

**Reference:** 06/18/0315/O

**Parish:** Rollesby

**Officer:** Mrs G Manthorpe

**Expiry Date:** 12/11/18

**Applicant:** Mr & Mrs D Melling

**Proposal:** Development of site for residential use (up to 13) with proposed means of vehicular access

**Site:** Hall View, Martham Road, Rollesby (land to the rear of)

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

- 1.1 The site comprises 0.6 hectares of land located to the north side of the village of Rollesby. The site is to the east side of Martham Road, to the south of the site are residential dwellings addressed as Bittern Road, the west of the site is the donor property and residential dwellings, the east of the site is the rear garden of a residential property and there are open fields to the north of the site.
- 1.2 The site is currently, according to the details submitted in support of the application, grassed paddock and garden land. There is no planning history for the site.

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

- 2.1 Parish Council – 25/02/19 Rollesby Parish Council would like to submit the following comments and objections:

The traffic surveys for Martham Road, undertaken in September and October not in holiday season, show an average speed of 39.4mph in a 30mph for 17,000 vehicle movements. The splay required for this, as shown on the recent developer's plan, is 42.5m each way. In order to achieve this the plans indicate a footpath is to be installed south of Hall View. This path would be on private land, next to a pond where the width available is 0.8m. This is below the minimum requirement for the width of a pedestrian footpath as no passing places have been indicated for wheelchair access. The safety of pedestrians walking on a narrow

footpath with speeding traffic on one side and a pond on the other is of grave concern to the Parish Council.

The splay to the north of Hall View is past hedges which the plans detail to be removed or cut back. The Parish Council objects strongly to the removal of any hedges. It is unclear if the applicant owns the hedges in question, and if not then they cannot require them to be trimmed or removed which means the splay of 42.5m will not be achieved.

As additional comments the Parish Council would like to complain that they were not notified of the additional plans submitted and only got additional time to comment when this was queried, and the new plans are illegible on the website.

18/07/18 Rollesby Parish Council would like to comment and object to planning application 06/18/0315/O on the following grounds:

- The proposed access road is not wide enough for the number of car movements and emergency vehicle access.
- The access entrance is very close to a speed limit change on a busy road with a blind corner. The Police have given evidence that motorists speed on that section of road and the Parish Council is of the opinion that the number of cars that would exit from the proposed development would be dangerous.
- The proposed development is outside the Village Development Limit for Rollesby
- the proposed site has been identified as Not Currently Developable in the Strategic Housing Land Availability Assessment (site RO02)
- The proposed splay for the access road is insufficient for the road conditions on Martham Road
- 13 dwellings on the site is considered overdevelopment.
- The location and size of development is inconsistent with Rollesby's emerging Neighbourhood Plan

2.2 Neighbours – There have been 50 objections to the development from neighbours, the main objections are summarised as follows:

- Bats will be disturbed.
- Noise.
- Loss of views.
- Insufficient highways access.
- Speeding occurs.

- Land for footpath not within highways or applicants control.
- Restrictive covenant on site.
- Loss of value to existing properties.
- Pavement would spoil the character.
- Electricity supply struggles to cope.
- Detrimental to the character of the village.
- The assessment by the Strategic Housing Land Availability Assessment marks the land as 'not currently developable'.
- There has been a serious accident on the road already.
- Plans on the website are poor quality.
- Loss of light to existing dwellings.
- Insufficient drainage information submitted.
- No street lighting should be erected.
- Documents haven't been displayed for the public correctly.
- The pond should not be disrupted.
- This application should not be considered.
- There is no evidence that moving the speed sign will reduce the speed that people drive.
- There is insufficient information submitted.
- Two storey dwellings will cause overlooking and be out of character.

2.3 Highways – Following amendments to the application and clarification on offsite works that are required highways do not object to the application.

2.4 Assistant Grounds Manager and Arboricultural Officer – None of the trees on site are worthy of TPO due to poor pruning practices ("topped") and there is a small 'orchard' of young trees that has low value. These matters have also reduced the trees life expectancy.

The rear/eastern hedge is worthy of retention for screening and some amenity value.

2.5 Building Control – No comments received.

2.6 Environmental Health – No objection to the application but drainage details required.

NOTE – Additional drainage information submitted.

May 2019 – condition regarding unidentified contamination, noise and advisory re dust.

2.7 Strategic Planning – No objection to the application.

- 2.8 Lead Local Flood Authority – No comment.
- 2.9 NHS – No objection.
- 2.10 Anglian Water – Condition requested
- 2.11 Norfolk County Council Fire – Condition requested
- 2.12 Historic Environment - 'The application site lies immediately south of an area where various cropmarks have been recorded from aerial photographs. These include a causewayed or hengiform ring ditch which may represent the remains of a burial mound or ceremonial monument of late Neolithic to early Bronze Age date. There is potential for heritage assets, buried archaeological remains of prehistoric date to be present within the proposed development area and that the significance would be adversely affected by the proposed development.

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

In this case the programme of archaeological mitigatory work will commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction). A brief for the archaeological work can be obtained from Norfolk County Council Environment Service.

We suggest that the following conditions are imposed:-

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

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

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

- 2.13 Local Authority Requirements – The application site is in an area requiring, according to the adopted Core Strategy, a 20% affordable housing provision.

The application is an outline application and as such the public open space and childrens recreation is unknown. The requirement will be that 40 square metres of public open space per dwelling will be required to be provided or, if a contribution is appropriate at the absolute discretion of the Local Planning Authority payment in lieu towards offsite provision at a cost of £12 per square metre shortfall shall be required to be paid.

Should childrens recreation be provided, at the absolute discretion of the Local Planning Authority, as an offsite a contribution, payment of £920 per multi bed dwelling shall be paid in lieu of on-site provision.

The Local Planning Authority will accept no liability for public open space, childrens recreation or drainage and as such this shall be subject to a management company in perpetuity.

The triggers, types and tenures for the affordable housing shall be subject to negotiation during the s106 process. The trigger for the payment of any of the monies for public open space and childrens recreation shall be payable prior to occupation of 40% of the units. The triggers for the management company or nominated body and all other matters not specifically listed shall be determined through the s106 process.

Payment of £110 per dwelling as a contribution under policy CS14 shall be payable as required by the Habitats Monitoring and Mitigation Strategy. This payment shall be before occupation of any dwellings for the avoidance of doubt.

No viability assessment has been submitted and one would not be accepted as the application is an outline application. If any of the above obligations are not met the application should be refused as it is contrary to planning policy.

### **3 Local Policy :-**

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

- 3.2 Paragraph 213 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the Local Plan is to the policies in the NPPF the greater the weight that is given to the Local Plan policy. The Great Yarmouth Borough Wide Local Plan was adopted in 2001 and the most relevant policies were 'saved' in 2007. An assessment of policies was made during the adoption of the Core Strategy December 2015 and these policies remain saved following the assessment and adoption.
- 3.3 The Saved Policies listed have all been assessed as being in general conformity with the NPPF, and add further information to the policies in the NPPF, while not contradicting it.
- 3.4 HOU10: Permission for new dwellings in the countryside will only be given in connection with agriculture, forestry, organised recreation, or the expansion of settlements.
- 3.5 HOU16: A high standard of layout and design will be required for all housing proposal. A site survey and landscaping scheme will be required will all detailed applications for more than 10 dwellings. These should include measures to retain and safeguard significant existing landscape features and give details of, existing and proposed site levels planting and aftercare arrangements.

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

- 4.1 Policy CS2: Achieving sustainable growth. This policy identifies the broad areas for growth, sets out the sustainable settlement hierarchy for the borough and two key allocations. Rollesby is identified as a Secondary Village and is expected to receive modest housing growth over the plan period due to its range of village facilities and access to key services.
- 4.2 Policy CS3: To ensure that new residential development in the borough meets the housing needs of local people, the Council and its partners will seek to:
- a) Make provision for at least 7,140 new homes over the plan period. This will be achieved by (extract only):
- Focusing new development in accessible areas and those with the most capacity to accommodate new homes, in accordance with Policy CS2
  - Ensuring the efficient use of land/sites including higher densities in appropriate locations

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

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

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

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

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

## 5 **Draft Local Plan Part 2**

5.1 Table 8.12. of the draft Local Plan Part 2 gives a summary of reason(s) for the site not being selected:

Site 23: The ability to appropriately access the site is currently unclear.

5.2 Policy G1-dp  
Development limits

Development will be permitted within the development limits of settlements shown on the Policies Map, provided it is in accordance with the other policies in the Local Plan The areas outside development limits (excepting specific allocations for development) will be treated as countryside or other areas where new development will be more restricted, and development will be limited to that identified as suitable in such areas by other policies of the Local Plan, including:

- domestic extensions and outbuildings within existing residential curtilages, under Policy H8-dp; replacement dwellings,
- under Policy H4-dp;
- small scale employment, under Policy B1-dp;

- community facilities, under Policy C1-dp;
- farm diversification, under Policies R4-dp, L3-dp & L4-dp;
- rural workers' housing, under Policy H1-dp; and
- development relocated from a Coastal Change Management Area, under Policy E2-dp.

### 5.3 Housing Applications Reliant on the 'Presumption in Favour of Sustainable Development'

In the event that the Council is unable to demonstrate a five year supply of deliverable housing land, or meet the Housing Delivery Test, it will give favourable consideration to proposals for sustainable housing development (as defined by the National Planning Policy Framework) which will increase the delivery of housing in the short term, and apply flexibly the relevant policies of the development plan where it is robustly demonstrated that the development will be delivered promptly (i.e. within 5 years maximum).

Consideration will be given to applying a shorter than standard time limit to such permissions, in order to signal the exceptional nature of the permission and to encourage prompt delivery. Applications for renewal of permissions which relied on that presumption will be considered in the light of the housing delivery and supply situation at the time.

Such renewals will only be permitted where the applicant can demonstrate convincing reasons both why the development did not proceed in the time frame originally indicated, and why, in the light of the previous delay, the development can now be expected to proceed promptly.

## 6 National Policy:- National Planning Policy Framework (NPPF), July 2018

- 6.1 Paragraph 2: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 6.2 Paragraph 7: The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs<sup>4</sup>.



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

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

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

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

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

For decision-taking this means:

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

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:

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

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

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

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

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

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

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

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

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

6.9 Paragraph 170 (partial). Planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

6.10 Paragraph 177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

## **7 Local finance considerations:-**

7.1 Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance

considerations are defined as a government grant such as new homes bonus or the Community Infrastructure Levy. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. It is assessed that financial gain does not play a part in the recommendation for the determination of this application.

## **8 Shadow Habitats Regulation Assessment**

- 8.1 The applicant has submitted a bespoke Shadow Habitat Regulations Assessment (HRA). It is confirmed that the shadow HRA submitted by the applicant has been assessed as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.
- 8.2 The shadow Habitats Regulations Assessment dated 11 March 2019 has been reviewed. The context of the site is that this development proposal of up to 13 dwellings is within the existing settlement of Rollesby – a rural village comprising approximately 200 houses, with residential uses on 3 surrounding sides. The site is approximately 1.0km west of The Broads SAC, Breydon Water Special Protection Area (SPA), 5.4km west of Winterton-Horsey Dunes SAC and 8.8km north-west of North Denes SPA.
- 8.3 The report rules out direct effects in isolation; but accepts that in-combination likely significant effects cannot be ruled out from increased recreational disturbance on Winterton-Horsey Dunes SAC and North Denes SPA. The report identifies that despite the proximity of the nearby Broads SAC, recreational access (and potential for disturbance) to the SAC is extremely limited. An Appropriate Assessment (AA) has been carried out. The AA considers that there is the potential to increase recreational pressures at Winterton-Horsey Dunes SAC and North Denes SPA, but this is in-combination with other projects and can be adequately mitigated by a contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per dwelling) to ensure that there will be no adverse effects on the integrity of the internationally protected habitat sites.
- 8.4 The Borough Council as competent authority broadly agrees with the conclusions of this assessment. To meet the mitigation requirements the appropriate contribution is required to be secured by either S.111 or S.106 agreement.

## 9 **Assessment**

- 9.1 The application is an outline application with access only forming part of the current application. Should the outline application be approved the appearance, scale, layout and landscaping shall be decided under a separate application.
- 9.2 According to the draft Local Plan Part 2 Rollesby is a relatively well serviced secondary village comprising two separate but socially linked sections by footpath. The north-western section has the most historic character centred around the village church, school and a collection of historic farmsteads. To the south-east, the other section of the village consists of a handful of dwellings strung along Low Road. Rollesby services and facilities include a primary/nursery school, restaurant/takeaway (recently closed), rural business park, a hair salon, and a village hall. The settlement also benefits from bus services along the main road providing connections to larger settlements including Great Yarmouth.
- 9.3 The application site is surrounded on three sides by residential development locating the application site within an existing residential area. The proximity of the site to other residential dwellings and services supports the sustainability of the application site. Although design and scale do not form part of the application the details submitted in support of the application note the need for the site to be considerate to the adjoining residences with a proposed density and design that will be in scale with the existing area and to prevent loss of amenity to residents from overshadowing, loss of light, overlooking and privacy.
- 9.4 One resident objection stated that the development as proposed will disturb bats within the area. The land as exiting is un-used paddock with no notable trees or wetland area which would provide specialist habitat for protected species. The absence of any areas for roosting make the potential for disturbance minimal although it may be of benefit to restrict external lighting to ensure that the development does not cause excessive light pollution. The development gives the opportunity for biodiversity enhancements which can come through at reserved matters stage. Enhancements include planting which can include trees that have a long-life span and could provide future roosting locations, bat and bird boxes erected on the dwellings to encourage protected species to the area and, with specific regard bats, planting of night smelling flowers as part of the landscaping scheme. In addition the fences should have gaps or holes provided to allow for the free movement of hedgehogs to mitigate the loss of open habitat.
- 9.5 A consistent objection to the application is the time that has been taken to decide. The application was submitted in June 2018 with Highways and Habitat Regulation

Assessment (HRA) being the main reason for the length of time that the application has taken to be heard by members. The applicant has demonstrated, through discussions and resubmitted details that the access to the site can be provided to the satisfaction of the Highways Authority. The provision of an acceptable access also includes the provision of some off site works.

9.6 With reference to the offsite highway improvements objections were raised stating that the land is not in control of the applicant. It has been confirmed that the land which the offsite improvements are proposed on is land that is within the control of the Highways Authority. The Highway Boundary Team confirmed that the works, comprising a footway, is within the highway and have provided a map to demonstrate the availability of the land.

9.7 Following communications with the Highway Authority the applicant submitted a traffic survey which Highways assessed as acceptable. Local resident(s) were not satisfied and commissioned their own survey to assess traffic movements along this section of road. The Highway Authority looked at both assessments and the correspondence from the independent contractor to the Local Planning Authority and the Highways response is as follows:

*Contractor:*

*Please find attached (see file for results) the results of the survey undertaken on Martham Road in Rollesby. I have also attached the classification sheet. As the sheet isn't too easy to understand, the classifications are as follows;*

*1 = Pedal Cycles*

*2 = Motorcycles*

*3 & 4 = Cars and light goods vehicles*

*5,6,7,8,9 & 10 – HGV's with different numbers of axles*

*11 = Buses and coaches*

*The survey results are broadly similar to the one undertaken in September. Total vehicle flows for the 7 days were 4.6% higher, with 85th percentile speeds 0.4 mph higher for both directions combined (0.9 mph higher northbound and 0.1 mph lower southbound), compared to the September survey.*

*Highways response:*

*Thank you for sending through the full results.*

*As Jonathan Thompson (contractor) states in his email of 05 December (above) the results of the survey carried out in November/December 2018 are broadly similar to those of the survey commissioned by the applicant which was carried out in September 2018.*

*As you are no doubt aware visibility splays are a measure of vehicle speeds. Where recorded vehicle speeds are to be used to determine what level of visibility is required it is industry standard that the 85th percentile vehicle speed is used. It is recognised both surveys highlight that 85th percentile vehicle speed at the survey location exceed the local speed limit of 30mph. However, in amending the proposals from those originally submitted the applicant has demonstrated visibility splays that are considered sufficient based on the recorded 85th percentile vehicle speeds. The most recent speed survey results do not alter this.*

- 9.8 As per the above two traffic surveys were carried out, one commissioned by the applicant and one commissioned by objector(s). The results of the traffic surveys have not caused a reason for objection on grounds of highway safety. One of the conditions requested by Highways involves the promotion of a traffic regulation order (TRO) for the extension of the 30mph speed limit. This can be adequately conditioned should the application be approved, and Highways are satisfied that this is adequate, with other requested conditions including the provision of the visibility splay and offsite highway improvements such as village gate and footpath.
- 9.9 One objection received requested details of planning applications that are currently ongoing within the village of Martham to ensure, with regards, Highways matters, that the cumulation of developments are looked at. All applications are in the public domain and available to view. Norfolk County Highways are consulted on all major residential developments and are aware of cumulative impacts and what applications have been decided in the vicinity. Having assessed all available information there are no objections from Norfolk County Council acting as Highway Authority.
- 9.10 When assessing the applications access and development site as a whole it could be assessed that the development would benefit from the demolition of the donor dwelling to provide a more attractive access and remove any adverse impacts that the development would have on this dwelling. This has been discussed with the applicants agent and they are not minded to make this amendment to application. While the arrangement would be better allowing a more cohesive design and linking the development to the open fields in a more attractive and desirable manner it is not assessed that this is sufficient reason to refuse the current application. Policy CS09 of the Core Strategy looks for high quality layout and design however this is an strategic objective which does not specify how this is to be achieved. The development can still be attractively designed and make a positive contribution to the landscape.
- 9.11 Although not shown on the submitted drawings it is assessed as necessary to provide an adequate form of development and to protect the donor dwelling from adverse impact by way of noise from traffic that a brick wall, no less than 1.8m l

height be erected at the boundary to the dwelling known as Hall View and the footpath and road that will serve the development.

- 9.12 An objection has been received regarding the drainage of the site stating that no technical details have been provided. The shadow HRA has stated that the drainage proposed is fully attenuated with no hydrological links to the protected sites and a drainage strategy was submitted in July 2018 by the applicant. The full attenuation means that all surface water will be retained on site and slowly discharged to the surrounding area. The Lead Local Flood Authority (LLFA) has been consulted twice on the application and have declined to make comment however the Environmental Health Officer responded that details of sustainable drainage is required before consent is granted. The Environmental Health response was prior to the submission of the HRA and no further response was received following further consultation, the consultation response also stated that there is no objection to the proposal in principle. In the absence of an objection from the LLFA and given that details of the drainage being attenuation are provided and the application being an outline application only it is assessed the detailed arrangement can be conditioned. The condition will include, as per the HRA, that the drainage does not seek to establish hydrological links to designated sites.
- 9.13 Anglian Waters consultation response requires a planning condition for a drainage strategy to be submitted. At the time of writing no further response had been received following the re-consultation of the application with additional information having been submitted. Anglian Water shall be asked for a further response which shall be verbally reported if received.
- 9.14 Objectors have stated that there will be an unacceptable level of noise caused by the construction of the dwellings and there will a loss of views. Construction noise can be conditioned so that it is not carried out between certain hours but above this this is not a consideration. The loss of view is not a material consideration and cannot therefore be afforded any weight. Further objections state that there are covenants on the land. Restrictive covenants and the enforcement of such is not a matter for the Local Planning Authority and the grant of planning permission does not override such covenants if they are in existence.
- 9.15 An important factor when determining applications is whether a Local Authority has the ability to demonstrate a five-year housing land supply. If a Local Planning Authority cannot show that they are meeting this requirement, their policies with regards to residential development will be considered to be "out of date". There is currently a housing land supply of 2.55 years. Although this does not mean that all residential developments have to be approved the presumption in favour of sustainable development must be applied.

9.16 While it is noted that resident objections state that the application site is not within walking distance of facilities the site cannot be assessed as isolated. The application site is located with residential developments on three sides and is a natural extension to the village limits. Travelling towards the village from Martham the development, when planned sympathetically with regards scale, will fit in well with the existing village development.

9.17 The application is an outline application which, according to National Planning Policy, does not demonstrate deliverability and could therefore cast doubt on its relevance to the five year housing land supply. Having discussed this with the agent for the application they have confirmed that the applicant is happy to accept a one-year permission within which the reserved matters must be submitted. This demonstrates that the site can be delivered and should not be refused on the grounds of an outline application that is not deliverable.

## 10 RECOMMENDATION:-

10.1 Approve – subject to the conditions to ensure an adequate form of development including those requested by consultees and a s106 agreement securing Local Authority requirements of childrens recreation, public open space, affordable housing and Natura 2000 payment.

10.2 The proposal complies with the aims of Policies CS2, CS3, CS9 CS11 and CS14 of the Great Yarmouth Core Strategy.



Helen Ayers

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**From:** Rollesby Parish Clerk <rollesbypc@outlook.com>  
**Sent:** 25 January 2019 09:46  
**To:** Gemma Manthorpe; plan  
**Subject:** Planning application 06/18/0315/O

Good morning,

Rollesby Parish Council would like to submit the following comments and objections:

The traffic surveys for Martham Road, undertaken in September and October not in holiday season, show an average speed of 39.4mph in a 30mph for 17,000 vehicle movements. The splay required for this, as shown on the recent developer's plan, is 42.5m each way. In order to achieve this the plans indicate a footpath is to be installed south of Hall View. This path would be on private land, next to a pond where the width available is 0.8m. This is below the minimum requirement for the width of a pedestrian footpath as no passing places have been indicated for wheelchair access. The safety of pedestrians walking on a narrow footpath with speeding traffic on one side and a pond on the other is of grave concern to the Parish Council.

The splay to the north of Hall View is past hedges which the plans detail to be removed or cut back. The Parish Council objects strongly to the removal of any hedges. It is unclear if the applicant owns the hedges in question, and if not then they cannot require them to be trimmed or removed which means the splay of 42.5m will not be achieved.

As additional comments the Parish Council would like to complain that they were not notified of the additional plans submitted and only got additional time to comment when this was queried, and the new plans are illegible on the website.

Kind regards,

*Claudia*

Mrs Claudia Dickson  
Rollesby Parish Clerk  
07769 972902

S

Mrs G Manthorpe  
Major Planning Applications Officer  
Great Yarmouth Borough Council  
Planning Services  
Town Hall  
Hall Plain  
Great Yarmouth  
Norfolk  
NR30 2QF  
12.07.18

Dear Mrs Manthorpe

Ref:06/18/0315/O

**Objections to Planning Permission 13 Dwellings Hall View NR29 5DU.**

In brief, a planning application for 13 dwellings was re submitted on 20<sup>th</sup> June 2018 and a decision will be made by 19<sup>th</sup> September 2018 by GYBC Planning. The land is a grass area, previously protected by an agricultural covenant, currently used as a paddock, which adjoins the garden and parking area of Hall View NR29 5DU.

**Negative Effects on Amenity – (Neighbours and Community)**

Noise, disturbance and nuisance– the building of 13 homes which accommodate at least 2-3 people each will cause noise both from the activities of daily living and the ingress and egress of private and business vehicles to the properties. Noise from the development will affect 1&2 Hall Cottages, The Birches and any properties which have a boundary on to the paddock on Bittern Road. 1 Hall Cottage will be particularly affected, since the access road appears to run along the boundary with Hall View. In addition, 1 & 2 Hall Cottages gardens adjoin the garden and the corners of the 13<sup>th</sup> proposed property. Properties in Bittern Road will also be greatly affected as their gardens back onto the proposed site. We submit that there will be much disturbance from breaking of ground until completion of the proposed project which will take a minimum of 12 months and cause considerable noise and disruption. It should be noted that ingress and egress will be required at all times to 1 Hall Cottages via the joint access during the build, should this application be successful and specific agreements may need to be in place prior to commencement. It should also be noted that both 1&2 Hall Cottages are family homes and there should be additional

We submit that in the light of the current state of utilities, it will require considerable upgrading to bring the main drain as far Hall View and the proposed project. It may be of interest that electrical supply to our homes struggles to cope when we all start cooking dinner at the same time and of course all homes will need either electric, oil or LPG as heating, since we understand that gas only comes out of Great Yarmouth as far as Caister.

We also submit that the proposed dwellings are out of character with the nearest properties which are either character properties or substantial, individual properties rather than small identical units in small groups.

Highway Safety is a major concern in that the current access to 1 Hall Cottage and Hall View is shared and thus jointly owned and a joint responsibility. Even if the access were moved nearer to Hall View itself, exiting onto Martham Road is dangerous, since there is little visibility up the road towards Martham as there is a gentle bend back on itself. It comes after a change from a 60mph speed limit to a 30mph one, which is very seldom strictly observed and thus vehicles can easily be travelling towards this exit at 40-50mph or more. In addition, the view is obscured by poor maintenance of the verge to the field North East of Hall View. The view to the South West on exiting onto Martham Road is similarly difficult, since the hedge of 1 and 2 Hall Cottages, while acknowledged by all parties to be planted on land belonging these properties, has grown out somewhat and a telegraph pole is also within line of sight. Trimming these hedges back to the boundary line is likely to endanger them and the protection to the properties they afford. The shared access between 1 Hall Cottage and Hall View, is in any event unsuitable since there has been one near miss between ourselves and our neighbours and the addition of 2 – 3 cars per household would create a considerable extra risk. Consideration should also be given to walkers and cyclists given that Martham Road is presumably a C Road and therefore unsuitable for extra traffic. C Roads are generally smaller roads intended to connect together unclassified roads with A and B Roads, linking a village to the rest of the network. With the provision of up to 13 dwellings – possibly up to 39 extra private vehicles, together with the extra traffic from the Martham Village re-developments, this may necessitate the reclassification of Martham Road, Rollesby, given the fact that this road is already used as a main road between Martham and the A149.

Although the plot of land which is the subject of the planning application is on the edge of the village, we submit that the loss of green belt land, formerly protected by agricultural covenant, will be a detriment to the village as a whole. We are also aware that according to the Rollesby Strategic Housing Land Availability Assessment, the Paddock area of Hall View is marked as "Not Currently Developable" and it should be noted that the planning statement from Astill accepts this. We would not necessarily object to the development of single dwellings bordering the Martham Road on the way to Martham, but deplore the habit of infilling which radically changes communities which have been developing slowly and organically for decades.

Contrary to the Rossi Long report of 24.5.18, there has been one most serious accident where a cyclist was airlifted to hospital recently on the Martham Road. The Astill report,

## Draft Objections to Planning Permission 13 Dwellings Hall View NR29 5DU.

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Overlooking and loss of Privacy – We submit that the roadway to be created from the shared entrance to and parallel with the north boundary of 1 Hall Cottages is a gross invasion of privacy and will be a continual noise nuisance once created. It should be clearly stated that the owners of this property do not wish this access to be used as part of a shared access for 13 dwellings and the potential for large volumes of traffic, a mere 14 feet from their family sitting room window. At this time, it is not clear what properties are near any of the boundaries of the paddock and therefore difficult to comment on loss of privacy, although it should be noted that the corner of property 13 is very



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As our local MP Brandon Lewis said in his response to the Pontins redevelopment scheme in Hemsby, "The Core Strategy S2 clearly states that development in the first instance should be focused on the main towns and key service centres rather than primary villages such as Hemsby". We bring to your attention that Rollesby is only considered a Secondary village with few facilities and should therefore bear the minimum possible burden of development, particularly where it is almost entirely for profit.

In the light of the available information and despite the reports of Messrs Astill and Rossi Long, local infrastructure, as it stands, does not support an extra 13 dwellings on this site. Roads are rural and are unable to sustain the extra traffic. Drainage, water and electricity would need substantial upgrades to meet these needs, particularly in the light of persistent flooding in the area of Back Lane, a critical junction of the main drain. Public transport is limited and thus every dwelling would need an absolute minimum of 1 vehicle to access any services. Local schools are full to capacity. Heating is locally either LPG or Kerosene, both of which need to be delivered by lorry.

Officers are therefore respectfully requested to reject approval of the application.

Eleanor Donnett  
Lion House  
Marham Road  
Rollesby  
NR29 5DR.

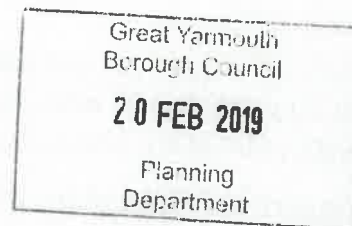


"Ellivnerg"

Martham Road,

Rollesby,

Great Yarmouth



NR29 5DR      19<sup>th</sup> Feb 2019      Dear Mr George Bolan

Reference to planning application 06/18/0315/0

Development of site for residential use with proposed means of vehicular access at Hall View Martham Road, Rollesby, Great Yarmouth NR29 5DU

I would like to inform you that I was invited to a Rollesby Parish Council meeting on the 21<sup>st</sup> of January 2019 and shown documents that the residents of Hall View had concocted showing a proposed public footpath across my property, being the Town Pond and surrounding land and removal of my fence.

On the evening of 18<sup>th</sup> Feb 2019 I was again invited to a Rollesby Parish Council Meeting and I was shown another concocted document showing an Ordnance Survey Map, dated 2011, that has been altered in favour of the above applicants claiming this property belongs to Norfolk Highways and to assist their application.

I am informing you that the pond and surrounding land belongs to me and that I have owned it since 30<sup>th</sup> September 1989. Being purchased from Mr Page of the Croft Martham, Road, Rollesby

I have traced owners back to 1906 and since then the pond and surrounding Land has never belonged to any local authority, and has never been contested until now. Please examine 1906 OS document enclosed, property hi-lighted in pink.

The fence in question was installed in 1977 by Mr Joe Cawfield of the Croft Martham Road, Rollesby, a previous owner, for safety and insurance reasons.

I have enclosed a pre contract of purchase document regarding enquiries stating boundaries and it is stated that there is no indication on the deeds but Mr Page, the vendor has always assumed the fences fronting the road are his and those at the back belong to the owners of those properties.

I have now contacted my law firm HBK Wiltshire's who conducted the conveyance in the first place and they have now engaged a solicitor on this

copy

Double Garage and Land  
re Martham Road, Rollesby

Parties Page

to Goose

Oyez  
**ENQUIRIES**

**BEFORE CONTRACT**

In cases of property subject to a tenancy, forms Con 291 (general business and residential tenancies) or Con 292 (agricultural tenancies) should also be used.

**These enquiries are copyright and may not be reproduced**

**Please strike out enquiries which are not applicable**

Replies are requested to the following enquiries.

The replies are as follows.

HOWARD KILLIN & BRUCE

Proposed purchaser's solicitors.

Date 30th June 1989 198

**GENERAL ENQUIRIES**

CHAMBERLIN TALBOT & BRACEY

Proposed vendor's solicitors.

Date 17TH JULY 1989

**REPLIES**

These replies, except in the case of any enquiry expressly requiring a reply from the Vendor's solicitors, are given on behalf of the proposed Vendor and without responsibility on the part of his solicitors their partners or employees. They are believed to be correct but the accuracy is not guaranteed and they do not obviate the need to make appropriate searches, enquiries and inspections.

**1. Boundaries**

(A) To whom do all the boundary walls, fences, hedges and ditches belong?

(B) If no definite indications exist, which has the Vendor maintained or regarded as his responsibility?

No indication on the deeds but the Vendor has always assumed the fences fronting the road are his and those at the back belong to the owners of those properties.

**2. Disputes**

(A) Is the Vendor aware of any past or current disputes regarding boundaries, easements, covenants or other matters relating to the property or its use?

(B) During the last three years, has the Vendor complained or had cause to complain about the state and condition, or the manner of use, of any adjoining or neighbouring property? If so, please give particulars.

No.

No

? BOTH

**3. Notices**

Please give particulars of all notices relating to the property, or to matters likely to affect its use or enjoyment, that the Vendor (or to his knowledge, any predecessor in title) has given or received.

None given or received.

**4. Guarantees etc.**

(A) Please supply a copy of any of the following of which the Purchaser is to have the benefit:

agreement, covenant, guarantee, warranty, bond, certificate, indemnity and insurance policy, relating to any of the following matters:

the construction of the property, or any part of it, or of any building of which it forms part;

any repair or replacement of, or treatment or improvement to the fabric of the property;

the maintenance of any accessway;

the construction costs of any road (including lighting, drainage and crossovers) to which the property fronts, and the charges for adopting any such road as maintainable at the public expense;

a defective title;

breach of any restrictive covenant.

There are no guarantee in existence.

(B) (i) What defects or other matters have become apparent, or adverse claims have been made by third parties, which might give rise to a claim under any document mentioned in (A)?

(ii) Has notice of such defect, matter or adverse claim been given? If so, please give particulars.

(iii) Please give particulars of all such claims already made, whether or not already settled.

The Purchaser must rely on his own survey and inspection.

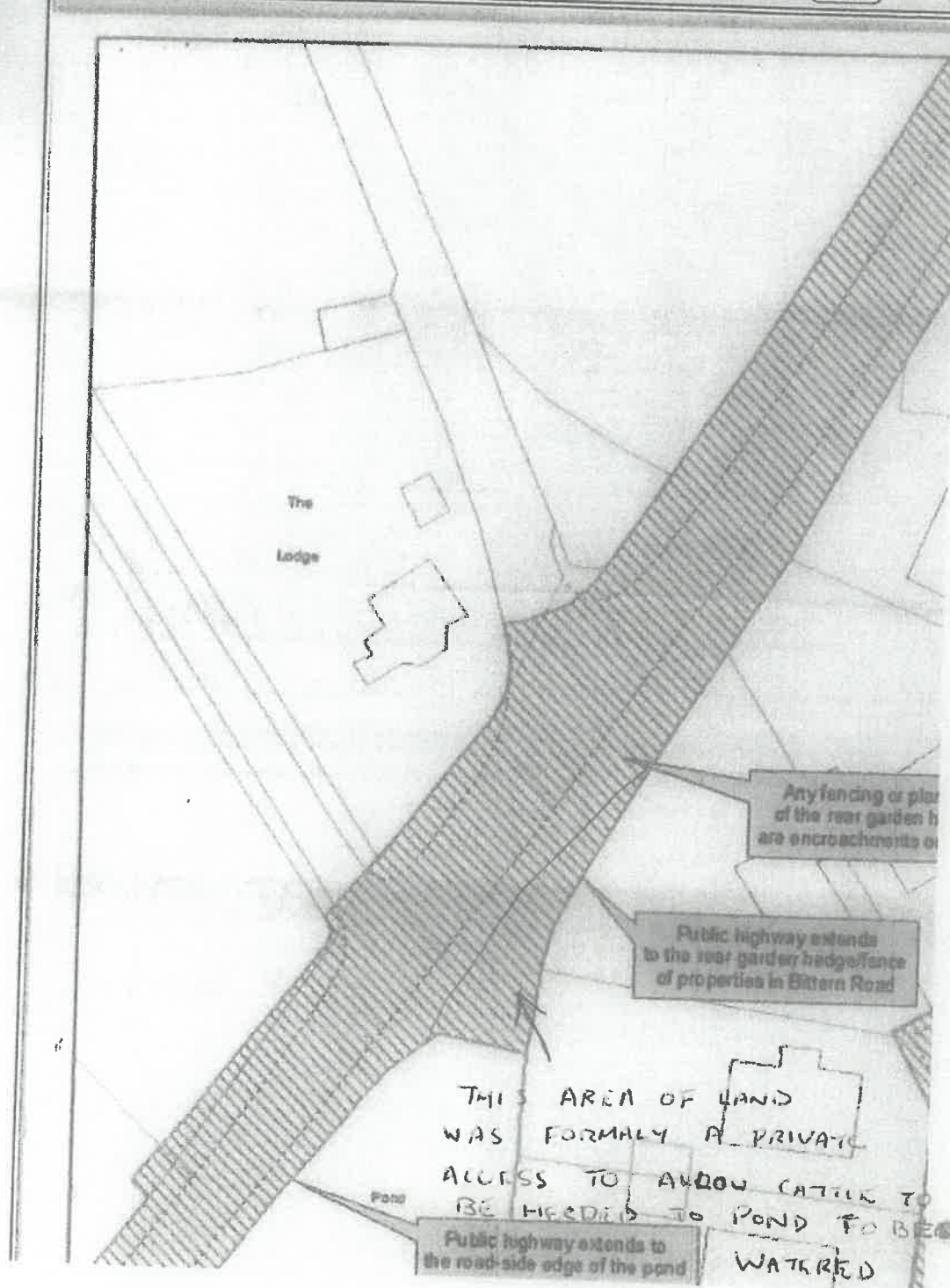


ad

22:18

myplanning.great-yarmouth.gov.uk

Page 4 of 5 Scale 1:1



## **Gemma Manthorpe**

---

**From:** Worsfold, Graham <graham.worsfold@norfolk.gov.uk>  
**Sent:** 21 December 2018 10:49  
**To:** Gemma Manthorpe; plan  
**Cc:** David Warner (david@astillconsultants.co.uk)  
**Subject:** RE: Martham Rd, Rollesby  
**Attachments:** 151058\_C-001\_P7.pdf

Gemma

Thank you for your re-consultation regarding the above planning application.

Since our original recommendation of refusal dated 25 July we have been in discussion with the developer regarding access to the proposed development.

The revised plan amends the access into the site, demonstrates visibility, enhances the gateway into the village and proposes a continuous footway between the site and the existing provision. We are satisfied drawing 151058-C-001-P7 addresses our earlier comments such that we could no longer substantiate an recommendation of refusal.

Should your Authority be minded to support the application we recommend the following conditions be appended to the consent notice:

### **SHC 01 (Variation)**

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

Reason:

This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.

### **SHC 02 (Variation)**

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.

Reason:

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

### **SHC 03A (Variation)**

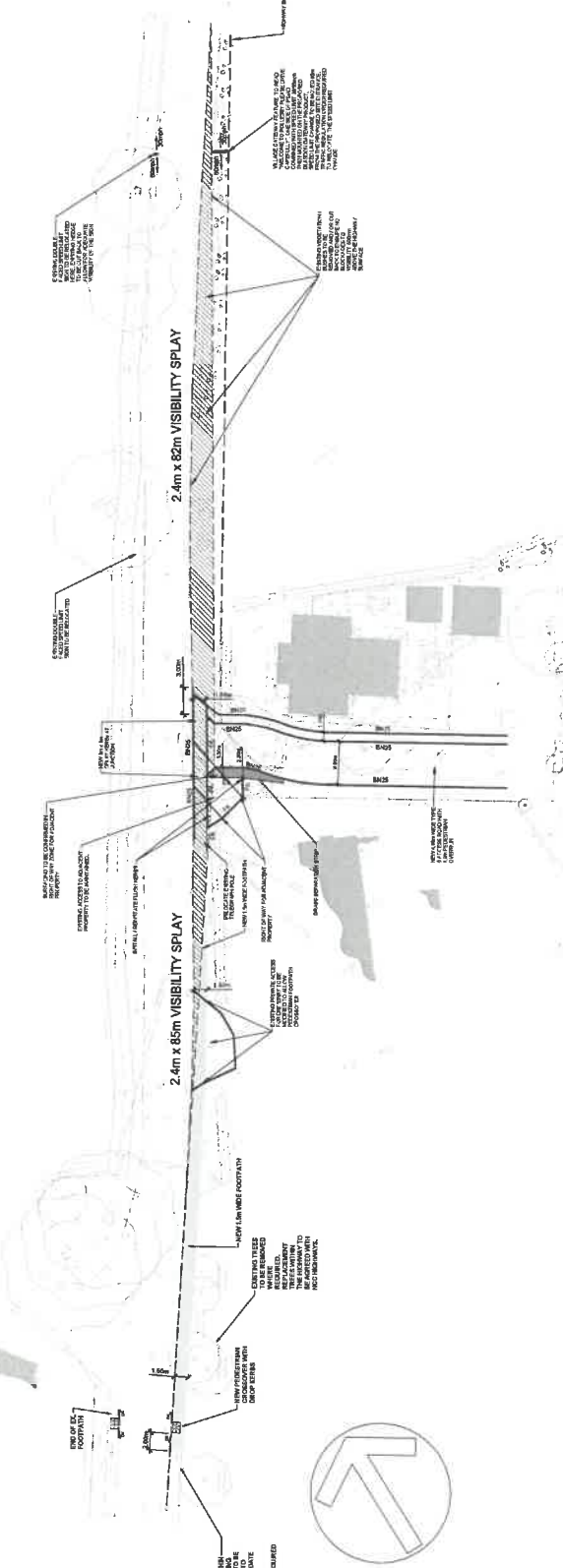
Before any dwelling unit is first occupied the road(s)/footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.

Reason:

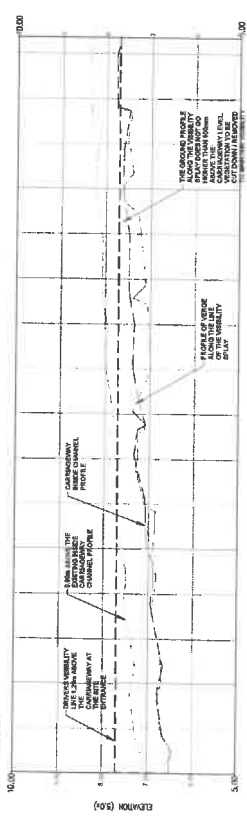
To ensure satisfactory development of the site.

### **SHC 16 (Variation)**

Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan, drawing 151058-C-001-P7. 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.

[illegible]

VERTICAL PROFILES ALONG VISIBILITY SPLOY  
SCALE: H:250, V:50  
DATE: 5.000



P1	PERMANENT TQSE.	16.12.16	PP	U5
P2	PERMANENT TQSE.	07.12.16	PP	U5
P3	PERMANENT TQSE.	04.12.16	PP	U5
P4	PERMANENT TQSE.	29.11.16	PP	U5
P5	PERMANENT TQSE.	15.11.16	PP	U5
P6	PERMANENT TQSE.	04.10.16	PP	U5
P7	PERMANENT TQSE.	15.09.16	Q46	PP
MISCELLANEOUS				PP
A406				PP

**Rossi Long  
Consulting**  
Madden Way, Norwich, Norfolk, NR1 6TJ  
01603 798 450 F: 01603 798 421 [www.rossilong.co.uk](http://www.rossilong.co.uk)

**CHRISTINE & DAVID MELLING**  
 11 ALL VIEW, MARTHAM ROAD, ROLLESBY  
 MARTHAM ROAD, ROLLESBY

## PROPOSED SITE ACCESS LAYOUT

LAB NO.	APPROVAL	DATE	COLL. DATE
51058	pp	30.08.18	13:20
LAB. NO.	ANALYST	DATE	ANALYST
51058	RLC-00-00-DR	C-001	P7

Public highway extends to the top of the small bank at the rear of the highways soakaway channel

7.6m

Hall View

Hall  
Cottages

Birches

© Crown copyright and database rights  
2011 Ordnance Survey 100019340



Norfolk County Council

Center of map: 645,032.4922 318,393.7417

Martham Road, Rollesby



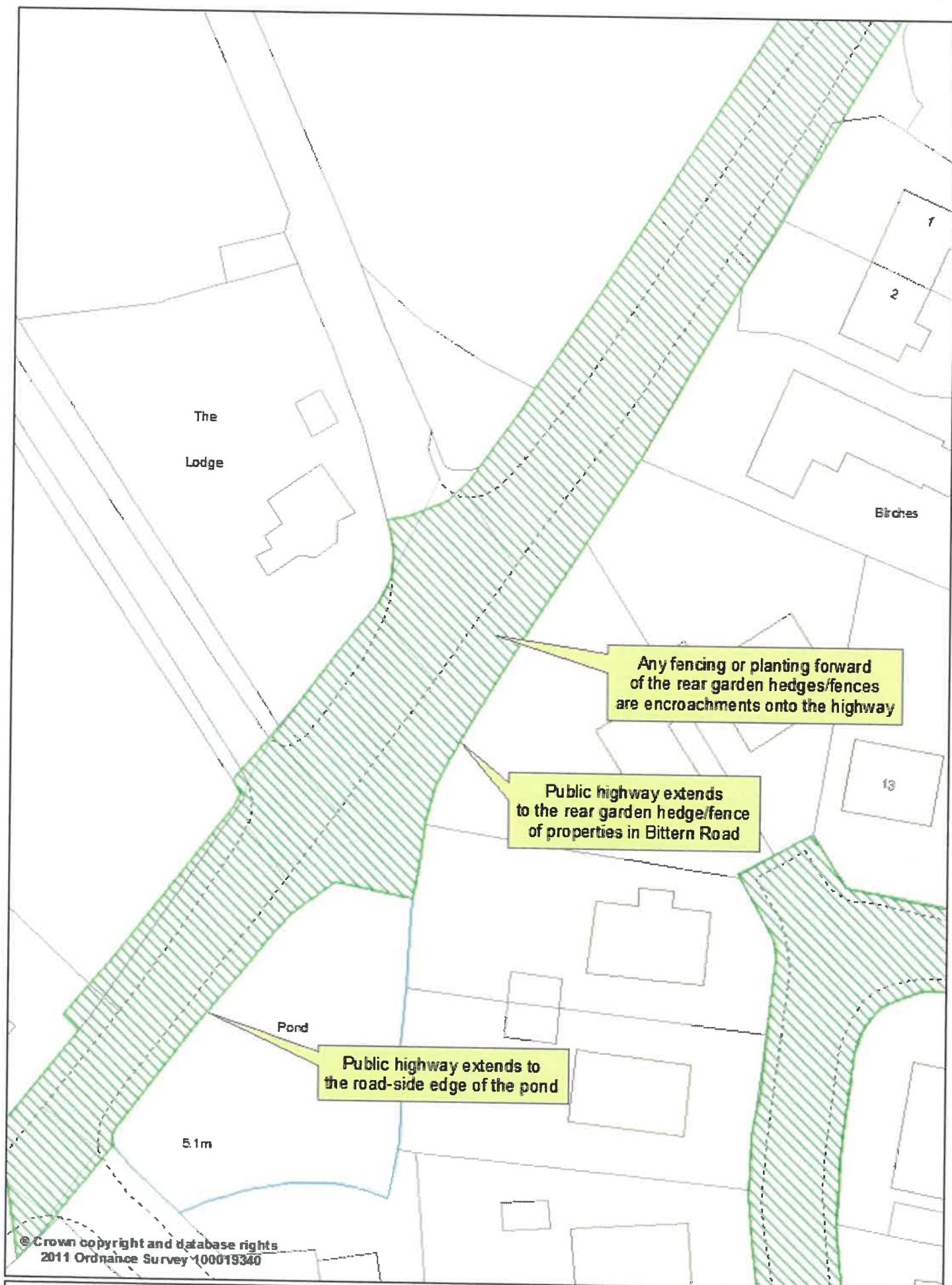
Public highway hatched green

Date created:  
31/01/2019

Scale:  
1:500







© Crown copyright and database rights  
2011 Ordnance Survey 100019340



**Norfolk County Council**

Center of map: 844,989.2719 316,345.1791

**Martham Road, Rollesby**



**Public highway hatched green**

Date created:  
31/01/2019

Scale:  
1:500





Proposed Site Layout 1:250

06/18/031570

Unit 01  
Unit 02  
Unit 03  
Unit 04  
Unit 05  
Unit 06  
Unit 07  
Unit 08  
Unit 09  
Unit 10  
Unit 11  
Unit 12  
Unit 13

Notes:  
1. The Site Plan is based on the existing site plan and is intended to be used as a guide only. It is not intended to be used as a basis for any other planning or design work.  
2. The Site Plan is based on the existing site plan and is intended to be used as a guide only. It is not intended to be used as a basis for any other planning or design work.  
3. The Site Plan is based on the existing site plan and is intended to be used as a guide only. It is not intended to be used as a basis for any other planning or design work.

20 JUN 2018  
Planning Department

Site Area = 0.61 Hectare

planning drawings only  
measured in mm

amendments:  
A. 17.04.18 Layout re-configured  
Hall View, Merham Rd, Rollesby  
Proposed Site Layout

scale 1:250 @ A2  
drawn by M R  
date 25.05.18  
ref PIA141306/02A

Indicative only.

