

Reference: 06/18/0631/F

Parish: Filby

Officer: Mr R Tate

Expiry Date: 30/10/20

Applicant: Mr M Chapman

Proposal: Proposed erection of 15 no. dwellings, 3 affordable units included with associated parking and garages, the creation of a footpath from the site access to Main Road along Pound Lane and an attenuation lagoon on site

Site: Pound Lane (Land West of) Filby

1. Site and context:-

- 1.1 The site comprises of 1.4858 hectares and forms part of an arable field located to the west of Pound Lane Filby. The site is roughly triangular with a continuous curve on the south-western side. The topography falls away from the highest point in the north-eastern part of the application site towards the southern corner. To the south of the site is a water course which flows from the east of the site along the southern boundary to the north-west.
- 1.2 The land is currently designated as Grade 1 agricultural (the best agricultural land) and is accessed off Pound Lane. The application site is outside the development limits although it is adjacent the limits to its southern and eastern boundaries.
- 1.3 There is housing on both sides of Pound Lane, with bungalows on the western side of the road and two storey dwellings on the eastern side of the road. The proposed access road utilises the existing field access, which is located between 16- and 17- Pound Lane, and will serve a single road with a turning area to the western end of the plot.
- 1.4 The application was received on the 13/11/18 with the consultation period running from the 21/11/18 to the 12/12/18. A number of objections have been received after the consultation period finished and have all been taken into consideration.
- 1.5 Since the application was received, it has been amended to achieve the indicative pedestrian footpath along Pound Lane.

2. The proposal

- 2.1 The application is a full application for 15 dwellings. The application includes a mix of dwellings including 3 affordable units.

2.2 The dwellings are broken down into the following mix:

- 4 x Type A: 4-bedroom detached dwellings with attached double garage;
- 2 x Type B: 4-bedroom detached dwelling with detached double garage;
- 2 x Type C: 3-bedroom link detached dwellings with single garages;
- 2 x Type D: 3-bedroom detached dwellings with detached single garages
- 2 x Type E: 2-bedroom end terrace dwellings;
- 1 x Type F: 1-bedroom mid-terrace property;
- 2 x Type G: 2-bedroom detached dwellings.

The dwellings are proposed to be situated either side of the new road which will run east to west with a pumping station and a turning head to the western edge of the site. The affordable dwellings (2x Type E and 1x type F) are located on the east of the site. To the south of the dwellings is proposed to be a lagoon, to help manage surface water and to provide biodiversity enhancements. Running around the lagoon will be a public footpath. A pavement will run from the site, down Pound Lane to the junction with Main Road.

The application is supported by the following documents:

- Supplementary Statement for landscape proposals (dated November 2018);
- Arboricultural Report (dated 17th September 2018);
- Access Appraisal (dated May 2018);
- Planning Supporting Statement (dated November 2018);
- Transport statement (dated July 2018);
- Proposed materials;
- Landscape planting plan;
- Surface water drainage strategy;
- Proposed plans and elevations;
- Proposed site plan;
- Application forms;
- A report on a ground investigation (infiltration report) (dated September 2018);
- Flood Risk Assessment (dated November 2018);
- Post consultation update (dated March 2019);
- Shadow HRA;
- Bespoke HRA (Riverdale ecology 04/03/19);
- Foul water drainage strategy (dated April 2019);
- Dimensioned site plans (received January 2020); and,
- Highways Issues Response (dated January 2020).

3. Relevant planning history

3.1 There is no relevant planning history on or near the site

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

4.1 Neighbours : - in total there have been 76 letters of objection received from neighbours which are summarised below:

Issue Raised	Response
<p>The road is dangerous The road is narrow There is no footpath There is no room for a footpath Land belongs to Parish Increase in traffic when Acle Straight is shut No streetlighting Assess and bad visibility to the west Increased traffic and impact on farm traffic Parking of contractors Issues arising from construction</p>	<p>See main issue 2 - Highways</p>
<p>Flooding on the junction of Pound Lane and Main Road Surface water flooding Lack of sewerage capacity Future maintenance of lagoon Lagoon will be full</p>	<p>See main issue 3 – flooding / drainage</p>
<p>Impact on 16/17 Pound Lane Devaluation of property prices Noise / light pollution Security concerns Overlooking / loss of privacy Over use of local amenities Impact on schools and doctors Poor power supply Impact on views Should be used as an open area for people to walk</p>	<p>Main issue 4 - amenity</p>
<p>Not close to centre of village Building on grade 1 agricultural land Don't need any more houses in Filby Against draft local plan Outside of development limits Hastily applied for to get in before new plan Lack of public transport Back land development Open flood gates to further development in Filby Filby has had more than its fair share of residents</p>	<p>See main issue 1 – principle of development</p>

Already permission for 8 homes on Ormesby Lane Urbanisation of Filby Imposing on an 'Award winning village' Need 1 / 2-bedroom houses Overdevelopment Unnecessary for the village	
Previous application was refused on the site Further phases (why was so much detail submitted with the application) Number of planning applications in Filby Coronavirus May harm Filby Village in Bloom	See main issue 6 – planning history / other
Detriment to wildlife	See main issue 5 – ecology, habitats and biodiversity

There has been 1 letter of support received from neighbours as part of the public consultation process.

“we need more homes, and until the council comes up with an alternative solution, such as recognise that the redundant buildings in the market can be used for residential use instead of sanding there empty forever more – we have little other choice but to build in villages.”

4.3 Parish Council:- The Parish Council Objects to the application for the following reasons:

- Pound Lane is a substandard width and a rat run, this application will on make matters worse for residents;
- Speeding on Main Road;
- Main Road is busy when the Acle Straight is shut – extra people turning into Pound Lane;
- Over loaded sewerage system;
- Outside village development limits;
- Filby has taken more than the 5% of development allocated in the Core Strategy destroying the character of the village;
- Lack of amenities (doctors and schools are full)

4.4 Building Control: - No adverse comments

4.5 Norfolk Fire Service: - No objections provided the application meets building regulations. Requested a condition for a for a fire hydrant to be installed.

No development shall commence on site until a scheme has been submitted for the provision of the fire hydrant on the development in a location agreed with the Council in consultation with Norfolk Fire and Rescue Service.

Reason for Condition: - to ensure adequate water infrastructure is made on site for the local fire service to tackle any property fire.

Informative: with reference to the condition, the developer will be expected to meet the costs of supplying and installing the fire hydrant.

- 4.6 Coastal Manager: - The site is not within the area shown in the SMP indicative erosion risk and the proposal would not affect coastal processes. I would draw attention to surface water flooding issues that has occurred around the junction of Pound Lane and Main Road (A1064). The runoff from the highway goes into the drainage network shown on the plan with the application (figure 5.2). I also note the outlet from the proposed attenuation lagoon feeds into the same drainage network. The bed level of the lagoon is shown to be 2.5m AOD and the invert level of the outfall pipe is 2.00m AOD. The proposed attenuation uses a "hydro-brake" with an invert level also 2.5m AOD which may allow silts to flow into the drainage system.
- 4.7 Lead Local Flood Authority:- No comments other than standing advice.
- 4.8 Enabling and Empty Homes Officer: - Policy Compliant and homes are above size standards. Would welcome a discussion with owner re tenure/ options. Subject to satisfactory completion of S106 – support.
- 4.9 Historic Environment Service: - the application is approximately 300m west of a dense pattern of archaeological features recorded from crop marks visible on aerial photographs. Features of probable prehistoric, Roman and medieval date have been recorded. There is considerable evidence that the areas of higher ground between the Broadland wetlands are intensively utilised and occupied in the prehistoric, Roman and medieval period. There is potential for heritage assets, buried archaeological remains to be present within the propose development area and that the significance would be adversely affected by the proposed development.

Suggests the following pre commencement condition:

A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

and,

B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).

and,

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for condition: -

In accordance with National Planning Policy Framework 2019 paragraphs 199 and 189.

4.10 Environment Agency: - no objection – full response attached to this report

4.11 Assistant Grounds Manager and Arboricultural Officer: - the trees on site individually have low value and have a fairly limited lifespan (10-20 years). Two TEMPO assessments completed on 2 oak trees – 1 TPO not defensible, 1 doesn't merit TPO.

4.12 Natural England: - Based on the information provided within the Habitats Regulation Assessment (V1.0, dated 4th March 2019), it is Natural England's understanding that the development is anticipated to be connected to the mains water supply and will not result in local abstraction. Natural England agrees that hydrological impacts to designated sites are unlikely providing that sufficient water supply for the development is available via the existing mains.

We also understand that foul water discharge resulting from the development will be connected to the mains sewer and that there is sufficient capacity within the existing treatment plant to process additional effluent. On this basis we agree that pollution from foul water discharge is unlikely.

We welcome the inclusion of an attenuation pond to manage surface water. Attenuation ponds can be used to create wetland habitats for wildlife in an attractive aquatic setting, we advise that this is considered and incorporated into the design. The CIRIA guidance provided useful information about integrating SUD's and biodiversity.

Construction Environment Management Plan should ensure that sufficient mitigation measures are secured and in place to prevent any pollution impacts to designated sites.

We accept the mitigation as described on page 19 of the HRA to prevent the impacts of in combination recreational pressure to designated sites.

- 4.13 NETI: - the application is supported by a 'shadow' Habitat Regulation Assessment (Riverdale Ecology, 05.2019). The HRA concludes that with a surface water management strategy there will be no adverse impacts from the proposed development on the site integrity of the Natura2000 network, specifically the Broads SAC, the Broadland SPA and the Broadland Ramsar Site. The submitted Foul Water Drainage Statement (BLI; 10.04.19) indicates an appropriate approach to foul water drainage, and a requirement for a surface water management strategy must be conditioned.

With regards to recreational disturbance, the Appropriate Assessment concludes that in isolation the scheme will not result in adverse impacts on the Natura2000 site integrity (including the East Coast SPAs and SAC) through recreational pressure. In combination with other housing developments, the scheme has the potential to make a minor contribution to increases in recreational pressure, and as such it is concluded that appropriate mitigation can be provided via a contribution to the Habitat Monitoring and Mitigation Strategy.

With these measures secured, the development can proceed with no adverse impacts to the Natura2000 network.

- 4.14 Primary Care Transformation Officer (NHS): - no objections

- 4.15 Broads Authority: - initially objected due to the potential adverse impacts on the Trinity Broads SSSI from runoff.

Reconsulted when it was confirmed that a treatment plant was not intended to serve the proposed development.

If indeed sewerage is to be disposed of in the public sewer, via a pumping station, the Broad Authority is satisfied that the concerns it raised regarding this matter have been addressed. (full comments attached to this report)

- 4.16 Cllr Adrian Thompson: - Lack of continuous footpath is against CS16. Broads Authority Objects. There is no Flood Risk Assessment. Outside village development limits. (email exchange with Brandon Lewis MP attached to this report).

- 4.17 Conservation Officer: - General comments – a more interesting layout / arrangement would be possible which is more fitting for a village character.

- 4.18 Anglian Water: - Caister Pump has available capacity. Suggests conditions and informatives (full response attached to this report)

- 4.19 NCC Highways: -

I still have concerns regarding whether the proposed footway can actually be constructed due to the close proximity of the adjacent trees, which I do not believe are in the highway verge. It won't be as simple as pruning branches, the main issue will be constructing the footway in the presence of roots.

Despite previously stating I would accept a 4.8m carriageway, the proposed narrowing at the junction with Main Road, the close proximity of the adjacent wall

and the tight junction radii will increase the potential for conflict between turning vehicles.

I also note the applicant has stated that the two telegraph poles will be relocated, although it is not clear where there is space to move them too.

Notwithstanding the lack of a stage 1 safety audit, should the Borough Council deem sufficient information has been submitted I would not raise a highway related objection subject to the following conditions. However, I would strongly recommend the extent of highway is confirmed at an early stage and the detailed construction drawings are submitted for a stage 2 safety audit and technical audit as soon as possible, prior to any works starting on site.

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 17a Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 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 17b Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 x 120 metres shall be provided to each side of the Pound Lane / Main Road junction where it meets the highway. The splay(s) shall thereafter be maintained at all times free from any obstruction (including the adjacent telegraph pole) exceeding 0.225 metres above the level of the adjacent highway carriageway.

SHC 23 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.

SHC 33A Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works as indicated on Drawing No(s) 1869/01/181 rev and 1869/01/182 rev 1 have been submitted to and approved in writing by the Local Planning Authority.

SHC 33B Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

4.20 Strategic Planning: - no objection (full response attached to report)

5 Local Policy :-

5.1 Local Policy - Saved Great Yarmouth Borough-Wide Local Plan Policies (2001):

5.2 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.

5.3 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.

5.4 HOU10: Permission for new dwellings in the countryside will only be given in connection with agriculture, forestry, organised recreation, or the expansion of settlements.

5.5 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.

6 Core Strategy – Adopted 21st December 2015

6.1 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. Filby is identified as a Secondary Village and is expected to receive modest housing growth over the plan period due to its range of village facilities and access to key services.

6.2 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.

6.3 Policy CS9: Encouraging well designed and distinctive places. This policy applies to all new development.

6.4 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.

6.5 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.

7 Draft Local Plan Part 2

7.1 Table Map 8.6.2 Sites Submitted & Considered (Filby) of the draft Local Plan Part 2 gives a summary of reason(s) for the site not being selected:

Site 19 - Back-land development, narrow access.

7.2 The local Plan Part 2 has been submitted for inspection and is therefore at a very advanced stage. In accordance with paragraph 48 on submission, those policies of the plan which have no unresolved objections could be given more significant weight. Emerging policies of particular relevance include:

- Policy GSP1 – Development Limits – the site is outside of the proposed development limits and therefore contrary to the emerging policy
- Policy A2 – Housing Design Principles – requires dwellings to meet building regulations standard M4(2) for adaptable homes.
- Policy H4 – Open Space provision
- Policy E4 – Trees and Landscape – requires retention of trees and hedgerows
- Policy E7 – Water conservation – requires new dwellings to meet a water efficiency standard (This would be a condition of planning permission.)

Apart from Policy E7, all of the above policies have objections against them therefore only limited weight can be given.

8 National Policy:- National Planning Policy Framework (NPPF), February 2019

8.1 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.

8.2 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 needs.

8.3 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.

8.4 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.

Footnote 7: 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. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

8.5 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).

- 8.6 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.
- 8.7 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.
- 8.8 Paragraph 76. To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. For major development involving the provision of housing, local planning authorities should also assess why any earlier grant of planning permission for a similar development on the same site did not start.
- 8.9 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.
- 8.10 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;
- 8.11 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.
- 8.12 Deliverable as defined by the National Planning Policy Framework: Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect

that housing will be delivered on the site within five years. Sites that are not major development, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

9 Local finance considerations:-

- 9.1 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.

10 Shadow Habitats Regulation Assessment

- 10.1 The applicant has submitted a shadow Habitat Regulations Assessment (HRA) template as drafted by Great Yarmouth Borough Council. 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.
- 10.2 Great Yarmouth Borough Council as competent authority agrees with the conclusions of this assessment. The impact of this development 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.

11 Assessment

- 11.1 The application is for 15 two storey dwellings on land to the west of Pound Lane Filby, three of which will be affordable units. The dwellings are located to the southern part of the site, outside of Flood Zones 2 and 3. The dwellings are comprised of 6 no four-bedroom properties, 4 no three-bedroom properties, 4 no two-bedroom properties and a one-bedroom dwelling. All 3- and 4-bedroom dwellings will have garages. There is infrequent repetition of each house type to ensure a varied form of development.
- 11.2 Pound Lane is comprised of residential properties on both sides. On the western side are bungalows, on the eastern side of the road are semi-detached two storey red brick houses. Pound Lane is verdant in character with wide grass verges alongside each side of the road. Filby is comprised of a variety of dwelling types and it is considered that the proposals are in keeping with the wider character of the village.
- 11.3 **Main issue 1 – principle of development**
- 11.4 Filby is classified in the Core Strategy as a secondary village, as a settlement containing few services and facilities, with limited access to public transport and very few employment opportunities. The Draft Local Plan Part 2 states that 'Filby is characterised as a long, linear settlement which meanders tightly along the main road running through the village. There are frequent open breaks along the length of the settlement which positively contribute towards its semi-rural character. Filby is well served by local facilities and amenities including a shopping parade along the main road, serving residents of both Filby and Fleggburgh. It is a popular village with a strong community presence.'
- 11.5 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". By way of explanation this states that policies restricting development for reasons such as village development limits no longer hold weight and the policies that are applied are those within the National Planning Policy Framework which has a presumption in favour of sustainable development. In essence this means that development which has links to a settlement, such as the application site, is assessed as sustainable and permission should be granted as local policies are out of date if there is not a 5-year housing land supply.
- 11.6 In weighing the material considerations in this application considerable weight must be given to Paragraph 11 (d) of the National Planning Policy Framework which 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.”

- 11.7 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.”

- 11.8 There is currently a housing land supply of 3.42 (as at the end of 2018/19), although this is based on statistics and methodologies nearly five years old and therefore nearly out of date, where in addition other permissions on land in the emergent plan will provide further supply. Although this does not mean that all residential developments must be approved the presumption in favour of sustainable development must be applied. While it is correct to say that not all developments have to be approved it must be shown to refuse a development that any adverse impacts approving an application for housing would significantly and demonstrably outweigh the benefits of providing the housing. The application can be sufficiently conditioned and the application is a full application so can be assessed as deliverable.

- 11.9 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.

11.10 There were no sites proposed in Filby in the Draft Local Plan Part 2. Although, this must be considered in the context of the lack of 5-year housing land supply and the under-delivery of housing across the Borough. The completion rate in Filby, in addition to that fact that this is a full application, would suggest that this site would have a good chance of timely delivery and would help the Borough meet its housing land supply and housing delivery targets.

11.11 It is considered that the form of the proposal is suitable for its location. The dwelling and plot sizes are comparable to the properties on Pound Lane. In terms of the overall principle, the small scale of the development and its close proximity to the school and other services are considered, on balance, to be sufficient to warrant a departure from the plan in light of the 5 year housing supply position (notwithstanding the lesser weight to be applied to this given the advanced stage of the Local Plan and forthcoming reduction of housing requirement),

11.12 Main issue 2 – Highways

11.13 A number of responses in the public consultation raised the issue of highway safety, either through the lack of footpath, speeding traffic on Main Road or that Pound Lane is used as a rat run to access the A149. As part of this application, it is proposed to create a footpath to ensure safe pedestrian access from the site to the footpath on Main Road. The installation of this footpath would require the removal of the telegraph pole and involve works to trees to ensure that the minimum highway width can be provided, the plans provided at this stage are indicative. NCC Highways have comments to say that they have no objection, subject to conditions, but the Highways Engineer would strongly recommend the extent of highway is confirmed at an early stage and the detailed construction drawings are submitted for a stage 2 safety audit and technical audit as soon as possible, prior to any works starting on site. This can be dealt with by way of conditions.

11.14 Comments were received noting the lack of visibility to the west at the junction with Pound Lane and Main Road. Highways have recommended a condition to ensure that the visibility splay can be provided. This would include the relocation of the telegraph pole to ensure that the splay can be maintained.

11.15 It is considered that the provision of the footpath to the satisfaction of NCC Highways, in addition to the conditions requested by NCC Highways, would successfully mitigate the highways concerns raised during the public consultation period.

11.16 A strategy for construction parking can be conditioned as part of any grant of approval.

11.17 Main issue 3 – flooding / drainage

11.18 Comments received during the consultation period raised concerns with both flooding and foul water drainage. A flood risk assessment and a foul water drainage statement were both provided as part of this application.

11.19 The foul water drainage statement proposes that the foul water drainage network will discharge to an onsite pumping station (located within the south west corner, and the pumping station will then pump the foul water into the existing foul water sewerage network located opposite the site entrance on Pound Lane. Anglian Water have confirmed that the Caister – Pump Lane Recycling Centre will have available capacity for these flows. A scheme for onsite foul drainage works would be conditioned to prevent any environmental and amenity problems arising from flooding. The Broads Authority are satisfied that the foul water drainage strategy overcomes their concerns.

11.20 The application site is partially located within Flood Zones 2 and 3 although the proposal has been developed with flood risk in mind and the applicant has sequentially sited the proposed dwellings within Flood Zone 1. A Flood Risk Assessment has been submitted as part of this application. The FRA found that there is a low risk for all forms of flooding and that the development would have no significant impact on off-site hydrological morphology.

11.21 Mitigation measures identified in the FRA include ensuring that the finished floor level is 4.30 AOD for all properties and incorporating a sustainable surface water drainage strategy. The full details of the surface water drainage strategy should be conditioned prior to the commencement of the development.

11.22 The FRA confirms that the attenuation lagoon would be transferred to a Management Company. As part of the surface water drainage strategy, the applicant should provide a site-specific management regime which would be transferred over to the Management Company following their adoption.

11.23 The surface water will be attenuated in a surface water lagoon before controlled discharge into the water course which runs to the south of the site. This water course flows away from the Pound Lane / Main Road junction and therefore should not have any adverse effect on flooding at this junction. The discharge flow rates have been significantly improved as part of the development and would benefit the surface water drainage of the site.

11.24 Main issue 4 – amenity

11.25 Concerns were raised about the impact that the dwellings would have on the amenity of existing residents including overlooking onto 16/17 Pound Lane. Plot 1 is located 15 metres to the west of the rear elevation of 17 Pound Lane. Although there is a window on the first-floor eastern elevation of plot one, this is a frosted window to a non-habited room, and it is considered that any overlooking has been sufficiently mitigated. Hedgerow is proposed to be planted alongside the close boarded fence at 16 Pound Lane to mitigate any noise or light from vehicles using the access. There is an existing hedge on the boundary of 17 Pound Lane and the access.

11.26 Property prices and the loss of a view are not a material planning consideration.

11.27 Main issue 5 - Ecology, habitats and biodiversity

11.28 The application site is located within the 400m to 2.5km Indicative Habitat Impact Zone and as such in addition to the template HRA, a bespoke HRA has been received and the required £1650.00 HMMS payment has been made. NETI have responded to confirm that with the measures indicated in the HRA secured, then the development can proceed with no adverse impacts to the Natura2000 network.

11.29 It has been confirmed that there are no trees within the red line area that are suitable for bat roost; however, biodiversity enhancements such as bat boxes and hedgehog holes can be conditioned on any grant of permission.

11.30 The arboricultural report states that no trees are required to be removed to facilitate this development and that no works would take place within the root protection area (except where identified in the method statement). In addition to this, a supplementary landscaping statement has been provided to detail planting works to enhance the biodiversity of the site.

11.31 The attenuation pond can be used to create a wetland habitat for wildlife in an attractive aquatic setting. This would result as a net biodiversity gain on the site.

11.32 A construction management plan should be conditioned to ensure that sufficient mitigation measures are secured and in place to prevent any pollution impacts to the designated sites.

11.33 Main issue 6 – planning history

11.34 Contrary to the consultation responses, there is no planning history on the application site since 1990. The application has to be assessed on its own merits and not on any potential future application.

11.35 Some members of the public noted that due to the COVID-19 pandemic the Parish Council were unable to hold in person meetings and therefore this application should be delayed. The Parish Council were consulted on the 21-11-18 and responded on the 11-12-18. The application was delayed due to the need to overcome the highways objection vis a vis the footpath although no significant changes have been made to the application. The consultation process has been conducted inline with the legislation and comments received after the closing date have been taken into account when this report was written.

11.36 Summary

11.37 The application is for 15 dwellings, attenuation lagoon and footpath on Pound Lane. The development is not an isolated one and is within a sustainable location with access to open spaces, education facilities and village amenities. There are no significant or demonstrable harms that outweigh the need for the provision of housing in a sustainable location.

12 RECOMMENDATION:-

12.1 Approve – subject to conditions to ensure an adequate form of development including those requested by consultees and a s106 agreement securing the affordable housing and a management company. The proposal complies with the aims of Policies CS2, CS3, CS9, CS11 and CS14 of the Great Yarmouth Core Strategy.

This drawing is the copyright of Paul Robinson Partnership (UK) LLP and can only be reproduced with their written permission. This drawing is not to be scaled. Any discrepancies on site are to be notified to Paul Robinson Partnership (UK) LLP. This drawing has been prepared for Planning and Building Regulations purposes only and does not constitute or form part of any contract unless specifically annexed thereto in writing by Paul Robinson Partnership (UK) LLP. On this drawing the term 'client' means the client named in the title block.

All intellectual property rights are vested with Paul Robinson Partnership (UK) LLP and cannot be used or reproduced without their permission.
Copyright 2016

KEY

- 4 Bed, 8 Persons
TYPE A
- 4 Bed, 8 Persons
TYPE B
- 3 Bed, 6 Persons
TYPE C
- 3 Bed, 6 Persons
TYPE D
- 2 Bed, 4 Persons
TYPE E
- 1 Bed, 2 Persons
TYPE F
- Affordable Homes
- 2 Bed, 4 Persons
TYPE G

Waste & Recycle Bins

Notes:

1m high fences to front gardens.
Garages min internal dimensions 7 x 3m per car.
Bikes to be stored in garages.

F	7.1.20	Central speed table removed and footpath extended following receipt of highways comments	RB
E	5.3.19	Pound lane road and footpath and notes amended following receipt of Orari's drawings	RB
D	11.2.19	Speed tables added to road layout. Amends to driveways, fencing, vehicles, & house type A&B garages. Section of footpath removed from Pound Lane	RB
C	25.10.18	Drawing red line & landscaping amended and issued for planning	RB
B	22.10.18	House type key, Red line boundary and PS amended	RB
A	19.10.18	Driveways added. PS location adjusted	RB
rev:	date:		



Paul Robinson
PARTNERSHIP
ARCHITECTURE + SURVEYING

6 Octagon Business Park,
Hospital Road, Little Plumstead,
Norwich, NR13 5FH
tel: 01603 397057
e-mail: design@prpartnership.co.uk
web: www.paulrobinsonpartnership.co.uk

client:
Michael Chapman

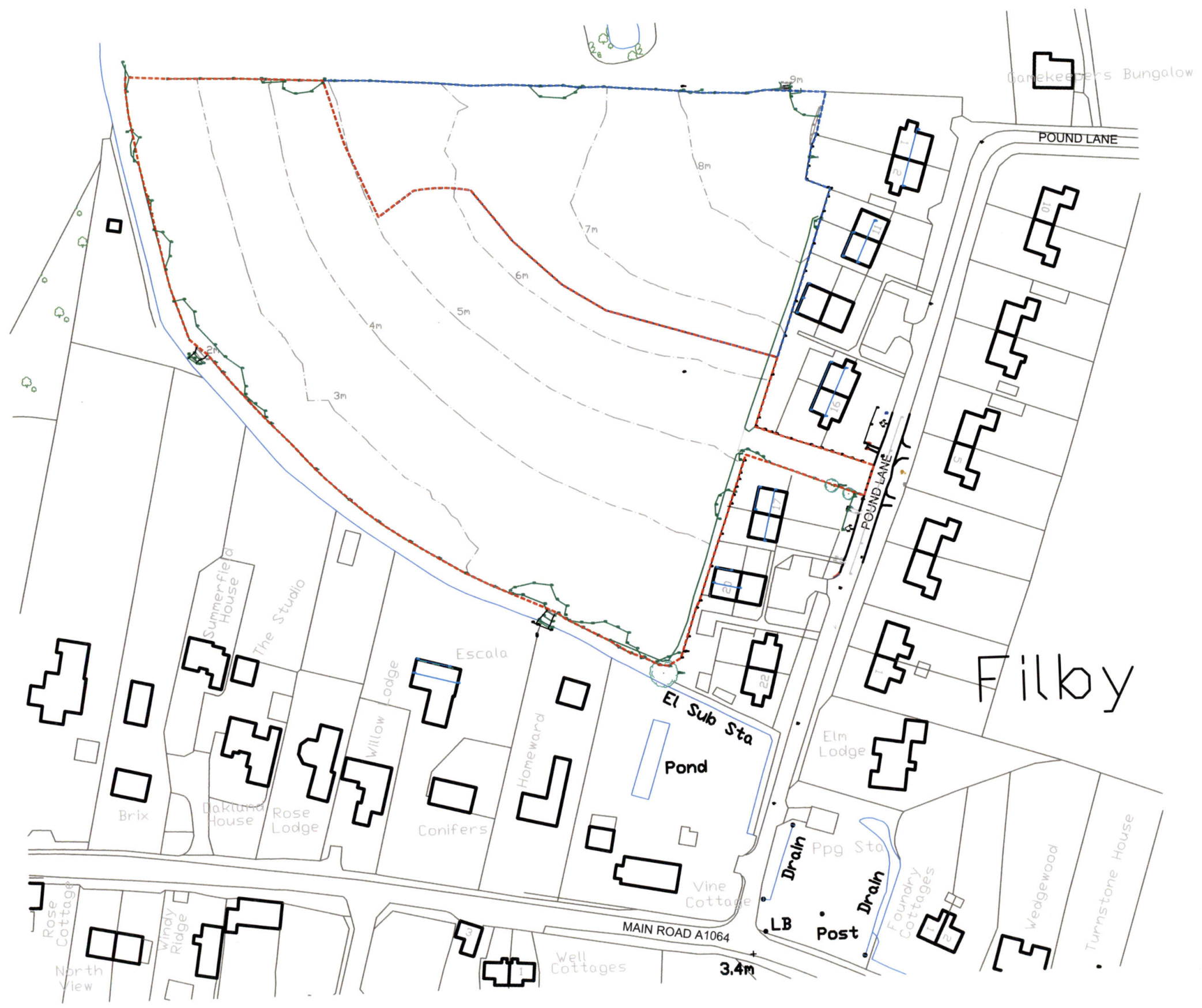
location:
**Land to the rear of Hall Farm
Bungalows, Filby, Great Yarmouth**
title:
Proposed Site Plan

scale @ A1:
1:500
date:
OCT 2018
project no:
7992

drawn by:
RB
approved:
AS
dwg no:
09
revision:
F

PLANNING

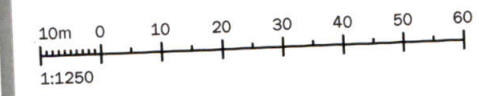




06/18 / 0631 / F 1

This drawing is the copyright of Paul Robinson Partnership (UK) LLP and can only be reproduced with their written permission. This drawing is not to be scaled. Any discrepancies on site are to be notified to Paul Robinson Partnership (UK) LLP. This drawing has been prepared for Planning and Building Regulations purposes only and does not constitute or form part of any contract unless specifically annexed thereto in writing by Paul Robinson Partnership (UK) LLP. On this drawing the term 'client' means the client named in the title block.

All intellectual property rights are vested with Paul Robinson Partnership (UK) LLP and cannot be used or reproduced without their permission.
Copyright 2017

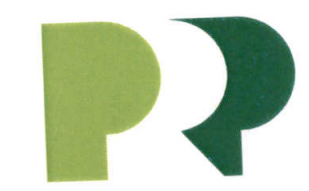


Great Yarmouth
Borough Council

14 NOV 2018

Planning
Department

rev:	date:	description:	by:



Paul Robinson
PARTNERSHIP
ARCHITECTURE + SURVEYING

6 Octagon Business Park,
Hospital Road, Little Plumstead,
Norwich, NR13 5FH
tel: 01603 397057
e-mail: design@prpartnership.co.uk
web: www.paulrobinsonpartnership.co.uk

client:
Michael Chapman

location:
**Land to the rear of Hall Farm
Bungalows, Filby, Great Yarmouth**

title:
Location Plan

scale @ A3: 1:1250	drawn by: RB	revision: -
date: Sept 2018	approved: RB	
project no: 7992	dwg no: 11	

PLANNING