

Reference: 06/17/0438/O

Parish: Hopton

Officer: Mrs Gemma Manthorpe

Expiry Date: 30th November 2017

Applicant: Trustees Edna May Rackham Trust

Proposal: Residential development 18 no. single storey dwellings, open space and associated works.

Site: Lowestoft Road (Land adj) Hopton.

1. REPORT

- 1.1 The application is an outline application for the erection of 18 single storey dwellings, open space and associated works. The site comprises approximately 0.97 hectares of land that was formally in agricultural use but is currently unused. To the north and east of the site is open space. To the south of the site is a recently constructed residential development and to the west is the A47 formally A12.
- 1.2 The full planning history for the site is available within the application file; there are no applications on the site that are directly relevant to the application. The land directly to the south has had recent planning approval for a residential development.

2. Consultations :-

- 2.1 **Parish Council-** The Parish Council do not object to the application and have requested a number of conditions. The response is below (numbering by Parish Council):

Please find below the comments/questions from Hopton-on-Sea Parish Council in relation to the above application. We look forward to hearing from you with the date of the Development Control Hearing in due course.

1. Acoustic Barrier – It is noted from the assessment that this is less than ideal. Is a 3 metre high barrier acceptable particularly at the Northern end of the site?
2. Lowestoft Road – This is currently gated and the closure of the highway needs to be revoked. It is currently in a poor state of repair. Once public right of way is reinstated this should be lit and maintained. Removal of the gate negates the reason for closing the road in the first place which was continual fly tipping and Travellers camping at the dead end. What measures, for example concrete bollards beyond the development and entrance to Valley

Farm, will be installed to mitigate this? Are there to be parking restrictions on the newly reinstated highway?

3. Footpath / Cycle way to Gorleston – This needs to be retained. There is no footpath indicated to the site side of Lowestoft Road but then neither is there one alongside the Cripps development to the South. It is requested that the extant footpath on the opposite side of the road is widened to become the footpath / cycle way to Gorleston.
4. Adoption of roads – Currently on the plan as private but are they to be adopted after 10 or 15 years and by whom?
5. Traffic Assessment – HPC notes that the traffic assessment appears to be a desktop survey as many inaccuracies included such as locality of the Post Office and Garage which moved several years prior to the survey. It is accepted that there will be limited impact due to additional traffic for 18 residences.
6. Remove Permitted Development Rights – to ensure the integrity of the development and to avoid potential breaches of parking standards. If any new owners wish to make alterations to the property or land an application would need to go before GYBC Planning for consideration.
7. TPO's – All trees identified with TPO's must not be removed or damaged, but protected throughout, and subsequent to, the development.
8. Landscaping – The application mentions new-landscaping to mimic existing ecology and native species. A wildlife survey must be undertaken to establish the requirements and responsibility for the maintenance once completed be declared.
9. Surface drainage – This has been a perennial problem in the area and the addition of more non-porous surfaces shall increase the issues. NCC has already raised concerns due to a lack of information on how this shall be handled.
10. Foul waste – It is suggested that the sewerage system shall be connected to the existing main which means that the infrastructure shall be shared with the HO05 development further South along Lowestoft Road. There needs to be collaboration between the respective developers, GYBC and Anglian Water to efficiently provide adequate provision for both developments.

With regard to planning gain, HPC would welcome the opportunity to discuss the S106 terms with GYBC and the Developer (yet to be named). HPC would particularly raise/discuss the following matters:

11. Education Provision Contribution - HPC notes the requirement for a contribution to primary education in the village and also for secondary education, recognising that such provision will be provided outside Hopton.

12. Environment/Green Infrastructure Contribution – HPC would welcome the provision of a compost bin and [fitted] water butt for all properties, together with a grit bin and sufficient waste bins throughout the development, with agreement in place to empty the litter bins.
13. Utility Provision – Broadband from the start. The exchange at Blundeston is old and at capacity now. Investment needs to be directed to this service otherwise the remainder of the village that does already have acceptable communications will lose them.
14. Employment Provision (new section) – Apprenticeships. This can be considered as part of the S106 Agreement. The developer could take on one or two local apprentices providing training in future housebuilding skills.
15. Further Information – HPC would appreciate restrictive covenants for no caravans, fences or boats in front gardens and no business to be run from domestic premises. No animals should be kept other than domestic pets.

No development to proceed without all conditions being met.

- 2.2 **Neighbours** – One neighbour objection has been received to the application which is summarised as follows:

I object to the application because it will allow extension of the village envelope, there will then be desire to develop the other side of the road. Soon Hopton will be joined up with Gorleston. This application should be viewed in conjunction with the other site where planning has been granted and noted the extra traffic generated will overload the access to the A47.

- 2.3 **Norfolk County Council as Highway Authority** – Following the submission of revised details and layout the Highways Authority do not object to the application and request that conditions are placed upon any grant of planning permission.

- 2.4 **Police Architectural Liaison Officer** – No comments to make on the application but to recommend that the applicant embraces the principles of Crime Prevention through Environmental Design (CPTED) and security measures recommended in Secured by Design (SBD), Homes 2016 guidance.

- 2.5 **Highways England** – No objection to the application.

- 2.6 **Norfolk County Council Education** –

When the other developments (in full consultation response) are taken into account there is still spare capacity at High school level, but Early Education and Hopton CE VA Primary school will have no spare capacity. Norfolk

County Council will therefore seek Education contributions as set out in full consultation response.

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

- Early Education - to develop childcare places within Hopton Primary School (new Nursery class)
- Hopton CE VA Primary School – contribute to internal remodelling to provide additional class places to increase capacity of school (Project A)

- 2.7 **Norfolk County Council Fire** - 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 £815 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.

- 2.8 **Norfolk County Council Library** - A development of 18 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 Gorleston library. It has been calculated that a development of this scale would require a total contribution of £1,350 (i.e. £75 per dwelling). This contribution will be spent on IT infrastructure and equipment at Gorleston library.

- 2.9 **Norfolk County Lead Local Flood Authority** – Full consultation response not available at time of writing following submission of additional information.

- 2.10 **Anglian Water** - The foul drainage from this development is in the catchment of Lowestoft Water Recycling Centre that will have available capacity for these flows.

The proposed method of surface water management does not relate to Anglian Water operated assets. As such we are unable to provide comments on the suitability of the surface water management.

- 2.11 **Historic Environment Service** - The proposed development site lies within an extensive complex of multi-period cropmarks providing evidence for activity from the prehistoric period onwards. Cropmarks within the proposed development site boundary include a complete ring ditch likely to relate to a Bronze Age round barrow, a partial second ring ditch, and ditches relating to several phases of enclosures and field boundaries. Archaeological excavations at the development site immediately to the south of the current application site recorded highly-significant archaeological remains including Early Neolithic pits containing pottery and lithic artefacts, a large ring ditch of Neolithic to Bronze Age date, a Bronze Age barrow and Roman farmstead.

Archaeological features at the current application site form a continuation of this same multi-phase complex. Consequently heritage assets with archaeological interest (buried archaeological remains) will be present at the site and 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 mitigatory work in accordance with National Planning Policy Framework para. 141. 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.

2.12 **Natural England** – No comments to make.

2.13 **Great Yarmouth Borough Council Tree and Landscape Officer** – No comments have been received at the time of writing these shall be verbally reported.

2.14 **Great Yarmouth Borough Council Affordable Housing** – The application would be subject to a 10% affordable housing contribution on site. Should planning permission be granted.

2.16 **Great Yarmouth Borough Council Local Authority s106** - The policy requirement for public open space is 40 square metres to be provided per dwelling. Open space shall comply with the core strategy and be usable as public open space, there is ecological mitigate marked on the submitted plan which, although an outline application, includes layout to be decided at this stage. There is an area shown on the submitted plans as 'wildlife mitigation' has a size 3 adopted turning head entering the area from the east and is of

such a shape that it holds little value as public open space although would be valuable as ecological mitigation and could be secured by condition. As such the application is assessed as no public open space proved and a payment in lieu, equalling £12 per square metre is required.

There is no provision for children's play on site and given the proximity of the existing children's recreational facilities none would be requested in this location. A payment in lieu of the provision is required at £920 per dwelling is required to comply with policy.

The Local Authority will not take liability nor ownership of open space to be retained for the use of the public as shown on the plan as wildlife mitigation. The applicant and successors in title will be required to ensure management of open space and, where applicable, drainage provision, through the creation of a management company or nominated body with the full understanding that the Local Authority will not accept liability at this time or any in the future.

- 2.17 **Norfolk County Council Green Infrastructure** - As outlined in the Norfolk County Council Planning Obligations Standards (April 2016), the scope of the County Council's green infrastructure responsibilities include:

- Public Rights of Way
- Norfolk Trails
- Ecological Networks

Green infrastructure should be included within the proposed site in line with local policy. Connections into the local Green Infrastructure (GI) network, including Public Rights of Way and ecological features, should be considered alongside the potential impacts of development. We would advise the Local Planning Authority that a maintenance/mitigation contribution or commuted sum for new and existing GI features may be required in addition to the County response, in order to comply with local policy. Thus allowing the local GI network to facilitate the development without receiving negative impact and equally, allow the development to integrate and enhance the existing network.

- 2.18 **Strategic Planning** - The proposal seeks a new residential development of 18 single storey dwellings with the provision of open space and associated works.

The site is located within Hopton, designated as a Primary Village in the Local Plan Core Strategy settlement hierarchy. Policies CS2 & CS3 are relevant, establishing the general location and quantum of new residential development in appropriate settlements.

The proposal is located to the north of Hopton, beyond an area of recently developed housing. The site is irregular in shape, narrow, and situated on a relatively exposed escarpment immediately adjacent to the A47 trunk road. It is noted that the Environmental Noise Impact Assessment accompanying the planning application concludes that noise levels emanating from the A12 would be above the recommended threshold stipulated by the Council's

Environmental Health Officer and that the location and layout of the site limits the extent to which this could be further mitigated. This is considered contrary to Core Strategy Policy CS9 which seeks to protect the amenity of existing and future residents.

It is relevant that the Borough Council is drafting the Local Plan Part 2: Detailed Policies and Site Allocations and is currently considering the location of draft housing allocations. In June 2017 Council officers presented draft allocations to the Local Plan Working Party for sites situated in the 'Primary Villages' including Hopton. At this meeting the site was not recommended for draft allocation, and subsequently it was further considered that further residential development north of Teulon Close, Rackham Close, Noel Close, Flowerday Close and Potters Drive should not be pursued during this plan period.

The Strategic Planning team consider the proposal contrary to Policy CS9 and is not seeking to support further development, at this locale, in its emerging Local Plan Part 2: Detailed Policies and Site Allocation, and therefore objects to the planning application.

- 2.19 **Environmental Health** – Following the submission of additional information Environmental Health continue to object to the application.

Unfortunately the revised proposed acoustic scheme is not sufficient to reasonably protect the residential amenities, nor the health of potential occupiers. Environmental Services cannot therefore support the grant of planning consent. Furthermore, we note that the quotation from BS 8233:2014 is not relevant, as this is not a desirable site for development, and so there is no rationale for accepting low standards.

In addition to the objection the Officer has recommended conditions should planning permission be granted.

3. National Planning Policy Framework

- 3.1 The presumption in favour of sustainable development is set out under paragraph 4.
- 3.2 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.
- 3.3 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.

3.4 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.

3.5 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:

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

(extract only)

3.6 Paragraph 47. To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;

(extract)

- 3.6 Paragraph 56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 3.7 Paragraph 109. The planning system should contribute to and enhance the natural and local environment by (extract):
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;
- 3.8 Paragraph 66. Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design Of the new development should be looked on more favourably.
- 3.9 Paragraph 75. Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- 3.10 Paragraph 150. Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.
- 3.11 Paragraph 206. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

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

- 4.1 Local Policy - Saved Great Yarmouth Borough-Wide Local Plan Policies (2001):
- 4.2 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. 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.
- 4.3 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.

- 4.4 HOU10: Permission for new dwellings in the countryside will only be given in connection with agriculture, forestry, organised recreation, or the expansion of settlements.
- 4.5 HOU16: A high standard of layout and design will be required for all housing proposals.

5. **Core Strategy:**

- 5.1 **Policy CS1:** This policy promotes sustainable communities and development which would complement the character of an area.
- 5.2 **Policy CS2:** This policy identifies the broad areas for growth by setting out the proposed settlement hierarchy for the borough. CS2 seeks to ensure that new residential development is distributed according to the following settlement hierarchy, with a greater proportion of development in the larger and more sustainable settlements:

Approximately 30% of new development will take place in the Primary Villages of Belton, Hemsby, Hopton on Sea, Ormesby St Margaret, Martham and Winterton-on-Sea

- 5.3 **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 (inter alia a-g.)

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

b) Ensure that affordable housing is either:

- Provided on-site using this contribution to deliver homes of a type, size and tenure agreed by the developer and the local authority based on local evidence and where appropriate, delivered in partnership with a Registered Provider; or
- Provided via an off-site financial contribution, in exceptional circumstances

c) Ensure that new affordable housing, when provided as part of a market housing site, is well integrated into the development in terms of its design and layout.

5.5 **Policy CS9:** This policy seeks to encourage well designed and distinctive places, particularly conserving and enhancing biodiversity, landscape quality and the impact on and opportunities for green infrastructure. (extract)

f) Seek to protect the amenity of existing and future residents, or people working in, or nearby, a proposed development, from factors such as noise, light and air pollution and ensure that new development does not unduly impact upon public safety

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: (partial)

c) Assess all development proposals and encourage early engagement with service/utility providers to establish whether any infrastructure or infrastructure improvements are needed to mitigate the impacts of the proposed development

d) Ensure that the relevant improvements to local infrastructure are made by the developer. Where this is not practical financial contributions will be sought

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

f) Make certain that new developments for which a planning obligation is necessary does not take place until a planning obligation agreement has been secured and approved. Payments should be made in a timely and fair manner to minimise the impact on existing services and infrastructure

6. **Interim Housing Land Supply Policy**

6.1 The Interim Housing Land Supply Policy falls outside of the statutory procedures for Local Plan adoption it will not form part of Great Yarmouth Borough Council's Development Plan. The Interim Housing Land Supply Policy will however be used as a material consideration in the determination of planning applications and appropriate weight shall be applied.

6.2 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. The criterion is based upon policies with the NPPF and the adopted Core Strategy.

6.3 It should be noted that the Interim Policy will only be used as a material consideration when the Council's Five Year Housing Land Supply utilises sites identified in the Strategic Housing Land Availability Assessment (SHLAA).

6.4 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 Availability Assessment (SHLAA) and was found to be deliverable and developable in part. Planning permission was granted for part of the site that was considered appropriate for development and has subsequently been removed from the SHLAA.

8. Assessment

- 8.1 The application is an outline application for 18 no. single storey houses adjacent to a development of a similar form and nature which has recently been constructed in Teulon Close. The current application is for the layout, scale and access. Appearance and landscaping are reserved matters to be assessed at a later date should the application be approved. The layout has been subject to revision following consultation responses from Environmental Health and Highways. Highways have no objection to the application and note that the highways requirements can be secured by way of condition should the application be approved.
- 8.2 Hopton is designated as a Primary Village within Great Yarmouth Borough Councils Core Strategy and as such is proposed, at policy CS2, to take its share of 30% of the new dwellings that are needed within the Borough of Great Yarmouth. It is noted that the 30% share is not to be allocated equally across all of the primary villages with some villages able to take more development than others.
- 8.3 The Local Plan Working Party have recently assessed potential site allocations within the Primary Villages and have made recommendations to be taken forward as site specific allocations. Site specific allocations will make up the second part of the Local Plan along with the Development Management Policies. The emerging second part of the Local Plan is relevant to the application as noted by the objection received from Strategic Planning at 2.18 of this report and appropriate weight should be applied to this emerging policy.
- 8.4 The applicant, as additional information following the consultation response from Strategic Planning, has partially quoted a paragraph from the report presented to the Local Plan Working Party in June 2017 in an effort to demonstrate that the application site was not assessed correctly and that it is appropriate for development. The paragraph within the report reads, in full, as follows:

5.2 The 1,398 dwellings required to be allocated equate to an average of 242 dwellings for each of the six Primary Villages. Completions to date vary greatly, with very few in Belton, and significant numbers in Martham. Martham

also has large numbers of dwellings already permitted (including resolutions to grant permission), while Hopton has very few. The current population of Winterton is less than 40% of the average size of the others. Hence an equal distribution of new allocations is not appropriate.

Since the report presented to the Local Plan Working Party was written there has been a resolution to approve 200 dwellings in Hopton on a site to the south of the village which is 9.2 ha in area.

- 8.5 The agent for the application has also stated that the report to the Local Plan Working Party stated that there were 'no other sites' available in Hopton bar the two recommended. While these words are within the Local Plan Working Party report they have been taken out of context. The maps that annex the Local Plan Working Party report include the site that is subject to the application and other sites; the context is that other sites were not recommended as allocations as opposed to no others being looked at. The Local Plan Working Party, when looking to recommend sites for allocation, did not recommend that both of the two sites that were put forward by officers were taken forward and instead removed a site designated as 'likely' and replaced it with a site to the south of the 200 recently approved. Given the accurate representation of the information presented to the Local Plan Working Party it can be demonstrated that the site subject the application had been shown, assessed, and deemed inappropriate for development and is not therefore being taken forward as an allocation for housing.
- 8.6 The agent's response to the Strategic Planning comments states that the Local Plan Working Party agreed with the officer recommendations which, as stated above, is incorrect. It is agreed that the Local Plan Working Party correctly assessed Hopton as being suitable for development and put forward two large sites which offer gains to the local area, one of which now has a resolution to approve for 200 residential dwellings.
- 8.7 The application site has also been assessed through the SHLAA 2014 report and the part of the site that was appropriate for development has been developed. The previously approved development to the south of the application site ends at the appropriate point and did not seek to cause inappropriate incursion past the existing built form of Hopton. The current application seeks to access the site from the Lowestoft Road, Highways have requested conditions including off site highway improvements.
- 8.8 The land that is subject to the current application is different to the previously approved residential development it abuts to the south for four main reasons, the height of the land, the unacceptable move towards Gorleston, urbanisation into the countryside which is out of character with the area and the inability to adequately mitigate the noise which would provide substandard living accommodation for future residents.
- 8.9 The Parish Council have noted the acoustic mitigation proposed being a 3m high fence to the western boundary of the site. This mitigation has been accepted at the development to the south however the land levels rise as the

site projects to the north. This difference in land levels with the northern section of the application site being 2 meters higher than the start of the A47 (referred to by applicant as A12) verge and 4 meters higher than the road now known as the A47. The applicant has altered the extent of the fence following the comments from the Parish Council from the northern most section running across the site but it is still continuous along the western boundary of the site and will have a detrimental appearance to the character of the area.

- 8.10 There is an objection from Environmental Health regarding the proposed noise attenuation which stated that the applicant had not adequately dealt with the road traffic noise which would affect the gardens and outside areas for the properties. To seek to minimise the adverse impact, the applicant reorganised the configuration of the properties and supplied a supplementary note to be included as part of the noise assessment. The note states that:

'it is not physically possible to achieve the Councils level of LAeq 16 hour 55bd (from BS8233:2014) in all gardens with the space available on this narrow site – an unfeasibly large portion of the land would have to be given over to landscaping.

For clarification BS8233:2014 is not a document produced by Great Yarmouth Borough Council it is the British Standard standard.

- 8.11 The report then goes on to quote BS233 stating that:

'it is recognised that guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas such as city centres or urban areas adjoining the strategic transport network a compromise between elevated noise levels and other factors such as convenience of living in these locations or making efficient use of land resources to ensure development needs can be met might be warranted.'

Hopton is not a city and the site is on the edge of a residential development which is to a density appropriate to the area and not therefore an urban area. The site is not a large strategic site and there are more suitable sites which will not have an adverse effect on the future living conditions of occupants within the area as identified. The site, given its narrowness does not have the space to adequately mitigate the noise levels and is subject to a continued objection from Environmental Health and therefore the application does not accord with the exemption quoted above.

- 8.12 Policy CS9, as stated by the objection from Strategic Planning, seeks to ensure that future occupants are not subjected to substandard living conditions and therefore the application is contrary to this policy.
- 8.13 A development should be well integrated to the existing character and form of the area. The current application creates an urban intrusion into the countryside which has the effect of bringing two settlements, Hopton and Gorleston, together. When the sites for future allocation and applications are assessed the retention of settlements identity is an important factor and a

material consideration. It is noted at 4.11.22 of the Core strategy that the strategic gap between Hopton and Gorleston should be retained to prevent coalescence between settlements. The application does not therefore comply with the Core Strategy.

- 8.14 There are a number of trees on the site and at the time of writing comments had not been received on the quality of the trees to be removed. The site contains one tree protected by Tree Preservation order, referenced as T3 within the documents, which requires works to be carried out to facilitate the access. These works will have to be approved by the Tree and Landscape Officer should the application be approved as will the other works proposed. The application proposes to remove 22 trees, 10 oak trees, 10 sycamores, 1 apple and 1 plum tree. The report identifies whether these are grouped together or single trees and, according to the report submitted in support of the application, are all less than 20 years old. Should the Tree and Landscape Officers comments be received prior to the application being heard they shall be verbally reported. The loss of the trees in this location would be detrimental to the character of the area and removes an established natural boundary to an existing settlement.
- 8.15 The ecology report submitted by the applicant details additional information that is recommended to be provided prior to the commencement of the development. Should the application be approved it is recommended that the ecological report recommendations are conditioned.
- 8.16 The applicant relies on the Interim Housing Land Supply Policy in support of the application. This policy has been assessed as part of the application process and limited weight is applied to the document that is not a supplementary planning document and does not form part of the Local Plan. The Interim Housing Land Supply Policy does not, when the correct weight is applied, override the National Planning Policy Framework, relevant material considerations and the adopted Core Strategy.
- 8.17 The Lead Local Flood Authority objected to the application however additional information has been provided by the applicants to seek to remove the objection. The consultation response has not been received from the Lead Local Flood Authority and as such a decision shall not be recommended to be issued until a response has been received and, should the application be approved, there is no objection or should the application be refused if there is no objection this shall not form a reason for refusal but should further objection be received this shall be included.

9. Recommendation

- 9.1 The site, given its height above the existing landscape, would cause an urban intrusion which would have a significant adverse impact on the character of the area and cause an unacceptable coalescence between two settlements which is contrary to the Core Strategy. The living conditions cannot be adequately mitigated so as not to have an adverse effect on the future occupant's quality of life which is contrary to policy CS9 of the Core strategy.

The National Planning Policy Framework states that development should be approved if it is in accordance with the Local Plan unless material considerations indicate otherwise. The current application does not accord with the Core Strategy and material considerations outweigh any benefits of providing 18 new dwellings and therefore the recommendation is in line with the National Planning Policy Framework.

- 9.2 It is recommended that application is refused once the consultation response from the Lead Local Flood Authority is received.

Jill K. Smith

From: Caroline Sime on behalf of enquiries
Sent: 16 August 2017 08:15
To: plan
Cc: [REDACTED]
Subject: FW: Planning Application

Good morning Planning department

Please see the below email received in our general enquiries. The customer has been copied into this email so that they have a record of the email being forwarded to you.

Kind regards

Caroline

Customer Service Advisor

Great Yarmouth Borough Council

Telephone: 01493 856100

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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: [REDACTED] [mailto:[REDACTED]]
Sent: 15 August 2017 20:21
To: enquiries
Subject: Planning Application

Dear Sir

I would like to comment on planning application 06/17/0438/O.

I object to the planning application at the Old Lowestoft Road, Hopton on Sea, because it will allow extension of the village envelope, then there will be a desire to develop on the other side of the road. Soon Hopton will be joined up with Gorleston if development carries on that way.

I know the government want more affordable housing but the sort of houses they want to build there will be out of the reach of the people who need housing most. It seems that developers are only out to make as much money as they can out of people, and they have little regard for the low paid workers that keep this country going.

This application should be viewed in conjunction with the other site where planning has been granted and noted that the extra traffic generated will overload the access to the A47.

Yours

Angela Wheeler
3 Rackham Close,
Hopton on Sea
NR31 9RN

MEMORANDUM

From Environmental Services

To: Planning Services

Attention: Mrs Gemma Manthorpe

cc: -

Date: 8th of September 2017

Our ref: R070509

Your ref: 06/17/0438/O

Please ask for: David Addy

Extension No: 846678

Proposal: Residential development 18 no. single storey dwellings, open space and associated works.

Location: Lowestoft Road (Land adj.), Hopton, GREAT YARMOUTH, NR31 9RN.

Great Yarmouth Borough Council Environmental Services cannot support the grant of planning permission for the above referenced proposal, until the noise issues below are resolved. However, we do give the following advice, conditions, and informatives for inclusion on any planning consent that may be granted.

Acoustics and noise

The Planning application does not adequately address the road traffic noise affects to gardens and outside areas from the adjacent and high traffic flow A47 (formerly A12). Exceeding this Services recommended limit of 55 dB $L_{Aeq,T}$ which is 'moderate annoyance, daytime and evening' under the 'The WHO Guidelines for Community Noise 1999', but also the 'serious annoyance, daytime and evening', within the same guidelines, plus the upper guideline value of 55 dB $L_{Aeq,T}$ from BS 8233:2014. Such levels could cause severe annoyance to residents intending to use their gardens, and so contribute to stress, mental health issues, and heart disease. It would also deter people from adopting healthier outdoor life styles with exercise and exposure to sufficient sunlight to produce vitamin D, which also helps to maintain a good mood in people.

In my pre-application advice to the noise consultant I discussed how the noise consultants and developers for a major housing development had achieved Environmental Services recommended limit for gardens and outside areas at a noisier site between the A47, and A1074. In this development it was achieved through reaching agreement on acoustic bunds, acoustic barriers, using non-habitable buildings as acoustic shielding, dwelling height and orientation as shielding, and set-off distance from the road.

Great Yarmouth Borough is not a high noise environment metropolitan borough where there are not quiet areas, and a shortage of land for development, where sub-optimal acoustic schemes and developments may be considered.

Air quality issues

The proposed development is adjacent to the A47, but no consideration has been made of the adverse road traffic related air quality impacts on future residents. Depending on the report, we may ask that the developer also undertakes post-approval verification monitoring at the site, and/or make s.106 contributions to the Council to do this, should Planning Consent be granted. We would certainly request s.105 contributions should the development be granted without an air quality assessment. Please note that the Council does not, and has not undertaken air quality monitoring at this location, as there were no 'relevant receptors' that required it before. Residences are clearly relevant receptors, and so the air quality must be considered and addressed, to ensure that legal air quality limit values are met; if they are not an Air Quality Management Area must be declared where there are relevant receptors, which could entail significant costs to the applicants and the Council.

Potential land contamination

For planning applications where the proposed land use is sensitive to contamination, such as a housing development, an assessment on potential land contamination should be included. This has not been done. Ideally, at least a Phase I 'desktop' report should be submitted to the LPA prior to determination. Otherwise the recommended condition requires this prior to commencement.

Conditions:**Acoustic protection of proposed development**

No buildings or outside areas hereby permitted in shall be used until an acoustic report with an acoustic design and protection scheme for dwellings and gardens, has been approved in writing and implemented to the satisfaction of the Local Planning Authority.

Reason for the condition

In the interests of the amenities of the locality.

Land Contamination:

Prior to the commencement of the development and to the satisfaction of the Environmental Services Group Manager, a Phase 1 contamination report shall be carried out to assess whether the land is likely to be contaminated. The report shall also include details of known previous uses and possible contamination arising from those uses.

If contamination is suspected to exist, a Phase 2 site investigation is to be carried out to the satisfaction of the Environmental Services Group Manager. If the Phase 2 site investigation determines that the ground contains contaminants at unacceptable levels then the applicant is to submit a written strategy detailing how the site is to be remediated to a standard suitable for its proposed end-use to the Environmental Services Group Manager.

No dwellings/buildings hereby permitted shall be occupied until the remediation works agreed within the scheme have been carried out to the satisfaction of the Local Planning Authority.

Reason for the condition

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(Note: the applicant is strongly advised to contact Environmental Health at an early stage.)

Contaminated land during construction

In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All development shall cease and shall not recommence until:

- 1) a report shall be submitted and agreed in writing by the Local Planning Authority which includes results of an investigation and risk assessment together with proposed remediation scheme to deal with the risk identified and
- 2) the agreed remediation scheme has been carried out and a validation report demonstrating its effectiveness has been approved in writing by the Local Planning Authority.

Reason for the condition

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informatives:

Advisory Note

The applicant is strongly recommended to advise neighbouring businesses and residential occupiers of the proposals, including any periods of potentially significant disturbance e.g. demolition or piling, together with contact details in the event of problems.

Disclaimer re contamination

NOTE: The responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination, or that the land could not be declared Contaminated Land in future.

Hours of Work:

Due to the close proximity of other residential dwellings and businesses, the hours of any construction or refurbishment works should be restricted to:

- 0800 hours to 1800 hours Monday to Friday
- 0830 hours to 1330 hours Saturdays
- No work on Sundays or Bank Holidays.

Local Air Quality:

The site will potentially generate a significant amount of dust during the construction process; therefore, the following measures should be employed:

- An adequate supply of water shall be available for suppressing dust;
- Mechanical cutting equipment with integral dust suppression should be used;
- There shall be no burning of any materials on site, which should instead be removed by an EA licenced waste carrier, and the waste transfer notes retained as evidence.

David Addy CEnvH, MCIEH, MSc, BSc (Hons), LCGI
Chartered Environmental Health Practitioner
Environmental Health Officer



**Planning Applications – Suggested Informative
Statements and Conditions Report**

AW Reference: 00023102
Local Planning Authority: Great Yarmouth District (B)
Site: Lowestoft Road (Land adj), Hopton-on-Sea
Proposal: Residential development 18 no. single storey dwellings, open space and associated works
Planning Application: 06/17/0438/O

Prepared by: Pre-Development Team

Date: 24 August 2017

If you would like to discuss any of the points in this document please
contact me on 0345 0265 458 or email
planningliaison@anglianwater.co.uk

ASSETS

Section 1 – Assets Affected

- 1.1 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 – Wastewater Treatment

- 2.1 The foul drainage from this development is in the catchment of Lowestoft Water Recycling Centre that will have available capacity for these flows.

Section 3 – Foul Sewerage Network

- 3.1 The sewerage system at present has available capacity for these flows via a gravity connection regime. 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.

Section 4 – Surface Water Disposal

- 4.1 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 on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Section 5 – Trade Effluent

- 5.1 Not applicable
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Gemma Manthorpe
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
Norfolk
NR30 2QF

Your Ref: 06/17/0438/O
Date: 7 November 2017

My Ref: 9/6/17/0438
Tel No.: 01603 638070
Email: stuart.french@norfolk.gov.uk

Dear Gemma

Hopton on Sea: Residential development 18 no. single storey dwellings, open space and associated works
Lowestoft Road (Land adj) Hopton GREAT YARMOUTH NR31 9RN

Thank you for your email and attachments dated 6 November 2017 with respect to the above.

Having reviewed the plans, the applicant has addressed most of my comments and has amended the proposals accordingly. Whilst the applicant has not specifically addressed the issue relating to the retention, or not, of the existing cycle lane, this is a point of detail and can be addressed as part of any off-site highway works. In any case other Traffic Regulation Orders will need to be revoked/amended and therefore this can be covered by virtue of that condition if needs be.

Therefore in light of the above, in highway terms only I have no objection to the proposals subject to the following conditions and informative note being appended to any grant of permission your Authority is minded to make.

SHC 08 Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan (drawing number 1426-A-PL07 Rev. B) in accordance with the highway specification (Dwg. No. TRAD 4) attached. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

Continued/...

- SHC 11 Notwithstanding the submitted details unless otherwise agreed in writing by the Local Planning Authority the proposed private drive shall be maintained in perpetuity at a minimum width of 4.5 metres for a minimum length of 10 metres as measured from the near edge of the highway carriageway and shall be constructed perpendicular to the highway carriageway for the said distance
- Reason: In the interest of highway safety and traffic movement.
- SHC 14 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety.
- SHC 19 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 (Dwg No 1426-A-PL07 Rev. B). 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.
- SHC 23 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, garage accommodation on the site shall be provided with minimum internal dimensions measuring 3 metres x 7 metres.
- Reason: To minimise the potential for on-street parking and thereby safeguard the interest of safety and convenience of road users.
- SHC 24 Prior to the first occupation of the development hereby permitted the proposed accesses, on-site car parking and turning areas 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.
- SHC 39A 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 as indicated on drawing number 1426-A-PL07 Rev. B (footway widening, removal of prohibition of driving deterrents and vehicle accesses) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Continued/...

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 39B 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.

- SHC 40 No works shall commence on the site until the Traffic Regulation Order for revocation of The Norfolk County Council (Hopton, Lowestoft Road) (Prohibition of Motor Vehicles and Cycle Lane) Orders 2008 has been promoted by the Highway Authority.

Reason: In the interests of highway safety.

- Inf.1 It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained and typically this can take between 3 and 4 months. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Please contact Stuart French on 0344 800 8020.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

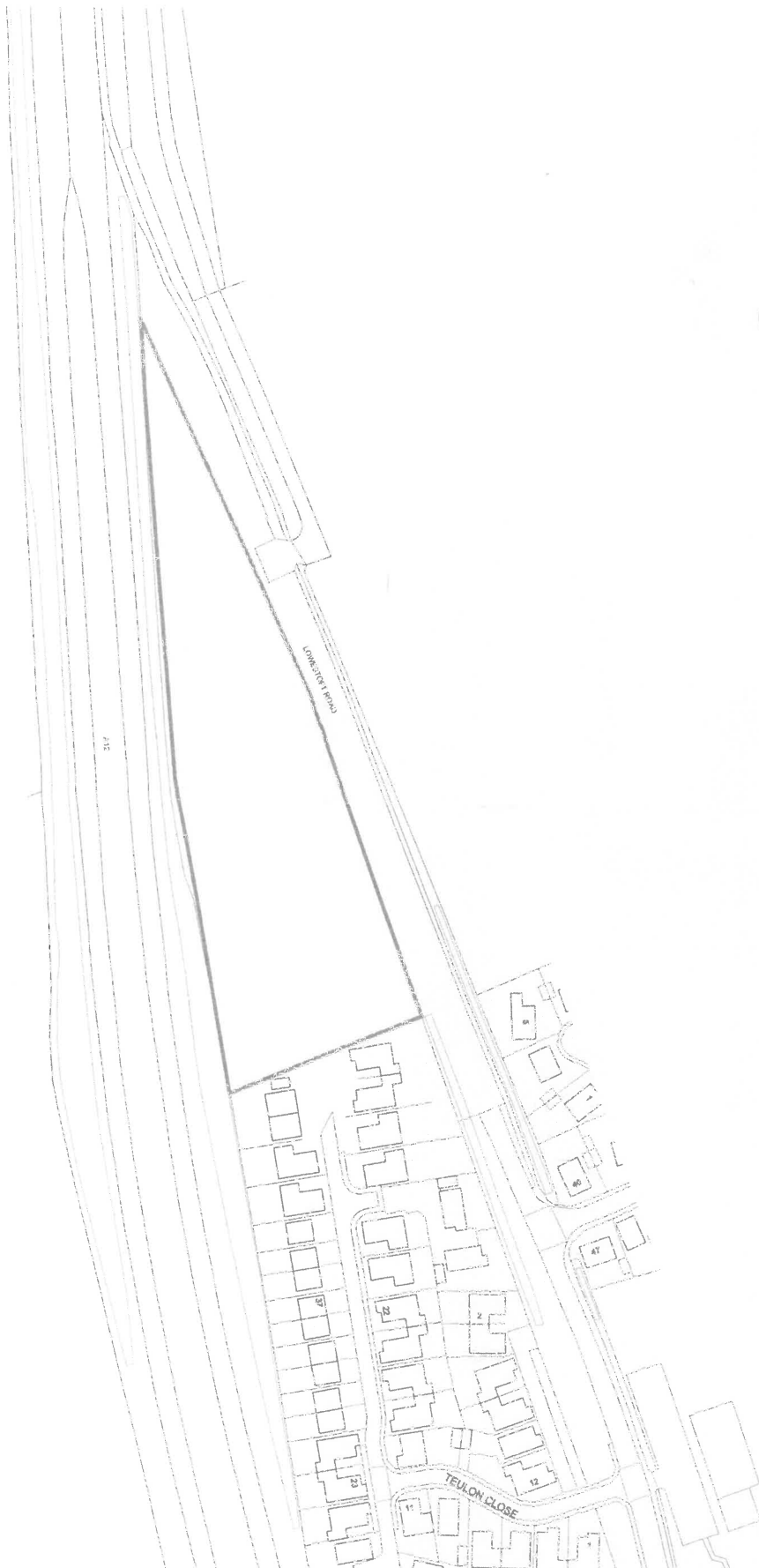
If required, street furniture will need to be repositioned at the Applicant's own expense.

Yours sincerely

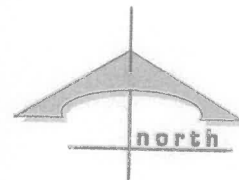
Stuart French

Highways Development Management & Licensing Officer
for Executive Director for Community and Environmental Services

Encl



06/17/0438/0



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Client: Trustees: Edna May Rackham Trust		
Project Details: New Residential Development		
Project Address: Site Adjacent to Lowestoft Rd HOLTON-ON-SEA		
Drawing Title: Site Location Plan		
Job No: 1426	Drawing Number: 1426-A-PL01	Scale:
Date: 01/05/17	1:1250 @ A2	Revised:
Drawn by: SA	Checked by: PA	Drawn by: DMS