

**Reference:** 06/19/0071/F & 06/19/0606/F

**Parish:** Martham  
**Officer:** Mr D Minns  
**Expiry Date :** EOT

**Applicant:** EPC Buildings Ltd

**Proposal:** a) Construction of 47 energy efficient dwellings, including associated open space, drainage infrastructure, vehicular access and associated highway improvements b) Formation of new highway junction between Staithe Road and Somerton Road

**Site:** Staithe Road (Land North of) Martham GREAT YARMOUTH Norfolk

At the March meeting of the Committee it was resolved to have a site visit prior to considering the applications further. Due to the Covid19 this is not possible and so as agreed at the May committee the applications are presented for consideration without the Committee site visit.

**Background / History: -**

- 1.1 This is a full planning application. Since the planning application was first submitted the application has been subject to amendment both in terms of the design of the dwellings and the means of access to the site. This has resulted in a separate application for a new junction to serve the development as result of highways objections. Members of the Committee have two separate but related planning applications with a determination for each individual application. The applications have been subject to further public consultation.

**2.0 Site and Context**

- 2.1 The site is located on the north east approach to the village close to the junction of Somerton Road and Staithe Road and approximately 1km from the centre of Martham. The land is currently designated as Grade 1 agricultural with access from Somerton Road via the Damgate Lane track. The land lies just outside the village development boundary.

- 2.2 The site comprises 2.47 hectares of land to the north of Staithe Road and Somerton Road. The site is adjacent to and to the rear of residential properties in Staithe Road abuts Damgate Back Lane which also serves as a public footpath - Martham 3. To the north of the site is Damgate Farm which is screened from the site by a tall belt of existing trees and vegetation. To the west is Damgate Lane with a couple of residential properties 34 & 38 abutting the site. The remaining residential properties in Damgate Lane are separated from the application site by a strip of land running to the rear of those properties.
- 2.3 The properties in this section of Staithe Road are primarily terrace and semi-detached dwellings. Whilst Damgate Lane for the most part comprises detached dwellings
- 2.4 At the Staithe Road frontage is the Scout Hall and access. Separate to the planning application process, the applicant and the Council have entered into a legal agreement for the sale of the land for the access. This excludes the Scout Hut which will remain in the Borough Council's ownership and leased to Martham Parish Council will remain with some a reconfiguration of the land.
- 2.5 The application was subject to public and Parish Council consultation by the applications agent prior to the application being submitted (Nov 2018) 1.2 The documents submitted in support of the application detail the public consultation.

### **3.1 The Proposal (s)**

- 3.1 The documents supporting the application state that the aim of the proposal is to provide an exemplar highly sustainable low carbon development which will provide new well-proportioned family dwellings and new landscape areas for both new residents and the existing community. Key design features :-
- Sustainable Homes equipped with PVT solar panels and ground source heat pumps
  - Affordable housing will aim to exceed the Council affordable housing requirement by providing 24% affordable housing across the site
  - Sustainable drainage
  - Off-site Construction - each dwelling will be constructed from pre-fabricated panels reducing noise and disturbance to neighbours and construction time
  - Landscape setting – provision of dwellings that integrated landscape setting with large areas of public open space and semi-mature trees and
  - Dwellings built to Lifetime Homes standard
- 3.2 Entrance to the site will be formed from Staithe Road with the new access road running between the existing scout building and No.59 Staithe Road. The plans

show the site entrance opening up to a tree line avenue running the length of the site and giving access to the main area of public open space which forms a 'green edge' against the northern boundary, abutting the countryside and the road forming a circular route around the site. A second area of public open space is shown to the centre of the site.

- 3.3 The proposed dwellings are a combination of one and two storey elements. The plans show a variety of materials being used including brick, timber shingles and weatherboarding. The plans initially incorporated a number of flats roofs with sedum, but the plans have since been amended to incorporate pitch roofs with in design terms is more in keeping with the character of the area.
- 3.4 The house types have been arranged in character zones with more traditional forms mixing with contemporary forms.
- 3.5 Application **06/19/0606/F** (b) This application has been submitted in order to facilitate the development of the site. Concern had been raised by Norfolk County Council (and local residents) over the ability of the Staithe Road and Somerton Road junction to cope with the vehicle movements arising from the proposed development. This is because of the awkward road junction arrangement that exists at present.
- 3.6 In response to comments from NCC to the junction application as submitted, the scheme has been amended by the applicant's in line with NCC comments, which now have their support. However, in doing so, the design changed and as such, it now proposes the following:
- To provide a new Priority T-junction from the site access onto Staithe Road.
  - To realign the existing Priority T-junction on to Somerton Road to the south – utilising the existing verge.
  - The northern end of Staithe Road will be stopped up with timber bollards to create a barrier to vehicles.
  - This means that this section of Staithe Road will only be used by the properties which exit onto it. All other traffic would use the new Junction.
  - Construction of a new footway linking Staithe Road and Somerton Road.
  - The existing kerb-line of Staithe Road will be moved out at its northern end to create a new carriageway edge with Somerton Road.
- 3.7 The new footpath linking Staithe Road and Somerton Road has been located so that it passes between existing trees within this area.
- 3.8 This application has been submitted so that it can be considered and determined in parallel to the residential scheme and if both applications are approved can be delivered in parallel to the residential scheme.

3.9 The revised/ junction new application has been subject to full public and statutory body consultation.

3.10 Accompanying both proposals are the following documents:-

- Design and Access Statement
- Transport Statement
- Framework Travel Plan
- Flood Risk Assessment and Drainage Strategy
- Preliminary Ecological Report
- Shadow Habitat Regulation Assessment
- Tree Survey and Arboricultural Impact Assessment
- Utilities Statement
- Desk top Archaeological Assessment
- Sustainability Design and construction Statement
- Homes Quality Mark Pre-assessment report
- Prelim Ecological Report
- Desk based contamination Land assessment

#### 4.0 Relevant Planning History

4.1 06/06/0317/F- New Scout Building approved 22-12-2006  
06/09/0128/F- Revised proposal for new scout hut Approved 27-04-2019

#### 5.0 Consultations :-

5.1 Martham Parish Council - A full copy is attached to this report.

5.2 I am writing on behalf of Martham Parish Council concerning the afore mentioned planning application. Council wish to object to the development of houses on Staithe Road in Martham. Council have examined the plans, visited the site and have had long-standing partnerships with local groups and managing projects close to this site for a number of years.

5.3 The Parish Council have noted in the 'Core Strategy' Martham is mentioned as a settlement as a 'Primary Village' – *'The settlement has a good range of services and facilities located in the east and centre of the settlement. However, owing to the significant number of completions, planning permissions and allowing for windfall across the Primary Villages (of which Martham has made the most significant contribution), there is little remaining housing need.'*

5.4 The Parish Council have noted the 'Strategic Housing Land Availability Assessment 2014 (SHLAA)' contained within the Local Plan Part 2 Consultation (20 Aug-30 Sept 2017) and recognises the sites of 'identified land' that are suitable

for housing located within the development limit. The proposed site (Staithe Road) is clearly recognised as '*Unsustainable*' however there are a number of sites currently available and recognised as '*Deliverable and Developable*'.

- 5.5 Council have concerns in relation to the consistency of applying policy in relation to the Development limits and being consistent with the adopted Core Strategy. Development limits Policy G1-dp of the Local Plan includes the following - '*In particular such limits help to avoid urban/suburban sprawl and the unplanned coalescence of settlements.*'
- 5.6 As an alternative to this proposal, we would support the construction of houses built on the sites located within the village development limit if it was ensured that these were affordable homes for local people and fulfilled the percentage as required within the Local Plan.
- 5.7 Council have also noted the site selection summary for Martham includes site 125 (MA02) and states the main comparative reasons for not being selected as '*constrained by unsuitable access, potential to be prominent to the setting of the Broads*'.
- 5.8 Pressure for continued development in the village is considerable with a large number of proposals being agreed over the last few years. Planning permission has already been granted for sites named on the site selection summary as – 64, 281, 282 and 337 giving a total of 407 units and a considerable contribution to the overall Local Plan housing target.
- 5.9 Further issues raised which affect the community as a whole include the inadequacy of the road access on 'Staithe Road' in accommodating increases in traffic. There are parts of the road where widening is not possible so there are concerns over the safety of school children walking to both the Primary and the High School via Staithe Road daily.
- 5.10 In addition, Martham Parish Council is concerned about the limited public transport available for access to the nearest train station in Acle as Norfolk County Council's recent decisions have been to reduce or remove bus services from Norfolk villages. This would limit opportunities for the residents of the new development to travel by public transport and increase the need for use of cars furthermore increasing traffic and congestion within the village.
- 5.11 Further questions raised by Council include: 'why an existing highways road has been included into the proposal and 'why is the land currently leased from Great Yarmouth Borough by Martham Parish Council also included at this stage'?

- 5.12 Further clarification is also required regarding the type and number of jobs created as a result of the erection of the proposed 47 houses as stated in the 'Planning Statement' submitted by Turley.
- 5.13 Finally, please note that our submission is in respect of the proposed development. While we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for unintentional errors or omissions, and you should satisfy yourselves on any facts before reaching your decision
- 5.14 Public representations received – the revised proposal has been advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing.

06/19/0071/F Originally 124 objections were received to the application  
06/19/606/F 6 further objections against the proposal and the development responses. The representations in summary cite the following issues:-

- Any new development will place further demands on local facilities.
- The proposal is contrary to current policies in the Local Plan
- Impact on local facilities and infrastructure
- Martham both socially and physically cannot cope
- Insufficient demand for further housing put additional responses
- Schools. Doctors, dentists cannot cope
- Our doctors surgery is only open 3 days per week with no parking available
- More housing not needed 700 homes already granted in outline so why do we need more?
- Martham will no longer be a village but a town
- There are no jobs to warrant further housing in the area
- Do not need the additional traffic going through the village
- Will add to the congestion that already occurs particularly at school dropping off and picking up times with Staithe road being used as a bolt hole and is severely overloaded with vehicles as a consequent
- We are fast becoming too large for the infrastructure we have
- When do we as the inhabitants get to say enough is enough?
- Unhappy about obstructed view at the back of our garden
- Worried that access will compromise road safety access and parking

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

## 6.1 Statutory Consultations - External

### Norfolk County Council

#### **Preface**

The requirements below would need to be addressed in order to make the development acceptable in sustainable terms through the delivery of necessary infrastructure. The funding of this infrastructure would be through Planning obligations / condition.

- 6.2 Education - The number of children expected from a 47 dwelling development is calculated as follows:

$$2-4: 47 \times 9.7/100 = 5$$

$$4-11: 47 \times 28.1/100 = 13$$

$$11-16: 47 \times 14.5/100 = 7$$

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

**Table 3 Other Developments**

<b>Site</b>	<b>Application</b>	<b>No. of dwellings</b>	<b>Children 4-11</b>	<b>Children 11-16</b>
Rollesby Road, Martham	15/0673	55	14	10
White Street, Martham	15/0486	100	26	17
Church Farm, Martham	17/0358	44	4	12
North of Repps Road	18/0149	55	15	8
<b>Total</b>		<b>254</b>	<b>59</b>	<b>47</b>

**Table 4 The current situation at local schools is as follows:**

<b>School</b>	<b>Capacity</b>	<b>Numbers on Roll (Sept 2019)</b>	<b>Spare capacity No. of places</b>
Early Education (2-4)	113	70 (Feb 2020)	<b>+43</b>
Martham Academy and Nursery (4 – 11)	412	345	<b>+67</b>

Flegg High Ormiston Academy (11-16)	950	783	<b>+167</b>
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Taking into account the other permitted developments in Martham (table 3 above) there is still spare capacity in the Early Education sector, at Flegg High Ormiston Academy and at Martham Academy and Nursery School for the children generated from this proposed development should it be approved. Therefore, Norfolk County Council will not be seeking Education contributions on this occasion.

## **Fire Service**

With reference to the proposed development, taking into account the location and infrastructure already in place, our minimum requirement based on 47 no. dwellings would be one fire hydrant on no less than a 90 mm main at a cost of £824 each.

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 47 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 £3,525 (i.e. £75 per dwelling). This contribution will be spent on a project at Martham Library.

## **Environment**

As outlined in the Norfolk County Council Planning Obligations Standards (2020), the scope of the County Council's green infrastructure responsibilities include:

- Public Rights of Way
- Norfolk Trails
- Ecological Networks

Green infrastructure should be included within the proposed site in line with local policy. Connections into the local Green Infrastructure (GI) network, including Public Rights of Way and ecological features, should be considered alongside the potential impacts of development. We would advise the Local Planning Authority that a maintenance/mitigation contribution or commuted sum for new and existing GI features, may be required in addition to the County response, in order comply with



local policy. Thus, allowing the local GI network to facilitate the development without receiving negative impact and equally, allow the development to integrate and enhance the existing network.

### **Specific Comments**

The open space at the back of the proposed development should have a link providing access to Damgate Back Lane which is also Martham Public Footpath No. 3. Access can be via a kissing gate if the developer wishes to secure the open space for children playing. We would also request a contribution from the developer for an information board to be installed highlighting where all the public rights of way are. This will encourage residents and visitors to walk in the area and they will be easily able to identify a number of different local walking routes to enjoy

- 6.3 Historic Environment - An archaeological evaluation has previously been carried out at the proposed development site and the results submitted with the current application

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.

- 6.4 **Highways (06/19/0071/F)** – with regards the layout shown on drawing 514 /SO1 rev B, I can confirm that the majority of the previous concerns have been addressed and I do not wish to raise a highway objection to the proposal. Therefore, subject to agreeing a scheme for the off-site highway improvement works , which must be carried out prior to the occupation of any of the dwellings , I would have no objection to the Borough Council granting planning permission subject to appropriate conditions .

- 6.5 **06/19/0606/F** –‘ I can confirm that subject to detailed design the revised junction proposals shown on drawing 181202-CL-01 rev P7 are considered acceptable I would have no objection to the Borough Council granting planning permission subject the following condition:-

SHC 33A - Notwithstanding the submitted details indicated in the submitted drawings , no works shall commence on site unless otherwise agreed in writing until detailed drawings for the highway improvements works indicated on drawing no. 181202-CL-01-rev 1 rev 7 have been submitted to and agreed in writing by the local planning authority.

- 6.6 **Public Rights of Way** We have no objection on Public Rights of Way grounds.as although Martham footpath 3 is in the vicinity ‘it does does not appear to be affected by the proposal.
- 6.7 **Green Infrastructure Officer** – Is pleased to note that the revised proposals in regard the ROW have been addressed and a landscape buffer has been provided between the back gardens on the eastern boundary of the development and Martham Footpath 3. We are also pleased to note the extent and connectively of the public open space and the link to footpath 3. Providing both onsite recreational opportunities and access to the wider PROW network.
- 6.8 **Local Lead Flood Authority** – Response received stating that they have no comments to make on the application
- 6.9 **Norfolk County Council Fire** – No objection subject to compliance with Building Regulations

#### **Other External Consultees**

- 6.10 **Anglian Water** – No objection- there is existing capacity in the system .The foul drainage from this development is in the catchment of Caister Pump Lane Water Recycling Centre that will have available capacity for these flows.
- 6.11 **Water Management Alliance** – No comments to make falls outside our jurisdiction
- 6.12 **NHS** – No response received
- 6.13 **Broads Authority** – No objection

#### **GYBC - Internal Consultation**

6.14 **Building Control** – No comments received

6.15 **Environmental Health-** Due to proximity of residential there should be a condition restricting hours of working. Further concern raised regarding potential dust during construction and impact on air quality. Potential Contamination standard conditions recommended on any grant of planning permission.

## **7.0 Relevant Local Plan Policy :-**

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

7.2 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.

7.3 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.

7.4 a) HOU 10 restricts development outside existing development limits

b) 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.

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

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

7.7 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.

7.8 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.

## **7.9 Draft Local Plan Part 2**

7.10 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 125 for the following reason: 'Constrained by unsuitable access, potential to be prominent to the setting of the Broads'

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

7.12 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.

7.13 Paragraph 7: The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs<sup>4</sup>.

7.14 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.

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

For decision-taking this means:

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

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

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

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

7.16 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).

7.17 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.

- 7.18 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.
- 7.19 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.
- 7.20 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;
- 7.21 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.

## **8.0 Local finance considerations: -**

- 8.1 Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus or the Community Infrastructure Levy. 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.
- 8.2 Of relevance to this planning application is the fact that the Great Yarmouth Borough Council has a ransom strip to the land if the development is implemented. In simple terms, a ransom strip is a parcel of land which, in some way, restricts the development of another parcel of land. In order to access and develop the land the developer will need to agree a value to do so with the Council to obtain access.

across the land/ransom strip. 8.2 - to clarify the ransom strip has been left along the western boundary of the site, adjacent to a rectangular piece of land that does not form part of the application site. The ransom strip is not onto the application site from Staithe Road. As I mentioned above, the applicant and Council have reached an agreed value and signed the relevant agreement. As such, there is nothing to prevent the access into the Site from coming forward and the site being delivered.

- 8.3 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.

## **9.0 Shadow Habitats Regulation Assessment**

- 9.1 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
- 9.2 The shadow HRA concludes that there is potential for increased visitor pressure on Winterton -Horsey Dune SAC alone and in combination 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, which can be satisfactorily mitigated for through a financial contribution to the Habitats monitoring and Mitigation Strategy, and locally accessible green space.
- 9.3 Great Yarmouth Borough Council as Competent Authority has adequate information to carry out the Appropriate Assessment and concludes that any adverse impacts of the development can be addressed via the Natura 2000 mitigation strategy and payment by payment of £110 per dwelling and the onsite features subject to the final endorsement of Natural England and support .

## **Assessment**

- 10.1 As mentioned above this report covers two separate planning applications . One is for erection of 47 dwellings and the other for the construction of a new highway junction to serve the development. Although separate applications requiring separate determination they are linked with the residential application being dependent on the provision of the access.

- 10.2 Since the residential was first submitted in addition to the new junction arrangement there have been a number of amendment to the submitted plans in order to address the concerns and objections raised to the proposal. As can be seen from the consultations from the statutory bodies set out above in the main the concerns have been addressed and can be addressed by appropriate conditions and completion of a Section 106 the legal agreement to mitigate the impacts of the development as identified in the report.

### **The Principle of Development**

- 10.3 The application site was put forward as a potential housing allocation in the Part 2 of the Local Plan. It was not considered appropriate for inclusion in the local plan - above because the site was considered to be constrained by unsuitable access and the potential to be prominent to the setting of the Broads Authority ( Site 125)
- 10.4 As originally submitted this remained the case with Norfolk County highways expressing the concern over the access as proposed from Staithe Road alone. The revised access arrangements submitted under application 06/19/0606/F incorporating a new access arrangement including land fronting Somerton Road has addressed the highways concerns and subject to agreement to the final details the revised access and a condition that the access in carried out prior to first occupation of the dwellings highways have no objection to the proposal which has also been subject to a safety audit.
- 10.5 It is also evident from the consultation response that the Broads Authority have no objection to the proposal. In terms of the constraints identified in the reasoning for rejection of the site as a future allocation those elements carried limited weight.
- 10.6 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.
- 10.7 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.”

10.8 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-date<sup>7</sup>, granting permission unless:

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

10.9 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.

10.10 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.

## Local Plan Policy

- 10.11 The Core Strategy forms part of the Development Plan for the area, the starting point for decisions on planning applications. Core Strategy policies of most relevance to this application are discussed below; those not specifically mentioned may still be of some materiality but are concluded to not be of particular importance. In assessing the application in the context of the Wayendon judgement I have undertaken the following assessment and along with my conclusions on the weight that can be given to the policy in the context of this application.
- 10.12 **Policy CS1** supports the NPPF's presumption in favour of sustainable development, ensuring that the Council will take a positive approach working positively with applicants and other partners. In addition, the policy encourages proposals that comply with Policy CS1 and other policies within the Local Plan to be approved without delay unless other material considerations indicate otherwise.
- 10.13 Policy CS1 is an overarching policy and is concluded to be one of the most important Local Plan policies. It is concluded to be in conformity with the NPPF and there is no evidence that it is out of date – all the key provisions still apply. **CS1 is therefore concluded to be in-date.**
- 10.14 Policy CS2 states that approximately 30% of all new residential development should be located in the named Primary Villages, of which Hemsby is one. The remaining part of this policy state that the Main Towns should deliver 35%, the Key Service Centres 30% and the Secondary and Tertiary Villages 5%. The policy wording allows for some flexibility in the percentage split, and clearly the application of this policy depends to a significant extent on the allocations being made (and thence delivered) in the emerging Local Plan Part 2.
- 10.15 Policy CS2 is designed to try to ensure that growth is delivered most sustainably, with the highest tiers of settlements receiving the most growth (commensurate with their access to services and ability to reduce travelling). However, whilst accepting that the emerging Local Plan Part 2 is not yet adopted, at present – with only a 3.42 5-year supply of deliverable housing land – it is difficult to argue that this policy remains fully up to-date and should continue to attract full planning weight. Policy CS2 is therefore concluded to be out-of-date.
- 10.16 Policy CS3 sets out criteria for ensuring a suitable mix of new homes. This includes ensuring that designed layout and density of new housing reflects the site and surrounding area. Policy CS3 also encourages all dwellings including small dwellings, to be designed with accessibility in mind providing flexible accommodation. Particularly relevant extracts are shown below:

- a) Make provision for at least 7,140 new homes over the plan period. This will be achieved by (extract only):
- b) Focusing new development in accessible areas and those with the most capacity to accommodate new homes, in accordance with Policy CS2
- c) Ensuring the efficient use of land/sites including higher densities in appropriate locations
- d) Ensure that new housing addresses local housing need by incorporating a range of different tenures, sizes and types of homes to create mixed and balanced communities. The precise requirements for tenure, size and type of housing units will be negotiated on a site-by-site basis, having regard to the Strategic Housing Market Assessment, Policy CS4 and the viability of individual sites
- f) Encourage all dwellings, including small dwellings, to be designed with accessibility in mind, providing flexible accommodation that is accessible to all and capable of adaptation to accommodate lifestyle changes, including the needs of the older generation and people with disabilities
- g) Promote design-led housing developments with layouts and densities that appropriately reflect the characteristics of the site and surrounding areas and make efficient use of land, in accordance with Policy CS9 and Policy CS12

10.17 Policy CS3 covers a range of general matters in relation to providing the right number, type, tenure and size of dwellings. The contents are concluded to be in conformity with the most relevant policies of the NPPF and therefore Policy CS3 is concluded to be in-date.

10.18 Policy CS4 sets out the policy requirements for delivering affordable housing. Sites of 5 dwellings or more in Martham are required to provide 20% affordable housing. For a site up to 190 dwellings (as proposed) this equates to 9.4 affordable dwellings. In accordance with Policy CS4, affordable housing should be provided on-site, and off-site financial contributions should only be used in exceptional circumstances.

10.19 Chapter 5 (in particular) of the NPPF sets out various statements on the importance of delivering affordable housing, and how this should be set out in Local Plan policies. Policy CS4 follows this approach, and therefore Policy CS4 is concluded to be in-date.

10.20 Policy CS9 sets out the broad design criteria used by the Council to assess applications. Criteria a), c), f), and h) should be specifically considered to ensure that the proposed design reinforces local character, promotes positive relationships between existing and new buildings and fulfils the day to day needs of residents including the incorporation of appropriate parking facilities, cycle storage and storage.

10.21 Policy CS11 sets out the Council's approach to enhancing the natural environment. Consideration should still be given as to how the design of the scheme has sought to avoid or reduce negative impacts on biodiversity and appropriately contributes to the creation of biodiversity in accordance with points f) and g). In addition criterion c) states

that 'The Natura 2000 Sites Monitoring and Mitigation Strategy will secure the measures identified in the Habitat Regulation Assessment which are necessary to prevent adverse effects on European wildlife sites vulnerable to impacts from visitors'.

10.22 Policy CS14 states that all developments should be assessed to establish whether or not any infrastructure improvements are required to mitigate the impacts of the development. This includes seeking contributions towards Natura 2000 sites monitoring and mitigation measures.

10.23 In consideration of the application against that Policy CS9,CS11 and CS14 my conclusion is that they can all be accorded appropriate weight in the decision making process and are relevant to the application.

10.24 Within the report it is evident that subject to condition and Section 106 planning Obligations that the impact of the development can be mitigated as identified.

## **Design**

10.25 Since the original submission the residential element has been subject to a number of design amendments and is considered to be more in keeping with the aims of Policy CS9 of the Core Strategy which requires that design that enhances the local character and to conserve and enhance landscape features and townscape quality.

10.26 This has resulted in the removal of flat roofs and introducing a pitch roof form which is more in keeping with the local character. The pitch roofs are shallower than a conventional pitch so that PV panels that will be incorporated into the roof will be more effective. but also prevents them being dominant in the street scene according to the submission. In addition, more brick has been added to the material pallet in place of timber boarding. Again, this is more reflective of building and the materials use in the locality.

10.26 Additional landscaping has also been introduced and the concerns of the green infrastructure officer have been addressed including access to the development from/to the public footpath Martham 3 abutting the site.

## **Highways**

10.27 Highway concerns within the proposed development have been addressed as have the both in terms of the internal lay and junction revisions have been addressed to the satisfaction of the highway authority.

## **Drainage and Flood Risk**

10.28 The site is not located as at risk of flooding as shown on the relevant maps. In accordance with application requirements for a development of this scale the application submitted a Flood Risk and drainage assessment. The drainage bodies have stated that there is capacity in the system (Caister) to accommodate the foul flows associated with this application. Surface water has been addressed by an onsite sustainable drainage system. Subject to conditions regarding the final details and compliance with the drainage strategy along with appropriate management strategy as part of the Section 106 agreement there are no objections by the statutory drainage bodies.

### **Sustainability**

10.29 The site is located in a sustainable location being close to the village centre. Martham is identified in the local plan as the largest village in the Borough with a range of facilities. The County Council have stated that there is existing capacity in the local schools.

### **Local Residents**

10.30 Local residents have raised a strong objection to the principle of the development and the ability of the village to accommodate and absorb further dwellings pointing to the fact that a considerable number of dwellings having already been granted planning permission in Martham.

10.31 Of particular concern is the means of access to the development along with concern on highway safety grounds and highlighting the fact that the site is in proximity to existing schools.

10.32 These concerns are clearly material consideration in the determination of the application, and it is for the committee to accord appropriate weight as it sees fit in these matters. It is clear however given the views of the highway authority should be accorded substantial weight in consideration of the applications.

### **Planning Balance**

10.33 As there is no five-year housing land supply, the tests of paragraph 11 of the NPPF need to be considered. As detailed above in the report, as the case officer I have undertaken a careful analysis of all the Development Plan policies, assessing firstly, as a matter of my planning judgement, which are the most important policies for the determining the application.

10.34 I have concluded, as a matter of my planning judgement, that Policy CS2 (Achieving Sustainable Growth) is out-of-date. Notwithstanding that the Local Plan Part 2,

which will allocate non-strategic housing sites to try to meet the overall housing need using the settlement hierarchy apportionment, is not yet adopted, with a 3.42 as opposed to a 5-year housing land supply (a very significant shortfall) I do not believe that this policy can be concluded to be up-to-date. Irrespective of the emerging local plan Part 2.

10.35 Similarly, I have concluded that ‘saved’ Policy HOU10 (which says that new residential will not be permitted outside boundaries) is out-of-date because there is only a 3.74 -year housing land supply. The age of this policy (dating from 2001) also militates against this policy being in-date, but the lack of housing land supply alone is sufficient to justify this, in my judgement.

10.36 In my overall professional judgement, the most important policies for the determination of this planning application overall are all out-of-date and therefore the “tilted balance” applies – for a refusal to be justified, the harms of the development must significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

10.37 It is evident from the consultation responses from the statutory bodies that, subject the various conditions requested by the various parties, there is little planning reason to recommend refusal of the current proposal on any technical grounds.

10.38 In terms Conservation of Habitats and Species Regulations 2017, the assessment of the Local Planning Authority, as Competent Authority, is that the application, if approved, will not adversely affect the integrity of Natura 2000 sites provided that the mitigation put forward in the Shadow HRA report and as set out above is secured. To meet the mitigation requirements the appropriate contribution is required to be secured by a legal obligation (S.106 agreement) and conditions for both on- and off-site improvements.

10.39 It is important in the context of this application to acknowledge and reiterate that the tilted balance in favour of development of the site as set out in Para 177 therefore does apply to the development.

10.40 The site is considered to be a sustainable location adjacent to residential properties and it is considered that the site can be developed without adversely impacting about the character and visual amenity of the area.

10.41 However, in applying the “tilted balance” (the presumption in favour of sustainable development), very few harms have been identified against the policies in the NPPF taken as a whole (see above in the report). There is general conformity with those policies covering (for example);

- \* transport/traffic;
- \* housing need, including affordable housing;

\* ecology generally, including impact on internationally designated nature conservation sites;

\* impact on trees;

- drainage and flood issues

10.42 In summary, no significant harms have been identified, and where harms exist, it is concluded that they can be satisfactorily controlled through planning conditions or the S106 legal agreement.

11.0 **Section 106** of the Town and Country Planning Act 1990 Planning Obligation proposed Heads of Terms to mitigate the impacts of the development in accordance with Local Plan policy, Affordable Housing; Library Facilities contribution, Fire Service; Open space provision/contribution, Habitats Mitigation payment per dwelling a Management plan for surface water drainage and open space and on and offsite green infrastructure

## 12.0 **Conclusion**

12.1 The proposal is considered to comply with policy HOU9 of the Great Yarmouth Borough-Wide Local Plan 2001 and policies CS1, CS3, CS4, CS9 CS11 and CS14 of the Core Strategy and the National Planning Policy Framework.

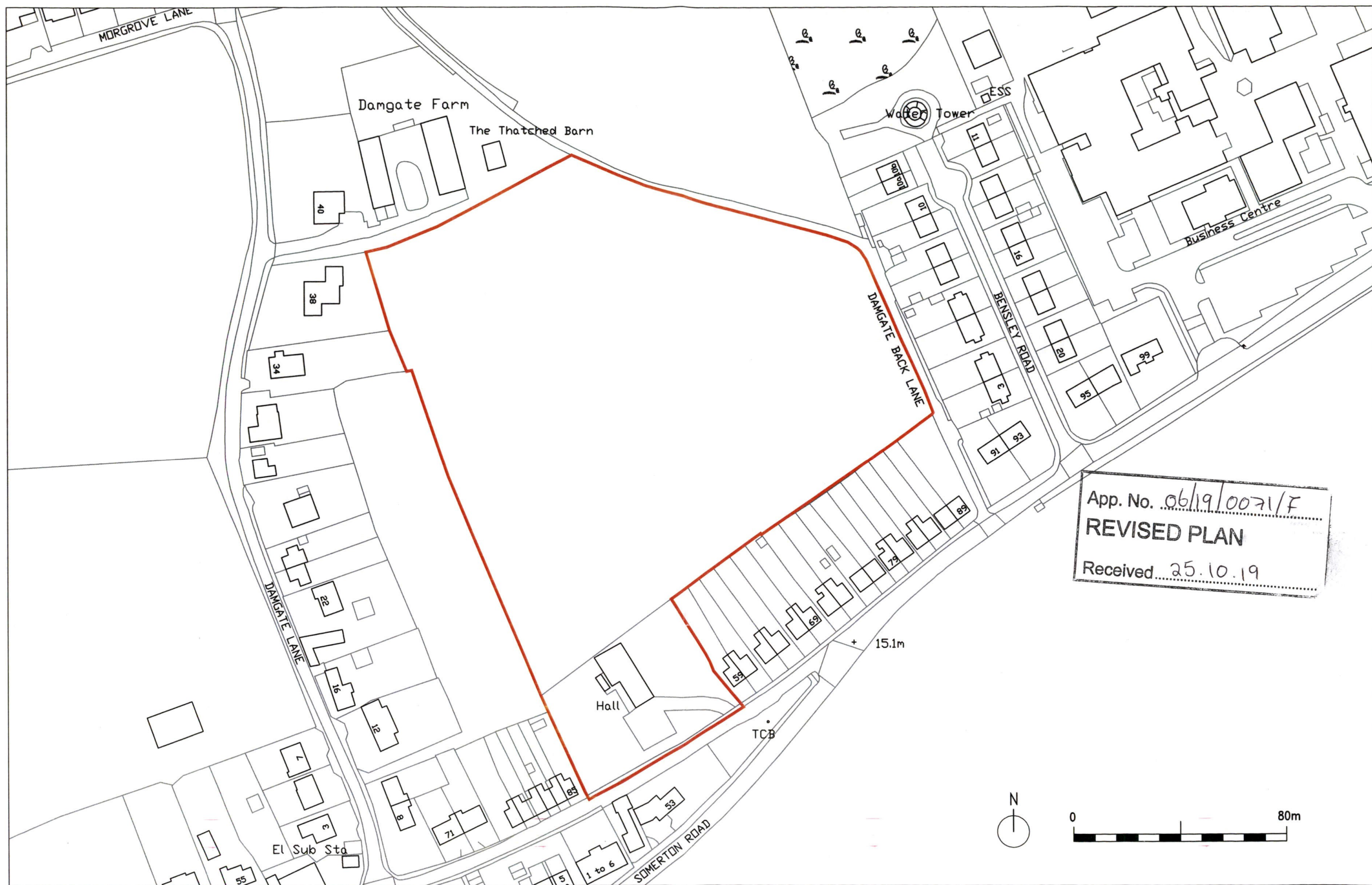
## 13.0 **RECOMMENDATION: -**

13.1 **Approve** – a) application 06/19/0071/F to a s106 agreement securing Local Authority requirements of children's recreation, public open space, affordable housing and Natura 2000 payment as outlined above subject to referral to Natural England and no objection be raised as required by legislation and

13.2 **Approve** b) and B) 06/19/0606/F subject to being linked application 06/19/0071/F as outlined above in the report and subject to the appropriate condition to secure a properly planned development. The proposal complies with the aims of Policies CS2, CS3, CS9, CS11 and CS14 of the Great Yarmouth Core Strategy.

Background Papers 06/19/0071/F & 06/19/0606/F





LOCATION PLAN 1:1250 @ A3







App. No. 06/19/0071/F  
REVISED PLAN  
Received 25.10.19



Plots 6&7 (Type B1/D1)





06/19/0606/F

Great Yarmouth  
Borough Council

29 OCT 2019

Planning  
Department

LOCATION PLAN 1:1250 @ A3



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