

Reference: 06/19/0404/F

Parish: Martham

Officer: D.Minns

Expiry Date:ETA

Applicant: KBS Holdings Limited

Proposal: Construction of 33 new mixed dwelling types (including 9 social housing units of different types)

Site: Tower Road (Land north of) Fleggburgh GREAT YARMOUTH NR29 3AU

REPORT

1.0 Background

1.1 This is a full planning application for the erection of 33 dwellings. Since the planning application was first submitted the application has been subject to amendment both in terms of the layout and the means of access to the site.

2.0 Site and Context

2.1 The application site is approximately 3.10 hectares and is located to the north east approach to the village of Fleggburgh at the junction of Rollesby Road and Tower Road. The site currently comprises un-cultivated flat arable land Grade 1 land is bounded by intermittent trees and hedgerows. To the east is open farmland/grazing land with residential development to the west.

2.2 Adjacent to the site and immediately to the east of Tower Road is a site that was granted planning permission Ref: 06/15/705/F for nine dwellings and is under construction.

2.3 The site comprises a rectangular shaped parcel of land consisting of semi-improved grassland which is bound by a combination of close boarded fencing, scrub and trees to the north, defunct hedging to the south, intact hedging and trees to the east and Hera fencing to the west

2.4 The development proposals will involve the complete clearance of the site. Using the Great Yarmouth Borough Council guidance for assessing impacts upon Internationally Important Wildlife sites the proposed development site falls within the 'red zone' owing to its scale and proximity The Broads SAC. This means that in accordance with the guidance a bespoke shadow is required HRA to help inform the Council assess the likely significant impact of the development on the locally International important wildlife sites. More of which is discussed below.

2.5 Existing development in the area is a mix of dwelling types, designs and periods including bungalow and houses.

3. 0 The Proposal

3.1 Entrance to the site is from Tower Road. The application form and plans show 24 open market houses comprising

- 3 x 2 bed dwellings
- 13x 3 bed dwellings
- 4x 4 bed roomed plus dwellings

And 9 social housing properties comprising

- 4x1 bedroom dwellings
- 2 x 2 bed dwellings
- 3 x 3 bed dwellings
- 1 x 4 bed plus dwelling

3.2 The dwellings are formed of both bungalows and houses formed off mini cul-de-sacs and there is no through road through the site .

3.3 The entrance to the site on Tower Road is set at a mid- way point between the entrances to Royden Way and Orchard Way on the opposite side of Tower Road. The proposed development runs along the rear and parallel with the rear boundaries granted planning permission under 06/15/705/F and the property known as Tower Lodge to the east which also fronts onto Tower Road. .

3.4 The plans show alterations to the highway which includes Tower Road being widened to 5.8m between the junction and the site entrance including the footpath provision previously approved under the Rollesby Road development.

3.5 The plans show planting throughout the development with a detention basin at the rear of the site serving the surface water sustainable drainage of the site. The site is to be served via mains drainage and connection to the foul connection running to the rear of the site in Tretts Loke.

3.6 The development is mainly detached dwellings comprised of 15 bungalows and 14 houses with a terrace 4 bungalows. The design incorporates both traditional and hipped roofs. Materials include buff and red brick work under eternit grey slate roof coverings with some rendered panels. Each property has a garages or on plot parking or dedicated parking area and individual gardens.

3.7 Accompanying both proposals are the following documents:- Design and Access Statement

- Flood Risk Assessment and Drainage Strategy
- Shadow Habitat Regulation Assessment & Ecological Report
- Tree Survey and Arboriculturally Impact Assessment

- Archaeological Report
- Desk based contamination Land assessment
- Reptile Report

4.0 Relevant Planning History

4.1 **None** – field adjacent 06/15/0705/F referred to above ok.

5.0 Consultations :-

5.1 **Fleggburgh Parish Council:** - agree to support in principle the development of the land subject the following:

- removal of all future permitted development rights on affordable and social housing with 2-3 bedrooms
- social housing to be kept as social housing in perpetuity
- 20% of development social housing
- open spaces to be gifted to Flebburgh Parish Council
- to change the one-bedroom bungalows to two bed room terrace houses
- number 12 and 13 to become bungalows
- number 32 and 33 to become bungalows

5.2 Public representations 5 received the proposal has been advertised on site and in the press.

- 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
- Fleggburgh cannot cope within increased development
- Insufficient demand for further housing
- Our doctors surgery is only open 3 days per week with no parking available
- With all the building in the area the need for new housing here is questionable - so why do we need more?
- Loss of agricultural land when we need to grow our own
- There are no jobs to warrant further housing in the area
- Do not need the additional traffic going through the village
- These are large dwellings and locals will not be able to afford them
- Infrastructure can't cope no shops pubs or other local services
- Too much traffic on narrow roads causing highway danger impacting upon road safety

5.3 Consultations – External

Norfolk County Council

5.4 Highways - Further to earlier e-mails I have received yesterday a revised plan from Stuart Clarke (drawing 256-P-003-RevG) which now includes confirmation of surface improvements to PROW FP6. You will note that the developer is no longer proposing amendments to the Tower Road / Rollesby Road junction. Following research of the highway boundary there was found to be insufficient land available to provide a continuous footway link from the site to FP6. It is recognised however that alternative pedestrian route does exist via Royden Way. With this in mind we are satisfied that drawing 256-P003-RevG and 256-P002-revB address our original comments. We recommend the following conditions be appended to any consent your authority is minded to grant.

5.5 Rights of Way Officer - With reference to my previous correspondence and following a site meeting with the applicant, I am now satisfied that this development will not affect the Public Right of Way, Fleggburgh Footpath 5. I therefore lift my objection to this application.

5.6 Historic Environment Service – requested an Areological Report be undertaken . Results have been written up and recorded and passed to County no further action is required.

5.7 Norfolk Constabulary (Architectural Liaison Officer) -

Recommends appropriate boundary treatment encloses the site to provide adequate security protection, privacy and reduce unauthorised pedestrian permeability. Specific and general advice on design and layout to provide a secure development will be offered at the reserved matters stage.

5.8 Norfolk Fire and Rescue I do not propose to raise any objections providing the the proposal meets the necessary requirements of the current Building Regulations 2010 as administered by the Building Control authority for access and water supplies for the Fire and Rescue Service.

5.9 Infrastructure – 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.

a) **Education** – There is capacity within the Early Education, Primary and High School sectors Therefore Norfolk County Council will not seek education contributions.

b) **Fire Service** – The development will require 1 hydrant per 50 dwellings at a cost of £824 per hydrant. The onus will be on the developers to install it at his own cost.

c) **Library Provision** - A development of 33 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 the library. It has been calculated that a development of this scale would require a total contribution of £2,475 (i.e. £75 per dwelling). This contribution will be spent on library stock and equipment for mobile library service

d) Environment - As outlined in the Norfolk County Council Planning Obligations Standards (April 2019), 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 to 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 (Natural Environment)- The site should contribute to the Great Yarmouth Habitat Regulation Assessment Monitoring and Mitigation Fund due to the close proximity of SAC and SSI.

5.10 Drainage

5.11 Local Lead Flood Authority - Response received stating that “the application has been screened and it falls below our current threshold for providing detailed comment. This is because the proposal is for less than 100 dwellings or 2 ha in size and is not within a surface water flow path as defined by the Environment Agency mapping.

5.12 Environmental Agency – No comment

5.13 Anglian Water - 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. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal

5.14 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application does not relate to Anglian Water

operated assets. As such we are unable to comment on the suitability of the surface water management system.

5.15 Essex and Suffolk Water – We have no objection to the proposed development subject to compliance with our requirements. Consent will be given to this development on the condition that a metered water connection is made to our company network for each new dwelling/community and commercial unit for revenue purposes.

5.16 Broads Drainage Board – the site is near to the Internal Drainage Board (IDD) of the Broads (2006) it is noted that the applicant intends to discharge surface water from the adoptable estate road to a watercourse. The proposed development will therefore require land drainage consent in line with the Broads Byelaws. Any consent is likely to be conditional, pending the payment of a surface water development contribution fee, calculated in line with the Broads Charging Policy.

5.17 It is also noted that the applicant intends to dispose of surface water from private drives and roof areas via infiltration, however the viability of this part of the drainage strategy has not been evidenced. The proposed strategy should be supported by ground investigation to determine the infiltration potential of the site and the depth to ground water. If on-site material is considered favourable then infiltration testing in line with BRE 365 should be undertaken to determine its efficiency. If (following testing) the approach is not viable and an additional discharge is proposed to a watercourse, then this will also require land drainage consent in line with the Broad's byelaws.

5.18 Natural England – No objection subject to mitigation payments

5.19 NHS - No comments received

Consultation - Internal GYBC

5.20 Building Control - Although outline only the need is highlighted to provide adequate Fire pump access and turning head in particular to the south of the site

5.21 Environmental Health – 'Environmental Services does not object to the grant of planning permission for the above referenced proposal. However, we do give the following advice, in formative and recommended conditions for inclusion on any planning consent that may be granted. Matters such as:-

- a) hours of use and deliveries, plus submission of details of plant for the community and commercial facilities will be commented upon further for planning conditions should the proposed development reach a detailed submission stage

- b)** Land Contamination: If planning permission is granted conditions are recommend to cover address any potential contamination on site and means of mitigation if present both before and during construction
- c)** Details of foul and surface water
- d)** Conditions controlling provision of external lighting to minimise light pollution and impact upon neighbour amenity
- e)** Control on hours of construction to reduce impact upon neighbour amenity
- f)** Conditions regarding potential Contamination and removal of existing buildings and materials and Local Air Quality as a result of dust during construction/demolition.

6.0 Assessment of Planning Considerations Planning Policy

Relevant development plan policies

6.1 Local Policy :-

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

6.2 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.

6.3 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.

6.4 HOU10: Permission for new dwellings in the countryside will only be given in connection with agriculture, forestry, organised recreation, or the expansion of settlements.

6.5 HOU16: A high standard of layout and design will be required for all housing proposal. A site survey and landscaping scheme will be required will all detailed applications for more than 10 dwellings. These should include measures to retain and safeguard significant existing landscape features and give details of, existing and proposed site levels planting and aftercare arrangements.

Core Strategy – Adopted 21st December 2015

6.6 Policy CS2: Achieving sustainable growth. This policy identifies the broad areas for growth, sets out the sustainable settlement hierarchy for the borough and two key allocations.

Fleggburgh is identified as a Secondary Village:

- a) Ensure that new residential development is distributed according to the following settlement hierarchy, with a greater proportion of development in the larger and more sustainable settlements: (partial)
- Approximately 5% of new development will take place in the Secondary and Tertiary Villages named in the settlement hierarchy

6.7 Policy CS3: To ensure that new residential development in the borough meets the housing needs of local people, the Council and its partners will seek to:

- a) Make provision for at least 7,140 new homes over the plan period. This will be achieved by (extract only):
- 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

6.8 Policy CS4: The need to provide additional affordable housing is one of the greatest challenges facing the borough. To ensure that an appropriate amount and mix of affordable housing is delivered throughout the borough, the Council and its partners will seek to:(partial)

- b) Ensure that affordable housing is either:
- Provided on-site using this contribution to deliver homes of a type, size and tenure agreed by the developer and the local authority based on local evidence and where appropriate, delivered in partnership with a Registered Provider; or
 - Provided via an off-site financial contribution, in exceptional circumstances
- c) Ensure that new affordable housing, when provided as part of a market housing site, is well integrated into the development in terms of its design and layout

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

6.10 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.

6.11 Policy CS14: New development can result in extra pressure being placed on

existing infrastructure and local facilities. To ensure that the necessary infrastructure is delivered the Council will: (a to f)

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

6.12 Draft Local Plan Part 2

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

The site is shown in two parts

- a) Site 213: Likely significant improvements required on Tower Road,
- b) Site 206: No clear means of access (likely through 212 which has planning permission)

For clarification Site 212 the adjacent site has planning Permission for 9 units (Ref: 06/15/0705/F)

6.13 Policy G1-dp Development limits

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

- domestic extensions and outbuildings within existing residential curtilages, under Policy H8-dp; replacement dwellings,
- under Policy H4-dp;
- small scale employment, under Policy B1-dp;
- community facilities, under Policy C1-dp;
- farm diversification, under Policies R4-dp, L3-dp & L4-dp;
- rural workers' housing, under Policy H1-dp; and
- development relocated from a Coastal Change Management Area, under Policy E2-dp.

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

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

demonstrated that the development will be delivered promptly (i.e. within 5 years maximum).

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

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

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

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

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

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

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

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

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

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

For decision-taking this means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.0 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.

7.2 Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a Local Authority. It is assessed that financial gain does not play a part in the recommendation for the determination of this application.

8. Shadow Habitats Regulation Assessment

8.1 The applicant has submitted a bespoke Shadow Habitat Regulations Assessment (HRA). It is confirmed that the shadow HRA submitted by the applicant has been assessed as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.

8.2 The Shadow Habitats Regulations Assessment submitted with application has been reviewed. The context of the site is that this development proposal of up to 33 dwellings just north of the existing settlement of Fleggburgh – a rural village comprising approximately 200 houses, with existing residential west of the site. The site is approximately 250m west of The Broads SAC, and 6.5km south-west of Winterton-Horsey Dunes SAC.

8.3 The report rules out direct effects in isolation; but accepts that in-combination likely significant effects cannot be ruled out from increased recreational disturbance on the Broads SAC, Broadland SPA, Winterton-Horsey Dunes SAC, Breydon Water SPA and North Denes SPA. The report identifies that despite the proximity of the nearby Broads SAC, recreational access (and potential for disturbance) to the SAC is extremely limited. An Appropriate Assessment (AA) has been carried out. The AA considers that there is the potential to increase recreational pressures at Winterton-Horsey Dunes SAC and North Denes SPA, but this is in-combination with other projects and can be adequately mitigated by a contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per dwelling) to ensure that there will be no adverse effects on the integrity of the internationally protected habitat sites.

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

7.0 Assessment

7.1 According to the draft Local Plan Part 2, Fleggburgh is one of the largest and best-served secondary village in the Borough, with facilities including a primary school, GP surgery and sports club/gym. The settlement is located along the A1064, inland 6 miles north-west of Caister-on-Sea. The village is adjacent Filby Broad which further encourages its attraction as a tourist destination, with a wide range of holiday cottages, and a camping and caravan park.

7.2 The application site is located adjacent to the rear boundaries of properties currently under construction. To the north is a site recently approved for two dwellings and members will recall the recent site visit and application to the site north of Tretts Loke which the Committee resolved to approve for 13 dwellings. Opposite the entrance to the site there is existing residential development also served off Tower Road.

7.3 There are bus stops in close proximity to the site and a public right of way runs along the eastern boundary of the site. Highways and the Public Rights of Way officer are satisfied following amended plans that the development would not adversely impact upon the right of way following clarification and amendment of the plans. The footpath runs the length of the site from Tower Road to Treats Loke. (Fleggburgh FP5) length. There is capacity in schools in the locality to accommodate children potentially associated with the development

7.4 Tower Road is 30mph along its length. There would be a footpath along the site frontage with a widening of the road. Highways following a various amendments raise no objection to the proposal in its amended form subject to suggested condition to secure the development accordance with the amended plans.

7.5 The site is located outside any area that is considered at risk of flooding on the Environment Agency indicative maps nor it considered at risk of surface water flooding. The site incorporates a sustainable surface water system with connection to the mains drainage system a Tretts Loke.

7.6 There have been a number of applications and approvals for development within the village of Fleggburgh so when assessing the site sequentially against other available sites the extended area should be considered. Great Yarmouth has a housing land supply of 3.74 years, it can be reasonably assessed that there are limited development sites available that are not within flood areas given the limited availability of development sites.

7.7 The Natural Environment Team who provide ecology advice to the Council have assessed the application and documents submitted with the application and in the context of statutory consultees documents. The conclusion reached is that the site which comprises of semi-improved grassland bounded by a combination of close boarded fencing, scrub and trees to the north, defunct hedging in the south and intact hedging and tress to the east along with Herras fencing to the west (around the development site) .Habitats are likely to support bats and ,barn owls, hares ,toads, hedgehogs and widespread vertebrate species. The site is confirmed to support a number of grass snakes. The advice is that the reports are fit for purpose. A number of aspects are highlighted, and recommendations made to aid

the decision making process. These include Habitat regulation Assessment Information referred and covered above.

7.8 In summary a number of conditions are suggested to both reduce and enhance the biodiversity impact of the development including conditions regarding lighting within the development and the provision of a Biodiversity Plan including the provision of hedgehog highway gaps in gravel boards.

7.9 The provision of a Landscape Management Plan is also recommended along with a condition to avoid causing injury or harm to grass snakes.

7.10 The design and make up of the development has been subject of a some comment the Parish Council basically have no objection to the proposal subject to the observations made. The scheme does include a dwelling mix as required by the local plan policy and includes the Council policy requirement of 20% affordable housing and which cater for a particular need. The principle of which is supported by the Council Housing and Enabling officer. It is considered that the scale of development is appropriate for the size and setting of the site.

7.11 In terms of Local Authority Requirements - in addition the County set out above - the application site is in an area requiring, according to the adopted Core Strategy, a 20% affordable housing provision. This should be secured by s106 agreement.

7.12 The requirement is that there should 40 square metres of public open space per dwelling is provided in accordance with current local plan policy or, if a contribution is appropriate at the absolute discretion of the Local Planning Authority payment in lieu towards offsite provision at a cost of £12 per square metre shortfall shall be required to be paid.

7.13 The application shows areas of open space within the development. If Committee are minded to support the development further discussion needs to had with the applicant regarding is use for public open space and who will be responsible for management of the open space. The plans show a band of open space running partially the access run into the site and an additional area in the corner, but this also seems to double as a attenuation basin.

7.14 The Local Planning Authority will accept no liability for public open space, children's recreation or drainage and as such this shall be subject to a management company in perpetuity. It should also be noted that the Parish Council have requested that the open space be gifted to The Parish Council.

7.15 An important factor when determining applications is whether a Local Authority has the ability to demonstrate a five-year housing land supply. If a Local Planning Authority cannot show that they are meeting this requirement, their policies with regards to residential development will be considered to be "out of date". There is currently a housing land supply of 3.74 years Although this does not mean that all residential developments must be approved the presumption in favour of sustainable development must be applied.

7.16 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.”

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

“Plans and decisions should apply a presumption in favour of sustainable development...For decision-taking this means:

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

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

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

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

7.18 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.

7.19 The application site is a sustainable one being within a village with facilities, albeit limited facilities and adjacent to existing residences it cannot therefore be assessed as isolated. There is a conflict with an in date policy of the Core Strategy, policy CS13 with reference the site having an area of flood risk within however, as per the information submitted and the assessment above, in this particular instance and taking into account the limited amount of space that is included within the flood

zone when looking at the site as a whole it is assessed that the harms do not demonstrably outweigh the benefits of providing housing.

7.20 There are also harms associated with the loss of Grade 1 agricultural land and the impact on biodiversity within the local area. Being farmed land the biodiversity present on the site, in the absence of a policy requiring detailed information to be submitted, the application can be assessed as no harms occurring through loss of the land that would outweigh the need for housing; however, this is caveated by the need for additional enhancements that can be secured by way of condition.

7.21 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

8.0 RECOMMENDATION: -

8.1 The application is not one that can be assessed without balancing the material considerations carefully. The lack of a 5-year housing land supply and the need to provide housing provides a material reason for approval in favour of the development and, it is assessed on marginal balance, that the harms identified do not significantly and demonstrably outweigh the benefits of providing housing.

8.2 Approve – subject to the conditions to ensure an adequate form of development including those requested by and a s106 agreement securing Local Authority requirements of children’s recreation, public open space, affordable housing and Natura 2000 payment. and library contribution. The proposal complies with the aims of Policies CS2, CS3, CS9, CS11 and CS14 of the Great Yarmouth Core Strategy.

Background Papers 06/19/0404/F



IMPORTANT - TO BE READ BY THE CLIENT
Construction (Design and Management) Regulations 2015:CDM

The client should be aware that CDM may be required for their project and they should seek further professional advice regarding CDM regulations and appointment of Project Co-ordinator.

Further information can be obtained from the HSE website.

0 10 20 30 40 50 60 70 80 90 100m
Scale: 1:1250 @ ISO A1

0 5 10 15 20 25 30 35 40m
Scale: 1:500 @ ISO A1

0 2 4 6 8 10 12 14 16m
Scale: 1:200 @ ISO A1

0 1 2 3 4 5 6 7 8m
Scale: 1:100 @ ISO A1

0 1 2 3 4m
Scale: 1:50 @ ISO A1

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Should you wish to check any dimensions, please call us and we will be able to confirm exact measurement data as required.

CLIENT:
KBS Holdings Limited

PROJECT:
Land to the north of Tower Road, Fleggburgh

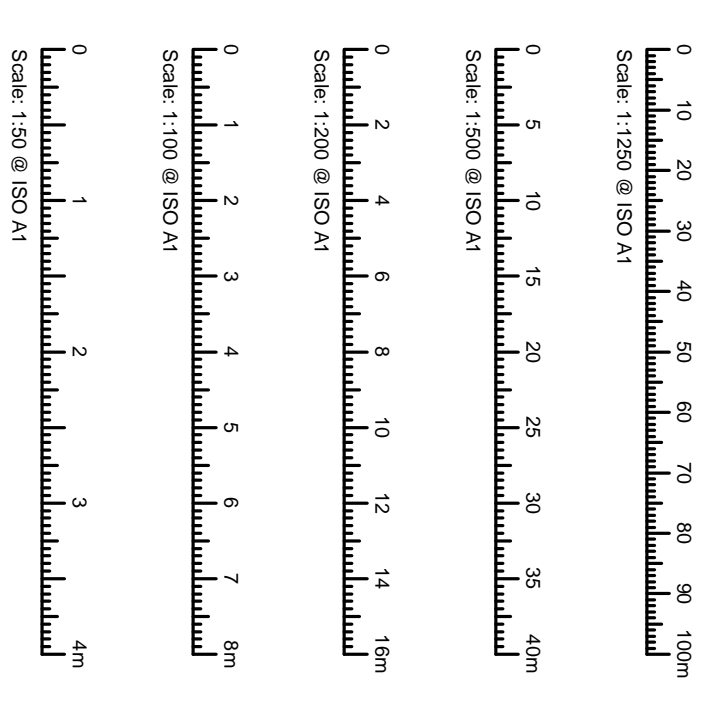
DRAWING TITLE:
Alternative Site Plan

DRG. No:	256-P-003
DRG. SCALE:	1:2500
DATE:	Nov 2019
PAGE SIZE:	ISO A1

REVISIONS:
A - Dec 2019 - Amendments made in accordance with NCC Engineer requirements
B - Jan 2020 - Amendments made in accordance with NCC requirements
C - Jan 2020 - Amendments made in accordance with NCC requirements
D - Feb 2020 - Footpath link to FP6 altered
E - Feb 2020 - Radius bend altered
F - Feb 2020 - Boundary Treatment description added
G - March 2020 - FP6 improvement note added

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DO NOT SCALE FROM THIS DRAWING!

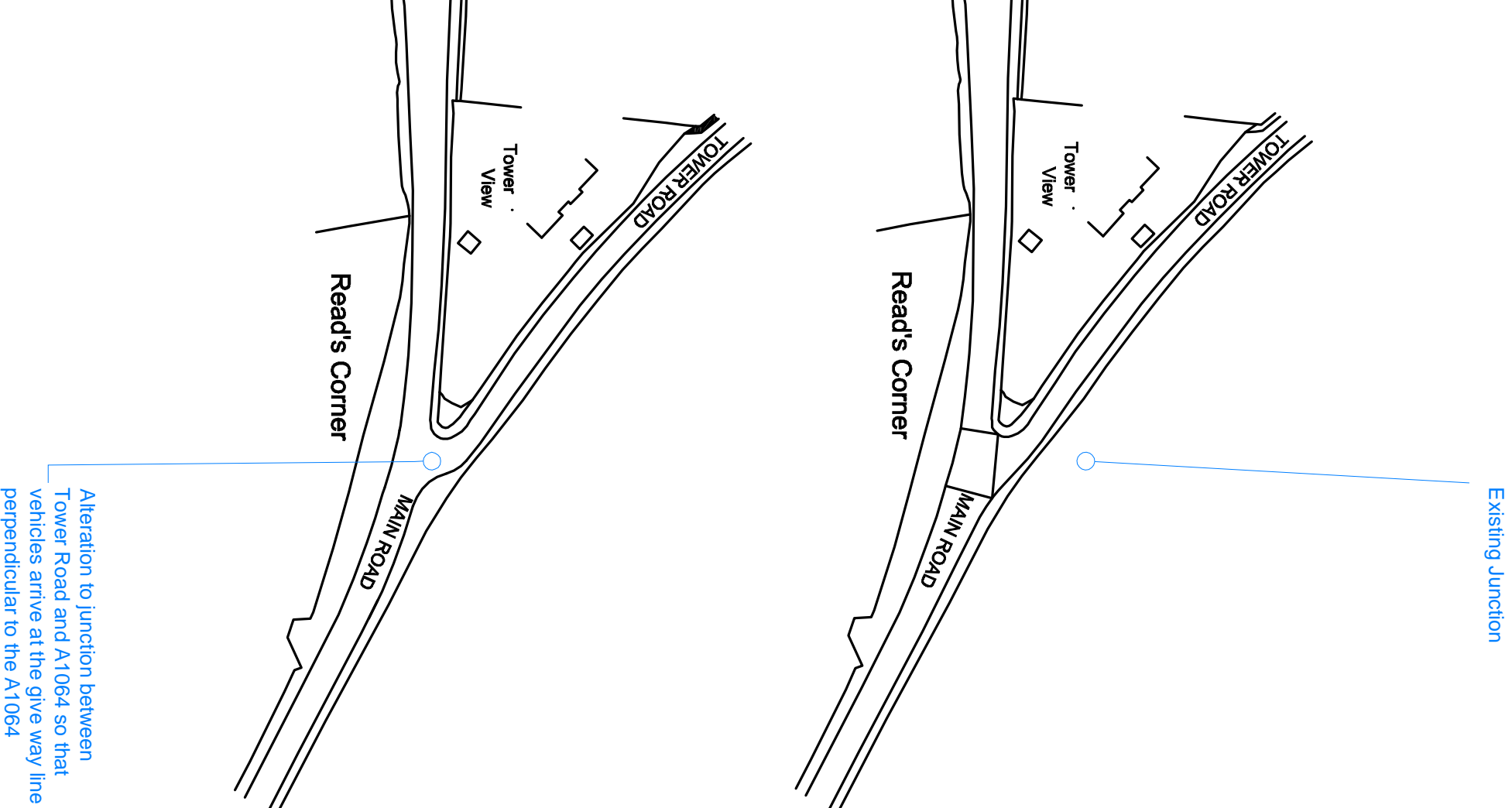
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Should you wish to check any dimensions, please call us and we will be able to confirm exact measurement data as required.

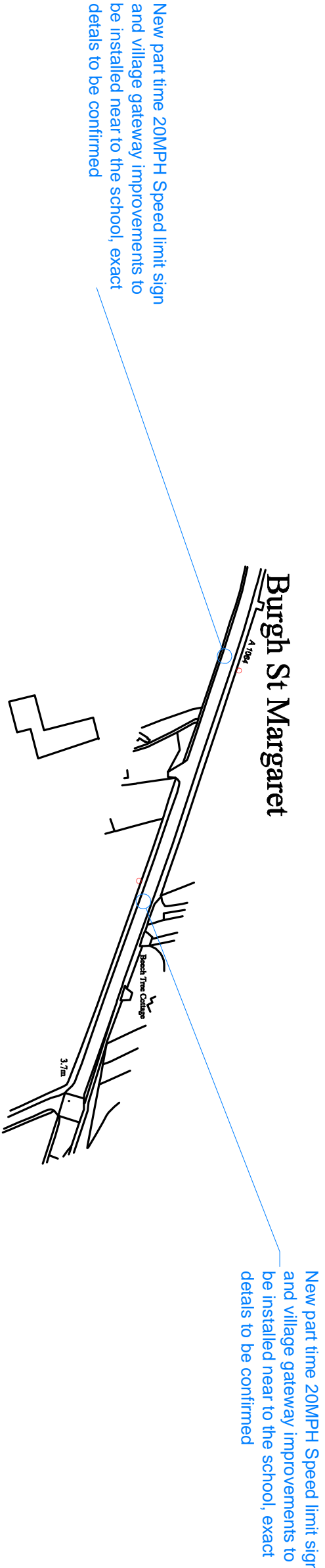
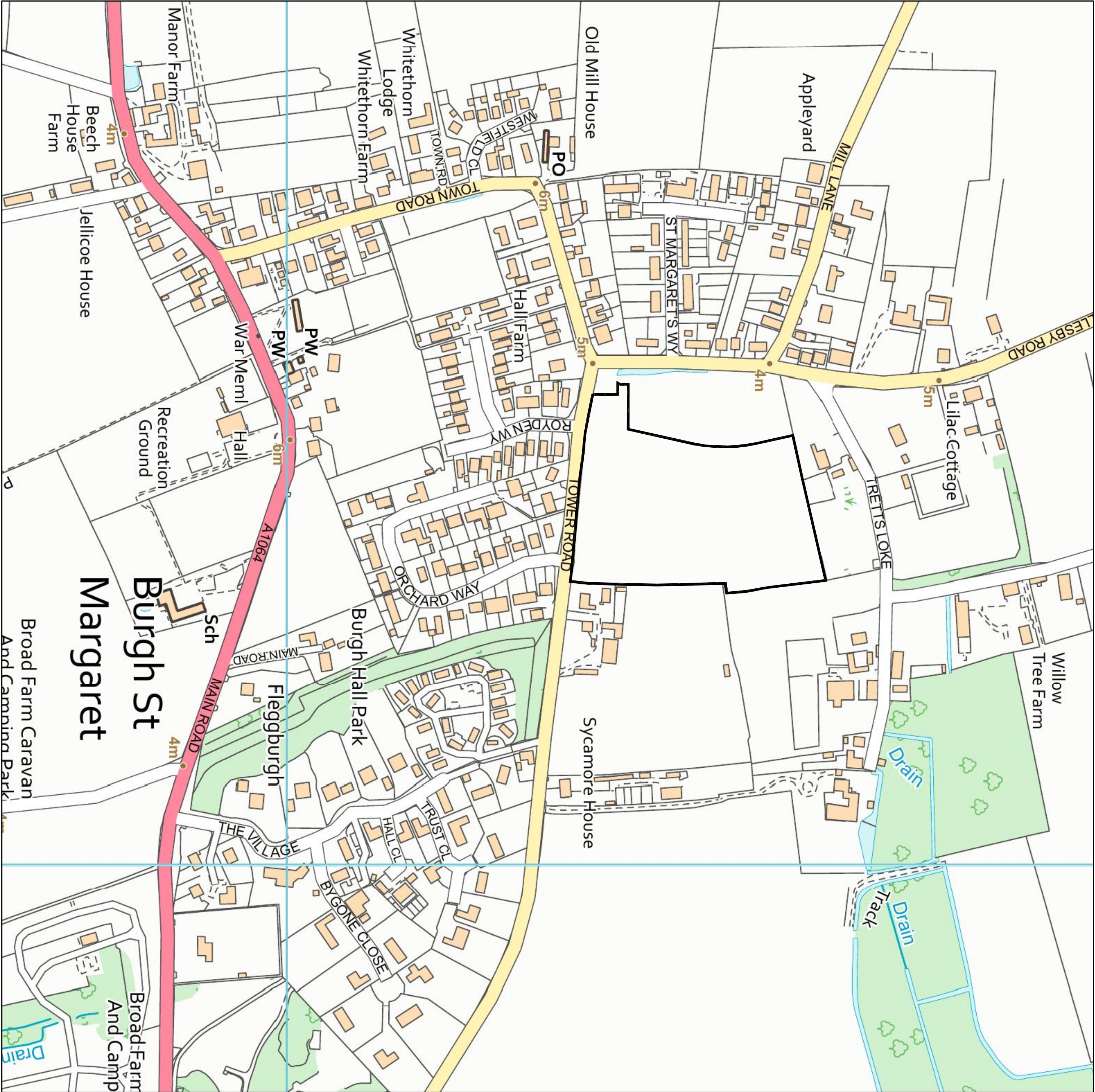
CLIENT:
KBS Holdings Limited

PROJECT:
Land to the north of Tower Road,
Fleggburgh

DRAWING TITLE:	
Location Plan	256-P-002
DRG. No:	1:2500
DRG. SCALE:	July 2019
DATE:	ISO A1
PAGE SIZE:	
REVISIONS:	
A - Jan 2020 - Details included for improvements to A1064	
B - Jan 2020 - Note amended	



PROPOSED JUNCTION IMPROVEMENTS - 1/1250



POSSIBLE IMPROVEMENTS TO A1062 ADJACENT SCHOOL - 1/2500