

**Reference:** 06/16/0281/O

**Parish:** Martham

**Officer:** Miss Gemma Manthorpe

**Expiry Date:** 24<sup>th</sup> June 2016

**Applicant:** Mr N Dyball

**Proposal:** Three detached dwellings with garages with domestic garages with vehicle and pedestrian access from Alder Avenue.

**Site:** Rear of Selwyn House, 28 The Green Martham.

## **1. REPORT**

- 1.1 This is an outline application for three no. detached dwellings with garages. Access and layout form part of this application with appearance, landscaping and scale to form part of a reserved matters application should permission be granted for outline approval. This is a re-submission of a previously refused application.
- 1.2 The site is located to the rear of Selwyn House 28 The Green Martham, a large semi-detached property in a prominent location accessed from The Green. The curtilage comprises a large garden separated from the access track by fence and foliage with the remaining land housing outbuildings and unkempt land in an apparent disused state.
- 1.3 Directly to the south of the site is a new development of 9 single storey dwelling's recently approved under application 06/13/0656/F. The majority of the properties are occupied. Directly adjoining Sycamore Avenue is the rest of the development known as the Avenues which has been constructed over the last 15 years.
- 1.4 The site is within the Village Development limits as prescribed within the adopted Borough Wide Local Plan and is surrounded by residential dwellings.

## **2. Consultations :-**

- 2.1 **Parish Council-** The Parish Council had not responded at the time of writing. Should a response be received prior to the Committee this will be verbally reported.

2.2 **Neighbours** – 11 objections to the proposal. In summary the objections raised are as follows

- Trees and hedging should remain.
- Asbestos (outbuilding to be removed) should be removed so as not to cause harm or danger to nearby residents.
- Dwellings should be single storey only.
- A bat survey should be carried out and bats protected.
- Access over private road would be detrimental to existing residents.
- If access is granted the cost of maintenance should be shared.
- Loss of wildlife habitat.
- Where will the bins be located.
- Loss of light- is approved the developments should be single storey.
- Properties proposed are too large, cramped design.
- Dwellings would have an adverse effect on the conservation area.
- Access to the site by builders could damage the private road.
- Private road should be 4.2m in width.
- Dwellings will be seen from The Green.
- New dwellings should be made to be part of the management company.
- Reasons for previous refusal have not been addressed.

The site notice response date had not expired at the time of writing, should any further comments be received these shall be verbally reported.

2.3 **Norfolk County Council as Highway Authority** – No objections ; original comments suggested that the private road be 4.2m in width however revised comments have been received stating the following:

‘ In terms of the access road width issue, you will be aware that in my latest response I made a suggestion for the LPA to consider despite the fact the site is accessed off a private road. Whilst the suggestion made was that the road should be maintained at 4.2m wide in accordance with our guidance for private drives. The suggestion was made on the basis of satisfactory development as opposed to highway terms. As advised the site access road is outside the jurisdiction of the Highway Authority and in this respect I do not have a major issue with it being retained at 4.0m; certainly it would not cause any highway related issues and I doubt in reality it will create any operational issues. I trust this is of assistance with any decision you make.’

2.4 **Norfolk County Council as Fire Service** no comments received at time of writing.

2.5 **Environmental Health** – No response received.

- 2.6 **Building control** – Fire officer to be consulted (already been carried out), no further comments.
- 2.7 **Police** – The development should be designed to Secure by Design Standards and boundary treatments considered (1.8m fencing). Notes that can only provide limited comments on information provided.
- 2.8 **Conservation** – The application is supported but the units should be sensitively designed taking into account the materials and the conservation area.
- 2.9 **Strategic Planning** – The proposal seeks to redevelop an area of underutilised land within the existing housing area of Martham. The strategic planning team does not object to the proposal but welcomes consideration of the detailed scale and design of the scheme at the detailed consent stage.

### 3. **National Planning Policy Framework**

- 3.1 The presumption in favour of sustainable development is set out in paragraph 4.
- 3.2 Paragraph 14 of the National Planning Policy Framework, while reiterating that development should be sustainable also includes the following statement:

For decision-taking this means: approving development proposals that accord with the development plan without delay;

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

POLICY HOU7 –

NEW RESIDENTIAL DEVELOPMENT MAY BE PERMITTED WITHIN THE SETTLEMENT BOUNDARIES IDENTIFIED ON THE PROPOSALS MAP IN THE PARISHES OF BRADWELL, CAISTER, HEMSBY, ORMESBY ST MARGARET, AND MARTHAM AS WELL AS IN THE URBAN AREAS OF GREAT YARMOUTH AND GORLESTON. NEW SMALLER SCALE RESIDENTIAL DEVELOPMENTS\* MAY ALSO BE PERMITTED WITHIN THE SETTLEMENT BOUNDARIES IDENTIFIED ON THE PROPOSALS MAP IN THE VILLAGES OF BELTON, FILBY, FLEGGBURGH, HOPTON ON-

SEA, AND WINTERTON. IN ALL CASES THE FOLLOWING CRITERIA SHOULD BE MET:

(A) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE FORM, CHARACTER AND SETTING OF THE SETTLEMENT;

(B) ALL PUBLIC UTILITIES ARE AVAILABLE INCLUDING FOUL OR SURFACE WATER DISPOSAL AND THERE ARE NO EXISTING CAPACITY CONSTRAINTS WHICH COULD PRECLUDE DEVELOPMENT OR IN THE CASE OF SURFACE WATER DRAINAGE, DISPOSAL CAN BE ACCEPTABLY ACHIEVED TO A WATERCOURSE OR BY MEANS OF SOAKAWAYS;

(C) SUITABLE ACCESS ARRANGEMENTS CAN BE MADE;

(D) AN ADEQUATE RANGE OF PUBLIC TRANSPORT, COMMUNITY, EDUCATION, OPEN SPACE/PLAY SPACE AND SOCIAL FACILITIES ARE AVAILABLE IN THE SETTLEMENT, OR WHERE SUCH FACILITIES ARE LACKING OR INADEQUATE, BUT ARE NECESSARILY REQUIRED TO BE PROVIDED OR IMPROVED AS A DIRECT CONSEQUENCE OF THE DEVELOPMENT, PROVISION OR IMPROVEMENT WILL BE AT A LEVEL DIRECTLY RELATED TO THE PROPOSAL AT THE DEVELOPER'S EXPENSE; AND,

(E) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE RESIDENTIAL AMENITIES OF ADJOINING OCCUPIERS OR USERS OF LAND.

(Objective: To ensure an adequate supply of appropriately located housing land whilst safeguarding the character and form of settlements.)

\* ie. developments generally comprising not more than 10 dwellings.

#### POLICY HOU17 -

IN ASSESSING PROPOSALS FOR DEVELOPMENT THE BOROUGH COUNCIL WILL HAVE REGARD TO THE DENSITY OF THE SURROUNDING AREA. SUB-DIVISION OF PLOTS WILL BE RESISTED WHERE IT WOULD BE LIKELY TO LEAD TO DEVELOPMENT OUT OF CHARACTER AND SCALE WITH THE SURROUNDINGS.

(Objective: To safeguard the character of existing settlements.)

### 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. It is expected that Primary Villages, such as Martham would see some additional growth during the plan period to help support the local facilities in the area.
- 5.3 **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.

## 7. Assessment

- 8.1 The previous application, recommended for approval, was refused by members for reasons detailed in the refusal notice. The current applications differs from the previous as a reduced scale of the proposed dwellings has been submitted, a turning head has been shown and an ecological assessment has been submitted. The reduced scale, although not part of the application, indicates a scale which is appropriate to the area can be submitted at the reserved matters stage. The footprint of the dwellings or a maximum floor area could be conditioned should members be minded to approve the application.
- 8.2 The previous refusal and members concerns noted the impact of the removal of the buildings on the local wildlife. The ecological assessment has assessed the site for protected species and suggested that enhancements can be provided. Objectors to the application have also stated that there are bats present within the application site although the ecological assessment has not given evidence of this. It is noted that the buildings present on the site are not within the conservation area and as such can be removed without consent by the Local Authority although legislation regarding protected species still applies.
- 8.3 The ecological assessment submitted as part of the application. The ecological assessment assesses the site as having

‘low quality foraging habitat for bats and contains relatively poor habitat links to surrounding bat habitat of high quality over the Broads. The buildings on site are assessed as of low roost suitability for bats, and none of the trees have bat roosting potential.’

Conditions can be, if deemed necessary, placed on the development to provide bat boxes to enhance the development and the ecological climate. There are no objections from Norfolk County Highways and as such the

application complies with HOU7 of the Borough Wide Local Plan as a suitable access to the site can be provided.

- 8.4 The current application has been altered from the previous application to show a turning area for vehicles within the application site. Concerns were raised regarding emergency vehicle access to the site. Although the written response from Norfolk County Fire service has not been received it has been verbally confirmed that there is no objection to the application and Norfolk County Fire are satisfied that their vehicles will be able to access the site. This shall be confirmed in writing prior to the committee.
- 8.5 The site is within the current village development limits in a sustainable location and as such is in accordance with Local and National Planning Policy which looks to promote suitable development in sustainable locations. Both the Core Strategy and the National Planning Policy Framework go on to state that development which accords with these planning principles, in the absence of any overriding factors, should be approved.
- 8.6 The character of the area is predominately residential given the recent development with adjoins the site known locally as the Avenues comprising Alder close, Sycamore Avenue, Aspen Close, Walnut Tree Avenue and Cherry Tree Avenue. These properties are predominately single storey in design and have provided an attractive addition to the village. It has been noted by objectors to the application that the scale of the dwellings is not given as the application is outline only. Plans have been resubmitted showing a revised footprint of the dwellings which indicates a reduced scale which is more in keeping with the size of the surrounding properties to the south.
- 8.7 The application, being outline only, does not include the scale at this stage of the process. The plots are bigger than those at the adjoining development although this is a matter for the detailed stage of the application process should the application be approved. A maximum foot print could be conditioned if necessary although this will adequately be dealt with at the reserved matters stage should permission be granted.
- 8.8 There are also objections to the possibility of two storey dwellings on the site. Were the application to be approved a condition restricting the dwellings to single storey with no accommodation in the roof space would be placed on the permission. Single storey dwellings would complement the existing developed area and reduce adverse overlooking thereby creating a form of development that does not have significant adverse effects on the amenities of the adjoining dwellings.

- 8.9 Objections have been raised about the additional traffic utilising the private road which is managed by a management company and, from comments received, distributes the costs of maintenance between residents. The applicants agent had, on the previous application, provided information demonstrating that the applicant has right of way over the land. The information provided states that the 'right over the private road subject to the transferees or their successors in title paying or contributing a fair proportion of the cost of repairing maintaining, renewing or cleansing the same'. Although the legal right over land is not required for the assessment of a planning application this right has been demonstrated in this instance as has the obligation to contribute to the maintenance of the road.
- 8.10 The use of the road by construction traffic has also been noted. It is possible, prior to the commencement of the development, to require by condition a construction plan to be submitted to and approved by the Local Planning Authority. This plan can include the route that the traffic will take. In the alternative or addition a condition requiring the road to be surveyed prior to the commencement of the development and after and any detriment repaired prior to occupation of the development subject to the application.
- 8.11 The removal of the existing outbuildings has been raised with concern regarding the removal of asbestos from the site. The safe removal of asbestos is an environmental consideration and must comply with the relevant safeguarding legislation. A condition requiring the removal prior to commencement of the development can be placed upon any grant of planning permission.
- 8.12 The previous application for Alder Close has a condition in place protection the hedge which abuts Broom Close. This is to maintain the privacy and character of the area. A similar condition can be applied to the current application although it is noted that a portion of the hedge (to the eastern boundary of the site) bounds private gardens and as such a condition would need to reflect this and not place unnecessary burden on the adjoining party.
- 8.13 Bin presentation has been noted as a concern by residents of Alder Avenue. Current residents have to place their bins for collection at the bottom of the road according to information received as part of this application. GYB services have commented stating that the bins will have to be presented at the public highway. The distance currently travelled by residents to have the bins collected is noted, as is the fact that this may be the same for future residents should the application be approved however this alone is not sufficient to recommend refusal of the application.

- 8.14 A section of the application site is within the conservation area and the effect upon the area is assessed as not significantly detrimental. The control over design shall come at the reserved matters stage should the application be approved although it is noted that the development will not be visible from the green other than through the existing access to no.28 the donor property. This view will be severely obstructed by the placement of the existing dwellings. The conservation officer does not object to the application although notes the need to take account of materials and design.
- 8.15 The applicant has suggested that construction traffic utilise the access from the Green to minimise disruption to the residents of Alder Avenue. This would need to be assessed by Norfolk County Council Highways as the access would need to be acceptable, under their standards, for this use.

## **9. Conclusion**

- 9.1 The application site lies adjacent a recently developed section of land and proposes a similar development. Conditions can adequately protect the amenities of the adjoining properties and the detailed design will be assessed to ensure that it takes into account the surrounding area and the proximity of nearby dwellings.
- 9.2 The development proposed is within an area designated within the Borough Wide Local Plan for housing and is within a sustainable location. The National Planning Policy states that applications which accord with Local and National policy should be approved without delay. The concerns of the residents are noted although these can be conditioned to an adequate extent so as to make the development suitable.

## **10. Recommendation**

- 10.1 APPROVE subject to conditions required to provide a satisfactory form of development as recommended and as noted within the report including limiting the dwellings to single storey with no living accommodation in the roof of the dwellings and a satisfactory condition relating to the road and submission of a construction management plan. The proposal is considered to comply with Policy HOU7 and HOU17, of the Great Yarmouth Borough-Wide Local Plan 2001 CS1, CS2 and CS4 of the Core Strategy and the National Planning Policy Framework.



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

Your Ref: 06/16/0281/O  
Date: 31 May 2016

My Ref: 9/6/16/0281  
Tel No.: 01603 638070  
Email: stuart.french@norfolk.gov.uk

Dear Gemma

**Martham: 3 no detached dwellings with domestic garages together with vehicle and pedestrian access from Alder Avenue  
28 The Green Selwyn House Martham GREAT YARMOUTH NR29 4PA**

Thank you for your recent consultation with respect to the above.

The proposed development is accessed off a private drive (see planning permission 06/14/0691) and therefore outside the jurisdiction of the Highway Authority. In this respect I have no comment to make on this application as access to the highway network accords with appropriate standards.

However, should your Authority be minded to grant permission you may wish to consider the following conditions

SHC 11V 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 4.2 metres for its complete length .

Reason: In the interest of satisfactory development.

SHC 24 Prior to the first occupation of the development hereby permitted the proposed access, on-site car 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: In the interests of satisfactory development.

Yours sincerely

*Stuart French*

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

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



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Planning Services  
Development Control  
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17, Broom Close  
Martham  
Gt. Yarmouth  
NR29 4RZ  
8<sup>th</sup> June 2016

Planning Application 06/16/0281/O

Dear Sir,

Having inspected the second proposal for this application ( the first being 06/15/0780/O ) I can find no evidence that it addresses the previous concerns.

All previous concerns raised on that application remain and I would add to these the following -

From your condition text for refusal of 06/15/0780/O

Point 1) - Appears not to have been addressed

Point 2) - Appears not to have been addressed

Point 3) - since the issue of this refusal 22 mtrs of foliage and some 15 mtrs of hedge row has been removed mitigating your reasons outlined .

The revised proposal fails to meet Policy HOU7 A) and E) and Policy CS9 as far as using close boarded fencing to replace hedge rows is clearly detrimental.

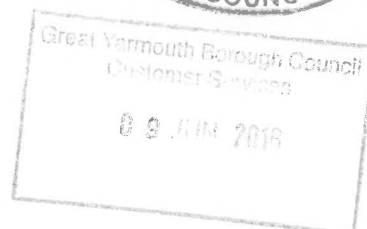
On the previous assessment 6.2 makes reference to adverse overlooking which needs further consideration due to the land elevation of this plot. A min of a 3 mtr border hedge would be needed. On the previous assessment 6.6 refers to the presence of bats in the westerly boundary, since this has now been removed there are no bats present.

If members are mindful to approve this application reinstatement of hedge rows both north / south and east / west should be a condition as some 60 mtrs of hedge row and mature trees have been removed for this application and during the construction of Alder Close. This area of Martham has just seen approval of 55 dwellings almost adjacent to this site which will impact further on the wild life habitat. For an area previously indicated as an area of great landscape value little has been done to maintain this status.

If adequate conditions can not be attached to this application it should be refused.  
I would request to speak as an objector at Development Control meeting.

Yours Faithfully

Mr M J Huke





Mr. M.D. Hill  
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ALREADY  
RECEIVED  
VIA WAB

05/06/2016

Dear sir/madam

Please consider our strong objections to the planning application **06/16/0246/O**

Access being requested is in Question?

Please see letter dated 31/5/2016 from Norfolk County Council from Stuart French to Gemma Manthorpe Great Yarmouth Borough Council consultation response planning document **3/6/2016**.

This letter raises requirements necessary to meet **SHV 11V – SHV24** for 3 Detached dwellings with domestic garage together with vehicle and pedestrian access from Alder Avenue for this planning application?.

Please also note that access continues via a **Private Driveway** in front of plots 8 & 9 which does not meet the **4.2 Meters requested to meet SHV 11V – SHV24**.

The submitted design & access statement 20/5/2016 Planning application says Existing Access **"NO Part of the access road is to be less than 4 Meters in width between Kerbs"**?

The Electric Sub-Station will be so very near to the Heavy Plant site for construction of the proposed new dwellings so raises many concerns over Health and Safety issues?

The proposed land is of outstanding beauty and has many established species of birds, trees, hedgerows and wildlife (Deer roam freely) and whether legally protected or not their natural habitat will be destroyed and lost forever as this valuable land is part of Martham Village History and The Green.

Planning application was recently refused **/06/15/0780/O Point's refusal decided 10/03/16**  
These matters are still outstanding as this outline planning application has not addressed all the above reasons for objection **HOU17, HOU7?**

1) The proposal is contrary to policy **HOU7** of the Borough Wide Local Plan as the applicant has not adequately demonstrated that suitable access arrangements can be made for the future occupiers of the proposed dwellings. The access as demonstrated does not appear adequate to serve the dwellings as applied for. In addition to the lack of suitable access for future occupiers

there is insufficient detail to determine whether there is suitable access for emergency vehicles to access the properties.

2) There are no appropriate refuse pick up points available and in the absence of such the development would have an adverse effect on the character and amenity of the area. The size of the dwellings demonstrated on the indicative plan would be out of character with the area contrary to policy HOU17 and HOU7 of the Borough Wide Local Plan.

3) The removal of outbuildings and foliage would have an adverse effect on the natural environment by way of removing natural habitat and displacing species.

Alder Avenue is a private road and "any resident who shares access rights shall also bear the shared burden of all the financial costs of The Road".

All the above should be taken into consideration to preserve Martham Village as these proposed Dwellings will be seen from The Green and its Old English Character and Charm will be lost Forever.

Yours faithfully

**Mr. & Mrs. M D Hill**

06/16/0281/O



UPRN:



**GREAT YARMOUTH**  
BOROUGH COUNCIL  
**Planning and Business Services**  
**Enforcement**

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