

**Reference: 06/14/0168/F**

**Parish:** North Yarmouth Ward

**Officer:** D Minns

**Expiry Date:** 10-06-2014

**Applicant:** Saffron Housing Trust

**Proposal:** Proposed development of 12 affordable residential units with associated landscaping, parking & highways works.

**Site:** Salisbury Road Great Yarmouth Norfolk

## **REPORT**

### **1. Background / History :-**

1.2 The site is a total area of 0.65Ha consisting of former railway land between Salisbury Road and Drake Avenue boarded by Blake Road (to the east) and Sandringham Road / North Denes road (to the west). The land has been used variously as a thoroughfare and car parking over the years since its acquisition , by the former County Borough Council , from British Railways in the 1960's.

1.3 The site has access from Salisbury Road to the south and Drake Avenue to the north. Two pedestrian links provide direct access from North Denes Road. Bus stops are located within two hundred metres walking distance of the site and Great Yarmouth VA High School is opposite the site on Salisbury Road. The site is located approximately 1.6 miles from the town centre. The site is not within a conservation area and there are no tree preservation on site.

1.4 Surrounding dwellings are predominantly two storey with gardens backing onto the east and western boundaries of the site. Landscaping within the site is predominantly against the east boundary and is largely overgrown. The site is relatively flat with are no significant level changes across the site.

1.5 The site is approximately 360 metres long and 18.6m wide with the width reducing to approximately 13.5 metres approximately halfway along the site towards Drake Avenue.

1.6 The existing boundaries are lined with mainly 1.8 m high timber fences. On the eastern side Blake Road a number of properties have pedestrian access whilst to North Denes Road a number of properties have vehicular accesses into their rear gardens.

1.7 The existing gardens on North Denes Road range from approx. 28m to 37m whilst on Blake Road between approx. 23m to 14m at the centre of the site.

### **2.0 The Proposal**

2.1 The proposal is for the construction of 12 residential units consisting of 8 one bed 2 person bungalows, 2 two bed 4 person bungalows and 2 four person semi- detached houses fronting onto Salisbury Road.

2.2 The site will be accessed from Salisbury Road and Drake Road. Each residential unit will have access to dedicated parking spaces and 6 visitors parking spaces are shown on the plans. A total of 22 parking spaces are proposed within the development.

2.3 In addition to the parking spaces each dwelling would have a garden and communal green landscaping is proposed along the access roads.

2.4 The submitted plans show the maximum ridge heights of the bungalows between as 4.8 m - 5.2 and maximum eaves height of 2.4-2.8 m.

2.5 The height of the houses 7.8 m to ridge and 5m to eaves height.

2.6 The bungalows are located along the eastern boundary of the site with the public footpath and access road running along the western boundary retaining access to the properties along North Denes Road.

2.7 Materials proposed are brick and render with concrete tiles and UPVC window frames

2.8 Trees which have been deemed worthy of retention as a result of an arboricultural survey have been retained throughout the site wherever possible three trees are proposed to be removed Hedgerows have been cleared where required to make way for development. Some new trees have been proposed and hedging features as a buffer between the dwelling frontages fences and the road. Private amenity space feature both hard and soft landscaping close boarded fencing has been provided at partitions and 1.5m close boarded fencing with a 300mm trellis above have been shown at the garden edges to allow for surveillance of parking areas.

2.9 The application is accompanied by a Planning Statement, Design and Access Statement and Ecological Site Appraisal. The application has also been subject to pre application consultation.

### **3. Consultations :-**

3.1 Article 8 notice/Neighbours: 53 letters of objection to the proposal and a petitions with 47 signatures objecting to the proposal – example copies attached plus 35 objections were received prior to the application being submitted. In addition a survey of dwellings in the area was undertaken by the office of Brandon Lewis MP which includes 78 completed questionnaires. A copy of a completed questionnaire is attached to the report which is generally representative of the responses within the overall completed questionnaires.

In summary the objections

- Against the principle of development in this location
- Land is totally unsuitable for development
- Too many developments in the area
- Overdevelopment of the site
- Development of the site will exacerbate existing parking problems in the area as a result of the loss of 20 parking spaces on the site
- Parking is used by local residents staff to school and visitors to the post office
- Be dangerous for school children
- Development of social housing not in keeping with the area
- Errors in the planning application form site is not vacant
- Site is adjacent to a flood risk area

- It is a public right of way having been used by pedestrians and vehicles for over 50 years including access to Drakes playing fields
- Concern over the safety of school children
- Problems with existing sewage system
- Development will hinder access to rear of properties getting vehicles in and out
- Planning permission was refused several years ago on the grounds of no access for emergency services and the area has not got any bigger
- 'Attention is drawn to Section 31 of the highways act 1980 under which it is necessary to show that the public have used the right of way for 20 years running retrospectively from the date when the public's right of way was first used. My family have lived on this road have used the land for over 24 years continually. It is still used by the public, school children as well so I believe the we have the right to continue to use as a Right of Way'
- Concern that the dwellings will house vulnerable people being located in close proximity to schools and residential dwellings
- Loss of a vital resource to the local community for much needed parking space
- If the Council wishes to relinquish responsibility for the land( and the costs that will go be associated with that then the land should be gifted or sold to the adjoining houses or else to the adjoining houses or else gifted or sold to the school for parking

3.2 **Norfolk Constabulary:** I have previously consulted with the applicant as they will be applying for Secured By Design accreditation for the whole development. The concerns I raised with Ingelton Wood at an early stage were resolved and I have no outstanding concerns regarding this development.

3.3 **Nation Grid** – have services in the area. It is the responsibility of the developer before any works are carried out to ensure that our apparatus are not affected by the proposal

3.4 **NW Water** – We would advise you that our existing apparatus does not appear to be affected by the proposed development although our records show a water service in the path between 86-89 Salisbury Road and 80 North Denes Road. This will probably require disconnection, We have no objection to the development subject to compliance with our requirements. We give consent to this development on the condition that a new water main is installed and a connections made onto our company network for each new dwelling for revenue purposes.

3.5 **Anglian Water** - The foul drainage from this development is in the catchment of Caister STW that at present has available capacity for these flows. The sewerage system at present has available capacity for these flows at a pumped rate, although any flows for the dwellings should gravitate wherever possible . 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 The surface water strategy/flood risk assessment submitted with the planning application is not relevant to Anglian Water and therefore this is outside our jurisdiction for comment and the Planning Authority will need to consider which is the appropriate body to comment. We request that the agreed strategy is conditioned in the planning approval.

**3.6 Environment Agency** – We have no objection to the proposal and are requesting conditions and offering advice for the protection of the water environment  
The site is situated on a superficial deposit of Blown sand, designated as Secondary A aquifer. The Crag Group, a principal aquifer, is the underlying bedrock. The site is in an area of medium sensitivity with regard to the water environment.

The previous use of the site was a railway track and has the potential to cause contamination. The proposal will only be acceptable if the following four conditions are attached to the planning permission. We consider that planning permission could be granted to the proposed development as submitted if the following four planning conditions are included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

- 1) No development approved by this planning permission, or such other date or stage in development as may be agreed in writing with the Local Planning Authority, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

## **Condition 2**

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved

## **Condition 3**

No development should take place until a long-term monitoring and maintenance plan in

respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

#### **Condition 4**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented NPPF, paragraph 121.

6. Surface water run-off from the PFS forecourt, associated hardstanding and connecting roads should pass through an interceptor whose outfall should discharge into the foul sewer (subject to the agreement of the local sewerage undertaker).

For further information with regard to SUDS see our Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) document Position Statements G1 – G13:

**3.7 Building Control Manager:** No apparent implications under Building Regulations, but concerns over bin storage for units 1 & 2

**3.8 Norfolk Fire Service:** I acknowledge receipt of the application and I do not propose to raise any objections providing the proposal meets the necessary requirements Building regulation requirements as administered by the Building Control Authority.

**3.9 Natural England** – We are satisfied that provided the development is carried out in accordance with the submitted plans it is unlikely to have a significant impact upon the Statutory Nature Conservation sites in the area (SSSI, SPA and Ramsar sites) ie Breydon Water and North Denes. Plus Standing advice.

**3.10 Service Unit Manager (Housing Strategy and Housing Options)** I am writing in support of the above application in that we have writing in support of the above application in that we have working closely with the Saffron Housing Trust to ensure that the proposed development meets local housing needs. Our most recent Strategic Housing Market Assessment identified a shortage of one and two bedroom properties available for social need local housing needs.

Currently there are 512 applicants within the Allocations Pool, of these, 42% require one bedroom accommodation and 37% require two bedroom accommodation. It should be noted that 63% of applicants requesting one bedroom accommodation in this location have a need for ground floor accommodation and for two bedroom accommodation in this area it is 22% of applicants requesting in this location. Therefore, this proposed development would greatly assist with meeting local housing need including applicants affected by changes to Housing Benefit including under-occupation

**3.11 Environmental Health** – Due to the proximity of other dwellings the hours of construction work should be restricted to 07:30 to 18:00 Monday to Friday, 08:30 to 13:30 Saturdays, no work on Sundays or Bank Holidays. No objection subject to the imposition of conditions on hours of operation

**3.12 Norfolk County Highways:** I refer to your email dated 24 April 2014 and our subsequent discussion in relation to the revised plan submitted by the applicant's agent. Whilst it is noted that the plan has been amended to show the visibility splay at the proposed junction of the development with Salisbury Road, it also appears that there are proposed changes to the northern end of the development to provide a continuous footway link through the site, and I would comment on these as follows. Notwithstanding the proposed changes to Drake Avenue, I would not wish to see the introduction of a shared surface on the eastern end of the road as indicated. There is presently a footway to the northern side of Drake Avenue and in this respect it would be better to continue this footway into the development which would mean that the footway would also link to the adjacent playing field. The shared surface could then commence either to the north or south side of the Barnard Avenue road bridge.

You will be aware from my initial response (letter dated 9 April 2014) that I raised other issues to be considered/addressed, namely:

- ☐ what is proposed in relation to the existing public highway (detached footway);
- ☐ the inclusion of additional parking provision on Drake Avenue; and
- ☐ the removal of the parking within the curtilage of Plot 2.

It appears, however, that there have been no changes made or any comment provided in respect to these points. The works also involve new construction adjacent to an existing Highway structure, namely the Barnard Avenue Road Bridge. It may be that any new works may require an Approval In Principle (AIP) document.

I am aware that this application needs to be progressed and your deadline is approaching for meeting the planning committee, and whilst there are still highway related issues to be resolved I am mindful not to unreasonably protract the application whilst trying to get a satisfactory resolution to these issues.

If you are therefore minded to progress to committee the highway issues relating to the detached footway and works to Drake Avenue, which will be subject to a Section 278 Agreement, can be dealt with by condition, and in terms of the parking to Plot 2 I would request that the LPA consider an appropriate condition for this to be subject to agreement with the Highway Authority. Accordingly I would recommend that the following conditions and informative note be appended to any grant of permission your Authority is minded to make.

**1.** Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

**2.** Prior to the first occupation of the development hereby permitted the proposed access, on-site car and cycle parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

**3.** Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety. No works shall commence on site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To prevent extraneous material being deposited on the highway.

**4.** For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning facilities provided referred to in Part A.

Reason: To prevent extraneous material being deposited on the highway.

**5.** No works shall commence on site until such time as a Stopping Up Order to remove all highway rights subsisting in the highway land coloured red on the attached plan has been granted and all Highway rights over the red land have been successfully removed, see following informative note.

**6.** Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works, namely the Drake Avenue improvements and the development's junction with Salisbury Road) as indicated on drawing number 102 G have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway 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.

7. Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.

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

8. No works shall commence on site until an Approval In Principle (AIP) document has been prepared, submitted and approved in writing by the Planning Authority in consultation with the Highway Authority.

Reason: In the interests of the safety of users of the highway, may prevent this development from progressing in its current format.

### 3.13 Strategic Planning:

National Policy: National Planning Policy Framework (NPPF)

The presumption in favour of sustainable development is set out in paragraph 4.

Paragraph 49 states that: '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.'

In paragraph 216 the NPPF states that decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- The degree of consistency with the NPPF.

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

NPPF paragraph 215 applies to policies in the Great Yarmouth Borough-Wide Plan. This states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The 'saved' policies listed below 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.

Policy HOU7: Existing Housing Area which permits new residential development within settlement boundaries.

Policy HOU4: sets out the requirements for residential development in excess of 10 dwellings.

Policy HOU9: sets out the requirement for developer contributions towards facilities needed as a result of the development.

TCM17: requires new development to comply with the adopted car parking standards



Policies HOU15, 16 & 17: set out the site requirements for new residential development.

Policy NNV10: support for the retention and enhancement of landscape features and wildlife habitats

#### Emerging Local Plan

#### Submission Core Strategy (Regulation 19, 2013)

Policy CS2: This policy identifies the broad areas for growth, sets out the sustainable settlement hierarchy for the borough and two key allocations. Great Yarmouth is identified as a Main Town in the settlement hierarchy and is therefore a sustainable location for new development.

Policy CS3: This policy specifies the mix of housing required in new residential development.

The Strategic Housing Land Availability Assessment (SHLAA) assesses sites for residential development potential. The site has been included in the SHLAA (ref GR15) and it has been assessed as not being developable due to unsuitable access.

#### Conclusion

The site within the settlement boundaries identified in the 2001 Local Plan therefore residential development is permitted subject to meeting the criteria of other relevant policies.

Policies HOU15, 16 & 17 set out the requirements for new residential development. These policies are particularly relevant to the proposal as they are concerned with impact on amenity, layout and design and sub division of plots which is likely to lead to development which is 'out of character and scale with the surroundings.' (HOU17). The linear nature of the site makes this difficult to achieve.

#### **4. Assessment :-**

- 4.1 The proposed development of this site has clearly raised a considerable amount of local concern. Residents and regular visitors to the area have clearly become accustomed to the land in its current form whilst some residents have utilised the land to access their rear gardens by vehicle and on foot without it would appear an established legal right of way and the land is owned by the Borough Council and Norfolk County Council.
- 4.2 Development of the site has been considered in the past and most recently was subject to a planning application to development was submitted by the Councils Property Services Unit in August 2005 for a two storey dwelling was subsequently withdrawn before determination. Like now there was considerable local concern with overlooking and loss of privacy being cited and there was considerable support for the land to be used for car parking for local residents.
- 4.3 Local residents have also drawn attention to the assessment of the land for development potential as part of the Local Plan Housing Land Availability Assessment 2010 which concluded that although the site was in a sustainable location close to facilities 'the site which is tightly constrained by its shape and

location' and that 'the north and south of the site is not wide enough to accommodate a dwelling whilst still managing to accommodate access to the rear. It is for these reasons the site is considered unsuitable for development'.

- 4.4 In this application it is clear from the consultation responses that the constraints on the site are capable of being addressed. The design put forward demonstrates that a vehicular access can be achieved that contamination issues can overcome.
- 4.5 The proposal shows that the dwellings can be accommodated on the site including a reasonable amount of private garden space and acceptable standard of design. The bungalows in particular have been designed to have a minimal physical impact outside of the site this being aided by the size and length of the residential gardens abutting the site. The site does narrow to the north where neighbouring gardens also narrow and design does become slightly contrived but never the less coupled with the height of the bungalows it does work in planning terms
- 4.6 In terms of the 2 semi- detached houses proposed on the Salisbury Road frontage in design terms they complement the streetscene . 89 Salisbury Road does have windows on the side of the property and there will be some impact on the light and outlook to the property. It is suggested that the dwellings incorporate a hipped roof in place of a gabled to reduce the overall bulk of the building. Couple with the distance between the property created by the pedestrian and vehicular access and the nature of the windows along with the orientation of the dwellings and the depth of the dwellings this will reduce the impact of the proposed houses on the property.
- 4.7 The ecological report submit with the application includes a Protected Species Assessment of the site. Some concern has been raised in representation regarding bats on the site. There are no buildings on the site for bats to use and it is considered that the trees to be removed on the site are unsuitable for roosting bats. The report recognises that some of the vegetation on the site is capable of supporting nesting birds and recommends measures for site clearance so that nesting birds are not negatively impacted on. The report also recommends site enhancement measures including the provision of bat boxes.
- 4.8 As stated above the Council most recent Strategic Housing Market Assessment identified a shortage of one and two bedroom properties available for social need local housing this proposal would clearly contribute to addressing that identified need whilst developing a previously used site in a sustainable location. If this site is to be developed, this proposal shows how it could be done.

## **5. RECOMMENDATION :-**

- 5.1 Approve subject the conditions outline above
- 5.2 Therefore the development is considered to accord with the provisions of the adopted Great Yarmouth Borough Wide Local Plan.