

Reference: 06/19/0697/D

Parish: Hopton
Officer: Chris Green
Expiry Date: ETA

Applicant: Lovell Partnership Ltd

Proposal: Approval of remaining reserved matters (appearance, landscaping, layout, scale) for 200 dwellings and associated works and development, following outline approval reference 06/17/0339/O

Site: Lowestoft Road (Land East of) Hopton.

REPORT

1. Background

- 1.1** This site was approved in outline by 06/17/0339/O, so this is a reserved matters application considering only those matters reserved. It is referred to committee because the Environmental Health consultee has objected to the proposal, but officers consider that there are practical means to address the issues objected to and that the material balance of delivering homes in a sustainable location outweighs those concerns. As such this brief report is made to consider those aspects whilst briefly commenting on other aspects of the detailed matters submission.

2. Site and Context

- 2.1** The site comprises approximately 9.3 hectares of agricultural land. To the north and east of the site is existing residential development and part vacant land allocated in the emergent plan. To the south of the site, separated by the narrow single track (with passing places) Longfulans Lane existing highway is agricultural land and to the west is Lowestoft Road and the A47 with hedgerows between.

3. Matters determined at outline and the Proposal

- 3.1** This proposal is preceded by outline application: 06/17/0339/O which reserved all matters other than access. The detailed design of the highways within the site was a reserved matter, establishing only the principle of the point of connection to the highway network. The proposal was for up to 200 dwellings. This therefore established site capacity. Indicative drawings were provided.

- 3.2** A section 106 agreement is attached to the site between the District Council as LPA and the County Council as landowner. This secures affordable housing not specifically identified but to be agreed in the context of any phase of development. This proposal too does not allocate the affordable units and allows therefore flexibility in ensuring the mix and type will match the local need.

A management plan is provided by the agreement for open space and this is to be provided at 40 sq m per dwelling or payment made for provision elsewhere.

Suds features are to be agreed and delivered before occupation.

Infrastructure payment towards primary education and the library service is provided. A travel plan is to be put in place with an ongoing review and covered by a financial bond.

- 3.3** Permitted development rights were not removed at outline because without design impacts could not be assessed.

- 3.4** The outline permission included conditions that require further discharge, where information is not supplied as part of this reserved matters application. The absence of information in regard to these matters is not therefore significant in the processing of this application, as further details can follow.

- 3.5** These conditions were:

- Highway design details: A section 38 drawing has been provided to establish layout, but full adoptable details are not with this application.
- Details of workers parking during construction to be provided
- Details of suds features: The layout requires establishing under this application but not necessarily the fine detail.
- The three standard archaeological conditions
- Provision of fire hydrants by the 59th plot's occupation
- Level details for all floor slabs (shown on drawings provided for RM)
- Imported soil certification
- Provision of a landscape scheme (information provided for RM)

- 3.6** A number of notes are included on the outline permission, Natural England had requested further details of walking routes within the site and these are included in this application

- 3.7** This application shows the highway and housing layout and other matters described as reserved.

4. Relevant Planning History

- 4.1** Outline application: 06/17/0339/O as referred to above. The environmental health response requested contaminated land conditions and asked for a noise study, but observed that highway noise would be generated within the scheme as well as outside it.

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

5.1 The parish council for Hopton object that:

- The contaminated land identified is shown as becoming public open space
- Although Anglian Water confirm they have sewerage capacity in Ives Way, the Parish Council want to see proof.
- The new plan differs from the outline. Some two storey properties are close to the north site boundary and bungalows in Old Church Road. The road surfaces need completing before occupation.
- There should be a footpath link onto Longfulans Lane. The lane is too narrow to take extra traffic and should be made two way fully. The traffic survey was conducted at a quiet time.
- Construction work will cause disruption.
- There should be restrictive covenants to prevent commercial vehicles.
- There will be more issues with dogs on the recreation ground
- Disabled adaptable homes are required
- All trees other than those affected by vision splays must remain.
- A pedestrian crossing is needed near the co-op, a zebra crossing at the school.
- The suds feature must be fenced sympathetically
- Will a bus service be provided within the scheme?
- Pressure on education facilities and surgeries will occur and the section 106 money might be spent elsewhere.

5.2 Neighbours have commented in addition to the above (much of which is reflected in neighbour objection) and in summary:

- The land ownership creates conflict as the County as landowner has other roles with potential conflict of interest.
- The local horse-riding stable raises concerns regarding construction disturbance and men in personal protective equipment as being frightening to horses.

Other objections have been received and can be seen online that question the outline decision, for brevity not repeated here as not relevant to the reserved matters..

**Consultations – External
Norfolk County Council**

5.3 Highways – The layout is satisfactory for the purposes of determination of the planning application. There are some other minor negotiations to be had, but these will be held in the context of the Section 38 Highways Adoption process.

5.4 Local Lead Flood Authority: response indicates that while they would have liked to have seen further information on the aspects conditioned at outline submitted at reserved matters stage, they have no objection to the scheme as presented for reserved matters and the latest drainage information provided

as their interests remain protected by the need to discharge the outline conditions and this is technically feasible with the layout shown

- 5.5 Police:** regard the scheme layout as good, providing in curtilage parking and good surveillance, they ask for a suitable perimeter fence of 1.2m around the attenuation basin, with low level defensive planting to outside of this barrier and to be maintained to max height of 1 metre. Appropriate signs for warnings and rule setting to be erected on metal poles cemented into ground around basin's perimeter.
- 5.6 Fire Service:** No objection if building regulations are complied with.
- 5.7 Norfolk CC Infrastructure:** Requirements supplied at outline by section 106 agreement.

Consultation - Internal GYBC

5.8 Head of Housing:

5.9 Environmental Health – (contaminated land, noise, air quality)

The noise report demonstrates that acceptable noise levels can only be reached with windows closed creating overheating potentially in summer. Acoustic barriers were suggested but deemed ineffective by the noise consultant. As Great Yarmouth Borough is not a high noise environment metropolitan borough where there are not quiet areas, and a shortage of land for development, we should not accept sub-optimal acoustic performance and have not done so elsewhere, and this might become precedent.

No air quality monitoring accompanies the application and this needs to be demonstrated as acceptable at the residences as it is not the Council's role to perform air quality monitoring. If subsequently the air quality falls below acceptable thresholds there could be costs falling to the Council

Some of the dwellings appear to fall under the 'Technical housing standards – nationally described space standard'.

Conditions are suggested that a further acoustic report be prepared and agreed, that the full land contamination conditions be applied and advisory notes added regarding construction noise and dust.

- 5.10 Anglian Water:** no objection, the sewerage system has capacity. Surface water drainage is by sustainable drainage features, so we do not have to comment further on this matter.
- 5.11 Highways England:** No objection
- 5.12 Natural England:** No Objection

6. Assessment of Planning Considerations:

- 6.1** The principle of development was debated with regard to local policy and national policy where relating to housing need and supply and to the sustainability of the proposal as part of the outline application and cannot be further debated here as already determined

National policy

- 6.2** Paragraph 110 considers detailed matters of transport design within schemes requiring priority first to pedestrian and cycle movements, and second the facilitating of access to high quality public transport, bearing in mind the needs of people with disabilities. Conflicts between pedestrians, cyclists and vehicles should be avoided and access for emergency, delivery and other larger vehicles ensured. Charging for low emission vehicles should be provided in safe, accessible and convenient locations. The proposed layout does within the constraints on the site
- 6.3** On design, paragraph 127 requires development to add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and sympathetic to local character and history, including the surrounding built environment and landscape setting. They should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; and accommodate an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 6.4** Local Core Strategy policy CS9 much of the design criteria in the national policy with added detail in some areas: on parking standards and external lighting for example, and urban design hints such as landmark buildings and legible urban street features.
- 6.5** Saved 2001 policy HOU17 deals with density of development and as the outline was for up to 200 dwellings and open space there was implicit in this the possibility that fewer dwellings might be proposed at reserved matters. As this proposal remains for 200 dwellings, the density is considered appropriate to the context.
- 6.6** Emergent Policy GSP6 "Green Infrastructure" has some relevance to the decision making at reserved matters and the matter of landscaping both with regard to retaining what is current and in terms of new green spaces. The boundary planting to this site, where within the site is shown as retained to both north and south boundaries, however much is lost on Lowestoft Road in order to ensure safe highway splays, and where outside the site planting not in the control of the applicant is not threatened by development. New planting is more limited within the street-scene, partly because the distance between buildings is limited to create a more intimate feel to the area limiting the

opportunity to plant and secondly because County Highway authorities are generally resistant to trees close to highway surfaces and these prone to root disturbance therefore.

- 6.7** Policy HP1: "Access improvements in the south of Hopton-on-Sea" seeks improvements to the Longfulans Lane to encourage motor traffic away from Station Road, and to make the area safer and more attractive for cyclists and pedestrians. This proposal does allow future access onto the Lane but enacting this requires improvement to provide a footway eastward to the coast road.
- 6.8** Policy HP2: "Land to the west of Coast Road, Hopton-on-Sea" is a housing allocation that, if adopted, will deliver this footway along the north side of the lane. This allocation is intended to fund the improvements above.
- 6.9** Policy E7 – Water conservation – requires new dwellings to meet a water efficiency standard, this can be achieved by additional conditions
- 6.10** Of limited weight at this time due to objection: Policy H4 – Open Space provision and Policy E4 – Trees and Landscape – requires retention of trees and hedgerows

Other considerations:

- 6.11** The Environmental Health officer has objected to the scheme on grounds that noise and pollution from the highway do not appear to have been considered and while a noise survey was conducted during the consideration of this proposal and analysis of the effectiveness of acoustic barriers examined and found to not to be fully effective, continues to object on the basis that it is necessary for property on the western boundary of the site to keep their windows shut to meet the requirements of the WHO's noise level standards deemed to ensure health of occupants.
- 6.12** The applicant has considered roadside barriers but the acoustic work showed that these would have to be over two storeys high to prevent flanking noise effects to the nearest residences, whereas better acoustic measures taken with the fabric of the building would more readily address the noise arising from the A47. This great height would itself represent a jarring feature in the visual environment and would not be considered appropriate to the character of the area or outlook of the residents.
- 6.13** While the environmental health officer considers it unacceptable for windows to have to be kept closed to meet noise standards it is reflected by officers that in low energy housing design it is normal to restrict ventilation through windows achieving controlled ventilation with heat recovery by ducted systems and these could be employed on the affected properties with benefits to the energy performance ratings as a by-product. For this reason, refusal on this point could be challenged and instead a condition requiring further details of the methods to be employed to alleviate overheating and achieve heat recovery be submitted before development exceeds building shells

- 6.14** The environmental health officer has also suggested that there may be air quality management issues in relation to the nearby A47 and that these should be tested and modelled with regard to the distance and intervening features.
- 6.15** The applicant has pointed out that this matter was not raised at outline by the environmental health team as a concern and that on-site testing takes several months of sampling and laboratory analysis and that there are other local approvals of recent date where the matter was not considered significant, They also provide
- 6.16** Officers consider that there is little evidence to suggest that this part of the A47 is responsible for high emission levels, and DEFRA mapping does not show an air quality issue in this location. While one could refuse the application on this matter over a lack of testing officers consider that an unreasonable position considering the high probability that there is no substantial problem here. The applicant is preparing a desk-based specialist study to provide some additional evaluation in this matter and this will be reported at or before the meeting.
- 6.17** Amenity considerations: The submitted layout shows short gardens to plots 24 and 25, however the garden lengths of the property on Old Church Road immediately east of this makes the least separation distance 43m between buildings and so notwithstanding the 2 storey nature of the proposal at this point, the distance exceeds acceptable distances deemed by the planning system. Rights to privacy is not absolute but has to be balanced. The bottom of a rear garden is accorded less right to privacy under planning notions of such rights. Furthermore, there is an existing retained hedge at this point.
- 6.18** To the north a substantial hedge and tree line is shown as retained. In most cases property on the site to the north has a flank wall facing this site. There is one property behind plots 2 and 3 that is square onto the rear of the proposal sites but separated by an access drive and a distance of 32m and with further mitigation by being an offset relationship with tree cover between. Plots 12 to 15 in the northeast corner are all bungalows and so privacy is provided by boundary fencing. Plot 11 is a house, but again the relationship at this point is mitigated by 32m separation, the boundary hedgerow and the slight angled relationship. Details of levels have been provided to confirm that the slab levels of properties on either side of this boundary are very similar with no unexpected amenity harms arising, and this too discharges the outline condition in regard to the provision of level details.
- 6.19** In order to protect the amenity within and to the outside of the proposal it must be considered if permitted development rights need to be restricted. There might be some slight benefit on the smaller plots to restrict extension rights, however the motivation for doing this would be more to retain external space rather than to ensure the privacy of others and so this removal is considered of limited value. Similarly, the right to erect curtilage buildings allow flexibility of use and especially enables bicycle ownership with wider resultant benefit. Roof windows on rear facing roofs will however have potential to harm privacy

both within the site and outside it and so a blanket removal of this right would serve a purpose in enabling consideration to be given to proposals of this sort. To some extent this is true of highway facing windows too, and in some cases the separation distances are small and while windows within the proposal design at first floor level do have some overlooking the potential for elevated windows creating harm is considered to exist in many cases.

- 6.20** Landscape design: Existing trees and hedges around the site are shown as retained. To the east all the trees are within the curtilage of property on Old Church Road and as such, not at threat from development. Trees on the Longfulans Lane boundary are retained. A number of trees are shown planted around the surface water attenuation pond. The hedge and minor trees are removed along large stretches of the west boundary to Lowestoft Road
- 6.21** Following negotiation some improvements have been agreed, constrained by the need to respect highway concerns with regard to position of trees and potential root damage to infrastructure. Additional trees and hedging have been secured by negotiation on the "spine" along the rising main route, and infill planting agreed set back from sightlines on the west boundary, to compensate for losses of the existing hedgerow and around the substation whilst respecting the area set aside for future changes to the highway in this area.
- 6.22** The open space area to the south, the woodland with its pedestrian connections and circular walk, and the sustainable drainage feature and the limiting constraint of the water main wayleave, all serve to create a layout that has some distinctive features and also allows a green space at the village edge softening this in views from the south.
- 6.23** Site layout: The site lacks permeability for pedestrians and cyclists, but this is a reflection of constraints, Longfullans Lane having no footway and there being no current opportunity for connections as a result of the way other sites have been developed in the past. The layout will allow connection through to the east should development of the land allocation set in the emergent plan follow here. This would give safe access to the bus stop on the Coast Road. Currently the nearest readily accessible bus stop is that near the roundabout on Lowestoft Road at 250m along a road with a footway that will be continuous. The Coast Road stop is also at 250m, so connection to it will merely allow the picking up of the Lowestoft bus at a slightly more convenient location. Within the site the presence of the north south green corridor around the water main does provide a route for walkers linking into the public open space to the south end. If the Sustrans route does become a reality then ongoing high quality off road pedestrian and cycling to the south would be available and while this proposal cannot deliver that link it is designed in a manner that will allow its function to be supported by access through the site using quiet estate roads and footways. Connection onto Longfulans Lane would also follow the widening and provision of footways to that carriageway. Connection into the site to the north is not possible currently as a result of the

way land rights have been apportioned. The proposal scheme would allow connection in the north east corner at some future juncture.

- 6.24** The police architectural liaison officer comment regarding the general acceptance of the scheme and concerns regarding the safety fencing of the basin are protected by the outline conditions as agreement of the drainage feature by the local lead flood authority (LLFA) will include this detail and the LLFA will require an independent safety audit of this.
- 6.25** Building design: The proposed buildings are in themselves relatively standard but traditional form. They are little different to those permitted to the north of this site, in terms of simplicity of shape and detail. The materials are not specified other than in generic terms, and a good brick can raise the quality of a scheme. In this location on the edge of a larger village, the use of detached and semidetached forms without terraced combinations of building types, is considered an appropriate response and allows on curtilage parking to each plot set back from the highway where with foreshortening perspective will prevent vehicle dominance by concealment between the buildings.
- 6.26** The proposed bungalows have had some additional features added following design comments.
- 6.27** The electricity substation requires a condition for the enclosing wall, and this has been accepted by the applicant.
- 6.28** As most properties have allocated onsite parking charging for electric vehicles need not be specified, however some passive provision for the communal parking areas is regarded as necessary given that the ban on new petrol or diesel vehicles will be within the lifetime of the development. The applicant has agreed to a pre commencement condition in this matter.
- 6.29** A hatched area for future junction alteration between Lowestoft Road and the access next to the substation formed part of the outline permission and limits the quantum of planting in this area, nevertheless some has been secured.

7. Local Finance Considerations:

7.1 These matters relate to the outline section 106 only.

8. Shadow Habitats Regulation Assessment

8.1 These matters are determined at outline.

9. Conclusion

While a scheme of very simple houses, on-site constraints and open spaces do allow some legibility and distinctiveness. The principle of development is established by the outline permission. The issue for debate is whether it is reasonable given building environmental control technology to leave undeveloped a strip on the west side of the site where noise can be controlled and whether in the lack of evidence to the contrary it can be considered that there is likely to be harm arising from air quality, given the information available that is published.

10. RECOMMENDATION: -

Approve with conditions for suds basin signage and enclosure, and risk assessment.

A condition to require the planting scheme to be implemented to a timetable and for maintenance to accord with the Green Infrastructure Management Plan received 17th April 2020.

A condition for passive provision of electric vehicle charging in the common parking areas.

A condition to secure water consumption management in line with emergent policy

Remove permitted rights for roof extensions and windows in roofs.

Further details of materials are required before works proceed beyond foundations

Background Papers 06/19/0697/f

