

# Development Control Committee

## Minutes

Wednesday, 09 December 2020 at 16:00

PRESENT:-

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

Mr D Glason (Director of Planning & Growth), Ms C Whatling (Monitoring Officer), Mr D Minns (Planning Manager), Mr G Sutherland (Senior Planning Officer), Mr R Tate (Planning Officer) & Mrs C Webb (Executive Services Officer).

### **1 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **2 DECLARATIONS OF INTEREST**

Councillor Hammond declared a personal interest in agenda item no 4, as the applicant was known to him. However, in accordance with the Council's Constitution, was allowed to both speak and vote on the matter.

### **3 MINUTES**

The minutes of the meeting held on 11 November 2020 were confirmed by assent.

### **4 APPLICATION 06-18-0707-O - EMERALD PARK, GORLESTON**

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

The Senior Planning Officer reported that this was an outline planning application for a major residential development. Permission in principle was being sought including the point of vehicular access which was shown taken off Woodfarm Lane. Reserved matters of Appearance, Landscape, Layout and Scale would require approval in future if outline permission was granted. An indicative layout for 97 dwellings had been submitted as part of the application.

The Senior Planning Officer reported that this site was 2.4 hectares (5.9 acres) in area. It was located to the south-west of the built-up area of Gorleston-on-Sea. Land immediately to the north and east of the site was currently used as the Magdalen Recreation Ground with residential and commercial development beyond. To the south lay allotments, beyond which was the James Paget University Hospital. Westwards the land comprised major new residential development that was currently being built as part of the South Bradwell urban extension (Wheatcroft Farm), with the rest of the Beacon Business Park area located beyond, to the south. The site was currently in use as the ground for Gorleston Football Club.

The Senior Planning Officer reported that the proposal was for the demolition of the football stadium, clubhouse and associated structures and for the development of the property for housing. An illustrative site plan showed a typical mix of 1 and 2 bed flats and 3 and 4 bed houses which have been used to the model the financial viability of developing the site.

The Senior Planning Officer reported that a key consequence of this proposal was that should permission be granted the applicant had undertaken to help facilitate the provision of a significant piece of community infrastructure; that is the provision of a multi-sports pitch and ancillary facilities, which was proposed to be located at the East Norfolk Sixth Form College and for which planning permission was granted on 15th January 2020.

The Senior Planning Officer reported that given that the site was deemed a sustainable location for development, the key considerations with this

application were the developments viability and its impact on open space/a sports facility. The applicant had provided a viability assessment with the application which had been shared with the Committee. This shows that when calculating the residual value of the development that the house sale values minus the costs of development would produce a yield of 8.3%. The industry accepted yield for development was between 15% and 20% to be deemed viable. The applicant had therefore made a case for dispensation with a requirement to provide affordable housing in this development. Additionally, paragraph 63 of the NPPF provided for the application of a vacant buildings credit to be applied against a requirement to provide affordable housing. The credit was applied proportionally when measuring the area of the vacant buildings being replaced. In this case, the floor area of the stands, club house and ancillary buildings added up to 1,902sqm Gross External Area (GEA). Whereas 10 dwellings that would need to be made affordable according to planning policy would measure approximately 959sqm GEA (with a total GEA of 9,584 for 97 dwellings). This was well below the amount of floor space which could be offset according to the National Planning Policy Framework. The buildings were not currently vacant but would become so, should the football club relocate to the college and therefore it was not considered appropriate to require the provision of affordable housing in this case.

The Senior Planning Officer reported that the Council's Property Services had reviewed the applicant's viability assessment and concurred that the development as submitted, (costs to yields) would not be viable. It was considered that the construction costs appeared to be high in comparison with current The Building Cost Information Service (BCIS) data of the Royal Institute of Chartered Surveyors. Also, the end sale values of the 3 & 4 bedroom houses, might be undervalued, particularly in comparison with the prices being achieved at East Wood opposite. However, the 2 bedroom-flat values were considered optimistic at £150,000. Other inputs were considered reasonable.

The Senior Planning Officer reported that the residual valuation calculation had been made based on the figures provided, but adopting the mean BCIS construction costs, and adjusting sale values to; £140,000 -2 bed flats, £240,000 – 3 bed houses and £260,000 – 4bed houses. Allowing for a standard 18% developers profit with no affordable provision, the calculations produced a residual land value of just £119,000 for a residential site. The scheme as proposed therefore appeared to be unviable. However, the calculations suggested that the position was likely to be significantly improved if consideration would be given to an alternative scheme replacing the blocks of flats with houses.

The Senior Planning Officer reported that in conclusion, the applicant had committed to making contributions to community infrastructure that it considers were reasonable and necessary to enable the development. In this case, the payment for the provision of two fire hydrants, as required by the Building Regulations, £843 per hydrant to Norfolk County Council Libraries £7,275 and, as required by the Habitats Regulations £10,670. These could be secured by

legal agreement. The Council's Open Space Study, published in 2013 concluded that the Borough had a surplus of football pitches for adult and junior teams during peak times. For adults alone, this was estimated to be approximately 42-44 pitches not being used for adult games.

The Senior Planning Officer reported that in this case, the playing field that would be removed by the development, was not an ordinary grass pitch facility, it was a stadia which included floodlights, access to a clubhouse, FA compliant changing provision for players and match officials, grandstands, turnstiles and a pitch surround and the stadium must be enclosed. The applicant had taken a position based on paragraph 97 (open space and recreation) of the National Planning Policy Framework, that it was not necessary to replace the football facility. However, Officers take a contrary view that planning permission should be dependent on the provision of equal or better facilities safeguarded by planning condition or appropriate legal

agreement. Notwithstanding this difference of position between the applicant and officers of the Council, the applicant was proposing to help facilitate the provision of an improved recreational facility that would compensate for the loss of this facility. The applicant had included the sum of £400,000 in the development cost calculations, to help bridge any gap in funding to construct a 3G (third generation) all weather pitch at the East Norfolk Sixth Form College. The applicant had been working with Sport England (SE) to support the provision of this facility, where SE had been working with the National Football Association to secure a grant of £1million towards this facility. Planning permission for the facility was granted on 15th January 2020.

The Senior Planning Officer reported that in this case the site is in a sustainable location and will help to deliver the Council's development plan housing target. It is for the Committee to decide whether it is minded to approve this planning application that will facilitate the provision of the 3G facility at the college. The financial contribution from the applicant will close the gap in the funding required in addition to releasing a grant of £1million which is on offer from Sport England towards the cost of its provision. On balance it is considered that the social, health and educational benefits to the community from the provision of the facility are significant and in this case the provision of affordable housing is not achievable on this site.

The Senior Planning Officer reported that the application was recommended for approval subject to the following conditions outlined below and the completion of a legal agreement and a unilateral undertaking in accordance with S106 of the Town and Country Planning Act 1990. The proposal is deemed in compliance with the aims of Policies CS2, CS3, CS14 and CS15 of the Great Yarmouth Local Plan Core Strategy, also to Policy E3 of the Emerging Local Plan Part 2 and saved Policies HOU7, and HOU9 of and the Great Yarmouth Borough-wide Local Plan (2001) (LP). Conditions: That development shall not commence prior to development commencing at

East Norfolk College; reserved matters to be submitted within 2 years. Access to be in accordance with approved plans, approval for up to 97 dwellings, tree retention and protection during construction, details of surface water drainage and foul drainage systems to be submitted and agreed, and an archaeological programme of investigation, analysis and recording prior to development.

The Committee had no questions of a technical nature for the Planning Officer.

Karen Price, agent, Hawes Price, reported the salient areas of the application to the Committee and asked them to approve the application.

Matthew Smith, objector, asked for clarification as to whether all the Members of the Committee who knew of Albert Jones had declared a personal interest in this application. Mr Smith was also concerned that the application did not contain any affordable housing units and that the proposed infrastructure for the development was lacking; especially in regard to access to the rear of the site, access to shopping facilities, provision to street lighting as the area was extremely dark and access to bus stops/public transport links. He was also concerned that the objections from local residents and himself had not been taken into consideration when determining the application.

The Monitoring Officer clarified to Mr Smith that Members would only need to declare a personal interest in the application if it affected their well being or financial position or that of your family or close friends; i.e.. if they were a close friend of Albert Jones.

The Chairman asked if any Ward Councillor would like to speak on the application. Councillor Wainwright reported that he was a Ward Councillor but would speak during the general debate.

Councillor A Wright reported that he had had concerns regarding this application during the early stages but was comforted that the building of the 3G pitch at the college would commence prior to the commencement of the building out of the development. The application would result in new homes, a new facility for Gorleston FC and benefit the students at ENSFC.

Councillor Wainwright reported that he agreed with Councillor Wright's sentiments but was concerned that no street lighting would be provided on the development as it was an incredibly dark area of the Magdalen Estate and it was disappointing that County had not taken this into consideration.

Councillor Lawn proposed that the application be approved and this motion was seconded by Councillor Williamson.

Following a vote, it was RESOLVED:-

That application number 06-18-0707-O be approved; subject to the following conditions outlined below and the completion of a legal agreement and a unilateral undertaking in accordance with S106 of the Town and Country

Planning Act 1990. The proposal is deemed in compliance with the aims of Policies CS2, CS3, CS14 and CS15 of the Great Yarmouth Local Plan Core Strategy, also to Policy E3 of the Emerging Local Plan Part 2 and saved Policies HOU7, and HOU9 of and the Great Yarmouth Borough-wide Local Plan (2001) (LP). Conditions: That development shall not commence prior to development commencing at East

Norfolk College; reserved matters to be submitted within 2 years. Access to be in accordance with approved plans, approval for up to 97 dwellings, tree retention and protection during construction, details of surface water drainage and foul drainage systems to be submitted and agreed, and an archaeological programme of investigation, analysis and recording prior to development.

## **5 APPLICATION 06-20-0390-F - LAND NORTH OF HEMSBY ROAD, MARTHAM**

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

The Senior Planning Officer reported that this site was on the north side of Hemsby Road; the road linked Martham to Hemsby to the east. It was located outside, but adjoining the adopted development boundary of Martham. To the north was a residential development under construction at the former Mushroom Farm, to the east was agricultural land, to the south along Hemsby Road moving east to west was agricultural land, the Medical Centre and a residential neighbourhood. To the west was residential development accessed off Back Lane, an industrial unit and a yard of small workshops accessed off Hemsby Road. The site was 4.7 hectares (11.6 acres) it comprised a field with a woodland at its eastern end. The site wrapped around the industrial building.

The Senior Planning Officer reported that the proposal was for 112 dwellings made up of 35 two-bedroom houses, 8 two-bedroom flats/maisonettes, 45 three-bedroom houses and 24 four-bedroom houses. Each house had a garage and parking spaces; the flats/maisonettes had parking spaces. The units would be served by an estate road with a loop and private drives. The flats/maisonettes were formed around an area of open space; open space was also proposed at the centre of the development at the south west corner fronting Hemsby Road and within the woodland at the south east corner also fronting Hemsby Road.

The Senior Planning Officer reported that In November 2016, outline planning permission 06/14/0817/O was granted for residential development, access, public open space, associated works and B1 employment land. That permission retained 0.92 hectares for B1 employment use and 3.1 hectares for residential use totaling no more than 108 dwellings.

The Senior Planning Officer reported that the site adjoined the Martham Development Boundary in the adopted Local Plan and within it, in the emerging Local Plan wherein development would be supported in principle, unless material considerations outweighed that principle. As a Primary Village, Martham was identified in the Core Strategy as a settlement with a small range of services and opportunities for employment, retail and education. It served a limited local catchment and contained a lower level of access to public transport. In this case, the site was located on a road having a bus service, it was adjacent to the Doctor's Surgery and was within walking distance of the Co-op store and the primary and secondary schools. Supporting information had been provided which addressed the matters listed under site specific policy MA1 "Land North of Hemsby Road".

The Senior Planning Officer reported that In this case, it was considered that the proposed layout would safeguard the amenity of adjoining property, the siting of the dwellings did not overshadow, also privacy was protected by back to back distances. Specifically at the north west corner of the site, an existing scrub hedge including a cherry tree towards the boundary were to be retained, they would be trimmed to a height of 4m which would encourage them to thicken up and thereby form a more substantial screen in future years maintaining privacy.

The Senior Planning Officer reported that a short section of the Conservation Area ran along the rear boundaries of properties fronting Back Lane. The closest new building would be more than 10m from that boundary. There would be limited views of the development from the west between existing buildings within the Conservation Area along Back Lane. The dwellings were set out along the estate road and private drives off. Dwellings fronted onto areas of public open space which provided focal points and amenity for the future inhabitants.

The Senior Planning Officer reported that in respect of No 1 Honeysuckle Barns, the survey plan used for the development preceded its development which is why it was not shown on the submitted plans. However, the proposed flats, plots 31-34 would be oriented at a right angle, to the north west of that property, with a gap of approximately 10m. The building was also stepped away to the west and had a hipped roof, the rear gardens were parallel to the rear elevation of No 1 Honeysuckle Barns. Plots 29 and 30 were proposed as a pair of semi-detached houses. The plots were offset to the east of No 1 Honeysuckle Barns and based on the offset siting and provision of rear garden, this siting and orientation and distance was considered enough to safeguard amenity to No 1 Honeysuckle Barns. In respect of No.5 Manor Farm Barns, the rear access to that property, although tight to the development boundary should not be adversely affected by the development. A landscape strip was indicated between it and the rear boundaries of adjacent plots 35-38.

The Senior Planning Officer reported that the applicant preferred to create space within the copse at the eastern end of the site to allow the area to be observed from the adjacent houses. It was considered that this would facilitate

surveillance of the area and reduce the possibility of anti-social behaviour. The space was not needed to make up the required provision of open space within the development, compensatory planting at a ratio of 3:1 was proposed elsewhere within the development. In this case, the proposal was considered reasonable in order to safeguard amenity of the occupiers and provide for the management of the space, further the compensatory planting would significantly improve the biodiversity of the area. The applicant advised that they could move houses further from the trees along

Pratt's Loke; this would reduce the parking available and given the trees were on the northern side of the houses they considered that this would not significantly increase the sunlight and daylight enjoyed. In this case, it was not considered that any change was necessary.

The Senior Planning Officer reported that the main issue of this application was the proposal for dwellings on the area of the site that had been designated for employment use in the emerging local plan. The emerging development plan showed 1.32 acres of the site for employment use, preferably for uses with B1 of the Town and Country Planning Use Classes Order, that is office and light industrial type uses such as minor manufacture with hours of operation and processes that would not give rise to complaints by way of noise or smell i.e. ones that would be compatible with residential neighbours. The purpose of the designation was to encourage the location of employment opportunities in the village and reduce the need for travel.

The Senior Planning Officer reported that Policy MA1 advised that the area could be released for additional housing if it could be demonstrated through marketing, at a reasonable price for 18 months, that there was no interest in developing it for employment use. In this case, the applicant had provided evidence that based on a typical development scenario of erecting buildings on 40% of the site (approximately 40,000 sq ft of floor space). The assessment identified the cost to service the site with infrastructure, including roads, parking service yards, drainage, power and to construct business and industrial units on the site would cost just over £6 m. However, based on the market rental incomes possible from those units, or the possible sale values of the units, the property would only achieve a value of £2.7 m. A development was clearly not viable in this case. The assessment advised that there was currently slow growth in commercial property values in the area while construction costs continued to rise. Demand tended to be locally driven rather than speculative or from inward investment, and the local demand tended to be low end in terms of floor space and quality with cost being the key consideration of occupiers.

The Senior Planning Officer reported that the applicant advised that they have considered incorporating higher value employment generating uses. For example, the site had been put to care home operators which responded that they required a population area of at least 5,000 and as such the site was not large enough. Retail had been considered, but the applicant believed that like many primary villages, Martham was well catered with retail floor space and in line with recent trends for on-line shopping, had seen a reduction in floor



space with former retail space being converted into other, mainly residential uses. Further, providing more retail in the village, would likely cause displacement from existing locations and draw people away from the village centre. The Council's Property Services had carried out its own assessment and concurred with the applicants' position, that in this case, development for employment use would not be viable.

The Senior Planning Officer reported that the application was recommended for approval as in this case, the site was adjoining the existing settlement and to the former Mushroom Farm which was currently being redeveloped for residential use and was nearing completion. The site was identified for development in the Draft Local Plan Part 2. The location was clearly sustainable, the layout has been designed to create an attractive living environment with open space to protect the amenity of neighbouring property and to preserve and enhance the character and appearance of the Conservation Area. Affordable housing would be provided and integrated in the development. Therefore, the only question was whether it was reasonable to hold out for an employment use on part of the site. In this case, whilst there might be a demand if the land price was very low, the cost of service and construction of office and industrial units was way in excess of what the market would bear. Given the well documented need for the Borough to meet its' housing allocation targets it was considered that this outweighed the desire to safeguard this part of the property for employment uses that were unlikely to be delivered in the short, medium or long term. It was therefore recommended that the application be approved as submitted. The proposal complied with the aims of Policies CS1-CS4 and CS9-CS16 of the Great Yarmouth Local Plan: Core Strategy, Policy A1 of the Emerging Local Plan Part 2 and saved Policies HOU9, HOU16 &17 and REC8 of and the Great Yarmouth Borough-wide Local Plan (2001) (LP).

Councillor Bird asked for clarification as to whether the Fire Service was satisfied that the width of the proposed access road would allow safe passage for a fire engine to access the development. The Senior Planning Officer reported that the Fire Service were satisfied with the proposal providing the correct number of fire hydrants were installed as per the condition requested.

Councillor A Wright was concerned regarding the removal of an unspecified number of trees on the development site. The Chairman agreed that all of the trees or as many as possible should be retained. The Committee requested that a condition be imposed which stated that any trees to be felled to be submitted to the Council for approval prior to any felling taking place on site.

Councillor Fairhead asked for clarification as to whether this development would be connected to the development on the former Mushroom Farm. The Senior Planning Manager reported that the site would be connected by a footway/cycleway to the former Mushroom Farm and onto Pratt's Loke.

Councillor Mogford reported that he was disappointed that the application did not have any light industrial use included. The Chairman reminded the

Committee that they had to determine the application before them this evening. The Planning Manager gave an overview of the planning history in regard to the employment land aspect for which the application site had been previously designated.

Emma Griffiths, applicants agent, reported the salient areas of the application to the Committee and expanded on the proposed tree removal and planting scheme for the site. She respectfully asked that the Committee approve the application.

Paul Hooper, Parish Council Chairman, reiterated the objections of the Parish Council to the application to the Committee and strongly urged the Committee to refuse the application.

Councillor A Wright asked why the Parish Council had not submitted a written representation to the Planning Department in respect of the application. Mr Hooper informed the Committee that the Parish Council had decided not to submit a written representation as they did not want to inform the developer of their objections prior to the Committee meeting.

Councillor Mogford, Ward Councillor addressed the Committee and reported the concerns of the villagers that there would be no small start-up business units available for local residents to utilise and that they would have to travel to either Great Yarmouth or Norwich to access such facilities.

Councillor Myers reported that he was deeply troubled by the planned removal of trees in the name of reducing anti-social behaviour on site. Councillor A Wright and the Chairman reported that they too, supported the retention of the trees on site. The Senior Planning Officer reminded the Committee that the trees were protected by a Tree Preservation Order and that if any were felled they would be replaced on a 3-1 ratio. This had been confirmed by the applicants agent.

Councillor P Hammond reported that he supported Councillor Mogford and that officers should go back to the applicant to see if they could re-work the application to include some light industrial start-up units.

Councillor Wainwright reported that the applicant had tried to market the site for business use for four years with little or no interest. The Committee must consider the application before them this evening and he proposed that the application should be approved with the condition that the trees were protected from mass-felling.

The Monitoring Officer reiterated the need for the Committee to determine the application before them this evening.

Councillor Freeman asked for clarification as to how the surface water would be treated on the site and whether there would be lagoons included on site for this purpose. The Senior Planning Officer reported that the application had included a comprehensive drainage plan.

Following a vote, it was RESOLVED:-

That application number 06/20/0390/O be approved, as in this case, the site is adjoining the existing settlement and to the former Mushroom Farm which is currently being redeveloped for residential use and is nearing completion. The site is identified for development in Draft Local Plan Part 2. The location is clearly sustainable, the layout has been designed to create an attractive living environment with open space to protect the amenity of neighbouring property and to preserve and enhance the character and appearance of the Conservation Area. Affordable housing will be provided and integrated in the development. The only question is whether it is reasonable to hold out for an employment use on part of the site. In this case whilst there may be a demand, if the land price was very low, the cost of service and construction of office and industrial units is way in excess of what the market would bear. Given the well documented need for the Borough to meet its' housing allocation targets, it is considered that this outweighs the desire to safeguard this part of the property for employment uses that are unlikely to be delivered in the short, medium or long term. It is therefore recommended that the application is approved as submitted.

The proposal complies with the aims of Policies CS1-CS4 and CS9-CS16 of the Great Yarmouth Local Plan: Core Strategy, Policy A1 of the Emerging Local Plan Part 2 and saved Policies HOU9, HOU16 &17 and REC8 of and the Great Yarmouth Borough-wide Local Plan (2001) (LP).

## **6 APPLICATION 06-20-0190-O - THE CONGE/BREWERY STREET/GEORGE STREET, GREAT YARMOUTH**

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

The Planning Manager reported that the application was an outline planning permission seeking to establish the principle of development on the site for the development of 89 dwellings along The Conge, Great Yarmouth, with some matters reserved. To be considered as part of the current application at this outline stage was means of access and scale of development.

The appearance, landscaping and layout were reserved and not to be considered as part of this application and would be addressed at the detailed stage, should the application be approved. Also included at this stage was the demolition of the existing buildings on the site. The site was 1.36 hectares ( 3.26 acres) and was brownfield land in the built up urban area of Great Yarmouth.

The Planning Manager reported that the submitted plans illustrated how a total of 89 dwellings incorporating 1, 2 and 3 bed dwellings could be accommodated on the site. The Design and Access statement submitted with the application stated whilst the detailed proposals would form part of

a detailed application, in order to understand and develop the scale of the proposed development, a number of criteria had been implemented into the concept design. The surrounding built environment consists of 2, 3, and 4-storey structures. As such, the proposed development had been informed by this and included 2, 3, and 4-storey houses and 4-storey blocks of flats, over a range of 9 blocks with eaves heights ranging from 6.5m for the houses and 10.5m for the highest 4-storey flats.

The Planning Manager reported that all consultation responses which had been received were available online or at the Town Hall to view during opening hours and there had been no objections to the proposal from local residents. A note of support had been received from County Councillor Castle (Yarmouth North and Central Division) which stated that "as the local County Councillor I am very pleased to support what is proposed. The redevelopment of The Conge has long been earmarked in strategic planning documents and it is vital to the wider regeneration of the North Quay and the improvement of the corridor between the Town's Rail station and the Market Place. More housing in the Town Centre is also very important and residents will benefit from being close to schools, amenities, shops and public transport. The introduction of Residents Permit Parking would be advantageous given the intensification of housing in the area between the Market Place and the Quay."

The Planning Manager reminded the Committee that this Framework and Masterplan set out the Council's ambition for the regeneration of the Town Centre over the coming decade. The study area for this work encompassed the extended Town Centre area, east-west between the seafront and the Yare riverfront, and north-south corresponding to the length of the historic town walls. Our vision for the town centre was that, by 2025, new investment and employment in the Town Centre was generating renewed pride in Great Yarmouth and building confidence for the future.

The Planning Manager reported the following six objectives would enable the Council to work with partners to bring that vision to life:

- a. Strengthening the heart of the Town Centre
- b. Improving the Markets and Market Place
- c. Transforming The Conge
- d. Creating a sense of arrival at the Town Centre
- e. Unlocking the potential of Hall Quay
- f. Linking it all together

The Planning Manager reported that the objective at (c) stated the ambition of by 2025, was that The Conge was being transformed, with new mixed-use development lining both sides of the lower half of the street, and the next phase ready for delivery connecting it to the renewed Market Place.

The Planning Manager reported that the Corporate Plan 2020-25: Strategic Priorities for the Borough stated that "To transform The Conge as the key linkage between the railway station and Town Centre by delivering a mix of new residential and employment opportunities as well as improving the physical environment."

The Planning Manager reported that the site was within the development limits of Great Yarmouth, as defined by the existing Borough-wide Local Plan. Core Policy CS2 identified Great Yarmouth as being one of the Borough's 'Main Towns', and accordingly directs a greater proportion of the plan's future housing requirement to it, owing to its size, scale and range of existing services and facilities.

The Planning Manager reported that the site was adjacent to, and within close walking distance of Great Yarmouth's Town Centre and railway station, in a highly sustainable location with access to a range of services and facility, in particularly via sustainable modes of transport. Within the 'Main Town', the site was situated in the defined 'Great Yarmouth Waterfront area', a strategic allocation which was critical to delivering both social and economic objectives of the Local Plan. Through Core Policies CS2, CS3 and CS17, the Local Plan sought to maximise the efficient use of this area, providing at least 300 dwellings in the Great Yarmouth Waterfront area by the end of 2030.

The Planning Manager reported that the site was partly within Flood Risk Zones 2 & 3 and would be subject to passing the requirements of both sequential and exception tests, as required by Core Policy CS13. It was agreed with the Flood Risk Assessment (FRA) that the proposal met the requirements of the sequential test given the paucity of sequentially preferable sites within the Great Yarmouth area and the inability to currently demonstrate a 5 year housing land supply against the Core Strategy 2015 figure. Subject to the identified mitigation measures identified in the FRA, and endorsement from the Environment Agency, it was agreed that the development would meet the requirements of the exception test.

The Planning Manager reported that the principle of residential development in this location i.e. providing up to 89 residential units in an area of flood risk was supported as the proposal helped deliver on the strategic housing delivery aims of the Local Plan, providing residential development in a demonstrable sustainable and safe location and maximising brownfield land. These deliverables would be consistent with Core Policies CS2, CS3, CS13 and CS17. Core Policy CS4 and CS17(d) set out the need to maximise affordable housing provision on site. The current application does not indicate the amount or location of affordable housing. This would need to be adequately demonstrated through the reserved matters application. A minimum of 9 affordable units would normally be expected and well-integrated within the development in terms of layout and design. Core Policy CS9 set out the Council's strategic policy approach to achieving good design. However, Core Policy CS17 also provided additional detailed policies to guide the layout, including scale, massing and form of future development proposals alongside Gorleston-on-Sea, as the other 'Main Town' Great Yarmouth Waterfront area and would be the key policy determinant against this element of the current application.

The Planning Manager reported that the proposal comprises a design layout of predominantly 2, 3 & 4 storey flats and townhouses arranged in a perimeter

block design which internalised parking courts and bin collection/storage points within the development blocks. The general perimeter block layout is supported and helps to provide a positive relationship between public and private space, providing surveillance and visual interest along the principal movement corridors of The Conge, North Quay and Georges Street. The internalisation of the parking courts within the perimeter blocks allowed for surveillance from residential properties and (in contrast to front curtilage parking) reduced the potential for an excessive car-dominated environment along the principal movement corridors. This helped to reinforce a safe, convenient and attractive pedestrian/cycling link between Great Yarmouth rail station and the Market Place, and allowed for greater flexibility to improve the street scene from enhanced public realm.

The Planning Manager reported that since submission, the application had been amended to address the comments and concerns of Norfolk County, the highway authority for the area. The consultation comments were no objection to the principle, subject to highway related conditions reflecting the Highway Officer support for the application. These layout principles would in the Case Officer's view be considered consistent with Policies CS9 (c) & (d), and Policies CS17 (f) & (j).

The Planning Manager reported that the Design and Access (D&A) statement had explored a proposed layout which sought to balance opportunities for providing key views westwards (towards Breydon Water), maximising solar gain, and maintaining the amenity of existing and future residents. Whilst the detail by which this was to be achieved will form part of the subsequent reserved matters, the general approach was laudable and flowed with the transformative regeneration aims of Policy CS17 and, more intently, Policy CS9 (f) & (h). Policy CS9(e) required developments to demonstrate how the design had considered car parking, with reference to the Council's adopted parking standards. The D&A statement indicated that the proposed parking ratio was 1 space per dwelling and would be below that currently required by adopted standards. The lower amount had been justified in the D&A statement on the basis that the site was urban and was very accessible on foot and had good transport links.

The Planning Manager reported that the submitted plans did not provide detail on the precise mix of dwelling types, but that the supporting documents stated that provision was made for one parking space per dwelling, this could mean that the proposal falls short of the County Council parking standards depending on the final details of the development. Some flexibility in the amount sought could be justified on the basis of the proposal's highly sustainable location and need to actively encourage sustainable modes of transport, including the provision of adequate and secure cycle parking/storage (as indicated in the D&A statement).

The Planning Manager reported that the Local Plan Part 2 has been submitted to the Planning Inspectorate for examination in public which was due to commence in January 2021. In accordance with paragraph 48 (of the NPPF) upon submission, those policies of the plan which have no unresolved

objections could be given more significant weight.

Emerging policies of particular relevance include:

- Policy A2 – Housing design principles. Requires dwellings to meet building regulations standard M4(2) for adaptable homes.
- Policy H4 – Open space provision
- Policy H6 – Pollution and hazards in development – owing to the likely presence of potentially contaminated land, and potential for unexploded ordnance on site.
- Policy E7 – Water conservation – requires new dwellings to meet a water efficiency standard
- Policy 11 – Vehicle parking – requires consideration of parking standards and provision of electric charging points

The Planning Manager reported that the North Quay Supplementary Planning Document (SPD) was adopted in May 2020 with the purpose of setting out the vision, objectives and planning considerations for the regeneration of the North Quay area. The SPD was a material consideration in the determination of relevant planning applications. Whilst the development proposal was outside of the SPD's defined area, it did link at its northern end, sharing the strategic pedestrian/cycling connection between the Great Yarmouth Rail Station and Market Place via North Quay and The Conge. This interrelationship formed an integral element in the wider regeneration framework for the waterfront area of Great Yarmouth, as reflected by Core Policy CS17 (f). The movement and land uses proposed by the current application were considered to be in support of the SPDs strategic ambitions.

The Planning Manager reported that the Great Yarmouth Town Centre Masterplan was endorsed by the Council in July 2017 with the aim of setting out six key strategic objectives to aid the regeneration of the Town Centre by 2025. 'Transforming the Conge' was identified as one of the main strategic objectives, with the aim of introducing new mixed-use development along The Conge, as well as the re-allocation of road space to pedestrian/cycle use to support greater movement between the Market Place and Great Yarmouth Rail Station. The reallocation of road space for pedestrian/cycling use was completed in 2018, therefore the current proposal seeks to complete this strategic objective of the Masterplan.

The Planning Manager reported that the site was located adjacent to Conservation Areas no.2 and no.4. Historic England had no objection to the application on heritage grounds i.e on the Conservation Area, they considered that the application met the requirements of the National Planning Guidance, in particular, paragraph numbers 7, 8, 193, 194 and 196 which relate to heritage assets.

The Planning Manager reported that Historic England had reminded the Council to bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to

the desirability of preserving or enhancing the character or appearance of conservation areas. This report had also identified the Listed Buildings on the west side of North Quay and the Vauxhall Bridge. In this regard the Council also had a duty at section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which says that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

The Planning Manager reported that development as proposed, as per the application drawings which supported the application details of access and scale, preserved and indeed enhanced the character and appearance of the settings of the identified Conservation Areas. Whilst Historic England had raised concerns over the scale of development there were a numbers of four story buildings in the immediate locality with higher storey buildings beyond.

The Planning Manager reported that in terms of the Listed Buildings, Historic England had raised no concerns in this regard, as at the most, the impact would be modest. The impact of the proposed development on the significance of the designated heritage assets, was less than substantial harm to their significance. In weighing the harm, as required by paragraph 196, of the National Planning Policy Framework, considered that the harm to the setting of the listed buildings and conservation area was outweighed by the considerable public benefits of the proposal, in terms of improving the attraction of the locality and economic benefits and contribution to the regeneration and character of the area that would result.

The Planning Manager reported that the site was located in Flood Zone 3 (high risk). Due to this and to minimise risk of flooding, all habitable accommodation was proposed to have a minimum internal ground floor level of 3.680m above ordnance datum (AOD) (the 1 in 200 +CC flood level + 600mm freeboard) as set out in the Flood Risk and should the application be approved, this should be subject to condition. In addition to the Flood Risk assessment, the application was accompanied by a drainage strategy.

The Planning Manager reported the details of the sustainable drainage system incorporated as part of the design with the aim of ensuring that flood risk, both on the site and elsewhere, as a result of the development was mitigated. Permeable paving for driveways were proposed to be used where possible and areas with impermeable surfaces would be managed using SUDS to ensure that surface water run-off did not increase local flood risk and did not increase flows into the existing watercourse.

The Planning Manager reported that it was anticipated that roof drainage could be directed to individual plot soak-aways, or to permeable paving sub-base structures where suitable. The final details of the surface water drainage was still to be agreed with the local Lead Flood Authority. The applicant had provided a Flood Risk Assessment and Drainage Strategy. Anglian Water had



stated there was capacity in the Caister system to accommodate the foul water flows, subject to final details being submitted, which need to be addressed by condition on any grant of planning permission.

The Planning Manager reported that the County Council had stated that there was capacity within the existing schools at all levels, with some having more than others, identifying that provision in the form of a commuted sum should be made to address the capacity issues. It had been identified that there was spare capacity at St Nicolas Primary and St Georges Primary and Nursery, with a capacity for +2 and +7 spaces respectively, which equated to a less than 1.5% spare capacity in the Primary Sector, there would be insufficient capacity for all the of the children generated by this proposal. The actual detailed figures were not stated at this stage, because the final make-up of the development was not known at this stage. In addition, the County identified a requirement and requested a commuted sum for library books.

The Planning Manager reported that the Health Authority had assessed that the existing healthcare services would be impacted and sought a developer contribution of £155,676 towards additional bed spaces and floor space for primary healthcare and acute healthcare facilities. However, there were questions how this contribution had been calculated. It should be noted that since 2018, the Health Authority had a policy of seeking contributions on sites of over 50 units, which it had put in place since this application had been submitted at the end of 2018.

The Planning Manager reported that in considering this application, Members should be mindful of Policy CS14 "Securing appropriate contributions from new developments as set out the Core Strategy 2015. This stated that new development could result in extra pressure being placed upon existing infrastructure and local facilities. This could include both physical and social infrastructure, as set out in the supporting text to the policy. As part of this application, the requests and requirements were set out in the report alongside the requirements of the adopted policies. In addition, the requests from the County Council and NHS, the amount of affordable housing and open space contribution or provision on site per unit on a pro-rata basis together with the Habitat Regulation Mitigation payment".

The Planning Manager reported that the Council was mindful, as set out in the Core Strategy that development proposals needed to be economically viable and in cases where viability was in question, the proposed scheme should be subject to viability testing. In this instance, taking into account different profit scenarios, the scheme was not considered financially viable taking into account the demolition and construction costs and the constraints of developing this previously developed brownfield site. It was considered that the additional financial requirements would further decrease the viability of development. The Council also had control over the land.

The Planning Manager reported that it was therefore appropriate for the Committee to consider that in order to facilitate the development, and if the Committee was minded to approve the application, that this application was

not subject to planning obligations sought, with the exception of the Habitat Mitigation payment, which was presently £110 per dwelling. This was because there was a presumption against any new development that would damage the ecological integrity and/or landscape value of these designated sites, either individually or in combination.

The Planning Manager reported that in conclusion, the site was in a sustainable location and would help to deliver the Council's development plan housing target and to implement the Council's ambition of developing The Conge and the Town Centre Masterplan, contributing to the economic, visual and social improvement objectives to the Town Centre and enhancing the local townscape.

The Planning Manager reported that the application was recommended for approval, subject to the conditions, outlined below and in the report, and the Habitat Mitigation payment prior to occupation. The proposal is deemed to be in compliance with the aims of Policies CS2, CS3, CS13, CS14, CS15, and CS17 of the Great Yarmouth Local Plan Core Strategy, and saved Policies HOU7, and HOU9 of and the Great Yarmouth Borough-wide Local Plan (2001) (LP).

Including standard outline for submission of reserved matters, control over outstanding matters; access and scale to be in accordance with approved plans, and approval for up to 89 dwellings, highway conditions, controlling conditions re contamination, hours of working, details of surface water drainage and foul drainage systems to be submitted and agreed, finished floor levels /EA requirements and an archaeological programme of investigation, analysis and recording prior to development.

Jerene Irwin, applicants agent, addressed the Committee and reiterated the salient areas of the application and asked that the Committee approve the application which would help to transform the gateway from Vauxhall Railway Station via The Conge and into the Market Place.

The Committee reported that they fully supported the application.

**RESOLVED:-**

That application number 06/20/0190/O be approved, subject to the conditions outlined below and in the report, and the Habitat Mitigation payment prior to occupation. The proposal is deemed to be in compliance with the aims of Policies CS2, CS3, CS13, CS14 CS15 and CS17 of the Great Yarmouth Local Plan Core Strategy, and saved Policies HOU7, and HOU9 of and the Great Yarmouth Borough-wide Local Plan (2001) (LP).

Standard conditions as outlined for submission of reserved matters, control over outstanding matters; access and scale to be in accordance with approved plans, and approval for up to 89 dwellings, highway conditions, controlling conditions re contamination, hours of working, details of surface water drainage and foul drainage systems to be submitted and agreed, finished floor

levels /EA requirements and an archaeological programme of investigation, analysis and recording prior to development.

## **7 DELEGATED DECISIONS MADE BETWEEN 1 AND 30 NOVEMBER 2020**

The Committee received, considered and noted the delegated decisions made by Officers and the Development Control Committee between 1 and 30 November 2020.

## **8 ANY OTHER BUSINESS**

The Chairman wished a Happy Christmas to all those present at the meeting.

The meeting ended at: 18:00