority.

The proposal complies with the aims of Policies CS2, CS3, CS9, CS10, CS11, CS14 and CS16 of the Great Yarmouth Core Strategy, paragraphs( 2, 7, 8, 11, 48, 55, 59, 76, 109, 170, 177 200) of The National Planning Policy Framework (NPPF) and The Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 72).

## **5 APPLICATION 06-18-0545-O - BUTT LANE, DOVEDALE (LAND REAR OF)**

The Committee received and considered the comprehensive report from the Planning Manager.

The Senior Planning Officer reported that the application site was to the rear of five properties fronting Butt Lane in Burgh Castle. Access to the site was from Butt Lane facilitated by the demolition of Dovedale, which was a single storey property fronting onto Butt Lane. The main bulk of the site to the rear of Dovedale was currently used for paddocks and is served by an unmade track that runs to the front, side and rear of Dovedale.

The Senior Planning Officer reported that in terms of local plan designation, the site was located outside the village development limits for Burgh Castle abutting the existing residential properties fronting Butt Lane, including their rear gardens which were in the village developments limits.

The Senior Planning Officer reported that there were mature trees to the front of the application site adjacent to Butt Lane and a line of trees within the main body of the application site. Dovedale sat amongst a line of established residential properties fronting onto Butt Lane. Residential development in the area comprised of a mix of scale and design and age. Beyond the residential properties further along Butt Lane were holiday parks and a gravel pit.

The Senior Planning Officer reported that the application was accompanied by several supporting documents including a bespoke Shadow Habitats Regulation Assessment, Ecological and Arboricultural Impact Assessment, indicative plans and a design and access statement. Aside from this application in its various forms, there was no previous relevant planning history on the site.

The Senior Planning officer reported that the application was an outline application for the erection of 7 dwellings. The application has been revised

through discussion with the applicant with the size of the site reduced from 1.8 hectares to 0.5 hectares which included the means of access to the site. The size of development proposed was considered commensurate with the status of Burgh Castle as a secondary village in the Local Plan settlement hierarchy. The means of access to the site has been amended to include additional land to achieve the required visibility splay and had been accepted by the highway authority, subject to appropriate conditions and a legal obligation to ensure it is achievable. In doing so, the site plan included the removal of trees on the Butt Lane frontage.

The Senior Planning Officer reported that concerns were still raised by a number of properties regarding the principle of development and that the new access would be a way in for additional development to use the access in the future. The application included an indicative layout of how the site could be developed, but at this stage, the layout, scale and appearance of the development was not part of this application. Any approval would need to be conditioned for those elements for submission at the reserved matters stage. The length of the gardens to the Butt Lane properties would help reduce the impact upon the Butt Lane properties. It was also acknowledged that there were a number of out-buildings including an annexe within the rear garden of the property next door to Dovedale and any future proposals would need to take this into account.

The Senior Planning Officer reported that the applicant had submitted a Flood Risk Assessment. The site was shown to be in Flood Zone 1. This meant that the site was at low risk of flooding. The site was also not identified as being at risk of surface water flooding. The report stated that the soil was permeable so the drainage system was to be expected to comprise of soakaways across the site, but the development would require a surface water strategy to be submitted as part of reserved matters, should the application be approved.

The Senior Planning Officer reported that there were a number of trees on the site, both at the front of Dovedale and on the land to the rear, which could be affected by development of both the dwellings and the access road. The applicant had submitted an Arboricultural report which included a visual assessment of the trees. The trees had also been assessed by the Assistant Grounds Manager and Arboricultural Officer and a provisional Tree Preservation Order has been placed on some of the trees at the frontage of Dovedale. However, the Arboricultural assessment solely focused on the new site entrance and the surrounding trees with six trees which were included in this report (T21- T26). Five individual trees (T21-24, T26) had been classed as Category B and were in generally in good condition and conferred landscape values and were suitable for retention where possible, in the context of the development.

The Senior Planning Officer reported that a number of responses had been received to previous schemes followed by a further 7 to the revised plans. The Parish Council had also objected to the revised submission as detailed on page 42 of the agenda report.



The Senior Planning Officer reported that the application was recommended for approval with all the conditions listed in the agenda report.

Councillor A Wright asked for clarification that the application was for 7 dwellings and not 30 dwellings. The Senior Planning Officer confirmed that the application was for 7 dwellings.

Mr Garrett, applicant's agent, reiterated the salient areas of the application to the Committee and asked that they approve it.

Mr Saunders, addressed the Committee in support of the application and urged the Committee to approve the application.

The Monitoring Officer reported that Mr Saunders was a joint land owner of the application site, and as so, was allowed to address the Committee.

The Chairman reported that no objectors had registered to speak at Committee.

Mr Swann, Parish Councillor, addressed the Committee and reported the concerns of local residents and Parish Council and asked the Committee to refuse the application as the residents of Butt Lane had enough traffic to contend with as a working gravel pit and three holiday camps were sited along Butt Lane.

Councillor Smith, Ward Councillor, addressed the Committee and further supported the concerns of local residents and the parish Council and asked the Committee to refuse the application.

Councillor Wainwright informed the Committee that although discussions between the applicant and the planning officers had been held in the past regarding the possibility of an application for 30 homes on this site, this application had never come to Committee, and the committee must consider the merits of the application before them this evening.

Councillor Williamson reported that he was minded to support the application, his only concern was the issue of the footpath through to Belton, as it did not include a pedestrian crossing to access the school or cycleway safely.

Councillor Wainwright reported that he had been a County Councillor representing this ward in 2004 and had lobbied to get the footpaths in the area upgraded between Burgh Castle and Belton to no avail. He reported that he would support this application as we needed homes in the villages.

Councillor Williamson proposed to approve the application and to retain the trees T24 & T26. as detailed in paragraph 9.34 of the agenda report. Councillor Wainwright seconded this motion provided that retaining trees T24 & T26 did not hinder the development.

Councillor Hammond asked whether the Committee could condition

landscaping the SW boundary with trees to prevent any further development on the site. The Senior Planning Officer reported that landscaping would form part of Reserved Matters but it was not an appropriate way for Committee to deal with possible future development on the site.

The Corporate Services Manager reported that Councillor Lawn could not vote as he had not been present during the application.

**RESOLVED:-**

That application number 06/18/0545/O be approved as 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, subject to protection of the trees referred to above that the harms identified do not significantly and demonstrably outweigh the benefits of providing housing.

To 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 for Natura 2000 payment and those required by the highway authority to secure any required visibility splay The proposal complies with the aims of Policies CS2, CS3, CS9, CS11 and CS14 of the Great Yarmouth Core Strategy.

The Council Arboricultural Adviser broadly agrees with the Arboricultural Report submitted to support the planning application and assessment of the trees therein but considers that the removal trees T24 and T26 is not acceptable. This is because the trees are considered to be of high amenity value and have been considered to be worthy of a Tree Preservation Order. It is therefore recommended that in considering the principle of development that any approval is subject to the retention of T24 and T26 and subject to the no-dig surfacing conditions as set out in the Arboricultural report.

**6 APPLICATION 06-20-0421-F - (LAND REAR OF) 64 BECCLES ROAD, BRADWELL**

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

The Senior Planning Officer reported that this was a full application for a minor residential development.

The Senior Planning Officer reported that this was a proposal for 4 detached dwellings made up of 2 three-bedroom bungalows and 2 four-bedroom bungalows, each with a single garage and parking spaces. A private drive would provide access from Beccles Road and the drive included a turning

head and passing place.

The Senior Planning Officer reported that Bradwell Parish Council had not responded at the time of writing the report. However, the Parish Council had recommended rejection of the prior application for 5 units considering it to be over-development, with the exit too close to the pedestrian island. It was reasonable to assume the Parish Council maintained its objection at least in respect of the access.

The Senior Planning Officer reported that no letters of objection have been received from local residents which raised concerns which were summarised as follows:-

- Overcrowding of the site.
- Increase in traffic from this development near to intersection with Crab Lane.
- The number of access points close to Crab Lane
- The cumulative impact on traffic taken with other developments in the vicinity
- The need to provide good visibility at the road access, to safeguard cyclists and pedestrians and use by the emergency services.
- Desire to safeguard trees at the site entrance.

The Senior Planning Officer reported that the Tree Officer had identified that three trees were located at the entrance of the site on adjacent property, one of which (the oak) had a Tree

Preservation Order. These were of high amenity value to the surrounding area and should be protected during the development process. The applicant had been working with the Council's Tree Officer to identify the appropriate practice to provide ground protection of the protected tree during the development process, using anti-compaction geo-textile fabric/web to preserve the tree roots and to accommodate the tree roots under the proposed driveway. Works to lift the crown of the tree up to 5m have been discussed. On September 25 2020, strong winds damaged the tree leaving damaged branches hanging over the footway. These have been trimmed back in consultation with the Tree Officer.

The Senior Planning officer reported that the site lies within the Bradwell Development Boundary wherein development will be supported in principle unless material considerations outweigh that principle. In this case those would be matters of amenity, local character and highway safety.

The Senior Planning Officer reported that the proposed dwellings were designed as single storey. They have parking, garages and private gardens. Adjoining properties would not be overlooked. To maintain future privacy of neighbouring property from possible insertion of dormer windows or roof extensions, a condition could be included to remove those permitted development rights without a separate grant of planning permission. There were no significant trees on the site itself and measures could be taken to safeguard a protected tree on an adjoining site.

The Senior Planning Officer reported that the area was a general mix of post war dwellings of single and two stories. The dwellings would be set back from Beccles Road largely screened by existing dwellings on either side. The plots were smaller than some of the neighbouring plots, but this will not be obvious from public vantage points.

The Senior Planning Officer reported that as stated in the consultation response from the County Highways Authority, whilst there were reservations about the scale of the development especially in relation to the location of the access to Crab Lane, they were minded that given the existing level of frontage development and accesses along Beccles Road, there was a reasonable expectation on the part of drivers that traffic would be slowing, stopping and turning into/from accesses etc. Conditions have been recommended to address the siting and design of the access, including the provision and maintenance of sight splays in the interest of maintaining highway safety.

The Senior Planning Officer reported that the application was recommended for approval with conditions as listed on page 68 of the agenda report.

The Chairman reported that no applicant, applicant's agent, objector or Parish Councillor had registered to speak on the application.

The Chairman asked if it was possible to add a condition to protect the trees to stipulate that hand-digging should be undertaken whilst working in close proximity to the trees to protect their root system.

The Chairman also raised concerns that Highways had not sent an officer to address the Committee regarding road safety at this site, as two years ago, an elderly lady was killed whilst trying to cross the road at the nearby junction.

Councillor Williamson proposed that the application be approved with the additional condition of hand digging to protect tree roots. However, this motion was not seconded. The Monitoring officer informed the Committee that they should carry on the debate until another resolution was proposed.

Councillor Wainwright proposed that the application be refused on the grounds of over-development of the site, back-land development and on highway safety grounds. This motion was seconded by Councillor Hammond.

Following a vote, it was RESOLVED:-

That application number 06/20/0421/F be refused as it was felt to be an over-development of a back-land site with associated highways safety issues.

## **7 ANY OTHER BUSINESS**

The Chairman reported that there was no other business being of sufficient urgency to warrant consideration.

The meeting ended at: 18:00