



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 25 November 2020

Time: 16:00

Venue: Remotely

Address: [Venue Address]

AGENDA

CONTENTS OF THE COMMITTEE AGENDA PLANNING APPLICATIONS & CONDUCT OF THE MEETING

Agenda Contents

This agenda contains the Officers' reports which are to be placed before the Committee. The reports contain copies of written representations received in connection with each application. Correspondence and submissions received in time for the preparations of the agenda are included. However, it should be noted that agendas are prepared at least 10 Working Days before the meeting. Representations received after this date will either:-

- (i) be copied and distributed prior to or at the meeting – if the representations raise new issues or matters of substance or,
- (ii) be reported orally and presented in summary form by the Principal Officer of the Committee – especially where representations are similar to, or repeat, previous submissions already contained in the agenda papers.

There are occasions when the number of representations are similar in nature and repeat the objections of others. In these cases it is not always possible for these to be included within the agenda papers. These are either summarised in the report (in terms of numbers received) and the main points highlighted or reported orally at the meeting. All documents are available as 'background papers' for public inspection.

Conduct

Members of the Public should note that the conduct of the meeting and the procedures followed are controlled by the Chairman of the Committee or, if he/she so decides, the Vice Chairman. Any representations concerning Committee procedure or its conduct should be made in writing to either –

- (i) The Planning Group Manager, Town Hall, Great Yarmouth. NR30 2QF
- (ii) The Monitoring Officer, Town Hall, Great Yarmouth. NR30 2QF

DEVELOPMENT CONTROL COMMITTEE

PUBLIC CONSULTATION PROCEDURE

- (a) Thirty minutes only will be set aside at the beginning of each meeting to deal with applications where due notice has been given that the applicant, agent, supporters, objectors, and any interested party, Parish Council and other bodies (where appropriate) wish to speak.
- (b) Due notice of a request to speak shall be submitted in writing to the Planning Group Manager two days prior to the day of the Development Control Committee meeting.
- (c) In consultation with the Planning Group Manager, the Chairman will decide on which applications public speaking will be allowed.
- (d) Three minutes only (or five minutes on major applications at the discretion of the Chairman) will be allowed to (i) objectors together, (ii) an agent or applicant and (iii) supporters together, (iv) to a representative from the Parish Council and (v) Ward Councillors.
- (e) The order of presentation at Committee will be:-
 - (1) **Planning Officer presentation** with any technical questions from Members
 - (2) **Agents, applicant and supporters** with any technical questions from Members
 - (3) **Objectors and interested parties** with any technical questions from Members
 - (4) **Parish Council representatives, Ward Councillors and Others** with any technical questions from Members
 - (5) **Committee debate and decision**

Protocol

A councillor on a planning or licensing decision making body should not participate in the decision and / or vote if they have not been present for the whole item.

This is an administrative law rule particularly applicable to planning and licensing - if you haven't heard all the evidence (for example because you have been out of the room for a short time) you shouldn't participate in the decision because your judgment of the merits is potentially skewed by not having heard all the evidence and representations.

It is a real and critical rule as failure to observe this may result in legal challenge and the decision being overturned."

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest arises, so that it can be included in the minutes.

3 MINUTES

5 - 17

To confirm the minutes of the meeting held on 28 October 2020.

4 06-20-0156-O LAND OFF FOSTER CLOSE ORMESBY ST MARGARET

18 - 33

Residential development of 33 dwellings, 17 detached, 10 semi-detached & 6 Affordable housing with access road and areas of public open space.

5 06-20-0426-F LAND ADJ RAYNSCOURT LODGE 16 EUSTON ROAD GREAT YARMOUTH

34 - 53

Redevelopment of site to 28 self-contained flats.

6 06-20-0426-F 110-111 WELLESLEY ROAD GREAT YARMOUTH 54 - 71

Retrospective change of use from Guesthouse to House of Multiple Occupation (12 bedrooms).

7 ANY OTHER BUSINESS

To consider any other business as may be determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.

Development Control Committee

Minutes

Wednesday, 28 October 2020 at 16:00

PRESENT:-

Councillor Annison (in the Chair); Councillors Bird, Fairhead, Freeman, Flaxman-Taylor, P Hammond, Lawn, Mogford, Wainwright, Williamson, A Wright & B Wright.

Mr G Sutherland (Senior Planning Officer), Mr R Tate (Planning Officer) & Mrs S Wintle (Corporate Services Manager).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Myers.

2 DECLARATIONS OF INTEREST

Councillor Wainwright declared a personal interest in item 5, as he knew Mr Saunders who was the joint land owner of the application site, in a personal capacity. However, in accordance with the Council's Constitution, was allowed both to speak and vote on the matter.

3 APPLICATION 06-18-0631-F - POUND LANE (LAND WEST OF) FILBY

The Committee received and considered the comprehensive report from the Planning Officer.

The Planning Officer reported that the site comprised of 1.48 hectares and formed part of an arable field located to the west of Pound Lane, Filby. The land was designated as Grade 1 agricultural land and was accessed off Pound Lane. The application site was outside the development limits. The proposed access road utilised the existing field access, which was located between 16 & 17 Pound Lane, and would serve a single road with a turning area to the western end. Following a consultation period, a number of objections had been received after the closing date, but all objections had been taken into consideration. The application had since been amended to achieve the indicative pedestrian footpath along Pound Lane.

The Planning Officer reported that the application was a full application for a mixture of 15 dwellings including 3 affordable homes. A pumping station would be sited and a lagoon to help manage surface water and to provide bio-diversity enhancements. A public footpath would run around the lagoon and a pavement would run from the site, down Pound Lane to the junction with the A1064 main road.

The Planning Officer reported that a number of supporting documents had been submitted with the application as detailed on page 6 of the agenda report. A total of 76 letters of objection from local residents had been received which were detailed on pages 7 & 8 of the agenda report. One letter of support had also been received from neighbours as part of the public consultation process which was detailed on page 8 of the agenda report.

The Parish Council had also strongly objected to the applications for reasons detailed on page 8 of the agenda report. The Planning Officer reported that the Broads Authority had initially objected due to the potential adverse impacts on the Trinity Broads SSSI from run-off.

The Planning Officer reported that NCC Highways had raised concerns regarding the construction of the proposed footway and the relocation of two telegraph poles at the junction of Pound Lane and the A1064.

The Planning Officer referred Members to paragraphs 11.5 & 11.6 of the agenda report and the ability for a Local Authority to demonstrate a 5 year Housing Land Supply and weight attributed to Paragraph 11 (d) of the NPPF, that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits. There were no sites proposed in Filby in the Draft Local Plan Part 2. However, as this was a full application, it suggests that this site would have a good chance of timely delivery and would help the Council meet its HLS and housing delivery targets.

The Planning Officer reported that a number of objections had raised the issue

of highway safety, speeding traffic on the A1064, that Pound Lane was used as a rat run from Filby to Ormesby and that there was no footpath along Pound Lane. Comments were also received citing lack of visibility to the west at the junction with Pound Lane and Main Road. However, Highways had asked for a condition to ensure a visibility splay can be provided including the relocation of 1 or 2 telegraph poles to ensure the splay can be maintained. A footway had also been requested/conditioned along Pound Lane.

The Planning Officer reported that the application was not isolated and was within a sustainable location with access to open spaces, education facilities and village amenities. There were no significant or demonstrable harms which outweighed the need for the provision of housing in a sustainable location.

The Planning Officer reported that the application was recommended for approval subject to conditions listed in paragraph 12.1 on page 24 of the agenda report.

Councillor A Wright reported that he was concerned regarding what would happen if the pumping station failed and whether this would have an adverse environmental affect on the nearby Trinity Broads SSSI system. He was also concerned regarding the loss of more Grade 1 agricultural land in the Borough. He asked for sight of the email exchange which had occurred between Councillor Thompson & Brandon Lewis, MP.

Councillor Freeman reported that Pound Lane was one of the Borough's worst rat runs and asked whether Highways had undertaken a traffic survey. The Planning Officer reiterated that Highways had raised no objections but had requested conditions if the application was approved.

Councillor Bird asked for clarification regarding the proposed removal of a telegraph pole to allow for the visibility splay at Pound Lane/Main Road and whether this was sited on highways or private land. The Planning Officer reported that this would be dealt with by condition.

Councillor Mogford asked whether Highways had considered making Pound Lane one way up to past this development as this would alleviate many of the traffic issues in this area.

Mr Hardy, applicant's agent, reiterated the salient areas of the application to the Committee and that the resulting development would result in a net gain for the residents of Filby and urged the Committee to approve the application.

Mr Millman, objector, reported that there had been 76 letters of objection submitted to the Council, citing 45 various issues which should not be ignored by the Committee. He urged the Committee to refuse the application and uphold the needs and aspirations of both the local and farming communities.

Councillor Thompson, Ward Councillor, addressed the Committee and confirmed that there had been email correspondence between himself & Brandon Lewis, MP regarding sewerage issues in Pound Lane. The site was

outside the village development envelope, was not included in the emerging Filby Neighbourhood Plan, intruded into the open countryside (Policy CS2) and was on Grade 1 agricultural land (Policies CS6 & CS12). The site was sloping with a 7 m drop and was contrary to Policy CS09 which protected the amenity of both new and existing residents.

Councillor Thompson was concerned with the effect the development could have on the nearby Trinity Broads SSSI. Although Anglian Water had confirmed that Caister had capacity, the pipes from Filby to Caister, narrowed at Filby Heath and often backed up, and as a result, tankers were often seen at Pound Lane taking sewerage away. The proposed footway was not continuous and pedestrians had to cross the busy road which was unsafe (Policy CS16) and several trees on parish land would have to be removed to accommodate the footway.

Councillor Thompson asked the Committee to refuse the application to uphold the Local Plan and public confidence.

Councillor A Wright reported that he was unhappy with the application as it presented him with more questions than answers and he felt unable to support the application.

Councillor Freeman reported that he felt that planning advice to Members lacked consistency. At the last meeting, officers had recommended refusal of an application which would have been built out on Grade 1 agricultural land, however, at today's meeting, they were recommending approval to build out on Grade 1 agricultural land and he therefore asked for clarification. He also reiterated his earlier concern of highway safety.

Councillor Mogford reported that it was difficult to get in or out of Pound Lane onto Main Road at rush hour and therefore, he felt unable to support the application.

Councillor Wainwright reported that he was happy to support the officer recommendation for approval. Unfortunately, pumping stations did break down occasionally but Anglian Water usually responded quickly to such events. There were many traffic rat runs across the Borough especially in Bradwell & Gorleston. He felt that the residents of Filby opposed any development in their village but homes were desperately needed in the Northern Parishes.

The Corporate Services Manager advised Councillor Thompson that he was unable to ask any further questions during the proceedings.

Councillor A Wright proposed that the application be refused. This motion was seconded by Councillor Hammond. The Monitoring Officer asked that the Committee take time to confer with the Planning Officers to draw up a robust list of reasons to refuse the application which would stand up to scrutiny if the application went to appeal.

Councillor Williamson reported that he was concerned that this application

could be won at appeal if the only reason for refusal was the loss of Grade 1 agricultural land.

The Planning Officer suggested that the Committee cite policies CS6 (J) & CS12 (G) which would cover the Committee's concerns regarding possible the possible contamination of Trinity Broads SSSI if the pumping station failed and loss of Grade 1 agricultural land. The Senior Planning Officer suggested that Policy CS11 could be looked at regarding these environmental issues.

The Committee agreed that the application was contrary to Policy CS6 (J), CS11 & CS12 (G) of the Core Strategy and highlighted concerns with the proposed highways/footways improvements at the Pound Lane & Main Road junction.

The Corporate Services Manager reported that Councillor Lawn would not be eligible to vote as he had not been present during the whole of the debate.

Following a vote, it was RESOLVED:-

That application number 06/18/0631/F be refused as the Committee felt that the application was contrary to Policy CS6 (J), CS11 & CS12 (G) of the Core Strategy (adopted 21 December 2015) and concerns with the proposed highways/footways improvements at the Pound Lane & Main Road junction.

4 APPLICATION 06-20-0102-F - HOMESTEAD, MAIN ROAD, FILBY

The Committee received and considered the comprehensive report from the Planning Officer.

The Senior Planning Officer reported that the application was for the sub-division of a residential plot of The Homestead and erection of two 3 bedroom detached barn style dwellings, with access from an existing vehicular access from Main Road. There are three agricultural barns located on the site, the largest is a Grade II Listed Building. The site was located outside of flood zones. The first proposal had been initially objected to by the Conservation Officer but this proposal had more regard to the context and setting of the site. The new dwellings fenestration, scale and design would respect the heritage asset and other barns' settings and the surrounding intrinsic village character. The new buildings would be shielded by a landscaping screen from the heritage asset and other barns.

The Senior Planning Officer reported that access and highway safety conditions were recommended as stated in the consultation response from NCC Highways which was detailed on page 30 of the agenda report. Surface water would be disposed of by means of a soakaway and a proposed connection to the existing drainage system for foul sewerage.

The Senior Planning Officer reported that an arboricultural report had been submitted with the application noting that the application site had seven trees

largely to the periphery of the site. One tree would be removed for the development purposes but this tree had low amenity value. To mitigate for this, three new trees would be planted with a maintenance period of 5 years.

The Senior Planning Officer reported that two letters of support and one letter raising no objection had been received from local residents/neighbours. The Parish Council had objected to the application for the reasons set out on page 29 of the agenda report.

The Senior Planning Officer reported that the application was recommended for approval with conditions listed on pages 37 and 38 of the agenda report.

The Chairman reported that there was no applicant, applicant's agent, objector or Parish Councillor who had indicated that they wished to speak on the application.

Councillor Thompson, Ward Councillor, reported that he objected to the application as this would affect traffic flow on Main Road, the site was outside the current and proposed village development envelope and the design/type of houses would be contrary to Filby Neighbourhood Plan's design code. Filby had accommodated 38 new homes in the last four years and there were 24 with approved planning permission yet to be built out which was more than the 5% Core strategy target for the village.

Councillor Hammond proposed that the application be approved. This motion was seconded by Councillor Williamson.

Following a vote, which excluded Councillor Lawn, as he had not been present throughout the whole of the debate, it was RESOLVED:-

That application number 06/20/0102/F be approved subject to the following conditions :-

Soft red bricks laid in lime mortar should be used in the construction of the proposed dwellings with a brick bond including snapped headers to ensure that vernacular materials and approaches are used as far as practicable within the setting of the listed barn.

Vehicular access to be re-graded such that the gradient shall not exceed 1:12 for the first 5 metres into the site and the access shall be constructed in accordance with NCC residential access construction specification.

Visibility splays shall be provided in full accordance with the details indicated in the submitted plans and retained in the approved form thereafter.

Details of construction and surface of access and on- site surface water drainage, the method statement for root protection of trees of the site, conditions that access be constructed in accordance with the approved plans.

On site car parking and turning areas shall be provided in accordance with submitted plans and be retained in the approved form thereafter.

Removal of permitted development rights for extensions and alterations to the proposed dwellings including new windows or other openings into the walls or roof without prior consent from the local planning authority.

The proposal complies with the aims of Policies CS2, CS3, CS9, CS10, CS11, CS14 and CS16 of the Great Yarmouth Core Strategy, paragraphs(2, 7, 8, 11, 48, 55, 59, 76, 109, 170, 177 200) of The National Planning Policy Framework (NPPF) and The Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 72).

5 APPLICATION 06-18-0545-O - BUTT LANE, DOVEDALE (LAND REAR OF)

The Committee received and considered the comprehensive report from the Planning Manager.

The Senior Planning Officer reported that the application site was to the rear of five properties fronting Butt Lane in Burgh Castle. Access to the site was from Butt Lane facilitated by the demolition of Dovedale, which was a single storey property fronting onto Butt Lane. The main bulk of the site to the rear of Dovedale was currently used for paddocks and is served by an unmade track that runs to the front, side and rear of Dovedale.

The Senior Planning Officer reported that in terms of local plan designation, the site was located outside the village development limits for Burgh Castle abutting the existing residential properties fronting Butt Lane, including their rear gardens which were in the village developments limits.

The Senior Planning Officer reported that there were mature trees to the front of the application site adjacent to Butt Lane and a line of trees within the main body of the application site. Dovedale sat amongst a line of established residential properties fronting onto Butt Lane. Residential development in the area comprised of a mix of scale and design and age. Beyond the residential properties further along Butt Lane were holiday parks and a gravel pit.

The Senior Planning Officer reported that the application was accompanied by several supporting documents including a bespoke Shadow Habitats Regulation Assessment, Ecological and Arboricultural Impact Assessment, indicative plans and a design and access statement. Aside from this application in its various forms, there was no previous relevant planning history on the site.

The Senior Planning officer reported that the application was an outline application for the erection of 7 dwellings. The application has been revised

through discussion with the applicant with the size of the site reduced from 1.8 hectares to 0.5 hectares which included the means of access to the site. The size of development proposed was considered commensurate with the status of Burgh Castle as a secondary village in the Local Plan settlement hierarchy. The means of access to the site has been amended to include additional land to achieve the required visibility splay and had been accepted by the highway authority, subject to appropriate conditions and a legal obligation to ensure it is achievable. In doing so, the site plan included the removal of trees on the Butt Lane frontage.

The Senior Planning Officer reported that concerns were still raised by a number of properties regarding the principle of development and that the new access would be a way in for additional development to use the access in the future. The application included an indicative layout of how the site could be developed, but at this stage, the layout, scale and appearance of the development was not part of this application. Any approval would need to be conditioned for those elements for submission at the reserved matters stage. The length of the gardens to the Butt Lane properties would help reduce the impact upon the Butt Lane properties. It was also acknowledged that there were a number of out-buildings including an annexe within the rear garden of the property next door to Dovedale and any future proposals would need to take this into account.

The Senior Planning Officer reported that the applicant had submitted a Flood Risk Assessment. The site was shown to be in Flood Zone 1. This meant that the site was at low risk of flooding. The site was also not identified as being at risk of surface water flooding. The report stated that the soil was permeable so the drainage system was to be expected to comprise of soakaways across the site, but the development would require a surface water strategy to be submitted as part of reserved matters, should the application be approved.

The Senior Planning Officer reported that there were a number of trees on the site, both at the front of Dovedale and on the land to the rear, which could be affected by development of both the dwellings and the access road. The applicant had submitted an Arboricultural report which included a visual assessment of the trees. The trees had also been assessed by the Assistant Grounds Manager and Arboricultural Officer and a provisional Tree Preservation Order has been placed on some of the trees at the frontage of Dovedale. However, the Arboricultural assessment solely focused on the new site entrance and the surrounding trees with six trees which were included in this report (T21- T26). Five individual trees (T21-24, T26) had been classed as Category B and were in generally in good condition and conferred landscape values and were suitable for retention where possible, in the context of the development.

The Senior Planning Officer reported that a number of responses had been received to previous schemes followed by a further 7 to the revised plans. The Parish Council had also objected to the revised submission as detailed on page 42 of the agenda report.

The Senior Planning Officer reported that the application was recommended for approval with all the conditions listed in the agenda report.

Councillor A Wright asked for clarification that the application was for 7 dwellings and not 30 dwellings. The Senior Planning Officer confirmed that the application was for 7 dwellings.

Mr Garrett, applicant's agent, reiterated the salient areas of the application to the Committee and asked that they approve it.

Mr Saunders, addressed the Committee in support of the application and urged the Committee to approve the application.

The Monitoring Officer reported that Mr Saunders was a joint land owner of the application site, and as so, was allowed to address the Committee.

The Chairman reported that no objectors had registered to speak at Committee.

Mr Swann, Parish Councillor, addressed the Committee and reported the concerns of local residents and Parish Council and asked the Committee to refuse the application as the residents of Butt Lane had enough traffic to contend with as a working gravel pit and three holiday camps were sited along Butt Lane.

Councillor Smith, Ward Councillor, addressed the Committee and further supported the concerns of local residents and the parish Council and asked the Committee to refuse the application.

Councillor Wainwright informed the Committee that although discussions between the applicant and the planning officers had been held in the past regarding the possibility of an application for 30 homes on this site, this application had never come to Committee, and the committee must consider the merits of the application before them this evening.

Councillor Williamson reported that he was minded to support the application, his only concern was the issue of the footpath through to Belton, as it did not include a pedestrian crossing to access the school or cycleway safely.

Councillor Wainwright reported that he had been a County Councillor representing this ward in 2004 and had lobbied to get the footpaths in the area upgraded between Burgh Castle and Belton to no avail. He reported that he would support this application as we needed homes in the villages.

Councillor Williamson proposed to approve the application and to retain the trees T24 & T26. as detailed in paragraph 9.34 of the agenda report. Councillor Wainwright seconded this motion provided that retaining trees T24 & T26 did not hinder the development.

Councillor Hammond asked whether the Committee could condition

landscaping the SW boundary with trees to prevent any further development on the site. The Senior Planning Officer reported that landscaping would form part of Reserved Matters but it was not an appropriate way for Committee to deal with possible future development on the site.

The Corporate Services Manager reported that Councillor Lawn could not vote as he had not been present during the application.

RESOLVED:-

That application number 06/18/0545/O be approved as the application is not one that can be assessed without balancing the material considerations carefully. The lack of a 5 year housing land supply and the need to provide housing provides a material reason for approval in favour of the development and, it is assessed on marginal balance, subject to protection of the trees referred to above that the harms identified do not significantly and demonstrably outweigh the benefits of providing housing.

To approve – subject to the conditions to ensure an adequate form of development including those requested by consultees and a one year condition for the submission of reserved matters and a s106 agreement securing Local Authority requirements for Natura 2000 payment and those required by the highway authority to secure any required visibility splay The proposal complies with the aims of Policies CS2, CS3, CS9, CS11 and CS14 of the Great Yarmouth Core Strategy.

The Council Arboricultural Adviser broadly agrees with the Arboricultural Report submitted to support the planning application and assessment of the trees therein but considers that the removal trees T24 and T26 is not acceptable. This is because the trees are considered to be of high amenity value and have been considered to be worthy of a Tree Preservation Order. It is therefore recommended that in considering the principle of development that any approval is subject to the retention of T24 and T26 and subject to the no-dig surfacing conditions as set out in the Arboricultural report.

6 APPLICATION 06-20-0421-F - (LAND REAR OF) 64 BECCLES ROAD, BRADWELL

The Committee received and considered the comprehensive report from the Planning Officer.

The Senior Planning Officer reported that this was a full application for a minor residential development.

The Senior Planning Officer reported that this was a proposal for 4 detached dwellings made up of 2 three-bedroom bungalows and 2 four-bedroom bungalows, each with a single garage and parking spaces. A private drive would provide access from Beccles Road and the drive included a turning

head and passing place.

The Senior Planning Officer reported that Bradwell Parish Council had not responded at the time of writing the report. However, the Parish Council had recommended rejection of the prior application for 5 units considering it to be over-development, with the exit too close to the pedestrian island. It was reasonable to assume the Parish Council maintained its objection at least in respect of the access.

The Senior Planning Officer reported that no letters of objection have been received from local residents which raised concerns which were summarised as follows:-

- Overcrowding of the site.
- Increase in traffic from this development near to intersection with Crab Lane.
- The number of access points close to Crab Lane
- The cumulative impact on traffic taken with other developments in the vicinity
- The need to provide good visibility at the road access, to safeguard cyclists and pedestrians and use by the emergency services.
- Desire to safeguard trees at the site entrance.

The Senior Planning Officer reported that the Tree Officer had identified that three trees were located at the entrance of the site on adjacent property, one of which (the oak) had a Tree

Preservation Order. These were of high amenity value to the surrounding area and should be protected during the development process. The applicant had been working with the Council's Tree Officer to identify the appropriate practice to provide ground protection of the protected tree during the development process, using anti-compaction geo-textile fabric/web to preserve the tree roots and to accommodate the tree roots under the proposed driveway. Works to lift the crown of the tree up to 5m have been discussed. On September 25 2020, strong winds damaged the tree leaving damaged branches hanging over the footway. These have been trimmed back in consultation with the Tree Officer.

The Senior Planning officer reported that the site lies within the Bradwell Development Boundary wherein development will be supported in principle unless material considerations outweigh that principle. In this case those would be matters of amenity, local character and highway safety.

The Senior Planning Officer reported that the proposed dwellings were designed as single storey. They have parking, garages and private gardens. Adjoining properties would not be overlooked. To maintain future privacy of neighbouring property from possible insertion of dormer windows or roof extensions, a condition could be included to remove those permitted development rights without a separate grant of planning permission. There were no significant trees on the site itself and measures could be taken to safeguard a protected tree on an adjoining site.

The Senior Planning Officer reported that the area was a general mix of post war dwellings of single and two stories. The dwellings would be set back from Beccles Road largely screened by existing dwellings on either side. The plots were smaller than some of the neighbouring plots, but this will not be obvious from public vantage points.

The Senior Planning Officer reported that as stated in the consultation response from the County Highways Authority, whilst there were reservations about the scale of the development especially in relation to the location of the access to Crab Lane, they were minded that given the existing level of frontage development and accesses along Beccles Road, there was a reasonable expectation on the part of drivers that traffic would be slowing, stopping and turning into/from accesses etc. Conditions have been recommended to address the siting and design of the access, including the provision and maintenance of sight splays in the interest of maintaining highway safety.

The Senior Planning Officer reported that the application was recommended for approval with conditions as listed on page 68 of the agenda report.

The Chairman reported that no applicant, applicant's agent, objector or Parish Councillor had registered to speak on the application.

The Chairman asked if it was possible to add a condition to protect the trees to stipulate that hand-digging should be undertaken whilst working in close proximity to the trees to protect their root system.

The Chairman also raised concerns that Highways had not sent an officer to address the Committee regarding road safety at this site, as two years ago, an elderly lady was killed whilst trying to cross the road at the nearby junction.

Councillor Williamson proposed that the application be approved with the additional condition of hand digging to protect tree roots. However, this motion was not seconded. The Monitoring officer informed the Committee that they should carry on the debate until another resolution was proposed.

Councillor Wainwright proposed that the application be refused on the grounds of over-development of the site, back-land development and on highway safety grounds. This motion was seconded by Councillor Hammond.

Following a vote, it was RESOLVED:-

That application number 06/20/0421/F be refused as it was felt to be an over-development of a back-land site with associated highways safety issues.

7 ANY OTHER BUSINESS

The Chairman reported that there was no other business being of sufficient urgency to warrant consideration.

The meeting ended at: 18:00

Reference: 06/20/0156/O

Parish: Ormesby St Margaret

Officer: Chris Green

Expiry Date: 30/7/20

Applicant: Mr D Troy

Proposal: Residential development of 33 dwellings comprising 17 detached, 10 semi-detached and 6 affordable houses with access road and area of public open space

Site: Land off Foster Close Ormesby St Margaret.

REPORT

1. Background

- 1.1 This proposal was presented to members in September and deferred for greater clarity about drainage matters and mitigation of impact on protected species. It was further deferred from the meeting on 11 November because public speaking had not been permitted, and because the recommendation had changed to reflect the housing need situation emergent, it was considered that speaking should be permitted.
- 1.2 This land is beyond the development limits for the village but considered relatively well located to goods and services and delivering a significant number of new homes including affordable homes off an access that has sufficient highway capacity. Currently the Council draws very close to being able to demonstrate a five-year housing supply as the existing supply calculation is based on statistics and methodologies nearly five years old and therefore out of date, when compared to national methodology. In addition, other permissions on land in the emergent plan will provide further supply.
- 1.3 The emergent situation carries limited weight at present, but the planning balance is considered to justify a recommendation for refusal now that the recalculation of need is to occur next month, this site is considered however to be comparatively well located.

2. Site and Context

- 2.1 The site is situated to the South of 74 Station Road, Beechcroft, Ormesby St Margaret and the access is through land that was part of its curtilage and which benefits from planning permission for a seven-unit scheme (see history

below). Ormesby is categorised as a larger village where 30% of development is expected to be placed. This is taken off a stub called Foster Close, currently offering access to two dwellings.

- 2.2 This particular site is of 1.89 hectares and has no back history and is farmland of around half shown as grade 1 (the best agricultural land) half as grade 3 land and outside the village "residential boundary", which fringes the site to the north west and south sides.
- 2.3 The land is open scrubby grassland to the centre though google earth shows it cropped until relatively recently. There is a hedgerow to the east side of relatively low extent, with trees to the north, south and much of the west boundaries.
- 2.4 Part of the conservation area touches the site boundary in the south west corner.
- 2.5 It has been confirmed that the carriageway width of Foster Close and Symonds Avenue is 5.5m with footways both sides to Foster Close

3. Proposal

- 3.1 This is an outline application with access being the one matter identified as being for consideration here. The drawings submitted are to be considered as indicative, therefore. That said because of the Affordable homes legal agreement for onsite provision requiring conclusion before issue of approval in outline, the numbers of properties proposed is considered established as part of this application.
- 3.2 Revised indicative proposals show an altered mix, it should be noted that as the outline only established access they indicate only the developer's willingness to adapt the plans:

These are shown arrayed around a looped access.

Open space is shown behind properties on Symonds Ave.

A mix comprising:

- 3 no. 4 bed dwellings,
- 14 no. 3 bed dwellings
- and 16 no. 2 bed dwellings - 8 number of which will be affordable.

A 3-metre landscape buffer zone is shown inside the existing hedgerows to protect them from over pruning.

The applicant recognises swift housing delivery would carry some weight and allay some fears expressed locally about constant applications without development ensuing and offers to accept a shortened timing condition

limiting any outline permission validity to 12 months and thereafter submission of reserved matters and a start on site within the following 12 months.

3.3 Accompanying the proposal are the following documents:

- Planning statement /Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Habitat Regulations Assessment
- Indicative plans and elevations
- Preliminary Ecological Assessment, received 27.7.20
- It has been confirmed by the County that a Transport Statement is not needed now that details of junction geometry have been provided.

4. Relevant Planning History

4.1 To the immediate north there is a considerable history of policy compliant development of the land south of Station Road. To the immediate north of this site seven dwellings were permitted by application reference 06/17/0028/O. This land is shown as within the development limits, being gardens to 74 Station Road. This application (17/0028) was submitted by the same applicant as for the current application. This scheme is on land that features the pond referred to by some commentators. Additional information from the applicant confirms the pond is to be retained, without disturbance within one of the curtilages of the approved scheme.

4.2 The site will be surrounded on three sides by residential development

4.3 Four dwellings and a barn conversion were permitted in 2017 on land to the west on Dairy Farm 06/17/0238/F. This land is within the village conservation area but not shown as within the residential envelope.

4.4 This land had been put forward as an allocation in the emergent (part 2) of the local plan but rejected in favour of two other sites to the west side of the village. This land is Grade 1 agricultural land whereas the other two sites allocated in the emergent plan OT1 and OT2 are shown as being either Grade 2 (OT1) or ungraded.

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

5.1 The parish council for **Ormesby St Margaret** has objected:

- Overdevelopment
- Loss of habitat
- Loss of agricultural land
- Serious concerns regarding access, highways issues and road safety

- Vehicles needed to deliver aggregates and materials to the proposal would not be able to access Foster Close as the roads are very narrow. Station Road is a metre narrower than the surrounding streets and the Parish Council considers the development could not be built with the current surrounding roads.
- 5.2** Neighbours and residents of the village have objected, on the following summarised points:
- The new development will add 31% additional properties to the estate via the Station Road junction. This is excessive at school run and morning commute.
 - There will be cumulative impact from other major new developments locally.
 - The pandemic prevents the proper operation of democracy and there has been no attempt by the developer to seek the community's views before application.
 - The proposal is premature as no neighbourhood plan is yet in place.
 - There has been failure to properly consult all neighbours.
 - This will impact adversely on existing services.
 - Foster Close is narrow with residents' driveways both sides which have gradients down to the carriageway making them dangerous.
 - Other nearby recent permissions when built will create flooding risk to other properties in Yarmouth Road when taken in concert with this proposal notwithstanding the approval of the Local Lead Flood Authority
- 5.3 Consultations – External**
- Norfolk County Council**
- 5.4 Highways** – No objection subject to conditions that before commencement detailed plans of the roads, footways, foul and surface water drainage have been submitted and approved by the Local Planning Authority and before occupation said works completed to accord to the approved scheme; that before occupation the road(s) and footway(s) shall be constructed to binder course level and that details of parking for construction workers shall be agreed and implemented.
- 5.5 Rights of Way Officer** – no comment
- 5.6 Historic Environment Service** – No objection subject to the three archaeology conditions being applied. There are ploughed out bronze age barrows in the vicinity and medieval field patterns.
- 5.7 Local Lead Flood Authority:** The Local Lead Flood Authority provided feedback on further technical information supplied by the agent with regard to sustainable drainage design removed their objection on the basis that the developed run off rate is proposed as below the undeveloped run off.
- 5.8 Norfolk County Council Minerals Planning** team require a condition to establish resources that might be lost for extraction by development of this land and to allow mitigation of the impact and on-site use where appropriate.
- 5.9 Norfolk Fire and Rescue.** No objection and standard comments regarding provision for firefighting to accord with the Building Regulations.

- 5.10 Norfolk Police:** No objection, but disappointment that the D and A statement does not offer some insight into designing out crime at outline stage.
- 5.11 Norfolk Environment Team.** A Preliminary Environmental Assessment PEA has been produced, received 27/7/20 and a consultation response received from the County Ecologist. A moderate population of Great Crested Newts were found in an offsite pond within 250m of the site when surveyed in May 2017 and there are other ponds within the zone of influence (250m). Application could be made to enhance other suitable habitat off site in mitigation under the new District Level Licence scheme, but the application cannot be determined as an approval without the appropriate certificate.
- 5.12 Norfolk CC Infrastructure:** A contribution of approximately £70k was initially requested for primary school education, however the updated request of 16 October 2020 does not require education contribution, £2475 is requested as contribution to library services through the section 106 agreement.
- 5.13 Broads Drainage Board –** The inland drainage Board do not object to the run-off to the ditch as it is demonstrated as below the current undeveloped rate.
- 5.14 Natural England –** No objection subject to RAMS mitigation payments. Some comments are also offered on the District Level Licencing scheme for Great Crested Newts

Consultation - Internal GYBC

- 5.15 Head of Housing:** As the property is in the Rural North submarket area, the site is required to provide a 20% affordable housing contribution, totalling 7 units, the application identifies 6. The GYBC tenure split, as detailed in our viability study, is 90% Affordable Rent Tenure and 10% Affordable Home Ownership. The site for 7 is in the same ownership 20% of 40 units is 8 affordable homes so any section 106 agreement should make this provision or justify otherwise.
- 5.16** The properties identified for affordable housing are all 3 bed, discussion is welcome on the size of the affordable properties to better meet the housing need in the area. The current housing need information for this location shows requirements for; 8% 1 bed, 29% 2 bed, 25% 3 bed, 30% 4 bed, 6% 5 bed, 1% 6 bed, 1% 7 bed
- 5.17 Environmental Health – (contaminated land, noise, air quality)**
No objections: A full suite of conditions requiring contaminated land matters to be investigated and mitigated is needed as no information has been provided. Construction work period should be restricted to protect adjacent residents and air quality maintained during construction works.

6. Assessment of Planning Considerations: Policy Considerations:

National policy

- 6.1** Paragraph 47 of the National Planning Policy Framework states: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2** At present the Council is unable to demonstrate a 5-year supply of deliverable housing sites. Paragraph 11(d) of the NPPF, the lack of five-year supply should weigh heavily in favour of the application unless any adverse impacts of doing so would significantly and demonstrably outweigh benefits when assessed against the policies in the Framework taken as a whole.

Local Policy Adopted Core Strategy

- 6.3** Great Yarmouth Borough adopted Local Plan Policy CS1 - "Focusing on a sustainable future" seeks to create sustainable communities where growth is of a scale and in a location that complements the character and supports the function of individual settlements. This is a (small scale) major development on unallocated land.
- 6.4** The number of objections and the lack of community involvement that is implicit where a site has not been allocated as part of the planning process challenges the community's aspirations.
- 6.5** There is little long-term economic benefit associated with the proposal. Affordable housing, self-build and adaptable homes would be delivered along with public open space, by section 106 agreement
- 6.6** This site is 750m from the North Road convenience store, with the larger allocation OT1 being better placed to access this. The other allocated site OT2 is 400m from the convenience store. The proposal site is a little nearer the Spar shop associated with the filling station at approximately 550m, which appears to offer similar retail floor area albeit shared with the filling station function.
- 6.7** Policy CS3 - Addressing the borough's housing need dates to adoption in 2015. The housing requirement derives from the Core Strategy which the Council considers to be out-of-date as it will be five years old in December 2020 and the emerging Local Plan reflects this at policy UCS3. This emergent policy reduces predicted need from 7,140 to 5,303, the supporting text lays out what has been achieved to date and where delivery is likely to be provided and on that basis, there is considered to be a buffered five year supply available. A number of larger sites are at an advanced stage of planning will delivery supply in accordance with the revised yearly delivery rates.

- 6.8** The need will be reassessed in accordance with NPPF paragraph 73 which requires the five-year supply to be assessed on the basis of the local housing need calculated using the national standard methodology set out in the NPPF. Under this the housing requirement for the five-year supply is 2,142 as opposed to 3,367. The April 2019 Five Year Supply indicates a supply of 2,302 homes over the five-year period. Therefore, against the local housing need figure the Council will have a five-year supply. This however will be the situation predicted to exist in December of this year rather than now, although one should note that it is considered the nearer this date approaches the greater weight should be accorded.
- 6.9** Policy CS4 - Delivering affordable housing requires 20% of housing on this site be provided as affordable, for 33 dwellings this requires 6.6 dwellings to be provided rather than the six as submitted. This normally requires on site delivery and rounding up. Given that the earlier permission for 7 by the same applicant has not been built out it is reasonable to also consider that for forty dwellings in aggregate the affordable contribution should be eight dwellings. Emergent policy H2 formalises this principle by requiring the consideration of cumulative site numbers on affordable housing requirements. The shortfall is not a refusal reason however as subject to the whole proposal being acceptable this matter can be negotiated as part of the section 106 agreement before the decision is issued.
- 6.10** Policy CS9 - "Encouraging well-designed, distinctive places": As this is a back-land greenfield site with limited opportunity for linkages being on isolated farmland where other property in the vicinity has continuous plots with no points of access other than through the former garden site accessed off Foster Close, there are little by way of contextual constraints to inform design and create "local identity". The layout shown in indicative form has some formality of layout around the central area. This might deliver a degree of distinctiveness within the scheme. This matter would if the scheme in other regards was acceptable be further addressed at reserved matters stage as would other matters such as the lighting and conservation and enhancement of biodiversity, and landscape features
- 6.11** The site is adjacent a conservation area to the south east of the site. Policy CS10 of the Core Strategy seeks the conservation of the Borough's heritage assets and their settings. With the proposal in such close proximity to the conservation area its visual impact should be carefully considered in relation to design, scale and massing and potential impacts mitigated.
- 6.12** Policies CS6 and CS12 - Utilising natural resources along with encouraging sustainable drainage and micro generation of renewables also require the minimising of the loss of the best and most versatile agricultural land by ensuring that development on such land is only permitted if it can be demonstrated that there is an overriding sustainability benefit from the development and there are no realistic opportunities for accommodating the development elsewhere. The site is defined as being partly grade 1 agricultural land and partly grade 3 agricultural land.

- 6.13** The applicant notes that the land was used as the Village cricket field between the 1950s and 60s and has not been used other than for hay production since purchase by the applicant in 2002. It is accepted that this change in land quality will reflect to some extent the reason why Ormesby Village was built where it was on less productive land. Given this split lesser weight should be given to the agricultural designation and the proposal should not be refused on this ground.
- 6.14** Saved policy REC8 "Provision of recreational, amenity and play space" requires all schemes with over 20 children's bed-spaces to provide recreational and amenity space or play space, in proportion to the scheme, while this does not define the contribution the emergent policy H4 below does.

The Emergent Local Plan

Emerging policies of relevance include:

- 6.15** Policy GSP1 - Development Limits - the site is outside of the proposed development limits and therefore contrary to the emerging policy - however, see above comment about weight given that objections have already been made to this policy.
- 6.16** Policy A2 - Housing design principles, has limited import as this outline proposal features indicative plans.
- 6.17** Policy H2: Delivering affordable housing on phased or cumulative developments, as there is an adjacent permitted but undeveloped site in the same ownership adjacent (and within settlement limits) aggregation is required in calculating affordable home delivery. This policy has not been contested at examination and carries considerable weight.
- 6.18** Policy H3 - sets a minimum housing density of 30 dwellings per hectare - the proposal is 18 dwellings per hectare taking into account open space. However, the density will be higher if Policy H4 is taken into account.
- 6.19** Policy H4 - Open Space provision - this policy would require 3400sqm of open space on the site. This would result in a higher density of development on the portion not allocated as open space.
- 6.20** Policy E4 - Trees and Landscape - requires retention of trees and hedgerows.
- 6.21** Policy E7 - Water conservation - requires new dwellings to meet a higher water efficiency standard, than prescribed in Building Regulations
- 6.22** Given that if this outline application was to be approved then the required subsequent reserved matters application would at the very earliest be determined in November many of these policy concerns in the emergent plan are considered to carry greater weight.

7. Local Finance Considerations:

- 7.1** Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus or the Community Infrastructure Levy. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
- 7.2** It is assessed that the provision of affordable housing, contributions towards impacted local infrastructure of £70,323 for primary education, £843 for fire hydrant installation and £2475 for library provision is required by way of agreement under section 106 of the planning act and furthermore that the final layout makes consideration of green infrastructure such as walking routes. These provisions will render the impacts of the development upon the services locally will be sufficiently mitigated for the purposes of planning. financial gain does not play a part in the recommendation for the determination of this application.

8. Shadow Habitats Regulation Assessment

- 8.1** The applicant has submitted a bespoke Shadow Habitat Regulations Assessment (HRA). It is confirmed that the shadow HRA submitted by the applicant has been assessed as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.
- 8.2** The report rules out direct effects in isolation; but accepts that in-combination likely significant effects cannot be ruled out from increased recreational disturbance on the Broads SPA and recreational access (and potential for disturbance) is extremely limited. An Appropriate Assessment (AA) has been carried out. The AA considers that there is the potential to increase recreational pressures on the Broads SPA, but this is in-combination with other projects and can be adequately mitigated by a contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per six non-dwelling bed-spaces) to ensure that there will be no adverse effects on the integrity of the internationally protected habitat sites.
- 8.3** The Borough Council as competent authority agrees with the conclusions of this assessment. To meet the mitigation requirements, it is recommended that the appropriate contribution is secured by either S.111 or S.106 agreement.

9. Concluding Assessment

- 9.1** Some greater weight is given to the emergent policy because of the relative age of the housing supply calculations and the emergent reduction in need, however the housing need adjustments are being opposed in consultation and therefore will require the Inspector's scrutiny before accorded full weight, however the approval of other sites within the part 2 local plan allocations do already have effective full weight, in providing deliverable sites.
- 9.2** The proposal site is at the edge of the settlement and density is therefore appropriately low for the site, and the dwellings offered are larger homes with no two- or one-bedroom types so land use cannot be characterised as "efficient" as required by the policy. This is an outline application however and so while the number of dwellings is cited in the application as an upper figure proposed as allowed, the numbers will be established along with design and layout including publicly accessible open space at "reserved matters".
- 9.3** No self builds are proposed on this site and there is no detail to indicate that any specialist housing provision, is to be provided. These matters could be addressed during section 106 negotiations and while adaptable home details are not provided in this outline application this might readily be achievable later in the reserved matter process.
- 9.4** The Landscape Character Assessment identifies the site as being within the Ormesby and Filby Settled Farmland character area. The character assessment identifies Ormesby St Margaret as a nucleated settlement. It identifies the boundary hedgerows as important features which indicate enclosure and indicate the landscape pattern, these features are important to the settlement and the character of Ormesby St Margaret should remain, this can be secured at reserved matters stage.
- 9.5** The site has development on three sides and therefore is contained within the landscape, especially given the boundary hedge. It is considered there is no conflict with Policy CS11. Importantly the containment of the site within other enclosing development does help to prevent settlement coalescence as being a harmful outcome.
- 9.6** The design of development on this east boundary will need to reflect the edge of settlement context when reserved matters stage follows, in line with the recommendations of G3.22 of the Landscape Character Assessment.
- 9.7** An ecology Preliminary Environmental Assessment (PEA) has been produced and submitted. Norfolk Ecology has responded. There are 7 ponds or water features within 250m of the site that either provide habitat for or support great crested newt populations, however central government has introduced measures recently to prevent the presence of newts from delaying development under the District Level Licence scheme. This requires developers to pay for offsite improvement to habitat suitable for newts rather than protecting individual populations. The former method of survey, fencing and translocation remains in force too, but the essence of the new legislation is that with an appropriate Certificate from Natural England applications should not be refused on grounds of the presence of Great Crested Newts. At

present no such certificate has been provided, because the certificate that has been submitted has not been counter signed by Natural England, and if one is not present at the time of determination, then either the application cannot be determined positively, at that time (though a resolution subject to, could be made), or this should form part of the refusal reason.

- 9.8** The housing team have been critical that the mix is all three bedroom development, and while the numbers are fixed by the need to agree a section 106 for affordable housing contribution at outline planning stage, this could be addressed by variations to the indicative plans at reserved matters and in any case the provision of substantial open space and a more mixed offer of property size will be necessarily negotiated as part of the reserved matters stage. This too will be able to address the need to reduce scale towards the country edge of the site to create a softened urban edge.
- 9.9** Further to this as the land to the north with the approval for seven units is as yet unbuilt and in the same ownership, for the purposes of determining affordable housing contribution this falls within emergent policy H2 – “Affordable housing on phased or cumulative developments” as this policy has not been commented on at consultation it carries very considerable weight in advance of formal adoption of the emergent plan, this matter however is subject to negotiation as part of the section 106 agreement. This however needs to reflect the combined development of 40 homes rather than 33 on this specific site and deliver 8 affordable units. If this is not secured a section 106 will not be signed and the application would have to remain undetermined, any appeal made against non-determination would then reference policy H2, but this is not a matter that would inform the recommendation in this report other than to direct how the section 106 should be framed in making recommendation at this time.
- 9.10** Access and highways: The drawing reference 20/230/04 shows vision splays of 2.4 x 67m westerly and 2.4 x 60m easterly at the Symonds Avenue to Station Road junction and 2.4 x 65m in both directions at the Symonds Avenue to Foster Close junction, this is sufficient for the County Council to make no objection with regard to the suitability of the access, the one matter identified as being for consideration at outline stage, in this regard. The County had raised an issue of continuous footway access to the village along Station Road, however this is now available as recent pavement works have been conducted and in addition there is a further off-road route. It has been confirmed that the width of the access at 5.5m carriageway width with footpaths to both sides is the same dimensions as Symonds Avenue.
- 9.11** The applicant has approached the landowners of the field to the east and a haul road for construction purposes can be negotiated on a temporary basis across this land to allay some of the objections made on this matter. While this offer is not presently certain and a recent suggestion to put a haul road through the grounds of “Beechcroft” is not considered useful, members could reasonably resolve if minded to overturn the recommendation, to resolve to approve subject to the haul road through the field being effected. The applicant to that end has also suggested that a pre-commencement condition

for a Construction Management Plan including the haul road and other measures to be agreed, would be accepted by them.

- 9.12** Since deferral a large number of further objection letters have been received. One point made by correspondents was that while the Local Lead Flood Authority have agreed that this site will have a run off rate below the Greenfield (undeveloped) rate, and this is acceptable to the LLFA, they are concerned that other smaller scale development that does not have sustainable drainage provision as a result of small scale, will cause increased harm to them. While this will be true once those properties are built, the LLFA has confirmed that the requirements of Sustainable drainage are met. Logically, if this development does not go ahead, water will continue to run off the field as it does now and so the addition of other impermeable area in the vicinity will not be addressed in terms of impact. The applicant's flood engineer has also confirmed that notwithstanding the foregoing, he has conducted sustainable drainage for the Dairy Farm site in line with building regulation principles.
- 9.13** Housing delivery in the context of Covid 19: It is considered that Covid 19 may impact on the delivery of housing, however any impacts have yet to be realised. The Government has taken various steps such as extending commencement dates for planning permissions. In the context of the responses to submissions made to the Part 2 Local Plan at Public Examination, the planning team responded that "The Borough Council will also play a role in supporting housebuilders to ensure that its housing targets are met. In any case changes to housing targets and land availability on the plan are unlikely to mitigate any effect. No change required". (to the local plan part 2). It is noted that housing transactions and building construction operations are sectors less impacted by the lockdown. Officers consider it is too early to lend weight to impacts from the Coronavirus.
- 9.14** The applicant considers it unfair that the recommendation has changed because the housing supply figures only become out of date next month, as can be seen from the foregoing report, officers consider that the weight to be accorded increases and it is a matter of planning balance rather than that the matter resolves as a switch being operated. This scheme was delayed because the issue of Newts arose during the process and the timing of the government's introduction of District Level Licencing did not enable a positive decision anyway until that scheme was announced and details provide. In a shifting policy landscape, decisions have to reflect the circumstances at the time when made.

10. Conclusion

- 10.1** The site offers a contribution to housing supply and is relatively well located in relation to the pattern of the settlement, albeit accessed in a slightly convoluted manner, through other land with existing permission for development in this applicant's ownership.

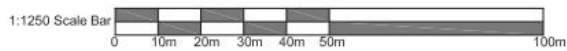
- 10.2** The predicted housing land supply and objectively assessed need provides increasing weight against the proposal in and the current objectively assessed need carries diminished weight given the imminence of the recalculation of need, on balance now suggesting the proposal should be refused. This is a fine balance in this case and the recommendation was changed to reflect those being made elsewhere at the last committee to show consistency.

11. RECOMMENDATION: -

- 11.1** Refuse as contrary to the development plan and not required by virtue of diminished housing need underpinned by the national method of calculation.

Background Papers 06/20/0156/O

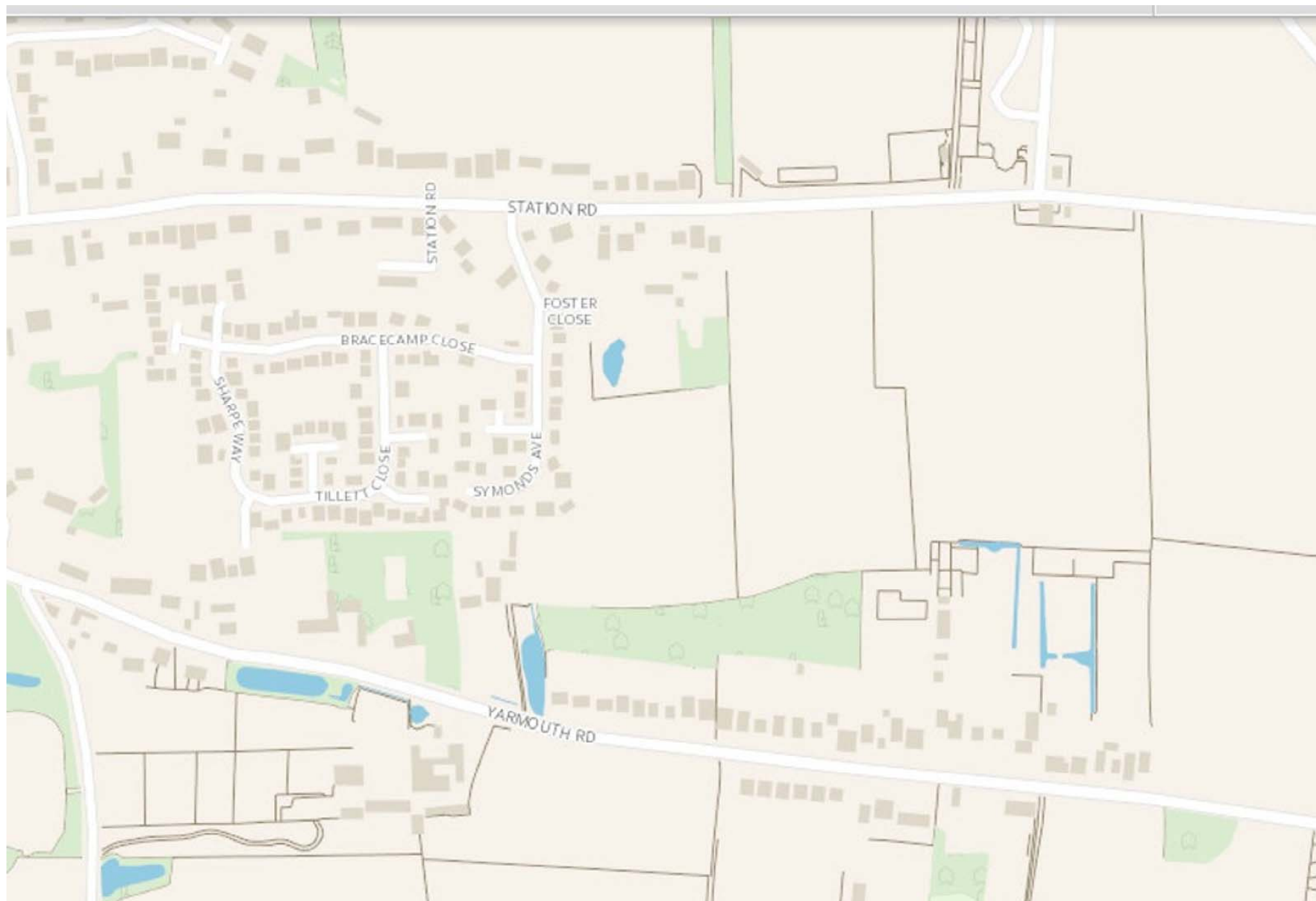
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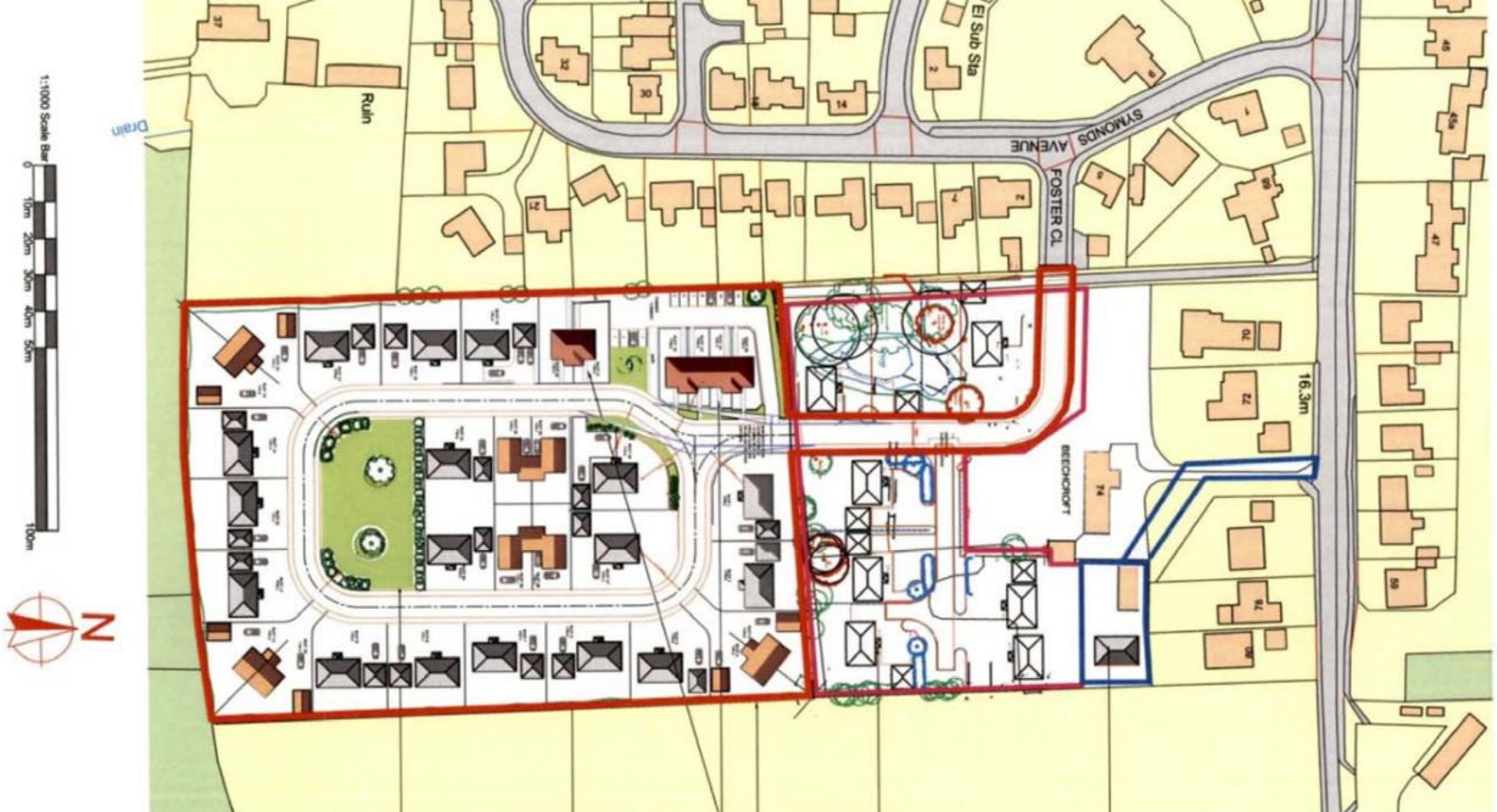


Site Plan 1:1250

Project		Info		Local Authority		GYBC		Date Apprvd	
Proposed Residential Development on land south of Beechcroft, Station Road, Ormesby St Margaret, NR29 3NH		Planning Ref		18/230		01			
Title		Client		Date		Job No.		Dwg No.	
Location Plan		Mr D Troy		Sept 2018		18/230		01	
				Scale					
				1:1250					
				Drawn By		GH			

Middleton & George Ltd
Architectural & Building Consultants
Fastolff House
30 Regent Street
Gt Yarmouth NR30 1RR
Tel: (01493) 659245
e.mail: middletonandgeorge@gmail.com





PLANNING APPROVAL FOR SINGLE DETACHED DWELLING WITH SHARED ACCESS FROM STATION ROAD.
 NOT PART OF THIS APPLICATION.
 PLANNING REF: 06/1703440
 06/1904810

PLANNING APPROVAL FOR TWO DETACHED DWELLINGS ACCESSED BY EXTENSION TO FOSTER CLOSE.
 NOT PART OF THIS APPLICATION
 OUTLINED IN MAGENTA
 PLANNING REF: 06/1904810

APPLICATION SITE OUTLINED IN RED
 COMPRISING 33 DWELLINGS
 & NO AFFORDABLE HOMES
 WITH PARKING
 TWO DETACHED DWELLINGS
 TWO SEMI DETACHED DWELLINGS

BOUNDARY HEDGES / TREES RETAINED

OPEN SPACE 1200 M2



1:1000 Scale Bar
 0 10m 20m 30m 40m 50m 100m

CONSTRUCTION (Design and Management) Regulations 2015
 It has been presumed that the Designer/Client as outlined in the above regulations (CDM Regulations) have either been taken on by the Client or his chosen contractor.

This means that the person who prepared the detailed drawings for the proposed works has NOT been deemed to have been appointed as a Designer (including a principal designer) and the drawings is not intended to be used for construction or design as set out in Regulations 9 & 10 of the above regulations.

Contractor to note that the proposal shown in the drawing is notifiable under CDM 2015.

Note that Undercontractor is warned that work is at his risk until such time as the project has the benefit of Planning, Building Control and HSE approval as necessary

Contributors to note that Davidson Works may require a Planning Application for the proposed works and the application is not intended to be used for construction or design as set out in Regulations 9 & 10 of the above regulations.

Plur to any redevelopment or demolition works being carried out the contractor must arrange for a Redevelopment Demolition Survey to be carried out by specialist Redacted Structures. Any addresses containing material removed must be reported to a Local Authority Planning and a Historic Wales Commission Note provided.

PARTY WALLS, ACT

The Party Wall Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near to neighbouring buildings.

A building owner proposing to start work covered by the Act must give the adjoining owner notice of the proposed works in the form set out in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes. The Act is separate from obtaining planning permission or building regulation approval.

CONTRACTORS MUST check dimensions on site.

Only figured dimensions are to be worked from.
 Any discrepancies MUST be reported to Middleton & George Ltd BEFORE proceeding. If in doubt ASK.

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PRELIMINARY SUBJECT TO SURVEY

Revision	Date	Drawn By
A	July 2020	GH
Access Road from Foster Close (red line) (Dimensions included for Access Road and Boundary)		

Middleton & George Ltd
 Architectural & Building Consultants
 Fawcett House
 30 Regent Street
 Gt Tormahall NR10 1BR
 Tel: (01491) 659545
 e-mail: middletonandgeorge@gmail.com

Issued For	Consent	Approval	Tracked	Consent
Approved	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tracked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Client	Mr D TROY
Project	Proposed Residential Development on land south of Beechcroft, Station Road/Cromarty St Margaret, NR29 2NH
Title	FEASIBILITY

Issue	Issued Authority	DTM	Date Approved
Planning Ref			
Building Control Ref			
Date	March 2020	Job No.	Draw No.
Scale	1:1000	20/230	02
Drawn By	GH		A

Reference: 06/20/0020/F

Parish: Great Yarmouth

Officer: Gordon Sutherland

Expiry Date: 14-10-20

Applicant: Mrs K Rokach

Proposal: Redevelopment of site to create 28 self-contained flats

Site: Land adjacent Raynscourt Lodge, 16 Euston Road, Great Yarmouth

REPORT

1. Background

- 1.1 This is a full planning application for a major residential development.

2. Site and Context

- 2.1 This site is a piece of land 0.2 acres adjoining Raynscourt Lodge on the corner Euston Road and Marine Parade off the seafront in Great Yarmouth town centre. Currently used as car parking (25 spaces), the land was formerly the Raynscourt Hotel which was demolished in 2016. It is located in the Seafront Conservation Area designated by the local authority on 10th October, 2003. To the west is the Raynscourt Lodge Bed and Breakfast, to the north Marine Lodge Hotel, residential apartments and the Novaturient Independent School. To the southwest is a terrace of houses and to the east is the former Aquarium now a cinema and nightclub.

3. Proposal

- 3.1 The proposal is for the erection of 28 flats in a four and five storey building with underground parking. The building is an “L” shape turning the corner with frontages on Euston Road and Marine Parade. The layout shows 26 two bed units and 2 three bed units. 6 car spaces are shown adjoining Euston Road and 10 spaces in a basement beneath the building. Access to the underground parking would be from the south with one-way direction exiting onto Euston Road. The building is primarily 4 floors above ground, the upper floor within the roof and rises to 5 stories in the form of a tower at the corner of the two roads. There are projecting balconies proposed on the second and third floors of the tower and recessed balconies on the fourth and fifth floors. The proposed materials are red face brickwork with white mortar, stone style cills, lintels and quoins with concrete interlocking tiles on the upper section of the roof with slate to the mansard lower sections and white PVC-u sash style

windows. Dwarf brick walls are proposed along the road frontages topped with a steel bar and post rail.

4. Relevant Planning History

- 4.1** In November 2015 Conservation Area Consent was granted for the demolition of the Raynscourt Hotel 06/15/0521/CC and in March 2016 planning permission for a change of use of the land for car parking was granted 06/15/0764/CU.

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

- 5.1** At the time of writing two letters of objection has been received with concerns summarised as follows:

- Overdevelopment of the site.
- Prominent position at gateway to seafront,
- Proposal detrimental to character of the Conservation Area
- No green space or trees
- Inadequate parking proposed
- Site is well used for parking
- Contrary to 2001 Local Plan Policy TR12 (Changes of Use in Secondary Holiday Accommodation Area): out of character with neighbouring buildings as building too big; waste facilities look inadequate; and inadequate parking
- Area subject to flooding

Consultations – External

Norfolk County Council

- 5.2 Fire and Rescue.** No objection provided the proposal is constructed in accordance with the Building Regulations
- 5.3 Highways** –No objection to the principle of development however, the proposed parking (16 spaces) is less than minimum standards of 2 spaces per unit (56 total). The underground spaces are constrained and considers it would not be possible to manoeuvre in or out of some of them. The spaces proposed directly off Euston Road given their proximity to the junction with Marine Parade could give rise to conditions detrimental to highway safety. It is considered residents would have motor vehicles and add to existing pressure for on street parking accepting that because public transport is available that demand may be lower. The proposal does not make any provision to encourage sustainable modes of transport for local journeys, such as secure cycle parking. The consultation response concludes a recommendation of refusal on highway grounds could not be sustained for lack of parking alone. Highways recommend amendment of the proposals to remove the parking fronting Euston Road in its entirety and to provide secure parking for 35 cycles in accordance with current standards.

- 5.4 Archaeology** – Advises that this is the location of the ‘Town Battery’ built in 1781 during the American War of Independence, along with earlier fortifications from the 16th century. Therefore there is the potential of buried archaeological remains on the site which would be affected by the development. If permission is granted a condition is recommended for site investigation analysis and recording in accordance with an approved programme of works.
- 5.5 Ecology** – The Natural Environment Team at Norfolk County Council advise that the site lies in the Orange Habitat Impact Zone and will require a shadow Habitat Regulations Assessment to be submitted in support of the application, in accordance with the Monitoring and Mitigation Strategy, to address potential negative impacts on European designated sites (Natura 2000 sites) caused by increased visitor pressure resulting from new development. As the development is for more than 10 dwellings a bespoke HRA would be required. At time of writing this report no HRA has been received.
- 5.6 Flood** - Norfolk County Council as Lead Local Flood Authority object to the application in the absence of an acceptable Flood Risk Assessment and Drainage Strategy. This must be produced in accordance with , but not limited to the following: National Planning Policy Framework; Lead Local Flood Authority Consultee for Planning Guidance (March 2019); the SuDS Manual (CIRIA C753) and recommend Table 2 of the LLFA Statutory Consultee for Planning Guidance (March 2019) is reviewed to see the requirements of the LLFA for a full planning application.
- 5.7 Infrastructure Requirements-** No education contribution at this time as there is sufficient spare capacity within schools. A contribution of £2,100 (£75 per dwelling) for stock to increase the capacity of the library. Green infrastructure £200 per dwelling for mitigation and improvement works to the Norfolk Coast Path and Angles way long-distance trails both of within close-proximity to this development so likely to receive increased usage.
- 5.8 Environment Agency** The site is located partly within Zone 3a as such having a high probability of coastal flooding. The Flood Risk Assessment submitted shows the ground floor apartments would flood internally by 1.22m in a 1 in 200year event and would therefore be unsafe for occupants. To overcome this objection, finished first floor levels would need to be raised to 5.27m above datum. That is, the first-floor level would have to be 1.52m higher than proposed (1.22m +0.3m freeboard).
- 5.9 Water Management Alliance-** no comment
- 5.10 Norfolk Constabulary – Designing out Crime** – Provides the following design advice for consideration by the developer: mail delivery via secure external letter box, use of waste containers with lockable lids, use of a visitor door entry system and access control system, door-sets allowing emergency egress from the underground car park.

- 5.11 Historic England.** Do not object to the principle of development but considers the current proposal would result in harm to the historic significance of the Conservation Area, by means of the scale, bulk, form and detailing of the proposed building.
- 5.12** The site lies in the Seafront Conservation Area which includes the winter Gardens, Britannia Pier and Royal Aquarium. The areas significance is largely in the Victorian and early Edwardian seaside leisure and residential buildings. Standing at a prominent corner of Euston Road and Marine Parade; along Euston Road are a series of Victorian and Edwardian villas and larger residential buildings often detached and set in their own gardens, with elegant architectural details such as Italianate towers and turrets. This contrasts with Marine Parade where adjacent the site is a row of three storey terraced houses. To the east is the flank of the former Royal Aquarium, an impressive large building with a decorated frontage design to be the focal point of the street. Though much changed the Aquarium is part of a group of a nationally important collection of buildings from the leisure industry of the period.
- 5.13** Developing the site could have an effect on this historic significance. In this case the concern regards the proposals scale and height. "The proposed building would match the height of the adjacent terrace on Euston Road but rise up to five storeys at the corner, which is taller than other buildings in either Marine Parade or Euston Road. This would mean that the proposed building could be seen above the Royal Aquarium in views from North Drive and form an imposing feature within the surrounding streets. This taller element is clearly intended to punctuate the two roads and form a 'corner turner' with its chamfered face. However, it is not an elegant bay making the joining of the two street facades, but a heavy, bulky block with a somewhat squat and inelegant form. The three-storey section takes its cue from the height the Victorian terrace, but the façade is crammed with fenestration due to the floor to ceiling heights and the large number of small units it accommodates. The roof windows show that a fourth storey has in fact been added and further serve to make the street façade cluttered. It other than its height does not reflect the character of the adjacent terrace".
- 5.14** Historic England recommend that as per paragraph 189 of the National Planning Policy Framework the applicants provide a Heritage Statement which would allow the proposal to be assessed against the historic significance of its context and would inform the design of any new development. "A smaller number of town houses could achieve an elevation which is better balance and reflects the adjacent building better and the corner element does not need to be the kind of squat tower-like form but something smaller and more restrained. Overall, the bulk and busy elevation treatment need considerable work if the building is to enhance rather than harm the conservation area"

Consultation - Internal GYBC

- 5.15** Environmental Services – Has reviewed the flood risk assessment and is content that appropriate risks are identified, and mitigation recommended.

- 5.16** Affordable Housing – The site is within the town centre and over the threshold of 15 units. Therefore a 10% contribution is required equating to 3 units. If planning permission is granted it should be subject to the completion of a section 106 agreement to secure the community infrastructure outlined in this report.
- 5.17** Conservation - The site is located within the Great Yarmouth Seafront Conservation Area in close proximity to other designated and non-designated heritage assets of Victorian and early Edwardian origin. The site is adjacent the Arc cinema (also known as the Aquarium), constructed in 1875, one of the seafronts most significant landmarks. It adjoins a Victorian terrace to the south. The consultation response states that the plan, form and overall massing do not follow the outlines dictated by the surrounding built environment and would negatively affect the special character of the Conservation Area as well as the setting of neighbouring heritage assets. The incongruous size and scale of the proposal is not mitigated by the variations in the elevations, design approach and details. It is believed that the development could detrimentally harm the character and appearance of the Conservation Area.
- 5.18** A design statement has not been submitted as part of the application. It is recommended that Historic England is consulted prior to making a decision on the application. Development in principle is accepted, however, in this case it is considered that any development in this location must complement, enhance and support the character and appearance of the conservation area and champion good design on this prominent. Further that the building should contribute to the quality of the roofscape and skyline. Proposals should contribute to local distinctiveness, and not dominate in scale and mass. A design statement should be provided to communicate the concept of the design solution demonstrating how it fits within the historic environment.
- 5.19** Environmental Health. The site is formerly the location of munitions and guns of the historic 'Town Battery' so associated risks should be considered in a contamination report. A Phase 1 Desktop contamination report and depending on the findings a Phase 2 intrusive report should be submitted to the local planning authority prior to the determination of the application.

6. Assessment of Planning Considerations: Policy Considerations:

National policy

- 6.1** Paragraph 47 of National Planning policy Framework (NPPF) states: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 6.2** At present the Council is unable to demonstrate a 5-year supply of deliverable housing sites. Paragraph 11(d) of the NPPF, the lack of five-year supply should weigh heavily in favour of the application unless any adverse impacts of doing so would significantly and demonstrably outweigh benefits when assessed against the policies in the Framework taken as a whole. The NPPF also states in paragraphs 7 and 8 that enhancement of the historic environment is an overarching objective, paragraphs 193 and 194 state that great weight should be given to the conservation of conservation areas irrespective of the level of harm caused. In this case it is considered that the proposed development would have an adverse impact on the character and appearance of the Seafront Conservation Area, would cause traffic conflict to the detriment of the amenity of local residents and visitors and the ground floor accommodation would be at an unnecessary risk from flooding.

Local Policy Adopted Core Strategy 2013-2030

- 6.3** Great Yarmouth Borough adopted Local Plan Policy CS1 - "Focusing on a sustainable future" seeks to create sustainable communities where growth is of a scale and in a location that complements the character and supports the function of individual settlements. This is a major development within an established settlement. Great Yarmouth is defined as a Main Town where 35% of new borough wide development is anticipated to be provided in the development plan period to 2030.
- 6.4** As a Main Town, Great Yarmouth is identified in the Core Strategy as a settlement with a wide range of services and opportunities for employment, retail and education. It serves a wider catchment area with high levels of accessibility and public transport provision. In this case the site is located off the sea front adjacent to the town centre having a full range of shops and services.
- 6.5** Policy CS3 - Addressing the borough's housing need states in subparagraph g) that the Council and partners will seek to promote design-led housing developments with layouts and densities that appropriately reflect the characteristics of the site and surrounding areas and make efficient use of land, in accordance with policy CS9 and CS12 (Utilising Natural Resources).
- 6.6** Policy CS9 Encouraging well-designed, distinctive places
- High quality, distinctive places are an essential part in attracting and retaining residents, businesses, visitors and developers. As such, the Council will ensure that all new developments within the borough:
- a) Respond to, and draw inspiration from the surrounding area's distinctive natural, built and historic characteristics, such as scale, form, massing and materials, to ensure that the full potential of the development site is realised; making efficient use of land and reinforcing the local identity

- b) Consider incorporating key features, such as landmark buildings, green infrastructure and public art, which relate to the historical, ecological or geological interest of a site and further enhance local character
- c) Promote positive relationships between existing and proposed buildings, streets and well-lit spaces, thus creating safe, attractive, functional places with active frontages that limit the opportunities for crime
- d) Provide safe access and convenient routes for pedestrians, cyclists, public transport users and disabled people, maintaining high levels of permeability and legibility
- e) Provide vehicular access and parking suitable for the use and location of the development, reflecting the Council's adopted parking standards
- 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
- g) Conserve and enhance biodiversity, landscape features and townscape quality
- h) Minimise greenhouse gas emissions and the risk of flooding, through the use of renewable and low carbon energy and efficient site layouts and building designs, in accordance with Policy CS12
- i) Fulfil the day-to-day social, technological and economic needs of residents, visitors and businesses by ensuring the provision of capacity for high speed digital connectivity, suitable private and communal open space, cycle storage and appropriate waste and recycling facilities

Applicants are encouraged to engage with the Council's Development Control section early on in the design process through pre-application discussions to help speed up the planning process and ensure that the selected design is the most appropriate for the site.

6.7 Policy CS10 Safeguarding local heritage assets

The character of the borough is derived from the rich diversity of architectural styles and the landscape and settlement patterns that have developed over the centuries. In managing future growth and change, the Council will work with other agencies, such as the Broads Authority and Historic England, to promote the conservation, enhancement and enjoyment of this historic environment by:

- a) Conserving and enhancing the significance of the borough's heritage assets and their settings, such as Conservation Areas, Listed Buildings, Scheduled Ancient Monuments, archaeological sites, historic landscapes including historic parks and gardens, and other assets of local historic value

- b) Promoting heritage-led regeneration and seeking appropriate beneficial uses and enhancements to historic buildings, spaces and areas, especially heritage assets that are deemed at risk
- c) Ensuring that access to historic assets is maintained and improved where possible
- d) Regularly reviewing heritage designations and designating additional areas, buildings and spaces for protection where justified by evidence
- e) Carrying out, reviewing and implementing Conservation Character Appraisals and, if appropriate, management plans
- f) Designating new Conservation Areas and amending existing Conservation Area boundaries, as appropriate

6.8 Policy CS13 Protecting areas at risk of flooding or coastal change

The risk of flooding and coastal change is expected to increase with climate change. This presents a challenge for property/business owners and service providers in susceptible areas and will also place some important biodiversity and heritage assets at risk. The Council will ensure a sustainable and practicable approach to flood risk and coastal change and ensure development does not increase the risk of flooding elsewhere. This will be achieved by:

- a) Directing new development proposals away from areas of highest risk of flooding (Flood Zones 2, 3a and 3b) unless it can be demonstrated that:
 - ☐ The requirements of the Sequential Test are met ☐ Where applicable, the requirements of the Exception Test are met. A safe access/egress route throughout the duration of the flood event should be provided. However, if this is demonstrated as not being possible then evacuation will be considered as a means of making the development safe ☐ A satisfactory Flood Response Plan has been prepared
- b) Ensuring that new developments on sites adjacent to defences provide adequate access for repairs, maintenance and upgrades and that the development will not affect the integrity of the defence. New development needs to take into account the Environment Agency's flood defence proposals so that future flood defence options are not compromised
- c) Seeking the use of Sustainable Drainage Systems (SuDS) in all new developments
- d) Ensuring that new development takes into consideration the findings of the Surface Water Management Plan

- e) Minimising exposure of people and property to the risks of coastal change by encouraging new development away from areas at risk of coastal change, as identified in the Kelling to Lowestoft Shoreline Management Plan (SMP)
- f) Proactively managing coastal change by designating Coastal Change Management Areas (CCMA) in the Development Policies and Site Allocations Local Plan Document
- g) Designing SuDS, flood protection and coastal change measures to enhance nature conservation and biodiversity interests, including replacement habitats lost to coastal change
- h) Seeking developer contributions towards flood alleviation and coastal change schemes, where appropriate in accordance with Policy CS14

6.9 Policy CS14 Securing appropriate contributions from new developments

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:

- a) Ensure that the Council's Infrastructure Plan is appropriately updated as part of the plan making process
- b) Prepare a Supplementary Planning Document on Planning Obligations to set out the appropriate range and level of contributions, and matters for which they will be sought
- 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

6.10 Policy CS15 Providing and protecting community assets and green infrastructure

Everyone should have access to services and opportunities that allow them to fulfil their potential and enjoy healthier, happier lives. The effective planning and delivery of community and green infrastructure is central to achieving this aim. As such, the Council will:

- a) Resist the loss of important community facilities and/or green assets unless appropriate alternative provision of equivalent or better quality facilities is made in a location accessible to current and potential users or a detailed assessment clearly demonstrates there is no longer a need for the provision of the facility in the area
- b) Ensure that all new development is supported by, and has good access to, a range of community facilities. In some circumstances developers will be required to provide and/or make a contribution towards the provision of community facilities. The process for securing planning obligations is set out in Policy CS14
- c) Take a positive approach to the development of new and enhanced community facilities, including the promotion of mixed community uses in the same building, especially where this improves choice and reduces the need to travel
- d) Work with our partners to deliver essential strategic community facilities, including supporting projects, such as the continuing development of the James Paget University Hospital, to meet current and future needs
- e) Promote healthy lifestyles by addressing any existing and future deficiencies in the provision and quality of sports facilities, including access to these facilities, playing pitches, play spaces and open spaces throughout the borough
- f) Ensure that all new developments contribute to the provision of recreational green space and incorporate improvements to the quality of, and access to, existing green infrastructure in accordance with local circumstances
- g) Safeguard the natural beauty, openness and recreational value of the borough's beaches and coastal hinterland

6.11 Policy CS16 Improving accessibility and transport

The Council and its partners will work together to make the best use of, and improve, existing transport infrastructure within and connecting to the Borough, having first considered solutions to transport problems that are based on better management and the provision and promotion of sustainable forms of travel. This will be achieved by:

- a) Supporting improvements that reduce congestion, improve accessibility and improve road safety without an unacceptable impact on the local environment, in accordance with Policy CS11; and communities, in accordance with Policy CS9. High priority schemes that will assist in achieving this include:

- Working with our partners to mitigate congestion at pinch points and actively manage the road network
- Supporting any future proposals to dual the A47
- Supporting the development of a new link road to the south of Bradwell via the A12 through Beacon Park to the A143 Beccles Road, in accordance with Policy CS18
- Supporting proposals for a third river crossing over the River Yare which appropriately balances the needs of road and river traffic and continuing to protect the route alignment
- Working with our partners to reduce car dependency by improving both the quantity and quality of the public transport service on offer in the borough and the wider area, including the promotion of a quality bus corridor from Great Yarmouth to Lowestoft
- Upgrading Great Yarmouth Railway and Bus Stations to provide higher quality facilities that encourage greater use of public transport
- Improving accessibility to employment, education, health, recreation, leisure and shopping facilities by enhancing linkages between existing 'green travel' routes to create a coherent network of footpaths, cycleways and bridleways
- Supporting the port and its future development as a passenger and freight intermodal interchange, with facilities to achieve efficient staging, loading and unloading and to realise the potential of the port to function as a sustainable transport corridor

b) Directing new development towards the most sustainable locations in accordance with Policy CS2, thereby reducing the need to travel and maximising the use of sustainable transport modes

c) Ensuring that new development does not have an adverse impact on the safety and efficiency of the local road network for all users

d) Seeking developer contributions towards transport infrastructure improvements, including those made to sustainable transport modes, in accordance with Policy CS14

e) Minimising the impact of new development on the existing transport infrastructure by encouraging applicants to:

- Produce and implement Transport Assessments and Travel Plans, as appropriate
- Improve accessibility to sustainable transport modes
- Ensure that adequate access routes are available for emergency services, waste collection and delivery vehicles
- Ensure that necessary transport improvements are addressed prior to development, where possible

f) Working with operators to ensure the continued need for, and appropriate maintenance and upgrading (as appropriate) of, the heliport, coach, bus, rail and heavy goods vehicle facilities

g) Ensuring that development proposals contribute to the implementation of the Norfolk Local Transport Plan to deliver improved accessibility through integrated and sustainable transport modes

Final Draft Local Plan Part 2

- 6.12** The Local Plan Part 2 includes the site within the settlement limits for Great Yarmouth. Policy GSP1: “Development Limits” repeats and reinforces existing spatial policy stating “development will be supported in principle within the Development Limits except where specific policies in the Local Plan indicate otherwise.
- 6.13** Policy UCS3: “Adjustment to Core Strategy Housing Target“ recognises that the housing requirement over the plan period needs to be reduced to reflect the objectively assessed need as updates from 7140 units to 5303 new dwellings, this has the effect of giving the Borough a five year housing supply reinforced by recent approvals for outline permission on housing land allocations within the emergent plan and therefore removing the lack of supply argument, upon adoption. At present this carries little weight, and the delivery of 28 homes has weight unless or until the Local Plan Part 2 is adopted in the Spring/ Summer of 2021.
- 6.14** Policy A1 Amenity has no unresolved objections and as such can be given considerable weight. It states:

Development proposals will be supported where they contribute positively to the general amenities and qualities of the locality.

Particular consideration will be given to the form of development and its impact on the local setting in terms of scale, character and appearance.

Planning permission will be granted only where development would not lead to an excessive or unreasonable impact on the amenities of the occupiers of existing and anticipated development in the locality, in terms including:

- a. overlooking and loss of privacy;
- b. loss of light and overshadowing and flickering shadow;
- c. building and structures which are overbearing;
- d. nuisance, disturbance and loss of tranquility from: • waste and clutter • intrusive lighting • visual movement • noise • poor air quality (including odours and dust); and • vibration.

Where adverse impacts are an inevitable consequence of an otherwise desirable use and configuration, measures to mitigate such impact will be expected to be incorporated in the development.

On large scale and other developments where construction operations are likely to have a significant and ongoing impact on local amenity, consideration will be given to conditions to mitigate this thorough a construction management plan covering such issues as hours of working, access routes and methods of construction.

- 6.15** Policy E5 Historic environment and heritage has unresolved objections and as such can be given less weight. It states:

Proposals for development should seek to conserve and enhance heritage assets and positively contribute the character of the area.

Development proposals within conservation areas should take into account the special and distinctive character of the area and have regard to the relevant Conservation Area Appraisal and Management Plan.

Non-listed buildings or structures which either make a positive contribution to the significance of a conservation area or are a non-designated heritage asset will be protected from demolition.

Proposals which involve the loss of non-listed buildings/structures which either make a positive contribution to the significance of a conservation area or are non-designated heritage assets will only be permitted where:

a. the building/structure is structurally unsound and beyond feasible and viable repair for reasons other than deliberate damage or neglect; or b. all measures to sustain the existing use or find an alternative use/user have been exhausted and the building risks falling into dereliction.

In all cases replacement buildings, or any new use of the site, should preserve or enhance the character of the area.

Development proposals which have the potential to impact on Heritage Assets or their settings should be supported by a Heritage Impact Assessment prepared by an individual with relevant expertise. An archaeological assessment must be included with any planning application affecting areas of known or suspected archaeological value to ensure that the preservation and/or recording of archaeological remains can be secured.

Saved Policies of 2001 Borough Wide Local Plan

- 6.16** Policy HOU7 New Residential Development provides a presumption in favour of development within settlement boundaries where the following criteria are 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.

6.17 Policy HOU9 Developer Contributions

POLICY HOU9 A DEVELOPER CONTRIBUTION WILL BE SOUGHT, AS A PLANNING OBLIGATION UNDER THE TOWN AND COUNTRY PLANNING ACT 1990 TO FINANCE THE EARLY PROVISION OF FACILITIES REQUIRED AS A DIRECT CONSEQUENCE OF NEW DEVELOPMENT.

6.18 Policy HOU17- Housing Density and Subdivision states

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.

6.19 Policy TCM19 Parking provision in great Yarmouth holiday/seafront area

POLICY TCM19 IN THE DEFINED HOLIDAY/SEAFRONT AREA OF GREAT YARMOUTH, OPERATION OF THE COUNCIL'S PARKING STANDARDS MAY BE RELAXED IN RESPECT OF APPLICATIONS FOR RESIDENTIAL CONVERSIONS OR CHANGES OF USE WHERE:

(a) THE PROPOSAL (IE. CHANGE OF USE OR CONVERSION) WILL RESULT IN A NETT REDUCTION IN CAR PARKING DEMAND AND A LESSER STANDARD OF PROVISION WILL APPLY;

(b) ALTERNATIVE, UNDERUSED, CAR PARKING FACILITIES ARE READILY AVAILABLE IN THE VICINITY; AND/OR

(c) THE PROPOSAL WOULD RESULT IN THE PRESERVATION OF A LISTED BUILDING OR WOULD SERVE TO PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF A CONSERVATION AREA.

6.19 Policy TR12 Changes of use in Secondary Holiday Accommodation Areas.

SUBJECT TO OTHER POLICIES IN THE PLAN, WITHIN SECONDARY HOLIDAY ACCOMMODATION AREAS, AS SHOWN ON THE PROPOSALS MAP, PROPOSALS FOR CHANGE OF USE TO A SINGLE DWELLING, SELF CONTAINED RESIDENTIAL FLATS, RESIDENTIAL HOMES OR NURSING HOMES MAY BE PERMITTED IF THE APPLICANT CAN DEMONSTRATE THAT:

(A) THE PROPOSED DEVELOPMENT WOULD NOT HAVE A SIGNIFICANT ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY ON THE CHARACTER OF THE AREA;

(B) THE PROPOSED DEVELOPMENT WOULD NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON THE RESIDENTIAL AMENITY OF THOSE LIVING IN THE AREA OR TO THE USERS OF ADJOINING PROPERTY OR LAND;

(C) PARKING AND SERVICING ARRANGEMENTS CAN BE PROVIDED IN ACCORDANCE WITH THE COUNCIL'S STANDARDS SET OUT AT APPENDIX (A) TO CHAPTER 3 OF THE PLAN; AND

(D) IN THE CASE OF AN ACCEPTABLE PROPOSAL FOR A CHANGE OF USE OF PART OF A PROPERTY, THE PROPOSED DEVELOPMENT WOULD RESULT IN AN IMPROVEMENT TO THE REMAINDER OF THE HOTEL, GUEST HOUSE OR PROPERTY.

7. Local Finance Considerations:

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus or the Community Infrastructure Levy. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. It is assessed that financial gain does not play a part in the recommendation for the determination of this application.

8. Shadow Habitats Regulation Assessment

8.1 The site lies within the Orange Habitat Impact Zone more than 400m but less than 2.5Km from an internationally protected wildlife site and for developments greater than 10 dwellings a bespoke Shadow Habitat Regulations Assessment (HRA) is required. The applicant has not submitted a Shadow Habitat Regulations Assessment (HRA) but has anticipated having to make a contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per dwelling).

8.2 When determining a planning application, the Local Planning Authority as the competent authority has a legal duty under the Habitat Regulations to have regard to the Habitats Directive. In this case although development of the site itself which is a car park of tarmac and crushed stone, providing negligible

wildlife habitat and contributing little to biodiversity. However, the Council must assess the wider impact on designated habitats in the borough. It must assess the likely significant effects (from end users of a residential development here) from increased recreational disturbance on the Winterton and Horsey Dunes Special Area of Conservation, the North Denes Special Protection Area, the Breydon Water Special Protection Area, the Broadland Special Protection Area and the Broads Special Area of Conservation. It is advised that in this case as no shadow HRA has been received at this time, that this is a sufficient reason in itself to refuse the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.

9. Concluding Assessment

- 9.1** The development is for more than 10 dwellings in accordance with the Council's Habitats Monitoring and Mitigation Strategy a bespoke Habitats Regulations Assessment is required to be provided in order to determine the application. At this time no assessment has been provided. This is a sufficient reason to refuse the application.
- 9.2** The site lies within the Great Yarmouth Development Boundary wherein development will be supported in principle unless material considerations outweigh that principle. In this case those would be matters of local identity, the character and appearance of the Seafront Conservation Area, amenity highway safety, and flood risk.
- 9.3 Local Identity/Character and Appearance of the Seafront Conservation Area** These two considerations are linked as the local identity is derived from the characteristics that define the conservation area. That is the architecture, design, scale and massing of buildings on Euston Road and Marine Parade which are Victorian and early Edwardian seaside leisure and residential buildings. The main observations from Heritage England set out in the consultation section of the report are repeated below:

Standing at a prominent corner of Euston Road and Marine Parade; along Euston Road are a series of Victorian and Edwardian villas and larger residential buildings often detached and set in their own gardens, with elegant architectural details such as Italianate towers and turrets. This contrasts with Marine Parade where adjacent the site is a row of three storey terraced houses. To the east is the flank of the former Royal Aquarium, an impressive large building with a decorated frontage design to be the focal point of the street. Though much changed the Aquarium is part of a group of a nationally important collection of buildings from the leisure industry of the period.

Developing the site could have an effect on this historic significance. In this case the concern regards the proposals scale and height. "The proposed building would match the height of the adjacent terrace on Euston Road but rise up to five storeys at the corner, which is taller than other buildings in either Marine Parade or Euston Road. This would mean that the proposed building could be seen above the Royal Aquarium in views from North Drive

and form an imposing feature within the surrounding streets. This taller element is clearly intended to punctuate the two roads and form a 'corner turner' with its chamfered face. However, it is not an elegant bay making the joining of the two street facades, but a heavy, bulky block with a somewhat squat and inelegant form. The three-storey section takes its cue from the height the Victorian terrace, but the façade is crammed with fenestration due to the floor to ceiling heights and the large number of small units it accommodates. The roof windows show that a fourth storey has in fact been added and further serve to make the street façade cluttered. It other than its height does not reflect the character of the adjacent terrace”.

- 9.4** It is considered that the proposal is too large and bulky (massing) also too tall compared with and viewed in the context of the neighbouring buildings; the number of units gives rise to the building size and a multitude of windows across the elevations. Importantly the upper floors would project above the former Royal Aquarium in longer views from the seafront and dominate the skyline. This would be significantly detrimental to local identity and to the character and appearance of the conservation area, neither preserving or enhancing its historic character and appearance.
- 9.5** **Amenity** – The density of the development will create 28 two and three bed dwellings which could reasonably expect to generate at least 30 people and 20+ vehicles. Except for the units with balconies there would be no amenity space on the site. There will be pressures for amenities off site including on street parking, public spaces and leisure facilities. The consultation responses set out the compensation that would be needed to address these impacts. In the case of parking there would be no provision off site and the County Surveyor recommends omission of the proposed 6 spaces off Euston Road and acknowledges that the development will result in addition pressure for on-street parking in the vicinity. An objector questions the adequacy of waste storage within the development, this is shown as provided in the ground floor of the building.
- 9.6** **Highway and transport impact** - as stated in the consultation response from the County Highways Authority, whilst there are reservations about the scale of the development especially in relation to the amount (16 spaces), that will likely result in added pressure to on-street parking; the constrained usability of the 10 spaces located under the building and the remaining 6 spaces requiring backing off or onto Euston Road close to its intersection with Marine Parade; they consider that this alone would be insufficient to sustain refusing this application. Therefore it is considered that in combination with the matters of, adverse impact on local identity, adverse impact on the character and appearance of the conservation area, amenity and flood risk there are a sufficient number of adverse impacts that are not being mitigated by this development to substantiate refusal.
- 9.7** **Flood Risk** - The site is located partly within Zone 3a as such having a high probability of coastal flooding. The Flood Risk Assessment submitted shows the ground floor apartments (7 units) would flood internally by 1.22m in a 1 in

200year event and would therefore be unsafe for occupants. To overcome this objection, finished first floor levels would need to be raised to 5.27m above datum. That is, the first-floor level would have to be 1.52m higher than proposed (1.22m +0.3m freeboard).

- 9.8** The development proposed provides underground parking also seven of the 28 units located on the ground floor would be at risk of flooding. Given this is a cleared site, it is considered that a development could be designed to remove the risk of flooding by omitting living areas below the level which could flood.

10. RECOMMENDATION: -

- 10.1** Refuse. The proposal is contrary with the aims of Policies CS9, CS10 and CS13 of the Great Yarmouth Local Plan Core Strategy, also to Policies A1 and E5 of the Emerging Local Plan Part 2 and saved Policies HOU7, TCM19 and TR12 of and the Great Yarmouth Borough-wide Local Plan (2001) (LP).

Background Papers 06/20/0020/F

Proposed Site Redevelopment to Form 28 Self Contained Flats

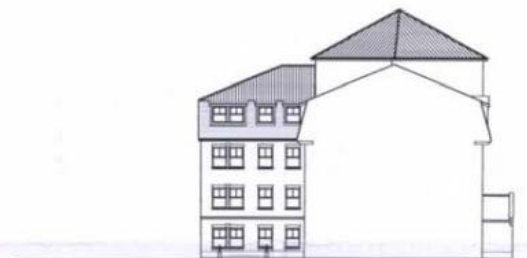
Former Rainscourt Hotel, Marine Parade, Gt Yarmouth.
Planning Drawing



PROPOSED EAST ELEVATION
1:100



Proposed West Elevation (courtyard)
1:200



Proposed South Elevation
1:200



PROPOSED NORTH ELEVATION
1:100

Andrew Middleton

25, Regent Street,

Great Yarmouth

NORFOLK

NK30 1RL

Tel (01493) 858611

Project

Proposed site redevelopment to form 44 self contained flats. Former Rainscourt Hotel Marine Parade, Great Yarmouth. Elevations

Client

Mrs Kay Rokach

Scale

1:100

Date

January 2020

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Drawn by

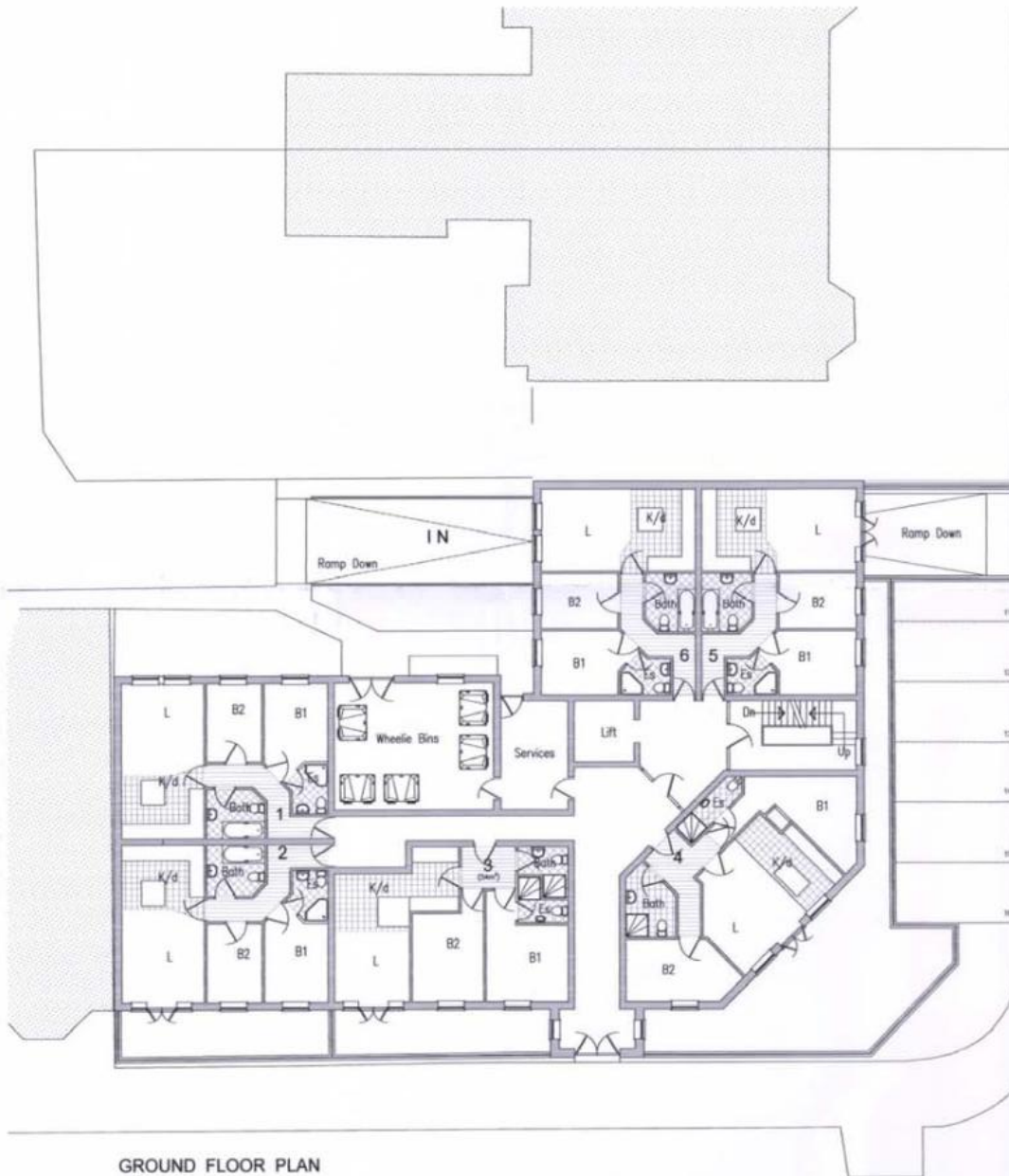
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Revisions

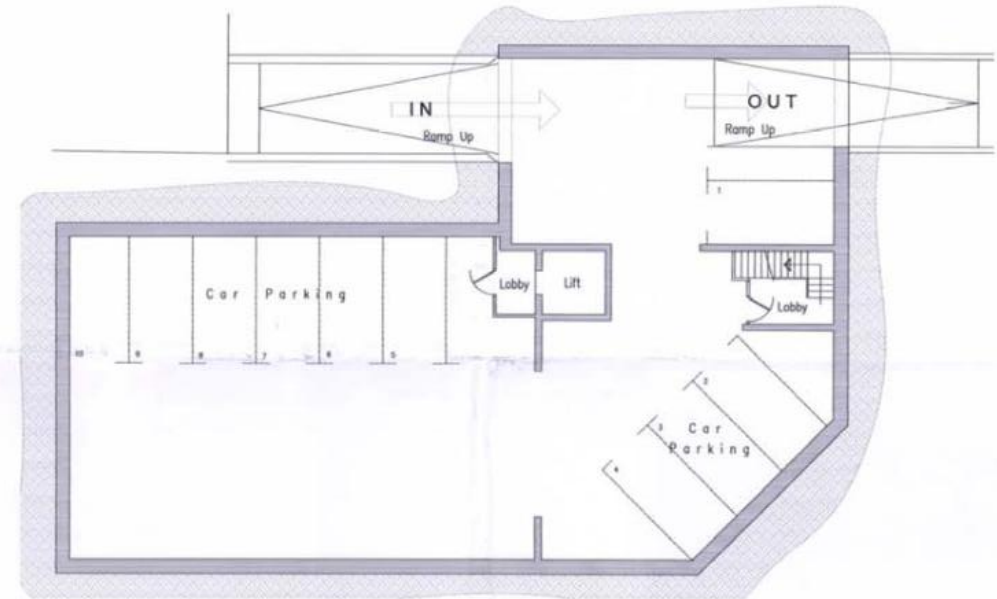
Proposed Site Redevelopment to Form 28 Self Contained Flats

Former Rainscourt Hotel, Marine Parade, Gt Yarmouth.
Planning Drawing

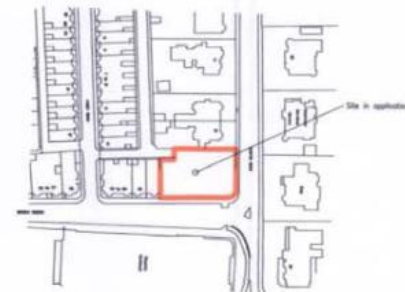
06/20/007/01/1



GROUND FLOOR PLAN
1:100



BASEMENT FLOOR PLAN
1:100



Site Location Plan
1:1250

Andrew Middleton
23, Regent Street,
Great Yarmouth
NORFOLK
NR50 1RL Tel: (01493) 858611
Project
Proposed site redevelopment to form 28
self contained flats. Former Rainscourt Ho
Marine Parade, Great Yarmouth.
Basement and Ground Floor Plans.

Client
Mrs Kay Rokach

Scale 1:100 Date January 2020

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Design
1376/1

Revision

Reference: 06/20/0426/F**Parish:** Great Yarmouth**Officer:** Mr R Tate**Expiry Date:** 11/12/2020**Applicant:** Mrs B Wheeler**Proposal:** Retrospective change of use from guesthouse to house in multiple occupation (12 bedrooms)**Site:** 110-111 Wellesley Road, Great Yarmouth.**REPORT****1. Background/History:-**

- 1.1 This application relates to a retrospective change of use of a guest house (which had been two units which have been combined at some point into a single guesthouse) to an HMO with in total 12 bedrooms. The accommodation is proposed to be laid out with a basement flat for the property owners with three bedrooms and over the floors above 12 HMO bedrooms. Currently the property is in use as predominantly a HMO and has been in this use for some time without planning consent.
- 1.2 The is extensive planning history on the site (please see below table). The first two applications were heard by committee with the most recent one being a delegated refusal. Applications 06/17/0485/F and 06/19/0260/F were both dismissed at appeal. The most recent appeal was dismissed with concerns about the oppressive and inadequate living conditions for occupants of rooms 5, 10 and 11, constrained rooms (by virtue of having sinks in the rooms), poor internal configuration and absence of noise mitigation measures – although the inspector did note that the additional comings and goings would not harms the living conditions of local residents.

06/19/0260/F	REF DIS	04-09-19 11-05-20	110-111 Wellesley Road Rhonadean	Retrospective permission for change of use - guesthouse to 13 bed HMO with alterations to form kitchen/dining rooms for tenants
06/17/0485/F	REF DIS	03-10-17 18-02-19	110-111 Wellesley Road Rhonadean	Change of use from Guest House to a 14 bedroom HMO with owner/manager flat contained in the basement

06/16/0809/F	WD	24-05-17	110-111 Wellesley Road Rhonadean	Retrospective change of use from guesthouse to house in multiple Occupation
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- 1.3 The applicants have received pre-app advice from the Local Planning Authority in an attempt to provide an acceptable internal configuration. The proposal has been altered from the previous application and is now for 12 HMO bedrooms with the following layout: (room sizes exclude en-suite measurements)

Ground Floor: Kitchen (14.27sqm)
Dining Room (9.74sqm)
Lounge (9.81sqm)
Bedroom 1 (9.6sqm)
Bedroom 2 (8.6sqm)
Bedroom 3 (13.2sqm)
Bedroom 4 (17.1sqm)
Bedroom 5 (16.7sqm)

First Floor: Bedroom 6 (11.6sqm)
Bedroom 7 (8.1sqm)
Bedroom 8 (12.2sqm)
Bedroom 9 (16.7sqm)
Bedroom 10 (7.99sqm)
Bedroom 11 (14.9sqm)
Bedroom 12 (11.1sqm)
Kitchen (8.3sqm)
Lounge (9.7sqm)

All bedrooms have an en-suite and since the pre-app the wash hand basins have been removed from the bedrooms. Instead combined wc/basins will be utilised.

- 1.4 The property is located within the secondary holiday accommodation area and is amongst buildings in a variety of uses including converted flats, guest houses, hotels and commercial buildings. The property is a corner property with a former hotel to the rear, and an adjoining flat conversion to the south. The property is close to the primary holiday accommodation area of along Princes Road and associated tourist areas. The site is within flood zone 2 and partially within flood zone 3.

- 1.5 The property is located in a Conservation Area. From the site visit it was clear that the owners maintained the property in a clean and tidy state.
- 1.6 Retrospective planning permission is sought by the current owners for the use of the building as a HMO with drawings that show there are 18 bedrooms over the upper two floors and also include details of the two bedroom basement flat occupied by the property owners. The site has no off-street parking, although it has been indicated that car parking could be provided off site. Bin stores would be as currently set out within the basement area external yard.
- 1.7 Since the most recent appeal was dismissed (attached to this report), the Draft Local Plan Part 2 has been submitted for Inspection. Policies with no unresolved objections can hold significant weight. Policies of relevance from the emerging plan include GY7 and H12 – the site is located in the Back of the Sea Front Area.
- 1.8 The property is subject to an enforcement notice requiring the use as an HMO to cease (served 22nd December 2017). This compliance period has been extended to the 5th January 2021. Members are advised to be aware of Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The cessation of the HMO use may give rise to particular considerations as to the impacts of such a loss which are different from, and greater than, the impact on other persons.

2. Consultations :-

2.1 Neighbours –

Following a consultation process in line with the General Development Procedure Order which included a site notice and letters to neighbouring properties. No letters of representation have been received.

2.2 GYBC Environmental Health –

The owner must ensure that the property complies with amenity levels and fire safety by liaising with the local authority Environmental Health Services. The local authority fire safety standards and amenity standard must be complied with.

2.3 NETI

The AIA is fit for purpose. No objections to this application from an ecological perspective.

2.4 Resilience Officer

As this is a retrospective application, can you confirm that:

- Water exclusion/entry strategy has been implemented
- Flood response plans have been prepared.
- Residents have signed up for flood warnings/alerts.

I am also concerned that the basement is also being used for accommodation which is not consistent with previous (06/19/0520/CU) which caused an issue with the EA.

Since these comments a FRP has been submitted covering these details. The manager's basement flat is not included in the application.

2.5 Norfolk County Council's Highways Authority.

No objection

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

3.1 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 and assessed again in January 2016. 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.

3.2 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.

3.3 POLICY HOU23

THE CONVERSION OR CHANGE OF USE OF PROPERTIES TO BEDSITS
AND OTHER TYPES OF MULTI-OCCUPIED UNITS OF RESIDENTIAL

ACCOMMODATION WILL BE PERMITTED WHERE:

(A) THE SITE IS OUTSIDE AN AREA SHOWN AS 'PRIME HOLIDAY ACCOMMODATION' ON THE PROPOSALS MAP;

(B) THE CHARACTER AND AMENITIES OF THE LOCALITY WOULD NOT BE SIGNIFICANTLY ADVERSELY AFFECTED;

(C) THE SITE IS NOT IN AN AREA PREDOMINANTLY COMPRISING PROPERTIES IN SINGLE FAMILY OCCUPANCY;

(D) CLUSTERING OF PROPERTIES IN MULTIPLE OCCUPATION WOULD NOT OCCUR; *

(E) THERE IS NO PROPERTY USED AS A SINGLE UNIT OF FAMILY ACCOMMODATION DIRECTLY ADJOINING THE PROPOSED DEVELOPMENT;

(F) THE PROPOSED DEVELOPMENT AND ASSOCIATED FACILITIES COULD BE PROVIDED WITHOUT SIGNIFICANT DETRIMENT TO THE OCCUPIERS OF ADJOINING OR NEIGHBOURING BUILDINGS;

(G) THERE IS ADEQUATE ON-STREET CAR PARKING AND THE ONSTREET CAR PARKING REQUIREMENTS OF THE PROPOSAL WOULD NOT RESULT IN MORE THAN 70% OF THE AVAILABLE 'OVERNIGHT' ON-STREET RESIDENTIAL PARKING PROVISION BEING EXCEEDED UNLESS ADEQUATE ALTERNATIVE PROVISION IS MADE; AND,

(H) THE BUILDING IS 3 OR MORE STOREYS HIGH OR MORE THAN 95SQ M FLOOR AREA.

(*Note: Clustering constitutes 3 properties in multiple occupation forming a continuous group, or 50% of the length of any continuous frontage or sharing common boundaries.)

3.4 POLICY TR12

SUBJECT TO OTHER POLICIES IN THE PLAN, WITHIN SECONDARY HOLIDAY ACCOMMODATION AREAS, AS SHOWN ON THE PROPOSALS MAP, PROPOSALS FOR CHANGE OF USE TO A SINGLE DWELLING, SELF CONTAINED RESIDENTIAL FLATS, RESIDENTIAL HOMES OR NURSING HOMES MAY BE PERMITTED IF THE APPLICANT CAN DEMONSTRATE THAT:

(A) THE PROPOSED DEVELOPMENT WOULD NOT HAVE A SIGNIFICANT ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY ON THE CHARACTER OF THE AREA;

(B) THE PROPOSED DEVELOPMENT WOULD NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON THE RESIDENTIAL AMENITY OF THOSE LIVING IN THE AREA OR TO THE USERS OF ADJOINING PROPERTY OR LAND;

(C) PARKING AND SERVICING ARRANGEMENTS CAN BE PROVIDED IN ACCORDANCE WITH THE COUNCIL'S STANDARDS SET OUT AT APPENDIX (A) TO CHAPTER 3 OF THE PLAN; AND

(D) IN THE CASE OF AN ACCEPTABLE PROPOSAL FOR A CHANGE OF USE OF PART OF A PROPERTY, THE PROPOSED DEVELOPMENT WOULD RESULT IN AN IMPROVEMENT TO THE REMAINDER OF THE HOTEL, GUEST HOUSE OR PROPERTY.

3.5 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.

4 Core strategy – Adopted 21st December 2015

4.1 POLICY CS1 – FOCUSING ON A SUSTAINABLE FUTURE

For the Borough of Great Yarmouth to be truly sustainable it has to be environmentally friendly, socially inclusive and economically vibrant not just for those who currently live, work and visit the borough, but for future generations to come. When considering development proposals, the Council will take a positive approach, working positively with applicants and other partners to jointly find solutions so that proposals that improve the economic, social and environmental conditions of the borough can be approved wherever possible.

To ensure the creation of sustainable communities, the Council will look favourably towards new development and investment that successfully contributes towards the delivery of:

- a) Sustainable growth, ensuring that new development is of a scale and in a location that complements the character and supports the function of individual settlements
- b) Mixed adaptable neighbourhoods, which provide choices and effectively meet the needs and aspirations of the local community
- c) Environmentally friendly neighbourhoods that are located and designed to help address and where possible mitigate the effects of climate change and minimise the risk of flooding
- d) A thriving local economy, flourishing local centres, sustainable tourism and an active port
- e) Safe, accessible places that promote healthy lifestyles and provide easy access for everyone to jobs, shops and community facilities by walking, cycling and public transport

- f) Distinctive places that embrace innovative, high quality urban design that reflects positive local characteristics and protects the borough's biodiversity, unique landscapes, built character and historic environment

Planning applications that accord with this policy and other policies within the Local Plan (and with policies in adopted Neighbourhood Plans, where relevant) will be approved without delay, unless other material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole
- Specific policies in that Framework indicate that development should be restricted

4.2 **POLICY CS2 – ACHIEVING SUSTAINABLE GROWTH**

Growth within the borough must be delivered in a sustainable manner in accordance with Policy CS1 by balancing the delivery of new homes with new jobs and service provision, creating resilient, self-contained communities and reducing the need to travel. To help achieve sustainable growth the Council will:

a) 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 35% of new development will take place in the borough's Main Towns at Gorleston-on-Sea and Great Yarmouth
- Approximately 30% of new development will take place in the borough's Key Service Centres at Bradwell and Caister-on-Sea
- 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
- Approximately 5% of new development will take place in the Secondary and Tertiary Villages named in the settlement hierarchy
- In the countryside, development will be limited to conversions/replacement dwellings/buildings and schemes that help to meet rural needs

b) To ensure compliance with Policy CS11, the proportions of development set out in criterion a) may need to be further refined following additional work on the impact of visitor pressures on Natura 2000 sites

c) Ensure that new commercial development for employment, retail and tourism uses is distributed in accordance with Policies CS6, CS7, CS8 and CS16

d) Promote the development of two key strategic mixed-use development sites: the Great Yarmouth Waterfront area (Policy CS17) and the Beacon Park extension, south Bradwell (Policy CS18)

e) Encourage the reuse of previously developed land and existing buildings

To ensure that the Council delivers its housing target, the distribution of development may need to be flexibly applied, within the overall context of seeking to ensure that the majority of new housing is developed in the Main Towns and Key Service Centres where appropriate and consistent with other policies in this plan. Any changes to the distribution will be clearly evidenced and monitored through the Annual Monitoring Report.

5. Emerging Policies

5.1 Policy GY7: Great Yarmouth Back of Seafront Improvement Area

Within the 'Back of Seafront Improvement Area', as defined on the Policies Map, the aims will be to:

- a. improve the character, amenity and physical conditions of properties by encouraging existing and new uses and investment which strengthen its positive characteristics;
- b. improve the street scene through environmental improvements and the encouragement of the refurbishment and maintenance of properties;
- c. avoid uses which typically give rise to disturbance and loss of amenity; and
- d. Use available enforcement powers pro-actively to control developments adversely affecting the area.

In order to achieve those aims the following uses will be encouraged in the area.

- e. Self-contained dwellings (including houses and apartments).
- f. Hotels providing wholly or predominantly short term holiday accommodation.
- g. Offices and other B1 businesses uses.
- h. Health and related facilities.
- i. Professional services to visiting members of the public where the likely number and types of visits will not give rise to disturbance and are compatible with the limited on street parking in the locality.
- j. The development of further Houses in Multiple Occupation (and commensurate uses) within this area will be resisted, and such uses steered to alternative locations.

In determining applications for development in this area the following considerations will be given particular attention.

- k. Improvement to the physical condition and maintenance of properties will be encouraged.
- l. Resisting the infilling of curtilages to the rear of sides of existing properties.
- m. Provision of adequate, concealed bin storage for the intended use, of out sight from the street.
- n. Flexibility in the current parking arrangements.

5.2 Policy H12: Houses in multiple occupation

The provision of Houses in Multiple Occupation (including, but not limited to, those in use class C4 and related sui generis uses) will be permitted where these will support the well-being of their occupants and neighbours, and maintain and where practicable enhance the character and amenity of the locality.

New Houses in Multiple Occupation (HMOs) will not be permitted in the designated Seafront Area and Back of Seafront Improvement Area due to the need to protect the character and nature of these areas. New HMOs will also not be permitted in the designated Hall Quay Development Area due to the desire for specific types of high-quality re-development in this location.

The concentration of HMOs in a local area must not significantly imbalance the current mix of housing types there (i.e. use class C1 hotels, guest houses and related types and use class C3 dwelling houses). In particular, any proposal that would result in the 'sandwiching' of a single residential or tourist accommodation property between two or more sui generis HMOs will not be acceptable. For proposed sui generis uses, any proposal that would result in more than 20% of properties within 50 metres of the application site being sui generis HMOs will not be acceptable.

For all HMO proposals:

- a. there must be provision of adequate practical bin storage for the number of potential occupants out of sight from the street such as within the curtilage to the rear of the property, or in covered bin storage within a frontage curtilage, of a scale and of a design which maintains or improves the character and amenity of the area;
- b. the daily functional uses must not unacceptably harm the amenity of adjoining and nearby residents through visual and/or noise intrusion, and/loss of privacy (see Policy A1).

All applications for planning permission will need to state the number of rooms (bedrooms and shared living space), the space per room, and the number of people proposed to occupy each bedroom which will normally only be one or two. The number and size of kitchens and bathrooms must also be stated in the

application and must be adequate for the number of people proposed to be accommodated in the HMO.

Any HMO proposals will need to at least meet (but ideally exceed) the minimum room dimensions required to secure a licence from the Council's Environmental Services section under the Housing Act 2004 (or any amended or subsequent legislation), even in cases where a licence is not required.

The Borough Council will produce practical guidance for those considering converting premises to HMOs, which will clarify when planning permission, Environmental Health licensing and/or Building Regulations approval is required, and what the respective combined requirement for these means for each of the different types of HMO.

6. Assessment

- 6.1** Houses in Multiple Occupation (HMOs) play an important role in providing lower-cost accommodation in the Borough and the Council is keen to ensure that where they are proposed (and present) they are of a good standard. However, HMOs can impact on the amenity of both residents and neighbours alike and therefore the Council must ensure that HMOs are appropriately located and designed. Key considerations include: parking provision, bin storage and general amenity to ensure that the quality of the environment is maintained.
- 5.2** Saved Policy HOU23 sets out considerations for the change of use to HMO. This will, however, be replaced by emerging draft 'Policy H12: Houses in multiple occupation' which sets out how such proposals should be considered. Of most relevance to this proposal, is the prevalence of other HMOs in the immediate area to avoid sandwiching or over concentration, bin storage, amenity, occupancy, and room size. Emerging Policy H12 requires that no more than 20% of properties within 50 metres of the application site are large HMOs (in sui generis category).
- 5.3** The emerging Local Plan Part 2 has just completed Publication (Regulation 19) consultation and has been submitted to the Secretary of State for examination. Within this plan, 'Policy H12: Houses in Multiple Occupation', sets out the detailed requirements for considering HMO proposals. Also identified in the plan is 'GY7: Great Yarmouth Back of Seafront Improvement Area', of which Wellesley Road is located within. Policy H12 states that HMOs will not be permitted within the 'Back of Seafront Improvement Area' due to the need to protect the character and nature of the area. In accordance with paragraph 48 of the National Planning Policy Framework, significant weight can be applied to

emerging policies where there are no outstanding objections such as is the case with Policy H12 and Policy GY7. Consequently, this proposal will conflict with the emerging plan.

- 5.4** Draft Policy H12: Houses in Multiple Occupation outlines the minimum space standards (please see below table) to ensure that sufficient bedroom space is provided. If members are minded to approve against officer recommendation, it is recommended to include a condition restricting the occupancy of the rooms to one person per room.

Floor area of room	number of persons
10.2 sqm (110sqft) or more	2 people
8.4 sqm (90-110sqft)	1.5 people
6.5-8.4 sqm (70–90sqft)	1 person
4.6 sqm (50-70sqft)	0.5 person (i.e. child of 1-10 years old only)
Less than 4.6 (50sqm)	Not suitable as sleeping accommodation

Another issue to note would be the levels of amenity provided to residents. People who live in HMOs tend to have a more intense use of their private living areas, although adequate communal living areas should be provided as well.

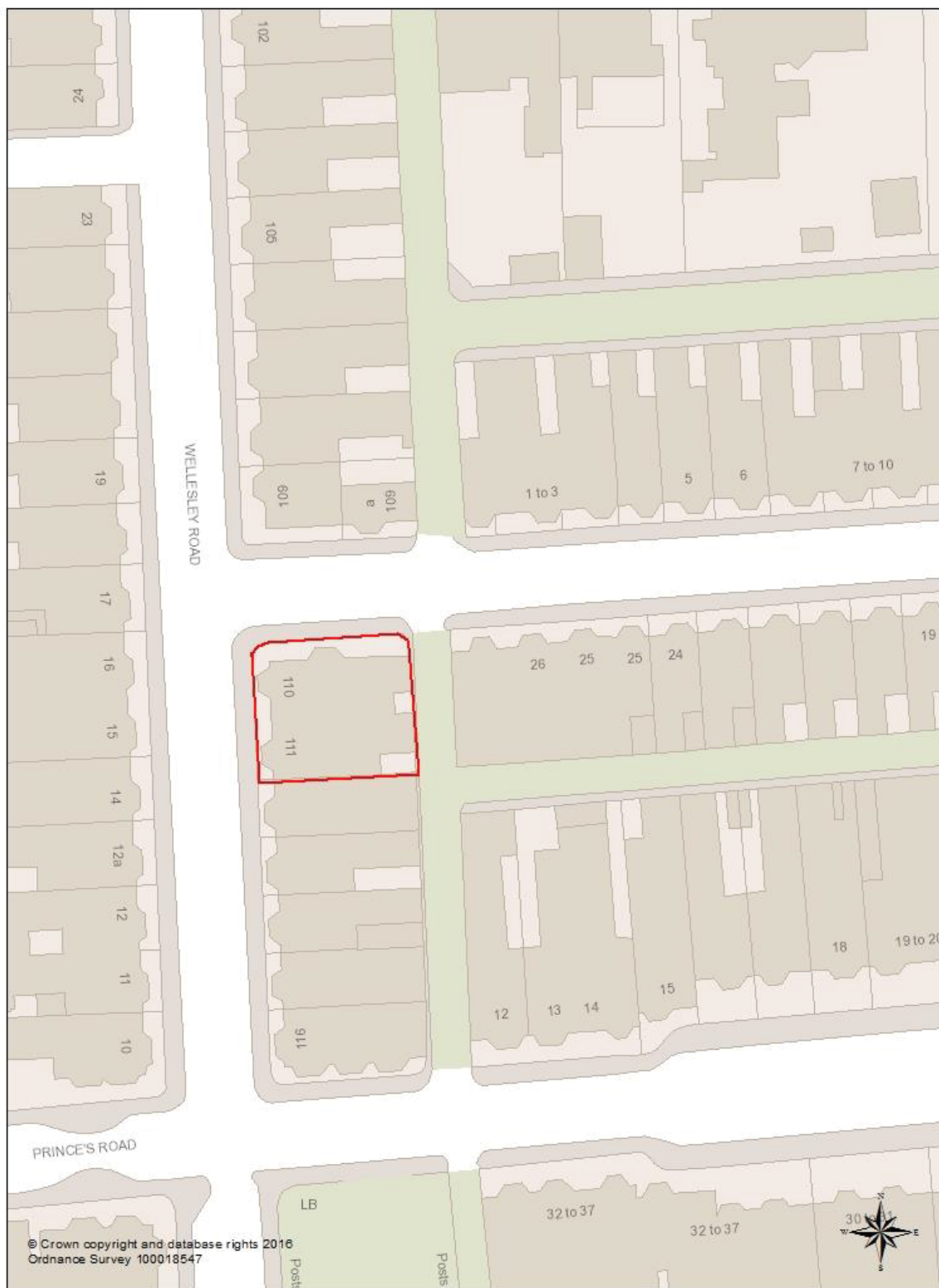
- 5.5** The application provides rooms sizes that all fall within or above the minimum sizes outline in H12. A concern with previous applications has been the cramped form of living accommodation and the poor outlook provided to some bedrooms. This has been resolved by proposing that no windows would look into the rear yard area. There is still a concern that when you take into account the bathrooms and door opening spaces that usable space for some rooms (rooms 2, 7 and 10) would fall towards the lower end of that standard.
- 5.6** The proposal includes shared living accommodation on both the ground and first floor. Whilst not overly generous in size, these rooms would provide a shared cooking and living area where occupants could spend time outside their private bedroom spaces.
- 5.7** The use as an HMO does not benefit the character of the area, the use would be out of character with the larger flat conversions and tourist accommodation in the area. This over intense use would harm the amenity of neighbours through additional vehicle movements, increased visitor numbers and due to residents having to use the public footpath for outdoor amenity area due to lack of private spaces.

- 5.8** Due to the town centre location and close proximity to public transport links, some of the future tenants would use sustainable means of transport as has been indicated happens currently. However considering there is no space for the provision of secure cycle parking at the property, and a lack of off street parking as per saved policy HOU23 Part G requires, this issue goes towards the reason for refusal due to the potential impact upon the character of the area (vehicle movements) and lack of cycle parking.
- 5.9** The Inspector noted in the previous appeal decisions that the proposal would not conflict with HOU23 concluding that the proposal would not harm the living conditions on the surrounding area in terms of increased comings and goings or disturbance in the immediate surroundings and therefore would not be in conflict with Policy HOU23 (D).
- 5.10** The first appeal concluded that “In conclusion the development would be acceptable in terms of its effect on the character, appearance and amenity of the surrounding area, the amenities of adjoining occupiers and on-street parking. There is compliance with criteria (B), (F) and (G) of Policy HOU23. This is in addition to compliance with criteria (A), (C), (D), (E) and (H).”
- 5.11** The main considerations in this instance is the compliance of the proposal with the emerging policy. The sui-generis HMO use is located in a protected area (Back of Sea Front) where the emerging policies stress that HMOs will not be permitted due to the need to protect and improve the character of these areas.

6. Recommendation

6.1 Refusal

- 6.2** The application proposes an HMO in an area where Emerging Policies prevent this use. Consequently, the application is contrary to Emerging Policies GY7 and H12 from the Final Draft LPP2.

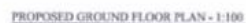


Great Yarmouth Borough Council

Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

Mapping Browser Export

1:500



ALL MEASUREMENTS/AREAS
STATED ARE ROOM SIZES ONLY
AND EXCLUDE ENSUITE AREAS

ALL ROOMS ARE 1 PERSON ONLY
AS PER GUIDANCE ROOMS NEED
TO BE BETWEEN 6.5-8.4M2 IN SIZE,
AND THUS ALL ROOMS COMPLY)

G	Ground and First Floor room changes.	G8	02.09.2020
F	Ground and First Floor room changes.	G8	21.07.2020
E	Room 16 changed to kitchen Room 15 changed to bedrooms	G	16.12.2019
D	Rooms reduced to 12no. Kitchen and Dining room combined at First Floor Store at First Floor	G	30.10.2019
C	Rooms reduced to 13no. Kitchen and Dining room added at First Floor	G	08.03.2019
B	Planning amendment Races removed	G	08.08.2017
A	Client attendance	G	27.06.2016

Row	Description	Initial	Final
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Middleton & George Ltd
Municipal Building Surveyors
Architectural & Building Consultancy
Fackoff House
Regent Street
Gt Tarmouth NR30 1ER
Tel: (01493) 639245
e-mail: mid@middletonandgeorge@gmail.com

Issued For	Comment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Approval	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Tender	<input type="checkbox"/>	<input type="checkbox"/>
	Construction	<input type="checkbox"/>	
	Receipt	<input type="checkbox"/>	

Client	B & M WHEELER
Project	RHONADEAN 110 / 111 WELLESLEY ROAD GREAT YARMOUTH NORFOLK NR30 2AR

TIME	EXISTING & PROPOSED FLOOR PLANS & SITE LOCATION PLAN
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Info	Local Authority	GE YARMOUTH BC	Date Approved
	Planning Ref	-	-

	Building Cnt Ref	-		
Date	JUNE 2017	Job No.	Dwg No.	Rev

Scale	AS SHOWN	101	02	G
Drawn By	G			



Appeal Decision

Site visit made on 10 February 2020

by S A Schinaia MSc EngD FGS

an Inspector appointed by the Secretary of State

Decision date: 11th May 2020

Appeal Ref: APP/U2615/W/19/3239810

Rhonadean, 110-111 Wellesley Road, Great Yarmouth NR30 2AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Barbara Wheeler against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/19/0260/F, dated 8 March 2019, was refused by notice dated 4 September 2019.
 - The development proposed is described as: 'Retrospective permission for change of use - guesthouse to 13 bed HMO with alterations to form kitchen/dining rooms for tenants'.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. I have used the description contained in the Council's decision notice as this accurately portrays what is proposed.
3. The proposal for change of use has already taken place. The Council refused planning permission for use of the appeal property as a 14 bed House of Multiple Occupancy (HMO) in 2017 and a subsequent appeal¹ was dismissed in February 2019.
4. Following the submission of this appeal, the appellant has submitted a revision to the proposed layout plan (Ref. 102 DWG 02 Rev D) following consultation with the Council. According to the appellant, the relevant officer indicated that if certain additional changes to the proposed building layout were undertaken, this would improve the acceptability of the scheme. The revised plan reduces the number of letting rooms to twelve in total and provides a greater level of communal space.
5. I have had regard to the revised plan in my assessment. It is understood that the basement floor would be for the personal use of the appellant, therefore it is not part of the assessment.

Main Issues

6. The main issues are the effects of the development on (1) the living conditions of the occupants of the appeal property, in respect of internal space provision,

¹ APP/U2615/C/18/3194940

and (2) the living conditions of occupiers of properties in the surrounding area, in terms of general disturbance.

Reasons

Living conditions of occupants

7. The appellant has sought to address the concerns of the Inspector at the previous appeal. These include an additional kitchen and a greater level of communal facilities, including storage for residents.
8. In the latest layout plan, the number of rooms would be reduced to twelve. Since the last appeal, the appellant has introduced several changes to the internal layout, including combining some of the rooms to form larger internal spaces or subdividing a large room in two smaller ones. Room 16, identified as having an inadequate configuration by the previous Inspector, has become an additional kitchen. Some rooms due to their reduced size would still present similar deficiencies in terms of configuration and inadequate living space as identified by the previous Inspector.
9. The windows of some rooms (rooms 5, 10, 11 and the ground floor lounge) face into the narrow communal area to the rear east of the property. This area is overshadowed within the rear parts of the building and the adjacent property and, therefore, does not provide sufficient natural light especially within room 5 and the lounge on the ground floor. The outlook of those rooms is towards the wall of the existing building to the south, thus creating an oppressive and therefore inadequate living condition for occupants. Since the occupiers of an HMO live independently of one another rather than as part of a household and, therefore, would use their bedrooms as their primary and long-term living space, such a bleak outlook would fail to provide satisfactory living conditions.
10. As pointed out in the previous application and ascertained during the site visit, the living space of several rooms, although exceeding the minimum room size for single occupancy (6.51 m²) set out in the Nationally Described Space Standards (NDSS), would still be constrained by door opening and access; in some cases, the presence of sinks or the unusual configuration resulting from room division and en-suite facilities restrict further the usable living space. The presence of communal areas does not adequately compensate for the lack of open outlook, lack of natural light and limited living and usable space identified above. Furthermore, from the appellant comments, it is understood that no measures have been adopted to mitigate noise in rooms adjacent to communal areas.
11. In summary, the latest proposed internal layout is still considered to be unacceptable in terms of configuration, outlook, poor natural light and actual usable space of several rooms and, together with the absence of noise mitigation measures, would result in detrimental living conditions for occupiers.
12. Therefore, I conclude that the proposal would conflict with point (e) of the Policy CS1 of the Local Plan Core Strategy that seeks promote healthy lifestyle. Paragraph 4.1.12 of the supporting text recognises the impact that poor housing conditions and design can have on health inequalities. These policies are consistent with paragraph 127 of the National Planning Policy Framework (the Framework), which seeks to promote health and wellbeing and create a high standard of environment for all existing and future occupiers of the site.

Living conditions in the surrounding area

13. The Rhonadean residence occupies a corner plot within a secondary holiday accommodation area and is within the Seafront Conservation Area. The property is surrounded by flats and guest houses to the south and west and is adjacent to HMOs to the north and east. In the previous appeal, the Inspector found that despite the intensive use of the property, offering at the time 18 units, there was little evidence that such occupation had resulted in unacceptable loss of amenity to local residents. I agree with that assessment.
14. It is understood that since the time of last appeal the number of permitted HMOs in the area has increased and the proposal may result in the creation of a cluster of HMOs in conflict with Policy HOU23 (D) of the Borough Wide Local Plan. However, the accesses and roads between the new HMOs do not constitute a continuous frontage and, therefore, do not qualify as a cluster according to the definition given in the policy.
15. Although the use of the appeal property as a HMO would lead to a higher level of disturbance, in terms of comings and goings, throughout the year rather than seasonal as in a guesthouse, there is a lack of evidence before me that the cumulative impact of the HMOs in the area would generate an over-intense area of dense living and disturbance detrimental to the local residents. Therefore, I conclude that the proposal would not harm the living conditions on the surrounding area in terms of increased comings and goings or disturbance in the immediate surroundings and therefore would not be in conflict with Policy HOU23 (D).

Other Matters

16. The main parties have not raised concerns about the appeal site being within Seafront Conservation Area. The proposal would preserve the character and appearance of the Conservation Area.
17. The parties agree that the Council is presently unable to demonstrate a five year housing land supply. Thus, whilst the appeal scheme would provide new housing within the Borough, it does not accord with the development plan and thus the route for applying the presumption in favour of sustainable development to the proposal is closed.
18. Notwithstanding, even if I were to consider that the provision of new housing would in part help address the shortfall in the five year housing land supply as suggested by the appellant and thereby constitute a benefit, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, as explained in paragraph 11(d)(ii).

Conclusion

19. For the above reasons, I conclude that the appeal should be dismissed.

S A Schinaia

INSPECTOR