

Reference: 06/15/0486/F

Parish: Martham

Officer: Miss G Manthorpe

Expiry Date: 10/03/16

Applicant: Persimmon Homes Ltd (Anglia)

Proposal: Full planning application for 100 new dwellings, public open space, associated infrastructure and demolition of no.10 White Street (existing dwelling) to form access.

Site: 10 White Street Martham

REPORT

1. Background / History :-

- 1.1 The site which is subject to the application covers an area of 3.20 hectares and is located in the parish of Martham adjacent to, but outside of, the village development limits. The application site also comprises the residential property and curtilage of a property known 10 White Street and the majority of the land is locally referred to as the Mushroom or Duck Farm.
- 1.2 The entrance to the site is currently between two residential properties, one of which is 10 White Street. The entrance falls partially within the conservation area. The conservation area is in line with the boundary of the site to the western boundary. The village development limits bound the site to the western and northern boundary of the site.
- 1.3 The land to the south of the site has been subject to a recent outline planning application for residential and commercial (B1) land which was approved at Development Control Committee on the 8th March 2016. The current application and the application to the south both show potential links, the current application shows a potential pedestrian link to this site to the south.
- 1.4 Conservation area consent has been approved for the demolition of 10 White Street Martham. The consent was conditioned to prevent demolition until a development scheme was approved and a contract for carrying out works of redevelopment made.

2 Consultations :-

- 2.1 Highways – No objection to the revised layout and access, full details of condition not available at time of writing however these can be verbally reported.
- 2.2 Norfolk County Council (Surface Water Drainage Local Lead Flood Authority) – Application fell below the threshold so standing advice given.
- 2.3 Neighbours – There have been 13 responses to the letters and site notice, a selection of responses are attached to this report and there is a summary of responses below:

- No right to give use of the turning head to others.
- How will maintenance of the turning head be covered.
- Object if Back Lane were to become a thoroughfare.
- Concern over the hedge to the rear of Back Lane properties and the wildlife within.
- The closure of Back Lane.
- Increased noise of vehicles using the new junction.
- The turning head is not adequate to accommodate large vehicles.
- Irregularities in the traffic assessment.
- Inadequate sewerage and rain water removal provision.
- Too high density.
- Removal of trees-replanting should take place.
- The pumping station exclusion zone will encroach on the adjacent site.
- Disappointing that there is no vehicular link to the adjacent site.
- Retention of a strip between the two adjoining (separate ownership) sites.
- A mini roundabout and keeping Back Lane open would be a better option.
- Loss of privacy.
- White Street is already too busy.
- Possibility of light blockage.
- Doctors surgery will not be able to cope.

One comment in support of closing back lane provided adequate turning can be provided.

A selection of objections are attached to this report.

- 2.4 Martham Parish Council – Full comments are attached to this report and summary is as follows:

The Council would draw attention to the SHLAA assessment of MA10B 'Anglian water have indicated that there are major constraints with regards sewerage infrastructure which would require flow attenuation and may require a larger wet well at the pumping station. In addition there is no capacity in the existing surface water sewers therefore alternative drainage measures such as SUDs may need to be explored where appropriate'. The Council would support this assessment with local knowledge.

As part of a planning condition clarity needs to be sought for the open space over ownership and ongoing responsibility.

The traffic solution of blocking off Back Lane is objected to most strenuously. The Council has concerns about the turning bay provided.

Additional people will increase pressure on an already struggling doctors practise.

There is a considerable concern over low mains water pressure in the village.

- 2.5 Police Architectural Liaison Officer – Very comprehensive recommendations made for security measures and security improvements such as additional fencing with natural boundaries. Full comments are attached to this report.
- 2.6 Environment Agency – No objection to the application and comment as follows: the site is wholly outside of the flood zone; we are no longer a statutory consultee for these sites and the assessment of flood risk from surface water is a matter for Norfolk CC as the Lead Local Flood Authority. The site is also on an unproductive aquifer but as the risk from contamination from the previous use is low as is the risk to groundwater we have no comments in this regard.
- 2.7 Essex and Suffolk Water – The site is outside of the area of supply.
- 2.8 Natural England – Object – further information required. On going communications about contribution to mitigate against the impact on the Natura 2000 site. Advise that further assessment of potential impacts from recreational disturbance to Broadland SPA and Ramsar site, The Broads SAC and Breydon Water SPA and Ramsar is required within the project HRA. Where impacts cannot be ruled out, mitigation will be required in accordance with Policy CS11 and CS14 of the emerging (now adopted) Core Strategy.

In order to avoid adverse impacts to Winterton – Horsey Dunes SAC and Great Yarmouth North Denes SPA, we advise that proportionate developer mitigation should be secured in accordance with Policy CS11 and Policy CS14 of the Core Strategy.

- 2.9 Anglian Water – The foul drainage from this development is in the catchment area of Caister Water Recycling Centre that will have available capacity for these flows.

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

Surface Water disposal, from the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such we are unable to provide comments in the suitability of surface water management.

- 2.10 Environmental Health – The recommendations in the site investigation report are reasonable, with further investigation and some remediation and protection measures required. I am aware from regularly visiting the site, and meeting with Harrison's Geotechnical Engineers whilst they carried out further investigations in August, that the degree of asbestos and hydrocarbon soil contamination may be worse than the assumptions in the report dated February 2015. However, the site can still be safely remediated for the proposed future use, and so we have no objections and instead recommend conditions to control this.

In addition to the comments above full comments are attached to this report and conditions are requested with regards hours of work, contamination, lighting and foul drainage.

- 2.11 Norfolk County Council Fire – No objections providing that the proposal meets the necessary requirements of the building regulations.
- 2.12 Cycle forum – Comprehensive comments received and are available on file, and extract follows. The secondary streets and cul-de-sacs should be more permeable and that the BOAT should form part of a safe route to school. Provision should be made for a 5m wide segregated pedestrian/cycle link between this proposal and any future development to the south of the site.
- 2.13 Historic Environment Service – The proposal does not have any implications for the historic environment and there are no recommendations for archaeological works.
- 2.14 Public Rights of Way Officer – The Mushroom Farm sits to the east extent of the village of Martham, with a public footpath running along the NE boundary of the site. Access to this Public Right Of Way (PROW) would be beneficial for daily

recreational activities, such as dog walking and exercise, and would make circular routes available as well as providing access to the nearby, but presently difficult to access countryside.

- 2.15 Norfolk County Council Infrastructure and Economic Growth: The proposed development comprises 100 multi-bed houses. The County Council does not seek education contributions associated with 1-bed units and only seeks 50% contributions for multi-bed flats. Therefore in net education terms this represents the equivalent of 100 dwellings, which will generate:

- 1.Primary School – 26 children (5 – 11);
- 2.High School – 17 children (11 – 16).

Martham Primary School (5-11), May 2015 has 420 spaces, 331 on roll which provides +89 school spaces.

Flegg High School (11-16), May 2015 has 950 spaces, 811 on roll which provides +139 school paces.

There is sufficient capacity at Primary and High School levels; therefore Norfolk County Council will not be seeking Education contributions on this occasion.

- 2.16 Norfolk Fire Service: Norfolk Fire Services have indicated that the proposed development will require 1 hydrant per 50 dwellings (on a minimum 90-mm main) for the residential development at a cost of £ 447.80 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.

- 2.17 Healtheast: No comment.

3 Policy :-

- 3.1 Local Policy - Saved Great Yarmouth Borough-Wide Local Plan Policies (2001):
- 3.2 Paragraph 215 of the 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 and reassessed in January 2016.

- 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 HOU17: requires housing developments to have regard to the density of the surrounding area.
- 3.7 BNV10: New development in or adjacent to a conservation area will be required to be sympathetic to the character or appearance of the area in terms of scale, height form, massing, materials, siting and design.

(Objective: To retain and enhance the character and appearance of conservation areas)

4 National Policy:- National Planning Policy Framework (NPPF)

- 4.1 The presumption in favour of sustainable development is set out under paragraph 4.
- 4.2 Paragraph 49: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 4.3 Paragraph 42: The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extension to existing villages and towns that follow the principles of Garden Cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development.

- 4.4 Paragraph 50 states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
- Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
 - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
 - where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 4.5 Paragraph 63 states that: 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 64 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 4.6 Paragraph 55: To promote sustainable development in rural area, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of small settlements, development in one village may support services in a village nearby.
- 4.7 Paragraph 17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- 4.8 Paragraph 111. Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.

- 4.9 Paragraph 173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

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 CS4: Delivering affordable housing. This policy sets out the thresholds for the provision of affordable housing. Martham is within affordable housing sub-market “1” where developments of 5 dwellings or more are expected to provide 20% affordable housing. A commuted sum is acceptable in exceptional circumstances.
- 5.3 Policy CS9: Encouraging well designed and distinctive places. This policy applies to all new development.
- 5.4 Policy CS11 sets out the Council’s approach to enhancing the natural environment. Consideration should still be given as to how the design of the scheme has sought to avoid or reduce negative impacts on biodiversity and appropriately contributes to the creation of biodiversity in accordance with points f) and g). In addition criterion c) states that ‘The Natura 2000 Sites Monitoring and Mitigation Strategy will secure the measures identified in the Habitat Regulation Assessment which are necessary to prevent adverse effects on European wildlife sites vulnerable to impacts from visitors’.
- 5.5 Policy CS14 states that all developments should be assessed to establish as to whether or not any infrastructure or infrastructure improvements are required to mitigate the impacts of the development. This includes seeking contributions towards Natura 2000 sites monitoring and mitigation measures (criterion e).

6 Interim Housing Land Supply Policy (July 2014)

- 6.1 This policy only applies when the Council's Five Year Housing Land Supply utilised sites identified in the Strategic Housing Land Availability Assessment (SHLAA).
- 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

- 7.1 The site was assessed as part of the Strategic Housing Land Supply Assessment (SHLAA) and summarised as adjacent to the village development limits of Martham and is considered to have good access to a range of facilities such as local shops, a secondary school and medical facilities. The site is potentially suitable as a large extension to Martham in conjunction with site MA10c, however the site could also be brought forward in isolation in the next 5 years due to a suitable access off White Street and could potentially yield up to 100 dwellings over the short to medium term.
- 7.2 In terms of highways and access, Norfolk County Council had commented on the SHLAA in terms of highways and access, Norfolk County Council indicated that the site is acceptable for estate scale development although this should be limited to parts of the site with existing brownfield uses. It was considered that a suitable access from Hemsby Road could be attained which could come forward through the development of site MA10c directly below. Norfolk County Highways are now satisfied that a singular access off White street with off-site highway improvements to include a zebra crossing are acceptable for the development.
- 7.3 Anglian Water have indicated that there are major constraints with regard to sewerage infrastructure which would require flow attenuation and may require a larger wet well at the pumping station. In addition there is no capacity in the existing surface water sewers therefore alternative drainage measures such as SuDS may need to be explored where appropriate
- 7.4 There are no other major constraints identified which may hinder the suitability of the site, however any proposal would need to take into account the Martham conservation area adjacent to the site.
- 7.5 To meet the housing needs of the borough by 2031, the majority of new housing development occurring in the Primary Villages is likely to take place on greenfield land outside the currently adopted development limits. Prior to the adoption of the Local Plan Site Allocations document, the Council adopted its Interim Housing Land Supply (IHLS) policy in June 2014 as a means of delivering suitable

housing sites in the short term before they are formally allocated in the Local Plan. The IHLS is a material consideration and is only utilised when the Council's five year housing land supply policy includes 'deliverable' sites identified through the SHLAA.

8 Assessment :-

- 8.1 The application, is for the redevelopment of a previously developed site, with the demolition of a dwelling house to accommodate the access and the erection of 100 residential dwellings with associated infrastructure and public open space.
- 8.2 The layout provides a density of 31.25 properties per hectare, taking into account the open space provision and the land used for the pumping station. There is a mix of properties provided ranging from 1 to 4 bedrooms.
- 8.3 There are a number of neighbour objections to the partial closure of Back Lane. This aspect of the application has undergone extensive negotiation and discussion with Norfolk County Highways and the access as currently applied is acceptable. The closure of Back Lane will occur by off-site highway works to the White Street entrance. The offsite works include the movement of the speed limit sign and signage to identify the newly formed cul de sac. Back Lane will have a size five turning head at the northern closed section and a type three turning head within an existing access to provide additional turning. The works will also include the provision of a widened footpath and zebra crossing. There is a pedestrian crossing with tactile paving at the entrance to the site. It is accepted that a partial closure of Back Lane will alter the way that existing residents utilise there accesses however it will remove the ability to utilise this road as a rat run thus protecting the amenities of the residents.
- 8.4 The drainage, water pressure and foul sewerage disposal were commented on during the SHLAA assessment and the consultation responses. There is no objection from Anglian Water who have stated that there is adequate capacity for the foul water flows. There are no objections to the drainage proposal for surface water from the Internal Drainage Board, Environment Agency, the LLFA (below size threshold) or Anglia Water for the surface water drainage. It is recommended and shall be conditioned that further drainage details are submitted prior to the commencement of development.
- 8.5 Other neighbour and parish objections include the concern over the lack of infrastructure within the village to cope with this and other developments. Paragraph 2.18 of this report outlines a portion of the response received from the County Council noting that there are no contributions being sought for education as the local schools have sufficient space to accommodate this development.

- 8.6 Policy CS4 of the Core Strategy (adopted December 2015) outlines the provision of affordable housing for the Borough. The affordable housing requirement for this area is 20% which would equate to 20 dwellings. The application has submitted a viability assessment as part of the application which has sought to evidence that the site is not viable should the policy compliant levels of affordable housing be provided. The report is, at the time of writing, being assessed by the District Valuation Office and the Local Authority is in possession of a draft report. Viability of a site and the ability to reduce or remove contributions by negotiation using an evidence based approach, are contained within the NPPF and reinforced within the Core Strategy and are available to developers to ensure that housing is delivered.
- 8.7 The viability of this site is questioned as the previously developed land contained a number of large outbuildings many of which had been subject to several fires. The NPPF is in favour of development on land that has previously been developed and the reduction or removal of contributions can bring brownfield land into use for housing but it is accepted that this land is more expensive to develop than previously undeveloped land.
- 8.8 The applicant has verbally agreed to some contributions which are still undergoing negotiation. These negotiations will continue upon the receipt of the valuation assessment. The contributions to mitigate the effect on the Natura 2000 sites are part of those agreed, open space and childrens play are still under negotiation and if written agreement in principle occurs prior to the day of committee these shall be reported verbally.
- 8.9 The Parish Council raised an objection to the open space management. Notwithstanding any contributions that are made the open space shall be secured through s106 agreement and managed by a management company in perpetuity. This should meet the Parish concerns regarding this aspect of the development.
- 8.10 Concerns have been raised regarding an increase in overlooking to the properties on Back Lane. There are trees indicated on the site location and landscape plan (revision J) to a section of the boundary with the Back Lane properties indicated as to be retained. The comments received from the Tree and Landscape Officer request that the development is carried out in accordance with the details submitted. The tree and landscape officer, upon visiting the site as part of the application process has not recommended the service of a tree preservation order on any of the specimens. It is noted that any trees that are within the relevant criteria within the conservation area are protected by virtue of being within the Conservation Area.
- 8.11 The overlooking has been reduced by the depth of gardens of the type of housing that is proposed upon this boundary. The three storey properties are designed so

that the second floor is velux windows which can be conditioned to be 1.7m from the floor level to reduce overlooking. The other properties at this boundary have the largest bedrooms facing to the front to minimise the overlooking. It is not disputed that there will be an increase in overlooking from the existing situation however this is not deemed so significant so as to recommend refusal.

- 8.12 Natural England have objected to the application on the grounds of the effect that will be had on the Natura 2000 sites and the lack of information that demonstrates mitigation for this effect. As part of the process an appropriate assessment has been carried out which has taken into account current policy and the draft Natura 2000 policy. Given the agreement for a contribution in line with the Natura 2000 draft policy to be made to mitigate any adverse effect and this has been deemed appropriate.
- 8.13 The application shows a pedestrian link at two points to the existing public right of way. The access to this will increase, in line with the comments from the Public Right of Way Officer, the use of this link and will provide opportunities for walking and recreational use within the immediate locality reducing the need to travel.
- 8.14 The proposed development lies outside of the village development limits however the Interim Housing Land Supply Policy (IHLSP) has been drafted and adopted in order that developments, specifically those for housing outside of the village development limits can be assessed with a view to meeting housing targets prior to the adoption of the site specific allocations. The IHLSP is a material consideration and as such shall be afforded appropriate weight as a means of assessing development for housing outside of village development limits.
- 8.15 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 is, in accordance with the Strategic Housing Land Availability Assessment, a sustainable location.

9 RECOMMENDATION :-

- 9.1 It is accepted that the application is outside of the village development limits and contrary to the adopted Borough Wide Local Plan 2001 however the site has been identified as a brownfield site which is developable and deliverable and there is no objection in planning terms to the development going ahead prior to the formal adoption of the site specific allocations subject to conditions.
- 9.2 Approve - The recommendation is to approve the application subject to conditions as recommended by consulted parties and those to ensure a satisfactory form of development and obligations as set out by Norfolk County Council and mitigation

measures in line with the aims of the Natura 2000 Sites Monitoring and Mitigation Strategy. Should members be minded to approve the application the recommendation is such that the permission is not issued prior to the signing of an agreement under section 106 for provision for schools, infrastructure, mitigation, affordable housing, children's play equipment/space and opens space management.