

Application Number:	<b>06/22/0546/F</b> - <a href="#">Click here to see application webpage</a>
Site Location:	Land north of Scratby Road, Scratby
Site Location Plan:	See Appendix 6
Proposal:	<b>Proposed erection of 41 no. dwellings, vehicular access, landscaping, open space, footpath improvements and associated infrastructure</b>
Applicant:	Mr J. Coote, Badger Building (East Anglia) Ltd
Case Officer:	Mr Robert Parkinson
Parish & Ward:	Ormesby St Margaret with Scratby Parish, Ormesby Ward
Date Valid:	20 June 2022
Expiry / EOT date:	23 March 2023
Committee referral:	Constitution (25+ dwellings).
Procedural note 1:	This is an update report following the deferral of the application at the Development Management Committee of 19 <sup>th</sup> April 2023. This report should be read in conjunction with the previous report of 22 <sup>nd</sup> March 2023 and two addendum Update Reports which remain part of the consideration of the scheme and which are attached as Appendices to this report.

**SUMMARY OF RECOMMENDATION:**

**To delegate authority to the Head of Planning to approve subject to prior completion of a section 106 agreement and proposed conditions.**

**1. Timeline and Reason for Deferral**

- 1.1 This application was initially presented to the Development Management Committee on 22<sup>nd</sup> March 2023; the original Published Committee Report is attached at Appendix 1 to this report.
- 1.2 An Update Report was released prior to the consideration on 22<sup>nd</sup> March 2023 (see Appendix 2). Committee resolved to defer consideration for a site visit, which took place on 31<sup>st</sup> March 2023.
- 1.3 On 19<sup>th</sup> April 2023 the Committee considered the application again. A second Update Report was released prior to that meeting (see Appendix 3).
- 1.4 At the meeting on 19<sup>th</sup> April 2023 it was resolved to defer consideration of the application to allow for further appraisal and discussion with the applicant about the scheme's viability in relation to the proposed affordable housing mix.
- 1.5 The relevant extracts of the Minutes of the 19<sup>th</sup> April 2023 Committee are attached at Appendix 5 of this report.

## **2. Affordable Housing**

- 2.1 Following the April 2023 committee, the Applicant revisited their viability appraisal calculations with updated figures and subsequently amended their proposals to include an additional affordable housing dwelling of Shared Ownership tenure property within the 'Exception Site' part of the development (the area of 'countryside' land located outside the adopted development limit boundary).
- 2.2 To enable this the applicant has changed an 'open-market' house into an affordable dwelling so the overall development remains as 41 dwellings, but the overall mix of affordable housing increases from the 14 proposed originally (34%) to 15 now (37%).
- 2.3 Therefore, the part of the site within the adopted development limits remains as 22 dwellings, comprising 4 affordable homes and 18 open market dwellings.
- 2.4 The 22 dwellings proposed inside the development limits is required to provide 20% (4no.) affordable homes as expected by policy UCS4; this is proposed and this part of the development is therefore policy-compliant.
- 2.5 The part of the site outside the development limits remains as 19 dwellings, but it now comprises 11 affordable homes. For the purposes of assessing the viability of the development, 8 of the 11 are affordable rent tenure and 3 are intermediate (shared ownership) tenure.
- 2.6 In this 'exception site' area, the 11 affordable homes for 'local needs' are now required to be supported by 8 open market units (compared to the previously proposed 10 affordable homes being supported by 9 open market dwellings).
- 2.7 The overall development proposal is for 15 affordable housing dwellings, comprising 11 no. affordable rent and 4 no. intermediate tenure (shared ownership).
- 2.8 The proposed 15no. affordable housing mix is:
- 2no. 2 bedroom 4-person bungalows – Affordable rent
  - 4no. 2 bedroom 4-person houses – Affordable rent
  - 5no. 3 bedroom 5-person houses – Affordable rent
  - 2no. 3 bedroom 5-person houses – Intermediate tenure (shared ownership)
  - 2no. 2 bedroom 4-person houses – Intermediate tenure (shared ownership)
- 2.9 Of the overall development the 15 dwellings amount to 37% of the 41 proposed, with 73% of that as affordable rent and 27% as intermediate tenure.
- 2.10 Officers have obtained independent viability advice from BNP Paribas. Their advice (received 5 June 2023) is available on the Council's website. In addition to the applicant amending the level of affordable housing being offered, they also provided further evidence on: private residential values; affordable housing revenues; and abnormal costs. These elements have also been considered within our Advisor's re-appraisal of the scheme.
- 2.11 In summary, the advice received highlights that when assessing the quantum of private housing units on the rural exception part of the site only, the provision of 8 private market units to support the provision of 11 affordable housing units generates a deficit

of -£324,827 against the viability benchmark. The advice received by officers is that this shows the level of affordable housing has been maximised for this part of the development.

- 2.12 A further appraisal of the entire Application Scheme, comprising 41 residential units of which 15 units are of affordable, shows the scheme generates a surplus of £300,398 against the viability benchmark.
- 2.13 If the application were presented as 2 separate applications, the Rural Exception site would be acceptable when considered against the policy test of amended Policy UCS4 because the majority of the homes provided are affordable and the number has been 'maximised' within the reasonable interpretation of being viable. It would also meet the guidance of paragraph 78 in the NPPF that relates to rural exception sites, because the market housing being provided is limited to the minimum number required to cross-subsidise the provision of affordable units in that part of the site.
- 2.14 The other portion of the site, the area located within the development limits, continues to meet the affordable housing requirement of 20% for sites in the Affordable Housing sub-market area 1 as required by policy UCS4. Each element of the proposal is therefore compliant with their relevant affordable housing policy.
- 2.15 The benefits of the scheme coming forward as a combined 'hybrid' application, spanning the village boundary, are principally that:
- the whole scheme delivers 37% affordable housing compared to 20% were the development constrained to the development boundary;
  - the 11 affordable homes in the 'exception site' outside the development limit are proposed as 'local needs' housing which are required to be allocated in the first instance to residents with housing needs with a local connection to the parish and / or adjoining parishes, rather than being 'general needs' housing accessible to the Council's general housing needs area (i.e. residents who would not necessarily have a connection to the local area);
  - by combining the two sites it has been possible to ensure all 11no. affordable rent tenure homes are set aside for 'local lettings' with the 4no. shared ownership tenure homes being used for 'general needs' affordable housing, which is acceptable because there is smaller demand for shared ownership dwellings within 'general needs' whilst the shared ownership tenure would not be effective for 'local needs' housing because it requires a mortgage of approximately 80% which is beyond the needs of most; and,
  - as a result, the housing mix proposed has largely reflected the housing needs demands of the area, in liaison with the Council's Strategic Housing Officer.

### **3. Housing Mix**

- 3.1 The previous Committee Addendum Update Report 2 of 2 (19<sup>th</sup> April 2023 (Appendix 3) concluded that the concerns of the Council's Strategic Housing Officer had been sufficiently addressed at that time, but expected the final mix of tenure and dwelling types/sizes to be agreed prior to confirmation in the Section 106 Agreement. These have since been further refined with the intent it can be set out in the Section 106 Agreement.
- 3.2 The affordable housing mix now proposed at paragraph 2.7 above has been set out as per Table 1 below, whereby all 4 Shared Ownership tenure units are allocated for

'general needs' affordable housing use, and all 11no. Affordable Rent tenure units are allocated for 'local lettings' affordable housing use. This has been agreed in conjunction with the Strategic Housing Officer.

Table 1: Recommended affordable housing mix and tenures for the Section 106 Agreement

Plot No	Type	Size	Tenure	End Users: General Needs or Local Allocations Policy
32	3B5P House	93m2	Shared Ownership	General Needs
33	3B5P House	93m2	Shared Ownership	General Needs
40	2B4P House	79m2	Shared Ownership	General Needs
41	2B4P House	79m2	Shared Ownership	General Needs
8	2B4P House	79m2	Affordable Rent	Local Allocations Policy
9	2B4P House	79m2	Affordable Rent	Local Allocations Policy
10	2B4P House	79m2	Affordable Rent	Local Allocations Policy
11	2B4P House	79m2	Affordable Rent	Local Allocations Policy
12*	2B4P Bungalow	70m2	Affordable Rent	Local Allocations Policy
13*	2B4P Bungalow	70m2	Affordable Rent	Local Allocations Policy
35	3B5P House	93m2	Affordable Rent	Local Allocations Policy
34	3B5P House	93m2	Affordable Rent	Local Allocations Policy
24	3B5P House	93m2	Affordable Rent	Local Allocations Policy
25	3B5P House	93m2	Affordable Rent	Local Allocations Policy
26	3B5P House	93m2	Affordable Rent	Local Allocations Policy

3.3 All the Affordable Housing dwellings have been designed to be Part M4(2) compliant. Plots 12 and 13 (marked \*) have also been designed with a level access shower to further cater for identified local housing needs.

3.4 The Council's Strategic Housing Officer has confirmed the mix of dwellings proposed will address some of the identified local needs and the sizes of the dwellings are appropriate and the proposed phased provision is acceptable.

3.5 In terms of the allocation of the affordable housing units, a hybrid scheme like this affords the Council the opportunity to tailor the housing to those in greatest need and to address local circumstances. In this instance it is proposed that the 4no. shared ownership units will be accessible to people across the Borough and beyond, being units available as 'general needs' housing. The 11no. affordable rented housing units will be made available to people through the Council's Local Allocations Policy which will work on the following 'cascade' basis:

- First priority to be given to those with a local connection to Scratby and Ormesby;
- Second priority to people with a local connection to the other Northern Rural Parishes;

- Third priority to people with a local connection to other parishes in the Borough.

As Scratby is understood to have a significant shortage of affordable housing, this is seen as a considerable public benefit made possible by the concept of the 'exception site' being included in this development.

3.6 A proposed Affordable Housing Provision Plan has been outlined with the applicant which sets out the expectations for balancing market housing delivery and affordable housing delivery. The following schedule is recommended:

- No more than 14 open market dwellings are to be occupied before 8 affordable dwellings are constructed, completed and transferred to a Registered Provider.
- No more than 23 (a further 9) open market dwellings are to be occupied before all 15 affordable dwellings have been completed and transferred to the Registered Provider.
- Leaving 3 open market dwellings able to be completed and occupied once all the affordable dwellings have been provided ready for occupation.

This phasing plan has been discussed with the applicant and accords with their general expectation of developing the site in a generally clockwise fashion whilst delivering the affordable housing in a timely manner.

#### 4. Other changes since April 2023 committee

##### Design amendments

4.1 The application layout and designs have been amended since the 19<sup>th</sup> April 2023 Development Management Committee. Revised plans were submitted and accepted corresponding to the amended layout plan included at Appendix 7 of this report, which shows the following alterations:

- a. Plots 36 and 37:
  - the parking arrangements have been revised but the number of spaces available remains the same: there is no longer a shared semi-detached garage, but two separate single garages instead.
  - two visitor parking spaces have been included in this part of the site;
  - a single street-tree has been removed.
- b. Plot 35 changes from an open-market tenure 3-bedroom semi-detached home of a 'Hulver' house type design, with single garage, to an affordable house 3-bedroom 5 person semi-detached housing with no garage (affordable dwellings tend not to include garaging);
- c. Plots 32-34 were previously a terrace of three affordable dwellings. These have been split into two pairs of semi-detached affordable homes (pairing Plot 43 with Plot 35);
- d. Plot 37 has been 'handed' to move parking access further from the bend in the road.

All other aspects of the layout and designs remain the same as previously considered.

4.2 No further public consultation was considered necessary because these changes only related to the increase in the level of affordable housing provision and are effectively limited to the interior of the scheme. The amendments did not make a material change to any other aspects of the proposal upon which public comments have been received

or where technical consultees were affected, and the changes do not affect any proposed dwellings bordering existing neighbouring properties.

- 4.3 The revised layout arrangements have actually improved the distribution of parking and proves beneficial in respect of the usability of the development for residents and the urban design of the site by reducing the distance from front doors to parking spaces and reducing the extent of two areas of curtilage parking along the streetscape.
- 4.4 In July 2023 the Council commenced a consultation on the draft Brough-Wide Design Code Supplementary Planning Document which runs until 15<sup>th</sup> Sept 2023. This has some very limited weight to be assigned to the decision-making process but, because of the very early stage of preparation the Code, is not considered to have sufficiently material weight at this point in time to affect the assessment of this application. Members will recall that extensive design commentary was provided in the original Officer Report of 22<sup>nd</sup> March 2023 at sections 10 and 15 of the Published Committee Report (Appendix 1 to this report).

#### Tree work proposals

- 4.5 An application has been received which proposes to remove the line of 17no. Lombardy Poplar trees in the northwest corner of the site which are protected by Tree Preservation Order TPO No.5 2021 (designated 14<sup>th</sup> Sept 2021) – application reference 06/23/0428/TRE.
- 4.6 The proposed works are described as:  
*“Proposed works to Lombardy Poplars trees (TPO No.5 2021) - Fell and replant 10 Quercus Koster and 7 Sargents Cherries”*
- 4.7 The application has not been submitted by the applicant or landowner of this site and the trees are understood to be located in land adjoining / outside this application site's boundary and ownership. At this stage the tree works application remains invalid and no weight should be afforded to that proposal in the decision-making process of this application. Part of the assessment of that application will also have to take account of any relevant planning decisions on adjacent or affected sites.

#### Additional applicant statements

- 4.8 The applicant has asked the LPA to reconsider 5 matters presented by Officers to Committee previously:
- Point 1:*
- 4.9 The applicant considers that concerns from future neighbours of the bungalow under construction at Abel Court on the west side of the Lombardy Poplars should not be taken into account because the bungalow has not been completed and is not yet occupied, and alleging the objection derives from an adjoining landowner/developer *“who is trying to use planning for his own commercial advantage in hoping to see our scheme fail”*.
- Officer Response:*
- 4.10 This is not considered a fair position to take because the concerns raised are legitimate on planning grounds and in terms concerning overlooking and overbearing impact, which were discussed in prior reports and in the 19<sup>th</sup> April 2023 Committee presentation.

Members are reminded that any comments should be taken into account where they raise material planning considerations, regardless of from whom they originate. Members are advised that for any planning application officers fully consider the design relationship between the various adjoining sites and the application site, whether or not an objection has been received.

*Point 2:*

- 4.11 The applicant has raised concerns about the proposed Recommendation of the addendum Update Report 2 of 2 (19<sup>th</sup> April 2023, Appendix 3) in which Officers suggested the development should be commenced within 12 months of the eventual permission being granted. The concern derives from the current timescales required for securing agreements with utility providers and the highways authority and the practicality of resolving planning conditions, for example. The applicant requests at least 24 months to commence.

*Officer Response:*

- 4.12 The prior suggestion of a 12-month commencement period was based on the time-critical nature of the information used in support of the applicant's viability position. Now that these inputs into the viability model have been updated some more latitude can be afforded the commencement period. However, it is noted that the applicant is still arguing the case of their proposals representing significant public benefit to justify housing outside the adopted development limits. As such, consideration of the timely implementation and delivery of the development is considered appropriate.
- 4.13 Paragraph 77 of the NPPF highlights that to help ensure that proposals for housing development are implemented in a timely manner, LPAs can impose a planning condition requiring that development must begin within a timescale shorter than the 'standard' 3 year period. However, the relevant test is to consider whether "*this would expedite the development without threatening its deliverability or viability*". The applicant has highlighted that a period of less than 24 months would adversely impact on their ability to deliver the development. Therefore, in accordance with the NPPF guidance, officers consider that a 24 month implementation period should be agreed.

*Point 3:*

- 4.14 The applicant has questioned the proposed Recommendation of the addendum Update Report 2 of 2 (19<sup>th</sup> April 2023, Appendix 3) and in particular the reasonableness of imposing a viability re-appraisal and associated 'clawback mechanism' into the section 106 agreement to secure more affordable housing if and when the viability is seen to improve above and beyond current circumstance. The mechanism was to take effect if the development has not provided affordable housing occupations within 18 months of commencement, and if the development proves more viable / provides greater profit than expected at that point.

*Officer Response:*

- 4.15 The proposal was raised by Officers when there were more doubts about the veracity of the viability appraisal information and the mix of affordable housing proposed for each tenure; the re-appraisal has since verified some of those doubts and the mix of tenures has been agreed to officers' satisfaction. It is now considered appropriate to proceed without a 'clawback mechanism' given that the only part of the development that could be subject to this would be the 'exception site' element. Instead, a phasing requirement is to be inserted into the section 106 agreement to ensure earliest feasible delivery of the affordable housing.

*Point 4:*

- 4.16 The applicant has refuted the concerns raised on 19<sup>th</sup> April 2023 that the land available for a proposed path along Scratby Road to Beach Road would not be wide enough.

*Officer Response:*

- 4.17 The applicant assures Officers they can provide a 2.0m wide footpath from the site access north to Beach Road. It must be taken in good faith that the available highway verge and / or land available to the applicant has been investigated and appropriate due diligence undertaken.
- 4.18 Members are reminded that the Highway Authority has not objected to the proposed 2.0m wide path, notwithstanding whether there were concerns raised about whether 2.0m was sufficient. Members are advised that these off-site highways works would need to be confirmed as being possible in practice prior to commencement of development, and were the 2.0m width not possible any permission issued would need to be varied and would be subject to public scrutiny and a Committee decision.

*Point 5:*

- 4.19 The application site involves use of some agricultural land, the quality of which was discussed in the original Committee Report section 10. The applicant wishes to highlight:

- a) the land is uneconomic to farm (too small/large modern equipment whilst also surrounded on 2 sides by dwellings now which cause problems with manuring, spraying etc)
- b) hasn't been used for agriculture for many years (eg auctions, car boot sales, Circus etc)
- c) 'is de minimus'

In making this claim the applicant refers to a NPPF paragraph (para 175) and associated footnote which states: *"Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality"*. These paragraphs relate to the sequential approach to be taken to allocating sites for development, through policy making, where the general principal is to try and preserve best and most versatile agricultural land.

The applicant claims that the threshold for "significant" development of agricultural land should only apply to areas of 20ha or more agricultural land which requires Natural England assessment, but to adopt this interpretation would be to misconstrue the NPPF guidance when in fact there are no such thresholds, limitations or interpretations presented in the NPPF. Consideration of 'significant development' should be a matter for the decision maker, taking into account all material considerations, one of which should be the availability or otherwise of other high quality agricultural land in the area.

The point was discussed in detail in the previous report and the applicant's suggestion has limited relevance to this application.

- d) 2/3 of the site and its agricultural land is already within the development boundary.

*Officer Response:*

- 4.20 These points were all raised in the preceding committee reports. It would not be accurate to say the land has not been used for agriculture for many years, and no evidence has been presented to suggest that it is uneconomic, but it is acknowledged that it is perhaps less convenient to farm than the adjoining land.



- 4.21 However, Members will recall that Officers clarified the use of 2/3 of this site which sits within the boundary should not be resisted, and recommended the 1/3 of the site which is outside the development boundary should be used for affordable housing as the 'exception site' part of this scheme.

Any additional consultation or public comments

- 4.22 No additional public comments have been received subsequent to the Committee's consideration on 19<sup>th</sup> April 2023.
- 4.23 No further comments from Consultees, Parish Councils or Ward Members have been received since 19<sup>th</sup> April.

## **5. Planning Obligations**

- 5.1 For ease of understanding, the proposed Section 106 Agreement Heads of Terms have been set out in the table at Appendix 5 of this report.
- 5.2 The requested contributions required by Norfolk County Council for education and libraries are valid only until 24 September 2023 and therefore the County Council would expect to be reconsulted if the application is not determined by then. As such any resolution to approve the application subject to completion of a section 106 agreement should be subject to updated contributions being included from the County Council if matters are not concluded by 24<sup>th</sup> September 2023.
- 5.3 The financial values listed as planning obligations shall need to be index linked from the time the application is determined by Committee in order to maintain their value in real terms.
- 5.4 Of the planning obligations listed in the original Committee Report(s), the following changes are necessary:
- a) The Affordable Housing provision shall need to increase to 15no. units overall.
  - b) The GIRAMS habitats mitigation contribution shall need to increase to £8,644.44 (reflecting the 2023-24 value of £210.84 per dwelling to address habitat impact).
  - c) The County Council's planning obligations monitoring fee should be interpreted as £500 per obligation (£1,000 total).

## **6. RECOMMENDATION:**

- 6.1 It is recommended that application 06/22/0546/F should be delegated to the Head of Planning to APPROVE, subject to:
- a) **Prior Completion of a Section 106 Agreement to secure the details as set out in Appendix 5 and any amendments to the financial contributions deemed both reasonable and necessary in light further consultee comments; and,**
  - b) **If the Section 106 Agreement is not completed within three months of the date of this decision, to delegate authority to the Head of Planning (at their discretion) to:**
    - (i) **refer the application back to the Development Management Committee, for re-consideration of the application; or**

- (ii) to refuse the application directly, on the grounds of failing to secure planning obligations as outlined within this report (or the Committee's decision if the recommended content is varied); and,
- c) The Conditions as set out below (and any amendments to those conditions as deemed necessary)

### Conditions

1. Standard time limit – commence in 24 months
2. Development to be in accordance with the approved plans and details

#### Pre-commencement:

3. Archaeological Written Scheme of Investigation details and undertake trial trenching
4. M4(2) building design standard details to be agreed
5. Water conservation and efficiency measures to be agreed
6. Details of surface water drainage scheme
7. Foul drainage details to be confirmed (capacity and flow rates)
8. Details of pumping station and electric substation layout and appearance
9. Existing vehicle access to be closed from Scratby Road – detail & provide
10. On-site parking for construction workers, loading and delivery areas to be agreed
11. Off-site highways scheme to be agreed
12. On-site highways details to be agreed
13. Fire hydrants scheme layout to be agreed
14. Tree protection measures to be installed prior to commencement
15. Construction management plan to be agreed and followed: inc. avoid the open space area (a) being delayed in its provision, and (b) being compromised by the construction process/squashed and unable to drain, and include dust, noise, air quality, hours of work measures, phasing sequence

#### During construction:

16. Contamination precautions
17. Construct in accordance with the submitted Arboricultural Method Statement

#### Prior to constructing beyond DPC / slab levels:

18. Hard landscaping scheme details
19. Soft landscaping scheme details - Planting plan, landscaping schedules & protection
20. POS details
21. Recreational Avoidance Strategy details to promote PROW and minimise visiting designated sites
22. Biodiversity Method Statement
23. Lighting design strategy and ecology mitigation
24. Cycle parking details for each dwelling

#### Prior to occupation:

25. Visibility splays to be in place
26. The off-site highways works to be completed
27. All highways works to be in place and complete – binder course level for first dwelling
28. All highways works to be complete – to adoptable standard before final dwelling
29. Topsoil certification and soil management plan

30. Removal of permitted development rights to the rear of plots 8-11 and / or other alterations to plot 1.

## **7. Appendices**

1. Published Committee Report – 22<sup>nd</sup> March 2023
2. Committee Addendum Report No. 1 of 2 – 22<sup>nd</sup> March 2023
3. Committee Addendum Report No. 2 of 2 – 19<sup>th</sup> April 2023
4. Extract of Committee Minutes – 19<sup>th</sup> April 2023
5. S106 requirements
6. Site Location Plan
7. Site Layout Plan (Revised May 2023)

## **APPENDIX 1:**

### **PUBLISHED COMMITTEE REPORT – 22<sup>ND</sup> MARCH 2023**

#### **Schedule of Planning Applications**

**Committee Date: 22 March 2023**

Application Number:	<b>06/22/0546/F</b> - <a href="#">Click here to see application webpage</a>
Site Location:	Land north of Scratby Road, Scratby
Site Location Plan:	See Appendix 1
Proposal:	<b>Proposed erection of 41 no. dwellings, vehicular access, landscaping, open space, footpath improvements and associated infrastructure</b>
Applicant:	Mr J. Coote, Badger Building (East Anglia) Ltd
Case Officer:	Mr Robert Parkinson
Parish & Ward:	xxx Parish, xxx Ward
Date Valid:	20 June 2022
Expiry / EOT date:	31 <sup>st</sup> January 2023
Committee referral:	Constitution (25+ dwellings).
Procedural note 1:	Whilst some areas of the development still need clarification and/or adjustment in line with officer recommendation, this item is referred to the Development Control Committee now to confirm whether it is appropriate to proceed in the recommended direction of travel in the terms described in this report through authority delegated to officers.

#### **RECOMMENDATION:**

**To delegate authority to the Head of Planning to approve subject to completion of affordable housing negotiations, section 106 agreement and conditions.**

#### **REPORT**

##### **1. The Site**

- 1.1 The site is towards the south-west corner of Scratby village, on land to the south of properties on Beach Road, and east of properties on Woodlands Close. The site has a gentle rise from Scratby Road north and east-wards, and is flat throughout. Levels to the north-west corner are recorded as c.17.0m AOD. Along the south-east boundary, levels are generally uniform in the order of 15.6 to 15.7m AOD.

- 1.2 This is agricultural land last used for commercial fruit and vegetable growing, and frequent but temporary use for the circus 'Fantasialand'. The applicant also notes there were agricultural auctions and other uses in times past.
- 1.3 Surrounding uses are residential bungalows to the west (Woodlands Close) and north (Abels Close), with some residential curtilages from homes on Beach Road extending south to adjoin the north boundary. The east and south sides are generally open landscapes used for agriculture, with the low-rise holiday accommodation at California to the east. Some trees adjoin the site and some are within the site, all on the north, west and east boundaries. Hedging runs along the east boundary. Adjoining the east boundary is a north-south electric pylon route, the easement for which extends into the application site. On the south side lies Scratby Road, and an informal layby sited opposite the proposed site access.

## **2. The Proposal**

- 2.1 The application seeks permission for 41 new dwellings, comprising 27 open market dwellings and 14 affordable dwellings. Access is proposed from Scratby Road opposite the informal layby and its two trees north-west of Melton Lane. The dwellings are all located at the northern end of the 2.1ha application site, adjoining the dwellings on Abels Close and Woodlands Close.
- 2.2 A large area of 4223sqm (0.42ha) public open space is proposed in the southwest corner of the site between the access road to the east and Scratby Road. A pumping station and electric substation are proposed on the eastern side of the field.
- 2.3 The application is supported by the following plans and documents:
- Location plan, layout plan and affordable housing layout plan
  - Topographic survey
  - Off-site highways works plans
  - Vehicle tracking and HGV swept path analysis plans
  - Plans and elevations for the various house and bungalow types proposed
  - Design and Access & Planning Statement
  - Agricultural Land Classification Survey assessment report
  - Arboricultural Impact Assessment
  - Utility Assessment
  - Shadow Habitats Regulations Assessment report
  - Phase 1 Contamination Investigation report
  - Flood Risk Assessment with Drainage Strategies
  - Factual Permeability Report (Ground conditions survey)
  - Ecology report
  - Financial Viability Appraisal
  - Ecology Site Visit Walkover Survey / Validation
  - Transport Statement

## **3. Site Constraints**

- 3.1 The site is partially within and partially outside the adopted village development limits for Scratby.
- 3.2 Scratby is identified as a 'Secondary Village' under Policy CS2 of the Core Strategy. In general, Secondary Villages contain fewer services and facilities against their

Primary Village, Key Service Centre or Main Towns counterparts, with limited access to public transport and very few employment opportunities. Accordingly, the development plan only seeks to distribute a very small proportion of future growth (5%) towards them, and their Tertiary Villages, combined.

- 3.3 The site is within close proximity to designated international wildlife sites.
- 3.4 The line of 17no. Lombardy Poplars in the north-west corner along the boundary with Woodlands Close are considered low quality by the applicant's Arboricultural Impact Assessment, but are nevertheless currently protected by TPO No.5 2021 (14<sup>th</sup> Sept 2021).

#### **4. Relevant Planning History**

- 4.1 There has been significant planning history at this site and on adjoining land over recent years.
- 4.2 This area of the village on the south side of Beach Road has expanded fairly significantly in recently years, as below:

- 1 dwelling fronting Beach Road west of 14 Beach Road / site of 14a Beach Road (permission 06/14/0604/F as varied by 06/18/0226/F).
- 1no. chalet bungalow and garage south of the new Beach Road / Abels Court access road (06/17/0569/F varied by 06/20/0223/F).
- 4no. bungalows and garages behind (south of) 32 Beach Road (06/19/0441/F).
- 2no. detached bungalows behind 14 Beach Road and Woodlands Close (permission 06/22/0260/F which replaced 06/21/0199/F as varied by 06/22/0057/VCF).
- 7no. detached bungalows and garages along Woodlands Close (06/18/0106/F).

All the above developments were approved despite being outside the development limit at the time, in no small part because the Council had a significant deficit in its 5-year housing land supply at the time and were considered accessible and sustainable in all other respects. On approval all were incorporated into the amended Development Limit boundary in 2021, causing the village envelope to have a more prominent presence on Stratby Road when approached from the south and in passing the village from the north.

- 4.3 The application site itself has been subject to the following applications:
- 4.4 **06/19/0313/CU** – Page's Farm (The Strawberry Field), Stratby Road – this is area sometimes seen to be used by a travelling circus, 'Fantasialand'.

Change of use of redundant field; use for Markets and entertainment events; stationing of portaloo and caravan for storage (during March to October) - REFUSED 02/08/19.

Reasons for refusal were:

- an intensification of use resulting in a likely increase in traffic movements and a greater requirement for parking. The application was not supported by sufficient highways and transport information to demonstrate adequate safety.
- an increase in people and activities could increase noise and disturbance and no information was provided demonstrate that the proposal would not have a significantly adverse impact on the amenities of neighbours.

#### 4.5 **06/20/0313/F** – Land off Scratby Road (on a larger site than this proposal)

Erection of 67 dwellings, vehicular access, landscaping, open space and associated infrastructure.

– Considered by Development Control Committee – initially on 16<sup>th</sup> September 2020 and subsequently on 14<sup>th</sup> October 2020 and 11<sup>th</sup> November 2020, before ultimately being REFUSED on 17/11/20.

Reasons for refusal were:

- 1) *This proposal is located on land outside current development limits and some distance from local schools. It is considered contrary to Great Yarmouth Borough Council saved policy HOU10 where permission for dwellings in the Countryside will only be given where required in connection with agriculture, forestry or other listed criteria and Adopted Core Strategy policy CS1 where growth is required to be sustainable by ensuring that new development is of a scale and in a location that complements the character and supports the function of individual settlements; and policy CS2 where in the countryside, development will be limited to conversions/replacement dwellings/buildings and schemes that help to meet rural needs; and the NPPF, as being outside the development limits and unsustainable location for this scale of development, notwithstanding the "tilted balance" where the numerical assumptions underlying this apparent shortfall in housing supply relate to a local method of calculation that is almost five years old and where the newer national methodology set out in the NPPF indicates a lower demand and where recent supply levels and approvals in advance of the emergent local plan provide comfort that this unallocated land need not be given up to development contrary to the aspirations of the local community.*
- 2) *The proposal site expands the village of Scratby away from the Beach Road and onto the Scratby Road, which has functioned to by pass the village to date and the proposal creates an intrusion into open countryside south of the village where development on Scratby Road will further the coalescence of Scraby with Caister contrary to the aims of the Landscape Character Assessment, where open views towards the coast are considered to have value and Policy CS11 (L) where strategic gaps help retain the separate identity and character of settlements in close proximity to each other.*
- 3) *The proposal is sited within the area categorised by DEFRA as high quality Grade 1 agricultural land (best and most versatile), and therefore contrary to Great Yarmouth Borough Council Core Strategy policy CS6(j), CS11(j) where the protection and where possible enhancement of high quality agricultural land is cited*

*and Policy CS12 (g) Recognising the need to protect the best and most versatile agricultural land as a valuable resource for future generations and NPPF paragraph 170(b).*

4.6 The area of the application site where the dwellings are proposed is also still subject to an unresolved application, described below:

4.7 **06/18/0475/O** – Land adjacent 14 Beach Road, Scratby – 19 dwellings with access from Beach Road.

Development Control Committee resolved to approve on 12<sup>th</sup> June 2019, subject to the completion of a section 106 agreement, but the application remains undetermined.

4.8 This unresolved application is in outline form, but with full details of access, layout and scale forming part of the application, with matters of landscaping and building appearance being reserved for future determination. The layout had clearly shown an east-west linear form of large-footprint bungalows either side of a hammerhead road, so the density and positions / scale of development were fixed at that point.

4.9 The Development Control Committee considered the application and were informed that the 19 dwellings proposed were surrounded by housing on almost all of three sides of the rectangular application site, so was considered to be “within an existing residential area” despite being outside the development limits at the time.

4.10 There are some important features of that development, which is still technically pending approval, which are material considerations to this 41-dwelling application currently before Members:

- 1) Firstly, the 19-dwelling development was proposed with it's access taken off Beach Road along what is now called Abels Court;
- 2) Providing the access would require removal of at least two of the TPO-protected poplar trees in the north-west corner, but it was recognised that the trees' lifespans would be compromised by disease;
- 3) There was no requirement to provide public open space on-site and within the development, so instead there was an expectation that this be secured as a commuted sum for provision and enhancement elsewhere in the vicinity;
- 4) As a result, the density of development in the 19-dwelling scheme (1ha site) was just 19 dwellings per hectare.

4.11 However, that application's resolution to approve has not been able to be advanced because the Local Planning Authority has not been able to secure terms on the section 106 agreement with the landowner. It is understood that the applicant behind this current application has an opportunity to buy the land the subject of this current application and has served Article 13 notice on the landowner, but it is unclear who else may have a legal interest in the site of that particular pending application; if it was submitted by a person(s) who does not have a legal interest in the site that applicant



may not have the authority to progress a section 106 legal agreement for that development.

- 4.12 Ultimately if permission is granted to this application the outstanding pending application 06/18/0475/O may be withdrawn or concluded in another manner, but for now the resolution to approve that application remains an important material consideration in the determination of this application.

## 5. Consultations

### 5.1. External Consultees

<b>Local Highway Authority (Norfolk County Council)</b>	<b>Initial Objection.</b>  <b>Updated position - No objection subject to conditions</b>
<p>The Highway Authority agreed to remove its holding objection to the principle of the proposed development, following submission of the revised plan showing additional footway provision from the site access to Melton lane, including construction of a pedestrian refuge in Scratby Road. This is subject to agreeing appropriate detailed design &amp; Safety Audit standards of construction.</p> <p><b>Traffic volumes and network capacity –</b></p> <p>It is accepted that the previous use as a PYO fruit farm generated a certain amount of traffic, but no evidence of the volume generated has been provided, which would have been limited to a relatively short period in the summer months and would be a significantly different character of impact if compared to a development of 41 dwellings that will result in the creation of a new permanent junction onto this route throughout the year.</p> <p><b>Off-site highways works -</b></p> <p>A Transport Statement was lacking originally but has been provided subsequently. The Transport Statement would have been important for assessing routes to schools and other services in Ormesby and whether any mitigation was required.</p> <p>The application should consider whether at least a TROD form of footpath could be provided along Melton Road and Station Road to connect with the sealed footpath on Station Road at Ormesby village. Limiting off-site highways works to just a short section on Scratby Road would not be sufficient.</p> <p><b>Accessibility –</b></p> <p>The limited access to village services and employment in Scratby itself creates an over-reliance on the private car and means this unallocated site is not considered suitable at the scale of development proposed, although their objection on highway safety grounds has fallen away.</p>	

The physical and legal ability to provide a 1.8m wide footpath for the full length of Scratby Road should be thoroughly investigated as there appears to be encroachment into the highway preventing this.

#### **Scheme layout -**

The layout should avoid connecting a highway to the site boundary on the east of the site – as further development to the east would not be supported by the Highway Authority, and yet this layout would not prevent further development on the remainder of the field that was subject to the previous planning application.

The proposed highways drainage features (filter strip / swales) appear too close to dwellings and should be at least 5m away; this may be resolved by amended designs / drainage details.

Highways soakaway tests need to be accepted before the revised proposed drainage strategy can be formally agreed.

Parking beneath the tree canopy at plots 10 and 12 could be impractical due to sap dropping on cars.

<b>Officer comment / response:</b>	These requirements are proposed to be secured by conditions.
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Any relevant Condition / Informative note?	<p>Highway Officers have not yet provided a set of proposed planning conditions for use in the event that permission is granted.</p> <p>Conditions will be discussed with the highway authority and imposed after the Committee meeting if not beforehand.</p>
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<b>Lead Local Flood Authority</b>	<b>No comment – the application falls below their consultation threshold for providing detailed assessment.</b>
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The LLFA have only provided their “Standing Advice for Major Development below LLFA thresholds.”

To ensure that development is undertaken in line with Paragraph 167 and 169 of the NPPF the LLFA recommends that LPAs satisfy themselves of the following considerations prior to granting permission for major development below LLFA thresholds:

1. Is the development site currently at risk of flooding?
2. How does the site currently drain?
3. How will the site drain?
4. What sustainable drainage measures have been incorporated into the design?
5. How many SuDS pillars (Water Quantity (flooding), Water Quality (pollution), Amenity and Biodiversity) are included?

At a high level, the evidence should be provided by applicants for review by the LPA to demonstrate compliance with Paragraph 169 of the NPPF.

<b>Officer comment / response:</b>	<p>The general principles of the surface water drainage scheme have been laid out and discussed in the Flood Risk Assessment and Drainage Strategy report.</p> <p>Officers are content that there is very low risk of flooding, the site's existing greenfield infiltration rate of drainage can be closely replicated by the proposed suds features, and there is unlikely to be unusual contaminant threats to water quality which couldn't be treated by existing technologies.</p> <p>However, the LLFA standing advice cautions that pollution interceptors may be required and it is not clear if these are proposed, so it must be shown that appropriate measures are being taken to address water quality and maintenance thereof.</p> <p>Biodiversity cannot be enhanced in the drainage proposal but harm thereto should be avoided. The scheme is discussed in the report below.</p>
Any relevant Condition / Informative note?	The final surface water drainage scheme details can be secured by condition to ensure it is suitable re pollution and practical as clarification is also required to ensure the intended highways drainage features can be adopted, otherwise it may require a revised approach to surface water drainage.

<b>Anglian Water Services</b>	<b>No Objection</b>
Anglian Water has confirmed there is capacity at the main Pump Lane water recycling centre, and in the sewage system network. A number of informative notes have also been raised.	
<b>Officer comment / response:</b>	The general principles of a foul water drainage scheme are agreed subject to final details to achieve AWS standards.
Any relevant Condition / Informative note?	The final foul drainage scheme detail can be secured by condition, with additional informative notes.

<b>Essex and Suffolk Water</b>	<b>No Objection</b>
<p>Upon reviewing the plans we have no objections at this stage. We would recommend that care is taken to ensure that our assets are unaffected by the proposed works. I will attach a plan showing the <b>approximate</b> location of our assets in this area. Please, proceed in line with the attached guidance document and also be aware that liability for any damages throughout the duration of the works falls onto the party carrying out these works and their chosen contractor.</p>	
<b>Officer comment / response:</b>	The mains water supply runs along the west side of Scratby Road and should be unaffected although care is required during highway works and making foul sewer connections.

Any relevant Condition / Informative note?	n/a – the applicant has been made aware of these comments.

<b>NETI (NCC Ecology)</b>	<b>No Objection</b>
<p>On initial assessment of the proposals, NETI identified the Ecology Survey and Shadow Habitat Regulations Assessment to be significantly out of date, undertaken in 2020, and relating to previous proposals over a much wider area, so updated reports were requested.</p> <p>The September 2022 Shadows Habitats Regulations Assessment report is acceptable to ensure the application can pass the Habitats Regulations Assessment's Appropriate Assessment stage by fulfilling the GIRAMS financial contribution mitigation (41 x £185.93) rather than requiring any additional bespoke mitigation measures.</p> <p>The subsequent site walkover survey of August 2022 and validation report of December 2022 were considered acceptable.</p> <p>If approval is granted, conditions would be required for:</p> <ul style="list-style-type: none"> <li>- a Biodiversity Method Statement which will collate the various enhancements and mitigation measures proposed for flora, Birds, Bats, and Hedgehogs within the development, and should be prepared using the information in section 5 and 6 of the Ecology report.</li> <li>- A Lighting design strategy (focussing on ecology mitigation)</li> </ul>	
<b>Officer comment / response:</b>	The mains water supply runs along the west side of Scratby Road and should be unaffected although care is required during highway works and making foul sewer connections.
Any relevant Condition / Informative note?	<p>Conditions are requested and hereby proposed for:</p> <ul style="list-style-type: none"> <li>• A Biodiversity Method Statement</li> </ul>

<b>Natural England</b>	<b>No objection subject to mitigation</b>
<p>The application can only be considered acceptable and able to pass the Habitats Regulations Assessment if:</p> <ul style="list-style-type: none"> <li>• it provides the GIRAMS financial contribution mitigation (41 x £185.93); and,</li> <li>• it provides appropriate (improved) quality of public open space / on-site green infrastructure.</li> </ul> <p>If approval is granted, conditions and/or planning obligations need to be used to secure these.</p> <p>Green infrastructure –</p>	

Natural England advise that, if effectively designed, the provision and promotion of 'on-site' measures is important in minimising any predicted increase in visits to the designated sites and the associated disturbance this causes. The provision of quality on site green infrastructure has a wide range of benefits which are crucial for people and nature while also being beneficial for developers looking to deliver quality homes. Natural England advises that the overall quantity of green infrastructure proposed is sufficient that the quality could be improved.

There are areas where further improvements are required to lessen the recreational impact on designated sites:

- The public open space feature is welcomed but should be improved - provisions such as links to surrounding public rights of way (PRoW) with signage/information leaflets to householders to promote their use, as well as dog waste bins on site, could help to contain routine recreational activities of new residents within the area.
- Whilst some trees are proposed for the public open space area, no street trees are proposed in the scheme, which would provide further Green Infrastructure on site. Urban trees are capable of delivering a wide range of environmental and health and wellbeing benefits.
- The open space / green space can benefit communities better by being multifunctional - by providing space for exercise leading to improvement in mental and physical wellbeing, reducing flood risk, improving air quality and providing space for communities to gather and connect. This should be explored further with reference to Natural England guidance.

**Officer comment / response:**

A scheme for improved recreational avoidance strategy is required to ensure there is less need to access designated sites, including improved quality of POS, information to highlight opportunity links to offsite public rights of way. This can improve the 'multi-functionality' of the open space at the same time.

Street trees may be difficult to arrange in the layout proposed, but there is no reason why trees could not be provided in the hedgerow proposed along the back of the filter margin / swale on the east side of the road, which would greatly improve the design of the scheme and its integration with the landscape and offer improved biodiversity enhancement than stand-alone street trees. This is requested ahead of the Committee meeting.

Any relevant Condition / Informative note?	<p>Conditions are requested and hereby proposed for:</p> <ul style="list-style-type: none"> <li>• A Public Open Space scheme, with regard to multifunctionality.</li> <li>• Recreational Avoidance Strategy details, for improved provision of on-site facilities and increased awareness of links to offsite public rights of way networks and recreational sites of lesser vulnerability.</li> <li>• Improved landscaping and tree planting details.</li> </ul>
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<b>Norfolk Fire Service</b>	<b>No objection subject to conditions</b>
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The development will require at least two fire hydrants, connected to the potable water supply, dependent on site layout, and hydrant(s) shall conform to BS750 and be fitted on no less than a 90mm main.

No property shall be further than 125mtrs (hose laying not direct) distance from a fire hydrant.

No development shall commence on site until a full or phased scheme has been submitted to and agreed by the Council, in consultation with Norfolk Fire and Rescue Service.

No dwelling shall be occupied until the hydrant(s) serving the property or group of properties has been provided to the satisfaction of the Council in consultation with Norfolk Fire and Rescue Service.

Please note that the onus will be on the developer to install the hydrants, during construction, to the satisfaction of Norfolk Fire and Rescue Service at the developer's cost. Given that the works involved will be on-site, it is felt that the hydrants could be delivered through a planning condition.

<b>Officer comment / response:</b>	Fire hydrants can be required by conditions, so the provision is linked to final designs of highways construction and drainage.
Any relevant Condition / Informative note?	Condition – A scheme for suitable fire hydrants provision to be agreed prior to commencement & provided prior to occupation.

<b>Historic Environment Service</b>	<b>No objection subject to conditions</b>
<p>The proposed development site lies adjacent to the site of the now vanished parish church of Scratby, demolished in the mid-16th century. Frequently in Norfolk parish churches are located adjacent to medieval or earlier manorial centres or within medieval settlements. Metal-detecting in fields to the east have produced a significant number of Roman finds, including coins which is suggestive of Roman settlement in the vicinity. Consequently there is 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.</p> <p>If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with NPPF para. 205.</p> <p>Conditions are requested for a Written Scheme of Investigation, investigation by trial trenching, reporting and publication of results.</p>	
<b>Officer comment / response:</b>	The archaeological potential will not affect the principles of development so can proceed without investigation prior to permission being granted.
Any relevant Condition / Informative note?	<p>Conditions are requested and hereby proposed for:</p> <ul style="list-style-type: none"> <li>• Written Scheme of Investigation,</li> <li>• Site investigation by trial trenching,</li> </ul>

	<ul style="list-style-type: none"> <li>• Reporting and publication of results</li> </ul>
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## 5.2. Internal Consultees

Environmental Health Officer	No objection subject to conditions
<p>Noise –</p> <p>Conditions are requested to ensure that dwellings are constructed to a standard which achieves certain minimum sound protection, presumably to defend against noise from traffic on Scratby Road. The request is to provide:</p> <p><i>Sound attenuation against external noise and ensure internal sound levels no greater than:</i></p> <p><i>a) 35dB LAeq(16 hour) in the main living rooms of the dwelling(s) (for daytime and evening use); and</i></p> <p><i>b) 30dB LAeq(8 hour)/45dB LAmx(fast) in the bedrooms of the dwelling(s) (for nighttime use) in line with World Health Organisation guidance, with windows shut and other means of ventilation provided.</i></p> <p>Contamination –</p> <p>Precautions should be taken to ensure any unexpected contamination is dealt with appropriately.</p> <p>Air Quality during construction –</p> <p>The site will potentially generate a significant amount of dust during the construction process; therefore, the following measures should be employed:</p> <ul style="list-style-type: none"> <li>- An adequate supply of water shall be available for suppressing dust;</li> <li>- Mechanical cutting equipment with integral dust suppression should be used;</li> <li>- There shall be no burning of any materials on site, or burial of asbestos, which should instead be removed by an EA licenced waste carrier, and the waste transfer notes retained as evidence</li> </ul> <p>Noise during construction –</p> <p>The applicant is strongly recommended to advise neighbouring businesses and residential occupiers of the proposals, including any periods of potentially significant disturbance e.g. demolition or piling, together with contact details in the event of problems.</p> <p>Hours of Work -</p> <p>Due to the close proximity of other residential dwellings and businesses, the hours of any construction or refurbishment works should be restricted to:</p> <p>0730 hours to 1830 hours Monday to Friday</p> <p>0830 hours to 1330 hours Saturdays</p> <p>No work on Sundays or Bank Holidays.</p>	

<b>Officer comment / response:</b>	<p>It is unnecessary to require specific noise protection standards for this development with no unusual prevailing background noise circumstances, especially so if the standards are no more exacting than those within building regulations anyway.</p> <p>Contamination is not expected given former uses but requiring suitable precautions shall be a condition as proposed.</p> <p>Dust measures can be required by conditions and a Construction Management Plan which shall include some general measures for noise minimisation and advertising contact details for a responsible site operative(s), and establishing appropriate working hours.</p> <p>Construction noise could be significant for dwellings closest to the residents on Woodlands Close. Officers have concerns that to impose any specific restrictions through planning could be unduly restrictive to construction of this development, and instead the impacts are better assessed through Environmental Health monitoring and responses to complaints.</p>
Any relevant Condition / Informative note?	<p>See proposed conditions and informatives:</p> <p>Conditions:</p> <ul style="list-style-type: none"> <li>• Contamination precautions</li> <li>• Construction management plan: dust, noise, hours</li> </ul> <p>Informatives:</p> <ul style="list-style-type: none"> <li>• Building fabric noise standards</li> <li>• Construction noise notification</li> <li>• Hours of work</li> </ul>

<b>Strategic Housing and Enabling Officer</b>	<b>No objection subject to securing appropriate affordable housing by s106</b>
<p>The site is within the Northern Rural Sub-Market Area and is therefore required to make a 20% affordable housing contribution with a starting point for tenure split of 90% Affordable Rent Tenure (ART) / 10% Affordable Home Ownership (AHO).</p> <p>This site is providing 14 affordable units which is above the policy requirement, and meets the guidance of the pre-app discussions which required, 3 units on the allocated site and 10 on the area considered an “exception site”.</p> <p>The affordable rent 2 bed properties meet NDSS for 4 persons, bungalows and houses which is acceptable, the 3 bed houses however are for 5 persons (93m<sup>2</sup>) and we would request this is increased to meet the size for 6 persons (102m<sup>2</sup>).</p> <p>Alternatively a need for 1 bed 2 person properties does exist and therefore top and bottom flats would be acceptable in this location, I note under the Local Validation Checklist all</p>	



affordable housing will need to meet M4(2), so the bungalow and any ground floor accommodation must provide level access showers.

I note the developer is working with Saffron Housing Association, this organisation would be able to provide a housing needs survey to support the requirement and affordability of the affordable home ownership product, as my understanding is, although there are several applicants registered for AHO on the Help to Buy register, their affordability for 3 bed properties would be stretched, this evidence would be needed to ensure the properties are affordable for local people.

As the site is being brought forward as a whole, the S106 will need to detail, which plots are the policy contribution and which are the exception contribution. This is needed to ensure the local connection cascade is applied correctly. Exception properties are also required through Homes England funding to be capped at 80% sale.

**Officer comment / response:**

It is unnecessary to require specific noise protection standards for this development with no unusual prevailing background noise circumstances, especially so if the standards are no more exacting than those within building regulations anyway.

Contamination is not expected given former uses but requiring suitable precautions shall be a condition as proposed.

Dust measures can be required by conditions and a Construction Management Plan which shall include some general measures for noise minimisation and advertising contact details for a responsible site operative(s), and establishing appropriate working hours.

Construction noise could be significant for dwellings closest to the residents on Woodlands Close. Officers have concerns that to impose any specific restrictions through planning could be unduly restrictive to construction of this development, and instead the impacts are better assessed through Environmental Health monitoring and responses to complaints.

**Any relevant Condition / Informative note?**

See proposed conditions and informatives:

**Conditions:**

- Contamination precautions
- Construction management plan: dust, noise, hours

**Informatives:**

- Building fabric noise standards
- Construction noise notification
- Hours of work

**5.3 Arboricultural Officer** – The Tree Officer has submitted a representation that they have no objection to the proposals, but for the avoidance of doubt some detailed comments have been requested ahead of the Committee meeting.

- 5.4 **Strategic Planning Officer** – where relevant and agreed with, the comments are integrated into the planning assessment throughout his report.
- 5.5 **Coastal Protection Officer** – no comments as the site is inland of the coastal erosion vulnerability area.
- 5.6 **Norfolk Constabulary – Designing out crime officer** – No comments received.

## 6. **Publicity & Representations received**

Consultations undertaken:

There does not appear to have been any pre-application public consultation by the applicant which is contrary to the good practice guidance of an LPA's Statement of Community Involvement and the expectations of the NPPF, but the public issues were understood from previous applications at the site.

For this formal application, two site notices were placed in the vicinity of the site and a press advert was used to notify of the application, as required for a major application.

Reasons for consultation: Major development.

### 6.1. **Ward Member(s) -**

- Cllr Ron Hanton – No comments received.
- Cllr Geoffrey Freeman – No comments received.

### 6.2. **Parish Council(s) – Ormesby St Margaret - OBJECTS.**

<b>Representation</b>	<b>Officer Comment</b>
This is not within (an allocation of) the GYBC Local Plan	The site is largely within the adopted development boundary limit of the village. - see Section 10 of this report.
The position of the development is uncharacteristic for the area	Impacts on the setting and appearance of the village are discussed at Section 15.
There are no links to Scratby village	A proposed safe walking route will be available albeit further than is desirable. Some links to off-site recreation areas are also improved. – see Section 12.
Scratby is a tertiary village	This is correct but does not exclude Scratby from new housing growth at an appropriate scale. – see Section 10.

There are highway safety issues – dangerous for pedestrians walking along Scratby Road into Scratby village.	Some highways safety works are proposed to improve links with the village. – see Section 12.
This development sets a precedent – with the prospect of the rest of the filed being developed at a later date.	The development is considered on its own merits and is largely within the adopted village envelope so further growth would be contrary to policy. – see Section 24.
No access to villages other than use of motor vehicles will put a burden on surrounding roads	Highways capacity is adequate and no highways safety concerns remain. – see Section 12.
No direct link to Hemsby/Ormesby	This is the same for the existing Scratby village but it has still been identified for additional growth in the local plan and in this site in particular. – see Section 12.
Strain on doctor and dentist surgeries.	The scale of development falls below the threshold for Integrated Care Services (PCT/NHS) comment or subsequent infrastructure payments.
Affordable homes but no infrastructure – such as bus and transport links	This is the same for the existing Scratby village but it has still been identified for additional growth in the local plan and in this site in particular. – see Section 11.
Pathfinder Report questions the financial viability of this development	The report confirms in the applicant's opinion this is a viable development with the policy-based provision of affordable housing. Some independent viability analysis will be provided to the Committee meeting. – see Section 23.
Proposed crossing to the garden centre would put pedestrians in danger due to the bend in the road along Beach Road.	The Highways Authority is satisfied that the crossing will be a suitable location and benefit to existing residents. No specific pedestrian refuge was requested in this location. – see Section 12.
This is agricultural land.	The loss of agricultural land and its quality is an important consideration but half the site is already in the development boundary and the remainder is said by the applicant to be a 'de minimis' loss. - see Section 10.
There are seven objections on the planning portal	The number of objections raised is not material, only the content. See paragraphs 6.4-6.10
Loss of countryside views	Loss of a view is not a material planning consideration and impacts on outlook are not considered detrimental.

	– see also Amenity discussion at Section 17.
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### 6.3. Public Representations

At the time of writing 22 public representations have been received: 2 in support and 20 objecting.

### Objections / Concerns:

#### 6.4 Scale and Principle of development – See Report section 10.

- The status of villages is being compromised by creating sprawling, adjoining towns.
- There is no benefit to Scratby and surrounding villages.
- Nothing beneficial is being brought to the area by this housing development.
- Loss of Grade 1 Agricultural land a time when more land is needed for food production.
- Inappropriate use of the land.
- There has been no prior consultation or communication with local residents.

#### 6.5 Cumulative developments – See Report sections 10 & 24.

- The area is being overwhelmed by new housing from opportunistic developers.
- This is too many in addition to the 665 at Caister, and those at Hemsby Pontins.
- It will set a precedent - what is to stop this development being expanded to provide more houses on the remaining land and piecemeal development similar to the larger 67 dwelling development proposed in the past.

#### 6.6 Highways concerns – See Report section 12.

- Too much extra traffic issues around the hazardous junctions adjacent to Scratby Garden Centre and the Wheelstop
- It is an inappropriate site alongside a main road where the speed limit is 40 mph. This is the main route to the villages of Scratby, California, Newport, Hemsby and Winterton-on-Sea.
- The traffic exiting the proposed new estate will likely increase road traffic accidents.
- There are no local shops within walking distance which will mean further car travel and pollution, and there are very few parking spaces around the local shops.
- No safe footpath routes to the schools in Ormesby.
- Speed limit on Scratby Road should not be compromised from the current 40mph.
- Sustainability and environment
- the development would increase traffic, congestion and pollution which is incongruent with Great Yarmouth Borough Council's promise to tackle climate control in order to reach net zero.
- There are regular accidents on Scratby Road - People have already crashed into homes on Woodlands Close when speeding, and crashes have occurred at the circus site entrance.

- Highways safety will be affected by the construction vehicles leaving debris on roads.
- There is no ability for school children to walk to Ormesby schools in the dark.

#### 6.7 Design – See Report section 15.

- The Woodlands Close development adjacent this site is an unimaginative eyesore
- The greenbelt between Ormesby and Caister now amounts to the Caister bypass, and this proposal will herald the beginning of joining Scratby to Ormesby.
- The design of the houses do not blend in with existing houses in this area.
- The designs are charmless and non-coastal in appearance which detracts from the diverse and characterful homes in Scratby.
- The row of 4no. two-storey terraced houses in the north-west corner (plots 8-11) have the potential to cause overlooking of the new bungalow approved and under construction behind Woodlands Close.
- This is not connected to / related to the village.
- Scratby is a small village with very little green space left and this should not be lost.

#### 6.8 Local services and infrastructure – See Report section 10.

- Existing facilities are already seen to be unable to cope and this will exacerbate matters.
- Local doctors and dentists cannot accept more residents.
- Pharmacy, vets, schools will not cope with the increased number of users.
- Water, sewerage and drainage and power supplies are becoming an issue.
- the water system is already under pressure and this pressure increases with the tourist season.
- New facilities to support or replace all the above facilities under strain are needed before any housing estate is built.
- Housing market
- These homes will not be available to local people who will be priced-out of the market.
- New residents will be elderly causing strain on local health care.
- The affordable housing is unlikely to really be affordable to young and local people who have low paid and/or seasonal jobs.
- The 27 'non-affordable housing' will likely be purchased by non locals with bigger budgets. How many of these will become 'holiday homes', 'buy to let', 'shared ownership'.
- The Council should be prioritising it's local population and giving the young an opportunity to get their feet on the property ladder thus ensuring Norfolk does not lose much more of it's identity.

#### 6.9 Amenity – See Report section 17.

- The build will take approximately two years to complete. This will ensure major noise, safety, travel and service disruption to Scratby and surrounding villages.
- Building activities and construction vehicle noise.
- Council Tax will need to be spent to improve and maintain village facilities.

- Loss of outlook to adjoining properties.
- Increased sense of enclosure at homes adjoining the site.
- The housing will overlook properties at Woodlands Close.

**Support:**

- 6.10 The homes for local people are welcomed. Scratby needs small sized developments. – See Report section 11.

**7. Relevant Planning Policies**

**The Great Yarmouth Core Strategy (adopted 2015)**

Policy CS1: Focusing on a sustainable future  
 Policy CS2: Achieving sustainable growth  
 Policy CS3: Addressing the borough's housing need  
 Policy CS4: Delivering affordable housing  
 Policy CS9: Encouraging well-designed, distinctive places  
 Policy CS11: Enhancing the natural environment  
 Policy CS13: Protecting areas at risk of flooding and coastal change  
 Policy CS15: Providing and protecting community assets and green infrastructure  
 Policy CS16: Improving accessibility and transport

**The Great Yarmouth Local Plan Part 2 (adopted 2021)**

Policy UCS3: Adjustment to Core Strategy Housing Target  
 Policy UCS4: Amendments to CS4 - Delivering affordable housing  
 Policy GSP1: Development Limits  
 Policy GSP3: Strategic gaps between settlements  
 Policy GSP5: National Site Network designated habitat sites and species avoidance and mitigation  
 Policy GSP6: Green infrastructure  
 Policy GSP8: Planning obligations  
 Policy A1: Amenity  
 Policy A2: Housing design principles  
 Policy H1: Affordable housing tenure mix  
 Policy H3: Housing density  
 Policy H4: Open space provision for new housing development  
 Policy H13: Housing supply and delivery  
 Policy E4: Trees and landscape  
 Policy E6: Pollution and hazards in development  
 Policy E7: Water conservation in new dwellings and holiday accommodation  
 Policy I1: Vehicle parking for developments  
 Policy I3: Foul drainage

**8. Other Material Planning Considerations**

**Supplementary Planning Documents**

Draft Open Space and Recreational Needs Supplementary Planning Document

## National Planning Policy Framework (July 2021)

Section 4: Decision Making

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well designed places, including paragraphs 124 d) and 130 f) of the NPPF – requirement to provide a high standard of amenity for existing and future users / neighbours / residents

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

## National Planning Practice Guidance

The National Planning Practice Guidance sets out the key principles in understanding viability in plan making and decision taking. Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value landowner premium, and developer return.

To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to fully comply with policy requirements.

In terms of developer return this is the level of return a developer will need to bring the site forward. Planning Practice Guidance suggests a profit return range of between 15% and 20% is appropriate and reasonable.

The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.

## **9. Planning Analysis**

- 9.1. Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to–*
  - (a) *the provisions of the development plan, so far as material to the application,*
  - (aza) *a post-examination draft neighbourhood development plan, so far as material to the application,*
  - (b) *any local finance considerations, so far as material to the application, and*

*(c) any other material considerations.*

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

### Main Issues

The main planning issues for consideration include:

- Principle of development
- Housing supply and proposed affordable housing
- Sustainability of location and accessibility
- Highways safety
- Neighbouring amenity

### **Assessment:**

**Proposal summary: to provide 41 dwellings and public open space**

#### **10. Principle of Development**

- 10.1 Unlike when application 06/18/0475/O was considered by the Committee, the Local Planning Authority can now demonstrate a healthy 5 year housing land supply and its policies are considered up-to-date, so this application shall be appraised on the basis of current local plan policy.
- 10.2 Scratby is identified as a 'Secondary Village' under Policy CS2 of the Core Strategy. In general, Secondary Villages contain fewer services and facilities against their Primary Village, Key Service Centre or Main Towns counterparts, with limited access to public transport and very few employment opportunities. Accordingly, the development plan only seeks to distribute a very small proportion of future growth (5%) towards them, and their Tertiary Villages, combined.

#### **Housing supply and needs –**

- 10.3 Scratby has grown from a small linear settlement along Beach Road and most of what is known as Scratby has been entirely built since post-war with access to the railway line. The village has contributed significantly to housing in secondary and tertiary villages in recent years largely due to housing windfall sites.
- 10.4 Scratby provides an appropriate and proportionate contribution to housing provision without the need for specifically-allocated residential sites.
- 10.5 The development plan must make provision to accommodate at least 5,303 dwellings within the plan period (2013-2030). A 5% share would equate to a combined total of 265 dwellings shared between the secondary and tertiary villages.
- 10.6 To date (April 2022), 181 dwellings have been developed across all the secondary and tertiary villages. Of this total, 164 (90%) have been built within the secondary villages – which reflects the relative unsustainability of tertiary villages given their complete lack of services, facilities and access to public transport. It is therefore assumed that



the overriding majority of the secondary & tertiary village 'balance' (approx. 84 dwellings) would likely need to be provided within the secondary villages, or further 'up' the settlement hierarchy (e.g. primary villages).

- 10.7 That said, each individual Secondary village does have varying levels of sustainability. Scratby does not have any primary school provision and safe routes to Ormesby St Margaret (where provision does lie) is very poor. This is in contrast to other secondary villages such as Filby, Fleggburgh or Rollesby which do include provision of primary schools. This must be taken into account notwithstanding the village's designation in the local plan. and therefore needs to be taken into the planning balance with respect to the amount of potential affordable homes which could be provided through this scheme

#### **Location of development -**

- 10.8 The development falls partly within, but also partly outside, the development limits.
- 10.9 The Development Limit for this part of the village was amended in the Local Plan Part 2 update to the Proposals Maps. The village boundary was expanded in 2021 to include the area where application 06/18/0475/O was resolved to be approved by Development Control Committee in June 2019, despite the lack of progress made in being able to actually issue permission for that 19-dwelling development.
- 10.10 The development area within that 2019-resolution amounted to an area of 1ha.
- 10.11 Unfortunately, in practice the extent of the development limit drawn and approved by the Planning Inspectorate was actually slightly shy of the area actually covered by the previous 'resolution to approve': the adopted development limit is actually 0.8ha whereas it should have been 1.0ha, a difference of 2,000sqm area and extending approximately 15m further south than the adopted formal designation.
- 10.12 Nevertheless, Officers accept the intended development limit should have included the full area covered by application 06/18/0475/O as a significant material consideration which would have extended the "intended development limit" to cover an area of 1ha.
- 10.13 For purposes of comparison, the refused application for 67 dwellings ref. 06/20/0313/F amounted to approximately 3.1ha compared to this proposed development's 2.1ha.
- 10.14 This current planning application proposes all the public open space and the access road, pumping station and electricity substation outside even the line of the "intended Development Limits"; ordinarily these would be expected to be located within the development limits were possible and practicable as features to serve the needs or address the impact of the development.
- 10.15 In terms of quantum of housing development, some 36 dwellings are considered 'within' the 'intended Development Limits', with 5 dwellings lying just outside the southern boundary (Plots 28, 29, 30, 21 and 27).
- 10.16 This is only useful as a guide however; in practice the error in drafting the local plan boundary means that 22 dwellings are proposed in the legal adopted development

boundary and 19 dwellings are proposed outside the adopted boundary, in 'countryside' land.

10.17 The principle of development therefore concerns:

- whether the access, enabling features, public open space and 5no. dwellings should be located outside the development limit;
- whether the loss of agricultural land is acceptable; and,
- whether the quantum of development is acceptable in the location proposed.

### **Principle of development outside defined village limits**

#### ***Public open space –***

10.18 The public open space should be provided on site in accordance with adopted policy H4. The 4,223sqm amount proposed significantly exceeds the amount required for 41 dwellings: the expected minimum provision would ordinarily amount to 971 sqm so there is a technical over-provision of 3,473sqm in this development.

10.19 The increased provision of open space is considered a benefit to the development, especially in regards the difficult and in some respects dangerous route to recreational space at Station Road, Ormesby. However it does extend the perceived extent of the village envelope significantly further south than what was anticipated by the development limit. On the other hand, trying to provide even the minimum necessary public open space quota within the development limit boundary would push new housing further south and make those dwellings more prominent in the landscape. As proposed, the development remains tucked behind the new bungalows along Woodland Close, and will be slightly more recessive, which is discussed further in the design and landscape impacts section of this report.

10.20 The public open space and the access road will create a more formal setting and appearance to the village than the existing agricultural fields. This would extend the appearance of urban development approximately 130m further south-east along Scratby Road from the rear boundary of the new dwellings on Woodlands Close.

10.21 It is noted the site rises very slightly from west to east but the rise is not dramatic. It is considered the sense of urbanisation will increase somewhat but the impact should be lessened by the use of trees and native hedging around the edges of public open space and both sides of the new access road. Other than creating a backdrop of housing, pumping station and electric substation, it is anticipated that the screening proposed will minimise the sense of creating a more formal approach to the village by hiding the public open space.

#### ***New access road -***

10.22 The Local Plan development boundary was drawn on the basis of the 'approved' housing scheme in application 06/18/0475/O extending the village by adding 1ha of bungalow development, accessed from the northwest and Beach Road / Abel Court. To do the same has not proven possible in this instance, possibly due to landowners failing to reach agreement for rights of access and possibly due to being unable to

create a road to suitable standard for the quantum of development proposed. Attempting to re-route access through to Beach Road, however, would require a revised layout and likely reduce the numbers of dwellings that might be provided within the development limits, or increase the spread of development further south, with possible consequences for the proposed number of affordable dwellings to be provided.

- 10.23 It is noted that the refused application 06/20/0313/F included the reason for refusal that discussed the 'urban creep' of development towards Caister and erosion of the strategic gap, as below:

*"The proposal site expands the village of Scratby away from the Beach Road and onto the Scratby Road, which has functioned to by pass the village to date and the proposal creates an intrusion into open countryside south of the village where development on Scratby Road will further the coalescence of Scratby with Caister contrary to the aims of the Landscape Character Assessment, where open views towards the coast are considered to have value and Policy CS11 (L) where strategic gaps help retain the separate identity and character of settlements in close proximity to each other."*

- 10.24 This development will reduce the sense of Scratby Road "bypassing the village to date", but there is no in-principle objection to a new access being created beyond the development limit boundary, provided that residents are able to access local facilities and services (discussed later in this report). It is considered the greatest concern of the above reason for refusal was the proposed quantum of development and the built environment spreading southwards: indeed the application proposed housing all the way to Scratby Road and almost to the Old Chapel.
- 10.25 The landscape value of this more northerly part of the site is not so sensitive that it cannot accommodate housing at the northern end, whilst the southern end will not be affected by the at-grade construction of a road so it does not preclude the creation of a new access. The main determining factors for the creation of the new road must be that the visual impact of this new access and other connections can be mitigated and it must not cause an unacceptable compromise to highways safety (which is also discussed later in this report).
- 10.26 Given the gentle topography, it is anticipated that the screening proposed will minimise the visual intrusion of the wider access road to that of the splay and direct views opposite the proposed access / existing layby on Scratby Road. The footpath and pedestrian refuge proposed as off-site works will increase the sense of urbanisation in this area which is not screened by hedging. This is unfortunate but necessary to enable safe crossing and effective as a highways speed management feature to ensure maximum visibility of potential highway users and encourage slower speeds. If development is to be undertaken at this site for this number of dwellings such impacts shall need to be accepted as a consequence of providing essential safety mitigation.

#### ***Additional dwellings -***

- 10.27 The Local Plan has already anticipated urban development to infill the 0.8ha area at the north of the application site. The proposed development extends further south than the local plan development limit. Had the previous scheme been realised, that development would have created a low-profile but featureless development line of the

rear of bungalows with little softening, albeit slightly further away. This proposal may be more prominent but it offers greater visual interest to the approach to the village.

- 10.28 The pumping station is likely to be enclosed by a brick wall and the electric substation is of utilitarian design but can be mitigated and the impact lessened by screening through conditions and/or amended details. By aiming to consolidate the built development together, these features are proposed in their only feasible location necessary due to the topography of the site. With the soft landscaping proposed along the current application site edges, the overall visual impact of this larger urban environment will be lessened, despite the development now being south-facing and outwardly orientated, rather than the former scheme's proposals which offered only a hard edge to the village and an inward-looking design.
- 10.29 As a principle, new dwellings outside of the development limits are considered to be in the countryside regardless of their proximity to other dwellings or the development limit boundary. As such they are not supported in principle unless they meet specific criteria set out in policy or provide suitable alternative public benefit; this is discussed later in the report.
- 10.30 This proposal includes 5 dwellings located outside the 'intended development boundary', but 19 outside the 'adopted development limit'. None meet those 'exception criteria' in policy. To be considered favourably there must be very strong reasons presented to justify why even only a fairly small part of the overall development should depart from these adopted policies; this application presents such a material consideration and is discussed later in this report. If the decision maker is satisfied the development provides sufficient public benefit to justify development in the countryside, the material considerations would override the principle of development being contrary to adopted policy.

### **Loss of agricultural land**

- 10.31 The application site is referred to as 'The Strawberry Field' and is agricultural land. The Council's and Natural England's data records this is Grade 1 quality land in the Agricultural Land Classification. One of the reasons for refusal of application 06/20/0313/F was that the land was deemed Grade 1 quality.
- 10.32 The applicant has provided their own detailed assessment dated January 2021, produced after the Development Control Committee considered the application 06/20/0313/F. This survey included soil quality assessment and contends that it is more appropriate to be considered Grade 2 ALC, due to having a compromised moisture balance and a undesirable soil droughtiness.
- 10.33 The area of development outside the 'intended development limit' amounts to approximately 0.75ha of classified Grade 1 – 2 Agricultural land, either way land of the greatest value. It is not intended to interrogate the quality of soil assessment, given that the majority of housing land falls within land either in the development limit or previously expected to be developed and the balance is a relatively small area. If it is accepted that the development quantum is acceptable (and in turn the affordable housing provision) and if it is accepted the development should provide the additional

public open space on site and position that 'outside' the housing area, then the loss of 0.75ha agricultural land is a consequence of achieving that amount of development.

- 10.34 The presence and shape of the road and pumping station makes the field more awkward to farm productively for approximately a c.50m-long part of the field but they are consequences of the highways design safety standard. On balance it is considered the inconvenience to agriculture is relatively small and should not compromise the field's wider beneficial use.

### **Quantum and density of development**

- 10.35 The planning application site amounts to 2.1ha or 21,000sqm. The 41 dwellings are complemented by 4,223sqm of public open space, which makes the 'built development area' in this application scheme approximately 1.67ha. Ordinarily, density of development would be calculated with any on-site public open space included within the area which would amount to 19.5 dwellings per hectare, the same as that 'approved' in the former development of 19 large-plan bungalows.
- 10.36 It is considered important to also assess the consequences of removing public open space from the calculation of density, in order to provide a more balanced comparison against the 'approved' 19 dwelling scheme. Doing so means this application would achieve a comparable density of 24.6 dwellings per hectare, much more in line with the expectations of policy H3 which seeks 20 dwellings per hectare.
- 10.37 By locating the public open space outside of the proposed built-development area it causes the density of the built environment within the scheme to be notably higher, at 24.6 dwellings per hectare. However, this is not considered unacceptable when noting that Local Plan Part 2 policy seeks a density of at least 20dph (albeit 30dph would be too dense). The development is therefore considered an efficient use of land acceptable in principle, subject to other local plan policies being satisfied.
- 10.38 It is necessary to also draw comparison to the density already considered favourable through the application 06/18/0475/O. At 19 dwellings, the extant (resolution to approve) outline application has a density of 23 dwellings to the hectare and was granted prior to the adoption of Policy H3 which sets a minimum density of 20 dwellings per hectare. If that site were to be approved under policies currently adopted, that scheme would now be expected to generate a minimum of approximately 16 dwellings (a 0.85ha site at 20 dwellings per hectare and with no on-site open space provision, as not of a level to be required by Policy H4).
- 10.39 If this application proposed 23-24 dph it should be considered favourably in respect of density because it is comparable to the previous form of development considered acceptable – but doing so would only be acceptable now if long views of the scheme when seen looking towards the village were carefully considered and impacts appropriately mitigated: this is discussed in more detail at Section 15.
- 10.40 Taking into account the above, the principle of development within the northern portion of the site would likely be generally acceptable for between 16 – 22 dwellings, as reasonably tested through the current resolution to approve and expectations of this

part of the site through the currently adopted policies GSP1, H3 and H4. The scheme accordingly proposes 22 dwellings within the adopted development limit area.

- 10.41 Any development outside the development limit area is however contrary to policy by principle and must demonstrate suitable public benefits to justify that conflict with policy.

### **Accessibility**

- 10.42 The 19-bungalow development was considered acceptable as it provided accessibility to Beach Road, which was deemed sufficient to access the small village shop on Beach Road. There is no such direct access in this proposal which is a significant barrier to its integration with Scratby village and means residents will have to take the convoluted route down the access road, along Scratby Road and along Beach Road to the store and beyond. In all, the shop becomes approximately a 475 – 500m walk / cycle.
- 10.43 The lack of direct pedestrian and cycle access closer to the middle of Scratby village is a justifiable concern but providing such a link has not been considered by the applicant and is likely to be undeliverable due to land ownership constraints (Abel Close is not an adopted highway). Unfortunately, the Local Plan Part 2 did not see the need to specifically allocate this land for a specific form of development other than expand the development limits around the site of the area with a resolution to approve development; consequently there are no associated policies which dictate the layout or quantum of development, nor where vehicle access or non-car links should be provided.
- 10.44 The Highway Authority has identified that the site is not an officially-adopted allocation for a specific quantum of housing growth in the Local Plan; as a result, the Highway Authority would have had little opportunity to respond to such an anticipated scale of growth at the time of the Local Plan's adoption. Notwithstanding this concern, if the development addresses the density expectations of policy, a development on this windfall site largely within development limits does feasibly have the potential to be a similar scale of growth as is currently proposed within the development boundary (22 dwellings); the additional homes (19no) would have to demonstrate suitable public benefits to be justified.
- 10.45 Nevertheless, the Highway Authority does have significant concerns that the number of dwellings is too significant to be sustainable in this location, representing an unsustainable development due to its lack of access to services and facilities.
- 10.46 The Highway Authority is satisfied that a minimum level of sufficiently safe access can be achieved for pedestrians to Beach Road and towards Ormesby. Policy guidance would expect links to be no more than a 400m walk to services unless unavoidable.
- 10.47 In terms of cyclists it has not been possible for the applicant to provide a suitable width of shared cycle/path route along the east side of Scratby Road; to do so may require widening the carriageway elsewhere which has not been explored. Presumably the Highway Authority considers the short distance for cyclists using Scratby Road and turning right into Beach Road to be of acceptable low risk despite the 40mph speed

limit and excessive vehicle speeds anecdotally witnessed on Scratby Road as the road curves away from Beach Road.

- 10.48 There is no objection from the Highway Authority on highways safety grounds. In the absence of such an objection there are not considered sufficient grounds to refuse the application on the basis of highways safety concerns as per paragraph 109 of the National Planning Policy Framework.
- 10.49 Furthermore, in the absence of local plan policies to the contrary, it is not considered reasonable to refuse residential development of the scale proposed, in this location mostly within development limit boundary, solely on the basis of there being otherwise-inadequate accessibility for pedestrians and cyclists.

## **11. Affordable housing provision**

- 11.1 Some 5no. dwellings are proposed on the south side of the site in the designated 'countryside' area where new housing is not normally permitted. Acknowledging this, the application has offered some 9no. dwellings positioned outside the adopted development limit (19no total) to be provided as "Affordable Housing for Local Needs" and proposes this element of the development as what might be termed a "rural exception site". These would be in addition to the expected number of affordable dwellings required by planning policy (4no. / 20%) from the dwellings within the development limit (22no).
- 11.2 Therefore, Officers consider it appropriate to assess the application as a 'hybrid' proposal whereby:
- an appropriate number of 'general needs' affordable homes should be provided as a proportionate number of affordable homes within the development limits in accordance with adopted policy – which has been achieved; and,
  - an additional number should be provided from those dwellings proposed on land outside the development limits, in accordance with the principles set out for 'rural exception site' schemes in the National Planning Policy Framework paragraph 78.

The number of affordable homes in the 'exception site' area should be the maximum possible with the minimum amount of open market housing needed to facilitate that.

- 11.3 It would be illogical to require only the 'local needs affordable housing' to be sited outside the development limit if it made these units less well integrated into the scheme. Furthermore, positioning such units on the outside of the site would not achieve the sales value as open market housing would in the same site so it would constrict the overall development value of the wider proposal and in turn affect the viability of affordable housing provision. Therefore, the overall housing mix should be provided to address identified local housing needs, whilst the design would benefit from a 'blended' approach which integrates all dwellings regardless of tenure or eligibility to general or local needs housing.

- 11.4 The applicant has presented the additional dwellings for local need affordable housing as “a substantial provision of affordable housing in such short supply in the area, [which is especially important with] Scratby being the only village in the Borough with no affordable/council housing at all.”
- 11.5 Paragraph 78 of the NPPF states:  
*“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.”*
- 11.6 The intent of Paragraph 78 is clear: ‘rural exception sites’ can be allowed if they help address an existing local housing need, and if to do so requires some cross-subsidy from market-housing this should not be prevented; however, the level of market housing proposed should not be any more than the minimum needed to deliver those ‘local needs’ affordable dwellings.
- 11.7 As such, the applicant has presented a viability appraisal of the development to demonstrate how the proposal would cross-subsidise the affordable dwellings. Officers have therefore commissioned the advice of independent assessors to confirm whether this is accurate.
- 11.8 The applicant has proposed 14 affordable housing dwellings, comprising 11 no. affordable rent and 3 no. intermediate tenure.
- The proposed 14no. affordable housing mix is:
- 2no. 2 bedroom 4-person bungalows – Affordable rent
  - 6no. 2 bedroom 4-person houses – Affordable rent
  - 3no. 3 bedroom 5-person houses – Affordable rent
  - 3no. 3 bedroom 5-person houses – Intermediate tenure  
(the applicant’s layout proposes the Intermediate Tenure homes as Shared Equity housing rather than the expected and preferred Shared Ownership model)
- 11.9 Of the overall development the 14 dwellings amounts to 34% of the 41 proposed, with 79% of that as affordable rent and 21% as intermediate tenure.
- 11.10 However, the provision outwith the development limit has not yet been satisfactorily demonstrated to be an appropriate level which is NPPF-compliant (ie the maximum that can be achieved as affordable housing) in accordance with the NPPG procedure. The LPA has commissioned an external viability assessment and further advice will be provided ahead of the Committee meeting.
- 11.11 The Council’s Strategic Housing Officer is generally satisfied with the proposed mix of affordable housing in the application because it provides the necessary amount of affordable housing: 4no properties within the development limits for ‘general needs’ housing, being 20% of the part of the development seen to fall within the formally adopted development limits.



- 11.12 In addition, the 10no. affordable dwellings proposed for specifically identified 'local needs' housing is welcomed (though the minimum of 10 is subject to review through viability appraisal).
- 11.13 The Strategic Housing Officer has stated that the mix proposed is not ideal, for the following reasons:
- there is a recognised need for the 2-bedroom affordable rent properties sized for 4 persons; but,
  - the proposed 3-bedroom terrace houses are too small for currently-identified affordable housing demands, being sized for 5 persons (93sqm) rather than up to 6 persons (102sqm) – ie to accommodate 2 parents and 4 children, 2 per room; or,
  - the same houses could be changed into multiple flats to address the need for 1-bedroom 2-person properties.
- 11.14 Housing officers have asked that the 3 bed premises be increased in size to a 6 person unit, but the applicant is concerned there is not enough room on site to increase the footprint of those terraces and they do not have a readily-available design of house to do so. Planning Officers caution that there could be significant additional impacts from increasing the number of dwellings were the houses to be replaced with flats. However, the applicant believes there will be a demand for the 3-bed 5-person types, when working with their Registered Provider.
- 11.15 The Strategic Housing Officer has also stated that they have concerns that proposed tenures of the affordable housing are not appropriate. Their concerns are predominantly that the cost of an 'affordable ownership tenure' is not achievable, neither to local residents nor those on the 'general needs' housing register, and the affordability of a 3-bedroom dwelling will be challenging. The applicant has expressed a willingness to review this as part of section 106 discussions.
- 11.16 As such, the precise tenure allocation of each type of the 14no. affordable dwellings still needs to be confirmed. This can also be agreed through delegated authority as part of viability discussions.
- 11.17 Officers have significant concerns that the purported benefits of this development are an increased affordable housing provision above and beyond that expected by local policy. This is not inaccurate, given that a scheme of 41 dwellings with 21% provision would provide only 8 dwellings, before considering that a lesser number of units would be expected from development just within the development boundary. In this case, the provision of at least 14 dwellings (34%) of the overall amount is indeed a significant benefit.
- 11.18 However, to be of genuine benefit the (minimum) 10no. affordable units considered "exception housing" must be affordable and achievable to the local community. The terminology used in the submitted application documents varies so without clarification the tenures put forward could suggest this is challenging:
- 'affordable home ownership' is a product that government dictates is still 80% of the prevailing market value which is a significant costs to local residents especially for larger (3 bed) homes;
  - 'shared ownership' offers more flexibility, and can be capped at anything by agreement between 50-90% of the value, if the applicant didn't agree these would also be unattainable;

- 'shared equity' is also not generally encouraged as there is little demand.
- 11.19 Furthermore, the viability of the development is being tested to ensure that the 10no. dwellings proposed from the 19 'outside' the adopted development limit is the minimum needed to deliver this part of the site as 'exception housing'. If there are differences in the appraisal findings, the number of 'exception site' affordable dwellings for local use may in fact increase.
- 11.20 Permission should not be granted before the following matters have been agreed:
- Is there a realistic demand and true need for 3-bed 5-person housing;
  - Which units will be proposed for general needs housing; and,
  - How many, and which units will be used for 'local needs' housing.
  - This may be clarified by the applicant presenting a 'Local Needs Housing Survey' to Officers for consideration as evidence to support their proposal.
- 11.21 In any case, such discussions are fundamental to the terms of the section 106 agreement and would be finalised following the committee meeting and before permission is granted.
- 11.22 If the development were considered acceptable as proposed, any approval would need to be subject to a section 106 agreement to secure the affordable housing types and tenures. The initial proposed allocation of units is shown on the applicant's affordable housing schedule and has been drafted with the input of a registered provider so there is confidence the scheme will come forward with at least 14 affordable homes.
- 11.23 In drafting the terms of the section 106 agreement, the 'Local needs housing' would need to be limited to occupation by those people in housing needs with a direct and longer-term connection to the parish or adjoining parishes and a more demonstrable need to reside in the village, which is secured by a local lettings policy to be set out in the section 106 agreement. 'General needs' affordable housing is available to all residents in housing need across the Borough and wider housing market area with no additional priority given to 'local connection', also subject to the section 106 albeit under differing terms.

## **12. Access, Traffic and Highways**

### **Traffic volumes and character:**

- 12.1 The Highway Authority initially expressed concern over the difference in impacts between the previous 'Pick Your Own' fruit growing use and a residential development, citing volumes, seasonality and frequency differences. The applicant has contended there were various uses throughout the year which created some impacts and movements to the site.
- 12.2 In any case, the applicant has suggested that the difference of 22 additional dwellings over the 19 bungalows previously resolved to be approved should not be considered as too significant an increase for the highway network capacity.
- 12.3 Vehicle tracking has been provided and visibility splays are appropriate for safety standards.

### **Accessibility to off-site facilities:**

- 12.4 Concerns have been raised that the scheme does not provide suitable accessibility for future residents and in particular the lack of access along Melton Lane is a concern.
- 12.5 There is a connection proposed to the small village shop and garden centre on Beach Road opposite Woodland Close; though the route is circuitous this is acceptable and will help provide some day to day provisions for those in need without access to the car. Unfortunately, in all other respects Officers accept that the scale of development will lead to an increased dependency on private motor vehicles.
- 12.6 To some extent, the scale of development is to be expected if proposals are to achieve suitable densities on such windfall sites inside development limits, with the remainder to be determined on the basis of the public benefits it might provide.
- 12.7 The applicant has also identified that Scratby is not entirely without facilities of its own, including some employment opportunities. By providing the circuitous connection to Beach Road residents can use the highways-approved crossing point to the small convenience shop, post office, cafe, garden and pet centre. Further along Beach Road and perhaps beyond usual walking distance, but accessible by footpaths, lie the village hall, some restaurants, take aways, bakery with café. There are expected to be some employment opportunities from holiday parks and the 'business estate' which could be accessible to new residents.
- 12.8 On Beach Road there are also some a regular bus services linking Hemsby, Caistor with its medical centres, and Great Yarmouth.
- 12.9 In practice the development requires much more than the desired 400m walking distance to visit any of these facilities, but the constraints of site access for non-car modes appear to preclude making such connections so a view must be taken on whether the minimum 475-500m distance is acceptable in this instance.

**Off-site highways works proposed:**

- 12.10 North of the proposed access road the development proposes a new 1.8m wide public footpath in existing highway land along the length of the east side of Scratby Road, extending to a point just north of the access to Woodlands Close on Beach Road where a new dropped kerb pram crossing will be creating, completing the existing footpath which stops short of Woodlands Close.
- 12.11 South of the new access, the footpath will continue to a point approximately 40m north of Melton Lane, where the carriageway will be widened slightly to provide a new pedestrian refuge island crossing point in Scratby Road to allow pedestrian access to the west side of the road, as the new footpath will continue to and around the corner of the junction of Melton Lane. The new path works terminate at, and not extend into, Melton Lane, providing a safe route for its residents to access the 30mph quieter roads, footpath network, houses and businesses beyond.
- 12.12 There appears to be an obvious paucity of footpath and public rights of way routes in the area; the closest is Ormesby St Margaret with Scratby footpath FP1 some 110m to the north of Beach Road which lacks footpath connections with the village. Whilst this development may only create a connection with Melton Lane it at least facilitates safer access from there to Station Road and the Edgar Tennant Recreation Ground, sports pitches and playground, from where there is a footpath, and beyond to the

possible future connection with the old rail line aspirational route designated for safeguarding and enhancement by Local plan Part 2 policy GSP7.

- 12.13 In the refused application 06/20/0313/F there were 3 TROD footpaths proposed for accessing Station Road, two of which were in the same ownership as the current site owner. It is not clear why these have not been proposed in this application and is a significant material consideration which the decision maker must take into account as there appears to be no difference in material circumstances over the intervening period.

**Suitability of off-site connections:**

- 12.14 Officers of both the LPA and Highway Authority share the concern that providing safe pedestrian (and no bespoke cycle) access only to Melton Lane is not ordinarily be an adequate solution for this scale of development.
- 12.15 It is notable that the proposed development of 67 dwellings on the larger site including this site was refused partly due to the lack of highways accessibility by non-car modes – though that proposal was for 63% more housing than this proposal.
- 12.16 However, in Officers' opinion, there are material planning reasons why the proposed path to Melton Lane cannot be extended reasonably through this application:
- 12.17 First and foremost amongst these is that the development of new housing in Scratby over recent years, and in particular in the same close vicinity, has been approved without any requirement to provide off-site highways works – this has led to at least 15no. houses on and adjacent Woodlands Close being allowed without safe pedestrian access to facilities, and of significant concern is the fact that the 19 bungalows (which were large enough to have been used for family housing) also did not have requirements to provide links to Station Road either (though it is acknowledged the extent of works would have been similar, the scale would have been more disproportionate in that instance).
- 12.18 Some 34 dwellings have therefore benefitted from incremental provision through recent permissions granted when there was insufficient housing supply - with no recourse for collective provision of highways infrastructure. There was no substantive difference to the local development plan policy requirements at the time, compared to now, other than this site is now in the development limits which only affects the principle of development. At the time of those former approvals the NPPF and case law was clear that a scheme still needed to be suitable in terms of highways safety and general sustainability before it could be approved, even without a five year housing supply, so to have investigated or required off-site highway infrastructure should have been prominent in the decision making process.
- 12.19 With this background, it is considered unreasonable to insist on further extensions to the highways works beyond those proposed. It is right that the proposed 67 dwellings were refused for inadequate connections, as that is a vastly different scale to the application before Committee, but this proposition results in only an additional 7 dwellings compared to previous schemes adjacent which were not required to provide infrastructure. Arguably this proposal helps to right some of the wrongs of times past.
- 12.20 Ultimately this is a matter of interpretation for the decision maker. It is the opinion of the case officer that if the application were refused on the basis of not providing further

highways works, it would be seen as disproportionate and unreasonable given prior events and the absence of a planning policy allocation setting out how the local plan envisaged development coming forward on this site.

- 12.21 Secondly, to provide a continuous connection from Scratby Road to Station Road, would require approximately 530m of new footpath. Even as a TROD (unsealed path) this would be a notable expense for the development which may affect the viability of the scheme and affordable housing provision in particular.
- 12.22 However, the County Council has recognised this and points out that the cost of these works is not disproportionate to the scale of development proposed, whilst offering solutions to reduce the cost to the applicant – the Highway Authority officer has advised:
- The applicant could remove the entire footway on the south east side of the new access road within the development; and,
  - The applicant could construct a simple swale system and attenuation pond drainage feature for the highways surface water, rather than the proposed filter trenches and a soakaway constructed with crates / pipes which are more expensive.
- 12.23 It appears that both of these proposals have been taken up by the applicant, but as yet no extensions to the proposed off-site footpath networks have been proposed.
- 12.24 In practice, some local residents have advised Officers that at least one dwelling's ownership on Station Road extends to the carriageway so not all the verge is adopted highway land and would not be provided as such. However, this should not preclude an assessment of the merits of providing an almost-continuous footway should the decision maker deem it necessary.
- 12.25 Thirdly, the Highway authority have intimated that a TROD should be provided, which would improve access for walking outside the carriageway, but this would still not be suitable for push chairs, so limiting the general access to the play facilities for small families (notwithstanding the 1km distance to the north of the application site which is at least twice that of the 400m recommended accessibility to play facilities let alone shops and services further beyond). In this respect it is accepted that the paved footpath from the site along Scratby Road helps all users access the quieter Melton Lane which is straight and should make users visible. Whilst not condoning a lack of accessibility by non-car means, the case officer can confirm that having walked the route, it is not uncommon to experience cars but older teenagers and adults visiting the recreation ground would be able to step off carriageway or make their presence felt to oncoming cars.
- 12.26 In mitigation, the application does also provide significantly increased levels of public open space to those minimum requirements of planning policy; this will reduce the need to visit Station Road recreation ground, if not for play facilities then for informal recreation. Conditions should be used to ensure the highest quality open space possible, suitable for its position, to minimise the need for residents to travel off site for access to suitable recreation.
- 12.27 Finally, some regard should be given to the visual and landscape impacts of any additional footpaths alongside lesser single lane roads. Scratby lacks connections to Ormesby but at the question has to be asked at what point does the character of the area change too much by providing such facilities and encouraging further development on the basis of there being any such connections. In the opinion of

Officers the infrastructure around the site entrance and alongside Woodlands Close is acceptable given the backdrop of new development but to add features off the main carriageway would also start to create an urbanising effect, particularly when looking at the practicalities and the likelihood of this route being used extensively by future residents.

- 12.28 As such, in the opinion of Officers the development has addressed its highways impacts to the extent reasonably possible to do so and the appraisal must turn to the quality and delivery of those off-site highway works.

### **13. Parking & Cycling Provision**

- 13.1 The development provides adequate parking for each dwelling in accordance with expected NCC standards, as well as 7no. additional visitor spaces at key locations in the site. It is not clear who would manage these spaces to ensure they do not become auxiliary residential spaces but this can be established as part of a section 106 agreement which would also require details of on-site drainage scheme, unadopted roads, existing and proposed landscaping, and open space management and maintenance.
- 13.2 Highways Officers identified how parking beneath the trees in the north west corner of the site could become problematic, but these are protected trees and not known for sapping and grow in a vertical manner.
- 13.3 No specific cycle storage is proposed which fails to address NCC guidance standards, and is especially important if there are such long distances to services. As all dwellings have secure rear gardens they could be provided with a garden shed or alternative store by planning conditions.

### **14. Public Open Space**

- 14.1 As the development is over 20 dwellings it is expected that some provision will be provided on-site.
- 14.2 The amount of open space currently proposed through the scheme (0.442 hectares) has been based upon a calculation of the total number of proposed dwellings (41) multiplied by the amount of open space required per dwelling (103 sqm) in Policy H3. However, this calculation does not take into account that across the borough there will be a range of deficits and surplus' in the types of open space needed at a local level (in this case Ormesby Ward), and therefore flexibility in the total amount of open space that will need to be provided either as an on-site or off-site contribution through the proposed development.
- 14.3 An assessment of the current surplus/deficit of each type of open space and an allowance for maintenance in the Ormesby Ward has been carried out based on the Open Spaces Needs Assessment (2013) and Sport, Play and Leisure Strategy (2015). For developments between 20 and 49 dwellings in Ormesby, an on-site open space contribution of at least 947.1sqm (41 x 23.1sqm per dwelling) for the provision of play space and informal amenity space would be required.

- 14.4 As currently proposed, the total amount of open space (0.442 hectares/4,420sqm) is significantly higher than the minimum on-site provision required by Policy H4 (0.009 hectares/947.1sqm). Whilst open space contributions required by Policy H4 are not maximums, this over-supply (+3,473sqm) of open space is significant but unlikely to be of a major additional benefit to the proposed residents, owing to its potential informal amenity nature (there is no additional on-site open space need for outdoor sport, parks & gardens, accessible natural greenspace or allotments at this scale of development and/or location); nor to the existing residents of Scratby due to its poor accessibility to the wider village community.
- 14.5 Off-site improvements would also be required for outdoor sport, parks & gardens and allotments. On this basis, the Borough Council would expect a full off-site financial contribution of at least £29,237.51 (41 x £713.11 per dwelling).
- 14.6 It is noted that the figures presented above are based upon the most recent interim open space calculations used for the emerging Open Space Supplementary Planning Document. The draft SPD was expected to be adopted in March/April 2023. Whilst the calculations above are not expected to significant change, a revised calculation should be undertaken to feed into the overall viability assessment and section 106 agreement prior the determination of the planning application.

## **15. Design and landscape impacts**

- 15.1 The long views offered towards the development (from the south) require a sympathetic design approach to balance the scale and density of the development in order to achieve a sensitive gateway location to Scratby.
- 15.2 The proposed 'village green' design characteristic is therefore welcomed, including placement of open space and provision of trees. However, it is felt that an improved design would have revisited the arrangement of detached homes which line the southern boundary as they do appear too cramped to be 'read' as a village green. As required by Policy A2(c)(iv) there should be more landscaping and spacing around the detached homes. This would help to provide a greater level of informality around the 'village green' as would be traditionally expected. The lowering of the density here, and increased planting would also help to provide a more sympathetic gateway to the village.
- 15.3 These are laudable aims but design policies and National Planning Policy Framework guidance expect developments to be 'in keeping' with the character of the surrounding area. In this respect, the development as proposed has little direct relationship or visual connection with the form of dwellings on Beach Road, which are a mix of bungalows to the west rising to chalets and two-storey homes to the east. In density-design / appearance terms, the proposed scheme should be considered more against the recent developments south of Beach Road. Whilst these are all bungalows, the spacing between dwellings is not dissimilar to that proposed in the current application, and the south-facing frontage / development line as proposed is similar to the character found in the recent adjoining developments.
- 15.4 The interior of the development is considered rather cramped in places, possibly borne out of a desire to keep as many dwellings as possible within the notional line of the development limit. This is most apparent at and around plots 1-5 and 41, 28-31 behind the southern frontage where the building line is forced north and the gardens are

consequently tight and positioning of garages exacerbates a sense of enclosure between neighbours.

- 15.5 The proposed inclusion of a terrace of four 2-bed dwellings in the north-west corner, and two terraces of 3no. 3-bed dwellings on the east side appears slightly at odds with the character of both the original village and the modern development, but these are positive additions to improving the housing mix and variety within the village and creating a mixed community within the site. Their positions towards the centre of the site and adjacent the trees, and being gable-on to the south, should help diffuse their impact as intervening bungalows break up the mass in views from the south, and in turn these provide important relief to the roofscape and variety of house type amongst detached dwellings.
- 15.6 The southern frontage is rather uniform being all detached dwellings of similar plot widths, but the design avoids creating a characterless form of by turning some of the bungalows to be gable-on and providing two neighbouring two-storey dwellings. These create a sense of character to the development in the more prominent locations and allow a denser form of development to follow behind.
- 15.7 The electricity sub station and foul water pumping station will be enclosed with brick and native species hedge planting to external sides. These can be determined by additional information and conditions as no details have been provided so far. The garden and building line on the eastern side have been affected by the need to accommodate the electric pylon route easement.
- 15.8 The Highway Authority has identified that the road extends almost onto the boundary of the site. If this were approved and adopted it would allow an adoptable connection in the future to land beyond, and the prospects of such additional growth would be unacceptable to the Highway Authority. However, that is a matter outside the scope of this application.
- 15.9 In response, the applicant has argued that *"[extending the road to the site boundary] is necessary for the road to be proposed adoptable to the east as shown, eg to satisfactorily deal with not just proposed dwellings but Anglian Water adoption of foul water pumping station and UKPower's access to the electricity sub station and the heavy service vehicles they require."* This is not an unreasonable argument.
- 15.10 The landscape setting to Scratby is open and flat. Unfortunately the sharp gables visible at Woodlands Close from the Old Chapel, Scratby Road are in contrast to the almost hidden low rise flat roofs of the California holiday parks to the east. It is only from Melton Lane that the rear of properties on Beach Road start to become visible.
- 15.11 The form of houses and pumping / electricity stations make the site more prominent because their visual presence has not been reduced by landscaping that will diffuse or screen the development from the south – the only trees proposed are around the public open space to the west. Adding a row of trees and some indication of substantial hedging along the east boundary would help reduce the impact on the landscape.
- 15.11 Improved landscaping to the south side of the access road would benefit the scheme by further reducing the development's prominence as well as improving resident's outlook by providing trees in front of the houses and screening the pumping station



further. These are considered necessary to help the development be more recessive in the landscape and try to improve its integration into the village form, as well as minimising the developments erosion of the 'strategic gap' between settlements which is protected under policy GSP3.

- 15.12 It would not be appropriate to hope that only a handful of trees would achieve this – a significant number to create a continuous tree belt and integration with the hedgerow is the minimum requirement, which would also create suitable bat and bird habitat and wildlife corridors.
- 15.13 The various amendments and improvements described above can be required by amended plans sought before the Committee meeting or through delegated authority, with final details to be secured by conditions.

## **16. Impact on Trees and Hedges**

- 16.1 There are some 3 trees / groups of trees of Category B value trees and hedges around the site on the north and east boundaries. All are healthy and proposed to be retained with appropriate protection proposed during construction.
- 16.2 The line of 17no. Lombardy Poplar trees in the northwest corner of the site are protected by Tree Preservation Order TPO No.5 2021 (14<sup>th</sup> Sept 2021). The applicant's Arboricultural Impact Assessment considers them to be poor quality Cat C trees which make little contribution to the landscape or amenity value. The AIA actually advises their removal in the future, but noting the TPO it has declined to propose that at the moment and proposes no dig construction around them, and car parking is proposed adjacent. The AIA finds the trees healthy with a 20+ year lifespan, and advises no work is required at the moment.
- 16.3 In the absence of any landscaping plans to provide alternative trees of stature it is considered necessary and appropriate to retain the trees in situ as a visual screen and privacy barrier between the development (two storey houses at this location) and the neighbouring bungalows close to the boundary.
- 16.4 Only one tree is recommended to be removed in the AIA: a dying Category U yew tree on the north boundary, but this is in land outside the application site so may not be undertaken after all. Its retention would not compromise the development.
- 16.5 Should this application be approved, conditions would need to be imposed to secure suitable trees protection during the works, and suitable protection of new landscaping and trees during growth.

## **17. Residential Amenity**

- 17.1 Conditions can be used to secure suitable construction management practices including dust control and noise protection measures, hours of work and remedial action plans in the event that unacceptable levels of disturbance are common.
- 17.2 The build programme / phasing of development suggests the west side would be completed first with construction access via east side loop road, minimising the impacts on residents as much as practical.

- 17.3 Contamination is not expected in the site but a condition should be used to require suitable precautions and remediation where necessary. Further conditions will require including use of suitable certified and clean topsoils.
- 17.4 The plots 8-11 proposed as 4 x 2-bedroom two-storey houses are very close and angles slightly towards the bungalow behind Woodlands Close – which has not been acknowledged on the applicant's site layout plan. In the layout as proposed there is some screening achieved by the poplar trees, though the bungalow garden remains unshielded but it has some stand-off screening from the garage to plot 1. The adjoining garden to plot 11 provides some suitable separation distance so that the two don't feel too overcrowded.
- 17.5 The terraced dwellings are at an angle that doesn't look directly over the bungalow garden and the occupants would have to go to some lengths to find a view from upper floor windows which invades the privacy of the bungalow garden for a prolonged period of time. When concerns about the orientation of the terrace dwellings and the general 'cramped' feel of the development was raised with the applicant, with a request that the terrace could be reorientated slightly, it was not pursued.
- 17.6 As such, given the scheme is dense and has possible impacts on houses within the scheme as well as the bungalows, it would not be unreasonable to impose a condition preventing dormers or extensions to the rear roofs of plots 8-11 or any part of plot 1 being extended without express permission from the local planning authority.
- 17.8 In respect of amenity for future occupants, the development shall need to confirm it has been designed to comply with category M4(2) of the current building regulations (facilitating disabled access) and in particular do what it can to provide level approaches, suitable access and approach widths, WC's at ground floor and be able to allow other adaptations to dwellings as occupants may need in the future. This will be particularly important for the affordable housing. This can be agreed by condition.

## **18. Environment, Ecology and Biodiversity**

- 18.1 There are minimal impacts on ecology but conditions can be used to increase biodiversity enhancement with the Biodiversity Management Plan proposed by condition. The necessary enhancements will only be achieved if the scheme includes structural green infrastructure features including a new hedgerow and substantial tree belt along the road's eastern edge.
- 18.2 Officers recognise how the development will realistically have an over-reliance on the private car borne out of being a scale of growth perhaps not ordinarily expected of a secondary village with relative lack of convenient access to facilities, schools in particular. This will cause an unhelpful addition to private motor vehicle fossil fuel emissions, which will be mitigated only slightly by requiring the development to provide in-curtilage EV charging for each dwelling in accordance with policy I1. The decision maker will need to consider whether the merits of the development and its increased provision of affordable housing in particular would or would not outweigh the CO2 emission concerns.
- 18.3 Policy E7 requires new dwellings to meet a water efficiency standard of 110 litres per person per day. There is no reason why this could not be accommodated and a condition is recommended to confirm such details and secure this provision.

## **19. Habitats Regulations Assessment (HRA)**

- 19.1 The application has included a Shadow HRA report for the LPA to have regard to as HRA competent authority. That report considers how the development might affect designated international wildlife sites in the vicinity.
- 19.2 Based on the Council's Indicative Habitat Impact Zones Map the development falls into the 'Green Zone', being sited between 2.5 and 5km from internationally protected wildlife sites.  
The shadow HRA Stage 1: Screening report has determined that there is no significant negative effects for: Broadland Ramsar and SPA, Broads SAC, Southern North Sea SAC, Greater Wash SPA, Outer Thames Estuary SPA, Breydon Water Ramsar and SPA, and Haisborough, Hammond and Winterton SAC. This is agreed with and there are no further stages of the HRA necessary, nor bespoke mitigation required.
- 19.3 Winterton and Horsea Dunes SAC and Great Yarmouth North Denes SPA are potentially vulnerable to effects from increased recreational pressure, and Great Yarmouth North Denes SPA may also be vulnerable to potential negative impacts on the breeding Little Tern. In both cases the GIRAMS funding will be adequate to provide suitable mitigation, which needs to be secured through a section 106 agreement to support the Habitats Monitoring and Mitigation Strategy at those sites.
- 19.4 GIRAMS contributions are therefore required at £183.95 per dwelling which amounts to £7,623.13 (41 x £185.93).

### **Nutrient Neutrality**

- 19.5 Separate to the issues of visitor impacts on SPAs and SACs, the development is within the Broads SAC and Broadland Ramsar's 'Nutrient Neutrality' catchment area which has not been identified in the shadows HRA document (which would ideally be updated) but which should be included in the competent authority's own Appropriate Assessment should the Shadow HRA be adopted.
- 19.6 The development will therefore only be acceptable if the scheme does use a sustainable drainage system and confirm it connects to the foul sewer network and from there discharge to the sea via Caister pumping station outside of the Nutrient Neutrality catchment area. These are both proposed so significant impacts on nutrient loading should be avoided.

## **20. Heritage / archaeological impacts**

- 20.1 The proposed development site lies adjacent to the site of the now vanished parish church of Scratby, demolished in the mid-16th century. Frequently in Norfolk parish churches are located adjacent to medieval or earlier manorial centres or within medieval settlements. Metal-detecting in fields to the east have produced a significant number of Roman finds, including coins which is suggestive of Roman settlement in the vicinity. Consequently there is 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.

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

## **21. Flood Risk**

- 21.1 The development site is within Flood Risk Zone 1, the low probability flood zone with a less than 1 in 1000 annual probability of flooding, and all source of flood risk have been assessed which finds the site to be at 'low' or 'very low' risk of flooding. As the site is more than 10 dwellings it must provide a suitable surface water drainage scheme to avoid causing flood concerns on site or elsewhere.

## **22. Drainage**

### Surface Water Drainage

- 22.1 The submitted Flood Risk Assessment has included a proposed Surface Water Drainage Scheme. The ground conditions around the housing area of the site are favourable for infiltration of surface water run-off.
- 22.2 Tests show drainage ability lessens the further south tests were undertaken so the open space area may be less suitable for infiltration; that area of the site should be treated carefully when the open space is prepared to avoid ground compaction leading to future flooding.
- 22.3 A Construction Management Plan shall be required by condition to avoid the open space area (a) being delayed in its provision, and (b) being compromised by the construction process.
- 22.4 The scheme proposes to drain surface water to filter margin / swales alongside the site access road and internal loop road. No such filter / swale is proposed for the public open space, so the applicant shall need to clarify if one should be provided to ensure the open space remains useable following all weathers. The scheme advises that a larger contingency soakaway crate should be provided for draining the access and loop roads, to provide extra capacity if the filter strip swales are clogged on larger storm events, for example. This is shown on the drainage scheme as being in the south-eastern corner of the public open space but is not indicated on the proposed layout as it is underground.
- 22.5 The Highway Authority also advised that a swale could be used instead of filter drains; that has not been shown on the final layout plan 2093-SL01-rev K plans specifically, so will need to be clarified by final design details by condition. The Highway Authority also requested additional soakaway drainage rate testing to confirm this is an acceptable proposal but have not confirmed if the scheme satisfies their requirements; if confirmation cannot be gained before the Committee it shall need to be determined by planning condition.
- 22.6 Individual dwellings' roof water is to be discharged to individual or shared soakaways in rear gardens. Private drives and parking spaces will be constructed of pervious surface paving for natural infiltration.

- 22.7 All the scheme has been designed with a capacity to handle a storm event of at least a 1 in 100 year / 1% chance + 45% climate change and a 10% urban creep allowance, which addresses current standards and CIRIA guidance.
- 22.8 The LLFA have not made specific comment but their standing advice sets out various requirements and advises the drainage scheme cannot be accepted without “*evidence of ‘in principal’ agreement of a third party for SuDS discharge to their system (e.g. Anglian Water, Highways Authority or third party owner). Furthermore the LLFA caution that water quality must be protected and the ability to do so relies on the systems proposed, stating: “Proprietary SuDS such as vortex pollution control e.g. downstream defender will not be acceptable to some adopting authorities and hence comment from them should be considered. Identification of the maintenance responsibility of any ordinary watercourse (including structures) within or adjacent the development.”*”
- 22.9 A draft SUDS Management and Maintenance Plan has been included in the FRA document, the basic principles of which are for the proposed access and loop road drainage features are proposed to be adopted by the Highway Authority which will need to be confirmed through section 106 and separate highways section 38 agreements. No ‘indicative agreements’ have been provided. It may prove complicated for the applicant to arrange highways adoption of the contingency soakaway crate underneath the privately-managed public open space area, so it should not be assumed to be an adoptable feature at this stage, but this can be established by conditions if not whilst the terms of the section 106 agreement are completed. Maintenance of soakaways at dwellings will fall to the homeowner / registered provider housing association.
- 22.10 As such it cannot be assumed that the drainage scheme is acceptable in its current form. However the application proposed a hybrid approach to highways drainage using filter strips and attenuation / soakaway crates; if it needed to be, there seems little reason why a scheme could not be amended to increase capacity in particular areas sufficient to overcome any remaining concerns of highway authority officers.
- 22.11 Subject to conditions, the final details of the drainage scheme can be agreed in terms of management and maintenance requirements, whilst the final confirmation of and transfer to management and maintenance bodies will be included in the section 106 agreement.

#### Foul Drainage

- 22.12 Anglian Water records indicate that a foul sewer is situated at the Scratby Road / Beach Road junction north-west of the site. A pre-planning application has been made to Anglian Water proposing a connection to that sewer (point MH 5302). Anglian Water has deemed this point of connection as acceptable and has confirmed there is capacity for a larger number of dwellings than those proposed, but, due to higher ground and pipe invert levels at this location, a pumped connection will be required. The applicant proposes to route the foul water conveyance along the proposed access road and north along Scratby Road to the existing sewer.
- 22.13 The remains in-principle capacity at the Pump Lane treatment works and in the sewage system network. Subject to achieving appropriate pumping rates / velocity and

including a back-up power and telemetry to inform Anglian Water in the event of power cuts, the development should be able to be discharged to mains sewer network and therefore shall be able to avoid an impact on designated habitat sites and avoid nutrient neutrality concerns by being discharged via Caister pumping station to sea.

- 22.14 The location of the foul water pumping station differs in the drainage scheme compared to the proposed layout so will need to be clarified before permission is issued, whilst conditions will secure the final foul drainage scheme details to ensure capacity can be achieved at the rates required by Anglian Water.
- 22.15 Anglian Water has confirmed there is capacity at the main Pump Lane water recycling centre, but the capacity if the network will depend on the details of a foul drainage strategy to be agreed by condition. A number of informative notes have also been requested.

#### Water supply

- 22.16 Essex and Suffolk Water have confirmed they have no objection to the proposal and a water mains supply runs along the west side of Scratby Road.

### **23. Planning obligations and viability**

- 23.1 The following on-site facilities and contributions are expected from a development of this nature and scale, as described in preceding sections of this report:
- Affordable housing (at least 14no. dwellings as discussed above).
  - GIRAMS habitats mitigation contribution ( $41 \times £185.93$ ) = £7,623.13.
  - Public open space provision on site: minimum 947.1sqm.
  - Contributions for public open space facilities off-site ( $41 \times £713.11$  per dwelling) = £29,237.51 (which may be amended when the current draft SPD is adopted).  
(unless the applicant elects to provide some additional facilities within the overprovision of public open space, such as allotments, to minimise travel elsewhere)
  - Education enhancements (depends on capacity at the time – NCC to confirm).
  - Library enhancement (at least £75 / dwelling) = £3,075 (may be updated by NCC).
  - Public Rights of Way enhancement contributions – to be confirmed by NCC.
  - NCC planning obligations monitoring fee = £500.
- 23.2 Comments from the County Council's s106 planning obligations team are yet to be received; if contributions were not addressed the scheme would not satisfy policy.
- 23.3 Education - All 41 dwellings are multi-bed dwellings so would be expected to create educational demands. In this respect the applicant has suggested there is capacity at Martham High, and both of Ormesby Junior and Infant schools. Whether that is the case remains to be seen because other permissions have to be taken into account and school rolls are updated at the beginning of each year. If the County Council identifies a shortfall in capacity then it is expected to be addressed by financial contribution. If it is not, the development will be contrary to policy GSP8 amongst others.
- 23.4 The provision of affordable housing and any other financial contributions necessary is expected to be achievable in light of the recently adopted Local Plan Part 2, and indeed

policy GSP8 is clear that viability is only a constraint on brownfield development sites. Policy GSP8 does not allow for the consideration of viability on greenfield sites unless the contributions would exceed £15,000 per unit in addition to the affordable housing requirement under Policy CS4 (which would be £615,000 total for this development); it is unlikely that the outstanding information regarding the need for education contributions would cause the development to exceed this.

- 23.5 Whilst the Council has commissioned external advice in respect of providing 'exception site affordable housing' (discussed at section 11) this is not expected to question whether other contributions can be made. The contributions listed above are expected to be provided to make the development acceptable.

## **24. Other Material Considerations**

### **The concern over 'precedent'**

- 24.1 Concerns have been raised that creating a new access road off Scratby Road will become 'the thin end of the wedge' facilitating future development to the south and east. These are understandable concerns, but it should be noted that any such proposal would be contrary to current adopted policy.
- 24.2 Any such proposals should be considered holistically through local plan preparation, which remains the best process to examine whether there is a need for the village to grow still further and what the best prospects for any future growth for Scratby should be.
- 24.3 At this point in time, the circumstances surrounding this application are rather unusual and it is right that only the merits of this application should be considered. Officers recommend very little weight should be given to the issue of setting a precedent, or enabling other future development, whether at this site, elsewhere in Scratby or at other villages in the Borough.

### **Local Finance Considerations**

- 24.4 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 (which is not applicable to the Borough of Great Yarmouth). 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, for example. There do not appear to be any planning-related local finance considerations linked to this development.

## **25. The Planning Balance**

- 25.1 In recognising the concerns raised previously which led to the refusal of the 67 dwelling scheme 06/20/0313/F, it is important to note the difference in the positioning and extent

of development now proposed. The form of development (save for the access road and paths discussed above) attempts to consolidate the built environment to the north of the site to reduce the spread of housing away from the village.

- 25.2 Overall, it is acknowledged that the character of the village will change and in some respects this is detrimental, but in comparison to the previous application it is considered to have some benefits and being within the development limit it is to some extent inevitable that development in this location will have some differences to the character of the existing village setting.
- 25.3 This is a finely balanced appraisal and one that is complicated by the area's planning history and recent incremental growth which created a residential cluster with limited practical accessibility other than the private car. Therefore, expanding on that at the scale proposed inevitably challenges policy and principles.
- 25.4 Nevertheless, aside from concern over limited accessibility to services, recreation or employment opportunities, it has to be acknowledged that over half the development is within the adopted village urban envelope and a significant part of the remainder is on land that was previously found to be acceptable for development pursuant to application 06/18/0475/O.
- 25.5 Overall, the development satisfies most relevant policies for delivering the site and once amendments are settled, will avoid creating unacceptable impacts. Importantly, the benefit of providing substantial area of public open space has the ability to reduce reliance on recreation provision offsite and commensurately reduce highway safety risks.
- 25.6 Of significant material consideration is the public benefit derived from the development's 'net-additional' provision of affordable housing above that which is a minimum requirement set out in policy. Whilst this would not normally be viewed as favourably if it involved development outside the defined development limit, it is an important additional benefit that a significant and majority proportion of the affordable housing is proposed to be set aside for specifically-identified local needs housing in a village which lacks existing affordable housing.
- 25.7 Taken together, these benefits are considered appropriate to outweigh the concerns raised and collectively justify approval in this instance.

## **26. Conclusion and Recommendation**

- 26.1 On balance it is considered that the benefit of the additional affordable housing and the position of the development largely with development limits and an area anticipated to be developed will assist in maintaining a housing supply and addressing some need. The concerns for highway safety are not considered sufficient to justify refusal of the application in the terms expressed by the National Planning Policy Framework, whilst the impact on the character of the area is outweighed by the benefits of the scheme.
- 26.2 Having considered the details provided, the application is considered to comply with policies CS1, CS2, CS3, CS4, CS9, CS11, CS15 and CS16 of the adopted Core Strategy, and policies GSP3, GSP5, GSp6, GSP8, A1, H1, H4, E4, E6, E7, I1 and I3 of the adopted Local Plan Part 2 (and any neighbourhood plans policies?).
- 26.3 Although contrary to some adopted policies, it is considered the material considerations of additional affordable housing and open space provision combine to



overcome or reduce some of the severity of conflict with policy, and it is considered that there are no other material considerations to suggest the application should not be recommended for approval.

**RECOMMENDATION:**

It is recommended that application 06/22/0546/F should be delegated to the Head of Planning to APPROVE, subject to:

- (i) **Satisfactory minor amendments being proposed to the layout and landscaping as described above;**
- (ii) **Satisfactory resolution of the assessment of affordable housing provision from amongst the 19no. dwellings considered 'rural exception site' housing located outside the adopted development boundary;**
- (iii) **Following (ii), reaching agreement on the mix, type and tenure of affordable housing across the site, having regard to addressing the issues raised at section 11 of this report;**
- (iv) **Completion of a Section 106 Agreement to secure at least the following:**  
  
**Affordable housing in line with part (iii) above;**  
**Financial sums described at section 23 of this report;**  
**Sustainable drainage, open space and landscaping management.**  
  
**And;**
- (v) **If the Section 106 Agreement is not progressing sufficiently within three months of the date of this decision, to delegate authority to the Head of Planning to (at their discretion) refer the application back to the Development Control Committee at the earliest opportunity, for re-consideration of the application, or to refuse the application directly, on the grounds of failing to secure planning obligations as outlined within this report (or the Committee's decision if the recommended content is varied);**  
  
**And;**
- (vi) **Appropriate planning conditions to be proposed at the Committee meeting.**

**Appendices:**

- 1. Site Location Plan.
- 2. Site Layout Plan.

## **APPENDIX 2:**

### **COMMITTEE ADDENDUM UPDATE REPORT NO. 1 OF 2 – 22<sup>ND</sup> MARCH 2023**

#### **DEVELOPMENT CONTROL COMMITTEE**

#### **ADDENDUM REPORT**

**22<sup>nd</sup> March 2023**

#### **UPDATES TO PLANNING APPLICATIONS**

#### **Item 4 – Application 06/22/0546/F: Land north of Scratby Road, Scratby**

##### **1) Additional information from the applicant:**

The applicant has sought to address some of the matters raised in the Committee report which were identified as being a requirement to achieve officer support. If the application is considered acceptable in principle, some aspects will be finalised under delegated authority.

An **updated site layout plan** will be presented at the meeting to illustrate the following:

- Landscaping features – a complete hedge around the public open space has now been proposed through an addition on the west boundary.
- Landscaping mitigation – the hedging proposed behind the drainage channel on the east and south of the access road has been complemented with tree planting to try and mitigate the visual impact from Scratby Road. This may require more trees but indicates a willingness to provide a minimum standard.
- Public open space feature has been sketched out to propose additional informal greenspace as wildflower meadow and orchard species trees, with some seating and bins.
- Pumping station enclosure designs have been provided.
- Electric substation building elevations have been provided.
- The pumping station and electricity substation can be reappraised to see if they are able to be swapped in their position, with road layout confirmed also.
- The applicant is investigating the affordable housing need requirements in the village.

##### **2) Corrections / clarifications to Officer Report:**

**Re: Off-site footpath access to Station Road, Ormesby.**

The Highway Authority officer has identified a factual inaccuracy in the Committee Report.

In paragraph 12.24 it is stated that all of the verge may not highway as some owners claim to own up to the carriageway. Highway Authority officers point out that land ownership and highway rights are two separate matters that can overlap, even if the adjacent land owners are correct and they do own land to the edge of Station Road it may also still be in the highway boundary and highway rights may subsist across land in third party ownership. Ownership of highway by third parties would not give that landowner a right of veto or ransom, if the highway authority required the land in question.

In response **the Applicant** has stated they believed there was no land in the area in question outside Karumba House that was ever highway land.

In any case there are no proposals to provide any form of path beyond Scratby Road. Members will need to take a view on that as described in the report.

**Re: Affordable Housing in the Countryside / outside development limits:**

Whilst Members' decision will need to be based on the policies of the adopted development plan, the following information from the National Planning Policy Framework is a material consideration of note:

Officers have provided their own emphasis where underlined.

NPPF Paragraph 69: [re: housing within development limits]

*"Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:*

*(c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and...*

NPPF Paragraph 72: [re housing outside the development limit]

*"Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:*

*(a) comprise of entry-level homes that offer one or more types of affordable housing as defined in [Annex 2](#) of this Framework; and*

*(b) be adjacent to existing settlements, proportionate in size to them <sup>35</sup>, not compromise the protection given to areas or assets of particular importance in this Framework <sup>36</sup>, and comply with any local design policies and standards.*

NPPF Annex 2 confirms that affordable housing will be suitable if it includes Affordable Rent where the landlord is a Registered Provider, and includes provisions to be retained as affordable or where disposed of the income would be recycled into affordable housing stock in the vicinity; or where homes are available with 'affordable routes to home ownership' i.e intermediate tenure shared ownership dwellings.

These are the shared expectations of the applicant.

**Officer advice:**

The NPPF is a significant material consideration, and is consistent with some general principles of support for 'exception site' affordable housing at policy CS4 as discussed in the report:

*"Support proposals for housing on small rural exception sites where there is no conflict with other Local Plan policies and the following criteria are met:*

- *The majority of the homes provided are affordable*
- *The site is within, or adjacent to, the existing settlement*
- *A housing need has been identified, either in the parish or in one or more of the adjacent parishes, for the type and scale of development proposed*
- *The proposed development is considered suitable by virtue of its size and scale in relation to the Settlement Hierarchy in Policy CS2."*

However a development must still be suitable in all other respects including with adequate and safe access to facilities, and be proportionate to the scale of the village and its relationship thereto.

Re: **Affordable housing** and Strategic Housing Officer comments –

At paragraph 5.2 underneath the comments from the Strategic Housing Officer, the officer response has been copied and pasted from the Environmental Health officer section above. With apologies for any confusion caused, the Officer response should read that the affordable housing needs to demonstrate there is an identified local need and (subject to viability) the final tenures and housing mix for affordable units will need to be agreed by officers and confirmed in the terms of the section 106 agreement. This is already set out in report section 12 and the Recommendation to Members.

As yet there is no formal feedback from the Council's appointed viability consultants but this can be ratified through delegated authority, if needs be in consultation with the Committee Chairperson.

3) Additional / Updated Consultee Comments:

**Highway Authority** officers have confirmed:

- The drainage scheme is acceptable as proposed, but would prefer to see a swale used rather than a filter strip along the east of the access road. This level of detail can be agreed by conditions.

- Highways should be able to adopt the drainage crate system proposed in the public open space area subject to agreeing a wayleave (and confirm through conditions and section 106).
- Highways would not support positioning the Scratby Road paths behind hedges.
- A selection of conditions are requested for use if this is resolved to be approved.

**Council's Tree Officer** - has provided more descriptive comments, stating:

**Re: value of the TPO trees:**

- The Lombardy Poplar Trees adjoining Woodlands Close remain worthy of TPO protection due to the tree group's public visibility. This is despite the group being of only satisfactory condition and a limited retention span overall, which corroborates the findings of the submitted Arboricultural Assessment.
- The trees contribute heavily to the wider area and landscape with the proposed development infringing upon them.
- There are construction techniques/methods suggested so that the trees and planned development can coexist however the characteristics of the tree species concerned will only become an 'issue' to the residents who live in the new dwellings (as detailed above).
- 

And,

**Re: impacts from the development:**

- Plots 10, 11, and 12 will be in a lot of shade due to their proximity to the line of TPO'd Poplar trees (G1).
- The housing plot's foundations are out with the RPA so will not be damaged by the development and a no dig surface is proposed to be implemented in close proximity to the trees.
- However the tree's heavy impact upon the houses will lead to many TW applications and calls for the preserved trees to be removed in the future.
- Poplar trees are also very brittle and susceptible to drop branches as part of their life cycle (also the seeds are wind dispensed)– the proximity of these trees to the proposed properties will cause issue with residents again leading to requests for the trees removal.

These concerns will be raised in the Committee presentation. The applicant has suggested one of the 17 is dead and others are struggling but no updated evidence is provided.

At this moment in time there is no proposed replacement planting strategy for this part of the site. As such, any pre-emptive removal would not be followed up with appropriate screening or landscape feature in this location, within this application. Any future tree work applications would need to be considered on their own merit.

#### 4) Additional Public Representations received:

Although no additional written comments have been received the case officer has received 4-5 telephone calls in the intervening week which express concern and raise matters missing or overlooked in the report. These include:

- Reiterated concern that without a footpath pedestrians will be unsafe.
- Affordable housing is isolated from the village without direct connection to Beach Road.
- There is no streetlighting which will make the Scratby Road verge-side paths unsafe.
- There is no justification for housing outside the village envelope.

One additional written letter of objection has been received, summarised:

- A precedent could be set by this development that impacts the whole Borough.
- The Highway Authority requirements should be clarified.
- A 6m high fence to the public open space along Scratby Road will be required.
- Highway access, path access, sewage connections have all been offered to the applicant through the land in separate ownership to the north but the offer has not been taken up.
  - o Officer note: this is a private arrangement and cannot be guaranteed to be possible: this application must be determined on its own merits.
- The adjoining land owner claims there is no obstacle on their part to completing the legal agreement for the 19 bungalows which have a resolution to approve.
  - o Officer note: there is nothing to stop that application proceeding and a landowner / developer undertaking either proposal but only one would be able to proceed as it is the same site.
- Someone will need to take responsibility for additional road traffic accidents.
  - o Officer note: Highways have confirmed there is capacity and access is sufficiently safe and there are no highway safety grounds to object to this.

Officer Response: All these points are addressed in the original Committee Report, with the exception of the suggested fence alongside Scratby Road but this would not be supported due to the visual impact it could create which the scheme and its layout and landscaping measures are trying to minimise, as described in the report.

One letter of support has been received, stating there is a need for affordable housing and 34% provision is significant.

## 5) Recommendation:

The recommendation remains as proposed in the written report, but with the addition of these conditions:

1. Standard time limit – commence in 3 years
2. Development to be in accordance with the approved plans and details

Pre-commencement:

3. Archaeological Written Scheme of Investigation details and undertake trial trenching
4. M4(2) building design standard details to be agreed
5. Water conservation and efficiency measures to be agreed
6. Details of surface water drainage scheme

7. Foul drainage details to be confirmed (capacity and flow rates)
8. Details of pumping station and electric substation layout and appearance
9. Existing vehicle access to be closed from Scratby Road – detail & provide
10. On-site parking for construction workers, loading and delivery areas to be agreed
11. Off-site highways scheme to be agreed
12. On-site highways details to be agreed
13. Fire hydrants scheme layout to be agreed
14. Tree protection measures to be installed prior to commencement
15. Construction management plan to be agreed and followed: inc. avoid the open space area (a) being delayed in its provision, and (b) being compromised by the construction process/squashed and unable to drain, and include dust, noise, air quality, hours of work measures, phasing sequence

During construction

16. Contamination precautions
17. Construct in accordance with the submitted Arboricultural Method Statement

Prior to constructing beyond DPC / slab levels

18. Hard landscaping scheme details
19. Soft landscaping scheme details - Planting plan, landscaping schedules & protection
20. POS details
21. Recreational Avoidance Strategy details to promote PROW and minimise visiting designated sites
22. Biodiversity Method Statement
23. Lighting design strategy and ecology mitigation
24. Cycle parking details for each dwelling

Prior to occupation

25. Visibility splays to be in place
26. The off-site highways works to be completed
27. All highways works to be in place and complete – binder course level for first dwelling
28. All highways works to be complete – to adoptable standard before final dwelling
29. Topsoil certification and soil management plan
30. Removal of permitted development rights to the rear of plots 8-11 and / or other alterations to plot 1.

And any other conditions as may be deemed appropriate by the Head of Planning.

**APPENDIX 3 –**

**COMMITTEE ADDENDUM UPDATE REPORT NO. 2 OF 2, 19th APRIL 2023**

**DEVELOPMENT CONTROL COMMITTEE**

**ADDENDUM REPORT #2 of 2**

**Published 19<sup>th</sup> April 2023**

**UPDATES TO PLANNING APPLICATIONS**

**Item 4:**

**Application 06/22/0546/F: Land north of Scratby Road, Scratby**

This report is produced in addition to the Update Report published as dated 22<sup>nd</sup> March.

The following additional and new information has been received since 22<sup>nd</sup> March.

**1) Additional information from the applicant:**

**Affordable Housing mix and tenure –**

- (a) The applicant has confirmed the 3no. intermediate tenure affordable homes will be provided as Shared Ownership.

OFFICER RESPONSE - This better addresses the identified housing need than shared equity or other forms of discounted home ownership would, and the clarification is welcomed.

- (b) In response to the Strategic Housing Officer's concerns about the overall mix and affordability of 3-bedroom 'shared ownership' properties (at paragraph 11.15 – 11.18 of the original officer report [agenda page 48]) – the applicant has changed a previous 2-bedroom affordable rent home to shared ownership, and changed a 3-bedroom shared ownership property to an affordable rent tenure.

**OFFICER RESPONSE –**

This redresses some of the concern about the ability of the local community to access the proposed affordable housing, though does not completely resolve the Strategic Housing Officer's concerns. The amendment is welcomed but the overall mix and tenures of affordable housing will still need to be reappraised and confirmed (as proposed under delegated authority) once the viability appraisal is agreed.

No change is proposed to the recommendation – the affordable housing mix should still be agreed as per Officer Recommendation parts (ii) and (iii).



## Highways works -

- (c) The applicant has proposed to widen the Scratby Road and Beach Road footpaths from the 1.8m proposed to 2.0m.
- (d) The applicant has proposed to amend the route of the Scratby Road / Beach Road path to run alongside the road carriageway and on the outside of the junction curve, rather than cut-across land in third party ownership. This will also help remove the existing informal parking area which creates a hazard on the bend.

### OFFICER RESPONSE –

The Highway Authority has confirmed they have no objection to these amendments.

These amendments are minor and are welcomed to improve safety and visibility of pedestrians and prevent complications of land ownership. Whilst a desire-line may well be created alongside the trees anyway it is a small issue that could be resolved by landowner providing landscaping outwith the remit of this application.

The applicant has also reassured the Highway Authority that the land on the west side of Scratby Road is within their control in order to provide the proposed path and widened carriageway to accommodate the pedestrian refuge island in Scratby Road.

## Land ownership and legal agreement on undetermined application 06/18/0475/O -

- (e) In Update Report No. 1 dated 22<sup>nd</sup> March [agenda page 71]) an objector mentions:
  - (i) that they offered access rights and sewage connections for this development through their land to the north - the applicant responds by stating no such offer was made to themselves; and,
  - (ii) that the unresolved scheme for 19 dwellings could be agreed – this applicant claims there is no legal interest for that person in that land, but it would not necessarily need the applicant to have an interest, only a willing landowner.

## 2) Additional consultee comments

Norfolk County Council's Strategic Planning Obligations team has confirmed they would expect the development to provide:

- No financial contributions required for Education (there is ample capacity at all school levels in the local catchment).
- At least one fire hydrant to be provided (subject to layout and accessibility).
- £3,075 (£75 per dwelling) for library enhancements for stock and IT.

### OFFICER RESPONSE –

These were largely as expected and reported at paragraph 23.1 of the officer report (agenda page 61). The officer recommendation is not affected by this confirmation.

## 3) Additional public representations and consultation comments

Since the publication of the original officer report for 22<sup>nd</sup> March committee, some 53 additional objections have been submitted, with 3no. additional comments, and 2no. additional letters of support.

This changes the overall number of comments received to:

- 74 objections
- 4 in support
- 2 comments

The objections raised cover the following matters which are material and which were addressed in the officer report paragraphs 6.4 – 6.10 (agenda pages 35-36):

- Inappropriate scale of development for Scratby
- Increased CO2 emissions
- Lack of off-site footpaths and routes to school to and from the site
- Safety of use of the open space at the front of the site
- Impact on protected species inc. newts, grass-snakes
- Local infrastructure, utilities and services are overloaded
- Traffic in the area will increase and speeds are already exceeded
- Loss of agricultural land / greenfield sites
- Noise pollution
- Loss of privacy to recently-built homes
- Over development
- Setting a precedent for other inappropriate developments
- Increased flood risk

Supporting comments are provided re: affordable housing.

General comments provided cover the need for improved footpath provision in the area.

The following comments are raised which are not material to the current application:

- Possibility to facilitate additional development at 27 Beach Road.

#### **4) Initial feedback from the LPA's appointed viability consultants**

The consultants have provided some initial points of assessment of the applicant's submitted viability reports. Discussions are ongoing to see if which areas require further clarification and re-appraisal, but the initial reports suggest there is a better viability position than was proposed by the applicant. The following are most pertinent:

- The applicant has included some £2.2m of 'abnormal costs' which are not usually considered abnormal and are accepted only pending further evidence to justify inclusion.
- The value of the site has been depressed by using outdated sales values and no 'real-life' purchase values for similar dwellings in the local area, amounting to some £28/sq.ft.
- The site value has relied on an outdated valuation of the affordable housing properties which needs reappraising.
- The costs of construction can be increased slightly, as could anticipated profit margin.

The land value of the 'exception site area' has been valued inappropriately and not based on the required 'existing use value + incentive'. This in turn has distorted the

'benchmark value' assessment that the release of land should be compared against. As such it could be said that the land value expectation is artificially high for this part of the site, based on 'hope' value rather than 'land use policy-based' value. This means the incentive to release the land assumes a higher value to be passed than planning policy would support, and in turn then assumes more dwellings to be necessary to achieve a 'fair price'.

The appointed consultants have therefore looked at how many private-market dwellings are necessary in the 'rural exceptions site' area and found that rather than needing 9 open-market dwellings, the scheme would appear to only need 6 open-market dwellings to provide the 10 affordable dwellings proposed in this area and remain viable with an appropriate and competitive land value.

When taken as a whole, this would suggest that the scheme of 41 dwellings could be reduced to 38 dwellings and still provide the proposed 14 dwellings across the site, whilst remaining viable and provide a fair return to the applicant/developer and landowner.

#### OFFICER RESPEONSE –

Clearly this emerging evidence has potentially very significant ramifications for the application, but it is important to stress that the emerging assessment is still heavily reliant on the applicant providing appropriate additional information to explain their proposed position.

The part of the development within the adopted village boundary would remain viable with 20% affordable housing provision, and that aspect of the development would not need to be questioned.

However, there are potentially significant consequences for both the 'rural exceptions site' portion of the application site, the application's proposed extent of 'public benefit', and the overall development quantum and layout as a 'hybrid' application spanning the village boundary.

If the emerging viability information and assessment is proven to be appropriate to pursue improved data, resulting in a position whereby Officers and applicant have differing opinions on viability, Officers suggest (and to some degree speculate) that the application could eventually remain viable despite either:

- Providing fewer dwellings overall; or,
- Proposing more affordable housing from within the 41 dwellings overall; or,
- Propose a smaller site area and appropriately adjusted layout.

However that is not what is currently proposed in this application. It is therefore proposed that the development viability should continue to be investigated under Delegated Authority, and if Officers do consider there are grounds to make any changes to the mix of affordable housing, or other alterations to the form of the proposed development, then this should be reverted to the Development Control Committee in due course.

#### **5) Amended Recommendation:**

The recommendation in the original Officer Report is still considered relevant.

The conditions recommended for use are as per Officer Update report (agenda page 71).

However – it is recommended to amend the Recommendation thus:

- (1) The viability appraisal review suggests house price valuations are relevant for the current period of time only with a slightly depressed housing market until 2024 (values are expected to increase akin with previously-experienced house price growth from 2025). As such, it is recommended that any approval should be subject to a planning condition **requiring commencement within 12 months of the date of the decision** (which could be 18 months from the committee meeting by the time section 106 agreements are completed). This would secure the public benefits quicker than the usual 3 years, and be relevant to the economic circumstances in which the decision is made.

**This is a proposed amendment to proposed Condition 1 on agenda report page 71.**

- (2) As the application is proposed to supply significant public benefits in the form of additional affordable housing, the affordable housing quota should be subject to a viability re-appraisal if the development has not provided any affordable housing ready for occupation within 18 months of the commencement of development, and a reappraisal would secure more affordable housing or a commuted sum from any 'uplift in value' if the affordable dwellings do not proceed to a timely fashion.

**This is a proposed amendment to add the additional requirements to proposed recommendation part (iv) on agenda report page 64.**

**APPENDIX 4 –**

**EXTRACTS OF COMMITTEE MINUTES - 19TH APRIL 2023**



# Development Control Committee

## Minutes

Wednesday, 19 April 2023 at 18:00

### PRESENT:-

Councillor Annison (in the Chair), Councillors G Carpenter, Fairhead, Flaxman-Taylor, Hanton, Myers, Wainwright, Williamson, A Wright and B Wright.

Councillor Candon attended as a substitute for Cllr Freeman.

Councillor Mogford attended for agenda items 1 - 4 only.

Councillor Galer attended as a substitute for Cllr Hammond for agenda items 1 - 4 only.

Mr R Parkinson (Development Manager), Mr N Harriss (Principal Planning Officer), Ms C Whatling (Monitoring Officer), Mr M Brett (IT Support), Ms C L. Webb (Executive Services Officer) and Ms T Koomson (Senior Democratic Services Officer).

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Freeman who was substituted by Cllr Candon and from Cllr Hammond who was substituted by Cllr Galer for agenda items 1 - 4 only (not present for agenda item 5; application 06-21-0657 F).

## **DECLARATIONS OF INTEREST**

Cllr G Carpenter declared a personal non-pecuniary interest on agenda item 5, informing the Committee that he has known the applicant over sixteen years as a neighbour. He was able to participate and vote on the item.

## **MINUTES**

The Minutes of the meeting held on 22nd March 2023 were agreed.

### **06-22-0546-F - Land north of Scratby Road, Scratby**

The Development Manager Mr R Parkinson referred the Committee to the main report and the addendum report of 22nd March attached to the main agenda pack and the second addendum report of the 19th April and the additional viability report that was only received on the afternoon of the 19th April. The Chair gave the Committee sufficient time to study the latest reports relating to the application.

The Committee then received and considered the full report set out on the agenda pack, which was prepared and presented by the Development Manager Mr R Parkinson. The application was brought to the Committee as per Constitution as it is a development of more than 25+ dwellings. Whilst some areas of the development still needed clarification and/or adjustment in line with officer recommendation, the Committee was asked to confirm whether it is appropriate to proceed in the recommended direction of travel in the terms described in the report (and subsequent amendments) through authority delegated to officers. The application was proposed erection of 41 no. dwellings, vehicular access, landscaping, open space, footpath improvements and associated infrastructure.

The Development Manager updated the Committee on additional information received from the applicant as well as comments received from the Highways Authority, Tree Officer and the public (as per addendum reports provided). He confirmed that having considered the details provided, the application is considered to comply with policies CS1, CS2, CS3, CS4, CS9, CS11, CS15 and CS16 of the adopted Core Strategy, and policies GSP3, GSP5, GSp6, GSP8, A1, H1, H4, E4, E6, E7, I1 and I3 of the adopted Local Plan Part 2. Although proposal was contrary to some adopted policies, it is considered the material considerations of additional affordable housing and open space provision combine to overcome or reduce some of the severity of conflict with policy, and it is considered that there are no other material considerations to suggest the application should not be recommended for approval subject to proposed conditions as per addendum report of the 22nd March.

The Development Manager further advised the Committee that including the consideration of the Development Viability Review and the potential changes in the affordable housing provision in the development, it was recommended to delegate

authority to the Head of Planning to DETERMINE the application 06-22-0546-F, in accordance with the Report, Update Addendum Report No. 1, and Update Addendum Report No.2, subject to:

(A)

(i) Complete the affordable housing viability investigation and agree the overall affordable housing provision with the applicant: final mix, type and tenure of open-market and affordable housing across the site, with regard to the results of the affordable housing viability investigations.

(ii) Complete a Section 106 Agreement to secure:

(i) Affordable housing, Financial contributions, on-site feature management e.g. open space, drainage, landscaping.

(ii) A viability appraisal / clawback mechanism for additional affordable housing provision or commuted sum, if the development has not provided Affordable Housing within 18 months of commencement.

(iii) Appropriate planning conditions, as per the Update Report no. 1 including Commencement of development within 12 months, rather than 3 years.

(B)

(i) If the applicant does not provide the optimal quota of affordable housing relevant to the 'rural exception site area', and the overall mix on the application site, to delegate authority to the Head of Planning to REFUSE the application for failing to provide the amount of affordable housing appropriate to the policy status of the site, with regard to the NPPF and policies CS2, CS3, USC4, GSP1, GSP8 and H1.

(ii) If the Section 106 Agreement is not progressing sufficiently revert to Committee Chair to refuse.

Cllr Hanton noted that there were quite a lot of mitigation on the report and rereferred specifically to point 26.3 'conclusion and recommendation' on the report. He further asked if in officer's view, any reasons for refusal of the previous application (06/20/0313/F) would still be relevant considerations (point 4.5 (1, 2, 3) of the report). The Development Manager went through the points and considered that point 1) is not relevant as this application is materially very different and includes green spaces and affordable housing that point 2) is not relevant as this application has taken trees and landscaping issues into consideration and that point 3) is not relevant as this development is using less agricultural land and provides other aspects to justify the use of that land.

Cllr Myers referred to proposed revised recommendation: "Point A) (ii) Complete a Section 106 Agreement to secure: (ii) A viability appraisal / clawback mechanism for additional affordable housing provision or commuted sum, if the development has not provided Affordable Housing within 18 months of commencement" and asked clarification how this would work in practice. The Development Manager talked through the revised recommendation specifically in relation to affordable housing provision and referred the Committee to condition B ii) If the Section 106 Agreement is not progressing sufficiently revert to Committee Chair to refuse.



The Chair invited Mr Harper (Agent to the applicant) to speak.

Mr Harper acknowledged a comprehensive report and presentation prepared by the Development Manager. He noted that this application has no comparison to the previous application (06/20/0313/F) that was refused in 2020 as this proposal offers three times more affordable housing and three times more green space. He noted that in Scratby there has been recent 'ad hoc' developments of at least 12 to 14 dwellings, but none of them offered any affordable properties or wider benefits to the area. Subsequently, there is currently no affordable housing provision in Scratby. This development of 41 dwellings not only include affordable housing, but would provide improvements that would benefit wider community for example the footpath on Scratby Rd. and green space. The development would be five minutes away from a shop, close to cafe, pub and other village amenities. Ormsby Schools also have spaces and in fact need more pupils. Mr Harper was confident that people want to come and live in Scratby and that this development has the benefit of the whole Scratby in mind. He believed it offers an opportunity for people to stay in the village and offers affordable energy efficient homes for the local people. Mr Harper referred to the development viability review and confirmed the applicant's willingness to work with the Council's appointed consultants to find the right mix of affordable housing for this development. He further advised the Committee that he is confident from working with the highways that the traffic on Scratby Road can be (and will) slowed down and that a safe footpath to Scratby can be provided.

The Committee had no additional questions and the Chair thanked Mr Harper for his contributions.

The Chair invited the ward Cllr Freeman to speak.

Cllr Freeman noted that the proposal would involve building 19 properties on rural exception land. He referred the Committee to section 24.2. on the officer report and concerns that this development would set a precedent and would create an isolated separated community. He noted that a bigger development of 67 dwellings on the same land was refused and there is another 19 dwellings unresolved application. He noted the lack of access to schools for any potential families with children residing in these properties. The nearest schools are in Ormesby and the journey there would take up to 30 minutes each way, and more importantly, there is no safe footpath to Ormesby. He advised the Committee that he had walked along the Scratby Rd at various times (and weather conditions) to make observations relating to the proposed footpath to Scratby village. Subsequently he disagreed with the assessment that a safe 2metre wide footpath would be possible along the Scratby Rd to provide access to the village amenities. He noted that accessibility needs to be a primary consideration on this development and at present it simply is not adequate. Although proposal is to provide affordable housing, the lack of access means it is not practicable solution to those who don't own cars. The public transport provision is 'one bus per hour' during the summer months and even less frequent during the winter months. The provision of public space that the development offers is irrelevant as Scratby already has a beach and the proposal in his view does nothing to improve the environment such as planting of trees or other design features as per local design plan. He noted that in Scratby, there are about 450 dwellings and Ormesby is considered to be 'the centre' and that these proposed 41 dwellings would be a separated unit outside the main village. In summary, Cllr Freeman urged the Committee to refuse the application on the basis of loss of agricultural grade I land, poor access and for this development being outside the identified development limit.

The Committee had no additional questions and the Chair thanked Cllr Freeman for his contributions.

The Chair invited the Parish Cllr Nathan to speak.

Parish Cllr Nathan thanked the Committee for the opportunity to speak and referred to section 1.1 and 1.2 on the report and the fact that the proposal involves building on the agricultural land that is not inside the village and would in fact create a 'hamlet inside a hamlet'. He then referred to section 2.1 of the report and the proposed use of exception land to build affordable housing, but noted that currently there are plenty of other developments that provide affordable housing in Great Yarmouth in areas that are accessible unlike this site. Cllr Nathan referred to section 3.2 of the report that confirms the limited accessibility and employment opportunities that means young people are leaving the village; not because of lack of housing. He further asked the Committee to consider the planning history on report section 4. He specifically noted that in his view, although smaller developments have taken place in the village, the village has not changed and this development does not meet the requirements of achieving sustainable growth as per policy CS2. Referring to section 5 and the responses to the consultations, Cllr Nathan confirmed that a survey was carried amongst the local residents and that out of 366 respondents, 98% rejected this proposal. In his view this clearly demonstrated that the residents of the village are against this proposal and that pursuing this development is disregarding local policies.

Cllr T Wright asked what evidence does Cllr Nathan have to support the claim that young people are leaving the village due to lack of employment opportunity rather than affordable housing. Cllr Nathan confirmed that he has reports that show that the main issue is accessing jobs in Norwich as well as in Great Yarmouth Town Centre. (Young) people leave Scratby due to lack of public transport provision to access these job opportunities from the village.

The Chair thanked Cllr Nathan for his contributions.

Cllr Myers agreed that public transport is always an issue. He further noted that there are policies for and against this proposal and the Committee needs to decide what carries more weight. He further noted that location of the development inside or outskirts of the village makes little difference in relation to accessibility to transport. He further noted the need for housing and especially affordable housing provision.

Cllr Wright agreed that the lack of public transport does have an impact and contributes to people leaving villages and rural areas. However he also emphasised the fact that affordable housing is a key 'community facility' that should be encouraged even if what is considered 'affordable' is still unaffordable to many. He further considered that this development is on the grade 1 agricultural land, which he strongly believes needs to be protected. As such he is yet to be persuaded what weighs more on the scales on this specific development; affordable housing or protection of that land.

Cllr Hanton agreed with Cllr Myers that there are many conflicting policies and numerous mitigations on the officer report. He confirmed that he has also made note of comments made by Cllr Freeman and Cllr Nathan in relation to this development.

Cllr Williamson proposed to approve the revised officer recommendation (as above) to delegate authority to the Head of Planning to DETERMINE the application, in accordance with the Report, Update Report No. 1, and Update Report No.2, subject to proposed conditions. This was seconded by Cllr Wainwright.

Following a vote; the motion was lost.

Cllr Flaxman-Taylor noted that she was not happy with the proposed delegated authority on the recommendation and was therefore unable to support this.

Cllr Candon moved a substantive motion to reject the officer recommendation on material considerations namely the layout of the proposal and the loss of agricultural land and considerations on concerns raised by the ward and parish Councillors. This was seconded by Cllr Mogford. Cllr Flaxman-Taylor added to the motion a concern in relation to delivery of affordable housing.

The Development Manager asked the Committee to review the specific policies relating to layout and design and loss of agricultural land and affordable housing.

Cllr Candon moved to clarify his substantive motion to reject officer recommendations on material considerations relating to Layout and Design as per policy A2 (d), loss of agricultural land as per policy CS6 (j) and Delivery of affordable housing as per policy CS4 (d). This was seconded by Cllr Mogford.

Following a vote, the motion was lost.

Cllr T Wright and Myers both acknowledged the challenges the Committee was having in reaching a decision.

Cllr Wainwright acknowledged that the Committee is in deadlock at least partly because of the Housing viability review -report and the subsequent uncertainty of the final mix, type and tenure of open-market and affordable housing across the site.

Cllr Wainwright therefore moved a further substantive motion to defer the decision on this application until such time that the consultations in relation to the mix of affordable housing have been agreed and that the application should be brought back to the Committee and considered in full when these consultations have been concluded. This was seconded by Cllr Flaxman-Taylor and Cllr Williamson.

Following an unanimous vote, it was RESOLVED:-

That the decision on this application is deferred and that it would be brought back to the Committee and considered in full after the ongoing consultations in relation to affordable housing mix have concluded.

## APPENDIX 5 - Heads of Terms for Section 106 Agreement/undertaking

Development Committee 06 September 2023 - Application 06/22/0546/F (Scratby Road, Scratby)

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Affordable Housing	<ul style="list-style-type: none"> <li>Overall – 15no. units (35%) of which:</li> <li>11no. (73 %) shall be Affordable Rent tenure dwellings and which shall be made available to people with a local connection within the Council's "Local Lettings Policy"</li> <li>4no. (27%) shall be Shared Ownership tenure dwellings made available to "General Needs" housing.</li> <li>All to be provided in accordance with the Schedule set out in Table 1 of this report.</li> </ul>	<p>No more than 14 open market dwellings are to be occupied before 8 affordable dwellings are completed.</p> <p>No more than 23 (a further 9) open market dwellings are to be occupied before all 15 affordable dwellings have been completed.</p>	<p><b>Necessary</b> – To meet the requirements of Policies CS4 and UCS4 of the local Development Plan.</p> <p><b>Directly related</b> – Yes both in terms of directly-informed and tailored local need and the wider Great Yarmouth general needs housing needs area.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Set out in development plan policy and follows national planning guidance in respect of allocation and preference towards addressing an identified local need for housing.</p>
GIRAMS habitats mitigation contribution	£8,644.44 (£210.84 per dwelling)	Prior to commencement	<p><b>Necessary</b> – The cost of providing mitigation and monitoring the impacts of recreation across designated sites in Norfolk (seen within the GIRAMS reports). This is a requirement of policies GSP8, GSP5, E4 and CS11 of the adopted local plan.</p>

			<p><b>Directly related</b> – Yes in terms of the tariff for GIRAMS being applied to all new residential developments.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Yes in terms of the tariff for GIRAMS being set on a per-net-new dwelling basis.</p>
Public Open Space provision on-site	At least 947.1 sqm to be provided on site.	Prior to first occupation	<p><b>Necessary</b> – The amount of open space required for new residential development on a pro-rata basis and as a 'public benefit' advocated by the applicant as a means to reduce the need to access existing off-site open space in less safely-accessible locations. This is a requirement of policies GSP8 and H4 of the adopted local plan.</p> <p><b>Directly related</b> – Yes – the figure is bespoke to the development proposed and to address some of the shortcomings of new development in this location.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Yes – the figure required is pro-rata and calculated on the basis of the mix of development proposed herein.</p>
Public Open Space financial contributions for off-site facilities provision	£29,237.51 (£713.11 per dwelling)	50% Prior to first occupation 50% Prior to 50% occupation	<p><b>Necessary</b> – The amount of open space required for providing new or improved facilities elsewhere because the development does not provide these within the proposal – to cover improvements to existing public open space, such as allotments. This is a requirement of policies GSP8 and H4 of the adopted local plan.</p> <p><b>Directly related</b> – Yes – the figure is bespoke to the development proposed and to address some of the shortcomings of new development which fails to provide certain open space, relative to the existing provision in locations close enough to be used by future residents in this location.</p>

			<p><b>Fairly and reasonably related in scale and kind</b> – Yes – the figure required is pro-rata and calculated on the basis of the mix of development proposed herein.</p>
Library Enhancements	£3,075 (£75 / dwelling)	Prior to first occupation	<p><b>Necessary</b> – To address the impacts on public services caused by the increase in population in the area – a requirement of policy GSP8 of the adopted local plan.</p> <p><b>Directly related</b> – Yes – the figure is bespoke to the development proposed and its mix of housing and would be needed to help address any shortage of available spaces at schools in the same catchment area / reasonable travel distance.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Yes – the figure required is pro-rata and calculated on the basis of the mix of development proposed herein.</p>
Education Enhancements	At present, no contributions are required but this may need to be revisited if the Section 106 Agreement is not concluded by 24 <sup>th</sup> September 2023.	n/a at this stage	<p><b>Necessary</b> – In the event that such a contribution is sought it would be required if the school rolls should a lack of available places and a need for more expansion or facilities in schools to cater for the needs of the children arising from this development. This is a requirement of policy GSP8 of the adopted local plan.</p> <p><b>Directly related</b> – Yes – the figure is bespoke to the development proposed and its mix of housing and would be needed to help address any shortage of available spaces at schools in the same catchment area / reasonable travel distance.</p>

			<b>Fairly and reasonably related in scale and kind – Yes –</b> the figure required is pro-rata and calculated on the basis of the mix of development proposed herein.
Norfolk County Council's Planning Obligations Monitoring Fee	£500 (£500 per NCC obligation)  NB There is no equivalent adopted Borough Council monitoring fee tariff.	Prior to Commencement of Development	<p><b>Necessary –</b> To enable the County Council to fulfil its function as a public service provide and to monitor the completion of planning obligations in accordance with the CIL Regulations.</p> <p><b>Directly related – Yes –</b> the figure is bespoke to the development proposed.</p> <p><b>Fairly and reasonably related in scale and kind – Yes –</b> the figure required is a pro-rata contribution.</p>

**APPENDIX 6 –**  
**SITE LOCATION PLAN**





DRAWING TITLE:  
LOCATION PLAN

CLIENT:

**BADGER**  
*setting the standards*



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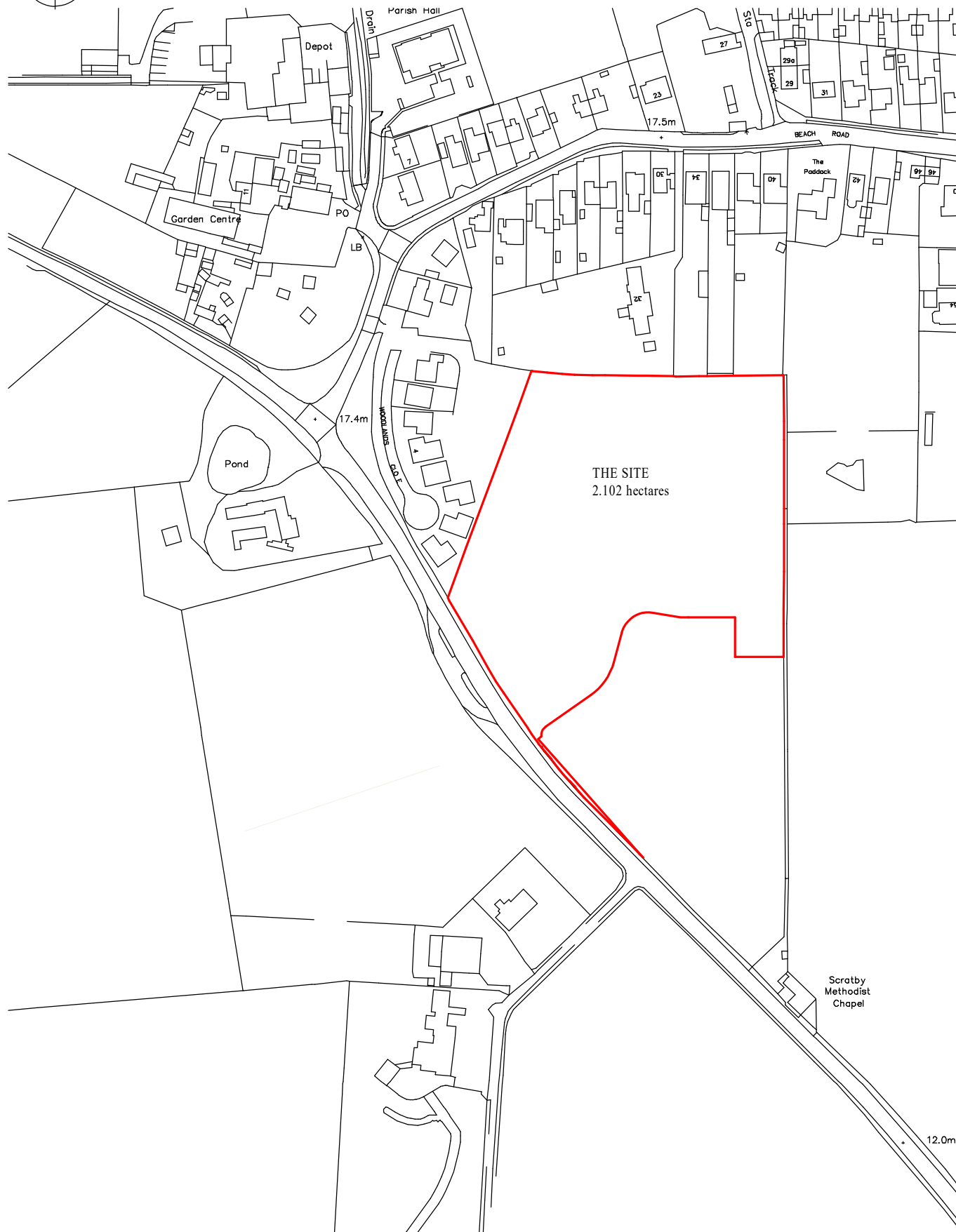
DATE - FEBRUARY 2022

SCALES - 1:2500 @ A4

JOB NO.	2093
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DWG NO.	LOC 01A
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REV A Area adjusted 06/06/22.



**APPENDIX 7 –**

**SITE LAYOUT PLAN – REVISED MAY 2023**



## NOTES

The Copyright of the design remains with Ashgreen and may not be reproduced in any form without their prior written consent.

Written dimensions must be used in preference to scaled.

Contractors must check all dimensions on site.

Discrepancies are to be reported to the Architects before proceeding.

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Site red line as Rossi-Long drawing No. 20106/SK01  
Drawn short of boundary to allow for line thickness.

## Key

27 Denotes Private Market Housing

32 Denotes Shared Ownership Housing

12 Denotes Affordable Rented Housing

LEGEND	
	1.0m HIGH BRICK SCREEN WALL
	1.5m HIGH CLOSE BOARDED FENCE WITH CONCRETE POSTS & CONCRETE GRAVEL BOARDS
	EXISTING TREES AND SPANS
	PROPOSED TREE PLANTING
	REAR GARDEN GRASS
	FRONT GARDEN - PUBLIC OPEN SPACE GRASS
	HEDGING/SHRUBBERY - SEE LANDSCAPING PROPOSALS FOR PLANTING DETAILS
	BIN COLLECTION POINT
FOR SURFACE FINISHES REFER TO DRAWING NO 2017/ MATU	
	2.4 x 2.5m VISIBILITY SPLAYS

1:500 Scale Bar

0m 10m 20m 30m 40m 50m

## REVISIONS

REV	DATE
A. Revised highway drainage.	08.04.22
B. Station and Thorpe types footprint updated.	11.04.22
C. Revised location of FWPS, EEB Sub-station and highway soakaway.	20.04.22
D. Revised red line	21.04.22
E. Revised area of P.O.S	25.04.22
F. Tenure added. Garages removed for plots 17 & 18	16.05.22
G. Minor revisions	09.06.22
H. Revised to highway officers comments	17.10.22
J. Revised to highway officers comments	04.01.23
K. Revised to highway officers comments	06.01.23
L. Approx extent of site allocation and outline consent southern boundaries added	20.03.23
M. Approx extent of site allocation and outline consent southern boundaries added	21.03.23
N. Tenure of plots 41 and 33 swapped	23.03.23
P. Plots 32-37 revised.	25.04.23
Q. Access revised.	27.04.23
R. Tenure revised.	02.05.23

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PROJECT:  
**RESIDENTIAL DEVELOPMENT,  
SCRATBY ROAD,  
SCRATBY,  
NORFOLK.**

DRAWING TITLE:  
**SITE LAYOUT**

DRAWING STATUS: **For Comment**

SCALES - 1:500 @ A0 DATE - MARCH 2022

**EDA** EASTERN DESIGN  
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JOB NO. 2093 DWG NO. SL01 REV. R