



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Minutes

Wednesday, 13 January 2021 at 16:00

PRESENT:

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

Councillor Candon attended as a substitute for Councillor P Hammond.

Ms C Whatling (Monitoring Officer), Mr D Glason (Director of Planning & Growth), Mr D Minns (Planning Manager), Mr R Tate (Planning Officer) & Mrs C Webb (Executive Services Officer).

Mrs S Wintle (Corporate Services Manager) & Mr M Severn (IT Support).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor P Hammond.

2 DECLARATIONS OF INTEREST

Councillor Mogford declared a personal interest in items 5 & 6 as he was a member of the Broads Authority.

Councillor Lawn declared a personal interest in item 6 and that he would leave the meeting and not take part in the discussion and determination thereof.

The Chairman reported that all the Committee knew Councillor P Hammond, the applicant for item 5, but none were considered close friends to warrant declaring a personal interest in this item.

3 MINUTES

The minutes of the meeting held on 9 December 2020 were confirmed by assent.

Councillor Wainwright requested that the minutes be updated to reflect that Councillors Bird, P Hammond, Wainwright & Williamson had declared a personal interest in item 6, The Conge, as they were Members of the Great Yarmouth Town Centre Masterplan Members Working Group. They had all elected to leave the meeting whilst the application was determined.

4 06-20-0311-F OAK PARK FARM MILL ROAD BURGH CASTLE

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

The Planning Officer reported that the application site was located outside the village development limits and the designated holiday areas in Burgh Castle. The site was situated near to the Cherry Tree Holiday Park and the access was near to a bus stop. The applicant's agent had requested that the occupancy clause be amended so that closure was from 4th January to 7th February each year to allow the site to benefit from New Year bookings on

site.

The Planning Officer reported that the Emerging draft Policy L2 (Final Draft Local Plan Part 2) sought to support new tourist facilities where they were appropriate to the scale and character of the area. The Core Strategy defined Burgh Castle as a 'secondary village' which already provided a large amount of holiday accommodation and other supporting uses. It was considered, though, that this increase was proportionate to the scale of the settlement and the quality of accommodation proposed complied with Core Strategy policies CS2 and emerging Local Plan Part 2 policy L2 (to which only limited weight can be applied due to the unresolved objections).

The Planning Officer reported that to ensure that the cabins were used for the intended use, it was recommended to condition the occupation so that it was restricted to holiday use only, with permanent residential use prohibited. Furthermore, it was recommended to condition the occupancy period limiting the use to the time between the 7th February and the 31st December in any year.

The Planning Officer reported that the site was accessed from the existing access off Mill Road, which had a 40mph speed limit. Neighbours had raised concern about traffic increases on Mill Road and the potential for this proposal to result in the increased movement of mobile homes. This proposal was for cabins and therefore would not impact the movement of mobile homes. Once these were in situ there would not be any need for the further transportation of accommodation units. Norfolk County Council as Local Highways Authority have been consulted on the application and raised no objections subject to the access being upgraded, removing permitted development rights for gates and ensuring splays were provided.

The Planning Officer reported that the site was separated from Mill Road and development in Burgh Castle by a belt of established trees. This resulted in the site being a tranquil space with the lakes and vegetation ensuring the site provided habitats for animals. The ecological report found that the site was in a core area for otters and may also hold water voles. One tree was identified as having potential for roosting bats. The ecological survey found that the proposal would result in the loss species of poor grassland which were not seen as being of significance. There was no removal of large trees so no bat roosts would appear to be affected. As the site was well used already by anglers, the proposed use was not considered to be a significant impact on otters.

The Planning Officer reported that the habitat report stated ' the site contained habitat... that appears suitable for water voles. They were unlikely to be present near the swims due to wooden shuttering.' It then went on stating that 'if the development was confined to the installation of the pods and

improvement of the roadway then no additional surveys were presently required. A water vole survey was required for areas affected by the proposed discharge pipe prior to installation.' This could be secured with a pre-commencement condition.

The Planning Officer reported that there were trees being removed to facilitate the construction/land use change ,however, there was replacement planting proposed to compensate. Any tree screening of the site from Mill Road was not being lost. The ethos behind the development was to achieve cabins within a woodland/lake setting; the removal of any additional trees compared to what was proposed would be contrary to this. A lighting strategy should be conditioned to ensure that there were no adverse impacts to bats/nocturnal birds.

The Planning Officer reported that by virtue of the existing screening belt, any noise generated by the proposal was unlikely to have an impact on neighbours living nearby. Part of the application site was located within Flood Zones 2 and 3 risk as indicated on the Borough Council's Strategic Flood Risk Assessment (SFRA) and the Environment Agency's Flood Map. The cabins have been sequentially sited within Flood Zone 1 to minimise the flood risk. The cabins were a more vulnerable use compared to the existing angling use of the site. The Environment Agency raised no objection to the proposals although requested a condition to ensure that the chalets be securely anchored to the ground. The supporting information notes that the cabins do not require foundations but can be secured by ground screws which would comply with the condition.

The Planning Officer reported that a Flood Response Plan had been provided and included information that would be made available to visitors. As the use was not for permanent residential accommodation and visitors would have alternative places of residence, this was considered acceptable.

The Planning Officer reported that there were horses kept on a field to the north of the access road. It was not seen how this proposal would impact the welfare of the horses any more than the existing use of the fishing lakes. It was not seen that this was an issue significant enough to warrant the refusal of the application.

The Planning Officer reported that the site would be connected to the mains water supply but due to the distance to the nearest sewer connection was over 200 metres away. A package treatment plant was proposed to be used and this would discharge into the existing water course which runs to the west of the site. Both the Environment Agency and Environmental Services have no objection to this.

The Planning Officer reported that Environmental Services had been consulted on the application and recommended a cycle hire scheme be conditioned. This

would reduce the reliance on the private car for visitors during their stay and would increase the sustainability of the site. The proposal was for a small-scale tourist accommodation which was suitable considering the context of the area. The application was considered to comply with saved policies TR10 and TR16 from the Borough-Wide Local Plan and Core Policies CS02, CS09, CS11 and CS13 from the adopted Core Strategy.

The Planning Officer reported that the application was recommended for approval subject to a holiday occupancy condition limiting the use to the time between the 7th February and the 31st December in any year and a logbook to monitor holiday occupational usage.

Councillor Myers asked for clarification regarding the removal of the bridleway. The Planning officer reported that it was not an official bridleway but an informal agreement.

Mr Brian Swan, Parish Council Chairman, addressed the Committee and reported the concerns of the Parish Council. The application would result in the joining nearly of Belton to Bradwell and result in an over-provision of holiday accommodation in Burgh Castle. The area had traffic concerns, the development would have an adverse affect on local wildlife and 2m high metal gates had been installed on the approach track. He urged the Committee to refuse the application.

Councillor Myers, Ward Councillor, reported that he had concerns regarding the safety of children playing around the lakes which had no banks, if there was no parental supervision. He also had a concern regarding surface water run off from the site and water egress onto the road at the bend which often reached a depth of 3 feet following heavy rain.

Councillor Wainwright reported that he supported the application and that similar pod accommodation was being built across the Country as a result of the Covid pandemic as this is the type of accommodation that families were requesting. The application would not result in the coalition of Belton to Bradwell as the units were not houses but temporary pod units.

Councillor Myers reiterated his safety concerns and asked if mitigation measures would be provided such as life jacket or life boats.

Councillors Williamson & Flaxman-Taylor asked for clarification in regard to the dates the site would be closed during a 12 month period. The Planning Officer reported that the agent had requested closure between 4 January to 7 February inclusive.

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

Following a vote, it was RESOLVED:-

That application number 06/20/0311/F be approved subject to a holiday occupancy condition limiting the use to the time between the 7th February and the 4th January in any year and a logbook to monitor holiday occupational usage.

5 06-20-0505-F LAND ADJ WESTAYLEE WEST ROAD WEST END WEST CAISTER

The Committee received and considered the report from the Planning Officer. Councillors Bird and Mogford joined the meeting to hear this application. The Chairman asked it be recorded that Councillor P Hammond was known to all the Members of the Committee.

The Planning Officer reported that this application was reported to the Monitoring Officer as an application submitted by a company in which a Member is a director/shareholder in the applicant company . The Monitoring Officer has checked and made a record on the file that she is satisfied that it has been processed normally and the member has taken no part in the Council's processing of the application.

The Planning Officer reported that the proposal seeks approval for the erection of a dwelling in the open countryside near to the minor settlement of West Caister, which is identified in Core Strategy Policy CS2, as one of the Tertiary Settlements, which are to absorb 5% of the Districts Housing requirement as minor developments within the settlement, appropriate in scale to the settlement. West Caister does not have any defined settlement limits.

The Planning Officer reported that West Caister is an unusual settlement in 2 parts, with a nucleated grouping of dwellings based around the church at the eastern end close to the A149 (Caister by-pass) and a second grouping of dwellings further west, which has a particularly 'linear' character with each dwelling having a frontage to the various public highways/lanes. There have been several recent housing developments within the settlement, including a replacement dwelling to the east of the application site, a new dwelling approved to the west and a new bungalow under construction on the opposite side of the road. As well as the recent approval in between the donor dwelling and the property to the east.

The Planning Officer reported that the main concern being the position of the proposed dwelling in relation to the character and form of the settlement. The proposed dwelling is a typical tandem-backland situation, sharing a common drive, but situated behind the host dwelling in relation to the highway. This form of development is out-of-character with the established character and pattern of development and is an alien form of development that conflicts with the current form of the settlement. The applicant's current dwelling is already set-back some distance from

the highway with an outbuilding between the dwelling and the road, although in keeping with the settlement form, it has a direct road frontage. However, in comparison, the proposed dwelling (which would be served from the same access drive), is to be positioned much further from the road. It is in effect, a new dwelling in the countryside beyond the obvious settlement limits established by other dwellings.

The Planning Officer reported that the recent approval on the site (06/20/0125/F) was located in an infill location between Westaylee and the property to the east - Home Farm (albeit set back quite some distance from the road. This property does however front the road and is therefore more in keeping with the general character of the area. It should be noted that since that approval, the Council now enjoys a 6.51 year housing supply. Consequently, the titled balance does not apply for schemes contrary to the Development Plan and more significant weight can be given to the Development Limits. West Caister does not have any village development limits and therefore the proposal is contrary to saved policy HOU10 from the BoroughWide Local Plan as well Core Policies CS01 and CS02 which makes continued reference to the approach towards settlement limits.

The Planning Officer reported that with the lack of safe pedestrian access to local amenities it is considered that there would be a reliance on the private car for future occupants of the proposed development. As such it would be contrary to core policy CS1 (e) from the adopted Core Strategy, which seeks to ensure that new developments provide easy access for everyone to jobs, shops and community facilities by walking, cycling and public transport. Unlike all of the other dwellings within the village -which have a direct road-frontage to one of the lanes within the settlement, the application proposal is not only set back an appreciable distance from the highway, it has no direct road frontage and it is set behind the applicant's existing dwelling and shares its drive in a tandem-backland situation and as discussed above, would appear out-of-character with the form of this linear rural settlement.

The Planning Officer reported that the dwelling would be sited in a relatively open grazing paddock, extending north from the settlement and the curtilage as shown on the plans extends to the treeline to the north of the site which represents the boundary with The Broads Authority Executive Area. In addition to the concerns regarding the village character, the dwelling represents an intrusion into the countryside beyond the obvious limits of the settlement, and be read in conjunction with Broads area, particularly in views from West Road, and from the public footpath to the west of the site. The N.P.P.F indicates that the countryside should be protected for its beauty, and that "great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues".

The Planning Officer reported that the Broads Authority have objected to the application on the grounds of the significant adverse impact on the Broads

Authority Executive Area. The Broads Authority's objections are that "The proposal is outside the development boundary with a scale, design and use of materials which are not sympathetic to the countryside location adjacent to the Broads Authority Executive Area which is likely to result in adverse visual impacts and urbanisation of the locality". The Broads is designated as of equivalent status to a National Park and its landscape is accorded the highest level of protection. The introduction of the development proposed adjacent to the Broads boundary, irrespective of the existing provision of screening, would adversely affect the character and appearance of the landscape and its quality, particularly from the adjacent footpath – notwithstanding the existing hedgerow screening the two.

The Planning Officer reported that when assessing the application, the impact on the Broads Authority is a material consideration that holds substantial weight. As can be seen from the comments above, the assessment is that the impact of the development is considered to be detrimental to the countryside location adjacent to the Broads Authority Area and

should be refused for this reason. An alternative siting for a dwelling is available on the road frontage as an infill plot between the applicant's dwelling and nearby stables, that would both comply with Core Strategy Policy CS9, and would not have the same detrimental impact on the countryside or the Broads Area, however the applicant has declined invitations to relocate the proposal as he does not wish to lose the outlook from the existing dwelling.

The Planning Officer reported that the N.P.P.F; The Conservation of Habitats and Species Regulations 2017, and Core strategy Policy CS11/Natura2000 Monitoring and Mitigation Strategy, establishes a strict regime for consideration of the impact of a development on both protected species and wildlife habitats. There are 3 separate issues to consider in relation to the above legislation and policy and the current proposal, being the ecology of the site itself, any recreational pressures on Natura2000 sites and impact on protected species off-site.

The applicant currently manages the land to the north of his dwelling as a wildlife site, and actively encourages bats/owls, hedgehogs and other species. An ecology report has been submitted that concludes that there is potential for wildlife to be present at the site, and with appropriate additional bio-diversity enhancement/extra nest-boxes, the development would not harm wildlife. The County ecologist confirms that the report is fit-for-purpose. The submitted HRA report concludes that there could be some impact on Natura2000 sites arising from visitor pressure, however it would not be significant and the County Ecologist confirms that it could be dealt with via the Monitoring and Mitigation Strategy.

The Planning Officer reported that the key concern relates to the potential impact on protected species off-site. The applicant's own ecology report confirms the potential for water-voles with the drainage ditches adjacent to the site and where water-voles presence has been recorded nearby. The agent has confirmed that confirm the ditch was observed from the site boundary and

the public footpath along the west side and it was confirmed that the ditch did not have suitability for water voles and therefore no actual water vole survey has been undertaken. However, the ecology clearly states that there will be no risk unless development is closer than 5m. As the development is not within 5m of the ditch and the treatment plant is an existing system with no further penetrations proposed into the ditch there is clearly no risk and no need for the area to be surveyed.

The Planning Officer reported that the drainage proposals for the new dwelling include the disposal of surface-water run-off to the adjacent ditch network, with foul water utilising the existing dwellings package treatment plant, which also discharges to the same ditch network. The recent approval (06/20/0125/F) will utilise the same treatment plant. The County Ecologist reiterated the need to secure biodiversity gains and mitigate potential harms on the site. If members are minded to approve contrary to the officer recommendation, then it is recommended to condition these.

The Planning Officer concluded that the proposal does not represent an acceptable infill and would be a tandem-backland development that would appear out-of-character with the linear form of the settlement, contrary to the aims of N.P.P.F and Core Strategy Policy CS2. The proposal is sited outside of the development limits and is therefore contrary to saved policy HOU10 from the Borough-Wide Local Plan as well as conflicting with Core Policy CS01. With a housing supply of 6.51 years the tilted balance does not apply, and the harms are considered to outweigh the benefits of the scheme. The dwelling constitutes an alien encroachment into the countryside adjoining the Broads Authority Executive Area, which is to be afforded the highest level of protection. The application is therefore contrary to CS09 G and CS11 D from the adopted Core Strategy.

The Planning Officer reported that the application was recommended for refusal.

Councillor Williamson asked if the building which was granted permission in 2020 was being built out yet. The Planning Officer reported that it was in the process of being built.

Councillor Wainwright asked for clarification as to what the Broads Authority would consider to be sympathetic building materials. The Planning Manager suggested a more traditional palette of materials of pantiles and soft red bricks.

Councillor Williamson reported that this application was similar to an application which the Committee refused last year which again was intrusive into the Broads National Park and therefore he could not support the application.

Councillor Lawn reported that the Broads Authority seemed to be a law unto themselves and were reluctant to support any planning application adjacent to their land.

Councillor A Wright reported that he supported the views of Councillor Williamson and that the Broads National Park status must be supported by the Committee.

Councillor Candon reported that he too, had his own views regarding the Broads Authority, but putting this aside, he fully supported the officer's recommendation to refuse the application and protect the character of the landscape of the Broads National Park.

Councillor Williamson proposed refusal of the application which was seconded by Councillor Candon.

Following a vote; it was RESOLVED:-

That application number 06/20/0505/F be refused for the reasons outlined in the Officer's report.

Councillor Wainwright asked for clarification from the Monitoring Officer as Councillor Candon had seconded the proposal for refusal of the application and then voted against it. Councillor Candon apologised for his oversight and asked that his vote be changed in favour of refusal. The Monitoring Officer reported that on this occasion, as Councillor Candon had made his intention clear in the debate, his vote could, on this one occasion be changes to support refusal of the application.

6 06-20-0433-F LAND ADJ FOLLY COTTAGES COURT ROAD ROLLESBY

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

Councillor Lawn hereby left the meeting.

The Planning Officer reported that this application was reported to the Monitoring Officer as an application submitted by an applicant in a personal capacity who is a close family member of Councillor Lawn. The Monitoring Officer has checked and made a record on the file that she is satisfied that it has been processed normally and the member has taken no part in the Council's processing of the application.

The Planning Officer reported that the proposal seeks approval for one 'chalet' style detached dwelling and garage. The Broads Authority area is contiguous to the southern boundary of the plot, however, by locating the proposed dwelling and garage towards the northern end of the plot, adjacent to the Court Road and broadly parallel with the existing building

line established by the adjoining ribbon development the applicant is seeking to mitigate the adverse impact on the character of the Broads. The southern boundary also comprises mature planting and trees helping to screen views of the Broads as well as those obtained within.

The Planning Officer reported that there are two mature oak trees located at the frontage of the site, these are subject to a tree preservation order. The application does not seek to remove any of the existing trees on site and the removal of the oaks would have a detrimental impact on the street scene and adverse impact on the character of the area. It is noted that the Arboricultural Officer objects to this application; however, no mitigation measures were conditioned on the previous application and therefore there is an extant permission without protection measures already on the site. It is recommended to condition an arboricultural impact assessment and ensure that satisfactory mitigation measures are in place.

The Planning Officer reported that as of the 18th December 2020, the Council now enjoys a housing supply of 6.51 years and therefore great weight can be applied to the development limits and the tilted balance outlined in Paragraph 11 (d) of the NPPF no longer applies. Despite this, the site does benefit from an extant permission for a similar sized dwelling and therefore the principle of development has been established, irrespective of the fact that the site is situated outside of the village development limits. Although the Broads Authority has no comments on the application, as noted above the dwelling has been sited at a position to reduce the impact on the setting of the Broads and will continue an existing ribbon development. The development as proposed will not, in policy terms, create an isolated dwelling in the countryside but will instead add an existing dwelling to the cluster that are in existence. The Broads Authority had previously suggested that biodiversity enhancements could be conditioned given the location of the dwelling. These shall include bird and bat boxes and fences (where appropriate) which have access for small mammals and planting of appropriate species to be submitted and approved.

The Planning Officer reported that the design of the dwelling is for a chalet style dwelling which is not exciting in appearance although will not cause a significant detriment to the character of the area or the street scene. The foot print of the dwelling is larger than those immediately adjacent although the character of the area is signified by individual dwellings with groupings of those in a similar appearance before reaching the more built up sections of Rollesby which have more unity and groupings of design. The dwelling has been designed to minimise overlooking with consideration given to the first-floor windows and as such this is not deemed significantly adverse to the occupiers of the adjoining dwellings. The design of the dwelling is assessed as acceptable in this location. Likewise, the side windows on the ground floor would not lead to significant levels of overlooking.

The Planning Officer reported that in order to prevent urbanisation of the curtilage to the detriment of the Broads it is recommended that the permitted

development rights are removed from the curtilage of the dwelling which is outlined in red (the application site).

The Parish Council, within their objection and comments on the application, note the width of the Court Road. There are no objections received from the Highway Authority to the application and, in accordance with the NPPF at paragraph 109 there are no reasons for the application to be refused on highway grounds. Especially when noting the extant permission on the site. When assessed on balance the application in the revised form can be supported

with appropriate conditions restricting permitted development rights, ensuring additional planting and those required by the Highways Authority. The development should also offer ecological gains in the form of bat and bird boxes and the mitigation as outlined within the ecology report should be conditioned with specific reference lighting and the time of year that works can be carried out. Moreover, a condition should be imposed ensuring that the protected trees are protected during the course of construction.

The Planning Officer reported that the application was recommended for approval subject to the conditions requested by Highways, and those required to ensure a satisfactory form of development subject to the securing of the £110 Habitat Monitoring and Mitigation Strategy contribution. The proposal complies with the aims of Policies CS2, CS3, CS9 CS11 and CS14 of the Great Yarmouth Local Plan and the National Planning Policy Framework.

Councillor Wainwright asked for clarification regarding the retention of the trees on site and how this application differed to the application which had been granted permission. The Chairman reported that it was imperative that the trees on site were protected.

Mr David Parsons, objector, addressed his concerns to the Committee and urged them to refuse the application which was contrary to the Rollesby Neighbourhood Plan and would result in over-development of the site with the resulting dwelling being out of character with the street scene. The dwellings were serviced by a narrow country lane with very few passing places and the area was at risk of flooding after heavy rain. He was also concerned that the two large oak trees would be damaged as a result of the development. If the Committee was minded to approve, he asked that the working hours on site be restricted and permitted development right be removed and the two trees be protected from damage/felling.

Councillor Myers asked for clarification regarding the flood issue as the bedrooms/living space was on the ground floor of the proposed new dwelling.

Councillor A Wright asked for clarification as to what weight could be afforded to the Rollesby Neighbourhood Plan. The Planning Manager reported that the plan had been submitted but public consultation could not be carried out due to Covid.

The Planning Manager reminded the Committee that the principle of

development had been approved on the site and the Committee should consider how this application differed to the previews application. he further reported that on checking the Environment Agency maps, that the front part of the site lied in Flood Zone 1 with the back of the site falling into Flood Zone 2.

Mr Shaun Day, Rollesby Parish Council representative was unable to address the Committee due to IT issues so the concerns of the Parish Council were relayed to the Committee by the Executive Services Officer. The Parish Council had been informed by Brandon Lewis, MP that once their Neighbourhood Plan had been submitted to the Council then it carried weight and should be taken into consideration. The Monitoring Officer reported that the Plan had been awarded limited weight in the determination by the Planning officer. It would achieve low to moderate weight once the Plan had gone through public consultation which was not possible due to Covid.

Councillor Mogford reported that he had been present at the PC meeting when the application was being discussed and reported that the PC were concerned about the loss of the two trees which needed protection and the access via a very narrow country lane. the dwelling was out of character with the area and the PC had voted strongly against it. The Broads Authority, which he sat on, had not submitted any comments regarding the application.

Councillor A Wright reported that he was unable to support the local residents by upholding their Neighbourhood Plan which did not have sufficient weight behind it at this stage to uphold refusal of the application.

Councillor Williamson reported that he proposed approval of the application with the requested conditions to include a schedule of operations, soakaway provision and protection of the trees/root ball. This was seconded by Councillor Wainwright.

Following a vote; it was RESOLVED

That application number 06/20/0433/F be approved subject to the conditions requested by Highways, and those required to ensure a satisfactory form of development subject to the securing of the £110 Habitat Monitoring and Mitigation Strategy contribution. The proposal complies with the aims of Policies CS2, CS3, CS9 CS11 and CS14 of the Great Yarmouth Local Plan and the National Planning Policy Framework.

7 DELEGATED AND COMMITTEE DECISION LIST 1 - 31 DECEMBER 2020

The Committee received, considered and noted the Delegated and Committee Decision List for 1 to 31 December 2020 by assent.

8 ANY OTHER BUSINESS

The Planning Manager informed the Committee that Rob Parkinson, the new Development Control Manager, was now in post and could be contacted at rob.parkinson@great-yarmouth.gov.uk

9 EXCLUSION OF PUBLIC

The meeting ended at: 18:00