

Reference: 06/18/0545/O

Parish: Burgh Castle

Officer: D Minns

Expiry Date: ETA

Applicant: Dovedale Homes (Norfolk) Ltd

Proposal: 7 dwellings with garaging and access road

Site: Butt Lane Dovedale (Land rear of)

1. Background / History :-

- 1.1 Since submission of this application it has been subject to the variation and discussion with planning officers. The application has gone from 9 dwellings to 30 dwellings and in its current form, 7 dwellings. The application site has also been reduced in scale from 1.8 hectares (4.3 acres) to 0.5 hectares (1.2 acres)
- 1.2 The application is an outline application i.e. for the principle of development with only the means of access to be considered as part of this application. The application does include indicative drawings of how the site can be developed, including an indication of landscaping. A Tree Preservation Order has also been served on the site since submission.

The Site and Context

- 1.3 The application site is to the rear of five properties fronting Butt Lane in Burgh Castle. Access to the site is from Butt Lane facilitated by the demolition of Dovedale, which is a single storey property fronting onto Butt Lane. The main bulk of the site to the rear of Dovedale is currently used for paddocks and is served by an unmade track that runs to the front, side and rear of Dovedale.
- 1.4 In term of local plan designation, the site is located outside the village development limits for Burgh Castle abutting the existing residential properties fronting Butt Lane including their rear gardens which are in the village developments limits. The length of the existing rear gardens abutting the site is on average some 55m long.
- 1.5 There are mature trees to the front of application site adjacent to Butt Lane and a line of trees within the main body of the application site. Dovedale sits amongst a line of established residential properties fronting onto Butt Lane. Residential

development in the area comprises a mix of scale and design and age. Beyond the residential properties further along Butt Lane are holiday parks.

- 1.6 The application is accompanied by several supporting documents including a bespoke Shadow Habitats Regulation Assessment, Ecological and Arboriculture Impact Assessment. indicative plans and a design and access statement. Aside from this application in its various forms, there is no previous relevant planning history on the site.

2.0 **Consultations:- All consultation responses received are available online or at the Town Hall during opening hours. The following responses are to the previous schemes followed by revised for 7 received at the time of writing the report. Any further responses will be reported The Committee will be updated**

2.1 **Parish Council – (to 9 and 30 – any further comments with be reported)**The Parish Council Strongly object to the application. The objections being the development is outside the local plan development site. Concerns about the width of the entrance to the new houses, it would be very difficult for large vehicles to turn into it. The pathway and Butt Lane road itself is too narrow, The road is not capable of dealing with anymore traffic that would be generated by additional housing. All utilities, including the sewerage system is already over stretched, any more houses would compound the problem. As NCC Highways have previously stated further development is not needed in Burgh Castle.

Comments on the revised submission: it was agreed by members to object to the above application. The proposed development is outside the Borough Development Plan. The proposed repositioning of 'Dovedale' will overlook the adjoining property is not using the existing building line. Highways concerns including dangerous access to the site, inadequate splay, width of Butt Lane at the point, it is not wide enough and has a bus stop and residents parking. Concern over increase of traffic on Villages inadequate roads in general. Water and sewer services would not be able to cope with a large development. Also concern over other services such as Doctors and dentists being able to cope with further increase in resident numbers. Natural England have already objected on the previous smaller development application.

06/18/0545/O Butt Lane, Dovedale (land rear of) 30 dwellings with garages and access road now reduced to 7 properties plus a replacement for 'Dovedale' itself It was agreed by all members to object to the application above.

The proposed development is outside the Borough Development Plan.

Highways concerns including dangerous access to the site, inadequate splay, width of Butt Lane at that point, it is not wide enough there is a designated Bus Stop which will be up to the road junction also there is always residents parking which runs well past the proposed entrance from the Mill Road junction. Also light from vehicles exiting the site will shine directly at the property opposite on Butt Lane

Water and sewer services would not be able to cope with any further developments. (there was a another major sewage overflow into Porters Loke field in late Sept 2020 due to an issue with the sewage system)

latest application appears to allow for the removal of 2 trees at the front of the site now covered by TPO 9 of 2020

Natural England have already objected on the previous smaller development application

SHOULD any permission granted (against our wishes) a condition is required that the replacement for 'Dovedale' itself is single story and not directly against or overlooking the neighbouring properties boundary

2.2 Neighbours – 12 letters of objection were received to the application for 30 dwellings.(1) Following further consultation on the revised application for 7 units covering the following points: a further 3 representations were received (2)

(1)

- Disruption arising from construction
- Butt Lane is too narrow (especially when considering the bus stop and parking)
- Revised proposal has increased the housing proposed by 300%
- Would rather bungalows
- Pressure on water / sewerage infrastructure
- Surface water flooding
- Will no longer be able to burn garden waste
- Not identified in the local plan for development
- Will lead to further building in Burgh Castle
- Will lead to power cuts
- Extra traffic especially during summer months
- How will bins be collected?
- Archaeological investigation needed due to proximity to Burgh Castle
- Pressure on schools and health service
- Granny annexe was refused therefore so should this be
- Privacy concerns / overlooking
- Visibility concerns re the proposed access
- Evidence of newts and slow worms in the area
- Added noise and pollution
- Building on greenfield / agricultural land
- Could hours of work be restricted to no Saturday work?
- No space provided for visitor parking
- The mature walnut tree will be cut down

- Proposed road for future development site
- Will devalue existing properties
- Impact on the flora and fauna due to proximity to Belton Dyke
- Access will take away the pavement on Butt Lane
- Lack of employment opportunities and public transport in Burgh Castle

(2) Three objections received to this amended application

- Reduction in numbers is a foot in the door for more dwellings in the future
- Strongly object -although the access is improved Butt Lane remains very busy
- The access is located at the narrowest point and where the bus stops
- Heavy lorries and caravan use Butt Lane going to Welcome Pit and Holiday Parks
- We feel that if approved could set a precedent for further development
- It is a shame to have further farmland build upon
- The development block is more invasive being located behind existing properties
- There must be other roadside land that can be built on to accommodate 7 dwellings
- The site is close to the junction with Butt lane which is overused and dangerous
- We have noticed that on road parking has increased in the direction of Butt lane and Stepshort because of the lack of off- street parking for some properties in the area

2.3 Highways – I raised no objection subject to conditions.

2.4 Building Control – No Comments.

2.5 Environmental Health – This application has been considered and there is no objection in principle to the proposal. If permission is granted, then the following conditions should be applied:

Hours of work :

Due to the close proximity of other dwellings the hours of any construction of refurbishment works should be restricted to:

- 0730 hours to 1830 hours Monday to Friday
- 0830 hours to 1330 hours Saturday
- No work on Sundays or Bank Holidays

Local Air Quality

The site will potentially generate a significant amount of dust during the construction process; therefore, the following measures should be employed:

- An adequate supply of water shall be available for suppressing dust;
- Mechanical cutting equipment with integral dust suppression should be used;
- There shall be no burning of any materials on site, which should instead be removed by an EA licenced waste carrier, and the waste transfer notes retained as evidence.

Contaminated Land

Prior to the commencement of the development and to the satisfaction of the Environmental Services Manager, a Phase 1 contamination report shall be carried out to assess whether the land is likely to be contaminated. The report shall also include details of known previous uses and possible contamination arising from those uses. If contamination is suspected to exist, a Phase 2 site investigation is to be carried out to the satisfaction of the Environmental Services Manager. If the Phase 2 site investigation determines that the ground contains contaminants at unacceptable levels, then the applicant is to submit a written strategy detailing how the site is to be remediated to a standard suitable for its proposed end-use to the Environmental Services Manager. No buildings hereby permitted shall be occupied until the remediation works agreed within the scheme have been carried out to the satisfaction of the Local Planning Authority.

In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All development shall cease and shall not recommence until:

- 1) a report has been submitted and agreed in writing by the Local Planning Authority which includes results of an investigation and risk assessment together with proposed remediation scheme to deal with the risk identified and
- 2) the agreed remediation scheme has been carried out and a validation report demonstrating its effectiveness has been approved in writing by the Local Planning Authority.

- 2.6 Local Lead Flood Authority – Response received stating that they have no comments to make on the application as it falls under their size threshold. Standard advice that as the LPA that the Council. Needs to ensure that the application complies with NPPF para 155 -165 of NPPF by ensuring that the proposal would not increase flood risk elsewhere and will incorporate sustainable drainage systems.
- 2.7 NHS – No objection.
- 2.8 Anglian Water – No Objection – the foul system from this development is in the catchment of Caister which has capacity to accept the flows.
- 2.9 Norfolk County Council Fire – No Objections providing the proposal meets the necessary requirements of the current Building Regulations 2000 – Approved Document B (volume 2 – 2006 edition amended 2007, 2010, 2013) as administered by the Building Control Authority - Fire Hydrant condition Required.

2.10 Historic Environment – Comments and Subject to conditions

The topographical location of the above-mentioned application on a southwest facing slope overlooking Belton Fen to the south and the River Waveney to the west make it a favourable site for settlement and other activities during the prehistoric and Roman periods

There is potential for heritage assets buried archaeological remains of possible prehistoric and Roman date to be present within the proposed development area and that the significant would be adversely affected by the proposed development.

If planning permission is granted, we would therefore ask that this be subject to a programme of archaeological work in accordance with National Planning Policy Framework (2018) paragraphs 188 and 199.

We suggest 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 significant 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 and records of the site investigation, 4) 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/ organisation to undertake the works set out with 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.

2.11 Water Management Alliance – No Objection

2.12 Broads Authority – Confirm they have no comments to make on the application

2.13 Assistant Grounds Manager and Arboricultural Officer –

There are a number of trees at the site's entrance on Butt Lane worthy of retention. They are of high amenity value with long life expectancy and are very visible to the wider public. There are a number of trees to the west of the site that are also of good quality and worthy of retention. An Arb assessment would be necessary to ensure the trees are considered and protected during the development; also, a reduction of the number of units is needed to accommodate the trees.

The trees at the front will disrupt the access to the site however I would say they are far enough back from the carriage way not to cause obstruction to the visibility display; this would have to be assessed by NCC highways (also its proximity to Mill lane).

The trees marked upon the plan look like the existing trees. The proposed access road passes between the existing trees; this road will have to be constructed with no dig techniques and anti-compaction measures taken to avoid damage to the roots and the loss of the trees.

I agree that the 'rear' trees will be located in the gardens or indeed will be outside of the development altogether.

(2) Having looked over the Arboricultural Assessment for the above development at Dovedale, Butt Lane, Burgh Castle I agree with its findings on the whole.
06/07/20

However, the removal of T24 and T26 is not acceptable. These are of high amenity value and have been judge suitable of a TPO (this is corroborated by the Arb assessment report findings of Cat B1).

Appendix 4 – Tree Protection plan shows a pink hatched area (no-Dig Surfacing). This should be implemented to protect the trees, including T26 and T24 if retained – 'pink hatched area north and south of these trees.
This would require further lines of protective tree barriers

The trees adjacent to the driveway may need some remedial works to remove branches to allow access of construction traffic to the site during the development process – e.g. crown lift up to 5m where possible, reduce overhanging branches by 2m where necessary.

- 2.14 Payment of £110 per dwelling as a contribution under policy CS14 shall be payable as required by the Habitats Monitoring and Mitigation Strategy. This payment shall be before occupation of any dwellings for the avoidance of doubt.
- 2.15 Anglian Water – No objection there is capacity in the system

3.0 Local Policy

- 3.1 Local Policy - Saved Great Yarmouth Borough-Wide Local Plan Policies (2001):
- 3.2 Paragraph 213 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the Local Plan is to the policies in the NPPF the greater the weight that is given to the Local Plan policy. The Great Yarmouth Borough Wide Local Plan was adopted in 2001 and the most relevant policies were 'saved' in 2007. An assessment of policies was made during the adoption of the Core Strategy December 2015 and these policies remain saved following the assessment and adoption.
- 3.3 The Saved Policies listed have all been assessed as being in general conformity with the NPPF and add further information to the policies in the NPPF, while not contradicting it.
- 3.4 HOU16: A high standard of layout and design will be required for all housing proposal. A site survey and landscaping scheme will be required with all detailed applications for more than 10 dwellings. These should include measures to retain and safeguard significant existing landscape features and give details of, existing and proposed site levels planting and aftercare arrangements.

4.0 Core Strategy – Adopted 21st December 2015

- 4.1 Focusing on a Sustainable Future Growth within the borough must be delivered in a sustainable manner in accordance with Policy CS1 by balancing the delivery of new homes with new jobs and service provision, creating resilient, self-contained communities and reducing the need to travel. Key considerations include ensuring development is of a scale and in a location which contributes and supports the function of individual settlement and creates safe accessible places which promote healthy lifestyles by providing easy access to jobs, shops, community facilities by walking, cycling and public transport.
- 4.2 CS2 Achieving Sustainable Development: The site is adjacent to a 'Secondary Village' as identified in Policy CS2 of the Core Strategy. Secondary and Tertiary villages are only expected to deliver approximately 5% of new development. Since the beginning of the plan period 8% of new homes have been built within Secondary Villages. Based on existing consents and proposals in the emerging plan it is expected that this figure will fall to 4%. Policy CS2 states that the percentages listed in the policy may be flexibly applied but within the context of ensuring that the majority of new housing is met within the key service centres and main towns. Secondary villages are defined in the settlement hierarchy as are settlements containing few services and facilities and very few employment

opportunities and therefore is a less sustainable location for major housing development.

- 4.3 Policy CS4: The need to provide additional affordable housing is one of the greatest challenges facing the borough. The Council will ensure that an appropriate amount and mix of affordable housing is delivered throughout the borough.
- 4.4 Policy CS9: Encouraging well designed and distinctive places. This policy applies to all new development.
- 4.5 Policy CS11: The Council will work with other partner authorities and agencies to improve the borough's natural environment and avoid any harmful impacts of development on its biodiversity, geodiversity, landscape assets, priority habitats and species.
- 4.6 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)

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

5.0 Emergent Local Plan

The Local Plan Part 2 has recently been submitted and is therefore at an advanced stage. In accordance with paragraph 48 on submission, those policies of the plan which have no unresolved objections could be given more significant weight. The following relevant policies fall into that category include Policy E7 – Water conservation

- 5.1 Other policies relevant to the application but can only be afforded limited weight due to outstanding objections are:
- Policy GSP1 – Development Limits – the majority of the site remains outside of the proposed development limits and therefore contrary to the emerging police
 - Policy A2 – Housing Design Principles – requires dwellings to meet building regulations standard M4(2) for adaptable homes and sets other detailed design requirements.
 - Policy E4 – Trees and Landscape – requires retention of trees and hedgerows
- 5.1 This site was previously put forward as an allocation in the emergent plan for Burgh Castle but not selected at the pre final draft stage for the following summary reason

Site 5 – Back land development, access would need to be demonstrated, possibly in conjunction with Site 6. Trees and landscape

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

6.1 Paragraph 2: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

6.2 Paragraph 7: The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴.

6.3 Paragraph 8: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

6.4 Paragraph 11 (partial): Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.5 Paragraph 48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

6.6 Paragraph 55. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

6.7 Paragraph 59. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

6.8 Paragraph 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.9 Paragraph 122. Planning policies and decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.
- 6.10 Paragraph 170 (partial). Planning policies and decisions should contribute to and enhance the natural and local environment by:
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- 6.11 Paragraph 177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

7.0 Local finance considerations: -

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus or the Community Infrastructure Levy. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. It is assessed that financial gain does not play a part in the recommendation for the determination of this application.

8.0 Shadow Habitats Regulation Assessment

- 8.1 The applicant has submitted a bespoke Shadow Habitat Regulations Assessment (HRA). It is confirmed that the shadow HRA submitted by the applicant has been

assessed as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.

- 8.2 The Natural Environment Team at Norfolk County Council have assessed the shadow HRA which was updated in January and assessed it as follows: The application is supported by an HRA and Preliminary Ecological Appraisal. There are no objections on logical grounds and conditions are recommended.
- 8.3 Great Yarmouth Borough Council as Competent Authority can accept the Appropriate Assessment and the development can be mitigated by payment of £110 per dwelling prior to occupation of the development.

9.0 **Assessment**

- 9.1 The application is an outline application for the erection of 7 dwellings. As referenced above, the application has been revised through discussion with the applicant with the size of the site reduced from 1.8 hectares to 0.5 hectares which includes the means of access to the site.
- 9.2 The application site is within close proximity to the Broads Authority Executive Area and as such weight should be given to the impact of the development on this area as a material consideration of the application.

The Principle of Development

- 9.3 The application is an outline application for the erection of 7 dwellings. The application has been revised through discussion with the applicant with the size of the site reduced from 1.8 hectares to 0.5 hectares which includes the means of access to the site. The size of development proposed is considered commensurate with the status of Burgh Castle as a secondary village in the Local Plan settlement hierarchy. The means of access to the site has also been demonstrated for up to 30 dwellings with the application site (red line) being amended to include additional land to achieve the required visibility splay and has been accepted by the highway authority subject to appropriate conditions and a legal obligation to ensure it is achievable. In doing so the site plan includes removal of trees on the Butt Lane frontage and these are discussed in greater detail below.
- 9.4 The reduction in site area also addresses a concern raised by officers when the application was initially submitted for nine dwellings. This being that the site was considered to represent under development of the land in the context of the National Planning Policy Framework which seeks to make the use of the land which was a

previous concern of officers when the application was submitted for 9 dwellings on the larger site and led to the application increasing in scale. .

- 9.5 In terms of the impact on residential amenity the number of properties potentially impacted by the current proposal is reduced in that the site no longer abuts the same number of rear gardens of the Butt Lane properties and the number of highway movements associated the potential decreased as result of the reduction in the number of properties.
- 9.6 Concerned is still raised by a number of properties about the principle of development and that the new access will be a way in for additional development to utilise the access in the future. The application includes an indicative layout of how the site could be developed but at this stage the layout, scale appearance of the development is not part of this application. Any approval would need to be conditioned those elements for submission for the reserved matters stage. The length of the gardens to the Butt Lane properties would help reduce the impact upon the Butt Lane properties. It is also acknowledged that there are a number of out buildings including an annexe within the rear garden of the property next to Dovedale and any future proposals would need to take this into account.
- 9.7 Drainage – the applicant has submitted a Flood Risk Assessment. The site is shown to be in fully Flood Zone 1 and this is confirmed by the Council's mapping system. This means that the site is at low risk of fluvial/tidal flooding. The site is also is not identified as being at risk of surface water flooding. The report states that the soil is permeable so the drainage system is to be expected to comprise soakaways across the site but the development will require a surface water strategy to be submitted as part reserved matters should the application be approved.
- 9.8 Trees – There are a number of trees on the site both at the front of Dovedale and on the land to the rear that could be affected by development of both the dwellings and the access road. The applications have submitted an Arboricultural report which includes a visual assessment of the trees. The trees have also been assessed by the Assistant Grounds Manager and Arboricultural Officer and a provisional Tree Preservation Order has been place on some of the trees at the frontage of Dovedale.
- 9.9 The report states there are trees located in both Dovedale and in the fields to the west. However, the Arboricultural assessment solely focuses on the new site entrance and the surrounding trees with six trees are included in this report (T21-T26).
- 9.10 Five individual trees (T21-24, T26) have been classed as Category B. These trees are generally in good condition and confer landscape values. With the conclusion they are suitable for retention where possible in the context of a development.

- 9.11 One individual tree (T25) has been classed as Category C. This tree is young and does not play such a significant role in the local landscape. C category trees are usually of such a quality that the Local Authority may consider it acceptable for them to be removed for development purposes, if required.
- 9.12 Any trees that are retained will be provided with their proper protection according to BS5837:2012 regardless of the category in which they have been placed.

Proposed new site entrance

- 9.13 The road and pavement are within the position of two B category trees (T24, T26) and one C category tree (T25). The report says they will need to be removed to facilitate this aspect of the development and replaced elsewhere on site.
- 9.14 The road and pavement are also within the root Protection Area (RPA) of T21-23 and will therefore, need to be constructed using a No-Dig surface at or above ground level. The key point is that it will be constructed without excavation. The surface should be designed by an engineer to ensure it is suitable for the traffic and loading that will be experienced when it is in use. It is likely that a three-dimensional cellular confinement system will provide the best solution.
- 9.15 The report notes that there are several manufacturers of cellular confinement systems including "Cellweb" by Geosyn, Geocell by Terram or another proprietary three-dimensional cellular confinement system.
- 9.16 The areas in question have been marked with purple hatching on the Tree Protection Plan (TPP, Appendices 4). The surface can be no closer than 0.5 m from the stem of any retained tree. Any design must be approved by the consulting arboriculturist and the Local Authority Tree Preservation Officer. The construction of the no-dig surface must be supervised by the consulting arboriculturist.
- 9.17 The road is situated within the current branch spreads of T22 and T23, which will need facilitative crown raising to provide clearance between the outer branches and the new access and sufficient clearance for construction works. The amount of pruning will be agreed with the consulting arboriculturist and carried out prior to the commencement of construction works.

Services and Soakaways

- 9.18 No details of any new service runs have been provided. They should be routed to avoid the RPAs of trees. If this is not possible, special techniques must be employed to place the services within the RPA of the trees. The British Standard suggests a range of trenchless methods suitable for various applications including micro

tunnelling, surface launched directional drilling, pipe ramming and impact moleing/thrust boring.

- 9.19 It is important common ducts should be used where it is not possible to avoid the RPA. Further guidance on installing underground services adjacent to trees can be found in the NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Volume 4 Issue 2). This document outlines a number of techniques that may be used for trenching near trees, including trenchless techniques, discontinuous trenching and hand digging.
- 9.20 The trees will be securely pit planted in holes excavated to at least 75 mm wider in all dimensions than the rootball of the tree, at a depth no deeper than the height of the root ball/root collar and back-filled with soil excavated from the tree pit. Each would be supported with a treated softwood stake inserted at a 45-degree angle to the ground, avoiding the rootball. Adjustable rubber ties will secure the trees to the stakes. Spiral guards (60 cm x 38mm) will be wrapped around the lower stem to prevent mammal damage. Mulch will be placed around each tree at depth of 50-100 mm and at a diameter of 1 m to reduce weed growth.
- 9.20 The trees will be maintained for a 5-year period. Work will include keeping a circular area with a 0.5m radius centred on the stem of the trees free from weed growth using either herbicide or mulch, checking supports and guards and replacing any failures during the period with trees of the same species and quality.
- 9.21 Biodiversity - The development gives the opportunity for biodiversity enhancements which can come through at reserved matters stage. Enhancements include planting which can include trees that have a long-life span and could provide future roosting locations, bat and bird boxes erected on the dwellings to encourage protected species to the area and, with specific regard to bats, planting of night smelling flowers as part of the landscaping scheme. In addition, the fences should have gaps or holes provided to allow for the free movement of hedgehogs to mitigate the loss of open habitat.
- 9.22 Given the location of the development set back from the road through Burgh Castle, Butt Lane, the land to the beyond the rear of the site is in the Broads Executive Area. The Broads Authority have no objection to the original proposals. The reduction in site area further reduces the impact on the Broads landscape.
- 9.23 Regarding biodiversity and ecology. The applicant has submitted an updated habitat and ecology report which. has been assessed both by the Natural England and the County Ecologist. Both parties have no objection to the proposal subject to the conditions and mitigation package.

9.24 To minimise and mitigate for potential impacts on bats a Lighting design strategy for light-sensitive biodiversity should be conditioned:

“Prior to occupation, commencement a ‘lighting design strategy for biodiversity’ for shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- (a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example foraging; and
- (b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to breeding sites, resting places or feeding areas.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

To secure habitat enhancement and biodiversity gain, in accordance with NPPF, a Biodiversity Method Statement, containing all recommendations made in the Phase 1 Ecological Survey report (NWT, 2019) should be conditioned.

“No development shall take place (including any demolition, ground works or site clearance) until a biodiversity method statement [for ...specify if required...] has been submitted to and approved in writing by the LPA. The content of the method statement will include:

- Purpose and objectives for the proposed works,
- Detailed designs and/or working methods necessary to achieve the stated objectives
- Extent and location of proposed works shown on appropriate scale maps and plans,
- Timetable for implementation, demonstrating that works are aligned to the proposed phasing of construction,
- Persons responsible for implementation of the works,
- Initial aftercare and long-term maintenance (where relevant);
- Disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”

Recommendation: Nesting Bird Informative “The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while the nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present. Cut vegetation is to be either removed from site or chipped. Piles of brash are not to be stored on site as this provides potential nesting habitat for birds. If piles of brash are left on site during the main breeding bird season these will need to be inspected for active nests prior to removal.”

- 9.25 Highways – following amendment to the proposal and clarification of the access arrangements have no objection to the proposal subject to the conditions and a legal agreement to ensure that a visibility splay in accordance with Norfolk County standards. The access as shown is capable of serving up to 30 dwellings. Part of the required visibility splay to serve the development is outside the ownership of the applicant i.e. it is 3rd party land and whilst notice was served on the 3rd party as part of the application process the 3rd party will need to be party to the section 106 agreement to ensure that the development complies with the County requirements.
- 9.26 Local Representation - There have been a number of objections and the Parish Council to the principle of development. For transparency this are summarised above for all three variations of the application. The objections include the fact that the site is outside the existing development boundary, concerns on safety grounds inadequate visibly and the width of Butt Lane its ability to accommodate increased traffic movements and in general more widely on what the Parish Council consider inadequate village roads. Further concern also raised over the impact upon the general infrastructure in the village on water and sewer services and the doctor and dentist. The concerns are echoed by local residents. In addition, there is also concern about the impact of the development on the residential amenity of the residential properties adjacent to the site.
- 9.27 The application is in outline only at this stage. This application seeks to establish the principle of development of 30 dwellings on the site along with the means of access The indicative design does illustrate how the site can be developed but the actual layout and design etc would be determined at the reserved matters or detail stage. The objections are material considerations for Committee to consider in the

determination of the application. The weight to be accorded to these factors is also a matter for the Committee to determine.

- 9.28 Local Plan – The site is currently outside the village development limit for Burgh Castle. The settlement hierarchy in the Core Strategy is set out above with Burgh castle being identified as a secondary settlement.
- 9.29 Emergent Plan - The emerging Local Part 2 does not rely on allocations in Burgh Castle to meet its housing need, From a policy point of view there is no strategic policy objection to the principle of development for this number of dwellings at this location having been reduced from its previous scale..
- 9.30 An important factor when determining applications is whether a Local Authority has the ability to demonstrate a five-year housing land supply. If a Local Planning Authority cannot show that they are meeting this requirement, their policies with regards to residential development will be considered to be "out of date". There is currently a housing land supply of 3.74 years based on the requirement set out in the Core Strategy which is a clear shortfall.. Although this does not mean that all residential developments must be approved the presumption in favour of sustainable development must be applied.
- 9.31 In weighing the material considerations in this application considerable weight must be given to Paragraph 11 (d) of the National Planning Policy Framework states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits. Footnote 7 states that “this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”
- 9.32 Whilst various policies are of importance for determining the application (and these are highlighted above), the most important policy for the determination of the application is, in my judgement, Saved Local Plan Policy HOU 10, New Dwellings in the Countryside. This policy – which essentially deals with settlement boundaries – is clearly out-of-date and this confirms that the “tilted balance” therefore applies.
- 9.33 In considering the adverse impacts of the proposal the potential loss of the trees at the frontage of the site is a material consideration in the determination of this application. The trees have recently been subject of a Tree Preservation Order and the potential loss of the trees identified above should be balanced against the benefits of the provision of the dwellings.

- 9.34 The Council Arboricultural Adviser broadly agrees with the Arboricultural Report submitted to support the planning application and assessment of the trees therein but considers that the removal trees T24 and T26 is not acceptable. This is because the trees are considered to be of high amenity value and have been considered to be worthy of a Tree Preservation Order. It is therefore recommended that in considering the principle of development that any approval is subject to the retention of T24 and T26 and subject to the no-dig surfacing conditions as set out in the Arboricultural report .
- 9.35 If Members are minded to approve the application including the removal of T24 and T26 as set out in the applicant's report any approval should be subject to the full replanting schemes set out in the Arboricultural report and the specification therein.

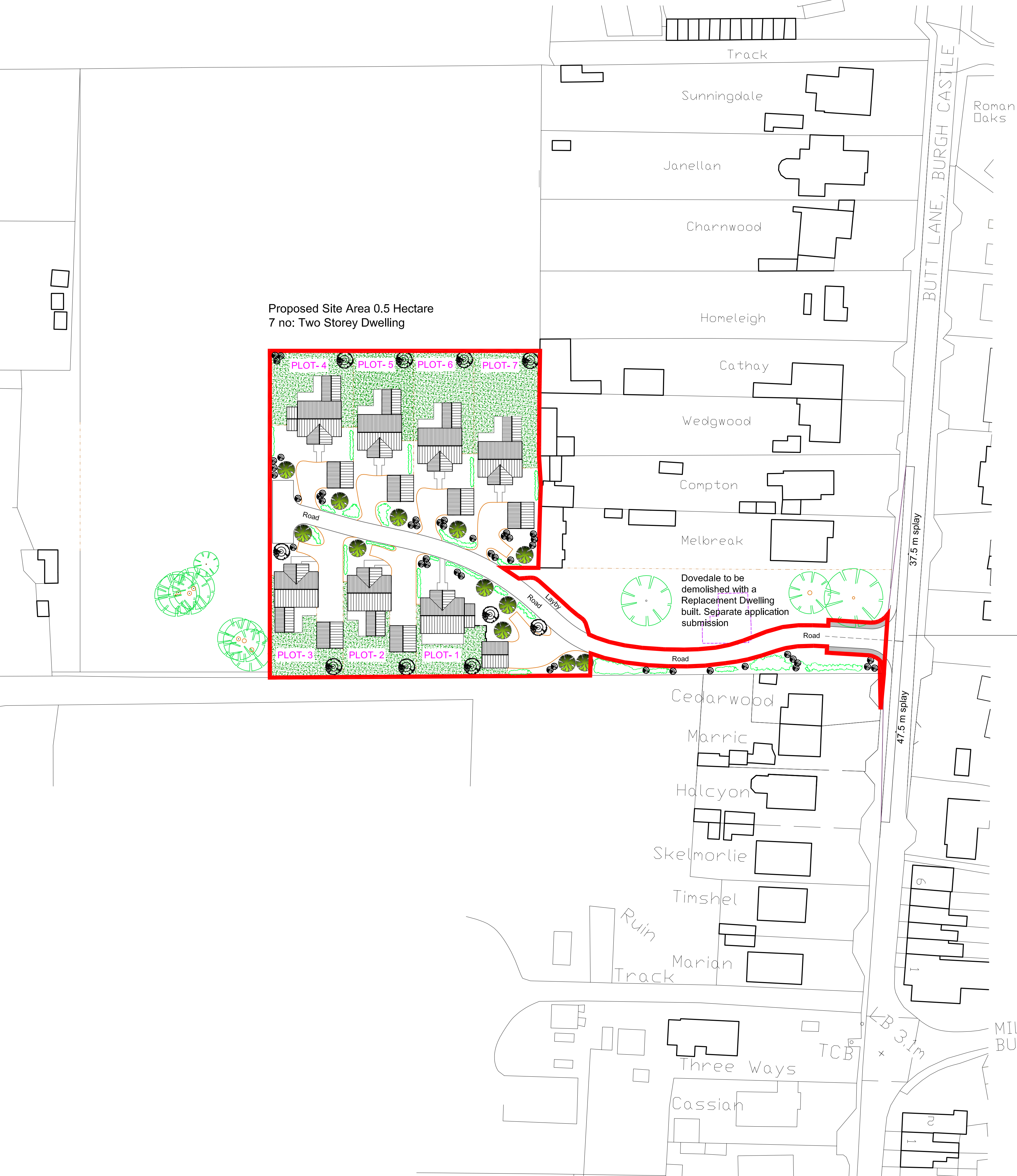
10 RECOMMENDATION:-

- 10.1 The application is not one that can be assessed without balancing the material considerations carefully. The lack of a 5 year housing land supply and the need to provide housing provides a material reason for approval in favour of the development and, it is assessed on marginal balance, subject to protection of the trees referred to above that the harms identified do not significantly and demonstrably outweigh the benefits of providing housing..
- 10.2 Approve – subject to the conditions to ensure an adequate form of development including those requested by consultees and a one year condition for the submission of reserved matters and a s106 agreement securing Local Authority requirements for Natura 2000 payment and those required by the highway authority to secure any required visibility splay The proposal complies with the aims of Policies CS2, CS3, CS9, CS11 and CS14 of the Great Yarmouth Core Strategy.

Back ground Papers 06/18/0545/O

PROPOSED SITE LAYOUT PLAN

SCALE: 1:500



Proposed Site Area 0.5 Hectare
7 no: Two Storey Dwelling

Site Details Ecology Proposals:

- Planting:
 - To be a high level of native speciesPlanting design to be agreed
- Boundary Fencing:
 - To have a minimum 100 mm sq openings to allow wildlife and in particular hedgehogs movement around the site.
- Bird Boxes - To be installed throughout the site - Minimum 2 per dwelling constructed Recommend RSPB nesting box
- Bat Boxes - To be installed throughout the site in sensitive areas - Suggest 20 boxes across the site Recommend NHBS box

Site Details:

7 no: mixed dwelling development with garaging, gardens, drives, boundary fencing, planting, etc.

Materials:

Mixture to reflect a modern contemporary design approach respecting the local context.

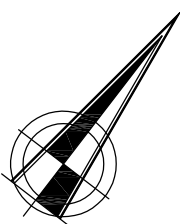
Trees:

- Retained Trees on Site TPO & Others
- Replacement trees for T24, T25 & T26
4 no: Corsican Pine; 4 no: Japanese rowan; 4 no: Scots pine - Total of 12 no: Scheme Layout to be agreed
- Extensive Tree Planting Scheme Layout to be agreed Along with hedge planting layout to be agreed

Access Drive & Visibility:

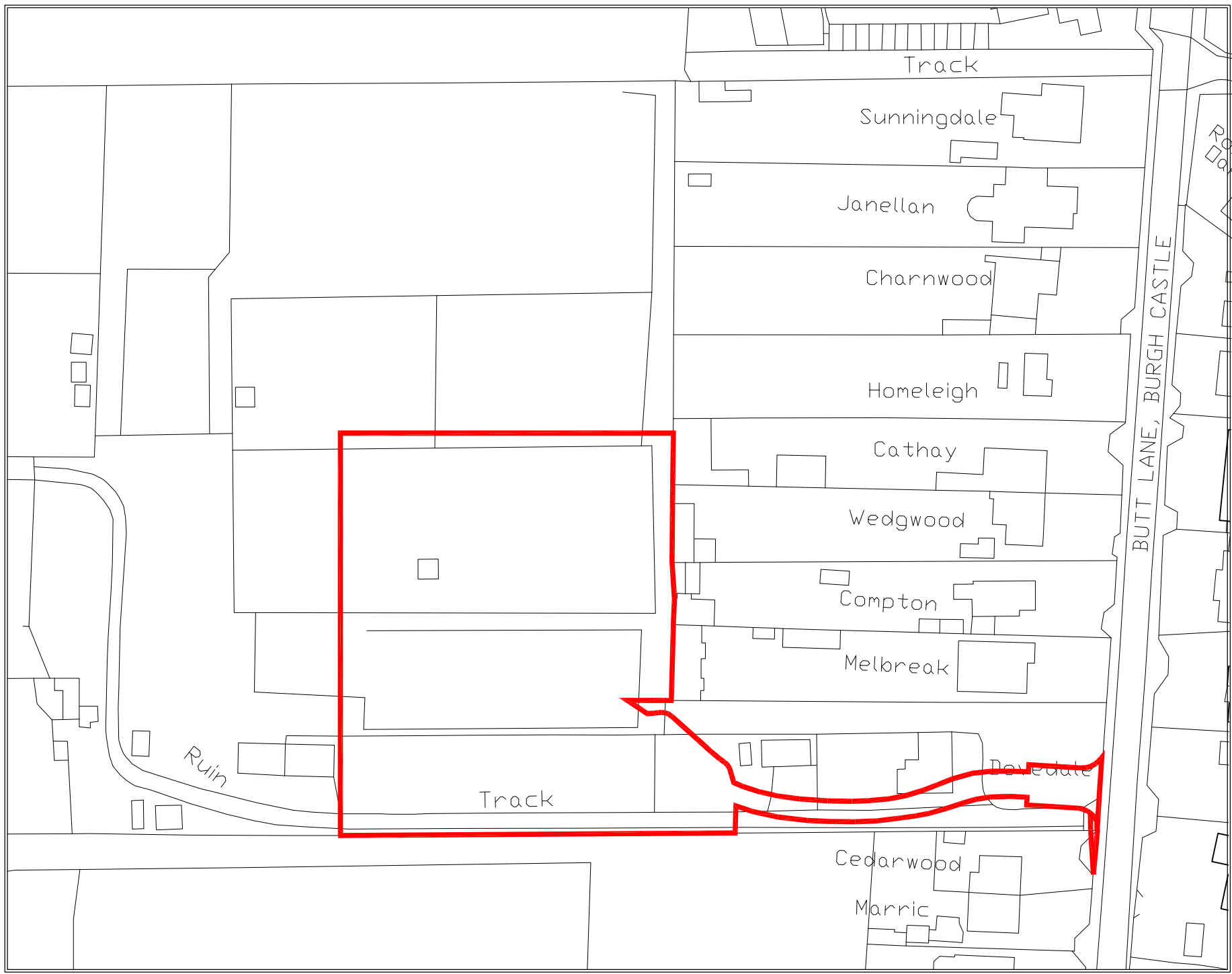
Access and visibility Splays to Dovedale shall be in accordance with Norfolk County Highway requirements and designs. See also Strata Engineering plans, recommendations and data in respect of the highways. 2.4 m x 37.5 m to the north & 2.4 m x 47.5 m to the south with clear unobstructed visibility obtained on the applicants land. The Telegraph pole will be relocated as part of the development - LA to provide planning condition to reflect this requirement.

Junction radii is 6.0 m



EXISTING SITE LAYOUT & LOCATION PLAN

SCALE: 1:1000



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Revisions:

Date:	Description:
A 15.03.2019	Layout altered to increase density
B 31.10.2019	Highway comments - Visibility & radii added to the plans
C 09.01.2020	Site outline (red line) altered for visibility
D 25.06.2020	Road Access updated
E 30.07.2020	Layout updated with Planning email 30.07.20
F	
G	

Land
Dovedale
Butt Lane
Burgh Castle
Norfolk
NR31 9PU

Client: Dovedale Homes
Norfolk Ltd

Site Layout Plans - Print @ A1

Drawing no: 2295.18.2E

Date: September 2018 Scale: 1:1000; 1:500

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