

Reference: 06/19/0639/F

Parish: Martham

Officer: Mrs G Manthorpe

Expiry Date: 13/02/2020

Applicant: Mr M Burghall

Proposal: Erection of 46 residential dwellings, together with associated highway and landscaping works

Site: Repps Road (Land South of) Martham

1. Background / History: -

- 1.1 The site comprises 1.42 hectares of land that previously comprised part of a larger site which was granted outline planning permission for 144 dwellings subject to highway improvements. The reference for the previously granted 144 dwellings is 06/16/0435/O. The supporting information submitted with the application notes that there is still intention to build out the remaining 98 units and it is proposed that further plans will be submitted at a later date.
- 1.2 The documents submitted in support of the application detail the public consultation that was carried out prior to the submission of the application.

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

- 2.1 Parish Council – No consultation response received.
- 2.2 Neighbours – There have been 8 objections to the development from neighbours, the main objections are summarised as follows:
 - Rising Way is not suitable for access.
 - There should be a roundabout.
 - Houses will be overlooked causing a loss of privacy.
 - The traffic assessment was conducted during the week.
 - Surface water will run off the site.
 - The doctors, school, shops and village parking cannot cope.
 - How long will this take and what impact will it have on the sale of existing houses.

- There is not sufficient water pressure.
- The site is higher than rising way.
- Bosgate Rise would be a better access.

2.3 Highways – Highways do not object to the application but have made the detailed comment on the highway related aspects of the development and have requested additional details as set out below. At the time of writing, comments on the revised information in response to the consultation had not been received. If a response is received it shall be verbally reported.

It is recognised the site forms part of a larger area of land which already benefits from outline consent (06/16/0435/O) and that condition 21 of this consent requires that no more than 46 dwellings shall be served via Rising Way.

Norfolk County Council Highways offered comments on the proposed layout (as per drawing W506-PL01-RevA), the following of which are still outstanding:

- In response to application 06/16/0435/O we recommended footway improvements on Rising Way, in particular along the western side of the carriageway between the current site's northern boundary and the junction adjacent No16. What are the extents of the applicant's land control and can this footway be provided to secure a continuous pedestrian link to the site on the western side of Rising Way?
- It would appear that land is being safeguarded between plots 21 & 22 for a potential future link to further development. Given condition 21 on consent 06/16/0435/O do your Authority support the potential of this? Knowledge of the applicant's potential future plans would be required to determine whether the principle of such a link would be acceptable to the Highway Authority, albeit in the meantime we would advise that where development proposals are likely to result in excess of 100 dwellings of a cul-de-sac then a second point of access should be provided.
- New residential estates should be designed to control vehicle speeds through the horizontal alignment of the roads. Options should be considered to upgrade the type 6 road to a 5.5m wide type 3 road and the priority changed to continue from the main access along the northern side of plot 1. The road running between plots 17 & 20 would then become the side road.
- Bends in type 3 roads should have 20m centreline radii.
- Bends in type 6 roads should have internal radii of at least 10m. Bends such as that proposed adjacent plot 7 are much too tight.
- Parking to the rear of properties should be designed out. Rear parking will lead to unnecessary on-street parking. See plots 21 & 22. In the case of 21 & 22 this is likely to result in a line of parked vehicles on the outside of a bend. Remove the potential future link and relocate the parking in between the plots.

2.4 Assistant Grounds Manager and Arboricultural Officer – Having looked over the landscaping plan, I would agree that having a single species (Hornbeam) within the boundary hedging which runs from plot 18 – 34/35 is not sufficient. This should be a mixed species hedge with a number of larger trees positioned/spread along this boundary to give some visual interest and a variations of wildlife habitat. Again, these trees should be varied in species. This would increase the number of trees being planted on the site and address the other matters concerning the boundary hedging.

The rear boundaries of plots 35 – 44 (eastern) should be planted in the same ilk as above, however this may be difficult due to the existing field boundary with mature trees and some shrubs already located there.

Possible infill planting could be implemented along this boundary.

Additional trees could be planted within the grassed area to the north of the site however I would recommend this was avoided due to the proximity to existing properties and the proposed roads and car parking spaces. If additional larger tree planting can be secured within the southern boundary hedge this would be sufficient trees for the site.

The agent has submitted a revised landscaping plan to which there are no objections from the Assistant Grounds Manager and Arboricultural Officer.

- 2.5 Building Control – No comments received.
- 2.6 Environmental Health – No comments, comments attached to the outline permission as previously requested remain in effect.
- 2.7 Lead Local Flood Authority – Response received stating that they have no comments to make on the application.
- 2.8 NHS – No response received.
- 2.9 Anglian Water – No objection, full response attached to this report.
- 2.10 Norfolk County Council Fire – No objection subject to compliance with Building Regulations.
- 2.11 Historic Environment – An archaeological geophysical survey has now been carried out at the proposed development site. The results support the evidence from the

previous cropmark plots and desk-based assessment, that heritage assets with archaeological interest in the form of late prehistoric trackways, enclosures and field systems are present within the site boundary and that their significance is likely to be affected by the proposed development. However, in this instance, the nature of the heritage assets present at the site is such that the impact of the proposed development can be mitigated through a programme of archaeological work.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework para. 199. We suggest that the following conditions are imposed:-

A) No development shall take place other than in accordance with the approved archaeological written scheme of investigation submitted with this planning application ('Written Scheme of Investigation for Post-Determination Trial Trenching: Land at Repps Road, Martham, Norfolk', 2019, RPS Group) and any subsequent addenda to that document.

and,

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

2.12 Water Management Alliance – No objection to the application, full response attached to this report.

2.13 Local Authority Requirements – The application is for an all affordable scheme with 30 units being proposed as 'social housing' on the application form with the remaining 16 as 'intermediate' housing. The Enabling and Empty Homes Officer supports the application.

The application is a full application, the requirement for policy compliance is that 40 square metres of public open space per dwelling is provided or, if a contribution is appropriate at the absolute discretion of the Local Planning Authority payment in lieu towards offsite provision at a cost of £12 per square metre shortfall shall be required to be paid. The revised site layout plan includes a northern area of public open space of 1565 sqm as well as an area of greenspace to the south of 345 sqm, leading to a total public open space provision of 1910 sqm. This is 70 sqm above the minimum provision required for a development of this size. Further

details regarding the attenuation area are to be confirmed after the submission of this report and are to be presented verbally.

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

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

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

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

2.14 Norfolk County Council Infrastructure Requirements -

Education

Table 3 The current situation at local schools is as follows:

School	Capacity	Numbers on Roll (May 2019)	Spare capacity No. of places
Early Education	109	43 (Nov 2019)	+66
Martham Academy and Nursery (4 – 11)	412	359	+53
Flegg High Ormiston Academy (11-16)	950	805	+145

Other developments

In addition to the current situation at local schools, the following permitted planning applications need to be taken into account:

Table 4 Other Developments

Site address	Planning application	No. of dwellings	Children 2-4	Children 4-11	Children 11-16
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North of Hemsby Road, Martham	14/0817	108	10	30	16
Rollesby Road, Martham	15/0673	55	5	15	8
White Street, Martham	15/0486	100	10	28	15
Church Farm, Martham	17/0358	44	4	12	6
Repps Road, Martham	18/0149	56	5	16	8
Totals		363	34	101	53

Claim

Taking into account the other permitted developments in Martham (table 4 above) there is still spare capacity at Flegg High Ormiston Academy and in the Early Education sector but there would be insufficient capacity at Martham Academy and Nursery School for the children generated from this proposed development should it be approved. Therefore, Norfolk County Council will seek Education contributions towards the provision or enhancement of educational facilities required as a consequence of the Development as follows:

Martham Academy and Nursery: 10 x £14,022 (cost per pupil place) = **£140,220**

Fire Service

Norfolk Fire Services have indicated that the proposed development will require 1 hydrant per 50 dwellings (on a minimum 90-mm main) for the residential development at a cost of £824 per hydrant. The number of hydrants will be rounded to the nearest 50th dwelling where necessary.

Please note that the onus will be on the developer to install the hydrants during construction to the satisfaction of Norfolk Fire Service and at no cost. Given that the works involved will be on-site, it is felt that the hydrants could be delivered through a planning condition.

Library Provision

A development of 46 dwellings would place increased pressure on the existing library service particularly in relation to library stock, such as books and information technology. This stock is required to increase the capacity of Martham library. It has been calculated that a development of this scale would require a total contribution of £3,450 (i.e. £75 per dwelling).

3 Local Policy :-

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

4 Core Strategy – Adopted 21st December 2015

- 4.1 Policy CS9: Encouraging well designed and distinctive places. This policy applies to all new development.
- 4.2 Policy CS11: The Council will work with other partner authorities and agencies to improve the borough's natural environment and avoid any harmful impacts of development on its biodiversity, geodiversity, landscape assets, priority habitats and species.
- 4.3 Policy CS14: New development can result in extra pressure being placed on existing infrastructure and local facilities. To ensure that the necessary

infrastructure is delivered the Council will: (partial)

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

5 **Draft Local Plan Part 2**

5.1 Table 7.4.1T Site Selection Summaries (Martham) of the draft Local Plan Part 2 gives a summary of reason(s) for the site not being selected:

Site 64 - Planning permission for 144 units (ref. 06/16/0435/O).

6 **National Policy:- National Planning Policy Framework (NPPF), February 2019.**

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

6.2 Paragraph 7: The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴.

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

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

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

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

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

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

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

- 6.7 Paragraph 59. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can

come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

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

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

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

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

7 Local finance considerations:-

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

8 Shadow Habitats Regulation Assessment

8.1 The applicant has submitted a bespoke Shadow Habitat Regulations Assessment (HRA). It is confirmed that the shadow HRA submitted by the applicant has been assessed as being suitable for the Borough Council as competent authority to use

as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.

- 8.2 The Natural Environment Team at Norfolk County Council have assessed the shadow HRA which was updated in January and assessed it as follows:

‘Summary: The application site is located within the Orange Habitat Impact Zone. Foul water will be connected to mains sewer and surface water managed via SuDS.

The shadow HRA concludes that there is potential for increased visitor pressure on Winterton -Horsey Dune SAC alone and in combination (para 6.1.7 & 6.1.8), which can be satisfactorily mitigated for through a financial contribution under the Borough’s Monitoring and Mitigation Strategy and locally accessible green space. Impacts on Great Yarmouth North Denes SPA are anticipated in combination with other proposals only (para 7.2.9), which can be satisfactorily mitigated for through a financial contribution to the Habitats monitoring and Mitigation Strategy, and locally accessible green space.

Should you be minded approving the application, Great Yarmouth Borough Council can accept the information submitted by the applicant in the shadow HRA and can use it as your record of the HRA confirming that no LSE will result from the development.’

- 8.3 Great Yarmouth Borough Council as Competent Authority can accept the Appropriate Assessment and the development can be mitigated by payment of £110 per dwelling prior to occupation of the development.

9 Assessment

- 9.1 The application is a full application for the erection of 46 dwellings at land accessed off Rising Way. The site, as described above, has previously been granted planning permission as part of a larger development of 144 dwellings which included, by separate application, the construction of a roundabout. Residents have objected to the access off Rising Way and have commented that the roundabout should be provided as part of this application. Norfolk County Council Highways have assessed the application and have not deemed it necessary to provide the roundabout for this development as a stand-alone development. Should a further application be submitted for the erection of additional dwellings accessed off Repps Road this will be assessed, as with the current and all applications, on merit and the matter of the access requirements will again be consulted on. The current application does not, at this time, require a roundabout to be provided.

- 9.2 One of the comments received from the Highways Authority states that the potential access, currently to undeveloped land, should be removed. Although additional development at a section of land that has never received an application for residential development is not currently being considered it is deemed appropriate to leave an access point at this location. Should Highways object to a future application if one is submitted this will be a material consideration that the application shall be judged against.
- 9.3 The application was subject to pre application advice during which comment was made on a number of areas including design, layout and parking. The applicants have taken these comments onboard with the current submission and the layout is attractive with thought having gone into the placement of the open space as a buffer to the existing village development. The attenuation area has been altered through the application process as the applicants have sought to locate it at the location which will offer the best drainage for the site. The Lead Local Flood Authority (LLFA) have not commented on the application however the Water Management Alliance have stated that infiltration drainage is supported. In the absence of a comment from the LLFA the applicant's agents have helpfully suggested a drainage condition to secure adequate drainage. The condition, if not requested by the LLFA, will not be assessed by the LLFA and as such it will be for the Local Authority to assess the appropriateness while also taking into consideration the responses from other consulted parties.
- 9.4 The landscaping plan, following comments from the Assistant Grounds Manager and Arboricultural Officer, has been amended to increase the number of trees proposed. At the time of writing the comments had not come back however the increase to 30 no. trees is a positive one and will offer an improvement to the site. The Natural Environment Team at Norfolk County Council have helpfully assessed the site for biodiversity and suggested conditions.
- 9.5 The comments from the Natural Environment Team at Norfolk County Council and suggested condition, which shall be placed upon any grant of planning permission are as follows:
- " The application site comprises 3.5 ha of arable land. A species rich hedgerow runs along the eastern boundary. The site has limited suitability for protected species or species of conservation concern although an oak on the eastern boundary was considered to have moderate potential for bat roosts. There are no plans to fell this tree. The proposals will result in the loss of 2.5 ha of arable land, approximately 21m of defunct hedge and crown lifting work to two trees, and potentially impact on bat foraging habitat. There are no EPS licencing requirements. Recommendations for mitigation, enhancements are made. Should you be minded to grant consent the following conditions and informatives are suggested:

To minimise and mitigate for potential impacts on bats a Lighting design strategy for light-sensitive biodiversity should be conditioned:

“Prior to occupation, commencement a ‘lighting design strategy for biodiversity’ for shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- (a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example foraging; and
- (b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to breeding sites, resting places or feeding areas.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

To secure habitat enhancement and biodiversity gain, in accordance with NPPF, a Biodiversity Method Statement, containing all recommendations made in the Phase 1 Ecological Survey report (NWT, 2019) should be conditioned.

“No development shall take place (including any demolition, ground works or site clearance) until a biodiversity method statement [for ...specify if required...] has been submitted to and approved in writing by the LPA. The content of the method statement will include:

- Purpose and objectives for the proposed works,
- Detailed designs and/or working methods necessary to achieve the stated objectives
- Extent and location of proposed works shown on appropriate scale maps and plans,
- Timetable for implementation, demonstrating that works are aligned to the proposed phasing of construction,
- Persons responsible for implementation of the works,
- Initial aftercare and long-term maintenance (where relevant);
- Disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”

Recommendation: Nesting Bird Informative “The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while the nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present. Cut vegetation is to be either removed from site or chipped. Piles of brash are not to be stored on site as this provides potential nesting habitat for birds. If piles of brash are left on site during the main breeding bird season these will need to be inspected for active nests prior to removal.”

- 9.6 The landscaping scheme includes the planting of shrubs, hedges and trees as well as root protection areas for the existing trees that are to be retained on site. The hedges to be planted include the reinforcing of the existing boundaries which is encouraged as per the comments above and improvements to biodiversity, as per the above condition taken from the submitted Phase 1 Ecological Survey report (NWT, 2019) shall ensure that there are improvements made at the site.
- 9.7 Although there has not been a consultation response received from the Parish Council the information submitted in support of the application details the community consultation that has been undertaken and has detailed the Parish Councils comments that were submitted directly to them and how they have addressed the concerns. The Parish Council, according to the application details, emphasised the importance of ecology and the mitigations and enhancements were considered, as per the above, and can be conditioned effectively.
- 9.8 The applicants describe the appearance of the development as providing a traditional appearance. The design includes rubbed brick window heads, stone sills and soffits to eaves which are assessed as appropriate to the local vernacular. The materials include Dorchester Red, Guilt Red Multi and buff stock bricks to be matched to Sandtoft Shire Grey and Red tiles. Plots 7 and 8 have white render porches. The design mix and use of materials demonstrates a fully conceived development that is appropriate for the local area. The mix of dwellings proposed includes bungalows, two storey houses as a mix of semidetached, detached and terraced dwellings and 8 flats in two storey blocks offers an appropriate mix for the site.
- 9.9 The development as proposed is for all of the properties to be affordable homes with a mix as referenced above. The public consultation covered the proposed use of the site as an all affordable site and the details submitted show the responses received from the public. The provision of the affordable housing is supported by

Great Yarmouth Borough Councils Enabling & Empty Homes Officer who has supplied positive comments to the application in support.

9.10 Although comments are not currently received from the Highways Officer there is no objection in principle to the development. Further information and minor amendments have been requested and have been made by the applicant baring the alteration detailed above. Should the comments be received prior to Members hearing the application they shall be verbally reported. Should circumstance change and an objection and recommendation for refusal be brought by the Highways Authority the application shall be brought back to members and as such and resolution in the positive shall be subject to Highways returning their consultation response in a positive manner.

9.11 An important factor when determining applications is whether a Local Authority has the ability to demonstrate a five-year housing land supply. If a Local Planning Authority cannot show that they are meeting this requirement, their policies with regards to residential development will be considered to be "out of date". There is currently a housing land supply of 3.42 years (as at the end of year 2018/2019) which is a clear shortfall. In addition, the publication of the first Housing Delivery Test figures in February 2019 showed that the Borough had not seen delivery of 75% of the housing requirement over the previous three-year period. Although this does not mean that all residential developments must be approved the presumption in favour of sustainable development must be applied.

9.12 In weighing the material considerations in this application considerable weight must be given to Paragraph 11 (d) of the National Planning Policy Framework states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits. Footnote 7 states that "this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."

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

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

For decision-taking this means:

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

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

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

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

9.14 The implication of the Wavendon judgement is that there must: firstly be an assessment as to which policies of the Development Plan are most important for determining this planning application; secondly, an assessment as to whether each of these policies are, or are not, “out of date”; and thirdly, a conclusion as to whether, taken as whole, these most important policies are to be regarded as “out-of-date”. If, taken as whole, they are regarded as “out-of-date”, then the “tilted balance” of NPPF paragraph 11 applies (for a refusal to be justified, the harms must “significantly and demonstrably outweigh the benefits...”). If, taken as a whole, they are not regarded as out-of-date, then the tilted balance does not apply.

9.15 Whilst various policies are of importance for determining the application (and these are highlighted above), the most important policy for the determination of the application is, in my judgement, Saved Local Plan Policy HOU 10, New Dwellings in the Countryside. This policy – which essentially deals with settlement boundaries – is clearly out-of-date and this confirms that the “tilted balance” therefore applies.

9.16 The application site has previously been granted approval for residential development and is located adjacent to existing residential properties. The development is not an isolated one and is within a sustainable location with access to public transport, open spaces, education facilities and village amenities. There are no significant or demonstrable harms that outweigh the need for the provision of housing in a sustainable location.

10 RECOMMENDATION:-

10.1 Approve – subject to the highway issues being addressed and conditions to ensure an adequate form of development including those requested by consultees and a s106 agreement securing Local Authority requirements of children’s recreation, public open space, affordable housing and Natura 2000 payment. The proposal

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

Copied to Roger 4/12



Planning Applications – Suggested Informative Statements and Conditions Report

If you would like to discuss any of the points in this document please contact us on 03456 66667, Option 1 or email planning@anglianwater.co.uk.

AIN Site Reference: 153888/10073263

Local Planning Authority: Great Yarmouth District (R)

Site: Hedges Road (Land South of) Mertham
GREAT YARMOUTH Norfolk

Proposal: Erection of 45 residential dwellings,
together with associated highway and
landscaping works

Planning application: 06/19/0633/F

Prepared by: Pre-Development Team
Date: 3 December 2019

ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

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

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Calster - Pump Lane Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment and Surface Water Drainage Strategy. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) **INFORMATIVE** - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) **INFORMATIVE** - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) **INFORMATIVE** - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) **INFORMATIVE** - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) **INFORMATIVE** - The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.



Broads
Drainage Board

Copied to Agat 26/11

Kettlewell House
Austin Fields Industrial Estate
KING'S LYNN
Norfolk
PE30 1PH

t: +44(0)1553 819600
f: +44(0)1553 819639
e: planning@wma.org.uk
w: www.wma.org.uk

Our Ref: 19_01994_P
Your Ref: 06/19/0639/F

26/11/2019

Dear Sir/Madam

RE: Erection of 46 dwellings, together with associated highway and landscaping works at Repps Road (Land South of) Martham, Great Yarmouth, Norfolk

The site is near to the Internal Drainage District (IDD) of the Broads (2006) Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. A copy of the Board's Byelaws can be accessed on our website (https://www.wma.org.uk/uploads/BIDB_Byelaws.pdf), along with maps of the IDD (https://www.wma.org.uk/uploads/84-BIDB_drainindex.pdf). These maps also show which watercourses have been designated as 'Adopted Watercourses' by the Board. The adoption of a watercourse is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD and as such will normally receive maintenance from the IDB.

In order to avoid conflict between the planning process and the Board's regulatory regime and consenting process please be aware of the following:

- We are pleased to see that initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development. If for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse within the IDD (directly or indirectly), then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy (https://www.wma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such we strongly recommend that the required consent is sought prior to determination of the planning application.

Kind Regards,

Jess

Jessica Nobbs
Senior Sustainable Development Officer
Water Management Alliance



Mr R Buxton (Chairman)
Mr S G Daniels (Vice-Chairman) Mr L E Baugh (Vice-Chairman)
Mr P J Cammille (Chief Executive)



Cert No. GB11990

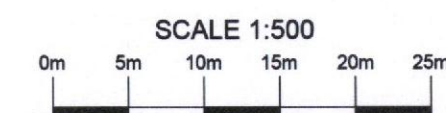
Cert No. GB11991

DEFENDERS OF THE LOWLAND ENVIRONMENT



App. No. 06/19/0639/F
REVISED PLAN
Received 20.1.20

ACCOMMODATION SCHEDULE				TOTAL	BEDS	HT	PARKING
1 Bed House	8,9			2	1	2	1 space
2 Bed House	23,25,8,12,13,14,16,17,18,20,22,25,30,37,38,39,40,41,42			21	3	2	2 spaces
3 Bed House	17,10,11,15,16,23,34,35			6	3	2	2 spaces
4 Bed House	21,22			2	2	1	2 spaces
2 Bed Bungalow	43,44,45,46			4	2	1	2 spaces
1 Bed Flat	26,27,28,29,30,31,32,33			8	1	1	1 space
TOTAL				46			



Rev	Description	Dated
A	Attenuation basin repositioned	16.12.19
B	Highways comments incorporated	13.01.20
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Wellington
Wolseley House, 1 Quay View Business Park
Barnard Road, Lowestoft, Suffolk, NR32 2HD
Tel: (01502) 587024 Fax: (01502) 589829

Client	Flagship Homes	
Project Title	Martham East	
Drawing Title	Planning Layout	
Drawn by	MW	Project Reference W506
Approved by	N/A	
Scale	1:500 @A3	Drawing Number W506-PL01
Date	15/08/2019	Revision B

Stage
☒ Preliminary ☐ Information ☐ For Approval ☐ Tender ☐ Construction ☐ As-Built

This drawing is the copyright of Wellington Ltd and should not be reproduced without prior consent. Do Not Scale. All figured dimensions to be checked on site and Wellington notified of any variation.

Plant Schedule:			
Qty:	Species	Size:	Spacing:
78	Skimmia Japonica	3L	60CM
25	Prunus Otto Lyken	3L	60CM
79	Cholera Actae	3L	60CM
54	Hydrangea Macrophylla	3L	60CM
47	Geanium Macrochlam	3L	60CM
74	Heuchera Palace Purple	3L	60CM
112	Lavandula Hidote	3L	60CM
29	Barbetta Thunbergii	3L	60CM
11	Mahonia X Media	3L	60CM
88	Hebe Pagei	3L	60CM
27	Lonicera Maygreen	3L	60CM
25	Cistus Pulverulentus	3L	60CM
32	Ceanothus Barlowodii	3L	60CM
25	Pittosporum Garnettii	3L	60CM
26	Viburnum Davidii	3L	60CM
25	Hypericum Hidote	3L	60CM
34	Eucyrtus President Gaultier	3L	60CM
27	Hedera Helix	3L	60CM
31	Rubus Tricolour	3L	60CM
35	Rosa Rugosa	3L	60CM
19	Eucyrtus Silver Queen	3L	60CM
21	Eucyrtus Emerald Gold	3L	60CM
11	Sarcococca Confusa	3L	60CM
14	Daphne Transatlantica	3L	60CM
13	Philadelphus Virginial	3L	60CM
14	Viburnum Bodanense	10L	100CM
21	Syringa Vulgaris	10L	100CM

SPECIMEN PLANTS			
3	Abelia Grandiflora	15L	N/A
3	Viburnum Bodanense Down	15L	N/A
HEDGE PLANTING			
55	Viburnum Tinus	3L	45CM
53	Escallonia Apple Blossom	3L	45CM
29	Eucyrtus Japonica Aurea	3L	45CM
23	Pyracantha Red Colum	3L	45CM
600	Carpinus Betulus	60-90 cm BR	45CM
MIXED NATIVE HEDGE			
170	Crataegus Monogyna	60-90 cm BR	45CM
79	Ilex Aquifolium	60-90 cm BR	45CM
160	Acer Campestre	60-90 cm BR	45CM
90	Ligustrum Vulgare	60-90 cm BR	45CM
90	Eucyrtus Europaeus	60-90 cm BR	45CM
90	Viburnum Opulus	60-90 cm BR	45CM
TREES			
8	Acer Campestre	12-14cm RB	N/A
5	Betula Pendula	12-14cm RB	N/A
1	Prunus Amanogawa	8-10cm RB	N/A
5	Carpinus Betulus	12-14cm RB	N/A
5	Fagus Sylvatica	12-14cm RB	N/A
2	Quercus Robur	12-14cm RB	N/A
TREES			
2	Lonicera Periclymenum	5L	N/A
2	Trachelopernum Jasminoides	5L	N/A

NOTES
All planting and operations should comply with the latest version of BS 4425:1989 'General Landscaping Operations'. All plants shall be supplied in accordance with the ITA National Plant Specification and their certified nurseries, and BS 3096 Nursery Stock - Specification for Trees & Shrubs.
Specification of species, position and density shall be in accordance with drawing and planting schedule provided, and shall be amended without prior approval of the Landscape Architect. For detailed landscape specification information, please refer to the relevant documentation accompanying the drawing.

Planting outside the usual October-March dormant season shall be pursued by approval only, if agreed all bare root plants shall be substituted with container grown stock with additional establishment watering.
The contractor is responsible for checking locations of all existing and proposed services, and shall advise the Landscape Architect if there are any conflicts.
Topsoil to be multi-purpose grade and free of all contaminants, in accordance with the latest version of BS 3882:2015 Specification for Topsoil. Topsoil analysis should be undertaken by an approved company to ensure the suitability of the topsoil for the intended use, with any recommendations for improvements.

Minimum topsoil depths should be as follows unless specified otherwise:
Suitable (beneath) natural should provide the remainder of the rooting depths as required, and mixed with peat-free compost. Subsoil preparation shall be in accordance with BS 8601 and BS 4429 and scarified/ripped to a suitable depth prior to spreading of topsoil. Any weed/grass growth to be sprayed with appropriate herbicide at least 10 days prior to cultivation.
- Ornamental shrubs 450mm
- native shrubs 300mm;
- seedling grass 150mm;
- seedling grass 150mm, or directly into existing ground;
- tree pits to be excavated to at least twice the diameter of the root spread and 1.5 times the depth of the roots to be planted.

Trees within hardscaping or highway visibility splay shall be clear stem to 2m high unless specified otherwise. Trees adjacent to buildings and services shall include root barriers where necessary and should be planted in positions as indicated on the drawing.

All planting should be watered in immediately after planting by main contractor and matched with minimum of 50mm depth of ornamental mulch supplied by MA.
All turf should be shopped 150mm short of all houses to allow for gravel strip.
All existing trees and hedges shall be surveyed and protected in accordance with BS 5837:2012, and temporary protection fencing erected for the duration of the construction period. Refer to arboricultural consultants drawings for location and details.

Management operations for the site shall be carried out as detailed in the agreed maintenance schedules at regular intervals, in accordance with any agreed Landscape Management Plan.

Shrub mixes, shrubs to be planted in groups of 3 to 5, perennials to be planted in groups of 5 to 7.
BR = Bare Root planting, November to March
CO = Container Grown planting suitable throughout the year
RB = Root Ball planting, November to March
B = Bulbs

Turf Mix:
25% Corex
25% Alnora
10% Muska
20% Cezanne
20% Linacore
Soft landscaping is to be checked by engineers prior to installation
Soft landscaping is to be checked by Anglian Water or other responsible for service adoption.
Native hedging is to receive 60cm x 38mm clear spiral guards and 90cm bamboo canes
Native hedging planted in double staggered rows, 60cm centres x 30cm between rows.
Carpinus hedging is to receive 60cm x 38mm clear spiral guards and 90cm bamboo canes.
Carpinus hedging planted in double staggered rows, 60cm centres x 30cm between rows.

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Smooth Stalked Meadow Grass
Poa Pratensis

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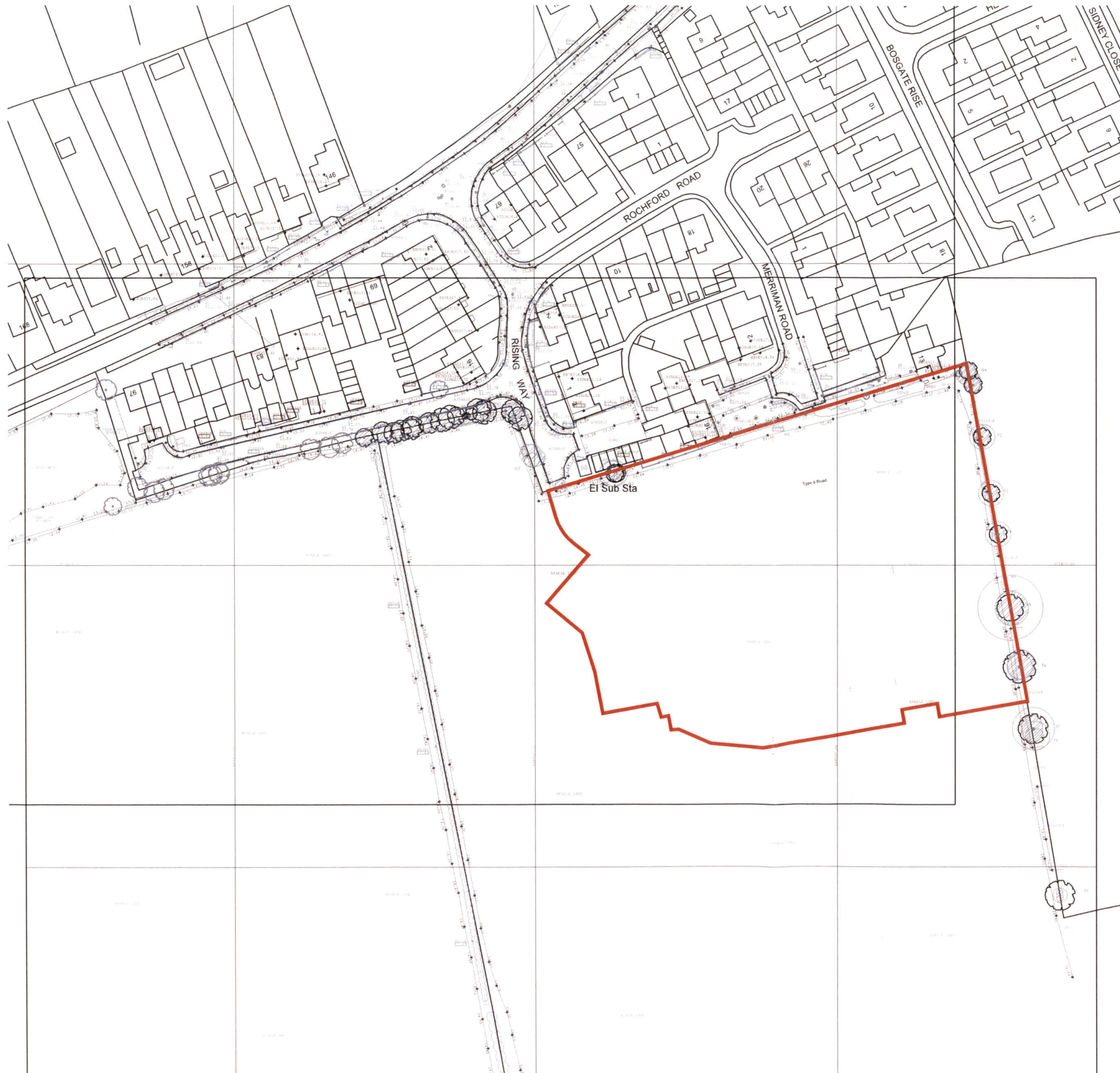
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Great Yarmouth
Borough Council

14 NOV 2019

Planning
Department



Rev	Description	Dated
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 <p>Wolseley House, 1 Quay View Business Park Barnard Road, Lowestoft, Suffolk, NR32 2HD Tel: (01502) 587024 Fax: (01502) 589829</p>		
Client	Flagship Homes 	
Project Title	Martham East	
Drawing Title	Site Location Plan	
Drawn by	MW	Project Reference W506
Approved by	N/A	
Scale	1:1250 @A3	Drawing Number W506-LOC01
Date	24/06/2019	Revision -
Stage <input type="radio"/> Preliminary <input type="radio"/> Information <input type="radio"/> For Approval <input type="radio"/> Tender <input type="radio"/> Construction <input type="radio"/> As-Built		
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