

Reference: 06/20/0313/F

Parish: Ormesby St Margaret with Scratby

Officer: Chris Green

Expiry Date: 4/10/20

Applicant: Badger Builders

Proposal: Residential development of 67 dwellings, vehicular access, landscaping, open space and associated infrastructure

Site: Land off Scratby Road, Scratby, Great Yarmouth.

REPORT

1. Background

- 1.1** This land is beyond the development limits for the village and in a relatively remote location. Recommendation is for refusal. This item was deferred at committee on 14.10.2020. Members wanted further chance to consider the highway improvements offered by the applicant. The applicant has requested that this item be brought back to committee swiftly.

2. Site and Context

- 2.1** This site is currently an open field of 3.11 hectares and owned by Pages Farm. It is classified as Grade 1 agricultural land. This is within the Habitat Regulations Assessment zone within 2.5 to 5km of a habitat of significance. The landscape character assessment places the land within the G3: Ormesby and Filby Settled Farmland
- 2.2** Scratby has a physical limit line running along Beach Road around 50m to the north of this site and there have been recent permissions on land outside the physical limits at the junction of Scratby Road with Beach Road and to back land immediately north of this site also in the ownership of the local farmer, as is this site.
- 2.3** The first edition ordnance survey shows land to the north of the field as being the site of "All Saints Church", this does not show as a scheduled monument and the field boundary on that map is the same as today. There is archaeological interest in the site as reflected by the consultee.

- 2.4** Along Beach Road is the subsidiary settlement of California to the east, this is classified as an area of prime holiday accommodation. To the north of this are homes of lightweight construction interspersed with more substantial rebuilds which offer permanent residential use within homes that appear perhaps to have been intended as beach houses when the land was originally developed in the interwar period. Scratby Road is restricted to 40mph whereas Beach Road is now 30mph restricted.
- 2.5** This was until recently 60mph and the County speed mapping still shows it thus, so out of date. The "coastal clipper" bus service number 1A, runs hourly in both directions from Lowestoft to Martham, stops in both directions 100m from the site.
- 2.6** There is a footpath north of the site listed as Ormesby and Scratby FP1, this is unlit across fields a circuitous of 1.2km to the edge of the Ormesby Village. To the south of the site and opposite it, is an unnamed, single track, metalled highway with a 30mph speed limit, unlit and without footway, which debouches onto Station Road Ormesby at a point beyond lighting and footways. The distance from the proposal sit to the start of the footway on Station Road is 500m.
- 2.7** Convenience shopping and the village hall are within 200m of the proposal site.

3. Proposal

- 3.1** This The proposal is for 67 dwellings, comprising 28 bungalows and 39 houses, including a 20% (as submitted with an offer to increase this to 25% and a further offer to increase to 30% received by email 27.10.20) level of affordable housing (initially 6 no. shared equity dwellings and 7 no. affordable rented dwellings). The single storey dwellings are fringing the Scratby Road with the higher dwellings to the rear.
- 3.2** The house types are drawn from this developer's standard range of homes and grouped as detached or semidetached. There is one group of 3 dwellings terraced together at the north of the site.
- 3.3** Accommodation Schedule (as initially submitted)
Private:
- | | |
|---|---|
| Starston 2 Bed semi-detached/Terr house | 6 |
| Benacre 2 Bed semi-detached bungalow | 8 |
| Flixton 3 Bed detached bungalow | 6 |
| Wangford 3 Bed detached bungalow | 5 |
| Orford 3 Bed detached bungalow | 4 |
| Hulver 3 Bed semi-detached house | 8 |
| Rollsby 3 Bed detached bungalow | 1 |
| Ashby 3 Bed detached bungalow | 2 |
| Burlingham 4 Bed detached house | 2 |
| Ellingham 4 Bed detached house | 1 |

Redgrave 4 Bed detached house	4
Yoxford 4 Bed detached house	4
Wrentham 4 Bed detached house	1
Brundall 4 Bed detached house	2

3.4 Shared Equity

Hales 3 Bed semi-detached house	2
Starston 2 Bed semi-detached house	4

Affordable Rented Housing

2BB 2 Bed semi-detached bungalow	2
2B4 2 Bed terraced house	3
3B5 3 Bed semi-detached house	2
TOTAL	67

3.5 Thus 23 x 2 bed types, 30 x 3 bed types and 14 x four bed types. and 13 affordable homes representing 20% in line with policy

3.6 The application includes the following information:

Topographical Survey Site Layout Plan House and garage plans/elevations
Tree Survey/Arboricultural Method Statement Landscaping Details
Ecological Report
Shadow HRA
Design & Access Statement/Planning Statement (incl. Statement of Community Involvement)
Landscape Assessment Site Investigation/Contamination Risk Assessment
Transport Statement (incl. Safety Audit) Off Site Highway Improvements
Flood Risk Assessment and Drainage Strategy Utility Assessment

3.7 The applicant claims to have received pre-application information in regard to this proposal, the extent of this was an email exchange in late April pointing the enquirer to the charged preapplication advice service. The head of planning confirms no other advice was given.

4. Relevant Planning History

4.1 Application reference 06/18/0475/O was approved in principle at committee for 19 dwellings on the northern part of this site. The section 106 agreement required before issue has not been completed and the decision has not been issued. This site would have probably provided 4 affordable homes, though numbers are not expressly mentioned in the committee report, just that 20% would be affordable

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

- 5.1** The parish council for **Ormesby St Margaret with Scratby Parish Council** do not object but make observations and were consulted by the developer
- 5.2** The council recognises the need for new homes to be built and accepts that there is currently an approved outline application on part of the site.
- 5.3** The parish council are concerned regarding safe access from the highway when the the site was “pick your own” fruit business generating high volumes of traffic in the summer. The current 40 mph is too high, and vehicles exceed that. and the majority of vehicles drive at speeds in excess of that.
- 5.4** The developer has offered to work towards a traffic regulation orders and physical changes along the road to achieve a significant reduction in speed.
- 5.5** The access onto Scratby Road will lead to lower impact on the village than the original access to the 19 properties previously permitted which was to come off Beach Road and a crossing point of Scratby Road is shown along with a footway to the north with a crossing on Beach Road to access the village shops, parish hall and the beach, which we welcome along with the footway to the south to California Crossroads.
- 5.6** We want a 30mph speed limit on Scratby Road with appropriate speed reduction measures, coloured tarmac a “gateway entrance” to Scratby.
- 5.7** We ask for play equipment as there is none locally.
- 5.8** We require assurance that the extra properties will not cause sewage overloading the system that is often currently at peak capacity.
- 5.9** The parish would like to see a management company responsible for maintenance of the estate.
- 5.10** A substantial number of neighbours and residents of the village have objected, on the following summarised points:
- Contrary to spatial policy
 - Too many 4-bedroom properties, unaffordable for locals. In a recession who has the money to buy.
 - Archaeological issues regarding the former 16th centuries church, with ancient burial ground.
 - Safety issue accessing the main road. No walkable access to nursery, infant or junior schools with no public path to Ormesby village Lack of infrastructure (doctors, dentist, local amenities) it will mean longer waiting time and extra stress in the holiday season. Extra people, cars, children, noise etc.
 - Loss of villages character, creation of an estate.
 - Too many new houses sitting empty.
 - There will be loss of Grade one agriculture Land
 - Other sites approved locally are: Scratby 19 off Beach Road, allocated sites in Ormesby for 222 dwellings (emergent plan) and application for 33 units in

Foster Close (not determined). Caister 700 units Jack Chase Way, Hemsby 93 dwellings on Yarmouth road and 190 dwellings on the former Pontins site. Giving over 1300 within a one-mile radius of this site. All these sites are better placed to access to schools, medical facilities, dentists, churches, petrol stations, good quality shops and public transport.

- Will cause coalescence of settlement.
- This major development is against National Policy.
- The density is too low if Scratby is deemed a Core Village.
- The description seeks to mislead that Ormesby and Scratby are one village. The application address is misleading. The other land in the applicant's ownership is not edged in blue as it should be.
- The affordable mix is wrong for the need.
- The application is pre-determined by the planning department, if it were not the developer would not take the risk or the expense
- If approved Scratby will have accommodated alone 70% of the predicted requirement in the current plan for the smaller villages.

An online petition against the scheme has been started.

A landowner who claims to have property rights up to the north side of the carriageway on Station Road Ormesby has indicated an unwillingness to sell any land for a footway. The applicant has disputed this evidencing a verge in highway ownership.

Consultations – External

Norfolk County Council

- 5.11 Highways** – comment regarding the short-term character of the pick your own use and regards the proposed use as more intensive on that basis.

The routes to school and Ormesby generally are not analysed and their suitability not characterised, and mitigation proposed and the villages of Scratby and Ormesby St Margaret are separate entities. Adequate vision needs to be identified at the proposed off-site pedestrian crossing and by survey on the Scratby Road access.

- 5.12** The County have commented further in an email received 15.10.20 that officers would not support a reduction in speed limit from 40 to 30 along this stretch of road. The County Council's speed management strategy requires there to be the appropriate environment to ensure that the speed limit is appropriate for the location and to ensure there is good compliance. A 30mph speed limit would require continuous development on both sides of the road for an extended length. Whereas, this development would provide development on the north side of Scratby Road. The development should be considered on the basis of the existing 40mph limit.

Off-site highway works mitigating the impact of this development, must be delivered by the development. A financial contribution to the County Council to come up with a scheme is not acceptable and £25,000, which would need to include our design fees for any scheme we deliver, would pay for very little

actual works. It would be unlikely to cover the cost of a pedestrian crossing island and associated traffic management measures.

The onus must be on the developer to address the issues raised and come back with a package of measures to provide a safe walking route to the playing field on Station Road and schools in Ormesby, as stated in my response to the application. This includes the developer determining the extent of highway for any necessary works. As you are aware even the footway link back to Scratby is in doubt, due to the apparent encroachment from the adjacent development.

The County Council consider a £25,000 contribution is not sufficient for this development to be considered acceptable in relation to highway matters.

- 5.13** In a further email received 29/10/20 County Highways have confirmed they would support provision of a TROD between the development and existing footway provision in Station Road. These works are considered essential to mitigate the impact of the development and therefore must be completed by the applicant as part of a package of off-site highway improvements, subject to a Section 278 Agreement and conditioned accordingly. The new section of footway adjacent to Scratby Road from the pedestrian crossing into Melton Lane should be standard footway construction with a pedestrian refuge 2.0m wide and the carriageway either side must measure 3.5m.
- 5.14** Provision of a pedestrian crossing on Beach Road at an appropriate location with the required visibility is an essential requirement of this development and should therefore be confirmed prior to planning permission being granted to ensure an acceptable detailed design can be approved at a later date.
- 5.15** Visibility splays measuring 120m are appropriate for vehicles travelling up to 43mph. but a speed survey should be undertaken to establish speeds and may need to be increased to 160m.
- 5.16** To avoid a wide footway at the visibility-splay a grass verge of minimum 1.0m width could be retained between the carriageway and footway.
- 5.17** There are a number of alterations suggested in detail to the layout within the scheme.
- 5.18 Rights of Way Officer** – no comment
- 5.19 Historic Environment Service** – Roman coin (metal detector) finds and presence of demolished medieval church in the vicinity justify the full suite of archaeological conditions.
- 5.20 Local Lead Flood Authority:** No comments or observations as site is below size and 100-unit threshold for comment
- 5.21 Norfolk County Council Minerals Planning:** no objection.

- 5.22 Norfolk Fire and Rescue.** No objection, providing the proposal meets the Building Regulations
- 5.23 Norfolk Police:** No objection, there have however been burglary and motor vehicle break ins recorded locally. The layout is sound, but more detail is needed regarding boundary protection in some areas. Access alleys need to be secure. On curtilage and in garage parking is good.
- 5.24 Norfolk CC Infrastructure:** Section 106 claim to fund £140,220 for junior school place shortfall, £843 for a fire hydrant and £5025 for the library service as direct financial mitigation for the impact of development on infrastructure need
- 5.25 Norfolk County Ecologist Ecology:** There are no objections on ecological grounds although greater consideration could be given to the needs of dog walkers on site (e.g. fenced exercise/agility area and provision of a circular walk. Conditions and notes are suggested for mitigation and enhancements recommended within the applicant's report. Any lighting plan should comply with BCT and ILE guidance. A biodiversity enhancement plan is required before commencement, detailing mitigation and enhancement measures.

Consultation - Internal GYBC

- 5.26 Head of Housing:** The site is within the Northern Rural Sub Market area and a 20% affordable housing contribution required as is shown. The tenure split on this site is shown as 53% / 46% but the viability study suggests a 90%/10% split. The Homebuy register shows need as follows: 13% - 1 bed (of those half request flats) 69% - 2 bed, 16% - 3 bed, 2% - 5 bed. The average household income of those on the help to buy register is £28K per annum. For affordable rented accommodation, the Nationally Described Space Standards are used as a guide. Ground floor accommodation must meet Building Reg Part M Cat 2 as a minimum. The affordable rented housing need in this area is; 20% - 1B2P, 14% - 2B4P, 17% - 3B6P, 32% - 4B7P (Min), 17% - 5B+ An additional 4 bed property in the mix is suggested and conversion of one of the 3 bed properties into two flats. The affordable housing triggers within the proposed S106 heads of terms are acceptable. The resale mechanisms for shared ownership homes ("cascade") is commented on in a separate confidential document.
- 5.27 Resilience officer:** No objections as flood zone 1
- 5.28 Environmental Health – (contaminated land, noise, air quality)** do not object to the grant of consent for the planning application providing conditions are attached for unexpected contamination during construction, and advisory notes on consultation with neighbours on construction noise, a suggested limitation on hours of work and advice on air quality management during construction. A further note places the responsibility for the safe development and secure occupancy of the site with the developer and not the Local Planning Authority in regard to whether the land is free from contamination.

5.29 Anglian Water: no objection. Wastewater treatment plant and pipework has capacity for the waste water flows. Surface water discharge is proposed to be via infiltration so no comments in this regard

5.30 Broads Drainage Board: no objection as infiltration rates are good

5.31 Natural England: No Objection

6. Assessment of Planning Considerations:

National policy

6.1 Paragraph 47 of the National Planning Policy Framework states: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 At present the Council is unable to demonstrate a 5-year supply of deliverable housing sites. Footnote 7 of the NPPF states that this triggers the presumption in favour of sustainable development (titled balance) as stated in Paragraph 11(d) of the NPPF. There are no specific policies in the NPPF that provide a clear reason for refusing the development in accordance with paragraph 11(d)(i) (for example impact on designated natural or historic assets). Therefore, in accordance with the paragraph 11(d), the lack of five year supply should weigh heavily in favour of the application unless any adverse impacts of doing so would significantly and demonstrably outweigh benefits when assessed against the policies in the Framework taken as a whole.

6.3 It is considered that the public benefit of open market dwellings with the 20% affordable housing offered initially does not outweigh the impact on landscape and the openness of the land, loss of best and most versatile agricultural land and the remoteness from a full range of services and facilities and employment opportunities. The scale and nature of development proposed is therefore not considered sustainable development.

6.4 In addition, the lack of a five-year supply is principally down to the housing requirement from the Core Strategy which the Council considers to be out-of-date and unrealistic as documented in the emerging Local Plan. In December the Core Strategy will be five years old and therefore the housing requirement in the Core Strategy will no longer be the basis for five-year supply. Instead paragraph 73 requires the five-year supply to be assessed on the basis of the local housing need calculated using the national standard methodology set out in the NPPF. Under this the housing requirement for the five-year supply is 2,142 as opposed to 3,367. The April 2019 Five Year Supply indicates a supply of 2,302 homes over the five-year period. Therefore, against the local housing need figure the Council will have a five-year supply. Alongside the submission of the Local Plan, the Council prepared an updated five-year supply position which demonstrates that on

adoption of the Local Plan the Council will have a five-year supply (Document C6 in the Local Plan examination library). This indicates that on adoption the supply will be equivalent of 7.05 years supply. Even without the proposed allocations in the emerging plan, the supply will still be in excess of 5 years.

- 6.5** Paragraph 77 of the NPPF invites local planning authorities to support rural exception sites to provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this. The revised 25% affordable housing offer made by the applicant, does not include need or viability appraisal data and is not considered to tilt the balance given the relative remoteness of the site and other factors. It has been established that the housing team would consider a predominantly affordable scheme in this location to fulfil needs, as there is identified need within the northern parishes taken as a whole. The housing team nevertheless regard the site is relatively poorly located, to serve that need dispersed as it is over this wider area, where poorer members of society often find transport costs high in terms of family income.
- 6.6** Paragraph 78 of the NPPF supports rural housing located where it will enhance or maintain the vitality of rural communities. This however is to be achieved through planning policies. There is no evidence that the expansion of the village will significantly alter the viability of the local convenience store for example.
- 6.7** Paragraph 84 states “decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. Given the lack of evidence of community need for development, it is considered that the need to develop parts of this greenfield site not already granted permission in outline is not demonstrated. The opportunities for cycle and foot access to the local school, as illustrated in the site description section is not of a good standard.
- 6.8** Paragraph 170(b) of the NPPF seeks to recognise the benefits of the best and most versatile agricultural land. The site falls within grade 1 agricultural land.

Local Policy Saved Policies of the Borough-Wide Local Plan and Adopted Core Strategy

- 6.9** The site is outside of the Development Limits defined by the existing Borough-wide Local Plan. As such the proposal is contrary to Policy Hou10 of the Borough Wide Local Plan. The supporting text to Policy CS1 of the Core

Strategy makes reference to the continued approach towards development limits.

- 6.10** Growth within the borough must be delivered in a sustainable manner in accordance with Policy CS1 by balancing the delivery of new homes with new jobs and service provision, creating resilient, self-contained communities and reducing the need to travel. Key considerations include ensuring development is of a scale and in a location which contributes and supports the function of individual settlement and creates safe accessible places which promote healthy lifestyles by providing easy access to jobs, shops, community facilities by walking, cycling and public transport.
- 6.11** The site is adjacent to a 'Secondary Village' as identified in Policy CS2 of the Core Strategy. Secondary and Tertiary villages are only expected to deliver approximately 5% of new development. Since the beginning of the plan period 8% of new homes have been built within Secondary Villages. Based on existing consents and proposals in the emerging plan it is expected that this figure will fall to 4%. Policy CS2 states that the percentages listed in the policy may be flexibly applied but within the context of ensuring that the majority of new housing is met within the key service centres and main towns. Unlike some other secondary villages, Scratby does not benefit from a primary school and therefore is a less sustainable location of major housing development.
- 6.12** The applicant has disputed the Council's view that services are limited, and it is accepted that there is a convenience store and community centre but the other services listed are somewhat esoteric or at some distance from the site thus increasing the likelihood of vehicle use, and crucially the schools are distant and along unlit narrow highways lacking footways. There is a nearby bus stop served by the 1A coastal clipper service, so it is accepted that public transport access is not poor in this location.
- 6.13** Policy CS9 - "Encouraging well-designed, distinctive places" sets out the Council's strategic expectations in terms of encouraging well-designed places. The development poorly integrates with the existing settlement in terms of connections or context. The development as such would have the appearance of a rather obvious standalone housing estate. The proposed house types are basic standard house-types used elsewhere in Norfolk and Suffolk and have no local distinctiveness in terms of designs or proposed materials. As such the design of the proposal fails to meet criterion a,b,c or d of the policy. These defects could be addressed further if members were minded to approve the application by resolving to allow further discussion in this regard, but if members resolve to refuse, should remain part of refusal reasoning.
- 6.14** Policy CS11 of the Core Strategy requires development to safeguard and where possible enhance the borough's wider landscape character. The Landscape Character Assessment places this site in the "Settled Farmland" category and identifies key sensitivities or positive features: These are (where related to the site) the openness to the coastal edge between settlements, the

early "Enclosure" landscape pattern, where a smaller scale field pattern persists, which has not been lost to later agricultural intensification. The assessment notes compact, nucleated settlements with wooded settlement edges as is the case here and would be prejudiced by expansion of development onto Scratby Road also harming views to the coastal strip, cited as often evident; Paragraph G3.20 sets the strategic objectives for this character area: amongst which the character of the coastal edge settlements should be enhanced, conserving open views to the coast and gaps between settlements. The applicant's landscape assessment does not reflect on these points, instead offering to soften the appearance of the development behind a landscaped open strip fronting the Scratby Road and the proposal is considered to have some conflict with Policy CS11. The applicant states that as the coast cannot be seen here and so the Character Assessment should carry little weight, however it is considered it is the character of the distant view toward the coast rather than specific views of the sea that are to be regarded as distinctive and relatively important.

- 6.15** Policy CS11(j) and CS12(g) also seek to protect high quality (best and most versatile) agricultural land. As stated above, development on this site would lead to a loss of grade 1 agricultural land which weighs against the proposal.

The Emergent Local Plan

- 6.16** The Local Plan Part 2 has recently been submitted and is therefore at an advanced stage. In accordance with paragraph 48 on submission, those policies of the plan which have no unresolved objections could be given more significant weight. The following relevant policies fall into that category include:
- Policy E7 – Water conservation – requires new dwellings to meet a water efficiency standard
- 6.17** Other policies relevant to the application but can only be afforded limited weight due to outstanding objections are:
- Policy GSP1 – Development Limits – the majority of the site remains outside of the proposed development limits and therefore contrary to the emerging police
 - Policy A2 – Housing Design Principles – requires dwellings to meet building regulations standard M4(2) for adaptable homes and sets other detailed design requirements.
 - Policy H4 – Open Space provision – sets a new standard for open space provision. The proposal provides 0.54 hectares of open space whereas the new standard would require 0.69 hectares.
 - Policy E4 – Trees and Landscape – requires retention of trees and hedgerows

Other material considerations:

- 6.18** The proposal site is beyond the edge of the settlement. Proposed density represents 21 dwellings to the hectare across the site which is low but not unusual in a village context. The proposal is to have sporadic tree planting that would soften but not hide the development from the main road. This open space results in a higher density to the built element of the development and higher than most of the development in the village, where most property is single storey with a cluster of two storey older property on the north side of Beach Road, this has resulted in some distances between bungalows and houses in the proposal being reduced below 20m with direct overlooking created. This level of amenity is not appropriate. A revised drawing has been provided where some dwellings are moved to be very close to the kerb-line of the shared surface roads, in order to increase the back to back distances without fundamental reworking of the plans. If members consider that the objection to location in terms of accessibility and the imminent recalculation of housing need to give a five year supply are not sound reasons to refuse the scheme, officers request that members resolve to allow further discussion on design and amenity to take place.
- 6.19** The demand for self-build plots is very low in this district but there is no detail to indicate that any specialist housing provision, that said the bungalows would lend themselves to adaption for those with disabilities.
- 6.20** The emergent plan shows the top quarter of the site where there is a committee resolution for approval for 19 dwellings in outline as being within the proposed future village limits although formal permission on this site awaits the conclusion of a section 106 agreement. This land was to be accessed through another site onto Beach Road, whereas this proposal has no such connection shown and will be accessed off Scratby Road. As such it will be a significant new development onto Scratby Road, a highway that has the character of running between villages keeping traffic away from them, in a slightly unusual but none the less practical way, and this bypassing character would be reduced by this proposal, and the gaps between the villages of Caister on Sea, Scratby and Hemsby would be further reduced.
- 6.21** The applicant proposes 0.54 hectares of open space on the site together with an equipped play area. Whilst this is double the provision required by the existing policy from the Borough-wide Local Plan, it is short of the emerging policy which is based on more up-to-date evidence. The open space proposed provides an amenity function but lacks any functional value. An equipped play space is offered. Whilst Scratby, does not have any equipped play spaces, the location of the site and the poor accessibility to rest of Scratby means that an equipped play space would be of little value to the rest of Scratby. Nevertheless, the provision of open space and equipped play space does weigh in favour of the proposal, as does the offer to provide £25,000 to the public purse to equip it. It has been further suggested that development of an equipped play area by the Parish on land near the community hall would be an acceptable outcome, if the parish agreed ongoing maintenance as it is not the Borough Council's practice to take responsibility for the construction and maintenance of new play areas. As the parish cannot

meet to discuss this until 9th November the outcome of that meeting will have to be reported verbally to members at committee.

- 6.22** The applicant suggests that the provision of 1 & 2 bed properties and bungalows should weigh in favour of the development in addressing affordability concerns. The provision of smaller properties is welcomed and therefore the proposal aligns with Policy CS3 in providing a mix of housing.
- 6.23** The proposal was initially submitted with a stated undertaking to provide 20% affordable housing in line with policy. When taken to committee on 14th October this offer had been increased to 25%. An email received 27.10.20 suggests the offer is to be increased to 30%. This is a material consideration. If members were to consider that this and the other developments with regard to highway enhancement are sufficient to indicate a resolution to approve then the resolution would incorporate the requirement to deliver this quantum of affordable housing. This would not represent a compliance with the “rural exception site policy” laid out at paragraph 77 of the NPPF, because that policy requires that a viability proposal is submitted to demonstrate that only as many open market houses as are necessary to provide funding to enable the affordable housing, is provided on any site under that policy as defined in Annex 2. Nor would the offer comply with policy CS4 of the adopted Core Strategy where paragraph (d) requires the site be “small” and the majority of properties affordable.
- 6.24** On a procedural level, there has been criticism of the failure by the applicant to identify land in their control detached from this site. That land is considered to have no bearing on this case.
- 6.25** County Highways in response to the initial submission had not given full support to the proposal and have asked for more information, noting that the routes to school identified in the transport statement needed footways.
- 6.26** The applicant proposes to make contributions towards traffic calming measures (through a Traffic Regulation Order to reduce the speed to 30mph or contributions to other speed reduction measures). These are partly to address the impacts of development but would also address a concern of the Parish Council with regards to the existing situation. Providing such measures can be secured they would weigh in favour of the proposal, but traffic regulation orders are themselves subject to democratic review and so cannot be lent significant weight before they are in place and the County Highway officer has indicated that the proposal to reduce speed here would not be supported by the County’s Highway (highway management) design guidance
- 6.27** A draft legal agreement submitted by the applicant has been received outlining the measures offered to the parish council in the pre application discussions and being offered as mitigation for this application. This draft agreement offers £25,000 to the highway authority for the traffic regulation order relating to speed reduction here and elsewhere in the parish area. (There was some debate as to which authority should receive the funds, the monitoring officer has suggested it must be the County Council and so while

the draft 106 agreement shows the funds to be passed to GYBC this can readily be altered).

- 6.28** It is suggested that a Grampian condition can be used if members resolve to approve to secure footway improvements subject to the further agreement of details and the provision of the “T ROD” type (informally surfaced) footways to link the site along Melton Road to Station Road, be conditioned to happen before development. County Highways have suggested that legal certainty would be possible in this matter as they would roll the footway improvements off site into the legal process that underpins adoption of roads (section 278) within the site.
- 6.29** There is a further offer within the proposals (but not identified in the section 106 and not in the red lined site area) to improve the footway along the west side of the site on Scratby Road, from Beach Road to the footway that exists in front of the Methodist chapel. This is some 355m with budget cost of c£75,000 according to the developers estimates. This will represent a public benefit, but the highway authority has identified that beyond the Methodist chapel beyond there is no continuance of the footway, so its value in practical terms for access to California would be limited unless it could be further extended. The County also asked how children playing on the large area of public open space will be segregated safely from the Scratby Road, though if the play area can be located as in paragraph 6.21 this will not be an issue. If however members were minded to approve, again a Grampian condition combined with the necessity for an adoption agreement for works within the site to which County Highways could tie the other improvements offered, would have sufficient legal force.
- 6.30** Notwithstanding the above, the highway authority would want the proposed pedestrian crossing of Beach Road to demonstrate inter-visibility between pedestrians and vehicles. Scratby Road is likely to be subject to poor compliance with the 40mph speed limit and had suggested a speed survey necessary to determine this and the access. The developer has responded to say that the vision splays possible would provide sufficient for vehicles travelling at 43 mph. The developer has demonstrated that 2.4 x 160m vision splays are achievable, and this figure is the upper distance required by the County if no speed check survey were to be provided (with one it could be reduced).
- 6.31** There might be practical impediment to deliver the footway connection on Station Road relates to the unwillingness stated by the landowner to sell land on the north side. The ownership of this is disputed by the applicant. If the Grampian condition required a complete link before other development, then this could frustrate development if members are minded to approve. It is considered that a footway could be provided on the other (south) verge of Station Road, and while this would involve crossing Station Road to access it, this is not considered to be an unduly busy highway.
- 6.32** A number of fine grain detailed objections are made to aspects of the submitted layout, in themselves considered as capable of being overcome if

conditioned. Footpath connectivity can be upgraded, and without this the County Highways team would find the scheme “unacceptable”. The distances however, involved in the walk to school are considered excessive, and likely to lead to car use.

- 6.33** In conclusion the developer has worked with the County Council Highway team to provide a package of measures to be secured by condition and adoption agreement, which if implemented would mean that highway issues are addressed.

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.
- 7.2** It is assessed that the provision of affordable housing, contributions towards impacted local infrastructure of £140,220 for primary education, £843 for fire hydrant installation and £5025 for library provision is required by way of agreement under section 106 of the planning act and furthermore that the final layout makes consideration of green infrastructure such as walking routes. These provisions will render the impacts of the development upon the services locally will be sufficiently mitigated for the purposes of planning. financial gain does not play a part therefore 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 report rules out direct effects in isolation; but accepts that in-combination likely significant effects cannot be ruled out from increased recreational disturbance on the Broads SPA and Winterton Dunes and recreational access (and potential for disturbance) is extremely limited. An Appropriate Assessment (AA) has been carried out. The AA considers that there is the potential to increase recreational pressures on the Broads SPA and Winterton

Dunes, but this is in-combination with other projects and can be adequately mitigated by a contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per six non-dwelling bed-spaces) to ensure that there will be no adverse effects on the integrity of the internationally protected habitat sites.

- 8.3** The Borough Council as competent authority agrees with the conclusions of this assessment. To meet the mitigation requirements, it is recommended that the appropriate contribution is secured by either S.111 or S.106 agreement.

9. Concluding Assessment

- 9.1** The proposal is contrary the adopted development plan. At present the Council is unable to demonstrate a 5-year supply of deliverable housing sites. Footnote 7 of the NPPF states that this triggers the tilted balance as stated in Paragraph 11(d) of the NPPF. The lack of five-year supply should weigh heavily in favour of the application unless any adverse impacts of doing so would significantly and demonstrably outweigh benefits when assessed against the policies in the Framework taken as a whole.
- 9.2** The site is not considered to be in a sufficiently sustainable location to accommodate the scale of development proposed. The development will also result in loss of best and most versatile agricultural land, harm to the landscape and design quality, that should be improved, contrary to local and national planning policies.
- 9.3** Additionally, the weight to be given to the lack of a five-year supply and the tilted balance should be reduced given that the Council should soon be in a position to demonstrate a robust five-year supply and that the existing housing target is out-of-date, being based on a method of calculation long supplanted by the current national guidance.
- 9.4** Whilst the development will provide benefits in terms of providing new homes, including affordable homes, together with new open space, these benefits are not considered sufficient to outweigh the harm caused by the fact that the proposal is contrary to several policies of the Development Plan and the fact that it does not represent sustainable development in line with the National Planning Policy Framework. The traffic calming offered by financial contribution is not financially supported in realistic terms and not considered deliverable.
- 9.5** The applicant has worked to address highway matters and connectivity by non-car modes, and increased the affordable housing offer, but this is still not considered to outweigh the relative remoteness of the site and the increasing weight that must be accorded to the changing housing need environment.

10. RECOMMENDATION: -

- 10.1** Refuse as contrary to policies HOU10, CS1 and CS2 and NPPF as being outside the development limits and unsustainable location for scale of development, notwithstanding the “tilted balance” where the numerical assumptions underlying this apparent shortfall are considered out of date.
- 10.2** The proposal is also contrary to CS11, CS12 and NPPF as it harms the qualities identified for this area in the Landscape Character Assessment and uses Grade 1 (best and most versatile) agricultural land.
- 10.3** The proposal is contrary to policy CS9 and NPPF on design in that it shortfalls in places on amenity and fails to create distinctiveness, and connectivity within the scheme.

Background Papers 06/20/0313/f



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1	2	3
4	5	6



WALLS



ENCLOSURE:

1800mm high brick ga

STREACE TR




giving 90° birringbone 215x115x80mm
in Charcoal (CL) colour.

- The Copyrights of the drawings submitted with Applications and may not be reproduced in any form without the prior written consent.
- Written Instructions may be used in preference to a model
- Drawings must show details of Drawings as sets
- Drawings will not be returned to the Applicant before processing
- Drawings: (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100) (101) (102) (103) (104) (105) (106) (107) (108) (109) (110) (111) (112) (113) (114) (115) (116) (117) (118) (119) (120) (121) (122) (123) (124) (125) (126) (127) (128) (129) (130) (131) (132) (133) (134) (135) (136) (137) (138) (139) (140) (141) (142) (143) (144) (145) (146) (147) (148) (149) (150) (151) (152) (153) (154) (155) (156) (157) (158) (159) (160) (161) (162) (163) (164) (165) (166) (167) (168) (169) (170) (171) (172) (173) (174) (175) (176) (177) (178) (179) (180) (181) (182) (183) (184) (185) (186) (187) (188) (189) (190) (191) (192) (193) (194) (195) (196) (197) (198) (199) (200) (201) (202) (203) (204) (205) (206) (207) (208) (209) (210) (211) (212) (213) (214) (215) (216) (217) (218) (219) (220) (221) (222) (223) (224) (225) (226) (227) (228) (229) (230) (231) (232) (233) (234) (235) (236) (237) (238) (239) (240) (241) (242) (243) (244) (245) (246) (247) (248) (249) (250) (251) (252) (253) (254) (255) (256) (257) (258) (259) (260) (261) (262) (263) (264) (265) (266) (267) (268) (269) (270) (271) (272) (273) (274) (275) (276) (277) (278) (279) (280) (281) (282) (283) (284) (285) (286) (287) (288) (289) (290) (291) (292) (293) (294) (295) (296) (297) (298) (299) (300) (301) (302) (303) (304) (305) (306) (307) (308) (309) (310) (311) (312) (313) (314) (315) (316) (317) (318) (319) (320) (321) (322) (323) (324) (325) (326) (327) (328) (329) (330) (331) (332) (333) (334) (335) (336) (337) (338) (339) (340) (341) (342) (343) (344) (345) (346) (347) (348) (349) (350) (351) (352) (353) (354) (355) (356) (357) (358) (359) (360) (361) (362) (363) (364) (365) (366) (367) (368) (369) (370) (371) (372) (373) (374) (375) (376) (377) (378) (379) (380) (381) (382) (383) (384) (385) (386) (387) (388) (389) (390) (391) (392) (393) (394) (395) (396) (397) (398) (399) (400) (401) (402) (403) (404) (405) (406) (407) (408) (409) (410) (411) (412) (413) (414) (415) (416) (417) (418) (419) (420) (421) (422) (423) (424) (425) (426) (427) (428) (429) (430) (431) (432) (433) (434) (435) (436) (437) (438) (439) (440) (441) (442) (443) (444) (445) (446) (447) (448) (449) (450) (451) (452) (453) (454) (455) (456) (457) (458) (459) (460) (461) (462) (463) (464) (465) (466) (467) (468) (469) (470) (471) (472) (473) (474) (475) (476) (477) (478) (479) (480) (481) (482) (483) (484) (485) (486) (487) (488) (489) (490) (491) (492) (493) (494) (495) (496) (497) (498) (499) (500) (501) (502) (503) (504) (505) (506) (507) (508) (509) (510) (511) (512) (513) (514) (515) (516) (517) (518) (519) (520) (521) (522) (523) (524) (525) (526) (527) (528) (529) (530) (531) (532) (533) (534) (535) (536) (537) (538) (539) (540) (541) (542) (543) (544) (545) (546) (547) (548) (549) (550) (551) (552) (553) (554) (555) (556) (557) (558) (559) (560) (561) (562) (563) (564) (565) (566) (567) (568) (569) (570) (571) (572) (573) (574) (575) (576) (577) (578) (579) (580) (581) (582) (583) (584) (585) (586) (587) (588) (589) (590) (591) (592) (593) (594) (595) (596) (597) (598) (599) (600) (601) (602) (603) (604) (605) (606) (607) (608) (609) (610) (611) (612) (613) (614) (615) (616) (617) (618) (619) (620) (621) (622) (623) (624) (625) (626) (627) (628) (629) (630) (631) (632) (633) (634) (635) (636) (637) (638) (639) (640) (641) (642) (643) (644) (645) (646) (647) (648) (649) (650) (651) (652) (653) (654) (655) (656) (657) (658) (659) (660) (661) (662) (663) (664) (665) (666) (667) (668) (669) (670) (671) (672) (673) (674) (675) (676) (677) (678) (679) (680) (681) (682) (683) (684) (685) (686) (687) (688) (689) (690) (691) (692) (693) (694) (695) (696) (697) (698) (699) (700) (701) (702) (703) (704) (705) (706) (707) (708) (709) (710) (711) (712) (713) (714) (715) (716) (717) (718) (719) (720) (721) (722) (723) (724) (725) (726) (727) (728) (729) (730) (731) (732) (733) (734) (735) (736) (737) (738) (739) (740) (741) (742) (743) (744) (745) (746) (747) (748) (749) (750) (751) (752) (753) (754) (755) (756) (757) (758) (759) (760) (761) (762) (763) (764) (765) (766) (767) (768) (769) (770) (771) (772) (773) (774) (775) (776) (777) (778) (779) (780) (781) (782) (783) (784) (785) (786) (787) (788) (789) (790) (791) (792) (793) (794) (795) (796) (797) (798) (799) (800) (801) (802) (803) (804) (805) (806) (807) (808) (809) (810) (811) (812) (813) (814) (815) (816) (817) (818) (819) (820) (821) (822) (823) (824)

All Materials subject to availability

REV	DESCRIPTION	DATE
A	Revised to clients comments	19.04.12
B	Plot No 2 revised to accord with site layout drawing 2012/SL/01 rev E	06.10.12
C	Plot No 2 revised to accord with site layout drawing 2012/SL/01 rev G	26.10.12
D	Revised to accord with site layout drawing 2012/SL/01 rev H	28.10.12

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Website: www.angler.co.uk

PROJECT
RESIDENTIAL DEVELOPMENT,
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SCRATBY,
NORFOLK.

EXTERNAL MATERIALS

DRAWING STATUS: For Planning

SCALES - 1:500 @ A1	DATE - JUNE 2020
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FORM NO.	2032	DATE NO.	MAT01	REV.	1
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