

Reference: 06/16/0518/O

Parish: Filby

Officer: Mr G Clarke

Expiry Date: 13-07-2018

Applicant: Mr K Gray and Family

Proposal: Proposed residential development – 7 plots

Site: Main Road (off) Filby

REPORT

1 Background / History :-

1.1 The application site comprises vacant land which, according the application formally served as garden or grazing land. The site area is 0.9ha; given the proposal for 7no. dwellings this would give a site density of 7.7 dwellings per ha which is a low density development. There is an existing tree belt shown on the submitted drawings which is to be retained. There is a tree preservation order (TPO), reference no.4 1981, in place on the land, which has been considered as part of the application.

1.2 The previous site history is as follows:

- 06/91/0612/O – Four detached houses and private access road – refused 20/08/91.
- 06/93/0499/O – Two two-bedroom starter cottages – refused 02/08/93.

1.3 The application site is within the vicinity of a listed building, The Orangery, and therefore the application has been assessed taking this and relevant legislation into account.

2 Consultations :-

2.1 Parish Council – The Parish Council objects to the application on the following grounds (2016):

- The slowing, stopping and turning traffic generated by this proposal on a busy main road would be detrimental to the safety and free flow of other road users, especially opposite a busy access to the village hall and playing field.
- This proposal would involve the removal of some nearby mature trees which are protected by a Tree Preservation Order.

- The access to the site has poor visibility and is adjacent to an existing double access which in turn would result in hazardous conditions for both parties on leaving and exiting to the site in question.
- The proposal for 7 dwellings here would not enhance the character of Filby.
- The site of this proposal is outside the Village Development Area within his parish and as the parish of Filby has already, in the last 18 months accommodated more than the 5% Core Strategy target allowed, then it is unacceptable to permit more residential development within this parish.

Following a re-consultation in 2018 a further letter of objection (which is attached in full to this report) was submitted following a meeting between the Parish Council and 6 members of the public; they are summarised as follow:

- Agreed that the visibility splay can be met, but this does not overcome the other objections to the Parish Council put forward in their initial response to this application (above).
- When the Acle Straight is closed the main road is extremely busy and this access would be dangerous.
- We are aware that the A1064 has a 30mph speed limit however the police have informed the Parish Council that the average speed is 39.2mph.
- The narrow access is 98 metres long and no provision has been made for passing.
- The construction work will damage the listed building and the 4 TPO'd trees.
- The sewerage system in the village is already overloaded.
- The road will serve 10 dwellings and therefore highways will require the road to be made to an adoptable standard increasing the cost of the development.
- The site is outside of the village development area and as the parish of Filby has already in the last 4 years accommodated more than 5% of the Core Strategy target allowed it is unacceptable to permit more residential development within this parish which would certainly destroy the valued character of this well-kept and pretty community.

2.2 Neighbours – There have been ten objections from 9 households received following consultations on the application, a selection of which are attached to this report. All responses are available to read at Great Yarmouth Borough Council's Website and are summarised below:

- The access is not sufficient in width and is too long with no passing places.
- Protected trees will be damaged.
- The nearby listed building could be damaged and a tree could fall on it.
- The track is not as shown on the submitted plan.
- A large vehicle using the track will damage the listed building.
- All trees are not shown on the plan including those on adjoining land. Four listed trees are not identified on the plan which have been damaged, two fell down this winter.
- The road would need to be made up to adoptable standard and there is insufficient room to do so.
- Filby has built more than its fair share of housing.
- Further development will erode 'Filby in Bloom' and the community spirit.

- The visibility splay is dangerous and unacceptable.
- The application site is outside the village development limits.
- The setting of the listed building will be destroyed.
- If approved this will set a precedent.
- Loss of green space for wildlife and feeding grounds for a variety of species.
- Filby doesn't require and cannot support 7 new four bedroom dwellings.

2.3 Building Control – no comments.

2.4 Highways – Following the submission of further information and demonstrating that the visibility can be provided, there is no objection to the application and conditions are requested.

2.5 Fire – No objection to the application subject to a condition requiring a fire hydrant to be provided on site at the cost of the developer.

2.6 Archaeology – If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework para. 141. 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.

2.7 Assistant Grounds Manager and Arboricultural Officer – The works as recommended in the Arboricultural Report should be followed and these should be adhered to during the construction process.

2.8 Strategic Planning – No objection in principle to the proposed development in locational policy terms (no other comments have been made on site specific issues as the proposal is seeking outline planning consent only).

Filby is one of the Secondary Villages identified by the Core Strategy Policy CS2 to receive modest amount of housing growth over the period 2013 to 2030. Between them, the 19 Secondary and Tertiary Villages are to deliver 5% of the overall housing growth in the Borough, i.e. an average of 19 each. (It is emphasised that the figure of 19 is not a target for the individual settlements: there is no requirement or intention that the growth should be equally divided between those settlement without due regard to opportunities and constraints.)

The site lies outside of, but adjacent to, the settlement limit defined by the 2001 Local Plan, however:-

- The settlement limits should be only given modest weight, given their age and that they predate the subsequent large increase in housing supply required by the since adopted Core Strategy
- The material 'Interim Housing Land Supply Policy' permits housing development in such locations. (Note that this policy is currently under review, however any revision is likely to be more, rather than less, permissive.)
- The Borough has to date, persistently under-delivered housing against the Core Strategy requirement, and now needs to deliver, year after year, double the amount of housing that has been completed in the last few years.
- National policy is too boost significantly the supply of new housing (NPPF47)

Under such circumstances, I consider a refusal on locational policy grounds would not be justified.

2.9 Local Planning Authority Requirements – In order to mitigate the impact of the development on internationally important sites, should the application be approved a contribution at £60 per dwelling is sought in line with the Great Yarmouth adopted Natura 2000 Sites policy. The monies shall be allocated towards non-infrastructure monitoring and/or mitigation.

3. National Planning Policy Framework

- 3.1 The presumption in favour of sustainable development is set out under paragraph 4.
- 3.2 Paragraph 49: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 3.3 Paragraph 50 states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
- Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);

- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- 3.4 Paragraph 17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

(extract only)

- 3.5 Paragraph 47. To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;

(extract)

- 3.6 Paragraph 56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- 3.7 Paragraph 132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments,

protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

3.8 Paragraph 150. Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

3.9 Paragraph 206. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

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

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

4.2 Paragraph 215 of the 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.

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

4.4 HOU16: A high standard of layout and design will be required for all housing proposals.

5. Core Strategy:

5.1 **Policy CS1:** This policy promotes sustainable communities and development which would complement the character of an area.
(partial)

5.2 **Policy CS2:** This policy identifies the broad areas for growth by setting out the proposed settlement hierarchy for the borough. CS2 seeks to ensure that new residential development is distributed according to the following settlement hierarchy, with a greater proportion of development in the larger and more sustainable settlements:

- Approximately 5% of new development will take place in the Secondary and Tertiary Villages named in the settlement hierarchy

(partial)

- 5.3 **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 (inter alia a-g.)

- 5.4 **Policy CS9:** This policy seeks to encourage well designed and distinctive places, particularly conserving and enhancing biodiversity, landscape quality and the impact on and opportunities for green infrastructure. (extract)

a) Respond to, and draw inspiration from the surrounding area's distinctive natural, built and historic characteristics, such as scale, form, massing and materials, to ensure that the full potential of the development site is realised; making efficient use of land and reinforcing the local identity

b) Consider incorporating key features, such as landmark buildings, green infrastructure and public art, which relate to the historical, ecological or geological interest of a site and further enhance local character

- 5.5 **Policy CS10:** The character of the borough is derived from the rich diversity of architectural styles and the landscape and settlement patterns that have developed over the centuries. In managing future growth and change, the Council will work with other agencies, such as the Broads Authority and Historic England, to promote the conservation, enhancement and enjoyment of this historic environment by: (partial)

a) Conserving and enhancing the significance of the borough's heritage assets and their settings, such as Conservation Areas, Listed Buildings, Scheduled Ancient Monuments, archaeological sites, historic landscapes including historic parks and gardens, and other assets of local historic value

- 5.6 **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: (partial)

d) Ensure that the relevant improvements to local infrastructure are made by the developer. Where this is not practical financial contributions will be sought.

e) Seek appropriate contributions towards Natura 2000 sites monitoring and mitigation measures

f) Make certain that new developments for which a planning obligation is necessary does not take place until a planning obligation agreement has been secured and approved. Payments should be made in a timely and fair manner to minimise the impact on existing services and infrastructure

6. Housing land supply and Interim Housing Land Supply Policy

- 6.1 As of April 1st 2017 the Borough has a 4.13 year supply of housing land and this is a significant material consideration in the determination of this application. 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 and therefore paragraph 14 of the NPPF is engaged which states that “any adverse impacts of the development must significantly and demonstrably outweigh the benefits” in order to justify refusal (known as the “tilted balance”). Taking this into account, reduced weight applies to relevant existing adopted Local Plan policies of particular relevance to housing applications.
- 6.2 The Interim Housing Land Supply Policy falls outside of the statutory procedures for Local Plan adoption it will not form part of Great Yarmouth Borough Council’s Development Plan. The Interim Housing Land Supply Policy will however be used as a material consideration in the determination of planning applications and appropriate weight shall be applied.
- 6.3 The Interim Housing Land Supply Policy seeks to facilitate residential development outside but adjacent to development limits by setting out criterion to assess the suitability of exception sites. The criterion is based upon policies with the NPPF and the adopted Core Strategy.
- 6.4 It should be noted that the Interim Policy is only used as a material consideration when the Council’s Five Year Housing Land Supply utilises sites identified in the Strategic Housing Land Availability Assessment (SHLAA).
- 6.5 New housing development may be deemed acceptable outside, but adjacent to existing Urban Areas of Village Development Limits providing the following criteria, where relevant to development, have been satisfactorily addressed: inter alia points a) to n).

7 Assessment :-

- 7.1 The application site is proposed to be accessed off an existing access located at the southern side of the A1064, Main Road, Filby. The application is an outline application for seven dwellings. Landscaping is a reserved matter and, should the application be approved, would need to be decided under a reserved matters application. The application is for 7 detached dwellings with access, appearance, layout and scale to be decided under the current application. The properties applied for are all market properties with no affordable housing; the size of the site is under the relevant threshold set for contributions for affordable housing and open space. Contributions in accordance the Natura 2000 policy, which is set at £60 per dwelling, will be required. If the application is approved this will be required to be secured prior to the issue of a planning permission.
- 7.2 The application has, through the application process, undergone modifications to the submitted plans. The alterations to the access and visibility splay were

requested by the Highway Authority in order to meet current standards. A number of neighbour objections and the Parish Council object to the access citing a number of reasons, although the Parish Council, within their most recent correspondence, note that the visibility splay can be achieved. However, they state that this is not sufficient to overcome their objections to the proposal.

- 7.3 The access is in existence and there are no objections from Norfolk County Council as Highway Authority. The Highway Authority is aware of the size of the access proposed, the road that the access comes off and the number of properties that are currently served and proposed to be served by the access. The Highways Authority has requested conditions in order to ensure that the access is provided to the correct standard. The conditions include a requirement for the first five metres to be upgraded to a minimum width of 4.5m in accordance with Highways standards. The conditions go on to require that the first 10m as measured from the highway are maintained in perpetuity at 4.5m width as a minimum.
- 7.4 The access as proposed is approximately 100m in length and the width, as shown on the submitted plans varies. Neighbour objections and the Parish Council have objected on several highways issues including that the length of the private access will not be sufficient width to accommodate the development as proposed. As demonstrated by the Highways Officer's comments, there is satisfactory width available for the construction of an access to serve the proposed dwellings and there is no request for passing places and as such it is taken that these are not necessary to allow the development.
- 7.5 There have been objections to the development because of the perceived adverse effect of the development and the access on the existing mature trees, some of which are protected by tree preservation order (TPO). The Assistant Grounds Manager and Arboricultural Officer was consulted on the application and assessed the Arboricultural Report submitted with the application and has not objected to the application. One of the dwellings (plot 7) as proposed has been moved to ensure that it is situated in a position that does not require the removal of a protected tree.
- 7.6 The Arboricultural Report submitted with the application notes the proximity of the trees to the access and that the access will require widening. The report, whilst noting that the construction detail is not provided within the application, states that the proposed access will cross the rooting zone of a number of mature trees. The recommendation is that a no-dig construction method shall need to be employed within these areas. The no-dig construction method is approved by the Grounds Manager and Arboricultural Officer and, should the application be granted permission, be conditioned to ensure that the trees are adequately protected. In addition all recommendations within the Arboricultural Report should be conditioned.
- 7.7 The Parish Council and neighbours object to the development stating that it will have an adverse effect on the character of Filby and that Filby has had more than the allocated amount of housing as referenced in the Core Strategy. It is noted at 2.8 of this report that the allocation of 5% of required housing which

should be accommodated within the secondary and tertiary villages is not to be allocated as an 'equal split'. As the allocation is not on an equal basis having taken a portion of development already is not contrary to the Core Strategy and is recognised as being necessary to ensure that development is located within the most appropriate locations. The development as submitted is not assessed as having an adverse impact on the character of the village. This assessment was made taking into account the size of the development proposed, house types and design and location set back from the main road.

- 7.8 The application form states that the current use of the land is uncultivated land which was previously a garden or grazing. The loss of uncultivated land will result in the loss of habitat for wild animals; however, with the exception of the trees that are protected by TPO, the land could be cleared without requiring permission, which would significantly reduce its ecological value. The applicant submitted a Preliminary Ecological Appraisal for the application site which found the site has moderate ecological value and has recommended mitigation measures to avoid potential harm to animals and enhancements which are recommended for bats, birds and habitats. These mitigation measures and enhancements shall be conditioned should planning permission be approved for the site. With appropriate mitigation and enhancement it is not deemed appropriate to recommend refusal of the application on the basis of ecology. It is further noted that no bat roosts were found on the site and no trees that are capable of providing roosting for bats are to be removed according to the submitted report.
- 7.9 The submitted plans show a woodland area to the rear of the site. This area is covered by the woodland TPO and should be retained in perpetuity as it is valuable green space and has the potential to provide bat commuting and foraging and habitat for animals. It is further recommended that a low lighting level be conditioned in order to protect the ecological value of the area and a buffer be conditioned to further mitigate any adverse impact. Should approval be granted all recommendations within the Preliminary Ecological Appraisal should be conditioned, these include but do not cover all, the buffer zone, low lighting, materials stored on pallets as opposed to the floor, installation of bat and bird boxes.
- 7.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 stated that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The application site is within the vicinity of a listed building. The development as proposed will not adversely affect the setting of the listed building and is set far enough away so as not to crowd or otherwise disturb the listed buildings curtilage or architectural importance.
- 7.11 The scheme has been amended to provide a single storey dwelling to plot 1. This reduces the adverse impact on the adjoining properties and can be conditioned to ensure that there are no additional openings inserted into the roof without the prior approval of the Local Planning Authority. The location of the

application site prevents other plots having an adverse effect on the amenities of the nearby dwellings.

7.12 In the absence of objections in relation to Highways and the submitted information adequately demonstrating that there are no major harms caused by the development as proposed, the harms are not considered to outweigh the benefits at all, let alone “significantly and demonstrably”. The presumption in favour of sustainable development applies. The application site is located within a village settlement (albeit not within the 2001 village development boundaries, but significantly reduced weight must be afforded to this policy in the light of no five-year housing land supply) and as such it is a sustainable location. Given the overall accord with the National Planning Policy Framework and the Great Yarmouth Core Strategy and the failure to demonstrate a five-year housing land supply, the application is recommended for approval.

8 RECOMMENDATION :-

- 8.1 Approve – the proposal is in accordance with Policies CS1, CS2 and CS16 of the Great Yarmouth Local Plan: Core Strategy.
- 8.2 Approval should be subject to the submission of reserved matters in relation to landscaping, conditions requested by the Highways Officer, Archaeology and any other consulted parties, those within the Preliminary Ecological Appraisal, Arboriculture Report, those noted within this report and any others as required to ensure a satisfactory form of development.
- 8.3 The planning permission should not be issued until the appropriate Natura 2000 payment has been secured.

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FILBY PARISH COUNCIL

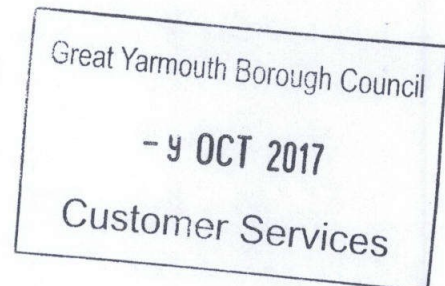
Clerk to the Council: David G Balls. Tel. 01493 368246/email david.balls@zen.co.uk
Manor House, Church Lane, Filby, Gt. Yarmouth, NR29 3HW

6 October, 2017

Your Ref.

Borough Planning and Business Services Department,
Town Hall,
Hall Plain,
Great Yarmouth,
NR30 2QF

F.A.O. Mr. G. Clarke



Dear Graham,

Planning Application Number 06/16/0518/O
Proposed Erection of 7 Dwelling Residential Development on land Adjacent to Filby Hall

During a visit to the village hall last week two of our councilors observed that the agents acting on behalf of the Gray family were measuring out sections of the Main Road with a view to improving visibility at the proposed access point to and from the site in question. Whilst I would be the first to agree that, yes the visibility requirements i.e. 2.4mt.x 43mt.x 43mt. can be met that does not in any way overcome the other objections that the Parish Council put forward in their response to this application., Which is why the Parish Council cannot understand why the applicant is still pursuing a way forward. The Parish Council are not at all happy that this application has taken over a year to reach a decision, especially when most of our objections are feasible reasons for refusing the application, particularly the other highway objection relating to the slowing, stopping and turning movement of traffic entering and exiting the site. This alone would create hazardous situations on a main class one road opposite a very busy access point to the new village hall.

Listed below are the reason the Parish Council put forward in objecting to this application and must be seriously be taken into account when seriously determining this application:

- The slowing, stopping and turning traffic generated by this proposal on a busy main road would be detrimental to the safety and free flow of other road users, especially opposite a busy access to both the new village hall and playing field
- The proposal would involve the removal of some nearby mature trees which are protected by a Tree Preservation Order.
- The access to the site has poor visibility and is adjacent to an existing double access which in turn would result in hazardous conditions for both parties leaving and exiting the site in question.
- The proposal for 7 dwellings here would not enhance the character of Filby.
- The site of this proposal is outside the Village Development Area within this parish and as the parish of Filby has already, in the last 18 months accommodated more than the 5% Core Strategy Target allowed then it is unacceptable to permit more residential development within this parish.

Yours sincerely,

A handwritten signature in black ink, appearing to be "H. Thirtle".

Clerk to the Council
Cc. Borough Councillor and County Councillor, Mr. Haydn Thirtle



Great Yarmouth Borough Council

18 JUN 2018

Customer Services

FILBY PARISH COUNCIL

Clerk to the Council: David G Balls. Tel. 01493 368246/email david.balls@zen.co.uk
Manor House, Church Lane, Filby, Gt. Yarmouth, NR29 3HW

14 June, 2018

Your Ref. 06/16/0518/O
Borough Planning and Business Services Department,
Town Hall,
Great Yarmouth,
F.A.O. Mr. G. Clarke

Great Yarmouth
Borough Council

18 JUN 2018

Planning
Department

Dear Graham,

Planning Application Number 06/16/0518/O

Proposed Erection of 7 Dwelling Residential Development on land Adjacent to Filby Hall

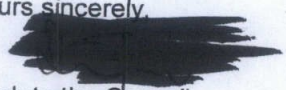
Thank you for your letter dated 4 June, 2018. Whilst I would be the first to agree that, yes the visibility requirements i.e. 2.4mt.x 43mt.x 43mt. can be met does not in any way overcome the other objections that the Parish Council put forward in their initial response to this application.

The Parish Council is not at all happy that this application has taken over a year to reach a decision, especially when most of our objections are feasible reasons for refusing the application.

The Parish Council together with 6 members of the public met again on the 14 June, 2018 to discuss these revisions and the following objections were made:

- When the Acle Straight is closed the main road is extremely busy and slowing, turning, stopping traffic movements created by this development would be dangerous and detrimental to the free flow of other road users especially opposite a very busy access to the new village hall which is also accessed on foot by children using the play area. We are aware that the main A1064 has a 30 mph speed limit but the police have informed the Parish Council that when carrying out monthly "speed checks" the average speed of motorists through the village is 39.2 mph. which does not help matters when considering an application of this type.
- On the narrow access road to the development which is 98 metres long no provision has been made for a passing space especially when HGV's have to access the development.
- During and following the construction of the access road damage will ultimately be done to the adjacent Grade 2 listed building, The Orangery, and the adjacent 4 trees protected by TPO's
- The sewerage system in the village is already overloaded and the construction of more services here would create more overloading of the system. During provision and construction of the services to the site these services will cut through tree roots of the already 4 protected adjacent trees.
- It is apparent that the applicant is applying for development served by an un-adopted access road serving 7 dwellings, but with The Orangery, Orangery annexe, and the recently approved building plot adjacent to The Orangery this will make it 10 dwellings served by the same access road. The highways department will under these circumstances require the access road to be made up to an adoptable standard which will of course add extra costs to the development of the site.
- The site of this proposal is outside the Village Development Area and as the parish of Filby has already in the last 4 years accommodated more than the 5% core strategy target allowed then it is unacceptable to permit more residential development within this parish which would certainly destroy the valued character of this well kept and pretty community.

Yours sincerely,


Clerk to the Council
Cc. Borough Councillor and County Councillor, Mr. Haydn Thirtle

APPLICATION PLAN



MAIN ROAD

(Contd. from page 10)

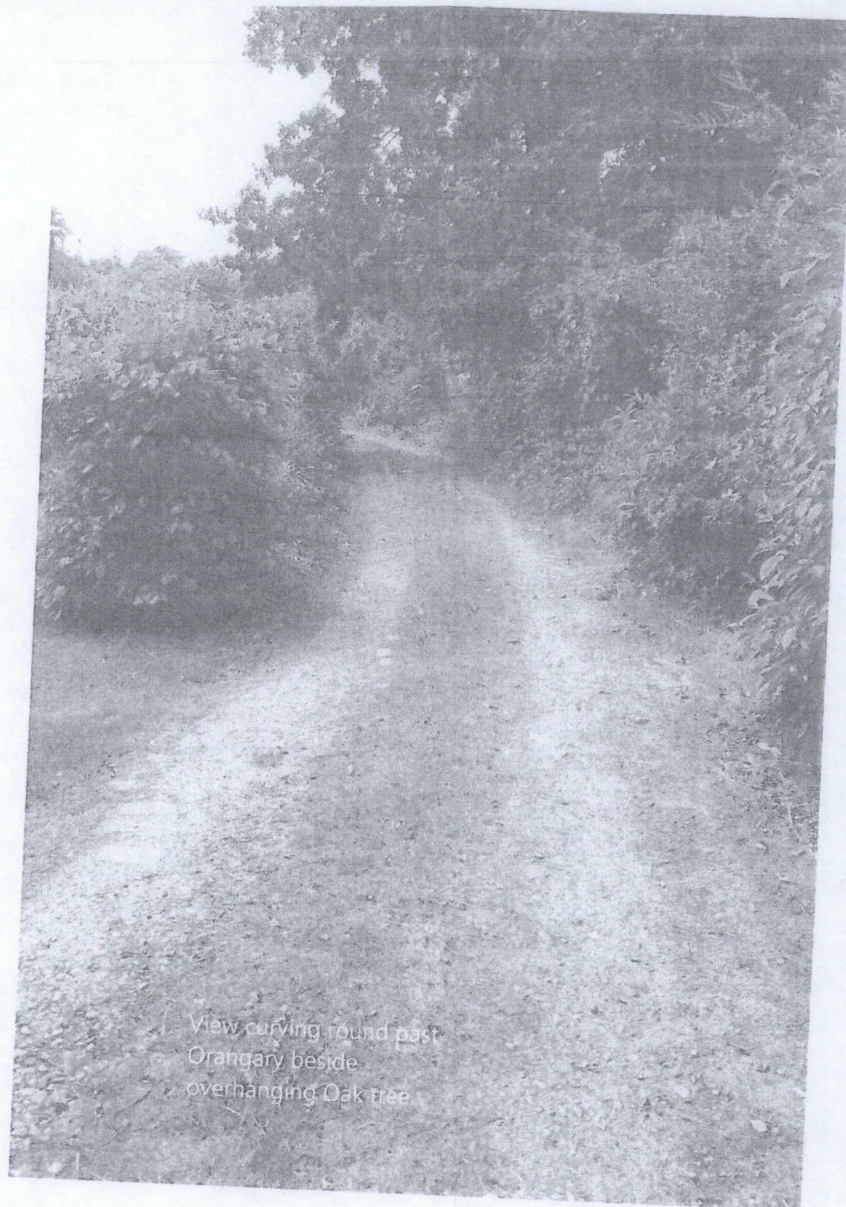
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TYPE 3 TURNING HEAD ADDED
OWNERSHIP OF LAND WITHIN THE VISIBILITY SPLAY ADDED

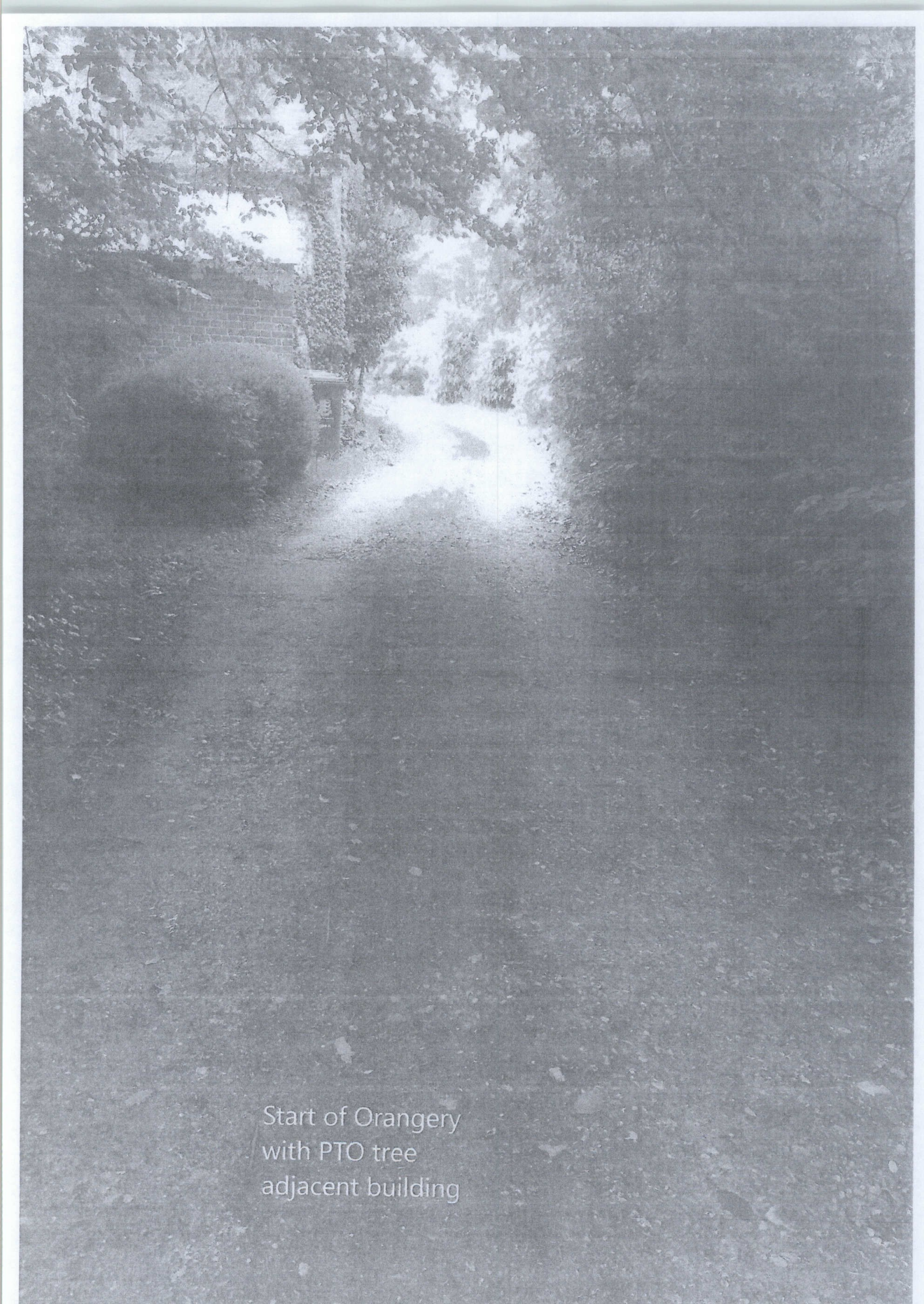
* ATTACHED PHOTOS OF
SUB-STANDARD ACCESS
ROAD and VISIBILITY
ONTO MAIN ROAD

Site entrance

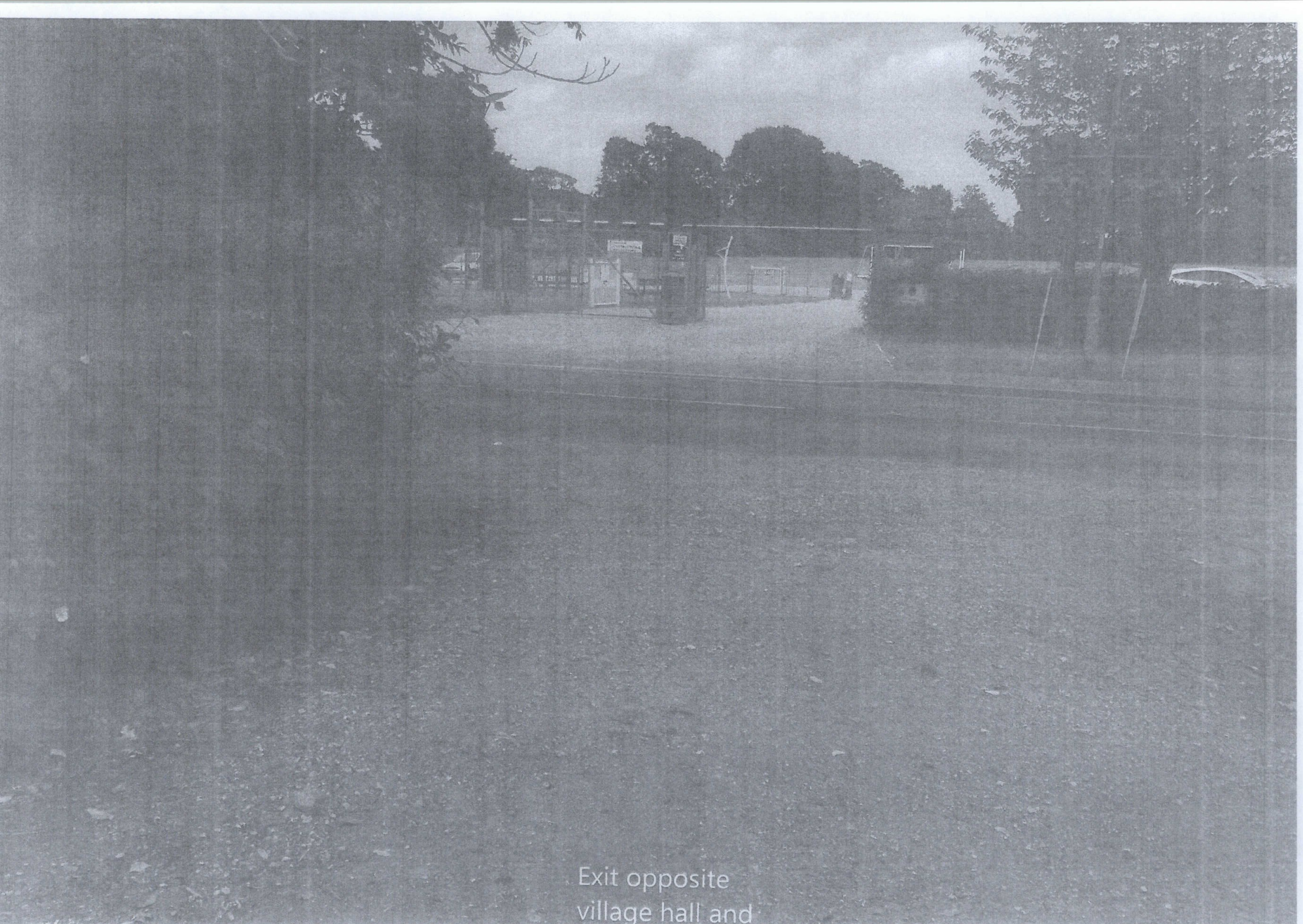
FOR SALE
DARBY
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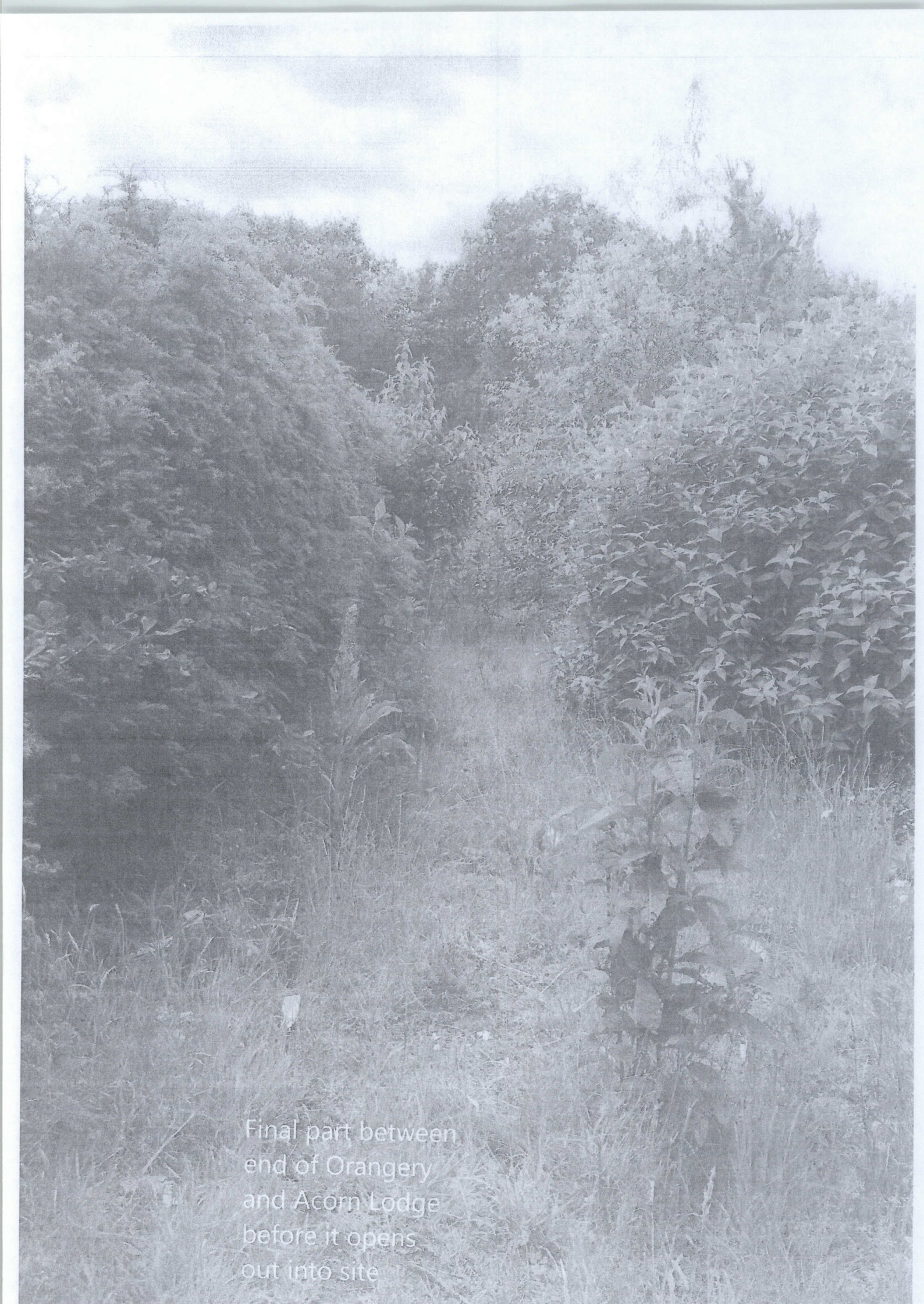
View curving round past
Orangary beside
overhanging Oak tree



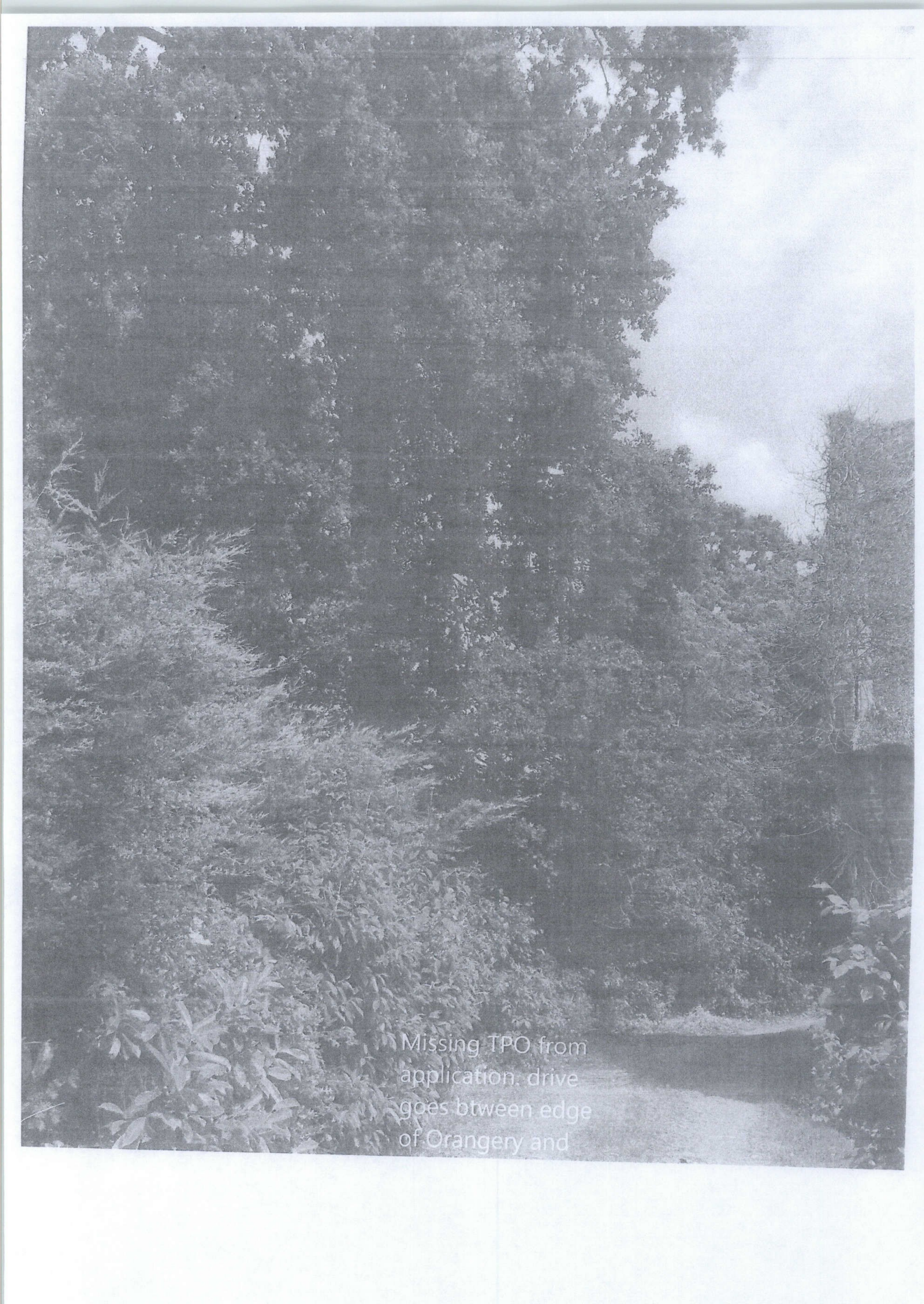
Start of Orangery
with PTO tree
adjacent building





Exit opposite
village hall and



Final part between
end of Orangery
and Acorn Lodge
before it opens
out into site



Missing TPO from
application: drive
goes between edge
of Orangery and

Internet Consultees

Application Reference06/16/0518/OAttachments

Invalid Consultee Comment?☐

Copy to existing Consultee?☐

NameMr K Saul

AddressAlbion, Main Road

Filby

Great Yarmouth

Norfolk

Post CodeNR29 3HS

Telephone

Email Address

For or AgainstOBJObject

Speak at Committee

I would like to object to the proposed development on the following grounds:- the junction of the access road with the Main Road (A1064) would be extremely dangerous, given the proximity of the busy entrance to the playing field/village hall, and the other nearby junctions at Thrigby Road and Church Lane. Either directly or indirectly, the development will destroy mature trees, some of which are covered by a TPO. The development will totally destroy the setting of two listed buildings (The Orangery and Filby House). The proposed plan is outside the village development area and should therefore not even be being considered. This also creates a dangerous precedent for future development applications, both within the grounds of Filby House and the surrounding rural area. I therefore urge you to reject this application.

Date Entered23-06-2018

Internet ReferenceOWPC1770

Great Yarmouth Borough Council

25 JUN 2018

Customer Services

S
Mr & Mrs D Shaw
Acorn Lodge
Thrigby Road
Filby
Great Yarmouth
Norfolk
NR29 3HJ

Dean Minns (Group Manager, Planning)
Development Control
Town Hall
Hall Plain
Great Yarmouth
NR30 2QF

Great Yarmouth
Borough Council

25 JUN 2018

Planning
Department

21 June 2018

Dear Sir

Planning Application No. 06/16/0518/0

With reference to the above application, we would like to reiterate the points highlighted in our objection letter sent to you in 2016, which still stand and have not been addressed.

In addition further issues highlighted below make this application totally inappropriate.

1. The proposed long narrow driveway, with no passing points, is totally inadequate as an entrance to any development. It runs approximately 100m round a blind fence and hedge lined bushes (not owned by the applicants). The submitted plans imply it is almost straight, giving the impression (wrongly) of good visibility, which it definitely does not have.
2. The driveway runs under large trees, mainly oaks, on our neighbours property. Strangely, only two of these are shown on the submitted plan. These trees are very tall and around 200 years old and all have Tree Preservation Orders. The construction of the access driveway and, worse still, bringing services along this route will cut into and damage the roots on that side of the trees. As these trees stand at least 35m tall this weakening of roots will inevitably increase the likelihood for one or more to fall in high winds and, with adjacent houses on both sides of these trees, the potential consequences are obvious.
3. The site is still outside the village planned area for housing to take place. Green spaces in Filby are disappearing at an alarming rate already due to the extensive housing development which has taken place over the past few years. Are we to have no green spaces for wildlife to exist in this village?

We respectfully request that representatives from the Planning Services Department come and visit this site before any decision is taken. The plan is not clearly detailed and we feel the issues we have highlighted should be looked into further.

Yours faithfully



Mr & Mrs D Shaw

Great Yarmouth Borough Council

21 JUN 2018

Customer Services

Ashfield

Thrigby Road

Filby

Great Yarmouth

Norfolk

NR29 3HJ

20th June 2018

Planning Services

Development Control

Town Hall

Hall Plain

Great Yarmouth

Norfolk

NR30 2QF

Great Yarmouth
Borough Council

21 JUN 2018

Planning
Department

Planning Application No. 06/16/0518/O

Proposed residential development of seven plots on land off Main Road, Filby

Dear Sir

I wish to **object** to the above planning application on the following grounds:

- 1. The plot is outside the development line for the village.**
No exceptions should be allowed to this, otherwise planning becomes a 'free for all'.
- 2. The village has already accepted more development than required of it.**
- 3. Access to the site is very problematic and unsafe.**
 - (a) Access would be onto a very busy main road; especially busy if the A47 Acle Straight is closed (as frequently happens), when the road becomes the primary access to Great Yarmouth from the west.
 - (b) The site access would be directly opposite a children's playground and the village playing field. This leaves no margin for error in the event of an accident, the consequences of which could be horrific.

4. Specific objections to the access track.

- (a) The planning update supplied is not to scale and incomplete. 2 trees at strategic points which have Tree Preservation Orders have been omitted.
- (b) In this regard, heavy, or frequent, traffic along the track will compact the soil causing tree damage, because the tree roots are unable to function properly.
- (c) The track is extremely narrow, measuring 5.8m and 6.8m at pinch points. Remember that both roadway and pavement will be needed.
- (d) There are no possible passing places along the length of the track, which is c100m long.
- (e) As a result, vehicles meeting on the track would be forced to reverse, possibly as far as 50m, a very dangerous manoeuvre approaching the main road.
- (f) Related to this, you cannot see from one end of the track to the other, because of a bend in the track.
- (g) HGV's (e.g. Refuse Vehicles) would have to travel very close to the edges of the track. The same would be true for large construction vehicles.
- (h) A Grade 2 Listed building runs alongside the track that would be very susceptible to vibration damage.

5. Provision of services to the site would cause great environmental damage.

Yours Truly



Mr L.J. MacDonald

Mrs B.E. MacDonald

The Orangery, Main Road, Filby, NR29 3HN

17th June 2018

Planning Application No. 06/16/05 18/0

Dear Sirs,

I write to object to the proposed development.

There is insufficient access to the site.

The track is not as on your plan, since your plan shows the track as widening, but in fact as registered with the land registry, my boundary is the same width all the way along the full length, as defined by the distance from the listed building to the west boundary at the narrowest point. There is no visibility along the track, since it bends. There is only room for one vehicle in one direction, and any large vehicle is at great risk of damaging the listed building.

There are four listed trees, not two as shown on your plan. These have already been damaged, and have limited root systems, as was proved when two others fell down this winter (see photos enclosed). If houses are built, then there will be damage to the roots from trenches cut to run sewerage and electric cables. One tree will certainly fall upon the Orangery (the listed building) as a result.

There are three dwellings already using the exit to the road. If a further seven are constructed, there will have to be a road and pavement to adoptable standard, provided. This cannot be achieved due to the width of the track. We would need a pavement to be provided to exit our dwelling, and there would be no room for a roadway.

Please do not allow this development.

Yours faithfully



Mark Rumble

Great Yarmouth
Borough Council

19 JUN 2018

Planning
Department

to ENCLOSURE

Graham Clarke
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
Norfolk
NR30 2QF

Your Ref: 06/16/0518/O
Date: 26 October 2017

My Ref: 9/6/16/0518
Tel No.: 01603 638070
Email: stuart.french@norfolk.gov.uk

Dear Graham

**Filby: Proposed residential development - 7 plots
Main Road (Off) Filby GREAT YARMOUTH NR29 3HN**

Thank you for your recent notification of revision with respect to the above.

The revised plan (No.15 dated Sept 2017) indicates that with modification to the access layout, that visibility in accordance with current standards can be achieved, subject possibly to some tree trimming /removal. Drawing no 04a dated July 2016, previously submitted, indicates the extent of land in the ownership of the applicant and in this respect the modification of the access and visibility splays fall within the applicant's stated ownership. It would appear, however, that the revision to the access may be outside of the planning application boundary, but I will leave that for the LPA to consider.

Given that access is to be determined under this application, I would have preferred to see a detailed access layout provided, however, I can deal with this by appropriate condition

Previous revisions have also addressed my concerns regarding turning provision.

Accordingly in highway terms, my holding objection is withdrawn subject to the following conditions and informative notes being appended to any grant of permission your Authority is minded to make.

SHC 10A Prior to the commencement of the use hereby permitted the vehicular access (indicated for improvement on drawing number 15) shall be upgraded to a minimum width of 4.5 metres in accordance with the Norfolk County Council residential construction specification TRAD 5 (attached) for the first 5 metres as measured back from the near channel edge of the adjacent carriageway. The remainder of the existing access shall be permanently closed, and the

Continued/...

footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, concurrently with the bringing into use of the new access. 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.

- SHC 11 Notwithstanding the submitted details unless otherwise agreed in writing by the Local Planning Authority the proposed private drive shall be maintained in perpetuity at a minimum width of 4.5 metres for a minimum length of 10 metres as measured from the near edge of the highway carriageway and shall be constructed perpendicular ($\pm 10^\circ$) to the highway carriageway for that said distance.

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 2015, (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 20 Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 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 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.

- Inf. 2 This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

Continued/...

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. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group. Please contact Developer Service 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.

Inf 10 Please be aware it is the applicants responsibility to clarify the boundary with the public highway. Private structures such as fences or walls will not be permitted on highway land. The highway boundary may not match the applicants title plan. Please contact the highway research team at highway.boundaries@norfolk.gov.uk for further details.

Yours sincerely

Stuart French

Highways Development Management & Licensing Officer
for Executive Director for Community and Environmental Services

From:

To: Building Control Manager

My Ref: 06/16/0518/O

To:

From: Development Control Manager

Date:

4th June 2018

Case Officer: Mr G Clarke

Parish: Filby 6

Development at:-

Main Road (Off)

Filby

GREAT YARMOUTH

NR29 3HN

For:-

Proposed residential
development - 7 plots

Applicant:-

Mr K Gray and family
c/o Graham Blyth Building Design
Acanthus House
5 Mitre Tavern Yard
NORTH WALSHAM

Agent:-

Mr G Blyth
Graham Blyth Building Design
Acanthus House
5 Mitre Tavern Yard
NORTH WALSHAM

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 18th June 2018.

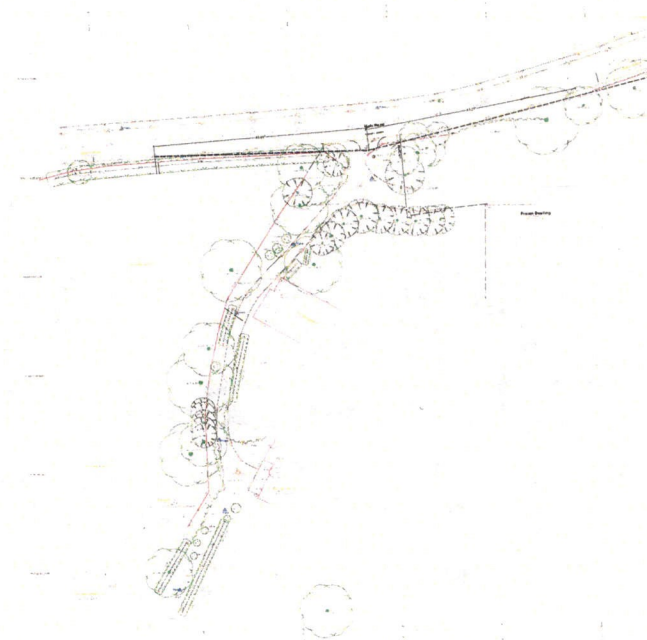
COMMENTS:

5/6/2018/

Site will need to be accessed by the
Fire & Rescue Service (BS requirement) - the
main two requirements are that the access
road must be min. 3.7m wide between kerbs
and there must be an adequate turning
circle / turning head (this should be easily
achievable). *AS*



PROPOSED RESIDENTIAL DEVELOPMENT
MAIN ROAD
FILBY



Land at Filby			
PROPOSED RESIDENTIAL DEVELOPMENT			
MAIN ROAD			
FILBY			
NORWICH			
NR29 3JN			
Client: N. Gray and Family			
Graham Blyth Building Design + Planning Services, 5 Mitre Tavern Yard North Walsham, NR28 9BN Tele 01692 402365			
Custodian			
Site and Location Plans			
Project: NR2	Scale: 1:1250 (1:500)	Drawn by: JLB	
Reference: 105	Date: 01/11/01	Check: JLB	
Author: JLB	Drawn: JLB	Scale: 1:1250	
Project: NR2	Scale: 1:1250	Drawn: JLB	
Reference: 105	Date: 01/11/01	Check: JLB	

TYPE 3 TURNING HEAD ADDED
 OWNERSHIP OF LAND WITHIN THE VISION SPLAY ADDED

