

Reference: 06/15/0780/O

Parish: Martham

Officer: Miss Gemma Manthorpe

Expiry Date: 10th March 2016

Applicant: Mr N Dyball

Proposal: Three detached dwellings with garages

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

REPORT

1 Background/History

- 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.
- 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 with plot 9, the plot adjoining the application site being under construction. The adjoining 9 dwellings are accessed off a private road from Sycamore Avenue. 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 recommends that a bat survey be conducted and that the natural habitat should be protected.
- 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.
- Solicitors stated that there would be a fence at the end of Alder Avenue.
- 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.

- 2.3 **Norfolk County Council as Highway Authority** – No objections and no comment as the proposed development is to be accessed off a private road and access to the highway network accords with current standards.
- 2.4 **Norfolk County Council as Fire Service** – Planning portal does not clearly show that access can be gained for emergency vehicles.
- 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.

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.

6. **Assessment**

- 6.1 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.
- 6.2 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. Were the application to be approved a condition restricting the dwellings to single storey with no accommodation in the roof space. 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.
- 6.3 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 has 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.
- 6.4 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 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.
- 6.5 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.

- 6.6 Objectors to the application have stated that there are bats present within the application site. Although 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 a bat survey can be conditioned to be submitted. Should bats be found to be present they are protected species and have legislation designating the protection. Conditions can be, if deemed necessary, placed on the development to provide bat boxes.
- 6.7 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.
- 6.8 It has been noted by objectors that the properties proposed are large and could constitute over development of the site. 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.
- 6.9 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. There has been no response from GYB Services at the time of writing although should one be received prior to the Committee this shall be verbally reported. 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.
- 6.10 A section of the application site is within the conservation area and the effect is assessed as not significantly detrimental to be of harm. 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.

7. Conclusion

- 7.1 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.

- 7.2 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.

8. Recommendation

- 8.1 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, bat survey to be carried out and a satisfactory condition relating to the road. 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.



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

Your Ref: 06/15/0780/O
Date: 12 February 2016

My Ref: 9/6/15/0780
Tel No.: 01603 638070
Email: stuart.french@norfolk.gov.uk

Community and Environmental
Services
County Hall
Martineau Lane
Norwich
NR1 2SG
NCC contact number: 0344 800 8020
Textphone: 0344 800 8011

Dear Gemma

**Martham: 3 No detached dwellings with garages
R/O Selwyn House 28 The Green Martham GREAT YARMOUTH NR29 4PA**

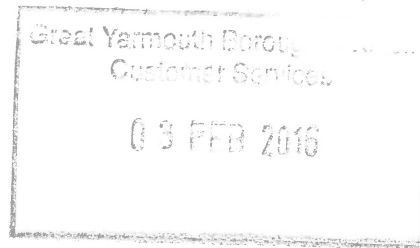
Thank you for your recent consultation with respect to the above.

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.

Yours sincerely

Stuart French

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



Mr. M D. Hill
7 Alder Avenue,
Martham,
Great Yarmouth
Tel: - 01493 555599
Email - ~~martindenham@bt.com~~

2/02/2016

Dear sir/madam

Please note our following strong objections to the proposed planning application no 06/15/0780/0 for granting access via Alder Avenue Martham to the land being proposed to be built on.

Alder Avenue is a Private Road with 9 Bungalows - 7 of them fully built & 2 being built . Alder Avenue is owned & managed by ' The Alder Avenue Property Management Company ' which consists of the owners of the 9 bungalows . This is to give the residents rights in managing the Actual private road as it has not been adopted by the local authority.

Our solicitors informed us also our builders Cripps Developments that there would be a boundary fence at the end of Alder Avenue besides plot 9 bungalow separating Alder Avenue from the proposed development land which is in question. Please be aware that no one is living in plot 9 as it has not been completed so obviously no objections can be raised (note letter addressed to plot 9 on planning documents is not sufficient as we are at no 7 Alder Avenue nearest resident to proposed land access)

To grant access via Alder Avenue would have severe & detrimental results to the actual road surfaces (heavy duty building machinery & vehicles) which is totally unacceptable to us as actual residents who are responsible for Alder Avenue Road which as stated previously is a Private Road which we are responsible to maintain .

We are most concerned about this matter & would appreciate your help in showing that this application has severe detrimental implications for us all who actually live in Alder Avenue Martham.

Kind regards

Mr. & Mrs. M.D.Hill
MartinDenham

REC'D VIA
WEB



5 Alder Avenue
Martham
Great Yarmouth
Norfolk
NR29 4FA

3 FEB 2016

TO GENERAL MANAGER
DEAN MINNS
Dear Madam,

We the owners of the above address have strong objections to the proposed planning application number 06/15/0780/0 for granting access via Alder Avenue Martham to the land being proposed to be built on.

Alder Avenue is a private road with nine bungalows, seven of them fully built and two yet to be built, Alder Avenue will be owned and managed by The Alder Avenue Property Management Company which consists of the nine bungalows. This is to give the residents rights in managing the actual private road as it has not been adopted by the local authority.

As plot 9 has not been completed they cannot raise any objections to the proposed right of way into Alder Avenue. To grant access via Alder Avenue would have severe and detrimental results to the actual road surfaces (heavy duty building machinery and vehicles) which is totally unacceptable to us as actual residents who are responsible for the maintenance of Alder Avenue which as stated previously is a private road which we will be the responsibility of the residents.

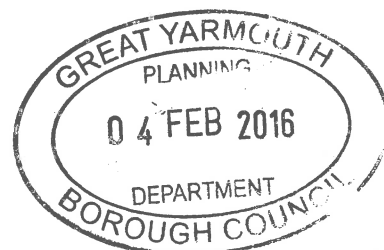
We are very concerned about this matter and would appreciate your assistance in showing that this application has severe detrimental implications for us all who live in Alder Avenue Martham. We would also like to know what arrangements are being made for the collection of the refuse of the proposed three properties. Most of the residents who live in Alder Avenue are elderly and some are disabled who have to take their waste bins down to a central bay to be collected because the refuse lorry will not come up the road because it is a private road this causes a great deal of difficulty for most of the residents.

Yours Sincerely

R.J.& V. Powell-Thomas.



REC'D VIA
WRS



4 Alder Avenue
Martham
Great Yarmouth
Norfolk
NR29 4FA

Ack'd
01/2/16

Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
NR30 2QF

F.T.A.O the Planning Department

Thursday, 4 February 2016

Dear Sir or Madam

Ref: Proposed planning application no. 06/15/0780/0 Martham

Would you please note that, while we do not object to the building of the properties, we strongly object to the portion of the above application which relates to access to the site via the private road Alder Avenue.

There are nine existing bungalows in Alder Avenue, two of which are incomplete. This road is a Private road. We have our management company owned by the owners of the nine bungalows. This gives us the right to manage the Private road, unless of course the council would fully adopt our road.

We were advised that a boundary fence would be erected at the end of Alder Avenue isolating our estate from the above proposed development.

If access is granted via Alder Avenue it would be detrimental to our road, possibly causing damage to our road surface, drains and other utilities. This would mean that we would have to unjustly bear the cost for damages to be repaired. No doubt any third party causing damage would deny any responsibility.

Yours faithfully



N.S. & C.A. Collett

(By Hand)



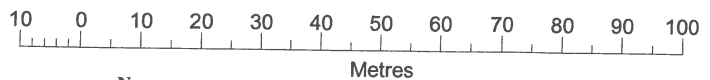
SITE NOTICE POSTED

06/15/0780/O



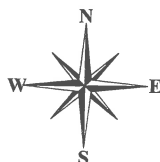
GREAT YARMOUTH
BOROUGH COUNCIL

Planning and Development Department,
Trafalgar House, Greyfriars Way,
Great Yarmouth, Norfolk. NR30 2QE



Metres

Scale = 1:1250 @ A4



© Crown copyright and database rights [2016]
Ordnance Survey [100018547]