

**Reference:** 06/20/0505/F

**Parish:** West Caister

**Officer:** Mr Rob Tate

**Expiry Date:** 15/1/2021

**Applicant:** Hammond Property Developments Ltd

**Proposal:** Erection of new 4 bedroom dwelling house

**Site:** Land adjacent to Westaylee, West Road, West End, West Caister.

## **REPORT**

This application was reported to the Monitoring Officer as an application submitted by a company in which a member is a director/shareholder in the applicant company. The Monitoring Officer has checked and made a record on the file that she is satisfied that it has been processed normally and the member has taken no part in the Council's processing of the application.

### **1. Background / History:-**

- 1.1 The site comprises 0.45 hectares and proposes the erection of a 4-bedroomed house with detached garage. The dwelling is sited within an open paddock area adjacent to the applicants dwelling Westaylee (which has a road frontage to West Road, West End, Caister).
- 1.2 The site falls within the countryside some distance to the north of the settlement, and the site adjoins the Broads Authority Area. There is a track immediately to the west of the site that is a public footpath.
- 1.3 The dwelling proposed would face east and has an extensive curtilage. It would share the drive and access of the existing dwelling, and the recent approval, as well as its package treatment plant.
- 1.4 The application is accompanied by an ecology appraisal report and a Shadow Habitat Regulations Assessment (HRA).

1.5 Relevant planning history:

1	<a href="#">06/20/0125/F</a>	APP	26-05-20	Westaylee West Road	Erection of new bedroom dwelling house.	4
2	<a href="#">06/19/0593/F</a>	REF	25-02-20	Westaylee West Road (Land adj) West End West Caister	Erection of new bedroom dwelling house	4

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

2.1 Parish Council – no comments received

2.2 Neighbours – There have been no objections from neighbours.

2.3 Local Highway Authority – No objections subject to appropriate conditions.

2.4 Broads Authority – Object: The proposal is outside the development boundary with a scale, design and use of materials which are not sympathetic to the countryside location adjacent to the Broads Authority Executive Area which is likely to result in adverse visual impacts and urbanisation of the locality.

2.5 Environmental Health – No objections subject to conditions

2.6 Arboricultural Officer: No objections

2.7 NETI - Shadow HRA

The site is within an Impact Risk Zone for Breydon Water SPA. No action required as the development is of a scale that requires consultation with Natural England.

## Ecology

I understand that there is a ditch running along the western boundary, parallel to West Caister FP2 which will be used to drain surface water and receive outfall from the package treatment plant (the ecology report notes that habitats onsite were considered unsuitable for water voles but they may be present adjacent to the site). It is not clear from the ecology report (Practical Ecology, 2019) if the ditch to the west was included within the PEA and if it is suitable for water voles – it is recommended that the applicant confirm if the ditch to the west was included within the PEA and whether it is suitable for water voles - although I note that the package treatment plant forms part of 06/20/0125/F.

## Mitigation

Artificial illumination at night (including dusk and dawn) affects nocturnal animals. NPPF section 180 states that *'planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts. In doing so they should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.* Recommendations for site lighting made in 3.4.4 should be conditioned to minimise impacts on nocturnal animals such as bats.

## Enhancement

In accordance with CS11 and the NPPF, it is recommended that recommendations for enhancement made within the ecological report (Practical Ecology, 2019) are conditioned:

**Condition: Biodiversity Enhancement Plan** *Prior to the commencement of development, a biodiversity enhancement plan shall be submitted and approved in writing by the local planning authority, detailing the enhancement measures for biodiversity on site. The biodiversity enhancement plan should include the numbers and locations of bird boxes, bat boxes, hedgehog gaps, and habitat enhancements as recommended within the Preliminary Ecological Appraisal (Practical Ecology, 2019). The measures shall be carried out strictly in accordance of the approved scheme.*

**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."

*The agent has confirmed that confirm the ditch was observed from the site boundary and the public footpath along the west side and it was confirmed that the ditch did not have suitability for water voles and therefore no actual water vole survey has been undertaken. However the ecology clearly states that there will be no risk unless development is closer than 5m. As the development is not within 5m of the ditch and the treatment plant is an existing system with no further penetrations proposed into the ditch there is clearly no risk and no need for the area to be surveyed.*

### **3 National Policy:- National Planning Policy Framework (NPPF)**

- 3.1 Paragraph 2: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise, however in the absence of a 5-year Housing Land Supply, there remains a presumption in favour of sustainable housing developments.
- 3.2 Paragraph 7: The purpose of the planning system is to contribute to the achievement of sustainable development which has 3 arms:-
  - a) an economic objective
  - b) a social objective
  - c) an environmental objective
- 3.3 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), however in the absence of a 5-yr H.L.S, the status of the emerging plan is somewhat academic.
- 3.4 Paragraph 84. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The

use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

- 3.5 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.
- 3.6 Paragraph 170 - 177. Planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
  - b) recognising the intrinsic character and beauty of the countryside,
  - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
  - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
  - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
  - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

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.

## **4 Core Strategy – Adopted 21st December 2015**

- 4.1 Policy CS2: 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.

4.2 Policy CS2 identifies West Caister as a Tertiary settlement (such settlements are suitable for 5% of new housing growth across the District) proportionate to the scale of the settlement.

4.3 Policy CS9 – Encouraging well-designed, distinctive places

High quality, distinctive places are an essential part in attracting and retaining residents, businesses, visitors and developers. As such, the Council will ensure that all new developments within the borough reflect the local character; respect key features; create functional places; provides appropriate parking and access; conserves bio-diversity.

4.4 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. This will be achieved by: (partial)

a) Ensures Little Terns and other protected species are adequately protected from adverse effects of new development. Natura2000 Sites Monitoring and Mitigation Strategy to be prepared.

d) Ensuring that the Norfolk Coast Area of Outstanding Natural Beauty (AONB), the Broads and their settings are protected and enhanced

g) Ensuring that all new development takes measures to avoid or reduce adverse impacts on existing biodiversity and geodiversity assets. Where adverse impacts are unavoidable, suitable measures will be required to mitigate any adverse impacts. Where mitigation is not possible, the Council will require that full compensatory provision be made

h) Ensuring that all new development appropriately contributes to the creation of biodiversity and/or geodiversity features through the use of landscaping, building and construction features, sustainable drainage systems and geological exposures

4.5 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.

## **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. These policies hold the greatest weight in the determining of planning applications.
- 5.4 As the general principles are covered by Adopted Core Strategy Policy CS2, there are no relevant Policies.

## **6 Emerging policy – Local Plan Part 2:-**

- 6.1 Policy GSP1: Development Limits  
Development Limits are defined on the Policies Map. Development will be supported in principle within the Development Limits.  
Development will not be permitted on land outside of Development Limits except where:
- a. it comprises the use and development of land associated with agriculture or forestry;
  - b. it comprises the provision of utilities and highway infrastructure; or
  - c. specific policies in the Local Plan indicate otherwise

## **7 Habitat Regulations Assessment considerations:**

- 7.1 "European" or "Natura 2000" sites are those that are designated for their wildlife interest(s) through the Conservation of Habitats and Species Regulations 2017 and constitute the most important wildlife and habitat sites within the European Union. The Council has an adopted policy approach, the Habitats Monitoring and Mitigation Strategy, prepared alongside the Part 1 Local Plan (and most recently updated at the Policy & Resources Committee meeting on 5th February 2019).
- 7.2 The application is for a single dwelling and whilst the proximity to designated areas is noted this has not triggered the need for a bespoke shadow habitat regulation assessment.



- 7.2 An appropriate Ecology survey has been submitted in relation to the site. NETI has been consulted and not raised an objection to the proposal; their full response is at paragraph 2.7.

## **8 Local finance considerations:-**

- 8.1 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. The application has been assessed and there are no financial implications that would impact the determination of the application.

## **9 Assessment**

### Development Plan Policy

- 9.1 The proposal seeks approval for the erection of a dwelling in the open countryside near to the minor settlement of West Caister, which is identified in Core Strategy Policy CS2, as one of the Tertiary Settlements, which are to absorb 5% of the Districts Housing requirement as minor developments within the settlement, appropriate in scale to the settlement. West Caister does not have any defined settlement limits.
- 9.2 West Caister is an unusual settlement in 2 parts, with a nucleated grouping of dwellings based around the church – at the eastern end close to the A149 (Caister by-pass) – and a second grouping of dwellings further west, which has a particularly ‘linear’ character with each dwelling having a frontage to the various public highways/lanes.
- 9.3 There have been several recent housing developments within the settlement, including a replacement dwelling to the east of the application site, a new dwelling approved to the west and a new bungalow under construction on the opposite side of the road. As well as the recent approval in between the donor dwelling and the property to the east.
- 9.4 The main concern being the position of the proposed dwelling in relation to the character and form of the settlement. The proposed dwelling is a typical tandem-backland situation, sharing a common drive, but situated behind the host dwelling in relation to the highway. This form of development is out-of-character with the established character and pattern of development and is an alien form of development that conflicts with the current form of the settlement.



- 9.5 The applicant's current dwelling is already set-back some distance from the highway – with an outbuilding between the dwelling and the road - although in keeping with the settlement form, it has a direct road frontage. However, in comparison, the proposed dwelling (which would be served from the same access drive), is to be positioned much further from the road. It is in effect, a new dwelling in the countryside beyond the obvious settlement limits established by other dwellings.
- 9.6 The recent approval on the site (06/20/0125/F) was located in an infill location between Westaylee and the property to the east - Home Farm (albeit set back quite some distance from the road. This property does however front the road and is therefore more in keeping with the general character of the area.
- 9.7 It should be noted that since that approval, the Council now enjoys a 6.51 year housing supply. Consequently, the titled balance does not apply for schemes contrary to the Development Plan and more significant weight can be given to the Development Limits. West Caister does not have any village development limits and therefore the proposal is contrary to saved policy HOU10 from the Borough-Wide Local Plan as well Core Policies CS01 and CS02 which makes continued reference to the approach towards settlement limits.
- 9.8 Furthermore, with the lack of safe pedestrian access to local amenities it is considered that there would be a reliance on the private car for future occupants of the proposed development. As such it would be contrary to core policy CS1 (e) from the adopted Core Strategy, which seeks to ensure that new developments provide easy access for everyone to jobs, shops and community facilities by walking, cycling and public transport.

#### Intrusion into the Countryside

- 9.9 Unlike all of the other dwellings within the village -which have a direct road-frontage to one of the lanes within the settlement, the application proposal is not only set back an appreciable distance from the highway, it has no direct road frontage and it is set behind the applicant's existing dwelling and shares its drive in a tandem-backland situation and as discussed above, would appear out-of-character with the form of this linear rural settlement.
- 9.10 The dwelling would be sited in a relatively open grazing paddock, extending north from the settlement and the curtilage as shown on the plans extends to the treeline to the north of the site which represents the boundary with The Broads Authority Executive Area.
- 9.11 In addition to the concerns regarding the village character, the dwelling represents an intrusion into the countryside beyond the obvious limits of the settlement. And

be read in conjunction with Broads area, particularly in views from West Road, and from the public footpath to the west of the site.

9.12 The N.P.P.F indicates that the countryside should be protected for its beauty, and that “great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues”.

9.13 The Broads Authority have objected to the application on the grounds of the significant adverse impact on the Broads Authority Executive Area. The Broads Authority’s objections are that:-

*“The proposal is outside the development boundary with a scale, design and use of materials which are not sympathetic to the countryside location adjacent to the Broads Authority Executive Area which is likely to result in adverse visual impacts and urbanisation of the locality”.*

9.14 The Broads is designated as of equivalent status to a National Park and its landscape is accorded the highest level of protection. The introduction of the development proposed adjacent to the Broads boundary, irrespective of the existing provision of screening, would adversely affect the character and appearance of the landscape and its quality, particularly from the adjacent footpath – notwithstanding the existing hedgerow screening the two.

9.15 When assessing the application, the impact on the Broads Authority is a material consideration that holds substantial weight. As can be seen from the comments above, the assessment is that the impact of the development is considered to be detrimental to the countryside location adjacent to the Broads Authority Area and should be refused for this reason.

9.16 An alternative siting for a dwelling is available on the road frontage – as an infill plot between the applicant’s dwelling and nearby stables – that would both comply with Core Strategy Policy CS9, and would not have the same detrimental impact on the countryside or the Broads Area, however the applicant has declined invitations to relocate the proposal as he does not wish to lose the outlook from the existing dwelling.

#### Impact on Ecology

9.17 The N.P.P.F; The Conservation of Habitats and Species Regulations 2017, and Core strategy Policy CS11/Natura2000 Monitoring and Mitigation Strategy, establishes a strict regime for consideration of the impact of a development on both protected species and wildlife habitats.

- 9.18 There are 3 separate issues to consider in relation to the above legislation and policy and the current proposal, being the ecology of the site itself, any recreational pressures on Natura2000 sites and impact on protected species off-site.
- 9.19 The applicant currently manages the land to the north of his dwelling as a wildlife site, and actively encourages bats/owls, hedgehogs and other species. An ecology report has been submitted that concludes that there is potential for wildlife to be present at the site, and with appropriate additional bio-diversity enhancement/extra nest-boxes, the development would not harm wildlife. The County ecologist confirms that the report is fit-for-purpose.
- 9.20 The submitted HRA report concludes that there could be some impact on Natura2000 sites arising from visitor pressure, however it would not be significant and the County Ecologist confirms that it could be dealt with via the Monitoring and Mitigation Strategy.
- 9.21 The key concern relates to the potential impact on protected species off-site. The applicant's own ecology report confirms the potential for water-voles with the drainage ditches adjacent to the site and where water-voles presence has been recorded nearby. The agent has confirmed that confirm the ditch was observed from the site boundary and the public footpath along the west side and it was confirmed that the ditch did not have suitability for water voles and therefore no actual water vole survey has been undertaken. However, the ecology clearly states that there will be no risk unless development is closer than 5m. As the development is not within 5m of the ditch and the treatment plant is an existing system with no further penetrations proposed into the ditch there is clearly no risk and no need for the area to be surveyed.
- 9.22 The drainage proposals for the new dwelling include the disposal of surface-water run-off to the adjacent ditch network, with foul water utilising the existing dwellings package treatment plant, which also discharges to the same ditch network. The recent approval (06/20/0125/F) will utilise the same treatment plant.
- 9.23 The County Ecologist reiterated the need to secure biodiversity gains and mitigate potential harms on the site. If members are minded to approve contrary to the officer recommendation, then it is recommended to condition these.

## **10 Conclusion**

- 10.1 The proposal does not represent an acceptable infill and would be a tandem-backland development that would appear out-of-character with the linear form of the settlement, contrary to the aims of N.P.P.F and Core Strategy Policy CS2. The proposal is sited outside of the development limits and is therefore contrary to

saved policy HOU10 from the Borough-Wide Local Plan as well as conflicting with Core Policy CS01. With a housing supply of 6.51 years the tilted balance does not apply, and the harms are considered to outweigh the benefits of the scheme.

- 10.2 The dwelling constitutes an alien encroachment into the countryside adjoining the Broads Authority Executive Area, which is to be afforded the highest level of protection. The application is therefore contrary to CS09 G and CS11 D from the adopted Core Strategy.

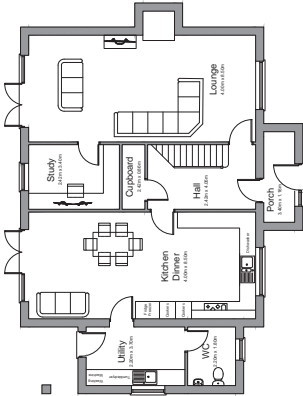
## **11 Recommendation: -**

- 11.1 That permission be **REFUSED** for the reasons outlined above.

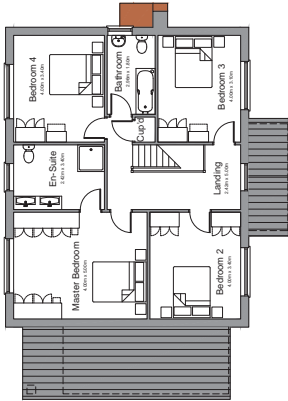
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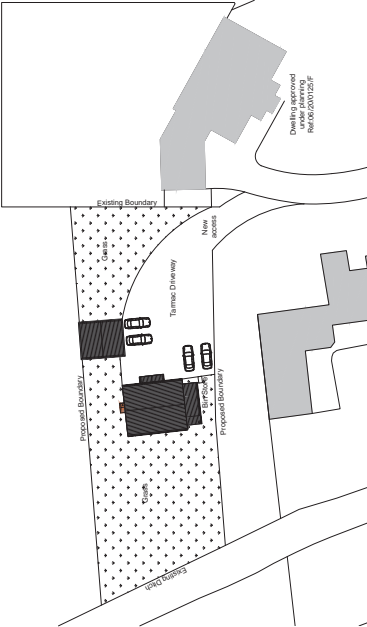
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- Rainwater - Black UPVC
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- Windows/ - White UPVC
- Doors - Stone
- Window Cills - Stone



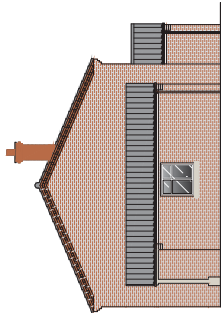
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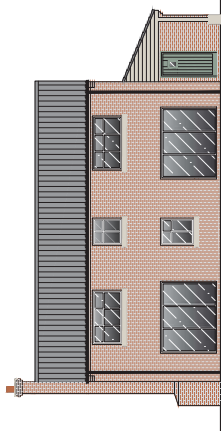
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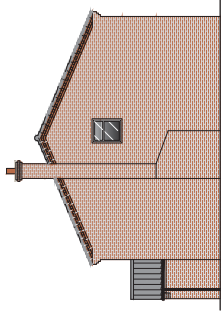
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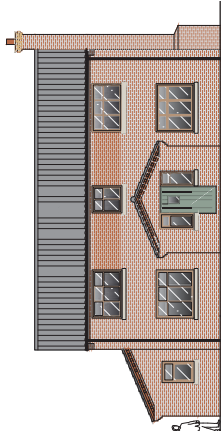
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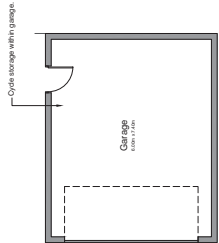
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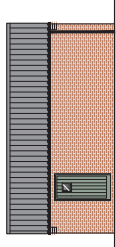
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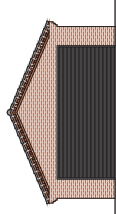
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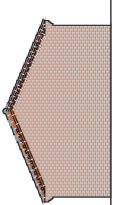
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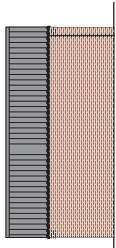
Garage Side West Elevation  
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Garage Front South Elevation  
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Garage Rear North Elevation  
Scale - 1:100



Garage Side East Elevation  
Scale - 1:100



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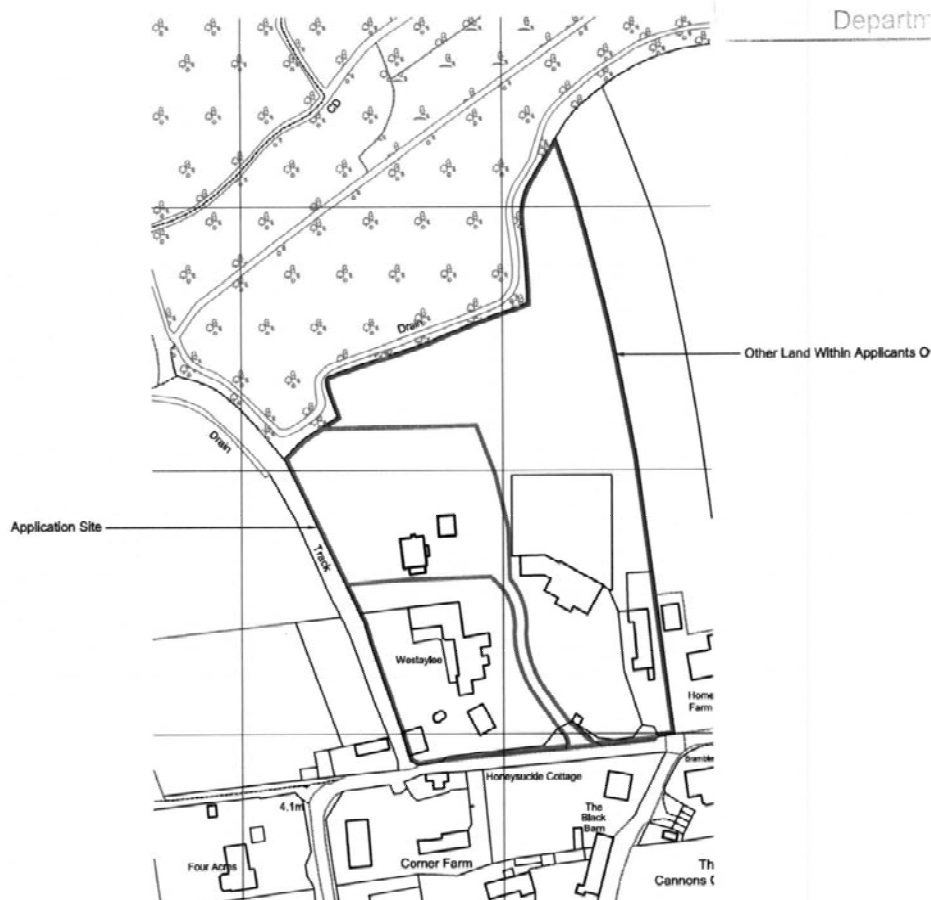
6 Octagon Business Park,  
Hedge End Road, West Worthing,  
West Sussex, BN11 3JG  
Tel: 01903 397027  
www.paulrobinsonpartnership.co.uk

Client: Hammond Property Developments  
Location: Land Adj Westleye, West Road West Caister  
BSC: Proposed New Dwelling Floorplans, Elevations and Block Plan  
Drawn by: CS  
Checked by: KM/BH  
Date: September 2020  
Project no: 8225  
Revision: P01

Great Yarm  
Borough C

06/20/05 03/0ET

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Planning

client:  
**Hammond Property  
Developments**  
location:  
**Land Adj Westaylee,  
West Caister**

title:  
**Site Location Plan**

scale @ A4:  
**1:2500**  
date:  
**September 2020**  
project no:  
**8225**

drawn by:  
**CS**  
approved:  
**KM/BH**  
dwg no:  
**P02**

rev: date: description: by: