

Reference: 06/13/0274/F

Parish: Martham

Officer: Mrs M Pieterman

Expiry Date: 04-07-2013

Applicant: Billockby Farms Limited

Proposal: Re-submission: change of use from employment land to residential and the development of 3 No. 4 bedroom 'barn style' dwellings

Site: Back Lane/ Hemsby Road, Martham

REPORT

1. Background / History :-

- 1.1 The land subject to this application is located towards the eastern end of the village with the main access being off Hemsby Road, although there is some limited access off Back Lane. The area is mixed in nature with residential barns, some small industrial units and a larger industrial unit to the north east, and a medical centre.
- 1.2 The land subject to this application is currently vacant following the demolition of the building that originally stood on the site and it is fenced off from the main industrial sites although there is no definition or division between the site and the existing barns to the west.
- 1.3 The land is not within defined village development limits and is designated as being suitable for employment/commercial within the current local plan and this designation for employment/commercial use is proposed to move forwards into the emerging core strategy.
- 1.4 The submitted application seeks a departure from this designation to allow the construction of 3 No. 4 bedroom 'barn style' dwellings with associated parking and amenity space. The site has a long history of applications for similar development and these previous applications are outlined below:

06/06/0253/F: Erection of five residential dwellings and demolition of existing buildings – withdrawn

06/06/0927/F: Erection of five residential dwellings and demolition of existing buildings – refused

06/10/0029/F: Change of use from employment land to residential and the development on 3 no. 4 bedroom 'barn style' dwellings – withdrawn

06/10/0415/F: Change of use from employment land to residential and the development on 3 no. 4 bedroom 'barn style' dwellings – refused

06/12/0753/F: Change of use from employment land to residential and the development on 3 no. 4 bedroom 'barn style' dwellings - refuse

2. Consultations :-

- 2.1 Article 8 Notice/Neighbours: 1 letter received concerning shared access (full copy of comments attached)
- 2.2 Norfolk County Highways: re-submission has addressed previous concerns of the Highway Authority, no objection to amended plans subject to the imposition of conditions (full copy of comments attached)
- 2.3 Parish Council: object (full copy of comments attached)
- 2.4 Building Control: No apparent implications under Building Regulations with regard to planning
- 2.5 Environmental Health: No response received
- 2.6 Conservation Officer: scheme can be supported
- 2.7 Norfolk Historic Environment Service: Conditions to be attached
- 2.8 GYBServices: No objection
- 2.9 Environment Agency: No objection subject to conditions concerning contaminated land and remediation strategy
- 2.10 Norfolk Fire Service: No objection
- 2.11 Natural England: No objection
- 2.12 Strategic Planning: Object to the proposal – contrary to current and emerging local plan policy.

3. Policy :-

- 3.1 POLICY NNV5

IN THE AREAS AROUND SETTLEMENTS SHOWN ON THE PROPOSALS MAP AS 'LANDSCAPE IMPORTANT TO THE SETTING OF SETTLEMENTS' THE COUNCIL WILL PERMIT DEVELOPMENT PROVIDED A DEVELOPER CAN DEMONSTRATE ESSENTIAL NEED OR THAT THE DEVELOPMENT WOULD NOT IMPINGE ON THE PHYSICAL SEPARATION BETWEEN SETTLEMENTS PARTICULARLY BETWEEN GREAT YARMOUTH AND CAISTER AND GORLESTON AND HOPTON WHICH ARE MAJOR GATEWAYS TO THE TOWN, OR GIVE RISE TO ANY OTHER SIGNIFICANT ADVERSE IMPACT.

(Objectives: To protect the setting of settlements and prevent urban sprawl.)

3.2 POLICY HOU10

PERMISSION FOR NEW DWELLINGS IN THE COUNTRYSIDE WILL ONLY BE GIVEN IF REQUIRED IN CONNECTION WITH AGRICULTURE, FORESTRY, ORGANISED RECREATION, OR THE EXPANSION OF EXISTING INSTITUTIONS.

THE COUNCIL WILL NEED TO BE SATISFIED IN RELATION TO EACH OF THE FOLLOWING CRITERIA:

- I. THE DWELLING MUST BE REQUIRED FOR THE PURPOSE STATED
- II. IT WILL NEED TO BE DEMONSTRATED THAT IT IS ESSENTIAL IN THE INTERESTS OF GOOD AGRICULTURE OR MANAGEMENT THAT AN EMPLOYEE SHOULD LIVE ON THE HOLDING OR SITE RATHER THAN IN A TOWN OR VILLAGE NEARBY
- III. THERE IS NO APPROPRIATE ALTERNATIVE ACCOMMODATION EXISTING OR WITH PLANNING PERMISSION AVAILABLE EITHER ON THE HOLDING OR SITE IN THE NEAR VICINITY
- IV. THE NEED FOR THE DWELLING HAS RECEIVED THE UNEQUIVOCAL SUPPORT OF A SUITABLY QUALIFIED INDEPENDENT APPRAISOR
- V. THE HOLDING OR OPERATION IS REASONABLY LIKELY TO MATERIALISE AND IS CAPABLE OF BEING SUSTAINED FOR A REASONABLE PERIOD OF TIME (IN APPROPRIATE CASES EVIDENCE MAY BE REQUIRED THAT THE UNDERTAKING HAS A SOUND FINANCIAL BASIS)

- VI. THE DWELLING SHOULD NORMALLY BE NO LARGER THAN 120 SQUARE METRES IN SIZE AND SITED IN CLOSE PROXIMITY TO EXISTING GROUPS OF BUILDINGS ON THE HOLDING OR SITE
- VII. A CONDITION WILL BE IMPOSED ON ALL DWELLINGS PERMITTED ON THE BASIS OF A JUSTIFIED NEED TO ENSURE THAT THE OCCUPATION OF THE DWELLINGS SHALL BE LIMITED TO PERSONS SOLELY OR MAINLY WORKING OR LAST EMPLOYED IN AGRICULTURE, FORESTRY, ORGANISED RECREATION OR AN EXISTING INSTITUTION IN THE LOCALITY INCLUDING ANY DEPENDANTS OF SUCH A PERSON RESIDING WITH THEM, OR A WIDOW OR WIDOWER OF SUCH A PERSON
- VIII. WHERE THERE ARE EXISTING DWELLINGS ON THE HOLDING OR SITE THAT ARE NOT SUBJECT TO AN OCCUPANCY CONDITION AND THE INDEPENDENT APPRAISOR HAS INDICATED THAT A FURTHER DWELLING IS ESSENTIAL, AN OCCUPANCY CONDITION WILL BE IMPOSED ON THE EXISTING DWELLING ON THE HOLDING OR SITE
- IX. APPLICANTS SEEKING THE REMOVAL OF ANY OCCUPANCY CONDITION WILL BE REQUIRED TO PROVIDE EVIDENCE THAT THE DWELLING HAS BEEN ACTIVELY AND WIDELY ADVERTISED FOR A PERIOD OF NOT LESS THAN TWELVE MONTHS AT A PRICE WHICH REFLECTS THE OCCUPANCY CONDITIONS

IN ASSESSING THE MERITS OF AGRICULTURAL OR FORESTRY RELATED APPLICATIONS, THE FOLLOWING ADDITIONAL SAFEGUARD MAY BE APPLIED;

- X. WHERE THE NEED FOR A DWELLING RELATES TO A NEWLY ESTABLISHED OR PROPOSED AGRICULTURAL ENTERPRISE, PERMISSION IS LIKELY TO BE GRANTED INITIALLY ONLY FOR TEMPORARY ACCOMMODATION FOR TWO OR THREE YEARS IN ORDER TO ENABLE THE APPLICANT TO FULLY ESTABLISH THE SUSTAINABILITY OF AND HIS COMMITMENT TO THE AGRICULTURAL ENTERPRISE
- XI. WHERE THE AGRICULTURAL NEED FOR A NEW DWELLING ARISES FROM AN INTENSIVE TYPE OF AGRICULTURE ON A SMALL ACREAGE OF LAND, OR WHERE FARM LAND AND A FARM DWELLING (WHICH FORMERLY SERVED THE LAND) HAVE RECENTLY BEEN SOLD OFF SEPARATELY FROM EACH OTHER, A SECTION 106 AGREEMENT WILL BE SOUGHT TO TIE THE NEW DWELLING AND THE LAND ON WHICH THE AGRICULTURAL NEED ARISES TO EACH OTHER.

3.3 POLICY HOU15

ALL HOUSING DEVELOPMENT PROPOSALS INCLUDING REPLACEMENT DWELLINGS AND CHANGES OF USE WILL BE ASSESSED ACCORDING TO THEIR EFFECT ON RESIDENTIAL AMENITY, THE CHARACTER OF THE ENVIRONMENT, TRAFFIC GENERATION AND SERVICES. THEY WILL ALSO BE ASSESSED ACCORDING TO THE QUALITY OF THE ENVIRONMENT TO BE CREATED, INCLUDING APPROPRIATE CAR PARKING AND SERVICING PROVISION.

(Objective: To provide for a higher quality housing environment.)

3.4 Emerging Core Strategy Policy CS6 (b)

The Borough of Great Yarmouth has a diverse local economy. It is the main service base in England for the offshore energy industry and has a thriving seasonal visitor economy. To ensure that the conditions are right for new and existing businesses to thrive and grow we need to continue to strengthen the local economy and make it less seasonally dependant. This will be achieved by:

B) Safeguarding existing local employment areas identified in Table 9 for employment use (in this instance the land is identified as EL7 Hemsby Road, Martham). Alternative uses will only be allowed where it can be demonstrated that:

- There is a sufficient range of suitable and available employment sites in the local area
- There is a satisfactory relationship between the proposed use and the pre-existing neighbouring uses, without significant detriment to the continuation and amenity of existing or proposed uses
- There is no commercial interest in the re-use of the site for employment, demonstrated by suitable marketing at an appropriate price for at least 18 months
- A sequential viability test has been applied following unsuccessful marketing of the site, based on the following sequence of testing: mixed use of the site that incorporates an employment generating use, then non-employment use.

3.5 National Planning Policy Framework

The NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach

to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- Support the sustainable growth and expansion of all types of business and enterprise in rural area, both through conversion of existing buildings and well designed buildings.

However, the NPPF also states that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4. Assessment :-

- 4.1 As stated in paragraph 1.3 above, the land subject to this application is located within an area designated as being suitable for local employment. It is also outside any village development limits for residential developments as defined in the Great Yarmouth Borough Wide Local Plan. The site used to contain some old sheds/workshops/former agricultural buildings however these have since been cleared and the site is covered in scrub grass. A 2m high close board fence has been erected along the eastern boundary thereby dividing the application site from the nearby industrial building and associated parking. The scrub land to the rear of the site has been submitted for consideration under SHLAA although there is not decision on its suitability yet.
- 4.2 The application seeks approval for the erection of 3 barn style single storey dwellings which have been designed to reflect the adjacent Manor Farm Barns residential development, which directly adjoins the application site to the west. However it should be noted that these were conversions and not new build properties and as such, are subject to different policies.
- 4.3 Whilst there are no issues with the overall design of the scheme, which is well-designed and appropriate to the immediate residential dwellings it remains that the land in question is designated for employment use within the local plan and, more importantly, it remains so within the emerging Core Strategy, which is to replace the local plan within the next 2 years or so.
- 4.4 Consultations were carried out concerning housing and employment land and this site was earmarked to remain in employment use and no objections were received to the contrary or arguing why it should be removed from the local

plan and therefore the designation has been carried forwards. As such this development is considered to be a departure from policy.

- 4.5 Following the latest refusal of the scheme (Ref: 06/12/0753/F: Change of use from employment land to residential and the development on 3 no. 4 bedroom 'barn style' dwellings) there were discussions between your officers (Development Control and Strategic Planning) and the agents to ascertain if there was a way forwards with this scheme. It was stated by your officers that for any scheme to be taken seriously then a robust and thorough economic viability study and proof of significant attempts at marketing should be submitted with any future application. Although some evidence was submitted it is somewhat scant, some of it is outdated as it was carried out 10 years ago and there were some discrepancies and therefore it is your officer's opinion that this is insufficient to warrant overriding the clear policy objection that this scheme has elicited.
- 4.6 Whilst it is undeniable that the scheme would sit well with the immediate residential barn development in terms of scale and design and would not have a significant or adverse impact on the visual amenities of the area or the adjacent residents it remains that the scheme is considered contrary to both current and emerging local plan policy.

5. RECOMMENDATION :-

- 5.1 Refuse: as stated above it is considered that insufficient evidence has been produced to warrant a departure from policies HOU10, HOU15 & NNV5 of the adopted Great Yarmouth Borough Wide Local Plan and policy CS6(b) of the emerging Core Strategy and is contrary to the provisions of the National Planning Policy Framework.

ACK 4/10/13

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Planning & Business Services
Development Control
Town Hall, Hall Plain
Gt Yarmouth
NR30 2QF

25th September 2013

Dear Sir

CL/13/0274/F

Application:-03/12/0753/F



I refer to the above application, which I understand goes to committee in October.

I am happy to support this application with the following proviso - the access road must be in place and complete before building starts.

This was discussed and agreed with the land owner and I am pleased to support the application on these grounds.

Yours faithfully

S R Ashton
Director

MR C CHAPMAN and MRS W CHAPMAN
5 MANOR FARM BARNS
BACK LANE MARTHAM
NR29 4LJ

Will be supporting the COU from employment land to residential & development for 3 barn style dwellings at back lane.

We have been for the change on 3 previous applications, and hope this time it is granted.

Yours faithfully,
MR & MRS C CHAPMAN.

Elaine Helsdon

From: Albone, James [james.albone@norfolk.gov.uk]
Sent: 24 July 2013 17:33
To: plan
Subject: 06/13/0274/F Back Lane, Martham

Our Ref: CNF40883_4

Dear Mrs Penn,

RE: 06/13/0274/F Back Lane, Martham

The proposed development site lies in the vicinity of a possible prehistoric barrow known from place-name evidence and at the site of a medieval or later manor. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) may be present at the site and that their significance will be affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological work in accordance with *National Planning Policy Framework* para. 135. We suggest that the following conditions are imposed:-

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.

Norfolk County Council Historic Environment Service will issue a brief for the programme of archaeological work when required.

If you have any questions or would like to discuss our recommendations, please do not hesitate to contact me.

Yours sincerely
James Albone

Jill K. Smith

From: Martham Clerk [marthamclerk@btinternet.com]
Sent: 12 July 2013 11:23
To: plan
Cc: 'Paul Hooper'
Subject: 06/13/0274/F Back Lane Martham, Revised Drawings.

Dear sirs,

The council have discussed the above application – Change of use from employment land to residential and the development of 3 No. 4 Bedroomed homes. Back Lane, Martham and consider that the original issues with this application have not been satisfactorily addressed by the revisions to the drawings, and the change of access to the business unit currently there is totally unsuitable.

The primary access for this development is NOT on Back Lane but is on Hemsby Road. The application is misleading.

The Back Lane secondary access is through a private driveway which is barriered and locked.

The drive detailed is currently used as access to an industrial unit – the use of a shared driveway with the space detailed on these plans may well be unsuitable for future businesses who may use the site - the access to the units should not be altered in any way that is detrimental to businesses who may be operating from there.

There are concerns over visibility on access/exit of the units – there is a bus stop immediately between the two proposed roads. They are opposite the Doctors Surgery. There remains insufficient access to the houses for service vehicles i.e. bin collection, as the new arrangement does not have a large enough space. There are concerns over emergency vehicle access along this track to the properties.

Many thanks

Sarah Hunt
Clerk.

From: The Strategic Planning Manager

To: Mrs L V Penn

Ref: 06/13/0274/F

Development at: Back Lane, Martham, Great Yarmouth, Norfolk

For: Re-submission - COU from employment land to residential and the development of 3 no 4 bedroom barn style dwellings

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

The site lies adjacent to conservation area no 8: Martham.

The site is designated as employment land although **Policies EMP14-15** which would usually apply may not be relevant as they relate to proposals for general industrial uses and warehousing.

Policy NNV5 applies as the site is on landscape important to the setting of settlements.

The site lies outside the village development limit therefore **Policy HOU10** applies relating to permission for new dwellings in the countryside.

Policy HOU15 applies relating to the effects of new development on residential amenity, the character of the environment, traffic generation and services.

Emerging Policies – Draft Core Strategy (2013)

Policy CS6 of the emerging Great Yarmouth Borough Council Core Strategy (2013) safeguards the site for employment use. The policy aims to safeguard existing local employment areas for employment use and will only release sites if it can be demonstrated that the proposed new development would generate the same number or more permanent jobs than could be expected from the existing employment use.

National Policy: National Planning Policy Framework (NPPF)

The NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;

However, the NPPF also states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Strategic Planning Recommendation

The proposals seek to develop 3 residential dwellings on land currently designated for employment use that lies outside of Martham's village development limit. As the applicant is yet to demonstrate that the proposed new development would generate the same number or more permanent jobs than could be expected from the existing employment designation, the proposal is viewed as contrary to both saved local plan **Policy HOU10** and **Policy CS6** of the emerging Core Strategy.

For this proposal to be deemed acceptable the applicant would need to prove that there is no reasonable prospect of the site being used for employment purposes and that a change in designation is acceptable. However, this is unlikely as Great Yarmouth Borough Council's Strategic Housing Land Availability Assessment (2012) has identified the site as 'not currently developable' and has highlighted developable residential land adjacent to the site as well as in other areas of Martham.

WG 10/07/13

Lesley V. Penn

From: Kirsty Stokes
Sent: 27 June 2013 08:45
To: Lesley V. Penn; Kim Balls
Subject: RE: Planning Application 06/13/0274/F New "barn style" dwellings on land off Hemsby Road/Back Lane, Martham

Lesley,

Not sure who is allocated this as of yet. Regardless I would suggest that you look at emerging Policy CS6 b) although this policy has been amended to strengthen it slightly although as the amendment has not been consulted on as of yet it has no weight and Para 22 of the NPPF.

For reference the proposed amendment states that alternative uses will only be acceptable where it can be demonstrated that:

- there is a sufficient range of suitable and available employment sites in the local area
- there is a satisfactory relationship between the proposed use and any pre-existing neighbouring uses, without significant detriment to the continuation and amenity of existing or proposed uses
- there is no commercial interest in the re-use of the site for employment, demonstrated by suitable marketing at an appropriate price for at least 18 months

A sequential viability test has been applied following the unsuccessful marketing of the site, based on the following sequence of testing: mixed use of the site that incorporates an employment-generating use, then non-employment use

This amendment is being made in response to a comment by Castle City Estates (see below):

In respect of policy CS6 (b), and in accordance with National Planning Policy Framework Paragraph 22, our client's seek amendments to the wording of this policy so that in cases where no economically viable employment development can be brought forward or sustained on safeguarded employment sites, then alternative uses may be sought where such uses would provide economic growth in the form of new jobs and investment into the area. This would be particularly appropriate where sites allocated for employment use are vacant and therefore not contributing to the local economy.

Kind regards,

Kirsty Stokes
Senior Strategic Planner
Great Yarmouth Borough Council

Telephone: 01493 846626
E-mail: kirsty.stokes@great-yarmouth.gov.uk

Website: www.great-yarmouth.gov.uk

Correspondence Address: Strategic Planning, Housing and Regeneration, Town Hall, Hall Plain, Great Yarmouth, Norfolk, NR30 2QF

Great Yarmouth Borough Council - Customer Focused, Performance Driven

From: Lesley V. Penn
Sent: 26 June 2013 16:53

Ref: 1 K. 287

Mr Stockwell
Great Great Yarmouth

NYRPA 06-13-0274-F

Development Control Manager

Date:

25th June 2013

Case Officer: Mrs L V Penn

Parish: Marham 13

Development at:-

Back Lane
Marham
Norfolk
NR29

For:-

Re-submission - COU from
employment land to residential
& development of 3 No 4
bedroom Barn Style dwellings

Applicant:-

Billockby Farms Limited
Billockby Hall
Billockby,
Great Yarmouth

Agent:-

Ben Woodings
51 Yarmouth Road
Thorpe St Andrew
Norwich
Norfolk

The above mentioned application has been received and I would be grateful for your comments on the following matters:-

REFUSE COLLECTION

Please let me have any comments you may wish to make by 9th July 2013.

COMMENTS: This will need to be presented

to the parish council. The private road
will be closed to the main road. The
road will be closed.

ALL DOCUMENTS & PLANS CAN BE
VIEWED ON THE G-EC WEBSITE
USING THE FOLLOWING LINK

<http://planning.great-yarmouth.gov.uk/OcellaWeb/planningSearch>

Email from Ben Woodings with amended plans following our meeting for the access at the barn-type development off Hemsby Rd (Back Lane), Martham. Your comments will be appreciated.

Thanks
Lesley

From: Ben Woodings [mailto:ben.woodings@chaplinfarrant.com]
Sent: 03 July 2013 14:17
To: Lesley V. Penn
Cc: Henry; Mark Nolan
Subject: #4332 3no dwellings - Martham - reference number 06/13/0274/F

Dear Lesley

Re: 3no new 'barn style' dwellings - Martham - app ref: 06/13/0274/F

Please find attached the revised site plan drawing 4332-052A for the above application which we trust are in accordance with our recent correspondence and site meeting.

To summarise the changes to the application:

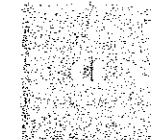
- A junction has been introduced half way up the access road to serve the adjacent business premises.
- The start of the access road has been widened and moved further east to better accommodate commercial vehicles coming to and from Hemsby Road.
- A visibility splay has been established at the minor junction serving the adjacent business to enable commercial vehicles to see residential car movements.

The D&A Statement has been updated to reflect the above and in addition a small error in the blue line boundary has been corrected on the site location plan drawing 4332-051A which we assume is de minimis.

Please do not hesitate to contact us should you have any queries.

Regards

Ben Woodings
Architect
Chaplin Farrant Limited



Chaplin Farrant Limited
51 Yarmouth Road
Norwich
NR7 0ET

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ben.woodings@chaplinfarrant.com
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henryalston@billockbyfarms.co.uk,
lvp@great-yarmouth.gov.uk

Attached files: 3

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To see our email disclaimer click here <http://www.norfolk.gov.uk/emaildisclaimer>

Lesley Penn
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
Norfolk
NR30 2QF

Your Ref: 06/13/0274/F
Date: 8 July 2013

My Ref: 9/6/13/0274
Tel No.: 01603 638070
Email: stuart.french@norfolk.gov.uk

Dear Lesley

**Martham: Re-submission - change of use from employment land to residential and the development of 3 No 4 bedroom 'Barn style' dwellings
Back Lane Martham Norfolk NR29 4QQ**

With reference to the revised drawings submitted following our meeting with the applicant and agent on 25 June 2013, I would confirm that the revisions reflect the decision made at that meeting and are acceptable in highway terms.

It should be noted that the proposal includes improvements to an existing vehicular access to serve the proposed development. This work is within the public highway and can only be carried out by Norfolk County Council. However, this work could be conducted by the applicant if they are prepared to enter into an appropriate agreement with the Highway Authority. Within this response these works have been classed as offsite highway works, and further details can be supplied to the applicant in due course.

Accordingly, in highway terms only I have no objection to the proposals as outlined in the application but I would recommend the following conditions and informative notes be appended to any grant of permission your Authority is minded to make.

- SHC 10 Prior to the commencement of the use hereby permitted the residential vehicular access (indicated for improvement on drawing number 502 Rev A) shall be upgraded / widened to a minimum width of 5.5 metres and provided with kerb radii of 6 metres in accordance with the Norfolk County Council residential access construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: In the interest of highway safety and traffic movement.

Continued.../

- SHC 11A Notwithstanding the submitted details unless otherwise agreed in writing by the Local Planning Authority the proposed access road shall be maintained in perpetuity at a minimum width of 5.5 metres for a length 40m and shall be constructed perpendicular to the highway carriageway for a minimum length of 10 metres all as measured from the near edge of the highway carriageway.

Reason: In the interest of highway safety and traffic movement.

- SHC 14 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- SHC 15 Means of vehicular access to and egress from the development hereby permitted shall be derived from and to the C454 Hemsby Road only.

Reason: In the interests of highway safety and traffic movement.

- SHC 19V Prior to the first occupation of the development hereby permitted a visibility splay for the residential access shall be provided in full accordance with the details indicated on the approved plan (drawing no. 502 Rev A). The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

- SHC 24 Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

- SHC 39A Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the off-site highway improvement works as indicated on drawing number 502 Rev A have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

Continued.../

SHC 39B Prior to the commencement of the use 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 in consultation with the Highway Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed.

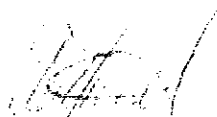
SHC 50 An appropriate automatic vehicle access barrier shall be provided to the existing residential development accessed off Back Lane to allow access to residents of the existing development only. No vehicular access rights for residents of the development hereby permitted shall be granted. The landlord shall keep a record to whom access keys have been issued. The type of barrier shall be to the satisfaction of the LPA in consultation with the Highway Authority. Reason: In the interests of highway safety and traffic movement.

Inf. 1 It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained and typically this can take between 3 and 4 months. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Please contact Stuart French on 0344 800 8020

If required, street furniture will need to be repositioned at the Applicants own expense.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

Yours sincerely



Highways Development Management & Licensing Officer
for Director Environment, Transport and Development

Great Yarmouth Borough Council
Planning Department
Town Hall
Great Yarmouth
Norfolk
NR30 2QF

Our ref: AE/2013/115658/02-L01
Your ref: 06/12/0753/F
Date: 13 February 2013

COPY

Dear Sir/Madam

**CHANGE OF USE FROM EMPLOYMENT LAND TO RESIDENTIAL AND THE
DEVELOPMENT OF 3 NO 4 BEDROOM 'BARN STYLE' DWELLINGS BACK LANE
MARTHAM GREAT YARMOUTH NORFOLK**

Further to my letter of 5 February 2013 we have received additional information from Mr Ben Wooding, agent to the applicant that shows that the demolished buildings we believed to be a source of potential groundwater contamination are outside of the development site. Mr Wooding has also confirmed that although the land is described as employment land it has remained unused since it ceased to be used for agricultural purposes.

This new information leads us to believe that the risk to controlled waters is reduced and we are able to remove our request for conditions 1, 2 and 3 as described in previous letter. We would request that Condition 4, contamination not previously identified, is attached to any planning permission. Our advisory comments on SuDS and environmental permitting for the private treatment plant remain pertinent.

I have sent you a copy of Mr Woodings email for your records.

Yours faithfully

Mr GRAHAM STEEL
Planning Liaison Officer

Direct dial 01473 706 732

Environment Agency
Cobham Road, Ipswich, Suffolk, IP3 9JD.
Customer services line: 03708 506 506
www.environment-agency.gov.uk
Cont/d..

Great Yarmouth Borough Council
Planning Department
Town Hall
Great Yarmouth
Norfolk
NR30 2QF

Our ref: AE/2013/115658/01-L01
Your ref: 06/12/0753/F
Date: 05 February 2013

COPY

Dear Sir/Madam

**CHANGE OF USE FROM EMPLOYMENT LAND TO RESIDENTIAL AND THE
DEVELOPMENT OF 3 NO 4 BEDROOM 'BARN STYLE' DWELLINGS**

BACK LANE MARTHAM GREAT YARMOUTH NORFOLK

Thank you for consulting the Environment Agency on this application received on 14 January 2013. We have reviewed the submitted information and make the following comments.

Controlled waters

The site is underlain by the drift deposits comprising Sand and Diamicton, both belonging to the Happisburgh Glacigenic Formation. The former is designated as a Secondary A Aquifer, while the latter is designated as Unproductive Strata. The drift deposits are underlain by the solid geology of the Crag Group designated as a Principal Aquifer, which forms a part of the Broadland Rivers Chalk and Crag Drinking Water Protected Area (DrWPA). A number of ponds and drains are located within a close distance of the site. In addition, River Thurne is located approximately 2,000m northwest, and Ormesby Broad is located approximately 1,500m southeast of the site.

The application has not provided assurance that the risks of pollution are understood. A preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided to satisfy us that the risks to the water resource receptors associated with the site (the Sand Secondary A Aquifer directly underlying the site, and the Crag Principal Aquifer at depth) are appreciated and understood. The risk is not acceptable because there is no evidence to indicate otherwise.

Environment Agency position

Environment Agency
Cobham Road, Ipswich, Suffolk, IP3 9JD.
Customer services line: 03708 506 506
www.environment-agency.gov.uk
Cont/d..

We consider that planning permission should only be granted to the proposed development as submitted if the following four planning conditions are imposed as set out below. Without these conditions the proposed development on this site poses and unacceptable risk to the environment and we would wish to object to the application. We also make a number of advisory comments.

Condition 1

Prior to the commencement of the development approved by this planning permission no development approved by this planning permission> (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Condition 2

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition 3

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the

Local Planning Authority Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Condition 4

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons for the conditions

To protect and prevent the pollution of controlled waters (particularly the Secondary A and Principal Aquifers directly underlying the site) from potential pollutants associated with current and previous land uses (including the unidentified industrial use as identified in the submitted documents) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3, 2012) position statements A1 – A6, B1 – B3 and G9 – G13.

In the submitted documents, a former industrial use of the site has been identified. As such, we consider the site to have a contaminative potential, which the application fails to acknowledge. Water resource receptors beneath the site are vulnerable to potential pollutants associated with previous land use(s) and we require land contamination information in line with Environment Agency Groundwater Protection: Principles and Practice document (GP3, 2012) position statements A2, A5, and Section J: Land Contamination.

NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Paragraph 120 states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

We refer the applicant to the Environment Agency Guiding principles for land contamination for the type of information that we require in order to assess risks to water resource receptors from the site.

Advice to applicant – general

Land contamination investigations should be carried out in accordance with BS

5930 1999-2010 'Code of Practice for site investigations' and BS 10175:2011 'Investigation of potentially contaminated sites - Code of Practice' as updated/amended. Site investigation works should be undertaken by a suitably qualified and experienced professional. Soil and water analysis should be fully MCERTS accredited.

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination;
2. Refer to our "Guiding Principles for Land Contamination" for the type of information that we require in order to assess risks to water resource receptors from the site. The Local Authority can advise on risk to other receptors, for example human health;
3. Refer to our "Groundwater Protection: Principles and Practice (GP3)" document (<http://www.environment-agency.gov.uk/research/library/publications/144346.aspx>);
4. Refer to our website at www.environment-agency.gov.uk for more information.

SuDS must not be constructed in contaminated ground. The use of infiltration drainage would only be acceptable if a phased site investigation showed the presence of no significant contamination. The use of non infiltration Suds may be acceptable subject to our agreement. We would need to be consulted on the results of the site investigation and on any protection measures.

The maximum acceptable depth for infiltration Suds is 2.0m below ground level, with a minimum of 1.2m clearance between the base of infiltration and SuDS and peak seasonal groundwater levels (which have yet to be ascertained). We consider that deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction). Deep soakaways increase the risk of groundwater pollution. See our Groundwater Protection GP3 (2012) documents, particularly position statements G9-G13, for further information.

Environmental Permit

The applicant is proposing to dispose of foul water by means of a private treatment plant.

If applicants wish to discharge treated sewage effluent into surface water or to ground they may require an Environmental Permit from us. In some cases you may be able to register an exemption. You should apply online at <http://www.environment-agency.gov.uk/business/topics/permitting> or contact us for an Environmental Permit application form and further details on 08708 506506.

The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will be granted where the risk to the environment is acceptable.

To qualify for a registered exemption the rate of sewage effluent discharge must be 2 cubic metres a day or less to ground or 5 cubic metres a day or less to watercourse. You must also be able to satisfy a number of specific criteria.

A Standard Rules Permit is available for discharges of secondary treated sewage (to surface water only) of between 5 cubic metres a day and 20 cubic metres a day.

Discharges of treated sewage greater than 2 cubic metres a day to ground and greater than 20 cubic metres a day to surface water require a Bespoke Permit.

Please contact me on the details below if you have any questions.

Yours faithfully

Mr GRAHAM STEEL
Planning Liaison Officer

Direct dial 01473 706 732

Direct fax 01473 271320

Direct e-mail graham.steel@environment-agency.gov.uk

cc Chaplin and Farrant

FILE

To: Conservation Officer
attention of Ian Hardy

My Ref: 06/13/0274/F

From: Development Control Manager

Date: 25th June 2013

Case Officer: Mrs L V Penn
Parish: Martham 13

Development at:-

Back Lane
Martham
Norfolk
NR29

For:-

Re-submission - COU from
employment land to residential
& development of 3 No 4
bedroom Barn Style dwellings

Applicant:-

Billockby Farms Limited
Billockby Hall
Billockby
Great Yarmouth

Agent:-

Ben Woodings
51 Yarmouth Road
Thorpe St Andrew
Norwich
Norfolk

The above mentioned application has been received and I would be grateful for your comments on the following matters:-

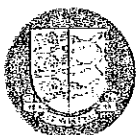
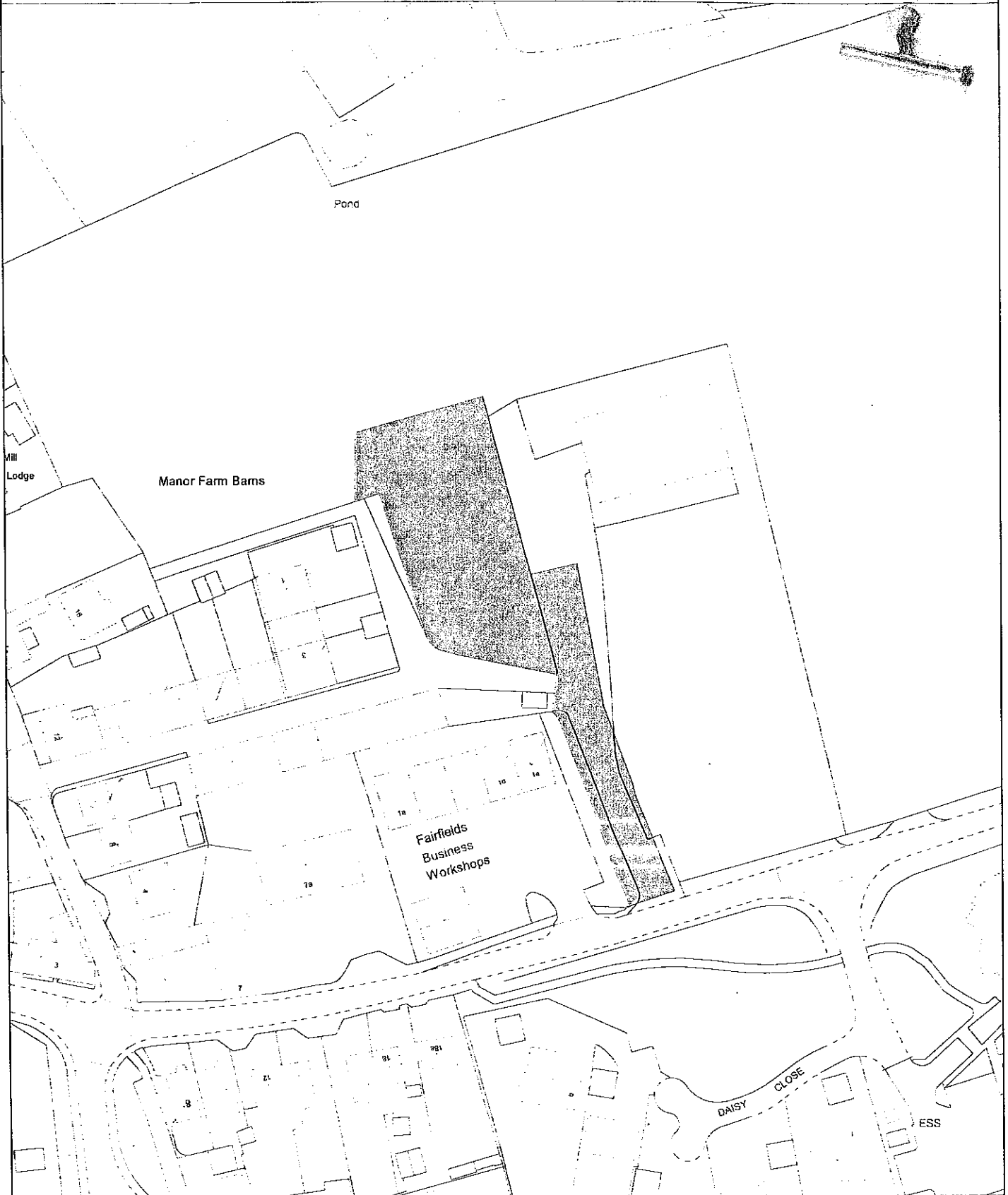
Please let me have any comments you may wish to make by 9th July 2013.

COMMENTS:

IAN HARDY 26/6/13.

- COMMENTS HAVE BEEN MADE PREVIOUSLY AND REFINEMENTS NOW BUILT INTO THIS APPLICATION. THIS APPL CAN BE SUPPORTED.
- PLEASE CONDITION AS USUAL DETAILS TO BE SUBMITTED WINDOWS + DOORS ETC ~ ITS NOT ENOUGH TO SAY 'AS OPPOSITE BUILDINGS', TOGETHER WITH SAMPLES OF BRICK (BOVINGTON PREFERRED IN WHITE CEMENT MORTAR - TO GET THE CREAM JOINTS + TILES (WM. BLYTH BAROCOMY PREFERRED).
- + EXTERNAL WORKS TO WALLS/FENCING/HEDGES ETC

06/13/0274/F



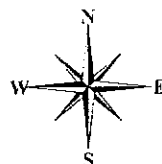
GREAT YARMOUTH
BOROUGH COUNCIL

Planning and Business Services,
Town Hall, Great Yarmouth,
Norfolk. NR30 2QF

10 0 10 20 30 40 50 60 70 80 90 100

Metres

Scale = 1:1250 @ A4



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Ordnance Survey [100018547]