



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 28 October 2020

Time: 16:00

Venue: Remotely

Address: [Venue Address]

AGENDA

CONTENTS OF THE COMMITTEE AGENDA PLANNING APPLICATIONS & CONDUCT OF THE MEETING

Agenda Contents

This agenda contains the Officers' reports which are to be placed before the Committee. The reports contain copies of written representations received in connection with each application. Correspondence and submissions received in time for the preparations of the agenda are included. However, it should be noted that agendas are prepared at least 10 Working Days before the meeting. Representations received after this date will either:-

- (i) be copied and distributed prior to or at the meeting – if the representations raise new issues or matters of substance or,
- (ii) be reported orally and presented in summary form by the Principal Officer of the Committee – especially where representations are similar to, or repeat, previous submissions already contained in the agenda papers.

There are occasions when the number of representations are similar in nature and repeat the objections of others. In these cases it is not always possible for these to be included within the agenda papers. These are either summarised in the report (in terms of numbers received) and the main points highlighted or reported orally at the meeting. All documents are available as 'background papers' for public inspection.

Conduct

Members of the Public should note that the conduct of the meeting and the procedures followed are controlled by the Chairman of the Committee or, if he/she so decides, the Vice Chairman. Any representations concerning Committee procedure or its conduct should be made in writing to either –

- (i) The Planning Group Manager, Town Hall, Great Yarmouth. NR30 2QF
- (ii) The Monitoring Officer, Town Hall, Great Yarmouth. NR30 2QF

DEVELOPMENT CONTROL COMMITTEE

PUBLIC CONSULTATION PROCEDURE

- (a) Thirty minutes only will be set aside at the beginning of each meeting to deal with applications where due notice has been given that the applicant, agent, supporters, objectors, and any interested party, Parish Council and other bodies (where appropriate) wish to speak.
- (b) Due notice of a request to speak shall be submitted in writing to the Planning Group Manager two days prior to the day of the Development Control Committee meeting.
- (c) In consultation with the Planning Group Manager, the Chairman will decide on which applications public speaking will be allowed.
- (d) Three minutes only (or five minutes on major applications at the discretion of the Chairman) will be allowed to (i) objectors together, (ii) an agent or applicant and (iii) supporters together, (iv) to a representative from the Parish Council and (v) Ward Councillors.
- (e) The order of presentation at Committee will be:-
 - (1) **Planning Officer presentation** with any technical questions from Members
 - (2) **Agents, applicant and supporters** with any technical questions from Members
 - (3) **Objectors and interested parties** with any technical questions from Members
 - (4) **Parish Council representatives, Ward Councillors and Others** with any technical questions from Members
 - (5) **Committee debate and decision**

Protocol

A councillor on a planning or licensing decision making body should not participate in the decision and / or vote if they have not been present for the whole item.

This is an administrative law rule particularly applicable to planning and licensing - if you haven't heard all the evidence (for example because you have been out of the room for a short time) you shouldn't participate in the decision because your judgment of the merits is potentially skewed by not having heard all the evidence and representations.

It is a real and critical rule as failure to observe this may result in legal challenge and the decision being overturned."

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest arises, so that it can be included in the minutes.

3 APPLICATION 06-18-0631-F - POUND LANE (LAND WEST OF) 5 - 26 **FILBY**

Report attached.

4 APPLICATION 06-20-0102-F - HOMESTEAD, MAIN ROAD, FILBY 27 - 40

Report attached.

5 APPLICATION 06-18-0545-O - BUTT LANE, DOVEDALE (LAND 41 - 61 **REAR OF)**

Report attached.

6 APPLICATION 06-20-0421-F - (LAND REAR OF) 64 BECCLES 62 - 71 **ROAD, BRADWELL**

Report attached.

7 ANY OTHER BUSINESS

To consider any other business as may be determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.

Reference: 06/18/0631/F

Parish: Filby

Officer: Mr R Tate

Expiry Date: 30/10/20

Applicant: Mr M Chapman

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

Site: Pound Lane (Land West of) Filby

1. Site and context:-

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

2. The proposal

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

2.2 The dwellings are broken down into the following mix:

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

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

The application is supported by the following documents:

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

3. Relevant planning history

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

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

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

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

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

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

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

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

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

4.4 Building Control: - No adverse comments

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

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

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

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

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

Suggests the following pre commencement condition:

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

and,

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

and,

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

Reason for condition: -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 4.19 NCC Highways: -

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

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

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

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

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

SHC 01 No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.

SHC 02 Prior to the occupation of the final dwelling all works shall be carried out on roads, footways, foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.

SHC 03A Before any dwelling is first occupied the road(s) and footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.

SHC 17a Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 x 59 metres shall be provided to each side of the access where it meets the highway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

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

SHC 23 Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

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

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

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

5 Local Policy :-

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

5.2 Paragraph 213 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the Local Plan is to the policies in the NPPF the greater the weight that is given to the Local Plan policy. The Great Yarmouth Borough Wide Local Plan was adopted in 2001 and the most relevant policies were 'saved' in 2007. An assessment of policies was made during the adoption of the Core Strategy December 2015 and these policies remain saved following the assessment and adoption.

5.3 The Saved Policies listed have all been assessed as being in general conformity with the NPPF and add further information to the policies in the NPPF, while not contradicting it.

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

5.5 HOU16: A high standard of layout and design will be required for all housing proposal. A site survey and landscaping scheme will be required will all detailed applications for more than 10 dwellings. These should include measures to retain and safeguard significant existing landscape features and give details of, existing and proposed site levels planting and aftercare arrangements.

6 Core Strategy – Adopted 21st December 2015

6.1 Policy CS2: Achieving sustainable growth. This policy identifies the broad areas for growth, sets out the sustainable settlement hierarchy for the borough and two key allocations. Filby is identified as a Secondary Village and is expected to receive modest housing growth over the plan period due to its range of village facilities and access to key services.

6.2 Policy CS3: To ensure that new residential development in the borough meets the housing needs of local people, the Council and its partners will seek to:

a) Make provision for at least 7,140 new homes over the plan period. This will be achieved by (extract only):

- Focusing new development in accessible areas and those with the most capacity to accommodate new homes, in accordance with Policy CS2
- Ensuring the efficient use of land/sites including higher densities in appropriate locations

d) Ensure that new housing addresses local housing need by incorporating a range of different tenures, sizes and types of homes to create mixed and balanced communities. The precise requirements for tenure, size and type of housing units will be negotiated on a site-by-site basis, having regard to the Strategic Housing Market Assessment, Policy CS4 and the viability of individual sites.

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

6.4 Policy CS11: The Council will work with other partner authorities and agencies to improve the borough's natural environment and avoid any harmful impacts of development on its biodiversity, geodiversity, landscape assets, priority habitats and species.

6.5 Policy CS14: New development can result in extra pressure being placed on existing infrastructure and local facilities. To ensure that the necessary infrastructure is delivered the Council will: (a to f)

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

7 Draft Local Plan Part 2

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

Site 19 - Back-land development, narrow access.

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

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

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

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

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

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

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

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

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe

built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

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

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

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7: This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

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

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 8.6 Paragraph 55. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.
- 8.7 Paragraph 59. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 8.8 Paragraph 76. To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. For major development involving the provision of housing, local planning authorities should also assess why any earlier grant of planning permission for a similar development on the same site did not start.
- 8.9 Paragraph 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.10 Paragraph 170 (partial). Planning policies and decisions should contribute to and enhance the natural and local environment by:
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- 8.11 Paragraph 177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 8.12 Deliverable as defined by the National Planning Policy Framework: Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect

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

9 Local finance considerations:-

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

10 Shadow Habitats Regulation Assessment

- 10.1 The applicant has submitted a shadow Habitat Regulations Assessment (HRA) template as drafted by Great Yarmouth Borough Council. It is confirmed that the shadow HRA submitted by the applicant has been assessed as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.
- 10.2 Great Yarmouth Borough Council as competent authority agrees with the conclusions of this assessment. The impact of this development is in-combination with other projects and can be adequately mitigated by a contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per dwelling) to ensure that there will be no adverse effects on the integrity of the internationally protected habitat sites.

11 Assessment

- 11.1 The application is for 15 two storey dwellings on land to the west of Pound Lane Filby, three of which will be affordable units. The dwellings are located to the southern part of the site, outside of Flood Zones 2 and 3. The dwellings are comprised of 6 no four-bedroom properties, 4 no three-bedroom properties, 4 no two-bedroom properties and a one-bedroom dwelling. All 3- and 4-bedroom dwellings will have garages. There is infrequent repetition of each house type to ensure a varied form of development.
- 11.2 Pound Lane is comprised of residential properties on both sides. On the western side are bungalows, on the eastern side of the road are semi-detached two storey red brick houses. Pound Lane is verdant in character with wide grass verges alongside each side of the road. Filby is comprised of a variety of dwelling types and it is considered that the proposals are in keeping with the wider character of the village.
- 11.3 **Main issue 1 – principle of development**
- 11.4 Filby is classified in the Core Strategy as a secondary village, as a settlement containing few services and facilities, with limited access to public transport and very few employment opportunities. The Draft Local Plan Part 2 states that 'Filby is characterised as a long, linear settlement which meanders tightly along the main road running through the village. There are frequent open breaks along the length of the settlement which positively contribute towards its semi-rural character. Filby is well served by local facilities and amenities including a shopping parade along the main road, serving residents of both Filby and Fleggburgh. It is a popular village with a strong community presence.'
- 11.5 An important factor when determining applications is whether a Local Authority has the ability to demonstrate a five-year housing land supply. If a Local Planning Authority cannot show that they are meeting this requirement, their policies with regards to residential development will be considered to be "out of date". By way of explanation this states that policies restricting development for reasons such as village development limits no longer hold weight and the policies that are applied are those within the National Planning Policy Framework which has a presumption in favour of sustainable development. In essence this means that development which has links to a settlement, such as the application site, is assessed as sustainable and permission should be granted as local policies are out of date if there is not a 5-year housing land supply.
- 11.6 In weighing the material considerations in this application considerable weight must be given to Paragraph 11 (d) of the National Planning Policy Framework which states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits. Footnote 7

states that “this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

- 11.7 In the case of *Wavendon Properties Ltd v SoS for Housing, Communities & Local Government plus Another* (June 2019, reference [2019] EWHC 1524 (Admin)), Mr Justice Dove made an important judgement on the correct interpretation of paragraph 11(d) of the National Planning Policy Framework (February 2019). Paragraph 11 (d) states:

“Plans and decisions should apply a presumption in favour of sustainable development...”

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁽⁶⁾; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

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

- 11.9 Whilst various policies are of importance for determining the application (and these are highlighted above), the most important policy for the determination of the application is, in my judgement, Saved Local Plan Policy HOU 10, New Dwellings

in the Countryside. This policy – which essentially deals with settlement boundaries – is clearly out-of-date and this confirms that the “tilted balance” therefore applies.

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

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

11.12 Main issue 2 – Highways

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

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

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

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

11.17 Main issue 3 – flooding / drainage

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

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

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

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

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

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

11.24 Main issue 4 – amenity

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

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

11.27 Main issue 5 - Ecology, habitats and biodiversity

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

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

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

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

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

11.33 Main issue 6 – planning history

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

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

11.36 Summary

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

12 RECOMMENDATION:-

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

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KEY

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

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

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



Paul Robinson
PARTNERSHIP
ARCHITECTURE + SURVEYING

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

client:
Michael Chapman

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

scale @ A1:
1:500
date:
OCT 2018
project no:
7992
drawn by:
RB
approved:
AS
dwg no:
09
revision:
F

PLANNING

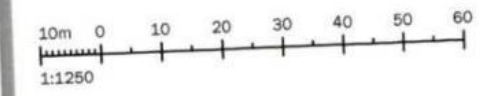




06/18/0631/F 1

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Great Yarmouth
Borough Council

14 NOV 2018

Planning
Department

rev:	date:	description:	by:



Paul Robinson
PARTNERSHIP
ARCHITECTURE + SURVEYING

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

client:
Michael Chapman

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

title:
Location Plan

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

PLANNING

Reference: 06/20/0102/F

Parish: Filby

Officer: Mr G Chibumbu.

Expiry Date: TEA

Applicant: Mr G Hughes.

Proposal: Proposed two detached barn style dwellings.

Site: Homestead, Main Road, Filby, NR29 3HS

1. Site and context: -

- 1.1 The Homestead is a residential plot and consists of a detached dwelling and three agricultural barns. To the rear of the detached dwelling is a large Grade II listed barn and the other barns are not listed. The plot has a substantial sized amenity space. The detached dwelling and agricultural barns are sited at the end of a row of properties with an open field which stretches approximately 200 metres to the south and 925 metres to the west and nearest row of detached dwellings in Poplar Drive.
- 1.2 The Homestead is a designated Grade 1 agricultural land and is accessed off Main Road. The application site is outside the development limits and shares a boundary with The Beeches (adjacent detached dwelling) which is within the limits. Main Road is characterized by two storey semi and detached suburban style dwellings with pitched and hipped roofs.
- 1.3 The first application was for two detached suburban style dwellings which would be accessed off Main Road via a new proposed access to the west of the existing dwelling. The proposed new access would affect existing trees along Main Road in order to provide visibility splays which meets the highway standards. Following submitted objections, the scheme was revised to two linked barn style dwellings.

Following further objections from parish council and conservation section, the scheme was re-amended to two detached barn style dwellings. The existing seven trees along The Homestead's front border Main Road were considered by the LPA to have significant amenity value and contributes to Main Road's character, therefore, were protected by a Tree Preservation Order No. 16/2019. Seven other trees are largely confined to the site's periphery.

2. The proposal

- 2.1 The application is a full application for the sub-division of the existing plot to create two new plots and erect two detached barn style dwellings with new access, private drive to the west of The Homestead.

- 2.2 The proposed detached dwelling would be accessed via a new existing vehicular access which links the western part of the plot with the agricultural barns. A new driveway for the proposed dwellings will be linked from the existing access.

3. Relevant planning history

- 3.1 06/19/0292/F – Withdrawn on 12/02/20.
- 3.2 06/89/1352/F – Approved on 08/12/89.
- 3.3 09/81/0256/F – Approved on 19/05/81.

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

- 4.1 Neighbours: - Two letters of support and one raising no objection have been received neighbours which are summarised below:

Support 1.

- No detriment effect on visual amenity.
- Contribution of new development in Filby without encroaching on agricultural land.
- Unlike other building projects in the village, the application has merit.

Support 2.

- The proposed development has adapted plans according to criteria required by the council, accommodating the TPOs and creating plans to build aesthetically pleasing properties in keeping with the village ambience.
- The family have been in Filby for generations, and wish to continue to do so, by permitting the above application it would give the family a home and can lead onto the conservation of the barn and outbuildings, which are needing considerable repair.

Neighbour.

- No objection to the proposed developments

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

- Extra slowing, stopping and turning traffic generated by the proposed development on Main Road would be detrimental to the safety and free flow of other road users.
- The site is outside the current and proposed Village Development Area within the parish and Filby Parish has already in the last 4 years accommodated extra 38 dwellings and an outstanding 24 with approved planning permission representing 19.8% which is more than the 5% the Core Strategy Target and more than the latest Draft Local Plan Part 2's windfall number more development would not be acceptable.
- The design and type of buildings associated with the application would be contrary to Filby Neighbourhood Plan's design code.

4.3 Historic England: - No adverse comments

4.4 Natural England: - No objection subject to appropriate mitigation on Natura 2000 being secured.

4.5 Building Control: - No adverse comments.

4.6 Conservation Officer: - First Objection – PA 06/19/0292/F – Received on 15/07/19

- Development on this site is considered inappropriate
- Proposed suburban type located near a 17th century barn would devalue the setting of the listed building
- A scheme with a design which has more regard to the context and setting of the site would be more acceptable

Second Objection following the re-submission of PA 06/19/0292/F - Received on 27/04/20

- Objection to the scale of the development.
- The site, being the front garden adjacent to the existing access driveway is considered to be complementary to the listed barn.
- The development is too large both in footprint and height for the site. Any new structures developed in the curtilage of a listed building are recommended to be subordinate to the historic asset and to consider views both in and out from the asset.

Third Objection following revision to first scheme's design – Received on 29/04/20

- Although significant progress in design has been made, we consider that the footprint and height need to be reduced in order to prevent unnecessary erosion of the setting of the heritage asset.
- The site, being the front garden adjacent to the existing access driveway, is considered to be complementary to the listed barn.
- Considering the nature of the site and its surrounds, especially the listed asset and trees, it is recommended to review and amend the plans and elevations. Development of the site will cause erosion of the setting of the listed building and have a negative impact on the significance of the heritage asset.

General Comments and withdrawal of previous objection following a third revision to the scheme- Received 24/06/2020.

- Further request was to keep the revised but reduce the height and the overall scale of the proposal as much as possible in order to reduce the impact on the listed barn and its setting.
- The passage referred to as the 'link' between houses would be removed and the width of the gable reduced with 350mm.
- Conservation sections agrees to the proposed alterations and make the following recommendation:

Recommendation:

Soft red bricks laid in lime mortar should be used instead. A brick bond including snapped headers is advised to his is to ensure that vernacular materials and approaches are used as far as practicable within the setting of the listed barn.

4.7 NCC Highways – No objection subject to visibility splays, vehicular access and highway safety conditions.

- Vehicular access to be re-graded such that the gradient shall not exceed 1:12 for the first 5 metres into the site.
- The access shall be constructed in accordance with NCC residential access construction specification.
- Visibility splays shall be provided in full accordance with the details indicated in the submitted plans and retained in the approved form thereafter.

5 Local Policy :-

Core Strategy – Adopted 21st December 2015

5.1 Policy CS2: Achieving sustainable growth. This policy identifies the broad areas for growth, sets out the sustainable settlement hierarchy for the borough and two key

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

5.2 Policy CS3: To ensure that new residential development in the borough meets the housing needs of local people, the Council and its partners will seek to:

a) Make provision for at least 7,140 new homes over the plan period. This will be achieved by (extract only):

- Focusing new development in accessible areas and those with the most capacity to accommodate new homes, in accordance with Policy CS2
- Ensuring the efficient use of land/sites including higher densities in appropriate locations

d) Ensure that new housing addresses local housing need by incorporating a range of different tenures, sizes and types of homes to create mixed and balanced communities. The precise requirements for tenure, size and type of housing units will be negotiated on a site-by-site basis, having regard to the Strategic Housing Market Assessment, Policy CS4 and the viability of individual sites.

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

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 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, promoting heritage-led regeneration and seeking appropriate beneficial uses and enhancements to historic buildings, spaces and areas, especially heritage assets that are deemed at risk and ensuring that access to historic assets is maintained and improved where possible.

5.4 Policy CS11: The Council will work with other partner authorities and agencies to improve the borough's natural environment and avoid any harmful impacts of development on its biodiversity, geodiversity, landscape assets, priority habitats and species.

5.5 Policy CS14: New development can result in extra pressure being placed on existing infrastructure and local facilities. To ensure that the necessary infrastructure is delivered the Council will: (a to f)

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

Policy CS16: The council will seek to support improvements that reduce congestion, improve accessibility and improve road safety without an unacceptable impact on the local environment, in accordance with Policy CS11 and communities, in accordance with Policy CS9.

6 Draft Local Plan Part 2

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

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

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

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

7.1 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.

7.2 Paragraph 7: The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of

sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

- 7.3 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.

- 7.4 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.

- 7.5 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).

- 7.6 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.
- 7.7 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.
- 7.8 Paragraph 76. To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. For major development involving the provision of housing, local planning authorities should also assess why any earlier grant of planning permission for a similar development on the same site did not start.
- 7.9 Paragraph 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.10 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;

7.11 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.

7.12 Paragraph 200. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

8 Legislation

8.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 72) also states that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

9 Shadow Habitats Regulation Assessment

9.1 The applicant has submitted a shadow Habitat Regulations Assessment (HRA) template as drafted by Great Yarmouth Borough Council. It is confirmed that the shadow HRA submitted by the applicant has been assessed as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.

9.2 Great Yarmouth Borough Council as competent authority agrees with the conclusions of this assessment. The impact of this development is in-combination with other projects and can be adequately mitigated by a contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per dwelling) to ensure that there will be no adverse effects on the integrity of the internationally protected habitat sites.

10 Assessment

10.1 Filby is classified in the Core Strategy as a secondary village, as a settlement containing few services and facilities, with limited access to public transport and very few employment opportunities. The Draft Local Plan Part 2 states that 'Filby is characterised as a long, linear settlement which meanders tightly along the main

road running through the village. There are frequent open breaks along the length of the settlement which positively contribute towards its semi-rural character. Filby is well served by local facilities and amenities including a shopping parade along the main road, serving residents of both Filby and Fleggburgh. It is a popular village with a strong community presence.'

- 10.2 The application is for the sub-division of a residential plot and erection of two detached barn style dwellings. The donating dwelling is The Homestead, detached dwelling accessed from an existing vehicular access from Main Road. Within the curtilage are three existing agricultural barns of which the largest is a Grade II listed building. The Homestead and the proposed dwellings are located outside of Flood Zones.
- 10.3 Main Road is located in a village which is characterized by a mixture of semi and detached dwellings and bungalows of different styles and scale. is comprised of residential properties on both sides. On the northern is are semi and detached two storey dwellings and an open field between the dwellings and on the southern side are semi -detached dwellings. On the western side with an open field stretching from The Homestead's western boundary and a row of detached dwellings in Pound Lane.
- 10.4 The Conservation section initially objected to the first proposal of two detached suburban style dwellings an inappropriate and devalue a 17th century listed barn and recommended a scheme with a design which has more regard to the context and setting of the site.
- 10.5 Following further revisions to the scheme the Conservation section accepted a design of two detached barn style dwellings which would be constructed in soft red bricks laid in lime mortar, a brick bond including snapped headers is advised to his is to ensure that vernacular materials and approaches are used as far as practicable within the setting of the listed barn. The proposed dwellings' fenestration, scale and design would respect the heritage asset and other barns settings and surrounding intrinsic village character.
- 10.6 The proposed dwellings is not considered to have a detriment effect adjacent dwelling, visual amenities and will be set back from Main Road and shielded by landscaping screen from the heritage asset and other barns.
- 10.7 The proposed dwelling would sit to the west of the donating dwelling and listed barn enabling the existing listed barn visible from Main Road to remain in situ with most of it currently shielded by the existing dwelling. The design would respect the Grade II listed barn and would not affect its character.

- 10.8 Access and highway safety conditions are recommended as stated in the consultation response from the NCC Highways Authority. Vehicular access shall be re-graded such that the gradient shall not exceed 1:12 for the first 5 metres into the site and to be constructed in accordance with NCC residential access construction specification. Visibility splays shall be provided in full accordance with the details indicated in the submitted plans and retained in the approved form thereafter.
- 10.9 The proposed development's surface water will be disposed of by means of a soakaway and a proposed connection to the existing drainage system for foul sewage.
- 10.10 The application site is located within the 400m to 2.5km Indicative Habitat Impact Zone and a template HRA has been received and the required £220.00 HMMS payment has been made. Natural England have responded to confirm that with the measures indicated in the HRA secured, then the development can proceed with no adverse impacts to the Natura2000 network.
- 10.11 The Arboricultural Report submitted with the application states that The Homestead has existing seven (7) trees which are largely confined to the site's periphery. One tree will be removed for the development purposes which has low amenity value and mitigation for the loss of the tree will include the planting of a minimum of three new heavy standard root balled or containerised (field maple, pedunculate oak and silver birch) trees with a maintenance period of 5 years .
- 10.12 All other trees on or adjacent to the application site will be retained and protected according to BS5837:2012 standard throughout the construction works with protection measures including the erection of a temporary protective fencing, temporary ground protection, the use of No-dig surfaces, specialist foundations and pre-emptive root pruning as appropriate.
- 10.13 Retained trees and landscaping will provide cover and wildlife habitats as means to enhance the biodiversity in harmony with the proposed development and this will result as a net biodiversity gain on the site.

11 RECOMMENDATION: -

11.1 Approve with the following conditions;

- Soft red bricks laid in lime mortar should be used in the construction of the proposed dwellings with a brick bond including snapped headers to ensure

that vernacular materials and approaches are used as far as practicable within the setting of the listed barn.

- Vehicular access to be re-graded such that the gradient shall not exceed 1:12 for the first 5 metres into the site and the access shall be constructed in accordance with NCC residential access construction specification.
- Visibility splays shall be provided in full accordance with the details indicated in the submitted plans and retained in the approved form thereafter.
- Details of construction and surface of access and on- site surface water drainage, the method statement for root protection of trees of the site, conditions that access be constructed in accordance with the approved plans.
- On site car parking and turning areas shall be provided in accordance with submitted plans and be retained in the approved form thereafter.
- Removal of permitted development rights for extensions and alterations to the proposed dwellings including new windows or other openings into the walls or roof without prior consent from the local planning authority.

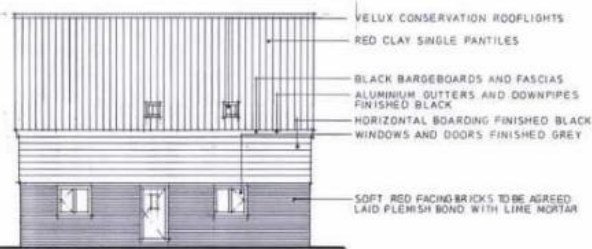
11.12 The proposal complies with the aims of Policies CS2, CS3, CS9, CS10, CS11, CS14 and CS16 of the Great Yarmouth Core Strategy, paragraphs(2, 7, 8, 11, 48, 55, 59, 76, 109, 170, 177 200) of The National Planning Policy Framework (NPPF) and The Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 72).



PLOT NO. 1
FRONT ELEVATION (FACING MAIN ROAD)



PLOT NO. 2



SIDE ELEVATION

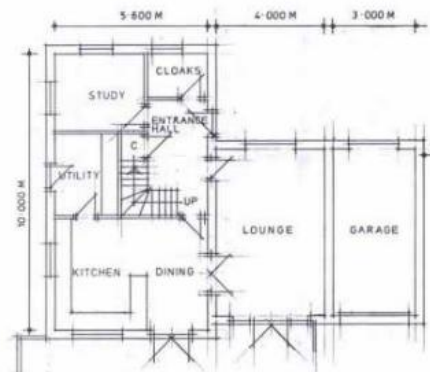
- VELUX CONSERVATION ROOFLIGHTS
- RED CLAY SINGLE PANTILES
- BLACK BARGEBOARDS AND FASCIAS
- ALUMINIUM GUTTERS AND DOWNPIPES FINISHED BLACK
- HORIZONTAL BOARDING FINISHED BLACK
- WINDOWS AND DOORS FINISHED GREY
- SOFT RED FACING BRICKS TO BE AGREED LAID FLEMISH BOND WITH LINE MORTAR



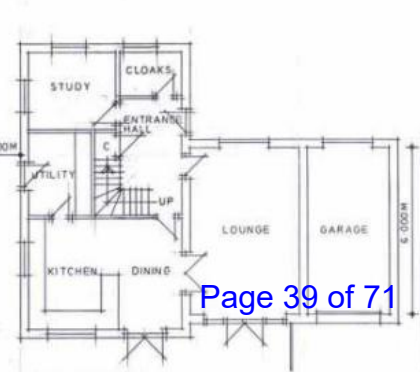
PLOT NO. 1
REAR ELEVATION



App. No. 06/20/0102/F
REVISED PLAN
Received 17/07/20



GROUND FLOOR PLAN
PLOT NO. 1



GROUND FLOOR PLAN
PLOT NO. 2

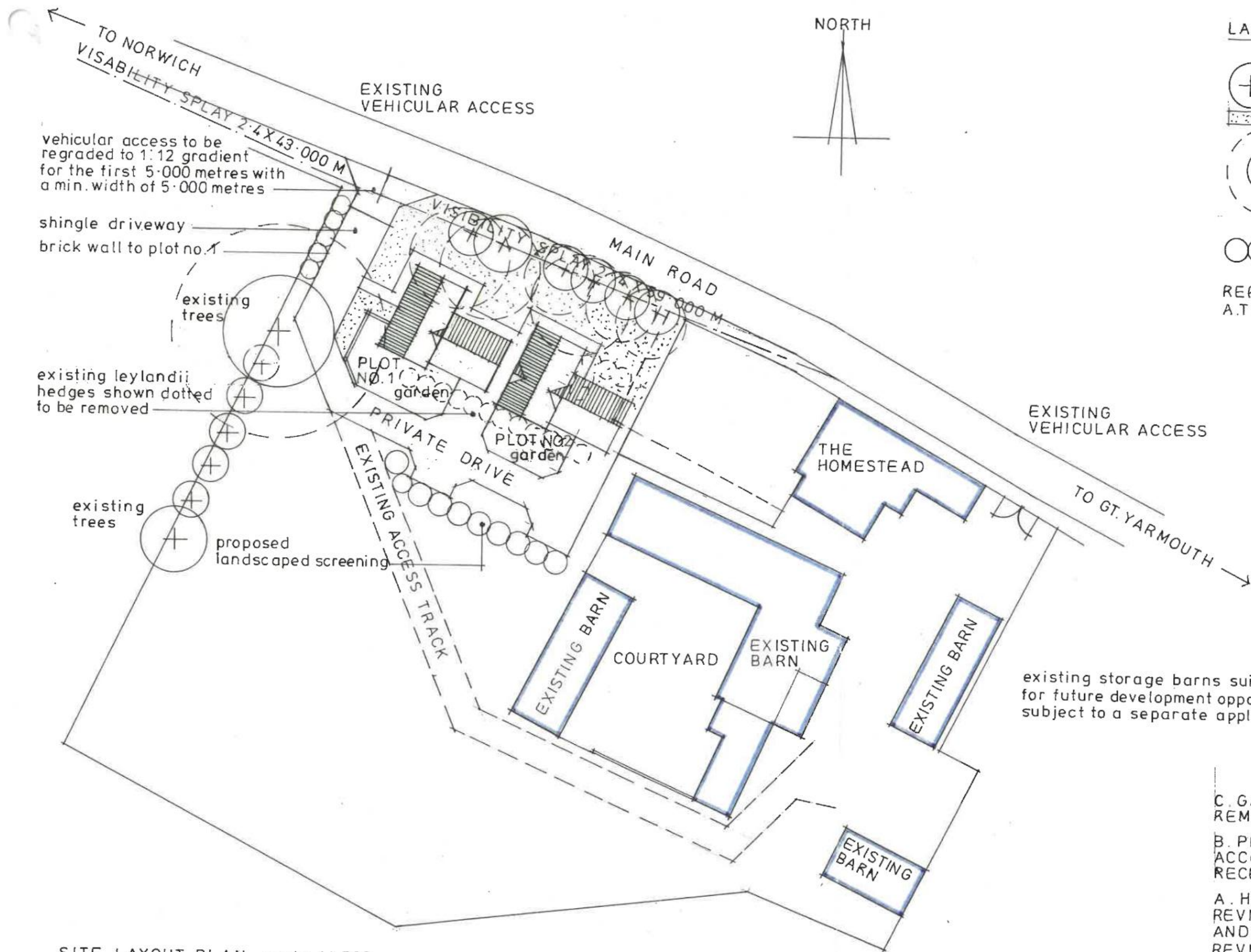
Page 39 of 71



FIRST FLOOR PLAN
PLOT NOS. 1 AND 2

B. ROOFLINK REMOVED BETWEEN 2 PROPOSED PROPERTIES
MAIN GABLES REDUCED FROM 6.000 M TO 5.600 M 12-07-20
A. ROOFPITCH INCREASED AND EAVES LOWERED. ROOFLIGHTS ADDED TO BATHROOMS. SOFFIT DETAIL REVISED 21-08-2019
REVISIONS

project: PROPOSED 2 NO. DETACHED DWELLINGS WITHIN CURTLEGE OF THE HOMESTEAD MAIN ROAD FLEBY OT YARMOUTH
client: MR. AND MRS. G. HUGHES
title: PROPOSED PLANS AND ELEVATIONS
date: AUGUST 2019 scale 1:100 dwg no 644-48
GRAHAM BROWN ARCHITECTURAL SERVICES
9 PRIORY CLOSE CAISTER ON SEA
GREAT YARMOUTH NORFOLK NR30 5AZ
TEL 01493 728703 07770 753731
grobrowndev@btconnect.com



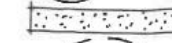
SITE LAYOUT PLAN scale 1:500

App. No. 06/20/0102/F
REVISED PLAN
Received 17/07/20

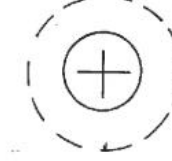
LANDSCAPING SCHEDULE



EXISTING TREE



GRASSED LAWN



EXISTING TREE WITH ROOT PROTECTION AREA SHOWN



PROPOSED SCREENING PLANTING

REFER TO SEPARATE REPORT PREPARED BY
A.T. COOMBS ASSOCIATES LTD.

Great Yarmouth
Borough Council

17 JUL 2020

Planning
Department

C. GABLE WIDTH REDUCED AND LINK ROOF REMOVED 13.07.20

B. PROPOSED HOUSES REPOSITIONED TO ACCOMMODATE ROOT PROTECTION AREAS OF RECENTLY TPO PROTECTED TREES 11.02.2020

A. HOUSE TYPE AMENDED, VISIBILITY SPLAY REVISED, ADDITIONAL NOTATION TO DRIVEWAY AND LANDSCAPING REVISIONS 20.08.2019

project	PROPOSED 2 NO. DETACHED HOUSES WITHIN CURTILEGE OF THE HOMESTEAD - MAIN ROAD - FILBY - GT. YARMOUTH
client	MR. AND MRS. G. HUGHES
title	PROPOSED SITE LAYOUT PLAN
date	FEBRUARY 2019 scale 1:500 dwg.no. 6444C

GRAHAM BROWN ARCHITECTURAL SERVICES
9 PRIORY CLOSE - CAISTER ON SEA
GT. YARMOUTH - NORFOLK NR30 5AZ
TEL 01493 728703 07770 753731
grahambrowndev@btconnect.com

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 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 k 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



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Revisions:

Date:	Description:
A 15.03.2019	Layout altered to increase density
B 31.03.2019	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

Ian Garrett
Building Design and
Surveying Consultants

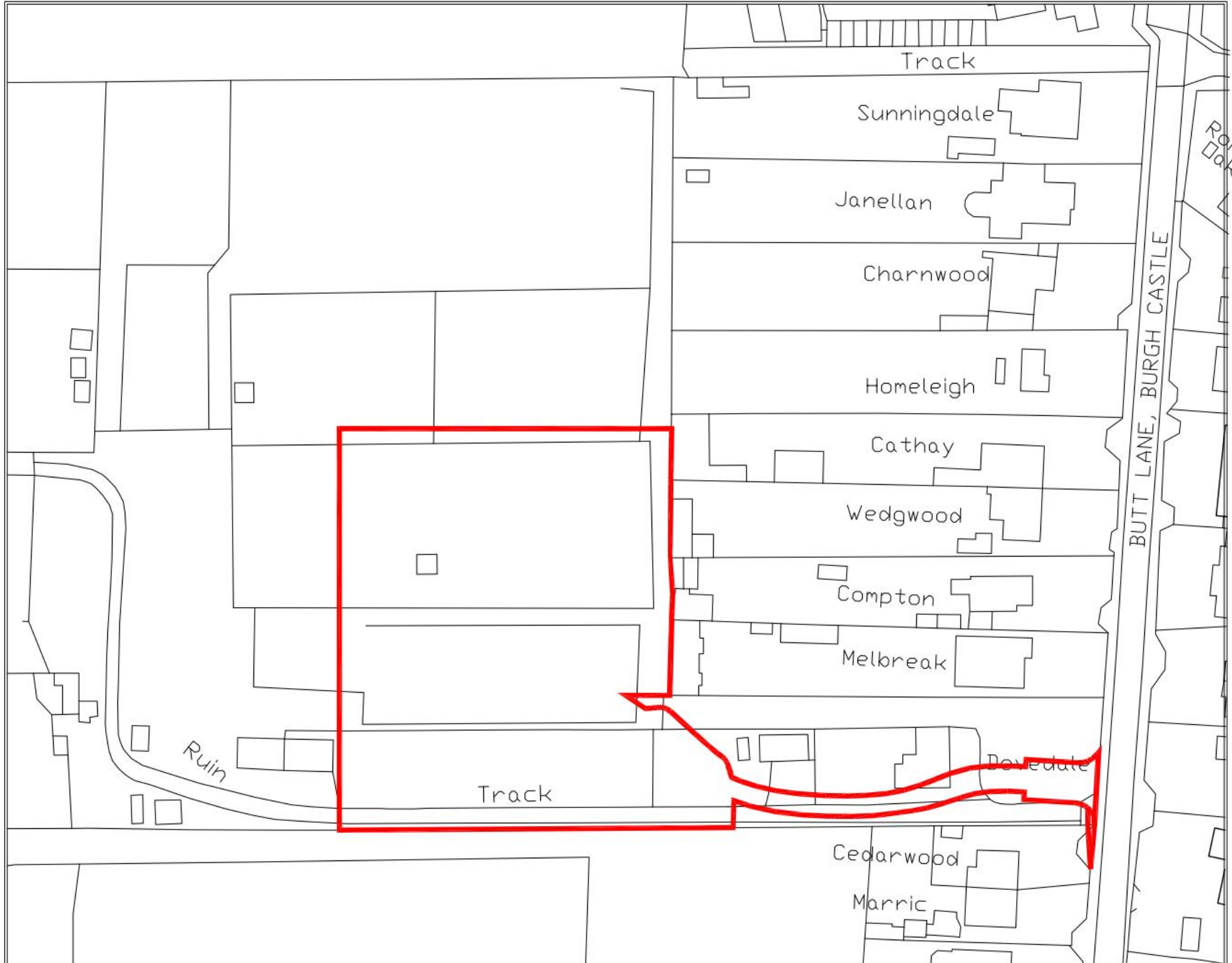
Ian Garrett Building Design Limited
The Store,
Oakwood Mews
LOWESTOFT,
Suffolk,
NR32 2LS

T: 01502-511621
E: ian@iangearedesign.co.uk
W: www.iangearedesign.co.uk

Company Reg no. 07140861

EXISTING SITE LAYOUT & LOCATION PLAN

SCALE: 1:1000



Reference: 06/20/0421/F

Parish: Bradwell

Officer: Gordon Sutherland

Expiry Date: 04-11-20

Applicant: Mr A Beck

Proposal: Development of site to construct 4no. detached bungalows and garages ref: 06/20/00421/F)

Site: Land r/o 64 Beccles Road, Bradwell

REPORT

1. Background

1.1 This is a full planning application for a minor residential development.

2. Site and Context

2.1 This site is on the west side of the A143 Beccles Road, the principle route into Great Yarmouth from the south west. It is located within the development boundary of Bradwell in an established residential neighbourhood. The site is 0.24 hectares (0.6 acres) in area and amalgamates the long linear plot of No64 Beccles Road with land to the rear of numbers 3, 5, 7 and 9 Bussey's Loke. The dwellings either side of No64 front onto Beccles Road and have vehicular access from the road. The intersection of Beccles Road and Crab Lane is located to the south of the site. The site boundaries are formed by a combination of fences and hedges. An oak tree with a tree preservation order is located at no 62 Beccles Road adjoining the southeasternmost point of the site fronting the road. The former dwelling at no64 has been demolished and vegetation has been cut back across the site.

2.2 The posted speed limit on this part of Beccles Road is 30mph.

3. Proposal

3.1 The proposal is for 4 detached dwellings made up of 2 three-bedroom bungalows and 2 four-bedroom bungalows each with a single garage and parking spaces. A private drive would provide access from Beccles Road. The drive includes a turning head and passing place.

4. Relevant Planning History

4.1 In May 2018 planning permission 06/18/0157/F was granted for the demolition of the existing bungalow at No64 and redevelopment to create 2 detached bungalows and garages accessed from Beccles Road. In the current application the site has been enlarged with the inclusion of land to the rear of numbers 3, 5 and 7 Bussey's Loke.

4.2 Application 06/20/0069/F for five dwellings on this site was withdrawn in August this year and the current application was made.

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

5.1 Bradwell Parish Council. No response at time of writing. However, the Parish Council recommended rejection of the prior application for 5 units considering it to be overdevelopment, with the exit too close to the pedestrian island. It is reasonable to assume the Parish Council maintains its objection at least in respect of the access.

5.2 At the time of writing two letters of objection have been received which raise concerns summarised as follows:

- Overcrowding of the site.
- Increase in traffic from this development near to intersection with Crab Lane.
- The number of access points close to Crab Lane
- The cumulative impact on traffic taken with other developments in the vicinity
- The need to provide good visibility at the road access, to safeguard cyclists and pedestrians and use by the emergency services.
- Desire to safeguard trees at the site entrance

Consultations – External

Norfolk County Council

5.3 Highways –County highways state that whilst there are reservations about the scale of the development especially in relation to the location of the access to Crab Lane, they are minded that given the existing level of frontage development and accesses along Beccles Road, there is a reasonable expectation on the part of drivers that traffic will be slowing, stopping and turning into/from accesses etc. in this respect it would be difficult to sustain an objection. It concludes if the local planning authority is minded to grant planning permission, standard conditions and informatives are recommended in the interests of highway safety, including and summarised as follows; that the access shall be provided and retained at the location shown on the submitted plans; that it be 4.5m wide for the first 10m from the highway; that visibility splays be provided and maintained in perpetuity free of obstruction above 22.5cm above ground; that prior to first occupation all parking and turning and passing is laid and thereafter retained; and that on-site parking is provided during construction.

- 5.4 Flood** - Norfolk County Council as Lead Local Flood Authority confirms that this is classed as a minor development as such the local planning authority is responsible for assessing the suitability of any surface water drainage in line with the National Planning Policy Framework. See section below internal consultees GYBC.

Consultation - Internal GYBC

- 5.5** Environmental Services – Confirm the site is at low risk of flooding and raises no concerns
- 5.6 Trees** - The Tree officer identifies that three trees are located at the entrance of the site on adjacent property, one of which (the oak) has a tree preservation order. These are of high amenity value to the surrounding area and should be protected during the development process. The applicant has been working with the Council's tree officer to identify the appropriate practice to provide ground protection of the protected tree during the development process using anti compaction geotextile fabric/web to preserve the tree roots and to accommodate the tree roots under the proposed driveway. Works to lift the crown of the tree up to 5m have been discussed. On September 25 strong winds damaged the tree leaving damaged branches hanging over the footway. These have been trimmed back in consultation with the tree officer.

6. Assessment of Planning Considerations: Policy Considerations:

National policy

- 6.1** Paragraph 47 of National Planning policy Framework states: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise
- 6.2** At present the Council is unable to demonstrate a 5-year supply of deliverable housing sites. Paragraph 11(d) of the NPPF, the lack of five-year supply should weigh heavily in favour of the application unless any adverse impacts of doing so would significantly and demonstrably outweigh benefits when assessed against the policies in the Framework taken as a whole. In this case it is considered that any impacts from this proposed development can be sufficiently mitigated.

Local Policy Adopted Core Strategy

- 6.3** Great Yarmouth Borough adopted Local Plan Policy CS1 - "Focusing on a sustainable future" seeks to create sustainable communities where growth is of a scale and in a location that complements the character and supports the function of individual settlements. This is a minor development within an established settlement. Bradwell is defined as a Key Service Centre where

30% of new borough wide development is anticipated to be provided in the development plan period to 2030.

- 6.4 As a Key Service Centre, Bradwell is identified in the Core Strategy as a settlement with a range of services and opportunities for employment, retail and education. Centres serve a wider catchment area and contain good transport links. In this case the site is located on an A road having bus service and is within 500m of a range of shops and services including the Tesco Express supermarket and Lloyds Pharmacy. Amongst other facilities it is within walking distance of primary schools and the sixth form college.
- 6.5 Policy CS3 - Addressing the borough's housing need states in subparagraph g) that the Council and partners will seek to promote design-led housing developments with layouts and densities that appropriately reflect the characteristics of the site and surrounding areas and make efficient use of land, in accordance with policy CS9 and CS12.
- 6.6 Policy CS9 - "Encouraging well-designed, distinctive places": anticipates development that responds to the surroundings. In this case the proposal is for a group of single storey dwellings in a suburban context.
- 6.7 Policy CS16 "Improving Accessibility and Transport": seeks to make best use of existing transport infrastructure and promotion of sustainable forms of travel by directing development to locations towards the most sustainable locations.

Saved Policies of 2001 Borough Wide Local Plan

- 6.8 Policy HOU7 New Residential Development provides a presumption in favour of development within settlement boundaries where the following criteria are met:

(A) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE FORM, CHARACTER AND SETTING OF THE SETTLEMENT;

(B) ALL PUBLIC UTILITIES ARE AVAILABLE INCLUDING FOUL OR SURFACE WATER DISPOSAL AND THERE ARE NO EXISTING CAPACITY CONSTRAINTS WHICH COULD PRECLUDE DEVELOPMENT OR IN THE CASE OF SURFACE WATER DRAINAGE, DISPOSAL CAN BE ACCEPTABLY ACHIEVED TO A WATERCOURSE OR BY MEANS OF SOAKAWAYS;

(C) SUITABLE ACCESS ARRANGEMENTS CAN BE MADE;

(D) AN ADEQUATE RANGE OF PUBLIC TRANSPORT, COMMUNITY, EDUCATION, OPEN SPACE/PLAY SPACE AND SOCIAL FACILITIES ARE AVAILABLE IN THE SETTLEMENT, OR WHERE SUCH FACILITIES ARE LACKING OR INADEQUATE, BUT ARE NECESSARILY REQUIRED TO BE PROVIDED OR IMPROVED AS A DIRECT CONSEQUENCE OF THE DEVELOPMENT, PROVISION OR IMPROVEMENT WILL BE AT A LEVEL DIRECTLY RELATED TO THE PROPOSAL AT THE DEVELOPER'S EXPENSE; AND,

(E) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE RESIDENTIAL AMENITIES OF ADJOINING OCCUPIERS OR USERS OF LAND.

6.9 Policy HOU17- Housing Density and Subdivision states

IN ASSESSING PROPOSALS FOR DEVELOPMENT THE BOROUGH COUNCIL WILL HAVE REGARD TO THE DENSITY OF THE SURROUNDING AREA. SUB-DIVISION OF PLOTS WILL BE RESISTED WHERE IT WOULD BE LIKELY TO LEAD TO DEVELOPMENT OUT OF CHARACTER AND SCALE WITH THE SURROUNDINGS.

The Emergent Local Plan

- 6.10** The Local Plan Part 2 includes the site within the settlement limits for Bradwell. Policy GSP1: “Development Limits” repeats and reinforces existing spatial policy stating “development will be supported in principle within the Development Limits except where specific policies in the Local Plan indicate otherwise.
- 6.11** Policy UCS3: “Adjustment to Core Strategy Housing Target” recognises that the housing requirement over the plan period needs to be reduced to reflect the objectively assessed need as updates from 7140 units to 5303 new dwellings, this has the effect of giving the Borough a five year housing supply reinforced by recent approvals for outline permission on housing land allocations within the emergent plan and therefore removing the lack of supply argument, upon adoption. At present this carries little weight, and the delivery of 4 homes carries weight unless or until the Local Plan Part 2 is adopted in the Spring/ Summer of 2021.
- 6.12** Policy A1 Amenity has no unresolved objections and as such can be given considerable weight. It states:

Development proposals will be supported where they contribute positively to the general amenities and qualities of the locality.

Particular consideration will be given to the form of development and its impact on the local setting in terms of scale, character and appearance.

Planning permission will be granted only where development would not lead to an excessive or unreasonable impact on the amenities of the occupiers of existing and anticipated development in the locality, in terms including:

- a. overlooking and loss of privacy;
- b. loss of light and overshadowing and flickering shadow;
- c. building and structures which are overbearing;
- d. nuisance, disturbance and loss of tranquility from: • waste and clutter • intrusive lighting • visual movement • noise • poor air quality (including odours and dust); and • vibration.

Where adverse impacts are an inevitable consequence of an otherwise desirable use and configuration, measures to mitigate such impact will be expected to be incorporated in the development.

On large scale and other developments where construction operations are likely to have a significant and ongoing impact on local amenity, consideration will be given to conditions to mitigate this through a construction management plan covering such issues as hours of working, access routes and methods of construction.

7. Local Finance Considerations:

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. Shadow Habitats Regulation Assessment

- 8.1** The site lies more than 400 but less than 2.5Km from an internationally protected wildlife site. The applicant submitted a Shadow Habitat Regulations Assessment (HRA) with the previous application for five houses and for the purpose of considering this application for four houses it can be applied. 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 report rules out direct effects in isolation; but accepts that in-combination likely significant effects cannot be ruled out from increased recreational disturbance on the Winterton and Horsey Dunes Special Area of Conservation, the North Denes Special Protection Area, the Breydon Water Special Protection Area, the Broadland Special Protection Area and the Broads Special Area of Conservation, but this is in-combination with other projects can be adequately mitigated by a contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per dwelling). Impact payments. The standard payment was received with the prior application and transfers to this one.

9. Concluding Assessment

- 9.1** The site lies within the Bradwell Development Boundary wherein development will be supported in principle unless material considerations outweigh that principle. In this case those would be matters of amenity, local character and highway safety.
- 9.2** Amenity -. The proposed dwellings are designed as single storey. They have parking, garages and private gardens. Adjoining properties would not be overlooked. To maintain future privacy of neighbouring property from possible insertion of dormer windows or roof extensions, a condition can be included to remove those permitted development rights without a separate grant of planning permission. There are no significant trees on the site itself and measures can be taken to safeguard a protected tree on an adjoining site.
- 9.3** Local Character – The area is a generally a mix of post war dwellings of single and two stories. The dwellings will be set back from Beccles Road largely screened by existing dwellings either side. The plots are smaller than some of the neighbouring plots, but this will not be obvious from public vantage points.
- 9.4** Highway and transport impact - as stated in the consultation response from the County Highways Authority, whilst there are reservations about the scale of the development especially in relation to the location of the access to Crab Lane, they are minded that given the existing level of frontage development and accesses along Beccles Road, there is a reasonable expectation on the part of drivers that traffic will be slowing, stopping and turning into/from accesses etc. Conditions have been recommended to address the siting and design of the access including the provision and maintenance of sight splays in the interests of maintaining highway safety.

10. RECOMMENDATION: -

- 10.1** Approve with conditions requiring approval prior to commencement of the development of the following; details of construction and surface of access and on site surface water drainage, the method statement for root protection of trees along the southern boundary, of the site, conditions that access be constructed in accordance with the approved plans, provision of sight splays, on site car parking, passing and turning areas, the provision of on-site to parking during construction and the removal of permitted development rights for extensions and alterations to provide new windows or other openings into the walls or roof without prior consent from the local planning authority.
- 10.2** The proposal complies with the aims of Policies CS1, CS3, CS9 and CS16 of the Great Yarmouth Local Plan: Core Strategy, Policy A1 of the Emerging Local Plan Part 2 and saved Policies HOU7 and HOU17 of and the Great Yarmouth Borough-wide Local Plan (2001) (LP).

PROPOSED RESIDENTIAL DEVELOPMENT

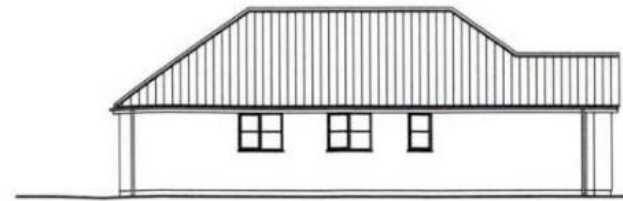
64, Beccles Road, Bradwell.

Planning drawing

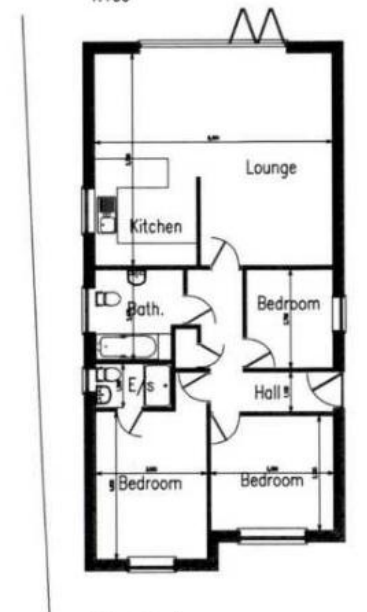
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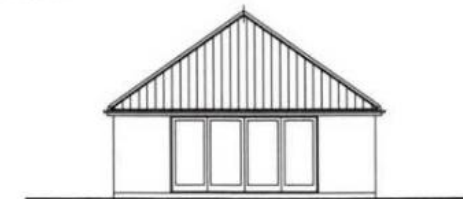
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Side Elevation
1:100



Floor Plan
1:100



Rear Elevation
1:100



Side Elevation
1:100

DETACHED GARAGE



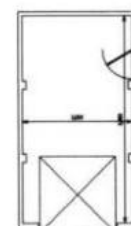
Rear Elevation
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Side Elevation
1:100



Front Elevation
1:100

Side Elevation
1:100



Floor Plan
1:100

Andrew Middleton

23, Regent Street,
Great Yarmouth
NORFOLK
NR30 1RL Tel. (01493) 858611

Project

Proposed sub-division of garden to form
5no. plots.
64, Beccles Road, Bradwell.
Bungalow type C

Client

BGW Developments Ltd.

Scale
1:50 1:100

Date
August 2020

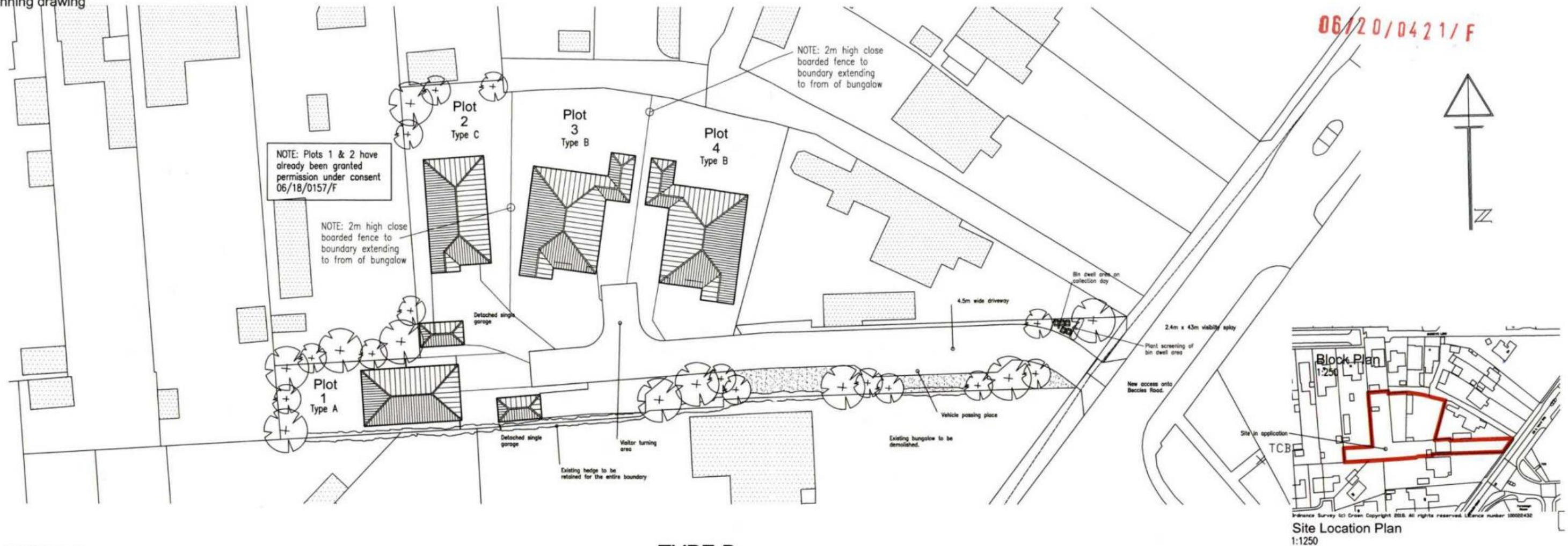
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Drawn:
1283/5

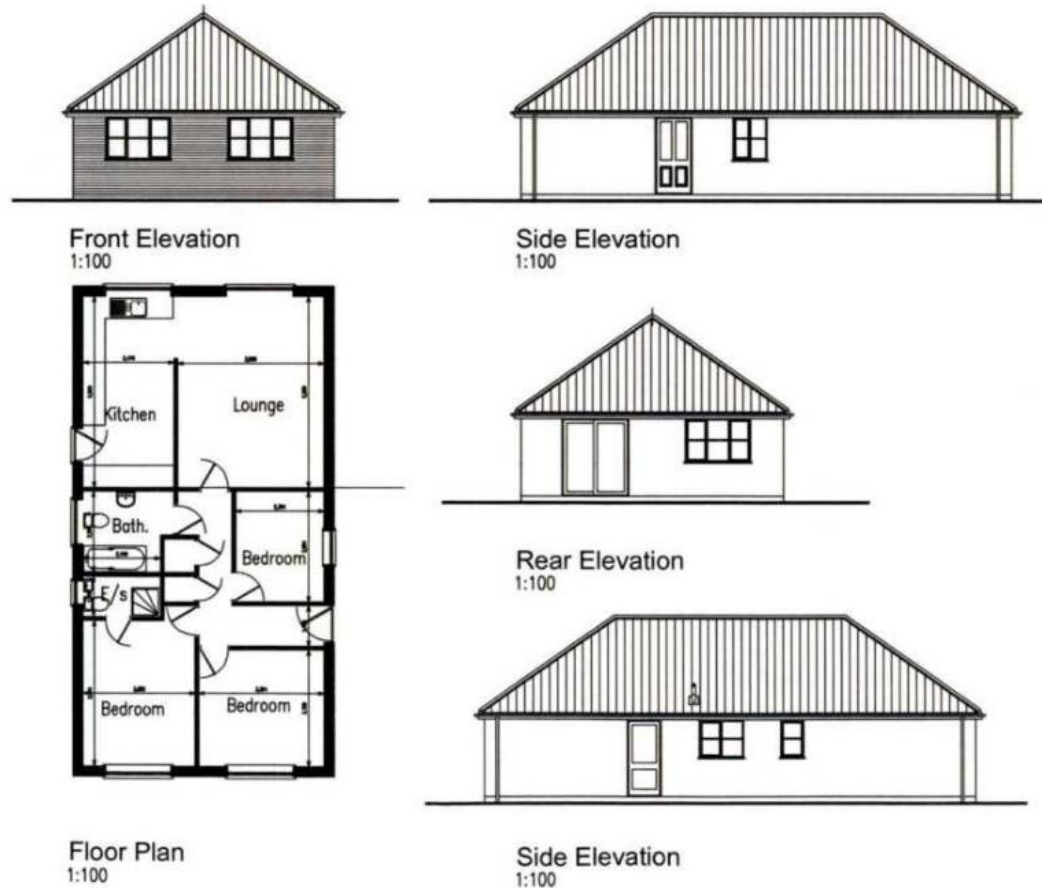
Revision

PROPOSED RESIDENTIAL DEVELOPMENT

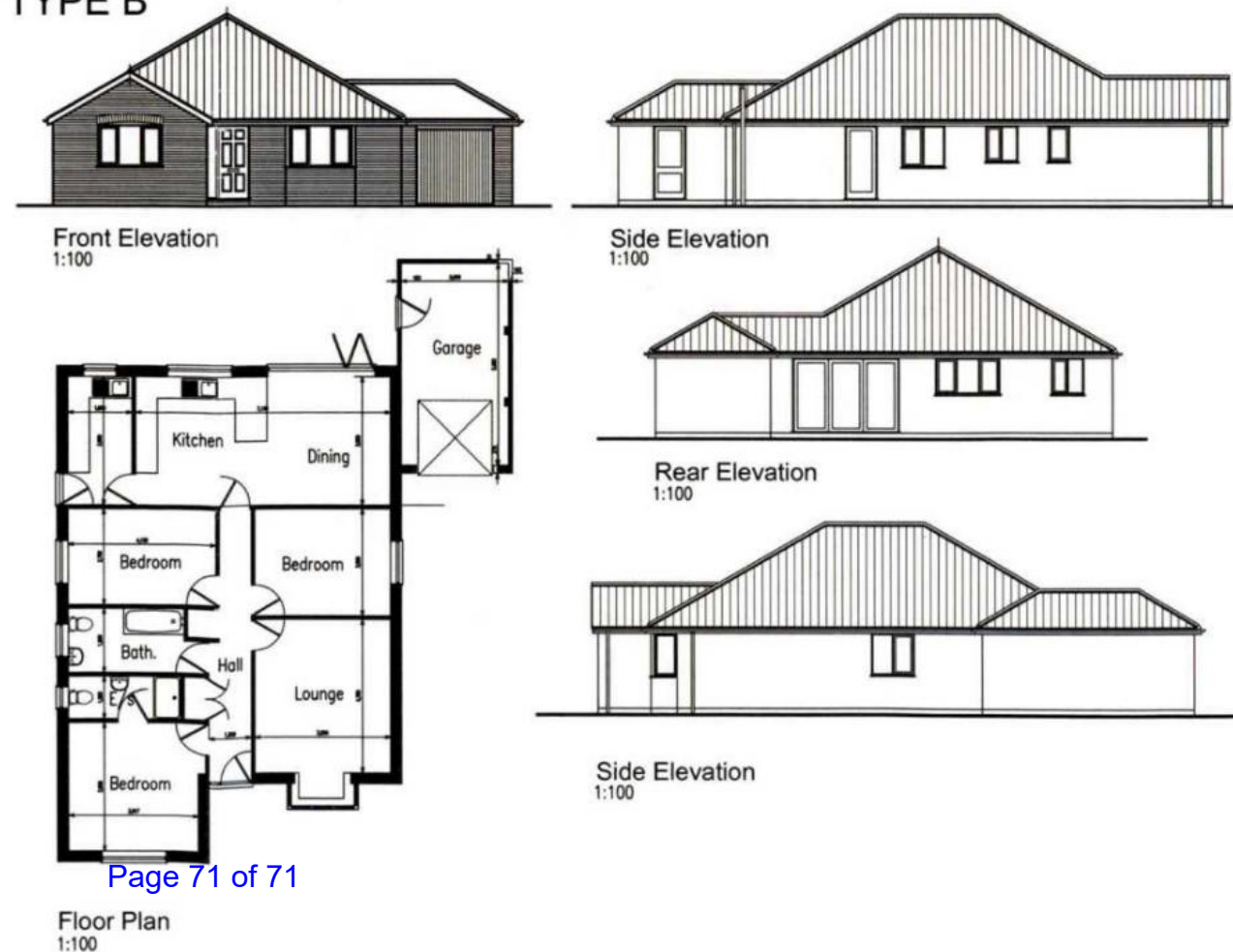
64, Beccles Road, Bradwell.
Planning drawing



TYPE A



TYPE B



Great Yarmouth
Borough Council

09 SEP 2020

Planning
Department

Andrew Middleton

23, Regent Street,
Great Yarmouth
NORFOLK
NR30 1RL Tel. (01493) 858611

Project

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Date
November 2019

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Dwg no.
1283/2

Revision Rev A (June 2021) Bin dwell area indicated.