

**Reference:** 06/18/0149/O

**Parish:** Martham

**Officer:** Mrs G Manthorpe

**Expiry Date:** 05/06/18

(Extension Agreed)

**Applicant:** Glavenhill Strategic Land (Number 1) Ltd

**Proposal:** Outline planning application with all matters reserved except access for redevelopment of the site for residential dwellings with new access points, associated landscaping and open space.

**Site:** Repps Road (Land North of)

## REPORT

### 1. Background / History :-

- 1.1 The site comprises 3.09 hectares of high grade agricultural land located to the northern side of Repps Road Martham. The frontage of the site is onto Repps Road at the southern boundary with the northern boundary at Cess Road. The site boundaries are made up of a mix of vegetation, boundary fencing and leylandi planting, which do not form part of the application site. There is a bungalow, 134 Repps Road, situated at a near central part of the site which fronts onto Repps Road that also does not form part of this application and the application site wraps around its side and rear boundaries. The site is bounded by eight residential properties.
- 1.2 The application is an outline application with access forming part of the application and all other matters reserved. The information submitted with the application seeks to demonstrate that the site is suitable for the development of up to 56 residential dwellings, giving a density of 17 dwellings per hectare. The access proposed comprises two vehicular accesses off Repps Road.
- 1.3 The application history for the site comprises five previous applications for residential development, all of which were refused; two applications were later appealed, and the appeals dismissed. The last appeal was dismissed in 1983 and there have therefore been no applications in the last 35 years.

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

2.1 Parish Council – No comments have been received.

2.2 Neighbours – There have been 17 neighbour objections to the application, a summary is below and examples are attached to this report:

- There is no need for a public footpath leading from the development to Peartree Avenue, Deepdale Avenue to Cess Road.
- The drainage on site is not adequate.
- There are over 400 dwellings already approved in Martham.
- The infrastructure in the area would be compromised.
- The roads and access points cannot cope with the increase in cars.
- Crime is increasing and this will further increase the crime rates.
- There is no mention of the swallow butterfly within the application.
- The existing houses on Cess Road could be dwarfed.
- Previous applications on the land have been refused.
- People speed on Repps Road.
- There will be noise caused by construction traffic.
- There will be increased pollution owing to the cars owned by the additional properties' dwellers. Some properties are currently unable to open their windows owing to traffic pollution.
- The proposed accesses are dangerous.
- Loss of views, countryside, wildlife and agricultural land.
- The village is turning into a town.
- There are safer locations for the footpath.
- There should be a mini roundabout for road safety.

There has been a detailed objection submitted on behalf of the landowner who has received outline planning permission for 144 dwellings at land off Repps Road to the south; the objection is attached in full at the end of this report. That application previously approved requires the construction of a roundabout and the objection is against the anticipated traffic generation from this current application and states that similar off-site improvements should be provided to those required under application 0616/0435/O. The objection suggests that the application be subject to a Grampian condition requiring that prior to the development of the site the roundabout (application reference 06/16/0811/F) should be implemented or the current application be revised to include the off-site highways improvements (roundabout) required for application 06/16/0435/O.

- 2.3 Highways – We are satisfied that drawings 388861-MMD-RR-00-DR-C-0001-P4 and 388861-MMD-RR-00-DR-C-003 address our comments dated 23 April such that we withdraw our holding objection.

Should your authority support the application we recommend the following conditions and informative be appended to the consent notice:

**SHC 01**

No works shall commence on the site until such time as detailed plans of the roads, footways, cycleways, street lighting, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.

Reason:

This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.

**SHC 02**

Prior to the occupation of the final dwelling all works shall be carried out on roads/footways/cycleways/street lighting/foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.

Reason:

To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.

**SHC 03A**

Before any dwelling is first occupied the road(s)/footway(s)/cycleway(s) shall be constructed to binder course surfacing level from the dwelling unit to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.

Reason:

To ensure satisfactory development of the site.

**SHC 16**

Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan, drawing number 388861-MMD-RR-00-DR-C-0001-P4. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

Reason:

In the interests of highway safety in accordance with the principles of the NPPF.

**SHC 32A**

Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works as indicated on Drawing Nos 388861-MMD-RR-00-DR-C-0001-P4 and 388861-MMD-RR-00-DR-C-003 have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

**SHC 32B**

Prior to the first occupation of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason:

To ensure that the highway network is adequate to cater for the development proposed.

**SHC 39A** Prior to the commencement of any works on site a Construction Traffic Management Plan, to incorporate details of on-site parking for construction workers, access arrangements for delivery vehicles and temporary wheel washing facilities for the duration of the construction period shall be submitted to and approved in writing with the Local Planning Authority in consultation with Norfolk County Council Highway Authority.

Reason:

In the interests of maintaining highway efficiency and safety

**SHC 39B**

For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and unless otherwise approved in writing with the Local Planning Authority in consultation with the Highway Authority.

Reason:

In the interests of maintaining highway efficiency and safety

In addition the Highways Officer was asked to provide advice following the above referenced objection from Bidwells and replied as below (partial):

As you aware each planning application is considered on its own merits and a site specific assessment is made against relevant highways and planning guidance.

Both development proposals (that considered under 6/16/0435 & 6/18/0149) take access from Repps Road however the local environment of the highway corridor differs in the vicinity of each site.

The site considered under application 6/16/0435 sits on the periphery of the village, at the transition in speed limit between 30mph and national speed limit. In the vicinity of the site Repps Road is bound by open countryside and the local environment offers little encouragement to adhere to the local speed limit of 30mph. This was backed up by evidence within the TA which demonstrated that 85th percentile vehicle speeds in the vicinity of the access to be in excess of 40mph. The role of Repps Road at this location is primarily one of movement and the recorded vehicle speeds fall within the scope of DMRB.

The introduction of a compact roundabout at this location will provide a safe and appropriate means of accessing the site, provide a gateway feature into the village and reduce vehicle speeds, to the benefit of all users.

The site currently being considered sits further into the village envelope and its construction will deliver continuous development on both sides of Repps Road. Evidence within the supporting TA demonstrates that 85th percentile speeds in the vicinity of the site are around 36-37mph and it is likely the delivery of frontage development (something we have recommended be included when considering layout) will help re-enforce the existing speed limit. The recorded vehicle speeds fall within the scope of Manual for Streets.

It is inevitable that development of the site north of Repps Road (6/18/0149) will introduce new points of access onto Repps Road. However in this location the local environment and characteristic of Repps Road are one of place, and take precedent over the movement function. In the vicinity of the site the presence of development on both sides of the road, further frontage development as part of this proposal and pedestrian crossing movements produce a sense of place and an environment where driver behaviour will naturally expect vehicles to be joining and leaving the main carriageway.

Both applications have been considered by our Development Team. By way of clarification the team is made up of officers from all service areas within the Highway Authority who assess and give advice on major or complex planning

applications. We are satisfied the advice we have provided in response to these applications is consistent and meets the requirements of NPPF.

- 2.4 Water Management Alliance - The Water Management Alliance have responded in full noting that the consenting process as set out under the Land Drainage Act 1991 and the Boards Bylaws are separate from planning the ability to implement a planning permission may be dependent on the granting of these consents. They also note that any infiltration testing should be carried out in line with BRE 365.
- 2.5 Building Control – no objection.
- 2.6 Environmental Health – No objection to the application, conditions requested for land contamination and construction hours. Advisory notes for air quality and burning of materials on site.
- 2.7 Strategic Planning – In strategic planning terms, despite having reservations on the overall housing need for the settlement, I consider that the proposal has merit in terms of its reasonable location and potential contribution to housing supply; and therefore have no objection to the application. No doubt you may well have other site specific matters to weigh in reaching a decision.
- 2.8 Lead Local Flood Authority – Following the submission of additional information there is no objection to the application subject to a condition being placed upon any grant of planning permission. The condition reads as follows:

Prior to commencement of development the applicant should submit a drainage strategy with detailed designs of a surface water drainage scheme incorporating the following measures and shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) at the location and depth of all the proposed attenuation features including private soakaways

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1% annual probability rainfall event including allowances for climate change.

III. Detailed designs, modelling calculations and plans of the drainage conveyance network in the:

- 3.33% annual probability critical rainfall event to show no above ground flooding on any part of the site.

- 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

IV. The design of the infiltration basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event.

V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding or 150mm above ground level, whichever is the more precautionary.

VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

**Reason:**

To prevent flooding, in accordance with National Planning Policy Framework paragraph 163,165 and 170, by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

2.9 Environment Agency – No comments received.

2.10 CPRE – We consider that this proposal should be refused as the application site is not identified as being earmarked for housing, as outlined in the current Local Plan's allocations for Martham (Housing Land Availability Schedule, 31st March 2015.) There are no exceptional circumstances in this application that warrant overriding the Local Plan's development control policies for housing.

The intent to build on open greenfield should be resisted while other solutions less harmful to the environment and countryside are investigated. This should be

considered particularly in light of the recent Housing White Paper, *Fixing our broken housing market*, with its emphasis on the need to develop brownfield and surplus public land first, as well as considering other solutions including higher density urban housing.

It is acknowledged that the Borough of Great Yarmouth does not currently have a 5 year land supply for housing, as the latest statement (April 2017) states a 4.13 year supply. Although the Borough does not have this supply of land for housing (or didn't in April 2017), the negative impacts of this scheme outweigh this consideration, especially as the development lies outside the settlement boundary for Martham. In the recent Supreme Court judgements in *Suffolk Coastal District Council v Hopkins Homes and Richborough Estates v Cheshire East Borough Council* there is a significant ruling about the interpretation of paragraph 49 of the National Planning Policy Framework (NPPF.) In their judgement, the judges supported a narrow definition of 'policies for the supply of housing', meaning that local policies seeking to prevent development outside settlement boundaries, and/or protect areas of important countryside, are not to be automatically considered out of date in the absence of a five-year housing land supply. In addition, the more recent appeal decision dated 24th October 2017 made by an Inspector appointed by the Secretary of State for Communities and Local Government, regarding land off School Road, Pentlow, Essex, CO10 7JP (appeal ref. APP/Z1510/W/17/3177899) rejected an appeal made by the developer for a residential development, where the Local Authority also cannot demonstrate a five-year housing land supply. The Inspector noted that 'the weight to be attached to a policy in the development plan is not automatically reduced by virtue of its age or the absence of a five-year housing land supply.'

In addition to this site being un-allocated for housing, the addition of 56 un-planned for houses in this part of Martham would lead to an unacceptable increase in traffic and other associated pressures on local infrastructure and services, such as schools, making this development unsustainable. The proposal would lead to an unacceptably significant harmful intrusion into land designated as countryside, and as such means that any benefits are significantly outweighed by the harm this would bring.

- 2.11 Police and Architectural Liaison Officer - Full and comprehensive comments were received including the recommendation that the applicant engages in the new Secured by Design National Building Approval Scheme. The Officer also states that:

In terms of access and permeability, I have no adverse comments regarding vehicular access beyond clarification as to what the parcel of land and associated short driveway in the north eastern Public Open Space will be? There are no adverse pedestrian permeability issues in this application.



2.12 Norfolk Fire Service - Norfolk Fire Services have no objections subject to the compliance with building regulations.

Norfolk Fire Services have indicated that the proposed development will require 1 hydrant per 50 dwellings (on a minimum 90-mm main) for the residential development at a cost of £818.60 per hydrant. The number of hydrants will be rounded to the nearest 50th dwelling where necessary.

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

2.13 Library Contribution - A development of 56 dwellings would place increased pressure on the existing library service particularly in relation to library stock, such as books and information technology. This stock is required to increase the capacity of Martham Library. It has been calculated that a development of this scale would require a total contribution of £4,200 (i.e. £75 per dwelling). This contribution will be spent on the following provision of library equipment/furniture e.g. bookshelves; tables; computer desks at Martham Library.

2.14 Education

The County Council expects the following number of children to arise from any single new dwelling:

- Early Education (2-4) – 0.096 children;
- Primary School (4-11) – 0.261 children;
- High School (11-16) – 0.173 children; and
- Sixth Form School (16-18) – 0.017 children.

These figures are used as demographic multipliers to calculate the education contribution arising from a development. The County Council does not seek education contributions on 1-bed units and only seeks 50% contributions in relation to multiple bedroom flats. Therefore, two multi-bed flats would attract the same contributions as one family house equivalent: - Table 1

<b><i>School</i></b>	<b><i>Capacity</i></b>	<b><i>Numbers on Roll (Jan 2018)</i></b>	<b><i>Spare Capacity</i></b>
Early Education	155	147	+8

Martham Foundation Primary School and Nursery	412	346	<b>+66</b>
Flegg High School (11-16)	950	823	<b>+144</b>

Table 2

(Age Range)	Cost per dwelling		
	House (multi-bed)	Flat (multi-bed)	1 bed unit
<b>Early Education</b>	1,118	559	0
<b>Primary</b>	3,039	1,520	0
<b>High</b>	3,035	1,518	0
<b>Sixth Form</b>	323	162	0
<b>Total</b>	<b>7,515</b>	<b>3,759</b>	<b>0</b>

Claim:

Taking into account the permitted planning applications a total of 463 dwellings (including the Repps Road, Martham site) would generate an additional 44 Early Education (2-4 year old) children, an additional 121 Primary School age (4-11) children, and an additional 80 High School age (11-16) children. There would not be sufficient capacity in the Primary sector and funding for additional school places in the Primary sector would be required. The Early Education sector would also be full and funding would be sought to accommodate the children generated from this proposed development should it be approved.

Therefore Norfolk County Council will seek Education contributions for this proposed development as set out in table 2 (above)

The above contributions will be used to fund the following projects:

- Early Education – expansion of existing providers;
- Martham Academy and Nursery School - contribute to new class space to increase capacity of school (Project A).

- 2.15 Historic Environment Service – We note that an archaeological desk-based assessment and geophysical survey have been submitted with the application.

Whilst we accepted that these reports provide new and useful information about the archaeology of the proposed development site we disagree their conclusions.

Quarrying, brick production and the construction of the former railway line in the southern part of the site may have affected the survival of earlier archaeological features remains related to brick production may be of interest in their own right.

We have no firm evidence of the levels of agricultural truncation of archaeological remains in the northern part of the site. Evidence of field systems and other remains of prehistoric and Roman date may survive. In particular, anomalies 1g and 1h identified by the geophysical survey are undated and unexplained. They may relate brick making or other activity industrial activity of medieval or post-medieval date.

Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological work in accordance with National Planning Policy Framework paragraph 141.

In this case the programme of archaeological mitigatory work will commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction). A brief for the archaeological work can be obtained from Norfolk County Council Environment Service historic environment strategy and advice team.

We suggest that the following conditions are imposed:-

A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or

persons/organization to undertake the works set out within the written scheme of investigation.

and,

B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).

and,

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

- 2.16 Natural England – Natural England was consulted three times on the application. Following a recent European Court ruling on habitat mitigation, they have offered, as general advice the following:

Competent authorities undertaking HRAs should be aware of a recent ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of *People Over Wind and Sweetman vs Coillte Teoranta* (ref: C 323/17). The case relates to the treatment of mitigation measures at the screening stage of a HRA when deciding whether an appropriate assessment of a plan/project is required. The Court's Ruling goes against established practice in the UK that mitigation measures can, to a certain degree, be taken into account at the screening stage.

As a result, Natural England advises that any "embedded" mitigation relating to protected sites under the Habitat Regulations 2017 Regulation 63 (1) should no longer be considered at the screening stage, but taken forward and considered at the appropriate assessment stage to inform a decision as whether no adverse effect on site integrity can be ascertained. In light of the recent case law, any reliance on measures intended to avoid or reduce harmful effects at the likely significant stage is vulnerable to legal challenge. You may also want to seek your own legal advice on any implications of this recent ruling for your decisions.

Following the advice above which is general advice sought in relation to a different application, the below was given following a second consultation:

‘It is Natural England’s opinion, based on the information to date that there is sufficient information to carry out an appropriate assessment. However, we remind you, as the lead competent authority that you should come to your own view about the adequacy of the information provided in the HRA.’

The full original response from Natural England is attached to this report and notes the requirement for mitigation measures in line with the HRA submitted in support of the application which includes walking routes, sustainable drainage and public open space. The drainage methods have been assessed and a condition requested by the LLFA.

- 2.17 Anglian Water – Development will lead to an unacceptable risk of flooding downstream. A drainage solution has been provided in consultation with Anglian Water providing a gravity regime to manhole 8502 reference number 00020946. The developer is now proposing a pumped solution and have not confirmed a discharge rate or re-consulted with Anglian Water in regards of this. This could now have a detriment to the network.

We will request a condition requiring that a pumped discharge rate is confirmed and that topography evidence is submitted to ensure pumping is feasible.

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

#### Reason

To prevent environmental and amenity problems arising from flooding.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. The developer references infiltration as the referred discharge method; however, they are unable to confirm this as the final strategy. They then reference discharge to the foul network as a last resort, which would cause a detriment to the network. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA).

We request a condition requiring a confirmed surface water strategy for the site.

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out

in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To prevent environmental and amenity problems arising from flooding.

- 2.18 Norfolk Wildlife Trust – No comments.
- 2.19 NHS – No objection.
- 2.20 Local Planning Authority – Local Authority 106 requirements – In order to be policy compliant, 40 square metres of usable public open space is to be provided per dwelling. Payment in lieu of public open space to be calculated at £12 per square metre shortfall (equates to £480 per dwelling if none provided). The application is an outline application and the comments received from Natural England require public open space on site and as such this shall be required to be provided at reserved matters stage with any shortfall proposed being acceptable only at the absolute discretion of the Local Planning Authority. The Borough Council will accept no liability for future maintenance of new open space at any time.

Payment in lieu of children's recreation equipment is £920 per dwelling. At the absolute discretion of the Local Planning Authority children's recreation can be provided by payment in lieu or provided on site.

The Local Planning Authority will not accept liability for the open space, recreation equipment (children or otherwise), drainage, roads (this does not preclude highway adoption by agreement) or private drives and as such should the resolution be made to approve this development the requirement will be on the developer to secure future maintenance by management agreement and agreed nominated body. This shall be included within the s106 agreement.

20% Affordable housing is required and noted in the application to be provided. Type and tenure to be discussed as part of s106 to comply with Local and National Planning Policy (paragraph 64 of the National Planning Policy Framework).

In order to comply with policy CS14 and the Natura 2000 Monitoring and Mitigation Strategy £110 per dwelling is sought to go towards the monitoring or implementation of mitigation measure for designated sites.

### **3 Local Policy :-**

- 3.1 Local Policy - Saved Great Yarmouth Borough-Wide Local Plan Policies (2001):
- 3.2 Paragraph 213 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the Local Plan is to the policies in the NPPF the greater the weight that is given to the Local Plan policy. The Great Yarmouth Borough Wide Local Plan was adopted in 2001 and the most relevant policies were 'saved' in 2007. An assessment of policies was made during the adoption of the Core Strategy December 2015 and these policies remain saved following the assessment and adoption.
- 3.3 The Saved Policies listed have all been assessed as being in general conformity with the NPPF, and add further information to the policies in the NPPF, while not contradicting it. These policies hold the greatest weight in the determining of planning applications.
- 3.4 HOU10: Permission for new dwellings in the countryside will only be given in connection with agriculture, forestry, organised recreation, or the expansion of settlements.
- 3.5 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.
- 3.6 HOU9: A developer contribution will be sought as a planning obligation under the Town and Country Planning Act 1990 to finance the early provision of facilities required as a direct consequence of new development.

#### **4 National Policy:- National Planning Policy Framework (NPPF), July 2018**

- 4.1 Paragraph 2: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 4.2 Paragraph 7: The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the

present without compromising the ability of future generations to meet their own needs<sup>4</sup>.

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

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

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

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

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

For decision-taking this means:

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

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

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

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



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

- 4.6 Paragraph 55. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.
- 4.7 Paragraph 59. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 4.8 Paragraph 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.9 Paragraph 177. The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.

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

- 5.1 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. Martham is identified as a Primary Village and is expected to receive modest housing growth over the plan period due to its range of village facilities and access to key services.
- 5.2 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*):

- Focusing new development in accessible areas and those with the most capacity to accommodate new homes, in accordance with Policy CS2
- 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

5.3 Policy CS4: Delivering affordable housing. This policy sets out the thresholds for the provision of affordable housing. The site is within affordable housing sub-market area 1 northern rural with a threshold of 5 delivering 20% affordable housing.

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

5.5 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.

5.6 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 Interim Housing Land Supply Policy (July 2014)**

6.1 The Interim Housing Land Supply Policy seeks to facilitate residential development outside but adjacent to development limits by setting out criterion to assess the suitability of exception sites. This policy only applies when the Council's Five Year Housing land Supply utilises sites identified in the Strategic Housing Land Availability Assessment. As such the Interim Policy 2014 can be

used as a material consideration in the determination of planning application although appropriate weight must be applied.

- 6.2 New Housing development may be deemed acceptable outside, but adjacent to existing Urban Areas of Village Development Limits providing the following criteria, where relevant to development, have been satisfactorily addressed: inter alia points a to n.

## **7 Appraisal by Strategic Planning**

- 7.1 The proposal is for a residential development of up to 56 dwellings including two access points onto Repps Road and the potential to provide on-site open space and affordable housing. The site is located outside of the saved Borough-Wide Local Plan (2001) Village Development Limits for Martham, but it is immediately adjacent the western fringe of the existing settlement. Overall, the site is reasonably well located to access village services and facilities in the centre of the settlement served by an existing footpath and bus stops along Repps Road.
- 7.2 There is concern over need for additional housing in the settlement of Martham which already benefits from a significant number of completions and permissions (commitments of over 400 houses currently exist). The Core Strategy (Policy CS2) identifies Martham as a Primary Village, one of six villages which will accommodate approximately 30% of the Borough's total housing growth (7,140 units) over the plan period. There is a risk that further large scale growth in the settlement could substantially alter the overall scale and distribution of growth as set out in the Core Strategy.
- 7.3 Careful consideration needs to be given to the appropriate vehicular access to the site and the potential cumulative effects on the highway network in accordance with Policy CS16 and national planning policy. There are a number of residential streets already accessing Repps Road, including Rising Way and Bosgate Rise opposite the development, and consideration must also be given to the permitted site for 144 dwellings to the west on the southern side of Repps Road.
- 7.4 The site is located in the north of the Borough, within reasonable proximity to attract visitors to nearby internationally designated nature conservation sites (Winterton-Horsey Dunes Special Area of Conservation, in particular), and in accordance with Policy CS11, the Council will ensure that the habitats and species impact avoidance and mitigation contributions are secured to provide the appropriate measures.
- 7.5 The site offers a potential contribution to the Council's overall housing supply. However, in light of the proposals within the revised NPPF (July 2018) and as an outline planning application, it would benefit the proposal further if the application

were to include evidence on the timely delivery of the site. This would demonstrate support to the one of the Government's key intentions of national planning policy which is to speed up the delivery of homes.

## **8 Assessment**

- 8.1 The application for residential development is an outline application with appearance, landscaping, layout and scale to be decided by a reserved matters application should this outline application be approved. The application includes the access which would be decided as part of the current application. There are indicative plans submitted as part of the application to give an indication on the potential layout for the site although these are not part of the application and are indicative only. The indicative plans show that the site can accommodate up to 56 dwellings.
- 8.2 There have been a number of objections to the application on the grounds of highway safety from residents. The applicant has, following discussions with Norfolk County Highways, provided additional information and as such Highways has no objection to the access points as submitted, subject to their requested conditions being attached to any grant of permission. The increase in traffic utilising the Repps Road has been taken into consideration by Highways when assessing the application and they have requested that off-site improvements as shown on the additional details are carried out in order to make the development acceptable.
- 8.3 There has been an objection to the application from a local land owner who has been granted planning permission for the erection of 144 dwellings to the south of Repps Road. Highways has answered this objection in full (paragraph 2.3 of this report) and as such the suggested conditions as put forward in the objection are not being recommended as it is assessed that these are not necessary to allow the development to proceed.
- 8.4 A strong line of objection to the application by local residents is against the footpath which is proposed as part of the application, forming a pedestrian access to Peartree Avenue. The provision of a footpath in this location is supported by the Police and Architectural Liaison Officer (summarised at 2.11 of this report) and is requested to be conditioned by Norfolk County Highways. Natural England, in their response, also requests that the site is serviced by adequate walking routes to minimise the impact on protected sites. The footpath is therefore assessed as necessary to provide an adequate form of development.
- 8.5 An important factor when determining applications is whether a Local Authority has the ability to demonstrate a 5 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 4.13 years (as at the end of 2016/17, the most recent figures available). Paragraphs 8.7-8.11 of this report detail the impact of the Appropriate Assessment on the tilted balance in accordance with paragraph 177 of the NPPF.

- 8.6 “European” or “Natura 2000” sites are those that are designated for their wildlife interest(s) through the Conservation of Habitats and Species Regulations 2017, and constitute the most important wildlife and habitat sites within the European Union but also domestically in the NPPF. The application site is in the vicinity of a number of Natura 2000 sites, including the Winterton and Horsey Dunes Special Area of Conservation (SAC) and North Denes Special Protection Area (SPA). The Council has an adopted policy, the “Natura 2000 policy”, prepared alongside the Part 1 Local Plan (and updated at Policy & Resources Committee on the 24<sup>th</sup> July 2018) which requires a financial contribution to be made (currently £110 per dwelling) for each house or equivalent unit of tourist accommodation. This money goes towards both monitoring Natura 2000 sites for potential harm, and funding measures to mitigate harm. The key research underpinning the need for this contribution is set out in the Habitats Regulations Assessment (HRA) for the Core Strategy which includes that the in-combination effects on the various Natura 2000 sites, principally disturbance of birds by humans and/or dogs, cannot be ruled out as potentially significant.
- 8.7 A recent 2018 decision by the European Court (*People Over Wind and Sweetman v Coillte Teorantac* (C-323/17)) has changed the position relating to mitigation; as such, mitigation measures cannot any longer be considered at the ‘screening stage’ of a (HRA). Therefore, just on the basis of the in-combination effects the effect of this application on Natura 2000 sites is assessed as potentially significant. In accordance with the regulations, upon finding that it is likely that there will be a significant effect, an Appropriate Assessment is required to be undertaken, as part of the HRA process, by the Competent Authority (which is the Council). The assessment also requires the consideration of potentially significant direct effects.
- 8.8 Paragraph 177 of the National Planning Policy Framework (NPPF) states that where an Appropriate Assessment is required, the presumption in favour of sustainable development (the “tilted balance”) does not apply (paragraph 11 NPPF). The application of paragraph 177 therefore means that even though it is accepted that there is not a five-year supply of deliverable housing land in the borough, the tilted balance does not apply. The applicant has not acknowledged the need for the Appropriate Assessment to be carried out and has despite this , in addition to the shadow HRA, submitted additional information detailing their assessment of impact and suggested potential measures to address such effects. The Local Planning Authority, as Competent Authority does not agree with this

assessment that the Appropriate Assessment is not required. Natural England has confirmed their belief that the Council, as Competent Authority, has adequate information to carry out the Appropriate Assessment.

- 8.9 It is noted that there is a [current national consultation on some changes to the revised NPPF](#) (running until 7<sup>th</sup> December). One of the proposed areas of change (paras 39-43) is to reflect the implications of the *People over Wind* judgment; it is proposed that paragraph 177 of the NPPF be changed to say:

*“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 there will be no adverse effect from the plan or project on the integrity of the habitats site.”*

- 8.10 In simple terms, the proposed change will (if implemented as proposed) largely restore the widely understood English position on mitigation to that which existed prior to the *People over Wind* case. This is that if any necessary proposed mitigation measures (as assessed through Appropriate Assessment) would lead to a conclusion by the Competent Authority that there would be no adverse effects on the designated habitats site, then the presumption in favour of sustainable development (paragraph 11 of the NPPF) would apply (in the event of there not being a five-year supply of deliverable housing sites). Only if the proposed mitigation would not ensure no adverse effects on the designated Natura 2000 site(s) would the presumption in favour of sustainable development not apply.
- 8.11 Some planning “weight” can be given to this proposed change to para 177 of the NPPF. As a current consultation proposal, it is of course possible when the final amendments are made either that it will not be changed at all, or that it will not be changed in the way currently proposed, so the planning “weight” afforded cannot be significant. For the purposes of this application, only limited weight is afforded to the proposed change, with very significant weight given to the current NPPF para 177 wording.
- 8.12 Therefore, notwithstanding the assertion submitted by the applicants, the application has been assessed by the Competent Authority as likely to have significant effects on one or more Natura 2000 sites. As such, permission may only be granted if the application is determined by way of Appropriate Assessment that it will not adversely affect the integrity of that Natura 2000 site(s).
- 8.13 It is the assessment of the Local Planning Authority, as Competent Authority, that the application, if approved, will not adversely affect the integrity of Natura 2000 sites provided that the mitigation put forward in the Shadow HRA report (and agreed by Natural England) is secured. As the application is in

outline, onsite mitigation shall be secured at reserved matters stage. In addition direct effects mitigation , mitigation for indirect or in-combination effects through the £110 per-dwelling contribution to more general monitoring and mitigation is required. This assessment is made having taken into account of both the direct and cumulative effects that the site may have in terms of recreational pressures on the Natura 2000 sites (which are in relative close proximity to the application site..

- 8.14 Although the need to carry out the Appropriate Assessment, in accordance with para 177 of the NPPF, removes the presumption in favour of sustainable development, the application is still required to be assessed on merit. The application site is, as per the consultation response from Strategic Planning at section 7 of this report, well located in terms of the settlement and will provide needed housing, taking into account the lack of five - year housing land supply. The location is considered to be a sustainable one, and although it is located outside of the development limits as defined in the 2001 Local Plan saved policies the location is not isolated and can be supported.
- 8.15 The applicant's agent has provided details of a developer that has agreed, subject to permission being granted, to buy and develop the site. The assurance of a named developer adds weight to the assertion that the site is deliverable; a shorter than average time limit can be placed upon any grant of planning permission to seek to bring the development forward.
- 8.16 Objections to the application state that there will be a loss of agricultural land, views and wildlife. The loss of views is not a material consideration when assessing a planning application. The loss of agricultural land has been assessed against the need to provide housing in a sustainable location which is deliverable. The agricultural designation of the land (Grade 1) has planning weight but this is not sufficient to recommend refusal of the application.
- 8.17 An objection states that there will be the loss of a protected species. An ecological appraisal was submitted as part of the application and recommends that enhancement for bats could be provided which can be secured by planning condition. There was no evidence of bats roosting on site but two offsite building had potential, one being low and one being moderate, to house bat roosts. The site, in relation to bats, was determined as negligible value. In relation to invertebrates there were no protected, rare or notable invertebrate species recorded during 2016 or 2018 and it was determined that the development would be unlikely to result in significant harm to any protected, rare or notable species. The recommendations within the assessment can be conditioned as ecological enhancements.

- 8.18 Objections to the application for the residential dwellings include statements that the infrastructure will not cope with the increase in dwellings which, it is stated, is exacerbated by other developments within Martham which have planning permission or have a resolution granted by Development Committee to approve. Norfolk County Council has requested that contributions be made in order to adequately mitigate any impact, which can be secured by way of section 106 agreement. Norfolk County Council assesses the application taking into account developments that have been granted planning permission and those with a resolution to approve to give a complete picture. The capacity at the doctors' surgery is also stated as an objection however, there has been no objection from the NHS to the application.
- 8.19 The land levels at the proposed residential development vary and objectors have stated that there is inadequate drainage; as such the LLFA requested additional information to inform the drainage strategy. Further infiltration testing was carried out and the LLFA satisfied that the site can be adequately drained and have requested a condition be placed upon a planning permission to ensure that the drainage is carried out to the submitted standard with any additional information as required. Anglian Water has not objected to the application but have requested conditions in relation to foul and surface water. As the LLFA and Anglian Water are satisfied that the development can, with the information provided, be drained, conditions are appropriate and can be placed upon any grant of permission as requested.
- 8.20 The Local Authority requirements detailed at 2.20 of this report are required to ensure that the Core Strategy is complied with. The s106 agreement shall also include the criteria for the management of the open space, drainage and private drives to ensure that the Local Planning Authority does not incur any responsibility nor liability for these at any point in the future should the open space be put forward as public. All other requirements as detailed as required to ensure a policy compliant development shall be included within the s106 agreement including affordable housing at 20%, open space provision, library and education contributions (as requested by Norfolk County Council) and at the discretion of the Local Planning Authority payment in lieu of children's play or provision on site and open space on site or payment in lieu of policy compliant usable public open space as detailed at 2.20.
- 8.21 The appraisal carried out by Strategic Planning notes the other developments that have been approved within Martham , which currently stands at over 400 dwellings, with a further 46 with a resolution to approve. The Core Strategy does not require that there is an equal distribution of housing through the primary villages. In the absence of an objection on policy grounds from Strategic Planning the application, when assessed against local and national planning policy and taking the lack of five year housing land supply into account and giving it



appropriate weight, the other approved developments are not sufficient reasons to recommend refusal of the application.

- 8.22 The site has not been identified for allocation in the emerging Draft Local Plan Part 2 which has recently been consulted upon; however, as this plan is at an early stage it is afforded only limited weight. The Core Strategy identifies that 30% of new housing development should be located within key service areas or primary villages. The application, being located within the village of Martham, a primary village, has access to village amenities including schools and shops. The development as proposed is in a sustainable location.

## 9 RECOMMENDATION :-

- 9.1 It is accepted that the application is outside of the village development limits and therefore contrary to the adopted Borough Wide Local Plan 2001. However, this Local Plan policy is obviously very dated, the site has been assessed as developable and deliverable and there are no other significant objections in planning terms to the development, subject to conditions to ensure an adequate form of development and submission of reserved matters. The development as proposed would be a significant boost to housing supply in accordance with Paragraph 59 of the NPPF and the report above identifies conformity with a range of other relevant Local Plan policies. No other significant harms are identified that are judged to outweigh the benefits arising from the need for housing, given that the Appropriate Assessment has confirmed that there will be no significant adverse impact on Natura 2000 sites (subject to the proposed mitigation). It is recommended that the time for the submission of reserved matters is one year from the date that the permission is issued as opposed to the standard three years, in order to encourage the early delivery of the site.
- 9.2 The recommendation is therefore to approve the application with conditions and planning obligations in accordance with local and national planning policy. Should the Committee be minded to approve the application, the recommendation is such that the permission would not be issued prior to the signing of an agreement under section 106 for provision for infrastructure, County Council requirements, mitigation, affordable housing, open space, children's play equipment/space or payment in lieu at the discretion of the Local Authority and management agreement noting that the Local Planning Authority will not take responsibility for any open space, recreation or drainage. All obligations secured will be in accordance with Regulation 123 of the Community Infrastructure Levy Regulations 2010.



Community and Environmental  
Services  
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NR1 2SG

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Text Relay - 18001 0344 800 8020

Gemma Manthorpe  
Great Yarmouth Borough Council  
Town Hall  
Hall Plain  
Great Yarmouth  
Norfolk  
NR30 2QF

Your Ref: 06/18/0149/O  
Date: 23 April 2018

My Ref: 9/6/18/0149  
Tel No.: 01603 223274  
Email: [graham.worsfold@norfolk.gov.uk](mailto:graham.worsfold@norfolk.gov.uk)

Dear Gemma Manthorpe

**Martham: Residential dwellings**  
**Land North of Repps Road, Martham, NR29 4QZ**

Thank you for your consultation regarding the above application.

In response to informal discussion we advised the following:

- a) Pedestrian access between the site and the village centre is reliant on walking off the desire line and crossing Repps Road adjacent Ealing House and No84a where inter-visibility between pedestrians waiting to cross and approaching drivers is restricted. A new footway should be provided across the entire road frontage of the open space with appropriate crossings of Repps Road Service Road at each end.
- b) Not all residents of the development would be in within 400m of the existing bus stops. New bus stops should be provided on Repps Road.

The Transport Statement makes reference to the above but no drawings have been submitted to show these.

Drawing 388861-MMD-RR-00-DR-C-0001-P2 sets out the general arrangement of the proposed new junctions. This should be amended to address the following:

1. Junction 2 should be perpendicular to Repps Road for the first 20m.
2. Why is Junction 1 provided with unequal visibility splays? Sightlines of 2.4m x 59m would be acceptable in both directions.
3. Where necessary widen the footway further to cover the width of the visibility splay.
4. Provide 10m radii at both junctions onto Repps Road.

In its current form the proposals do not address previously raised comments of the Highway Authority such that we place a holding objection on the application. In response to amended plans that address the above we will reconsider our comments.

[www.norfolk.gov.uk](http://www.norfolk.gov.uk)



In the meantime, whilst we acknowledge layout does not form part of the application we offer the following comments in response to the indicative layout (drawing 0757-00-001) for information:

5. A continual loop road between the two junctions should be of the same standard over its entire length and provided with a 5.5m wide carriageway.
6. A private drive linking two adoptable cul-de-sacs is not acceptable. As proposed the layout would encourage the general public to use the private drive, something they would have no right to do.
7. The internal estate roads should be designed such that their horizontal alignment contains speeds to 20mph.
8. Visibility splays of 2.4m x 33m will be required at internal road junctions. Where necessary widen footways to cover the width of splays.
9. To enhance a sense of place and re-enforce the speed limit the development should provide a strong frontage with dwellings having direct access onto Repps Road.
10. The pedestrian link to Peartree Avenue should be 2m wide and be overlooked. The proposed link in the indicative plan runs between high side boundaries and has little/no natural surveillance.
11. Cess Road is substandard and there should be no access onto it from this development. Design the layout / retain hedges along the northern boundary to discourage residents potentially accessing onto Cess Road.
12. Plots 18 -21 are shown with rear parking. Rear parking such as this would lead to undesirable on street parking. In this example this would lead to parking in/close to the adjacent junction to the detriment of highway safety.
13. Where single garages are provided set these back 11. Double garages should be set back at least 6m.
14. The Flood Risk Assessment suggest the intention is to discharge surface water from the estate roads into an infiltration basin. It is also noted the infiltration basin is intended to accommodate water from private roofs/driveways. Who will be responsible for the long term maintenance of the basin? The Highway Authority would not normally adopt such a feature and would expect it to be adopted by a responsibility body rather than a private management company.
15. The draft Drainage Strategy (drawing 0002-C-400-P1) proposes filter drains along the west and east boundaries of the site. These are both sited to the rear of properties with little scope for access for future maintenance.

Yours sincerely

*Graham Worsfold*

Assistant Engineer Estate Development  
for Executive Director for Community and Environmental Services

Please be aware it is the applicants responsibility to clarify the boundary with the public highway. Private structures such as fences or walls will not be permitted on highway land. The highway boundary may not match the applicants title plan. Please contact the highway research team at [highway.boundaries@norfolk.gov.uk](mailto:highway.boundaries@norfolk.gov.uk) for further details.

Jill K. Smith

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**From:** Gemma Manthorpe  
**Sent:** 29 June 2018 16:01  
**To:** plan  
**Subject:** FW: Planning Application Ref: 06/18/0149/O - Land north of Repps Road, Martham, NR29 4QZ  
**Attachments:** 20180427 Letter to G Manthorpe GYBC.PDF; Martham - Orari Technical Note.pdf

Further comments from Highways.....

Gemma Manthorpe LLB (Hons)  
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Great Yarmouth Borough Council

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***Great Yarmouth Borough Council - Customer Focused, Performance Driven***

It takes 24 trees to produce 1 ton of office paper! Think... is it really necessary to print this email?

**From:** Worsfold, Graham [<mailto:graham.worsfold@norfolk.gov.uk>]  
**Sent:** 29 June 2018 15:48  
**To:** Gemma Manthorpe  
**Subject:** RE: Planning Application Ref: 06/18/0149/O - Land north of Repps Road, Martham, NR29 4QZ

Hi Gemma

Thank you for your e-mail. We had not seen the attached until we received your e-mail.

As you aware each planning application is considered on its own merits and a site specific assessment is made against relevant highways and planning guidance.

Both development proposals (that considered under 6/16/0435 & 6/18/0149) take access from Repps Road however the local environment of the highway corridor differs in the vicinity of each site.

The site considered under application 6/16/0435 sits on the periphery of the village, at the transition in speed limit between 30mph and national speed limit. In the vicinity of the site Repps Road is bound by open countryside and the local environment offers little encouragement to adhere to the local speed limit of 30mph. This was backed up by evidence within the TA which demonstrated that 85<sup>th</sup> percentile vehicle speeds in the vicinity of the access to be in excess of 40mph. The role of Repps Road at this location is primarily one of movement and the recorded vehicle speeds fall within the scope of DMRB.

The introduction of a compact roundabout at this location will provide a safe and appropriate means of accessing the site, provide a gateway feature into the village and reduce vehicle speeds, to the benefit of all users.

The site currently being considered sits further into the village envelope and its construction will deliver continuous development on both sides of Repps Road. Evidence within the supporting TA demonstrates that 85<sup>th</sup> percentile speeds in the vicinity of the site are around 36-37mph and it is likely the delivery of frontage

development (something we have recommended be included when considering layout) will help re-enforce the existing speed limit. The recorded vehicle speeds fall within the scope of Manual for Streets.

It is inevitable that development of the site north of Repps Road (6/18/0149) will introduce new points of access onto Repps Road. However in this location the local environment and characteristic of Repps Road are one of place, and take precedent over the movement function. In the vicinity of the site the presence of development on both sides of the road, further frontage development as part of this proposal and pedestrian crossing movements produce a sense of place and an environment where driver behaviour will naturally expect vehicles to be joining and leaving the main carriageway.

Both applications have been considered by our Development Team. By way of clarification the team is made up of officers from all service areas within the Highway Authority who assess and give advice on major or complex planning applications. We are satisfied the advice we have provided in response to these applications is consistent and meets the requirements of NPPF.

As you'll be aware we have been awaiting additional information in support of the current application to address our comments of 23 April and that an e-mail with revised plans was received earlier this afternoon. We will assess this in due course and response accordingly.

Regards  
Graham

**Graham Worsfold**  
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Website: [www.norfolk.gov.uk](http://www.norfolk.gov.uk)

Please note I work part time: Mondays, Thursdays, Fridays & alternate Wednesdays.



Date: 02 May 2018  
Our ref: 243826  
Your ref: 06/18/0149/O



plan@great-yarmouth.gov.uk

**BY EMAIL ONLY**

Customer Services  
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CW1 6GJ

T 0300 060 3900

Dear Mrs Manthorpe

**Planning consultation:** outline planning application with all matters reserved except access for residential redevelopment

**Location:** land north of Repps Road, Martham

Thank you for your consultation on the above dated 06 April 2018 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**SUMMARY OF NATURAL ENGLAND'S ADVICE  
NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of:

- The Broads SAC
- Broadland SPA
- Winterton-Horsey Dunes SAC
- Great Yarmouth North Denes SPA
- Greater Wash SPA
- Broadland Ramsar
- Upper Thurne Broads and Marshes SSSI
- Ludham Potter Heigham Marshes SSSI
- Shallam Dyke Marshes Thurne SSSI
- The Broads National Park

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- High quality onsite open green space that incorporates features recommended in the HRA
- Access to a circular dog walking route of approximately average length (3.3km)
- A financial contribution to the Natura 2000 sites Mitigation and Monitoring Strategy

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's advice on other natural environment issues is set out below.

#### **Further advice on mitigation**

The development footprint is within close proximity to the above listed designated sites, therefore it is likely that residents will visit these sites, causing an increase in recreational disturbance.

The HRA suggests that recreational disturbance impacts can be mitigated through the provision of high quality onsite open green space. The HRA explains that this green space should be designed to incorporate features to attract routine dog walking, which can be achieved by including:

- Provision of dog waste bins
- Provision of areas which are perceived as being safe (clear lines of sites, lighting for night time walking)
- Provision of marked circular walking routes or local routes shown on an information board
- Provision of a secure fenced area for dogs to run off the lead
- Provision of a leaflet to new residents encouraging responsible dog ownership and giving details of local walks outside the designation

The open space design should also consider the different recreational needs of residents and potential conflicts of interest.

Natural England agree in principal with the conclusions of the HRA but are concerned that the area of allocated green space will not be of sufficient size to provide appropriate infrastructure. The design and access statement shows a possible 56 dwellings situated in an area of 3.9ha, with 0.49ha of green space (approx. 13% of the development area), this also includes sustainable drainage systems.

A recent assessment of dog walking route length within Natura 2000 sites in Norfolk, based on visitor interviews, recorded the maximum dog walking route length as 14.9km, the average as 3.3km and the mean as 2.9km<sup>2</sup>. We recommend resident dog walkers have access to a circular walk, of average length onsite and/or within walking distance of the proposed development. This should include dog waste bins and incorporate safe of the lead areas.

In addition, a financial contribution to the monitoring and mitigation strategy for Natura 2000 sites is advised.

#### **The Broads National Park**

The proposed development is for a site within or close to a nationally designated landscape namely The Broads National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

The landscape advisor/planner for the National Park will be best placed to provide you with detailed advice about this development proposal. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the park's management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding

and enjoyment of the special qualities of the park by the public. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended)). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

#### **Environmental enhancement**

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

#### **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

#### **Rights of Way, Access land, Coastal access and National Trails**

Paragraph 75 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

#### **Protected Species**



Natural England has produced [standing advice](#)<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

**Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply the requirements of the NPPF. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in Natural England's [Technical Information Note 049](#).

Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. *Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.*

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me on 0208 225 7617.

Should the proposal change, please consult us again.

Yours sincerely

Victoria Wight  
Norfolk and Suffolk

---

<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>



**BIDWELLS**

Your ref: 06/18/0149/O  
Our ref:  
DD: 01603 229327  
E: [simon.henry@bidwells.co.uk](mailto:simon.henry@bidwells.co.uk)  
Date: 26 April 2018

Mrs Gemma Manthorpe  
Great Yarmouth Borough Council  
Town Hall  
Hall Plain  
Great Yarmouth  
Norfolk  
NR30 2QF

Great Yarmouth  
Borough Council

**27 APR 2018**

Planning  
Department

Dear Mrs Manthorpe

**PLANNING APPLICATION REF: 06/18/0149/O – LAND NORTH OF REPPS ROAD, MARTHAM, NR29 4QZ**

On behalf of my client, Mr James Chapman, we would like to register our objection to the above planning application.

#### **Background**

In 2016, on behalf of Mr James Chapman, Bidwells secured outline planning approval for up to 144 units on Land South of Repps Road, Martham (reference 06/16/0435/O) on behalf of Mr James Chapman. During the determination of this application, consultation responses from Norfolk County Council Highways (attached to this letter) highlighted the requirement for a roundabout as part of the development. The roundabout, as well as ensuring that opportunities for future development were not prejudiced, was required to reduce vehicle speeds on Repps Road. An application for a roundabout was subsequently granted (reference 06/16/0811/F) and was linked to the residential element so that the roundabout has to be delivered before units are occupied. This is conditioned in both consents.

#### **Proposed Development**

The application is in outline with all matters reserved except for access for the residential dwellings, associated landscaping and open space. On the indicative masterplan, submitted as part of the application, two vehicular access points are shown onto Repps Road and even though residential unit numbers are not specified within the description of development, the plan indicates up to 56 dwellings.

The two new access points are proposed to join Repps Road and whilst there are minor works proposed for the provision of visibility splays and improved pedestrian access, no other off-site highway improvements are proposed, which would address comments made by NCC Highways in respect of planning application reference: 06/16/0435/O and which required the provision of the roundabout.

#### **Reasons for Objection**

Given the number of units involved and the anticipated traffic generation, it is difficult to see how this scheme can come forward without similar off-site highway improvements to those required in relation to the development of land south of Repps Road. Orari Development Transport Planning have been

16 Upper King Street, Norwich NR3 1HA  
T: 01603 763939 E: [info@bidwells.co.uk](mailto:info@bidwells.co.uk) W: [bidwells.co.uk](http://bidwells.co.uk)

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commissioned to look at the technical aspects in more detail. The Technical Note is attached to this submission.

In summary, the accompanying Technical Note refers to the submitted Lanpro Transport Statement and highlights the ATC data that was used. This was collected in July 2016 and the submitted Statement does not include any references to any other development within Martham. To ensure a robust approach, the assessment should include details of all known potential development including those which have been completed since July 2016, units currently being constructed and those currently with planning permission which may be constructed before the proposal is built. This is a shortcoming.

In addition, the Technical Note analyses the latest Crashmap data which shows a limited number of collisions have occurred as a result of vehicle conflict (e.g. collisions resulting from slowing, stopping or turning vehicle movements). However, an additional two vehicle access points would increase the likelihood of these events occurring and as such, it is considered that, as per the development on land to the south of Repps Road, off site highways improvements are required. This was the reason why we had to do the off-site improvements for our development site. The effect of these highways improvements would be to reduce vehicle speeds on Repps Road, particularly eastbound vehicles, by the creation of a roundabout. In addition, the creation of a Martham Village "gateway", would enable appropriate reductions in the width of the Repps Road carriageway. These physical changes will change the appearance and function of Repps Road from a road to a street, as highlighted in Manual for Streets.

The off-site highway works and associated benefits, as highlighted in the accompanying Technical Note, and the supporting documents submitted as part of application reference: 06/16/0811/F, are required to ensure this development can be delivered in a timely and safe manner. This also addresses the previous concerns raised by NCC Highways, as detailed above.

#### **Suggested Way Forward**

As outlined above and in the accompanying supporting Technical Note, the construction and operation of a compact roundabout on Repps Road, to the west of this site, is required in order for the development to be safely delivered.

We, therefore, suggest one of two options moving forward:

1. The Planning application pending determination is revised to include off-site highway measures, notably the provision of a compact roundabout on Repps Road as consented under reference 06/16/0811/F. or:
2. A "Grampian" condition is attached to any planning permission requiring that prior to development commencing on site, the roundabout granted by planning application reference 06/16/0811/F is implemented.

I trust that the aforementioned is clear. However, should you have any queries, please do not hesitate to contact me.

Yours sincerely

**Simon Henry**  
Principal Planner

Enclosures

Copy: NCC Highways – FAO Graham Worsfold

e-mail from Norfolk County Council's Highways Engineer

**Orari**  
Development  
Transport Planning

**From:** Worsfold, Graham [mailto:graham.worsfold@norfolk.gov.uk]  
**Sent:** 2016 March 29 16:21  
**To:** orari.dtp@orari.co.uk  
**Cc:** Poole, Liz  
**Subject:** RE: SHLAA site MA28 - Martham

Hi Sue

Thanks for your e-mail to Liz Poole of 20 March and your telephone call last Wednesday. Sorry I was unable to respond before the Easter break.

Developments in excess of 100 dwellings should be provided with 2 points of access. In this instance there appears to be no technical reason why vehicular access could not be provided onto Rising Way thereby providing a loop with the new access road and greater permeability/connectivity. We would also expect the access road to be taken to the site's eastern boundary.

With regards to access onto Repps Road the proposed junction has the potential to serve not only this site, but also MA13 & MA04. In turn it is also likely to provide an additional access to existing development on Rising Way, Bosgate Rise and Welbeck Avenue/Malborough Green Crescent. In the absence of evidence to suggest otherwise it is likely existing 85<sup>th</sup>% speeds in the vicinity of the proposed access on Repps Road both entering and exiting the village exceed the local speed limit, especially given the alignment and width of the carriageway. On the basis of the scale of development likely to be served from this junction it is our view that it should take the form of a compact roundabout. This will have the added benefits of providing a gateway feature into the village and help control vehicle speeds.

You will need to consider pedestrian routes to local services e.g. the village school, shops and bus connections. There are known local concerns regarding the suitability of the existing zebra crossing on Repps Road and its upgrading to a signalised crossing. A TA and FTP should be provided.

On receipt of more detailed proposals we will be able to provide further comments.

The contents of this letter are informal officer opinion. No detailed consultation or assessment has taken place and therefore this should not be taken as a formal response to a planning application. It may not reflect the contents of any formal reply made by the Highway Authority in response to an official consultation from the Local Planning Authority on a planning application for a similar proposal; particularly if in the opinion of the Highway Authority highway safety, efficiency and accessibility standards cannot be achieved.

Regards  
Graham

**Graham Worsfold**  
Assistant Engineer Estate Development  
Community and Environmental Services  
Direct Dial Telephone Number: 01603 223274  
E-mail: [graham.worsfold@norfolk.gov.uk](mailto:graham.worsfold@norfolk.gov.uk)

General enquiries: 0344 800 8020 or [information@norfolk.gov.uk](mailto:information@norfolk.gov.uk)  
Website: [www.norfolk.gov.uk](http://www.norfolk.gov.uk)



**Mrs Marilyn Parker and Miss Helen Nock**

**156 Repps Road**

**Martham**

**Gt Yarmouth**

**NR29 4QZ**

Tel: [REDACTED]

Email: [REDACTED]

**24 March 2018**

Great Yarmouth Borough Council  
**29 MAR 2018**  
Customer Services

Dear Sir/Madam

**Planning Application Number: 06/18/0149/O**

**Location: Repps Road Martham**

Thank you for your letter of 15 March.

We would like to object to any redevelopment of this site.

Our comments are as follows –

Great Yarmouth  
Borough Council  
**29 MAR 2018**  
Planning  
Department

- At least two unsuccessful attempts for redevelopment have been made in the past. Nothing has changed to my knowledge.
- At least 400 properties already have planning permission in this village and building works are going ahead. These additional properties are not required.
- We have complained in the past about the number and speed of vehicles going past houses on Repps Rd. This will increase further when the properties already in development are occupied. In 2013, there were 50,008 vehicles passing our homes in a week. I am sure more recent traffic monitoring will show a substantial increase in this figure.
- There will be increased noise with heavy construction traffic during the building phase, impacting on the peaceful use and enjoyment of my garden.
- For the last few years, I have been unable to open my front windows due to vehicle noise and fumes. This would obviously increase further.
- Accessing my drive would be hampered by the increased traffic flow and road safety would become a major issue.

- Cess and Low roads will almost certainly be used as "cut throughs". Both these roads could not withstand congestion as they are single file in the main.
- There will be a risk to numerous equine traffic which frequently pass through the village to access the public bridleways.
- Any creation of access to the development on Repps Rd would be dangerous and almost make a cross roads with Bosgate Rise and Marlborough Green.
- The infrastructure of the village must be near to breaking point. There have already been sewerage and drainage problems.
- Any further development would destroy the views, countryside and wildlife. In the past attempts, the Countryside Commission has strongly objected to the redevelopment.
- Martham should be allowed to remain a village and keep alive the community spirit and walks in the countryside enjoyed by its inhabitants.

Yours faithfully



Marilyn Parker



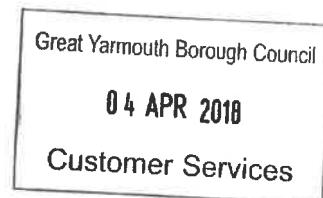
Helen Nock



Mr and Mrs A Lee  
158 Repps Road  
Martham  
Great Yarmouth  
NR29 4QZ

Tel: [REDACTED]

Email: [REDACTED]



2<sup>nd</sup> April 2018

Dear Sir/Madam

Planning Application Number: 06/18/0149/O

Location: Repps Road Martham

With reference to the above proposed development our objections include:

- Increase in passing traffic causing more difficulty accessing our drive with our own vehicles. It can currently take a considerable time to exit and enter our drive particularly at commuter and school peak times. The volume of traffic and the speed of some of the vehicles make our entry and exit quite scary at times.
- The inability to open our front windows due to noise and pollution is very distressing particularly during the summer months, especially in the evenings.
- As grandparents to 4 young children we are very concerned about the safety of crossing the already busy road due to the aforementioned speed and volume of traffic. We fear this could be an "accident waiting to happen".
- Currently exiting Repps Road on to the A149 is sometimes a very lengthy and risky process. Extra housing would inevitably make matters even worse.
- We enjoy living in Martham, presently a large village – next step small town? Enough is too much already!

Yours faithfully

Alan Lee

Alison Lee

# Internet Consultees

Application Reference 06/18/0149/0

Attachments

Invalid Consultee Comment? ☐

Copy to existing Consultee? ☐

Name Nigel williams

Address

55

Cess road

Martham

Norfolk

Post Code NR29 4RQ

Telephone

Email Address

For or Against

OBJ

Object

Speak at Committee

144 houses, south of Repps Road, planning ref 06/16/0435/0  
105 homes, former mushroom farm, Back lane, Martham  
45 houses, Somerton Road, planning ref 06/17/0358/F  
108 houses, Hemsby Road, Martham

How many more can we sustain, This site has no suitable drainage facilities, Nearest pumping station in Cess Road, regularly floods due to lack of capacity, would need to be significantly upgraded to meet demand.  
Possibility of an extra 914 cars entering and exiting Martham on a daily basis via a single main road.

Date Entered 27-03-2018

Internet Reference OWPC1491



### Internet Consultees

Application Reference 06/18/0149/C

Attachments

Invalid Consultee Comment? ☐

Copy to existing Consultee? ☐

Name Nigel Williams

Address

55

Cess Road

Martham

Norfolk

Post Code NR29 4RQ

Telephone

Email Address

For or Against

OBJ

Object

Speak at Committee

How many more can we sustain, This site has no suitable drainage facilities, Nearest pumping station in Cess Road, regularly floods due to lack of capacity, would need to be significantly upgraded to meet demand.  
Possibility of an extra 914 cars entering and exiting Martham on a daily basis via a single main road.  
The infrastructure of the area will be severely compromised, let alone the wildlife which frequents the area in question. Crime is on the increase in the area, without suitable amenities this will only increase greatly  
I moved to Martham for the village life, I feel we are slowly being driven out of our homes by over development.  
Please stop this

Date Entered 27-03-2018

Internet Reference OWPC1491



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