

Reference: 06/21/0917/F

Parish: Martham

Case Officer: Robert Parkinson

EOT agreed: 22/04/2022

Applicant: Mr and Mrs H J E Cary

Proposal: Application to amend various ecological conditions within planning permission 06/17/0358/F (Conversion of existing barn to 2 dwellings and erection of 44 dwellings and associated infrastructure)

Site: Land to the south of Somerton Road, and to the east of White Street, at Church Farm, Martham, Great Yarmouth

REPORT

1. Background, Site and Context

- 1.1 This site comprises 2.07 hectares of land which comprises 4no. existing agricultural buildings, grade 1 agricultural land and yards for agricultural use. There is also an unoccupied brick-built bungalow on the site, no. 34 White Street, which is surrounded by trees in the south-west corner. A large pond is next to the site in the north-west corner. A Byway Open to All Traffic (BOAT 22) runs approximately north-south through the middle of the application site.
- 1.2 Full Planning Permission was first granted for the conversion of an existing thatched farm barn into two dwellings, and the erection of 44 dwellings, giving a total of 46 new homes – application 06/17/0358/F (approved 24th April 2019).
- 1.3 The development involves demolition of the bungalow and three other buildings and the modern additions to the thatched barn. Significant features of the redevelopment included the conversion of the retained thatched barn, the creation of two access points onto White Street and Somerton Road, limited provision of on-site open space, and the relocation of the public right of way Byway Open to All Traffic (BOAT22) from through the middle of the site to a new position along the east side of the application boundary.
- 1.4 The approved site layout masterplan for the permission is provided for reference within Appendix 2 to this report (plan ref 15.032 010 revision T).
- 1.5 The full planning permission was granted with a requirement to commence the development within 3 years (i.e. by no later than 22nd April 2022), but is subject to a number of 'pre-commencement' conditions; principle amongst those are

the need for surveys and trapping and relocation of reptiles, and the need to agree archaeological investigation methods.

- 1.6 This application is submitted to seek amendments to particular conditions which require details to be agreed or works to be undertaken prior to the commencement of development.

2. **Proposal**

- 2.1 The proposal within this application is to vary multiple conditions of permission 06/17/0358/F in respect of ecological investigation, mitigation and site delivery.
- 2.2 The conditions of the current permission are seen within the decision notice for permission 06/17/0358/F provided at Appendix 3 of this report.
- 2.3 The application has included the following documents:
- Ecological Report – Proposed Reptile Investigation Method Statement (Oct 2021) (received 25.11.2021)
 - Planning Statement describing proposed variations to conditions
 - Archaeological Written Scheme of Investigation dated July 2021, report ref: ENF 151992 (HES site ref: CNF47507) (received 25.11.2021)

3. **Relevant Planning History**

- 3.1 **06/17/0358/F:** Conversion of existing barn to 2 dwellings and erection of 44 dwellings and associated infrastructure
Considered by the Development Control Committee on 17th October 2018.
Approved 23rd April 2019.
And subject to a Section 106 Agreement dated 15th February 2019.

The Stopping Up Order required for the development was confirmed by the Secretary of State in November 2019.

Application 06/21/0918/CD has also been submitted to address Conditions 3 and 23 of permission 06/17/0358/F: regarding proposed means of archaeological investigations and proposed means of trapping and relocating grass snakes, small mammals and amphibians prior to commencement.

4. **Consultation:**

All consultation responses received are available online or at the Town Hall during opening hours

- 4.1 Surrounding neighbours have been notified and a site notice was placed adjoining the site, and a press notice was issued.
- 4.2 Six public representations have been received expressing the following concerns:

Relating to reptiles:

- The grass snake and reptile enclosures should be identified to ensure such areas are not able to be stripped of vegetation.
- What steps will be taken to protect the animals from predators?
- The grass snakes indicate healthy semi-natural habitat and should be protected.
- The grass snakes are to be trapped and separated from the pond, so would not thrive.

The above concerns are relevant to the determination of this application.

Relating to other matters:

- Bat populations are not discussed in the application and should be protected.
- What is being done to address the knotweed at the site?
- Somerton Road is already struggling with traffic at peak use times including parking on the pavement for the school football pitches.
- Pedestrian safety especially for school children.
- Somerton Road is too narrow for HGVs, coaches and tractors to pass each other.
- The access into the site is on a blind bend which is dangerous.
- The proposed access onto Somerton Road is directly opposite the exit for 3 houses which is unsafe.
- There are no bus services to Norwich so all homes are car-dependent.
- The noise and traffic from 46 new dwellings will be unbearable.
- The doctors surgery is inundated.
- Local infrastructure is already unable to cope.
- Loss of agricultural land is unacceptable.
- Stout fencing or walls is needed between the site and existing homes, to protect privacy, and for safety reasons in locations adjacent to the pond on the site.
- The brick wall remains forming the boundary to 72 White Street should be retained as a heritage feature (remnant of Martham House).
- The existing site contains asbestos fragments in the area adjoining its neighbours, resulting from a fire at the asbestos building in November 2021 – what is being done to address this and clear debris / fragments?
- The delays in commencing the existing permission should not be attributed to the pandemic, as other sites in Martham show the strength of the housebuilding industry.

The above concerns are important but are unable to be re-considered through the determination of this application, because such material circumstances have not changed nor introduced a requirement to reappraise these elements.

4.3 Martham Parish Council - no objections.

4.4 Historic Environment Service - Archaeology – (in replying to linked application 06/21/0918/CD) - No objection to the proposed use of the submitted Written Scheme of Investigation for archaeology mitigation as this is considered approved by the Historic Environment Service.

As such, condition 3 of pp. 06/17/0358/F can now be discharged, and any permission issued as a result of this application to vary conditions can amend the terms of condition 3 accordingly.

4.5 Norfolk County Council – Natural Environment Team (NETI) - Ecologist – No comments received.

A response will be sought and any feedback will be reported to the Committee meeting. Unfortunately it is not clear if any comments were lodged with the LPA about the ecological assessments within the original application 06/17/0358/F.

4.6 Conservation Officer – No comments.

4.7 Local Highways Authority – No comments.

5. Assessment of Planning Considerations:

5.1 Planning law has established that granting permission to applications to vary or remove conditions on an extant planning permission have the effect of creating a new stand-alone permission to replace, or be used alongside, the original permission.

5.2 It is also established practice that there are no grounds to re-consider other elements of the original permission which are not the subject of the application to remove or amend conditions – unless there are material considerations that have arisen in the intervening period since the permission was granted, which would cause the operative effect of the permission to be amended to such an extent that it fails to comply with the development plan. It is not possible to add additional / unrelated restrictions on the permission unless such material considerations require intervention, or unless in agreement with the applicant.

5.3 However, where a development is subject to a Section 106 Agreement, any new permission will need to be subject to the prior completion of a Deed of Variation agreement under Section 106 A of the Town and Country planning Act, unless the original agreement makes suitable provision to that effect.

Relevant planning policy

5.4 Planning law at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires

that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated at and paragraphs 2 and 47 of the National Planning policy Framework (NPPF).

- 5.5** Whilst the Council has an up-to-date development plan and 5-year-housing land supply the National Planning Policy Framework remains a material consideration, but the development plan retains primacy.

Adopted Core Strategy 2013-2030

- 5.6** The following policies are relevant to the limited matters subject to consideration in this application:

CORE STRATEGY (adopted 2015)

Policy CS1: Focusing on a sustainable future

Policy CS3: Addressing the borough's housing need

Policy CS9: Encouraging well-designed, distinctive places

Policy CS11: Enhancing the natural environment

LOCAL PLAN PART 2 (adopted 2021)

Policy GSP1: Development Limits

Policy GSP6: Green infrastructure

Policy GSP8: Planning obligations

Policy A2: Housing design principles

Policy E3: Protection of open spaces

Policy E4: Trees and landscape

Other material considerations –

National Planning Policy Framework (2021)

- Section 4: Decision Making
- Section 5: Delivering a sufficient supply of homes
- Section 12: Achieving well designed place
- Section 15: Conserving and enhancing the natural environment

- 5.7** The principle of development is established by the site's location in the local plan development limits and the existing extant planning permission, whilst the amendments to the terms of the existing permission are in line with the above planning policies. The existing permission considered the infrastructure implications of the development at the time, including the provision of affordable housing, as well as highways, design and amenity matters, and therefore assessment of this application can relate only to the proposed amendments and implications for ecology, and the site's construction process.

- 5.8** In particular, policy CS11 "Enhancing the natural environment" requires the authority to assess the impacts of development on natural assets including

protected species, policies GSP6 and E4 require protection and enhancement of on-site biodiversity and ecology, and the Natural Environment and Rural Communities Act 2006 and Environment Act 2021 place a duty on local authorities to ensure the protection and enhancement of ecological habitats and biodiversity.

Main issues:

Principle of development

- 5.9** The site has extant planning permission for the same development and now lies within the adopted Local Plan Part 2 Development Limits for Martham so the development continues to be supported in principle unless material considerations outweigh that principle.
- 5.10** In this case the only relevant material considerations to have changed since the initial planning permission was granted was the adoption of the Local Plan Part 2 and the revisions to the NPPF, which together both encourage the delivery of homes in sustainable locations and which adopt take a flexible and pragmatic approach to implementation, such as through minimising the need for conditions to be discharged prior to any commencement of development.
- 5.11** The principle of re-examining these original conditions is therefore supported.

Implementation of the permission(s)

- 5.12** The means of commencing the approved and extant development has been carefully considered by the applicant but requires a level of investment in time and finance unavailable at the moment. Some of the complications include highways arrangements; for example, trying to design and provide just a highways access into the site would 'commence' the development but it would also first require agreement of the technical details for the site's road layout and construction (Condition 6 of permission 06/17/0358/F), and also need a detailed drainage design to accompany this (Condition 12).
- 5.13** As such, the applicant has stated their intention is to commence the development by undertaking partial demolition, in the form of removing part of the 'relatively modern' extensions on the thatched barn which is to be converted into two dwellings. This is unlikely to have any significant ecological implications but these are discussed below and the removal can be supervised by an ecologist by planning condition (with particular concern for presence of bats), and because of its modern materials is unlikely to create any contamination implications.
- 5.14** As this is part of the approved development within the approved plans under permission 06/17/0358/F, and as even partial demolition constitutes 'development' as a material operation as described in Section 55 of the Town and Country Planning Act, this limited activity would nevertheless comprise a commencement of development if there were no intervening pre-commencement planning conditions. Such works would also be undertaken

well away from the land subject to reptile capture requirements. For ease of reference, the various buildings on the site are identified in plan at Appendix 5.

Archaeology

- 5.15** The proposed development site lies within an area where Roman and medieval pottery and other artefacts have previously been found, and cropmarks suggesting the presence of field systems and a trackway of unknown date are present. Consequently, there is a high potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.
- 5.16** Condition 3 of the original permission requires a Written Scheme of Investigation (WSI) to be agreed prior to the commencement of development. The applicant has provided a WSI dated July 2021, which has provided a desk top survey and which proposes Trial Trenching across the whole site, with appropriate analysis and publication. Trial trenching locations are shown at Appendix 4 to this report.
- 5.17** The Historic Environment Service has confirmed it is a satisfactory proposal and can be approved. As such the conditions of permission 06/21/0358/F can be amended to require compliance with this WSI, so long as the investigations are undertaken before the ground is disturbed. It is proposed that an amended permission can be granted allowing investigations to take place after demolition but before groundworks are commenced.
- 5.18** It is therefore proposed that Conditions 3 and 4 can be amended accordingly. Condition 5 still required results analysis and publication prior to occupation which is appropriate and will be retained.

Ecology – on site

- 5.19** The original application included an initial, and subsequently a final, Ecological Assessment report (ref 2016-57 R1 Final, dated 16/09/2017). That covered matters concerning bats, reptiles and potential for other protected species. A number of bat survey visits were undertaken in 2017 which found some bat presence in different locations across the site, including in some of the modern farm buildings. Other protected species surveys included reptiles and newts.

Bats:

- 5.20** The thatched barn included some notable potential for bat presence. The thatched area of the barn had ‘moderate potential’ to support bats, as does the bungalow - although evidence of activity was not so recent there. In 2017 there were signs of bat presence in the southern arm of the two modern extensions to the thatched barn, but none in the northern arm. There were signs of activity within the south-east barn and the bungalow too, in 2016, albeit these appeared to have been unused in 2017. Overall, the two northern and southern wings to

the barn were more limited and along with the other modern barns on the site were in fact considered to have 'negligible potential'.

- 5.21** It is most likely that the bat presence is restricted to summer months, but it should not be assumed that the site is not used for winter hibernation. Any works to buildings with bat potential should be restricted to the summer months.
- 5.22** Other precautions can include removal of roof tiles being supervised by a licenced bat works, and cavities being checked by licensed workers where demolition and conversion is proposed. Any discovered bats would need to be relocated to a pre-prepared alternative bat roost erected on trees, and conditions were imposed to require these.
- 5.23** The thatched barn was also to be provided with an insulated 'bat loft' installed within the roof void of the southern half of the conversion (some 10m long x 5m wide and at least 2m high), with bat access to be created through the barn gable walls.
- 5.24** Condition 26 of the existing permission requires that conversion of the thatched barn shall not be commenced until the bat loft and openings therein have been installed and made available. This could be problematic to the intended commencement as the works of conversion include demolition of the two extension wings, so to demolish would be to start the conversion and require the bat loft's earlier installation.
- 5.25** An amendment to Condition 26 can expressly allow careful demolition of the northern arm under supervision of a licenced bat worker, before the remainder of the conversion takes place at which point the bat loft should be installed. This is possible because there was 'negligible potential' and no confirmed activity within the northern arm in 2017.
- 5.26** The report from 2017 advised that "as more than three roosting locations have been identified, plus the presence of a species within the barn not covered by the [bat] class license (serotine), it will be necessary to obtain a full European Protected Species Bat Licence for the works." It is possible that a Natural England licence could take 30 days to process and can only be processed once planning permission has been granted. The applicant has not provided any evidence of a licence having been sought already, despite the extant nature of the existing permission.
- 5.27** The existing planning permission 06/17/0358/F Condition 15 does actually require the applicant to apply to Natural England for a European Protected Species (including bat) Licence and have it granted by Natural England, before the commencement of any development or site clearance. This is considered unhelpful to be retained in its current form when there are other controls available to minimise risk of harm to bats and other protected species (as per the other conditions proposed in this report) and it is unreasonable to suggest that some level of development should not be able to proceed without Natural England's approval.

- 5.28** It is recommended to retain the Condition 15 expectation for a license to be applied-for prior to commencement to ensure the process is underway, but it is recommended to remove the requirement that Natural England should have approved the licence before works start.

Reptiles:

- 5.29** Initial reptile surveys and great crested newt surveys were undertaken in 2017, but the results were not fully recorded by the time the ecological assessment report was submitted. There was limited discovery of grass snakes at that time, but the report concluded this could be a site of 'local value' for grass snake.
- 5.30** The report recommended that grass snakes and other reptiles should be trapped and relocated from the development site and into an area proposed for use as a new area of habitat over the top of the proposed soakaway / attenuation chamber area to be provided on the east side of the site as part of the drainage scheme. The area would be c. 500sqm and enclosed by suitable reptile fencing (final details of fencing to be agreed by conditions).
- 5.31** The details of the associated relocation area's design were to be agreed under Condition 22 of the original permission prior to the commencement of development.
- 5.32** Condition 22 currently also requires that the relocation area needs to be provided and fenced prior to the commencement of development.
- 5.33** Condition 23 requires details of the scheme for trapping the grass snakes to be agreed prior to the commencement of development.
- 5.34** Conditions 23 and 24 currently also requires that the trapping shall be undertaken prior to the commencement of development. Clearly that presents challenges if the commencement is imminent in order to implement the permission if the trapping and relocation hasn't been undertaken in the three years previous to this.
- 5.35** Condition 25 then requires that the site shall only be cleared once the trapping is completed. Site clearance does not constitute commencement, but this does also presents difficulties if the need to clear the site and the trapping timescales do not neatly line up.
- 5.36** When considered in combination with the other conditions and requirements of the wider permission, the need for reptile trapping and relocation to the pre-prepared protected wildlife site all before commencement of development, is considered prohibitive in practice because:
- The area intended for relocation is currently arable crop fields devoid of biodiverse habitat and shelter which will take some time to be planted and establish;
 - The area intended for reptile relocation is also the approved SUDS drainage attenuation cell area;

- The SUDS scheme is already accepted in principle but the technical designs do not need to be approved prior to commencement (see Condition 12);
- However the Section 106 Agreement does require the SUDS scheme to be fully detailed, complete with proposed management arrangements, prior to commencement;
- The SUDS scheme will need extensive works as part of being installed, which would likely harm existing site habitats through site clearance, and cause the relocation habitat site creation to be abortive when the attenuation chambers or soakaways are installed underground at the same location.

It is regrettable that the drainage scheme and ecological assessment recommendations were not proposed in tandem with construction phasing schedule as part of the original application, but nevertheless it is necessary to now reappraise the conditions for habitat creation, reptile trapping and relocation, and site clearance.

- 5.37** A revised schedule of conditions must look to provide time for a receiving habitat area to be created and become established, whilst accommodating the timeframe needed for the SUDS scheme to secure technical details approval and implementation.

Others species:

- 5.38** Breeding birds were to be protected by avoiding destructive site clearance during nesting season or only under the supervision of a qualified ecological clerk of works.
- 5.39** Swifts, sparrows and starlings were also to be protected through use of new bespoke bird boxes.
- 5.40** Barn owls were not observed but as an enhancement measure it was required under Condition 19 that a pole-mounted barn owl roost should be installed.

Summary of ecology:

- 5.41** All aspects of the 'final ecological assessment' report concluded that further surveys would be prudent before any development commences. This would be necessary now that the ecological assessments have outlived their two-year relevance for protected species; a new condition can require reappraisal and additional mitigation as necessary.
- 5.42** Whilst bats can be expected in the retained thatched barn, their presence is considered very unlikely in the more modern adjoining wings of that barn as they had 'negligible potential' in 2017 and were not generally as suitable for roosts as other parts of the site. With the retained mitigation through bat boxes, it is suggested that demolition of the modern northern arm extension of the thatched barn is possible with confidence that bats or their roosts should not be disturbed or harmed given there was no evidence of activity there in the 2017

survey. A new condition can be used to secure appropriate oversight and considerate demolition during these works.

- 5.43** The remainder of the site should be subject to a new species survey and mitigation measures as necessary, prior to any commencement of development (including demolition), with the exception of the manual demolition of the thatched barn's northern arm extension.
- 5.44** As grass snakes were found in separate areas from the thatched barn, it can be possible to allow demolition of the same element with confidence that grass snakes would not be affected; as such the limited demolition can be allowed prior to the necessary trapping and relocation. A new condition that prevents storage of demolished materials on site would be necessary to minimise the chance of such stockpiles being colonised by grass snakes.
- 5.45** The initial ecological report accompanying the application included a plan of the temporary and permanent receptor areas for the reptiles. The temporary area would be on the south side of the existing pond, with the permanent area approx. 100m due east of the pond.
- 5.46** The applicant has sought to demonstrate how the requirements can be satisfied by providing a further ecological report (ref "Condition 22 Report" dated October 2021 by Applied Ecology).
- 5.47** The application now proposes a new Temporary Relocation Area reptile habitat, which would be sited behind plots 3-6 in the south-west corner of the site which is also adjacent to the existing pond outside the application site. The Temporary Area measures 510sqm compared to the required 500sqm of the permanent area, and will be separated from the development site by temporary reptile-proof fencing, whilst allowing connection to the pond. The location of the temporary area and the continued location of the permanent area are both seen at Appendix 6 to this report.
- 5.48** The latest ecological report suggests this area is currently established grassland, and includes areas where reptiles were likely to be captured anyway. The development masterplan layout requires the area to be shared between use as a communal green space public open space and as gardens for the terraced houses at plots 3-6.
- 5.49** The applicant considers this area can be left undisturbed for the majority of the construction period whilst the SUDS features are installed. To accept this with confidence, the phasing of construction and siting of construction worker welfare buildings and stores would ideally be presented no details have been offered at this stage. However, it can be seen from the masterplan layout at Appendix 2 that there are many areas in the site where the activities can be contained with appropriate protection of trees.
- 5.50** The applicant has offered a suitable specification for both the temporary and permanent habitats, but has stopped short of proposing when the permanent habitat should be provided in the context of the wider development.

- 5.51** A condition should be used to require provision of the permanent habitat above the SUDS area at the same time as the SUDS facilities need to be provided (ie immediately following). As the Section 106 Agreement currently requires the whole SUDS scheme to be in place and operational before the occupation of 30% of the dwellings (14no. dwellings), it is appropriate to require the permanent habitat to be created by the same time and prior to the commencement of any development at plots 3-6. This sequence will also allow time for planting to have a chance of becoming established before reptiles are permanently relocated. Therefore a condition will also need to be used to ensure reptiles are relocated from the temporary habitat to the permanent habitat prior to occupation of any dwelling at plots 3-6. Conditions shall also be necessary to require re-instatement of the open space and gardens prior to first occupation of plots 3-6.
- 5.52** To facilitate these relocations, the reptile trapping will need to be undertaken in accordance with the methodology proposed in the Applied Ecology "Condition 22 Report". However, the Applied Ecology report has proposed limiting this in the first instance to just the areas where grass snakes were found in 2017; as mentioned previously the report from 2017 is too old to allow this without being refreshed, so a new condition will have to secure a re-survey for grass snakes across the site prior to commencement other than the careful demolition of the northern arm of the thatched barn.
- 5.53** There is no concern raised with the method of trapping or fencing, or habitat creation proposals in the Applied Ecology Report, only the geographical extent, but conditions can address this.
- 5.54** Therefore, the amended conditions proposed in respect of reptiles are:
- i. With the exception of demolition of the northern arm of the thatched barn, no development shall commence until a protected species survey including grass snake survey has been undertaken prior to, at most, two years of the commencement date, which must be undertaken during the period of April – October;
 - ii. No site clearance shall be undertaken (with the exception of the demolition of the northern arm of the thatched barn) until the site reptile trapping has been completed, and thereafter only in accordance with a carefully prescribed manner (as set out in the applicant's planning statement re condition 25 amendments);
 - iii. With the exception of demolition of the northern arm of the thatched barn, no development shall be commenced until a grass snake and reptile temporary relocation habitat has been provided and fenced, in accordance with the specification within the Applied Ecology report October 2021, in the location shown therein (2021 report Figure 3), and shall be maintained thereafter until their permanent relocation;
 - iv. The temporary area shall not be removed until such time as the permanent

reptile relocation habitat has been provided and fenced and the reptiles are transferred, in accordance with the specification within the Applied Ecology report October 2021;

- v. With the exception of demolition of the northern arm of the thatched barn, no development shall be commenced until trapping has been undertaken across the whole site in accordance with the findings of the survey required by part (i) above, and in accordance with the methodology paragraphs 2.10 – 2.14 within the October 2021 Applied Ecology report;
- vi. All grass snake and other reptile trapping shall be undertaken in accordance with the Applied Ecology report October 2021 and must not be undertaken outside the period April – September in any year;
- vii. As with the s106 agreement, no more than 14 dwellings shall be occupied until the SUDS scheme (to be approved) has first been provided in full;
- viii. No development shall commence at Plots 3-6 and no more than 14 dwellings shall be occupied within the development until the permanent habitat has first been created, fenced and planted in strict accordance with the specifications set out within the Applied Ecology report October 2021, in the location shown therein (2021 report Figure 3);
- ix. No occupation of any dwellings shall take place at Plots 3-6 until the reptiles and other creatures required for relocation have first been trapped and moved from the temporary habitat to the permanent habitat (under qualified supervision, not outside April – September, and in accordance with the methodology paragraphs 2.10 – 2.14 within the October 2021 Applied Ecology report);
- x. The open space adjacent Plot 6 shall be provided in full and the gardens of plots 3-6 shall be restored prior to first occupation of plots 3-6.
- xi. The temporary reptile relocation area protective fencing shall remain in place for the duration of the construction period.

Other matters raised

5.55 There are a number of matters which have been raised which are not directly related to the proposals within this application but which are planning related:

- Japanese Knotweed was found on the site in 2016 and was treated to some extent to the satisfaction of the Environmental Health Officer, but there are conflicting reports in the ecological assessment that this was not entirely successful. Condition 20 already exists to address this further by requiring another survey prior to commencement of works on site. This will be modified to allow demolition of the northern arm extension, but will be retained in any new permission granted to ensure it is eradicated. Separate regulations also apply and some of these are assessed by the Environment Agency and by the Council's Environmental Services team, both of whom

- are aware of this site.
- Bats are discussed above and remain subject to protections by Natural England licensing and conditions.
- The principle of development, traffic levels and access strategy have all already been covered by the initial permission and nothing justifies their reappraisal as part of this application.
- Boundary treatments remain to be agreed by conditions.
- Contamination is to be agreed by conditions; within this, asbestos should be covered but is also a separate consenting procedure requiring specific careful mitigations.
- In respect of the concerns about fencing or walls being used and/or retained between the site and neighbouring dwellings, the original permission did not provide a schedule and details remain to be agreed under Condition 36. Such details can be advised to include retained brick walls where feasible as an Informative note.

Other Material Considerations

- 5.56** The main objective of this application is to secure a new permission which will not cause the applicant to be in breach of existing conditions simply for want of the reptile surveys and grass snake trappings not being undertaken before now. Although there has been limited progress during the first two years of the exiting permission, the applicant appears to seek to commence quite swiftly, and any permission that is issued now will at least provide the developer / applicant with confidence to enable the necessary investment to resolve the outstanding development issues and commence in earnest, which will help the delivery of homes. As the permission has been included within the development limits for Martham under LPP2 policy GSP1, the site is necessary to make an important contribution to the supply of housing in the Borough.
- 5.57** The development will therefore not only provide much needed housing in time, but it will also clear away unsightly agricultural buildings which are increasingly becoming the target of trespassing and vandalism, as seen in November 2021.

Planning Obligations

- 5.58** The original planning permission 06/17/0358/F is subject to planning obligations set out in the Section 106 Agreement dated 15th February 2019; these include:
- 9 affordable housing dwellings (20%) comprising 4no. shared ownership and 5no. affordable rented tenures.
 - 482sqm land to be provided within the site as Public Open Space.
 - £16,512 for off-site provision of Public Open Space (representing the shortfall of 1,376sqm compared to the policy-requirement at the time of 1,800sqm that would ordinarily be expected to be provided within the site).
 - £41,400 for off-site provision of children's play facilities / recreation.
 - £4,950 for habitat impacts mitigation and monitoring at internationally designated sites.
 - Sustainable drainage system management and maintenance details to be agreed.

- £116,440 for Academy and Nursery-level education contributions.
- £46,576 for Early Education-level facilities expansion.
- £3,375 for Library services infrastructure and equipment.

None of the above planning obligations are affected by the proposals within this application. The existing Agreement includes a clause requiring compliance to the same Agreement in the event that any 'section 73 application' such as this is approved, so if any new permission were granted pursuant to this application the obligations would still remain in place. Nevertheless, for absolute clarity a Section 106 Deed of Variation Agreement is trying to be agreed with the applicant and legal title parties to link the existing Agreement to any new permission for the avoidance of doubt and to act as a new and obvious charge on the land. Nevertheless, given the presence of the aforementioned clause this is not a determining factor to this application or the ability to commence.

6. 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.

7. Concluding Assessment

- 7.1** The principle of development continues to be acceptable, the site is located within the development limits, and is established by extant permission, and the amendments proposed do not compromise other principles of the permission.
- 7.2** The pre-commencement conditions of the permission are able to be varied as described above, to ensure that development can begin whilst maintaining protection of ecological assets and minimising abortive costs for drainage schemes (for example) which would need amending if they were not varied, and there are no material considerations to suggest permission should not be granted.

8. RECOMMENDATION: -

- 8.1 Approve** – Subject to the use of conditions, the amendments proposed and to be modified as described in the above report will deliver necessary housing whilst ensuring the development complies with the aims of Policies CS1, CS3,

CS9 and CS11 of the Great Yarmouth Local Plan Core Strategy, and Policies GSP1, GSP6, GSP8, A2, E3 and E4 of the Great Yarmouth Local Plan Part 2.

8.2 Subject to:

- (A) The completion of a satisfactory S106 A Deed of Variation (where possible in the timescales required); and,
- (B) No adverse comments being received from the NCC (NETI) Natural Environment Team as consulting ecologist; and,
- (C) **Conditions** – (summarised) as below – whether reinstated from 06/17/0358/F, modified or new:
 - 1. [Ex condition 1 of 06/17/0358/F – modified] - require commencement by no later than 22 April 2022.
 - 2. [Ex condition 2 – modified] – development shall accord with original approved plans and additional archeology WSI and elements of the October 2021 Applied Ecology report.
 - 3. [New] - Defines the extent / limit of demolition intended as the “approved demolition” works, namely demolition of the northern arm of the thatched building, verified by reference to survey plan.
 - 4. [Ex condition 15 – modified] – no development shall commence until an application is made to Natural England for a European Protected Species Licence for the development hereby approved.
 - 5. [Ex condition 16 – retained] – any chemicals used in works to the thatched barn shall only be from the Natural England ‘approved list’.
 - 6. [New] - No storage of demolition or construction materials shall be permitted on the site – materials shall be stored in suitable containers and removed on a weekly basis at least, and removal of storage piles shall be under supervision of qualified ecological clerk of works.

With the exception of demolition of the northern arm of the thatched barn, prior to commencement of development:

- 7. [Ex condition 27 – modified] –
 - (a) Only the trees identified within the Arboricultural Impact Assessment, Tree Protection Plan, Method Statement to be felled shall be felled.
 - (b) With the exception of demolition of the northern arm of the thatched barn, all tree protection measures shall be provided as per the approved AIA and retained during works.
- 8. [New] –
 - (a) With the exception of demolition of the northern arm of the thatched barn, no development whatsoever shall commence until a protected

species survey has been undertaken across the site. – the survey shall include grass snake and shall be undertaken prior to, at most, two years of the intended development commencement date, and must be undertaken during the period of April – October.

- (b) In the event that species are found in addition to those recorded in 2017, additional mitigation measures shall be provided to address the impacts of the development on these new species. For avoidance of doubt, these shall need to be in addition to the measures required by Conditions 17 – 19, 21 – 28 of permission 06/17/0358/F
9. [Ex condition 17 – modified] – With the exception of demolition of the northern arm of the thatched barn, no development shall commence until details of 9no kent bat boxes and 15no schweglar bat tubes are agreed. The details shall be provided within the scheme in accordance with the details approved, prior to first occupation of the relevant dwelling or first occupation overall for the tree-mounted boxes.
 10. [Ex condition 20 – modified] – With the exception of demolition of the northern arm of the thatched barn, no development shall commence until Japanese knotweed has been investigated and remediated.
 11. [Ex condition 23 – modified] - With the exception of demolition of the northern arm of the thatched barn, no site clearance shall be undertaken until the site reptile trapping has been completed, and thereafter site clearance shall only be in accordance with a carefully prescribed manner (as set out in the applicant's planning statement re condition 25 amendments).
 12. [New] – With the exception of demolition of the northern arm of the thatched barn, no development shall be commenced until a grass snake and reptile temporary relocation habitat has been provided and fenced, in accordance with the specification within the Applied Ecology report October 2021, in the location shown therein (2021 report Figure 3), and shall be maintained thereafter until their permanent relocation.
 13. [New] - The temporary reptile relocation area shall not be removed until such time as the permanent reptile relocation habitat has been provided and fenced and the reptiles transferred, in accordance with the specification within the Applied Ecology report October 2021.
 14. [New] – The temporary reptile relocation area protective fencing shall remain in place for the duration of the construction period.
 15. [New] - With the exception of demolition of the northern arm of the thatched barn, no development shall be commenced until trapping has been undertaken across the whole site in accordance with the findings of the survey required by Condition 8 above, and in accordance with the methodology paragraphs 2.10 – 2.14 within the October 2021 Applied Ecology report.

16. [New] - All grass snake and other reptile trapping shall be undertaken in accordance with the Applied Ecology report October 2021 and must not be undertaken outside the period April – September in any year.

With the exception of any demolition, prior to commencement of development:

17. [Ex conditions 3 & 4 – modified] – With the exception of demolition of the existing buildings, no development shall take place until the trial trenching has been completed as per the approved July 2021 archaeological WSI.
18. [Ex condition 6 – retained] – excluding demolition, no works shall commence until estate highways details are agreed.
19. [Ex condition 10 – retained] – excluding demolition, no development shall commence until details for on-site parking for Construction workers are agreed.
20. [Ex condition 11 – retained] – excluding demolition, no development shall commence until details of stopping up order and TRO to remove highway rights to the byway are agreed.
21. [Ex condition 12 – retained] – excluding demolition, no development shall commence until technical details of surface water drainage scheme are agreed.
22. [Ex condition 13 – retained] – excluding demolition, no development shall commence until details of fire hydrants provision are agreed.
23. [Ex condition 35 – retained] –
(a) Ground levels are to remain in accordance with the topographical survey received by the LPA on the 15th June 2017.
(b) Excluding demolition, prior to the commencement of the development slab levels shall be agreed.
24. [Ex condition 19 – retained] – excluding demolition, no development shall commence until details of a pole mounted barn owl box along the eastern edge of the site are agreed.
25. [Ex condition 21 – modified] – excluding demolition, no development shall commence until details of 10no swift boxes, 10no sparrow boxes, and 10no starling boxes and their installation locations are agreed. The details shall be provided within the scheme in accordance with the details approved, prior to first occupation of the relevant dwelling or first occupation overall for the tree-mounted boxes.
26. [Ex condition 29 – retained] – excluding demolition, no development shall commence until details of hard landscaping is agreed.
27. [Ex condition 30 – retained] – excluding demolition, no development shall

commence until details of contamination investigation and mitigation are agreed, and appropriate remediation is undertaken.

- 28. [Ex condition 22 – modified] – No development shall commence at Plots 3-6 and no more than 14 dwellings shall be occupied within the development until the permanent reptile habitat has first been created, fenced and planted in strict accordance with the specifications set out within the Applied Ecology report October 2021, in the location shown therein (2021 report Figure 3).
- 29. [Ex condition 31 – retained] – contamination precautions during construction.
- 30. [Ex condition 32 – retained] – construction working hours.

Prior to residential occupation:

- 31. [Ex condition 5 – retained] – no occupation shall take place until the archaeology results from the WSI have been analysed and published.
- 32. [Ex condition 38 – retained] – no dwelling shall be occupied until the noise insulation measures as identified within the acoustic report submitted in support of the application have been installed.
- 33. [Ex condition 8 – retained] – prior to first occupation, the estate highways are to be constructed up to binder course level.
- 34. [Ex condition 9 – retained] – prior to first occupation, the visibility splays shall be provided to Somerton Rd and White Street.
- 35. [Ex condition 14 – retained] – prior to first occupation, the approved fire hydrants under condition 22 shall be provided.
- 36. [Ex condition 34 – retained] – no occupation shall take place until relocated footpath has been provided & made available for public use.
- 37. [Ex condition 36 – retained] – no occupation shall take place until all boundary treatments shall be agreed. – including a Note: The applicant and developer are advised to investigate the potential to retain and incorporate the brick wall remains currently forming the boundary to 72 White Street as these are an interesting heritage feature remnant of the former Martham House.
- 38. [New] - No more than 14 dwellings shall be occupied until the SUDS scheme (to be approved by separate condition) has been provided.
- 39. [Ex condition 28 – modified] - Prior to the occupation of the 23rd dwelling the landscaping shall be carried out in accordance with the approved details, with replacement planting as necessary.

40. [Ex condition 18 – modified] – prior to occupation of any dwelling within the thatched barn, the two swift boxes shall be fixed to the barn gables.
41. [Ex condition 33 (second half) – retained] - prior to the occupation of plots 24 and 25 as shown on plan reference 15.032 010 Rev T details of screening for the balconies at the western elevation shall be agreed.
42. [Ex condition 37 – modified] – no occupation of plots 24, 25 and 26 as shown on plan Proposed Master Plan 15.032 010 Revision T until details of balcony screening to the western elevation shall be agreed.
43. [Ex conditions 23 & 24] – No occupation of any dwellings shall take place at Plots 3-6 until the reptiles and other creatures required for relocation have first been trapped and moved from the temporary habitat to the permanent reptile habitat (under qualified supervision, not outside April – September, and in accordance with the methodology paragraphs 2.10 – 2.14 within the October 2021 Applied Ecology report).
44. [New] - The open space adjacent Plot 6 shall be planted and provided in full and the gardens of plots 3-6 shall be restored prior to first occupation of plots 3-6.
45. [Ex condition 7 – retained] – prior to occupation of the final dwelling, all estate highways works to be completed.
46. [Ex condition 33 (first part) – retained] – Once converted into residential use, no permitted development shall be allowed for alterations to the Thatched Barn.

And any others considered appropriate by the Development Manager.

Informative Notes

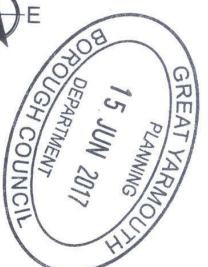
1. This is subject to a Section 106 Agreement dated 15th February 2019.
2. Works within the highway.
3. Re stopping up order to the public highway.
4. Anglian Water assets.
5. Statement of positive engagement.

Appendices:

1. Site location plan.
2. Site layout plan 15.032 010 Revision T from planning permission 06/17/0358/F.
3. Decision notice for planning permission 06/17/0358/F.
4. Proposed Archaeological Trial Trenching locations.
5. Existing buildings on site.
6. Temporary and Permanent Reptile Enclosures.

06/17/0358/F

LOCATION PLAN - LAND AT WHITE STREET MARTHAM



Scale 1:1250 at A3
Site Area 2.03ha



Tidswell Chids

CHILDS BUILDING SERVICES - ARCHITECTURAL REPRESENTATIVE
Tidswell Chids, Ltd.
17, The Old Chapel, 18th
Broadland Business Park, Norwich, NR7 0WG
Tel: 01603 443344

Client Watts Farms	Project Land at White Street, Martham Proposed Residential Development	
Drawing Title LOCATION PLAN	Drawn Date May 2017	Scale 1:1250 @ A3 Sheet A3
	Project Number 15.032	Drawing Number 001



KEY	
[Green Box]	SITE AREA (2.03ha)
[Light Green Box]	PUBLIC OPEN SPACE/GREEN AREAS
[Light Green Box]	PRIVATE GARDENS
[Light Green Box]	PRIVATE DRIVES/PATHS
[Grey Box]	TYPE 3 ACCESS ROADS
[Yellow Box]	ALTERNATIVE SURFACING
[Light Grey Box]	Areas to be kept clear of buildings and Obstructions
[Dark Grey Box]	THATCHED BARN
[Green Circle]	PROPOSED INDICATIVE TREES
[Dark Green Circle]	EXISTING TREES

**MASTER PLAN
LAND AT WHITE STREET MARTHAM**

MATERIALS	Code	Notes
1	A	
2	B	
3	C	
4	D	
5	E	
6	F	
7	G	
8	H	
9	I	
10	J	
11	K	
12	L	
13	M	
14	N	
15	O	
16	P	
17	Q	
18	R	
19	S	
20	T	
21	U	
22	V	
23	W	
24	X	
25	Y	
26	Z	
27	AA	
28	AB	
29	AC	
30	AD	
31	AE	
32	AF	
33	AG	
34	AH	
35	AI	
36	AJ	
37	AK	
38	AL	
39	AM	
40	AN	
41	AO	
42	AP	
43	AQ	
44	AR	
45	AS	
46	AT	
47	AU	
48	AV	
49	AW	
50	AX	
51	AY	
52	AZ	
53	BA	
54	BB	
55	BC	
56	BD	
57	BE	
58	BF	
59	BG	
60	BH	
61	BI	
62	BJ	
63	BK	
64	BL	
65	BM	
66	BN	
67	BO	
68	BP	
69	BQ	
70	BR	
71	BS	
72	BT	
73	BU	
74	BV	
75	BW	
76	BX	
77	BY	
78	BZ	
79	CA	
80	CB	
81	CC	
82	CD	
83	CE	
84	CF	
85	CG	
86	CH	
87	CI	
88	CJ	
89	CK	
90	CL	
91	CM	
92	CN	
93	CO	
94	CP	
95	CQ	
96	CR	
97	CS	
98	CT	
99	CU	
100	CV	
101	CW	
102	CX	
103	CY	
104	CZ	
105	DA	
106	DB	
107	DC	
108	DD	
109	DE	
110	DF	
111	DG	
112	DH	
113	DI	
114	DJ	
115	DK	
116	DL	
117	DM	
118	DN	
119	DO	
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121	DQ	
122	DR	
123	DS	
124	DT	
125	DU	
126	DV	
127	DW	
128	DX	
129	DY	
130	DZ	
131	EA	
132	EB	
133	EC	
134	ED	
135	EE	
136	EF	
137	EG	
138	EH	
139	EI	
140	EJ	
141	EK	
142	EL	
143	EM	
144	EN	
145	EO	
146	EP	
147	EQ	
148	ER	
149	ES	
150	ET	
151	EU	
152	EV	
153	EW	
154	EX	
155	EY	
156	EZ	
157	FA	
158	FB	
159	FC	
160	FD	
161	FE	
162	FF	
163	FG	
164	FH	
165	FI	
166	FJ	
167	FK	
168	FL	
169	FM	
170	FN	
171	FO	
172	FP	
173	FQ	
174	FR	
175	FS	
176	FT	
177	FU	
178	FV	
179	FW	
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185	GC	
186	GD	
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188	GF	
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192	GJ	
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194	GL	
195	GM	
196	GN	
197	GO	
198	GP	
199	GQ	
200	GR	
201	GS	
202	GT	
203	GU	
204	GV	
205	GW	
206	GX	
207	GY	
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209	HA	
210	HB	
211	HC	
212	HD	
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214	HF	
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216	HH	
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243	II	
244	IJ	
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246	IL	
247	IM	
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259	IY	
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270	JJ	
271	JK	
272	JL	
273	JM	
274	JN	
275	JO	
276	JP	
277	JQ	
278	JR	
279	JS	
280	JT	
281	JU	
282	JV	
283	JW	
284	JX	
285	JY	
286	JZ	
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315	LC	
316	LD	
317	LE	
318	LF	
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324	LL	
325	LM	
326	LN	
327	LO	
328	LP	
329	LQ	
330	LR	
331	LS	
332	LT	
333	LU	
334	LV	
335	LW	
336	LX	
337	LY	
338	LZ	
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344	MF	
345	MG	
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349	MK	
350	ML	
351	MM	
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354	MP	
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357	MS	
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363	MY	
364	MZ	
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366	NB	
367	NC	
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369	NE	
370	NF	
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373	NI	
374	NJ	
375	NK	
376	NL	
377	NM	
378	NN	
379	NO	
380	NP	
381	NQ	
382	NR	
383	NS	
384	NT	
385	NU	
386	NV	
387	NW	
388	NX	
389	NY	
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394	OD	
395	OE	
396	OF	
397	OG	
398	OH	
399	OI	
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404	ON	
405	OO	
406	OP	
407	OQ	
408	OR	
409	OS	
410	OT	
411	OU	
412	OV	
413	OW	
414	OX	
415	OY	
416	OZ	
417	PA	
418	PB	
419	PC	
420	PD	
421	PE	
422	PF	
423	PG	
424	PH	
425	PI	
426	PJ	
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439	PW	
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451	QI	
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457	QO	
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463	QU	
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468	QZ	
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473	RE	
474	RF	
475	RG	
476	RH	
477	RI	
478	RJ	
479	RK	
480	RL	
481	RM	
482	RN	
483	RO	
484	RP	
485	RQ	
486	RR	
487	RS	
488	RT	
489	RU	
490	RV	
491	RW	
492	RX	
493	RY	
494	RZ	
495	SA	
496	SB	
497	SC	
498	SD	
499	SE	
500	SF	
501	SG	
502	SH	
503	SI	
504	SJ	
505	SK	
506	SL	
507	SM	
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520	SZ	

THE BOROUGH OF GREAT YARMOUTH

Town and Country Planning Act 1990

PLANNING PERMISSION

Part 1 - Particulars of Application

Reference No :- **06/17/0358/F**

Submitted :- 14th June 2017

Development at :-

Somerton Road (Land to South of) &
White Street (East of) Church Farm
Martham
GREAT YARMOUTH

For :-

Conversion of existing barn to 2 dwellings and erection of
44 dwellings and associated infrastructure

Agent :-

La Ronde Wright Ltd
Mr M Brown
74 Bracondale
NORWICH
NR1 2BE

Applicant :-

Mr & Mrs H Cary
C/o La Ronde Wright Ltd
74 Bracondale
NORWICH
NR1 2BE

Part 2 - Particulars of Decision

The Great Yarmouth Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act, 1990 that permission has been granted for the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

1. The development must be begun not later than three years beginning with the date of this permission.

The reason for the condition is :-

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the plans, revised plans and additional information referenced as follows:

Public access & footpaths plan P2016 - 57 D5 A, Figure locations P2016 - 57 D6 B,
Public access and footpaths report P2017-57 R2 received by the Local Planning Authority on the 25th July 2018.

House Type A 15.032 HT01 Revision B
House Type B 15.032 HT02 Revision B
House Type C 15.032 HT03 Revision B
House Type D 15.032 HT04 Revision B
House Type E 15.032 HT05 Revision B
House Type F 15.032 HT06 Revision B
House Type G 15.032 HT07 Revision B
House Type H 15.032 HT08 Revision B
House Type A1 15.032 HT09 Revision B
House Type B1 15.032 HT10 Revision B
House Type C1 15.032 HT11 Revision B
House Type D1 15.032 HT12 Revision C
House Type H - Barn conversion Typical Section 15.032 HT13 Revision A
House Type D2 15.032 HT14 Revision A
Accommodation Schedule 15.032
Proposed Byway Plan 15.032 100 Revision F
Proposed Movement Strategy 15.032 012 Revision H
Proposed Open Space and Development Strategy 15.032 013 Revision H
Proposed Master Plan 15.032 010 Revision T
Proposed Mix of Use 15.032 011 Revision H
Flood Risk and Drainage Strategy JJ/CC/P16-1156/01 Revision B

Received on the 18th July 2018. All windows marked on the approved plans to be obscure glazed shall be obscure glazed prior to occupation of the dwelling and shall remain obscure glazed in perpetuity.

Ecological Assessment 2016-57 R1
Addendum to Planning Statement December 2017
Certificate D
Amended Application Form December 2017
Bat Roosting Areas and Activity Survey Summary P2016 - 57 D4 Revision A
Habitat Survey P2016 - 57 D1
Ecological Assessment - Physical P2016 - 57 D2
Ecological Assessment - Physical P2016 - 57 D3
Topographical Survey Sheet 1 of 1 RS-1178-01
Measured Building Survey - Barn Ground Floor Plan RS-1178-02
Measured Building Survey - Elevations RS-1178-07
Elevation Layout - Sheet 1 of 1 RS-1178-08
Location Plan 15.032 001 Revision B

The materials shown on the approved plan are marked as indicative; if materials other than those shown are proposed prior to use of such materials details shall be submitted to and approved by the Local Planning Authority.

The reason for the condition is :-

For the avoidance of doubt.

3. 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.

The reason for the condition is :-

In accordance with National Planning Policy Framework paragraphs 188 and 199.

4. No development shall take place other than in accordance with the written scheme of investigation approved under condition 3 of this planning permission.

The reason for the condition is:-

In accordance with National Planning Policy Framework paragraphs 188 and 199.

5. 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 3 of this planning permission and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

The reason for the condition is :-

In accordance with National Planning Policy Framework paragraphs 188 and 199.

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

The reason for the condition is :-

To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

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

The reason for the condition is :-

To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.

8. 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.

The reason for the condition is :-

To ensure that surface water is drained satisfactorily from the site.

9. 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 all vehicular accesses where they meet Somerton Road and White Street. 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.

The reason for the condition is :-

In the interests of highway safety and traffic movement.

10. Excluding approved demolition works, 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.

The reason for the condition is :-

To ensure parked vehicles do not adversely affecting highway users.

11. Excluding approved demolition works, no works shall commence on site until such time as the appropriate stopping Up / diversion Order to remove all highway rights subsisting in the highway land / Byway Open to All Traffic indicated on drawing 15.032-100 rev F has been granted and all highway rights have been successfully removed.

The reason for the condition is :-

To ensure a satisfactory form of development.

12. Excluding approved demolition works, prior to commencement of development, in accordance with the submitted (Create Consulting Engineers, Flood Risk Assessment and Drainage Strategy; Ref: JJ/CC/P16- 1156/01 Revision B, May 2017), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. The location of the soakaways will be at the depths and locations at which infiltration testing is shown to be viable. These should be at least 1.2m above groundwater levels.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1% annual probability rainfall event including allowances for climate change.

III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 3.33% annual probability critical rainfall event to show no above ground flooding on any part of the site.

- 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

IV. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event.

V. Finished ground floor levels of properties are a minimum of 300mm and/or 600mm above expected flood levels of all sources of flooding as detailed within the revised FRA.

VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

The reason for the condition is :-

To prevent flooding in accordance with National Planning Policy Framework paragraph 163,165 and 170 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

13. Excluding approved demolition works, prior to the commencement of the development details of the location of the fire hydrant to be erected on site shall be submitted to and approved by the Local Planning Authority in consultation with Norfolk County Council Fire Service.

The reason for the condition is :-

To ensure adequate fire protection measures are installed on site.

14. The fire hydrant shall be installed and connected in accordance with the approved details prior to the occupation of any of the dwellings hereby approved.

The reason for the condition is :-

To ensure adequate fire protection measures are installed on site.

15. Prior to the commencement of development, site clearance, demolition or any work to any trees a European Protected Species Licence shall be applied for and granted by Natural England.

The reason for the condition is :-

To ensure that the development hereby approved does not cause harm to species or habitat protected under Wildlife and Countryside Act (1981) (as amended) or Conservation of Habitats and Species Regulations (2017) (as amended).

16. Chemicals that are used to treat the timber within the thatched barn hereby approved to be converted to two dwellings shall be taken from Natural England's approved list as submitted in support of the application at Appendix E of the Ecological Assessment. The treatment shall be applied by painting and not sprayed.

The reason for the condition is :-

To ensure that the development hereby approved does not cause harm to a species protected under Wildlife and Countryside Act (1981) (as amended)

17. Excluding approved demolition works, prior to the commencement of the development details of the siting of:

9 Kent Bat Boxes and
15no Schweglar bat tubes

Shall be submitted to and approved by the Local Planning Authority. These shall be erected in accordance with the approved details prior to commencement of the development.

The Schweglar bat tubes will be incorporated into the gable walls of the new houses. These boxes fit into the cavities wall with only a letter box type slot shown.

The Kent Bat Boxes will be erected on three of the retained trees close to the site entrance, three to a tree, one facing north, one south-east and one south-west, at a height of 5-6 metres. These will be erected after any tree works to those particular trees but prior to any development works commencing.

The boxes shall be retained in perpetuity and shall be replaced should they fail with an identical item in an identical location at as soon as practical or within 28 days of the failure unless otherwise agreed with the Local Planning Authority.

For clarity failure includes removal by natural or other causes, destruction by natural or other causes or the box becoming unfit for purpose.

The reason for the condition is :-

To ensure adequate mitigation and protection is afforded protected species.

18. Prior to the occupation of any part of the development the 2 no. Schweglar 1FFh shall be erected, one on each gable elevation of the thatched barn. These shall be retained in perpetuity and shall be replaced should they fail with an identical item in an identical location at as soon as practical or within 28 days of the failure unless otherwise agreed with the Local Planning Authority.

For clarity failure includes removal by natural or other causes, destruction by natural or other causes or the box becoming unfit for purpose.

The reason for the condition is :-

To ensure adequate mitigation and protection is afforded protected species.

19. Excluding approved demolition works, prior to the commencement of the development details of a pole mounted barn owl box along the eastern edge of the development shall be submitted to and approved by the Local Planning Authority. The box shall be erected in accordance with the approved details prior to the first occupation of the development. The box shall be retained in perpetuity and shall be replaced should they fail with an identical item in an identical location at as soon as practical or within 28 days of the failure unless otherwise agreed with the Local Planning Authority.

For clarity failure includes removal by natural or other causes, destruction by natural or other causes or the box becoming unfit for purpose.

The reason for the condition is :-

To enhance the ecological offering of the site.

20. Prior to the commencement of works on site the site shall be investigated for the presence of Japanese Knotweed and the results shall be submitted to and approved by the Local Planning Authority. Should Japanese knotweed be found to be present on site details of remediation works and verification of remediation works shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development hereby approved.

The reason for the condition is:-

To ensure that Japanese knotweed which was present on the site previously has been eradicated. This must happen prior to the commencement of development to ensure that there is no spread of the plant.

21. Excluding approved demolition works, prior to the commencement of the development details of the type and siting of:

10 common swift boxes
10 house sparrow boxes
10 starling boxes

And details of the type siting and number of Schweglar hole nesting bird boxes and artificial roosting site(s) for swallows, to be erected within retained trees in the public open space and within the development respectively.

Shall be submitted to and agreed by the Local Planning Authority. The boxes shall be erected in accordance with the details submitted prior to the occupation of the development. The boxes shall be retained in perpetuity and shall be replaced should they fail with an identical item in an identical location at as soon as practical or within 28 days of the failure unless otherwise agreed with the Local Planning Authority.

For clarity failure includes removal by natural or other causes, destruction by natural or other causes or the box becoming unfit for purpose.

The reason for the condition is :-

To enhance the ecological offering in accordance with the applicant submitted details.

22. Prior to the commencement of the development hereby approved details of the reptile habitat, to measure no less than 500m² and reptile fencing shall be submitted to and approved by the Local Planning Authority. The habitat shall be provided and fenced in accordance with the approved details prior to the commencement of the development.

The reason for the condition is :-

To ensure that adequate habitat and protection is provided for reptiles with specific reference grass snakes.

23. Prior to the commencement of the development a scheme of trapping for grass snakes shall be submitted to and approved by the Local Planning Authority. All trapping shall be carried out in accordance with the approved details prior to the commencement of the development.

Trapping is for grass snakes in particular but shall also remove any small mammals/amphibians for relocation to appropriate habitat.

The reason for the condition is :-

To ensure the adequate trapping in accordance with the submitted ecological assessment.

24. Prior to commencement of development the approved scheme for trapping grass snakes (which are protected from harm under the Wildlife and Countryside Act) shall be implemented.

The reason for the condition is :-

To ensure that they are provided with an adequate alternative habitat.

25. Following completion of the trapping, the habitat within the site will need to be carefully removed in the following manner.
- a. Any clearance of vegetation will be undertaken carefully, first cutting any woody vegetation down to a height of 150mm that should then be removed from the site. The site will then be searched before cutting vegetation down to 150mm. Any vegetation will be raked and removed from the site. After 3 days, the area will again be searched and cut vegetation removed from site. The site can then be cleared. Unless otherwise agreed, cutting should be undertaken in September when the reptiles are still active but outside the bird nesting season. At completion, the ecologist shall confirm that the site has been cleared and the works can continue.
 - b. Any existing rubble and other potential places of rest shall be removed by hand so that animals can be re-located. Again, these should only be moved between September as above;
 - c. All demolition waste relating to the bungalow will be placed either directly into a skip or lorry so that further rubble piles and therefore potential hibernation areas are not created - a strategy for the remainder of the site to be agreed with the ecologist and the Local Planning Authority before commencement.;
 - d. No piles of loose sand or other granular materials into which amphibians could bury themselves should be left accessible around the site. All such materials should ideally be delivered in bags and kept in such bags until required for use. Bags should be stored on pallets. If it is essential to deliver loose materials, these should be only dug into by hand - alternatively, loose piles could be suitably fenced.
 - e. No bonfires should be lit on site. If any bonfires are essential, they must be burnt on the same day that they are made;
 - f. All trenches should be left covered at night. They must be checked in the morning before they are filled in. Trenches should be provided with a small mammal ladder to allow animals to escape.
 - g. Any animals found should be moved onto into the new habitat associated with the proposed soakaway area.

The reason for the condition is :-

To ensure the adequate protection for animals that are resident on site.

26. Prior to the commencement of the conversion of the thatched barn the bat loft and openings, to the specifications and location of Appendix C of the Ecology Assessment, shall be erected in its entirety.

The reason for the condition is :-

To ensure adequate provision of bat roosting area is made available in accordance with the submitted details.

27. Only the trees identified within the Arboricultural Impact Assessment, Tree Protection Plan, Method Statement to be felled shall be felled. All tree protection measures as identified within the Arboricultural Impact Assessment, Tree Protection Plan, Method Statement and shown on plan reference 15.032 010 Rev.A (annotated with root protection areas) shall be implemented prior to the commencement of the development and shall remain in situ for the period defined within the above referenced submitted documents.

The reason for the condition is:-

The existing trees represent an important visual amenity which the Local Planning Authority consider should be substantially maintained.

28. Prior to the occupation of the 23rd dwelling the landscaping shall be carried out in accordance with the Landscaping Schedule and Landscape Management Plan and details shown on plan reference 15.032 010 Rev.A (referred to as Landscape Strategy Plan). For the avoidance of doubt the planting shall be in accordance with table 1 of the Landscaping Schedule and Landscape Management Plan which references, not exclusively, the planting of 126 trees of specified species. Any trees that die or become fatally diseased within five years of the final occupation of the site shall be replanted with a tree of similar maturity and of the same species.

The reason for the condition is:-

To ensure the planting that is proposed as part of the application is carried out.

29. Excluding approved demolition works, prior to the commencement of the development details of hard landscaping are to be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

The reason for the condition is :-

To ensure the provision of adequate hard landscaping.

30. Excluding approved demolition works, prior to commencement of the development a Phase 2 site investigation is to be carried out to the satisfaction of the Local Planning Authority in consultation with Environmental Services. If the Phase 2 site investigation determines that the ground contains contaminants at unacceptable levels then, prior to the commencement of the development, 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 satisfaction of Environmental Services.

No dwellings/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.

Reason for the condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

31. 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.

The reason for the condition is :-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

32. Construction work shall not take place outside the following hours:-

07:30 to 18:00 Monday to Friday

08:30 to 13:30 Saturday

and no work shall take place on Sundays or Bank Holidays.

(These hours shall only apply to work generating noise that is audible at the boundary of the nearest noise sensitive property)

The reason for the condition is :-

In the interests of the residential amenities of the occupiers of nearby dwellings.

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting the order) no extensions shall be built or windows inserted into the walls or roof of the thatched barn (P45 and P45 as shown on plan reference 15.032 010 Rev T) other than those shown on the approved plan without the prior consent of the Local Planning Authority. Prior to the occupation of plots 24 and 25 as shown on plan reference 15.032 010 Rev T details of screening for the balconies at the western elevation shall be submitted to and approved by the Local Planning Authority. The screening shall be erected in accordance with the approved details prior to occupation and shall be retained in perpetuity.

The reason for the condition is:-

In the interests of the residential amenities of the occupiers of the adjacent property and to preserve the special character of the barn.

34. Prior to the occupation of any of the dwellings hereby approved the relocated foot path as shown on the approved plans, 15.032 010 Revision T, shall be made available for public use free from obstruction in perpetuity.

The reason for the condition is :-

To ensure the permeability is retained and that there is adequate re routing as opposed to loss of a public right of way.

35. Ground levels are to remain in accordance with the topographical survey received by the Local Planning Authority on the 15th June 2017. Excluding approved demolition works, prior to the commencement of the development slab levels shall be submitted to and approved by the Local Planning Authority. The development shall be built in accordance with the levels submitted.

The reason for the condition is :-

The pre commencement condition is required to ensure that the development is built in a way that is in keeping with the surrounding area and this is such an early stage requirement that the information submission cannot be delayed.

36. Notwithstanding the information submitted on the approved plans and within the design and access statement prior to the occupation of any of the dwellings hereby permitted details of all boundary treatments shall be submitted to and approved by the Local Planning Authority. The boundary treatments shall be erected in accordance with the submitted details prior to the occupation of the dwelling to which they relate or if they do not relate to a dwelling prior to the occupation of the 20th dwelling on site.

The reason for the condition is :-

To ensure adequate boundary treatments are provided for the new properties and to ensure that the height of boundary treatments provided adjacent to existing properties is sufficient to prevent loss of amenity. This is in relation to garden and public area boundary treatments.

37. Prior to the occupation of plots 24, 25 and 26 as shown on plan reference Proposed Master Plan 15.032 010 Revision T details of balcony screening to the western elevation shall be submitted to and approved by the Local Planning Authority. The screening shall be erected in accordance with the approved details prior to occupation of the dwellings and shall be retained in perpetuity.

The reason for the condition is :-

In the interest of the residential amenities of the nearby occupiers.

38. No dwelling shall be occupied until the noise insulation measures as identified within the acoustic report submitted in support of the application have been installed in accordance with the approved details.

The reason for the condition is :-

To ensure adequate noise protection measures are installed.

39. NOTES - Please read the following notes carefully:-

This planning permission is subject to a s106 agreement dated the 15th February 2019.

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

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

If required, street furniture will need to be repositioned at the applicant's expense.

41. The imposition of the above condition does not in any way infer that Norfolk County Council, as Local Highway Authority, will support a formal application for a Stopping Up Order to remove highway rights. In addition, statutory undertakers have a right to object to the granting of a Stopping Order, which may prevent this development from progressing in its current format.

42. NOTES - Please read the following notes carefully:-

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

43. STATEMENT OF POSITIVE ENGAGEMENT: In dealing with this application Great Yarmouth Borough Council has actively sought to work with the applicant in a positive and proactive manner.

It is confirmed that this 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.

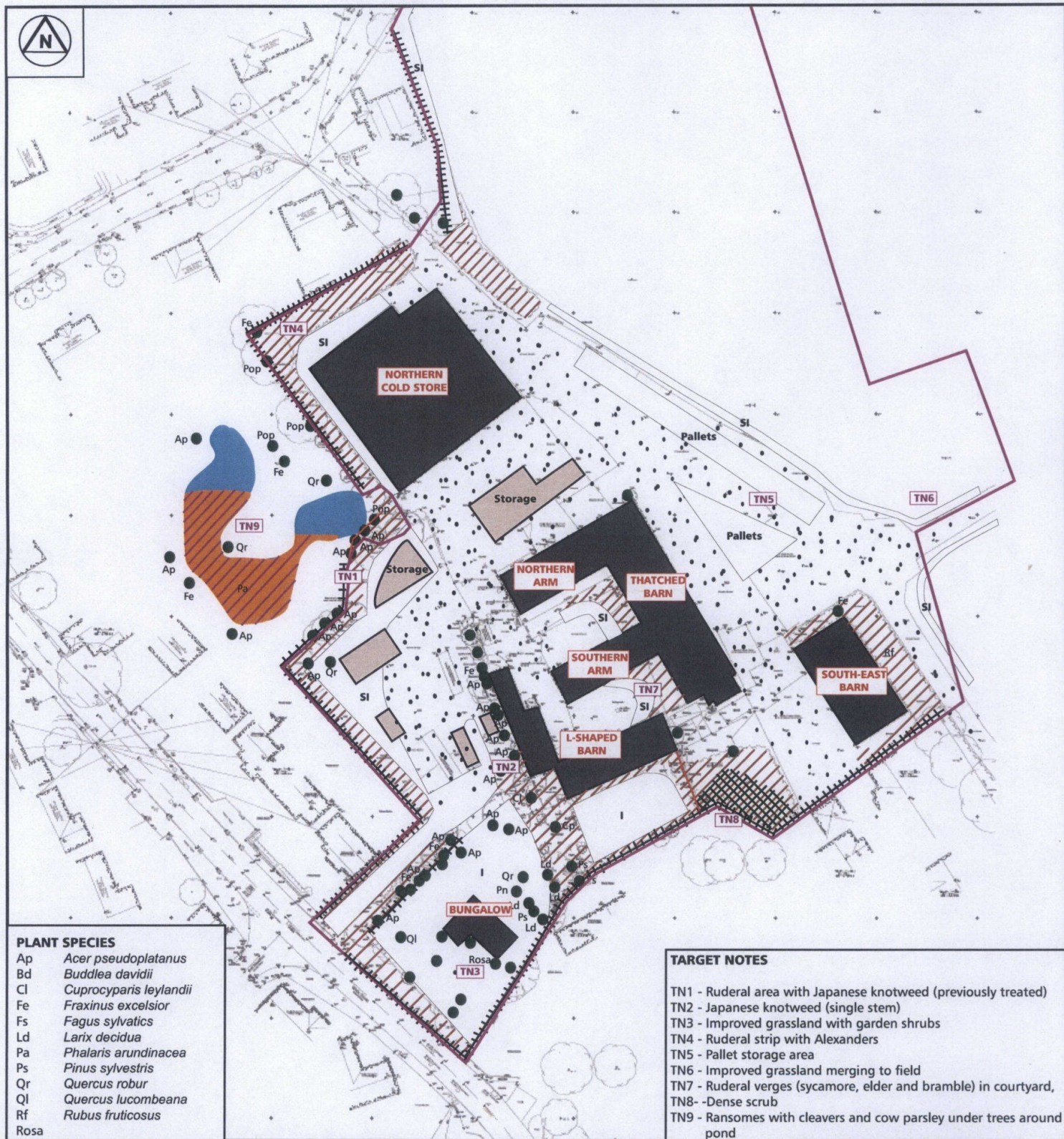
In this instance the Borough Council has considered there is no likely significant effect on protected habitats arising solely from the development itself; and the development would contribute to the overall in-combination significant adverse effect identified by the Habitats Regulations Assessment Report for the Local Plan Core Strategy, but this effect can be adequately mitigated by the Habitats Monitoring and Mitigation Strategy; and that Strategy requires a payment of £??? (£110 per each additional dwelling) towards the monitoring and mitigation provided through that Strategy.



Date: 24th April 2019

Planning Manager
Town Hall, Hall Plain, Great Yarmouth





KEY

	Site boundary		Tall ruderal (C.3.1)		Vehicles/material storage
	Scrub, dense continuous (A.2.1)		Open standing water (G.1)		Target note
	Scattered trees (A.3.3)		Close boarded fence (J.3.4)		
	Improved grassland (B.4)		Wall (J.3.5)		
	Poor semi-improved grassland (B.6)		Building (J.3.6)		
	Marsh (B.5)		Bare ground (J.4)		

PHILIP PARKER ASSOCIATES

WHITE ROW COTTAGE : 7 LEZIATE DROVE : POTT ROW
NR KINGS LYNN : NORFOLK : PE32 1DB
TEL : 01553 630842 FAX : 01553 630843
E-Mail : admin@philipparkerassociates.co.uk

CLIENT

MR & MRS A. CARY

PROJECT

PROPOSED DEVELOPMENT OF BUILDINGS OFF
WHITE STREET, MARTHAM

DRAWING TITLE

HABITAT SURVEY

SCALE

NTS

DATE

MAY 2017

DWG NO

P2016 - 57 D1

REV

REV

DATE

DETAILS

White Street, Martham

Reptile receptor areas





-  Site boundary
-  permanent receptor area
-  temporary receptor area
-  reptile proof fence

Figure 3

Map Scale @ A4: 1:1,600

Surveyed by: n/a
Survey date: n/a
Drawn by: RD
Checked by: DP
Status: Final

