

# Development Control Committee

## Minutes

Thursday, 21 May 2020 at 16:00

Present :

Councillor Annison (in the Chair); Councillors Bird; Fairhead; Flaxman-Taylor; Freeman; Mogford; Myers; Wainwright; Williamson; and T Wright

Councillor Candon attended as substitute for Councillor Hammond

Councillor G Carpenter attended as substitute for Councillor Lawn.

Also in attendance :

Ms C Whatling (Monitoring Officer); Mr D Minns (Planning Manager) and Mrs S Wintle (Corporate Services Manager)

### **1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Hammond, Lawn and B Wright.

## **2 DECLARATIONS OF INTEREST**

The Chairman declared that with regard to item 5, the applicant Hammond Property Developments were known to all Members as Councillors of the Borough Council.

## **3 MINUTES**

The minutes of the meeting held on the 11 March 2020 were confirmed.

## **4 APPLICATION - 06-19-0404-F - TOWER ROAD (LAND NORTH OF), FLEGGBURGH**

The Committee received and considered the Planning Manager's report which presented a construction of 33 new mixed dwelling types including 9 social housing units of different types.

The Planning Manager provided a comprehensive summary of the report to Members of the Committee.

The Planning Manager reported that the application requested full planning permission and noted that since the last planning application was submitted the application had been subject to amendment both in terms of the layout and the means of access to the site.

It was reported that the application site was approximately 3.10 hectares and was located to the north east approach to the village of Fleggburgh at the junction of Rollesby Road and Tower Road. The site currently comprises uncultivated flat arable land Grade 1 land is bounded by intermittent trees and hedgerows. To the east is open farmland/grazing land with residential development to the west.

The Planning Manager reported that the access to the site was on Tower Road, and the site frontage speed limit was 30mph with further down from the development being 60mph before leading to the Main Road at Filby.

The Planning Manager reported that one letter of concern had been received from a property at the rear of the development site with regard to the proximity of the development and overshadowing of their land.

The Planning Manager reported that Adjacent to the site and immediately to the east of Tower Road is a site that was granted planning permission Ref: 06/15/705/F for nine dwellings and is under construction.

It was reported that the site comprises a rectangular shaped parcel of land consisting of semi improved grassland which is bound by a combination of close boarded fencing, scrub and trees to the north, defunct hedging to the south, intact hedging and trees to the east and Hera fencing to the west.

The Planning Manager reported that Fleggburgh Parish Council had agreed to support in the development of the land subject to a number of recommendations detailed within the Planning Manager's report. Members were advised that 5 public representations were received objecting to the application due to a number of concerns with regard to the impact on the local area.

The Planning Manager advised that a new fence had been erected near to the Boundary of the neighbouring property who had raised concern with regard to the 5 bedroomed property proposed for the front of the development, it was noted that the applicant had advised that should Members be minded to approve the application, they would be willing to consider putting a bungalow in this plot or a one and a half story property to minimise the over looking of the neighbouring property.

The Planning Manager advised that the Borough Council's Housing Department were satisfied with the mix and level of housing identified on the development site. It was also noted that the development would meet the 20% requirement of affordable housing as identified within the Local Plan.

The Planning Manager reported that the Natural Environment Team who provide ecology advice to the Council had assessed the application and documents submitted with the application and in the context of statutory consultees documents. The conclusion reached was that the site which comprises of semi-improved grassland bounded by a combination of close boarded fencing, scrub and trees to the north, defunct hedging in the south and intact hedging and tress to the east along with Herras fencing to the west (around the development site) .Habitats are likely to support bats and ,barn owls, hares ,toads, hedgehogs and widespread vertebrate species. The site is confirmed to support a number of grass snakes. The advice is that the reports are fit for purpose. A number of aspects are highlighted, and recommendations had been made to aid the decision making process. These included a Habitat regulation Assessment.

It was reported that a number of conditions had been suggested to both reduce and enhance the biodiversity impact of the development including conditions regarding lighting within the development and the provision of a Biodiversity Plan including the provision of hedgehog gaps in gravel boards and that the provision of a Landscape Management Plan was also recommended along with a condition to avoid causing injury or harm to grass snakes.

The Planning Manager reported that there is a requirement that there should 40 square metres of public open space per dwelling provided in accordance with current local plan policy 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 showed areas of open space within the development. The Committee were advised that if they were minded to support the development further discussion needed to be had with the applicant regarding its use for public open space and the responsibility for the management of the open space. It was noted that the Local Planning Authority would accept no liability for public open space, children's recreation or drainage and as such this should be subject to a management company in perpetuity. It should also be noted that the Parish Council requested that the open space be gifted to The Parish Council.

The Planning Manager reported that the application site was a sustainable site being within a village with facilities, albeit limited facilities and adjacent to existing residences it could not therefore be assessed as isolated. It was noted that there was 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, in this particular instance, 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.

It was noted that 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, the application could 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.

The Planning Manager advised that application had been recommended for approval subject to the conditions to ensure an adequate form of development including those requested by and a s106 agreement securing Local Authority requirements of children's recreation, public open space, affordable housing and Natura 2000 payment. and library contribution.

Councillor Wright asked with regard to open space and it was confirmed that this was 1400sqm which fitted in with the requirements for open space. Councillor Wright asked what the measurement of the open space was at the narrowest point and it was confirmed around 10m. Councillor Wright asked with regard to this area of land being gifted to the Parish Council and whether this could be recommended by the Council, the Planning Manager advised this matter could be discussed with the developer but this would not be a requirement of the planning application in front of Members.

Councillor Williamson asked whether the maintenance of the open space would be carried out by a maintenance management company or GYBC, The Planning Manager advised that the preferred method of maintenance would be through a management company, Councillor Williamson asked whether this could be written in to the recommendations, the Planning Manager confirmed this could be added as part of the Section 106 agreement.

Councillor Williamson asked with regard to the changing of the 5 bedroomed house to a bungalow as previously discussed and whether this could be added into the recommendations, the Planning Manager confirmed that this could be added if Members were minded to.

Councillor Fairhead raised some concern with regard to the drainage at the site and whether the recommendations for the drainage authority had been taken into account, this was confirmed and it was advised that these recommendations would have to place prior to the commencement of the development.

Councillor Myers asked whether the Planning Manager was aware of which properties had been identified to be social housing and asked with regard to the parish Councils request that these remained in perpetuity of social housing this would be difficult if they came under legislation of right to buy. The Planning Manager advised that the Section 106 agreement would seek to keep the social housing in perpetuity but allowed for the Borough Council at a later stage to take the properties on or are sold at a lower value in the future. In terms of type of properties to be used it was advised that plots 1,11, 4,6,13, 16 to 19 had been suggested.

Councillor Adrian Thompson, Ward Councillor commented that if the application was to be approved it provided a number of advantages to Fleggburgh, the Developer had advised that he would be prepared to hand the piece of open space land behind the development and the smaller piece of land in the corner between Town Road and Tower Road to the ownership of the Parish Council which would be maintained by a Management Company. Councillor Thompson referred to the smaller houses identified and commented that he felt this would be welcomed to encourage the younger generation to purchase. Norfolk County Council would like to place speed restriction signs outside the Fleggburgh School although the Parish Council had requested that a zebra crossing be placed instead to allow access to the school and Playground, Councillor Thompson also requested the Committee consider changing the five bedroomed house at the front of the development to a bungalow.

The Committee hereby entered into a debate.

Councillor Williamson proposed that the change to a bungalow from a 5 bedroomed house be considered as an addition to the recommendations.

Councillor Wright asked with regard to the Grade 1 agricultural land and raised some concern as to the use of this land.

Councillor Wainwright commented with regard to the Social Housing and sought clarification as to whether these could be purchased by the Borough Council, the Planning Manager advised that as part of the Section 106 agreement there was always a number of scenarios in terms of ensuring the affordable housing in the development and would remain for the lifetime of the

development. Councillor Wainwright asked if the Borough Council had expressed an interest in taking these on as social housing for the Council. The Planning Manager advised that the Property enabling officer had commented that a tenure split of 90% affordable rent and 10% affordable home ownership and this was the preferred method although it was noted that discounted market sale is deterred as it doesn't meet the local housing need.

The Planning Manager advised that the development provided a large plot and provided overall a good mix of properties throughout the site.

Councillor Candon commented that in his opinion the development provided housing for families which had been referred to earlier in hoping the development would attract the younger generation.

**RESOLVED :**

That approval be given to application 06-19-0404-F, subject to the conditions to ensure an adequate form of development including those requested by and a s106 agreement securing Local Authority requirements of children's recreation, public open space, affordable housing and Natura 2000 payment. and library contribution. The proposal complies with the aims of Policies CS2, CS3, CS9, CS11 and CS14 of the Great Yarmouth Core Strategy.

## **5 APPLICATION 06-20-0125-F - WESTAYLEE, WEST ROAD, WEST CAISTER**

Members received and considered the Planning Manager's report which presented an application for a new 4 bedroomed dwelling house.

The Planning Manager reported that the application followed the recent refusal of permission for the erection of a similar dwelling, that was located within the countryside some distance to the north of the settlement, and adjoining the Broads Authority Executive Area.

The Planning Manager reported that the site comprised 0.258 hectares and proposed the erection of a substantial 4 bedroomed house with attached treble-garage incorporating roof storage and dormers. The dwelling was sited within an open lawned area adjacent to the front of the applicants dwelling Westaylee (which has a road frontage to West Road, West End, Caister.

The Planning Manager provided a comprehensive summary of the application to Members.

It was reported that the general principle of a modest housing development in a Tertiary village was acceptable in policy terms, and the proposal now represented an acceptable infill, that would not appear out-of-character with the linear form of the settlement, overcomes the previous reason for refusal, and complied with the N.P.P.F and

## Core Strategy Policy CS2.

The Planning Manager reported that the orientation/design of the dwelling was now considered to be appropriate for the location and would not be prominent from the public right of way to the west, and would not be harmful to the rural character, overcomes the previous concerns, and complies with Core Strategy Policy CS9.10.3 The re-located dwelling was now within the obvious development limits of the settlement, and no longer constituted an alien encroachment in to the countryside adjoining the Broads Authority Executive Area, and overcomes the previous reason for refusal.

It was reported that the additional drainage information was such that the L.P.A could now make the appropriate assessment of its impact on protected species and Natura2000 habitat allowing the L.P.A to meet its statutory duty to make such an assessment as required by the regulations, the N.P.P.F, Core Strategy Policy CS11 and Circular 06/2005, and overcomes the earlier refusal on ecology grounds and the revised scheme overcomes all the previous reasons for refusal, such that it now complies with all relevant International, National and Local policies and therefore could now be supported.

The Planning Manager reported that the application was now recommended for approval subject to the following conditions and reasons:-

3 yr commencement

Development in accordance with approved plans

As advised by highways/only approved access

Materials to be approved

Landscaping

Bat-box mitigation

Drainage only as shown on the plans

RESOLVED :

That application 06-20-0125-F be approved subject to the conditions as per the planning Managers report.

## **6 OMBUDSMAN AND APPEAL DECISIONS**

The Committee noted the following appeal decision :-

06/19/0260/F – Retrospective permission for change of use – guest house to HMO; alterations and improvements to form kitchen/dining rooms for tenants and reduce number of rooms from 18 to 13 at Rhonadean, 110/111 Wellesley Road, Great Yarmouth – appeal dismissed.

The Planning Manager reported on the following appeal decision :-

Oaktree Cottage, Mill Road, Burgh Castle which had seen the application refused at Committee due to the adverse impact on the trees on the site and

no footpath. It was advised that this would be brought back to a later Committee to be discussed.

## **7 DELEGATED DECISIONS BETWEEN 1 APRIL 2020 AND 30 APRIL 2020**

The Committee received and noted the delegated decisions made between the 1 April 2020 and the 30 April 2020.

## **8 ANY OTHER BUSINESS**

Councillor Williamson asked with regard to a recent application that had been approved but advised that construction had been commenced back in February 2020 although plans had not been submitted until March 2020. He asked what conditions could be put in place to prevent this happening again. The planning Manager reported that with regard to the site the only part that required planning permission was the double garage and this had not been commenced, although it was not an offence in law to start a development without planning permission but this is done at developers own risk, it was noted that stop notices could be served and the Borough Council does not endorse developers to start developments without the required permission.

The Planning Manager reported that at the previous Committee Members had agreed to defer an application at Staithe Road, Martham until a site visit had been undertaken, he asked due to the current situation with regard to COVID19 and the inability to arrange a site visit whether Members would be minded to bring the application back to the next Committee for decision. It was agreed that this matter be brought back to the next Committee.

Councillor Wainwright passed on his thanks to The Corporate Services Manager for organising the first digital meeting of the Development Control.

The Chairman also passed on his thanks to the Corporate Services Manager, the IT Team and the Planning Manager in helping to assist with the delivery of the first live virtual Planning Committee.

The meeting ended at: 17:25