



GREAT YARMOUTH BOROUGH COUNCIL

Development Management Committee

Date: Wednesday, 20 March 2024

Time: 18:30

Venue: Council Chamber

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

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

4 - 15

To confirm the minutes of the meeting held on the 21 February 2024.

4 APPLICATION 06 22 1026 D - Land off Foster Close, Ormesby St Margaret, Great Yarmouth

16 - 41

Report attached.

5 APPLICATION 06 23 0918 F - Site of former Car Park G, James Paget University Hospital

42 - 59

Report attached.

6 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.



GREAT YARMOUTH
BOROUGH COUNCIL

Development Management Committee

Minutes

Wednesday, 21 February 2024 at 18:30

PRESENT:-

Councillor A Wright (in the Chair); Councillors Annison, Bird, Boyd, Capewell, Freeman, Galer, Green, Martin, Mogford, Murray-Smith, Williamson & A Wright.

Councillor Newcombe attended as a substitute for Councillor Pilkington.

Mr A Chrusciak (Interim Head of Planning), Mr R Parkinson (Development Manager), Ms C Whatling (Monitoring Officer), Mr M Joyce (Principal Planning Officer), Ms E Nutman (Planning Officer), Mr D Zimmerling (IT Support) & Mrs C Webb (Democratic Services Officer).

01 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Pilkington.

02 DECLARATIONS OF INTEREST

Councillor Annison declared a personal interest in item 5 as the developer was known personally to him.

Councillor Murray-Smith declared a personal interest in items 6 & 7 as he owned a chalet on the Holiday Park.

Councillor Williamson declared a personal interest in items 9 & 10 as he was a trustee of Out There Arts and would leave the meeting during the determination of the items.

However, in accordance with the Council's Constitution, Councillors Annison & Murray-Smith were allowed to both speak and vote on the items.

03 MINUTES

The minutes of the meeting held on 24 January 2024 were confirmed.

Committee agreed 6 March 2024 as provisional date for addition Development Management Committee meeting.

04 APPLICATION 06 23 0758 VCU - Cliff Top Car Park, East of 70 to 75 Marine Parade, Gorleston

The Committee received and considered the report and the addendum report from the Planning Officers.

The Principal Planner reported that this was a connected application as the Council is both the applicant and the landowner and had been referred to the Monitoring Officer who had asked for it to be brought before the Committee for determination.

The Principal Planner reported that Members are reminded that case law has ruled that an application to remove or vary conditions on a planning permission has the effect of creating a new planning permission altogether. The determination of this proposal must have regard to the permission(s) already granted and the intended variations, and any material considerations relevant to the development since the previous permission was granted.

The proposal is for the Variation of Conditions 4 and 8 of planning permission 06/21/1018/CU to:-

- (i) allow trading for up to 220 days per year for the hot food takeaway uses between 1 March and 2 January the following year; and
- (ii) change the seasonal opening times as follows: to trade from 7.30am - 6.00 pm between 1 November and 31 March; and, to trade from 7.30am to 8.00 pm between 1 April and 31 October.

The Principal Planner reported that application 06/21/1018/CU was approved for the *“Proposed change of use of land for the mixed use purpose of car parking and temporary stationing of up to 3 no. mobile concession units for the purposes of retail (use class E1a) and/or hot food takeaway (sui generis) use”*, which was subject to conditions.

This application relates to Condition 4 to allow both the hot drink and hot food take away concession units to trade for more months throughout the year, and Condition 8 to amend the trading hours to allow all the concession units to commence its use 30 minutes earlier each day. This will further extend the relaxation in permitted hours and trading of the hot drinks concession unit beyond those relaxed hours approved under 06/22/0762/VCU.

The Principal Planner reported that in deciding an application under Section 73 of the Town and Country Planning Act 1990, the Local Planning Authority may only consider the question of the conditions subject to which planning permission should be granted. A complete re-consideration of the proposal cannot be undertaken. As a result, only the conditions applied for can be considered providing that they do not alter the overall development as applied for (as detailed in the original description of development).

The Principal Planner informed the Committee that the Environmental Health Team reviewed the application and confirmed no complaints have been received to date about the use and, as such, would not raise any objections to the proposal. There were no objections from County Highways Authority and no policy concerns.

The Principal Planner reported that 15 objections were raised to this proposal with regard to the generation of noise, disturbance and littering. Whilst there are amenity issues, officer consider that the limiting conditions which retained from 06/21/1018/CU are sufficient on mitigate any potential adverse amenity issues arising. On the basis of no objection from the Environmental Protection Team and the distance from the residential properties, it is considered that a starting time of 07:30hrs instead of 08:00hrs is acceptable. It does not mean that the concession units have to operate all of these hours, it would mean that there is the flexibility to operate for all or part of these hours.

The Principal Planner reported that with regard to policy harm, Strategic Planning have advised that the Gorleston Masterplan identifies some of the existing concession offer is limited and recognises that new, small scale, (retail, leisure) and food and drink concessions could help to improve the offer and increase numbers of visitors to the seafront. However, it does recognise that the number of concessions needs to be carefully balanced to ensure the unique character of the area is not undermined, nor detracts business from Gorleston town centre.

The Principal Planner reported that at paragraph 6.3.3 (Agenda pack page 17) the printed sentence ends without completion. The sentence should read:-
“Officers would advise that the Environmental Protection team has confirmed that no noise complaints have been received nor have there been any other complaints lodged with Environmental Health Officers regarding odour or litter associated with the current activities of the car park. Officers would point out however that it is understood that to date only the hot drink coffee sales concession unit has been operating, which would not be expected to cause noise or odour concerns.”

There are the following updates to the report:-

- (i) Page 13 of the Agenda – An Extension of Time has been agreed by the applicant to 29 February 2024.
- (ii) Additional late objection concerning generation of rubbish, cooking smells and loss of car parking space. Officers would advise that these matters are dealt with in the main body of the report; see in particular paragraph 10.12 (page 20). The new objection is not considered to raise new material considerations which affect the proposed recommendation.

The Principal Planner reported that the proposal is for the variation of two conditions on a previous and still extant permission, one variation relating to amending the trading hours, the other variation relating to a change in the months one of the three concession units can trade for. This widens the change to cover all three concession units. However, to ensure the application falls within the scope of the original planning permission granted under 06/21/1018/CU, and remain a 'temporary use', it is considered necessary and reasonable to require that no trading shall take place for any unit outside of 1 March to the 1 January annually (i.e. January and February remain 'fallow' months). Having considered the details provided, the proposal is considered to be acceptable and the conditions will be amended accordingly, together with the remaining conditions imposed (and amended where appropriate, for example to reflect that the development commenced under the previous permission).

The Principal Planner reported that the application is recommended for approval with the conditions numbered 1-12 as detailed on pages 23-26 of the agenda report plus the informative notes.

Councillor Wells, Ward Councillor addressed the Committee and reported that he was unaware of the addendum report. He reported that the application site was within a residential area and that if permission was granted, that mitigation measures to be put in place in this Conservation Area to cover the noise emanating from the use of generators and that advertising boards be kept to one per unit. Councillor Wells was concerned that one of the units occupied 2 car parking spaces and asked in regard to enforcement action. He proposed that the concessions cease trading at 6pm Monday to Saturday and 4pm on Sundays and through the winter period.

There were no questions from members so the Committee moved to the debate and decision.

Councillor Williamson proposed that the application be approved with the suggested conditions. This was seconded by Councillor Freeman.

RESOLVED:-

That application 06/23/0758/VCU be approved with the conditions as detailed on pages 23-26 of the agenda report.

05 APPLICATION 06 23 0393 VCF - Darwin Court, Nuffield Crescent, Gorleston

The Committee received and considered the report and addendum report from the Planning Officer. The Development Manager reported that this was a retrospective application for a variation of Conditions 2 (approved plans) and 9 (Landscaping) of planning permission 06/14/0773/F (Construction of 46 dwellings with associated parking and site works on site of former residential care home). Amendment to surface water drainage soakaway location and revised timescale for tree planting. This is a major development of more than 25 dwellings.

The Development Manager reported the following update to the report:-

1. The applicant's Agent has provided some clarity in respect of the measures to provide root protection measures, both for the trees to be planted in the highway verge, and the trees planted within the central island. This is needed to protect utilities and the soakaway.

2. The root protection measures are similar to those originally included as part of 06/14/0773/F. Clarification has been given as to how the root protection measures will be adapted to protect the adjacent soakaway.
3. Condition 3 should therefore be amended to reference the clarification from the agent, which was received after the report was published.

The Development Manager reported that the recommendation is for approval with conditions as per the published agenda report with an amendment to Condition 3 to read:-

No later than 31st March 2024, the two Amelanchier Lamarkii trees to be provided in the central grassed area of the site shall be planted in accordance with the root protection details shown on plan 2074-15 Rev.4 as originally submitted within application 06/14/0773/F, and in accordance with the methodology outlined in the email from Graham Craske (received by the Local Planning Authority on 20/02/2024 14:35). All trees shall thereafter be maintained in strict accordance with the maintenance details provided within the Planting Specification Document received on 06 February 2024.

The reason being that as the trees within the central grassed area are necessary ensure a high quality form of development and in the interests of ensuring appropriate visual amenity for the local area, to enhance biodiversity and to secure appropriate residential amenity in accordance and the root barrier measures are required to ensure that the planting does not adversely affect surface water drainage; in accordance with Policies CS9 and CS11 of the adopted Great Yarmouth Local Plan Core Strategy (2015).

Councillor Boyd asked how was this situation allowed to happen and how could this be policed better moving forwards. The Development Manager reported that he did not have the financial resources to employ a dedicated officer to monitor the discharge of planning conditions. The majority of conditions were self-policed but the re-planting requirements of this application would be monitored.

Councillor Bird asked who would be responsible for the grass cutting of this area. The Development Manager reported that this was a public verge on a public highway and would be cut by the public authority. Councillor Bird questioned whether the formation of a management company would be beneficial to maintain these areas.

Councillor Williamson reported that he supported the application as the planting of trees was an essential element of the Design Code and both the local residents and the environment would benefit enormously.

Councillor Boyd proposed that the application be approved with the suggested conditions. This was seconded by Councillor Annison

RESOLVED:-

That application 06/23/0393/VCF be approved subject to the conditions set out on pages 35 to 38 of the agenda report with the amendment to condition 3 as reported at the meeting.

06 APPLICATION 06 23 0831 CU - Club House, Florida Estate, Back Market Lane, Hemsby

The Committee received and considered the report from the Planning Officer. The Development Manager reported that this was a connected application as it was submitted by an employee of the Council and the Monitoring officer had requested that it be determined by the Committee.

The Development Manager reported that the application was a proposed change of use and sub-division of an existing storage unit (Use Class B8) to provide 2no. commercial premises for retail and hair salon (Use Class E). The application site is located within the Florida Estate in Hemsby, at the south-easternmost perimeter of the Florida holiday park, adjacent the Bermuda Holiday Park immediately to the south and the Seadell Holiday Estate immediately to the east. The area consists of single storey holiday chalets within all three holiday parks which surround the application site. The application site is a single storey unit to the rear of The Florida Entertainment Centre known as Bensley's bar. The application site is attached to the north of Bensley's Bar.

The Development Manager gave the following update on the response received from Hemsby Parish Council:-

1. Paragraph 6.3 of the Report to Committee describes how Hemsby Parish Council were expected to meet to consider the application on Monday 19 February. Unfortunately the Parish confirmed on 20/02/24 that they were unable to consider the application on 19/02/24 as their meeting was cancelled due to it being inquorate.
2. It is noted that the Parish Council were only consulted on 02 February 2024, and as statutory consultees the Parish should have been allowed 21 days consultation period to provide comments, which would end on 23 February 2024.
3. It is recommended that Hemsby Parish Council should be granted an opportunity to submit comments within 10 days of their unresolved meeting of 19 February, and if no comments are received by that time the application should be determined as voted for by the Committee, but if comments are received the authority to determine the application should be delegated to the Head of Planning to determine the application in consultation with the Chair of the Committee, having regard to the vote of the Committee.

The Development Manager reported that it was proposed that the recommendation at Paragraph 13 is amended to:-

It is recommended that the Committee resolve to delegate authority to the Head of Planning to grant planning permission subject to:-

- (a) not receiving any representations from Hemsby Parish Council by 1 March 2024, or such limited extended period considered reasonable by the Head of Planning, which in the view of the Head of Planning raise new planning considerations that have not been covered in the published Agenda papers or Development Management Committee's considerations; and
- (b) the conditions listed in the Committee Report, with any required amendment to their wording; or the inclusion of other Conditions and/or Informative Notes; as considered to be appropriate by the Head of Planning.

Councillor Williamson asked for clarification as to what were "comparison goods". The

Development Manager explained that they were goods which were not required on a day to day basis and which could be purchased at any other outlet other than a corner shop. Councillor Williamson asked if this could be policed. The Development Manager that this could be enforced via proportionality.

Councillor Murray-Smith asked how this would work in practice and perhaps the applicant would be able to understand this condition better if more precise language was used to describe it. The Interim Head of Planning explained that this condition was required, and constrictive language was not used, so as not to undermine the vitality of the village centre. The Committee had approved a similar condition on the recent application submitted by Lidl and that these specific conditions and language were understood in the retail industry. A requirement of a maximum 25% of comparison goods to be sold would be easier to police by eye and this would also help to support the tourism industry.

Councillor Annison proposed that the application be approved with the suggested conditions. This was seconded by Councillor Williamson.

RESOLVED:-

That application number 06/23/0831/CU be approved subject to the conditions set out at pages 49 to 52 of the agenda report together with the verbal update given at the meeting by the Development Manager.

07 APPLICATION 06 23 0678 VCF - Former Pontins Holiday Centre, Beach Road, Hemsby

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

The Principal Planner reported that this was a connected application as it was submitted by an employee of the Council and the Monitoring Officer had requested that it be determined by the Committee. The application is a major development of over 1ha and more than 25 dwellings.

The Principal Planner reported that there is a correction at page 79 of the agenda pack, the Parish should be corrected. The Parish is Hemsby Parish, and the Ward is East Flegg Ward. Officers confirm this is an oversight in the report writing and the correct Parish Council and Ward Councillors were consulted. The Parish Council has responded, at paragraph 6.3, page 83, of the agenda pack.

The Principal Planner reported that the Hemsby Design Code did not form part of the consultation process by officers. However, The GY Design Code SPD was utilised which was aligned to both the views of the Parish and the Council.

The Principal Planner reported that there are no updates to report and the recommendation is as per the published agenda report.

Councillor Galer asked for clarification in regard to conditions 3, 4 & 5. Condition 3 referred to Limits to use of the caravans/holiday chalets – use as holiday accommodation only. Condition 4 referred to Limits to use of the caravans/holiday chalets – maintain an up-to-date register of occupiers. Condition 5 referred to Limits to use of the caravans/holiday chalets – no occupation over 2 weeks in any year.

These conditions must remain in force to ensure that the Local Planning Authority retained control over the use of the units for holiday accommodation, to enable the Local Planning Authority to retain control over the use of the caravans for holiday accommodation in an area where permanent residential accommodation would not normally be permitted and to enable the Local Planning Authority to retain control over the use of the caravans for holiday accommodation.

The Principal Planner assured Councillor Galer that this application was only to vary Condition 6 and that the applicant would have to come back to Committee to vary any other conditions.

The Interim Head of Planning explained the necessity for conditions 3, 4 & 5 and assured Councillor Galer that they would remain in force on the planning permission already granted.

Councillor Freeman reported that the Committee should consider what the applicant had requested and was in front of them this evening, to vary condition number 6 to install solar panels and porch design on approved accommodation blocks B, Q1, Q2, R & T and that he supported the application providing that the applicant came back to the Committee if any further changes to the approved building design was required.

Councillor Mogford asked for an assurance that the provision of an on-site swimming pool, gym and spa would not be affected by this application. The Principal Planner assured the Committee that this application would not affect this provision.

Councillor Annison proposed that the application be approved with the suggested conditions. This was seconded by Councillor Williamson.

RESOLVED:-

That application number 06/23/0678/VCF be approved, subject to the conditions as set out on pages 64 to 72 of the agenda report.

08 APPLICATION 06 23 0847 CU - 1 Carrel Road, Gorleston

The Committee received and considered the report from the Planning Officer. There were no updates to the report.

The Planning Officer reported that this was a connected application as the land which is the subject of the application is owned by the Council and the Monitoring officer had requested that the application be determined by the Committee.

The Planning Officer reported that there is a correction to the report:-

To amend paragraph 10.18: *"The S106 Agreement dated 27 September 2023"*

To amend paragraph 10.19: *"The Agreement requires at the Second Schedule paragraph 1.3 that the Council was to "lay out the Open Space as a public open space by 30 April 2022 2002 and thereafter maintain it in good condition" (Planning Officer's emphasis)."*

The Planning Officer reported that the application sought retrospective permission for the construction of a private residential driveway and parking area and change of use of the land from informal open space into use as part of a private residential curtilage. The land subject of the retrospective development was part of the Wood farm Lane Housing Development. This development, which was granted approval in 1999, also contained a s106 Agreement which designated and established public amenity land and open space.

The Planning Officer reported that under the agreement there were no covenants that prevented the space as being used as anything else and the transfer of the land from the developer to the Council was also free of burdens. Therefore, it was not set out anywhere within the s106 that the open space needed to be retained in perpetuity.

The Planning Officer reported that whilst considering the application on its own planning merits, it is considered that there is a degree of benefit of the driveway due to it reducing the need for on street parking and improving the traffic flow in the area which is considered to be beneficial due to the application site being located on the corner of a junction.

The Planning Officer reported on the open space available in the surrounding area. The open space at the top demonstrates high-quality open space clearly used for recreational purposes as set out in the s106. The strip of grassed area at the bottom is considered to be informal open space as it was not designated as recreational space and serves visual purposes only as it creates visual spacing for the purposes of urban design.

The Planning Officer reported that the corner of the grassed area is considered to be the most significant part of the strip as it serves the street scene by opening up the area around the junction. However, it can be considered that only a small amount of this land has been lost as a result of the proposal. There is also a tree that services visual amenity purposes, however, the driveway is set back from this and does not impact it.

The Planning Officer reported that this could also be a fall-back position as the development may be considered established due to the passage of time that has elapsed. The application was therefore recommended for approval subject to conditions. To retain in accordance with plans and the driveway only to be used for the parking of vehicles and for private domestic parking only.

The Planning Officer reported that property had confirmed the sale of the land in September 2023 and it took 10 years for change of use to be established.

The Planning Officer reported that they have noticed that Ward Councillors have not been expressly consulted due to an administrative oversight. Councillors Cllr Flaxman-Taylor and Cllr Wells were consulted on 8 February and invited to provide comments by 29 February 2024. At the time of writing, no comments have been received. Officers will endeavour to obtain a written position from the Ward Councillors before the Committee meeting and provide an update to the meeting. In the event that comments are not provided by 21 February, the Officer recommendation will seek authority to determine the application at the end of the Ward Councillor consultation period, i.e.. from 29 February 2024.

Councillor Murray-Smith raised concerns in regard to the loss of public green space for public use. He asked how long the curtilage had been incorporated into the curtilage of 1 Carrel Road. The Planning Officer informed the Committee that photographs on Google Earth taken in 2008 showed that the land in question had formed part of the curtilage of 1 Carrel Road.

Councillor Annison asked if the driveway of 1 Carrel Road was permeable, was it necessary for the applicant to have to apply for change of use. The Interim Head of Planning explained why an application for change of use was required under the present planning legislation.

Councillor Murray-Smith reported that he could not support this application on the principal as he did not support the principle of retrospective planning applications. Some Members reported that they were concerned in regard to the lack of planning compliance officers. The Chair asked Officers to take note of Members' concerns in respect of the consideration of retrospective planning applications in regard to areas of green/open space.

The Chair reported that the Committee had no grounds to refuse the application as the land had been in the curtilage of 1 Carrel Road for a period of 16 years.

Councillor Freeman recommended that the application be approved with the suggested conditions. This was seconded by Councillor Williamson.

RESOLVED:-

That powers be delegated to the Head of Planning to approve application number 06/23/0847/CU, subject to:-

- (i) Not receiving any adverse comments from local Ward Councillors by 29 February 2024 which cannot be resolved by planning conditions, and
- (ii) Subject to the following proposed conditions as set on page 83 of the agenda pack.

10. APPLICATION 06 23 0647 VCF - Ice House, Bridge Road, Great Yarmouth

Committee received and considered the report from the Planning Officer.

The Planning Officer reported that she would take both applications for the Ice House (VCF & LB) together. The Planning Officer reported that there are no updates to the report and the recommendation is for approval of the applications as per recommendation s in the agenda report with the addition of new condition 13 as presented to the Committee and set out on the PowerPoint slides. This was a connected application affecting land which the Council has a legal or financial interest in and had been brought to the Committee for determination at the request of the Monitoring Officer.

The Planning Officer reported that the variation application is for the variation of conditions 2 & 5 of the full application for the amendment to approved plans to revise the layout by relocating proposed external staircase and internal lift.

The Planning Officer reported that the Listed Building consent includes alterations by previous listed building consent with some minor changes which revises the layout relocation the proposed external staircase and internal lift.

The Planning Officer reported that the principle of development for the variation was established through the grant of planning permission under the full application. The principle of the majority of the changes included in the listed building consent have already been accepted and established through the grant of the previous listed building consent. The minor changes proposed are assessed under this application.

The Planning Officer showed a series of photographs and the plans which were labelled with blue showing the previously approved and the pink demonstrates the proposed amendments. The external staircase is proposed to be relocated from the RHS of the north eastern elevation to the left hand side of the north eastern elevation.

The Planning Officer reported that in terms of design and the impact on the conservation area. The changes proposed will not result in any negative impacts on the character and appearance of the area and will instead result in a more open and inviting space and will also provide more room for the drop-off area.

The Planning Officer reported that the relocation of the internal wheelchair lift will result in an improvement in circulation routes and the accessibility of the building for those with disabilities.

The Planning Officer showed a plan approved under the CD application which shows the first floor and south elevation and the heat source pumps and louvres visible above the boundary treatment. However, this variation permission supersedes and improves the CD plan, as the heat pumps are more hidden which preserves the appearance of the listed building.

The Planning Officer reported that the Plant Room with ventilation machinery replaced with opening windows under application 06/22/0499/CD, that significant negotiations have taken place to ensure that the ventilation system is appropriate. The initial consent allowed for bulky mechanical plant being installed on the exterior of the building. The raised concern due to the impact on the visual appearance of the listed building. Other options, including louvres on the southern elevation have been explored but raised concern due to the amount of loss of primary fabric required and that the south elevation would be the only elevation without intervention. The scheme as currently proposed including louvres hidden on the north elevation by the consented to extension and the windows on the southern elevation.

The Planning Officer reported that in regard to the heat pumps, a new condition has been added as these are aspects that requires permission and listed building consent in their own right and this gives the Council an opportunity to formalise.

The Planning Officer reported that in terms of the design and the impact on the conservation area it is considered that the proposal preserves and enhances the listed building through the use of the imposed conditions. Any level of less than substantial harm which is caused will be outweighed by the improvement in visual appearance and the public benefits that the proposal provides.

The Planning Officer reported the newly added condition, which is to be applied to both applications. Whilst some conditions have been discharged or part-discharged, others remain live and unresolved and these are reflected in the conditions.

The Planning Officer reported that condition 5 of 06/22/0499/CD approved plan included removing external lighting.

The Planning Officer concluded that both applications should be approved subject to the conditions as set out separately in both applications with the addition of the new condition which was reported at the meeting.

Councillor Freeman asked if the heat pumps, which were large and ugly machinery, would be screened from public view. The Planning officer reported that the heat pumps would receive boundary treatment and be tucked away out of public view behind them.

Councillor Annison proposed that the application be approved with the suggested conditions and the additional condition number 13 as outlined at the meeting. This was seconded by Councillor Martin.

RESOLVED:-

That application reference 06/23/0647/VCF be approved subject to the conditions listed on pages 93 to 96 of the agenda report and new condition number 13 which was reported at the meeting.

11 APPLICATION 06 23 0719 LB - Ice House, Bridge Road, Great Yarmouth

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

The Planning Officer reported the details of this application in conjunction with application reference 06/23/0647/VCF.

The Planning Officer reported that there are no updates to the report and the recommendation is as per the published agenda report.

The Planning Officer reported that the application was recommended for approval, as per recommendation with the addition of new condition 7, as presented to the Committee and set out on the PowerPoint slides.

Councillor Freeman proposed that the application be approved with the suggested conditions and the additional condition number 7 outlined at the meeting. This was seconded by Councillor Boyd.

RESOLVED:-

application number 06/23/0719/LB be approved subject to the conditions set out in pages 103 to 105 of the agenda report with the addition of new condition 7, as presented to the Committee.

The meeting closed at 19:58

Development Management Committee Report



Committee Date: **20 March 2024**

Application Number: **06/22/1026/D** - Click [here](#) to see the application webpage

Site Location: Land off Foster Close, Ormesby St Margaret, Great Yarmouth, NR29 3PP

Site Location Plan: See Appendix 1

Proposal: Details of Reserved Matters of appearance, landscaping, layout and scale pursuant to outline planning permission 06/20/0156/O (Residential development of up to 33 dwellings with access road and public open space)

Applicant: Great Yarmouth Borough Council

Case Officer: Myles Joyce

Parish & Ward: Ormesby St Margaret Parish and Ormesby Ward

Date Valid: 23rd November 2022

Expiry / EOT date: 5th April 2024

Reason for Committee: This is a major planning application of more than 25 dwellings

RECOMMENDATION: DELEGATE AUTHORITY TO THE HEAD OF PLANNING TO GRANT RESERVED MATTERS APPROVAL SUBJECT TO: THE RESOLUTION OF SURFACE WATER DRAINAGE MATTERS; AND CONDITIONS

P1. Preliminary Matter

P1.1 Outline Planning Permission 06/20/0156/O expected Conditions 8 (details of electric vehicle charging points) and 9 (surface water drainage strategy) to be submitted for approval 'in conjunction with the reserved matters application. Those conditions must be discharged prior to commencement of development, and the development must be undertaken in accordance with those details. The details required for condition 8 have now been approved, but condition 9 remains outstanding. If condition 9 is discharged after the reserved matters have been approved there is a small risk that the reserved matters may need to be amended to accommodate the drainage scheme requirements if there are further amendments required to the layout, landscaping etc. The applicant has been made aware that the scope of changes that can be made to a reserved matters application is very limited when the time period for submission of reserved matters has already lapsed. The applicants accept that this reserved matters application is to be considered now at their risk.

1. The Site/Background

- 1.1 Outline Planning Application 06/20/0156/O was considered and members resolved to grant planning permission subject to conditions and a s106 agreement by the Development Control Committee on 25th November 2020. The application was “residential development of up to 33 dwellings with access road and area of public open space all other matters reserved”. The decision notice was issued on 9th December 2021, and the permission is subject to planning obligations within a Section 106 Agreement dated 15th October 2021.
- 1.2 The site should be appraised in conjunction with the site immediately to the north of this application site which provides access via Foster Close to both the smaller northern site and the subject site.
- 1.3 The northern site was subject to an Outline planning application for 7 dwellings under Ref. 06/17/0028/O and the related reserved matters under Ref 06/19/0161/D and approved discharge of conditions Ref 06/21/0290/CD.
- 1.4 More recently, the northern site remains subject to a full planning application for: 7 dwellings (Use Class C3); vehicular and pedestrian access from Foster Close; internal access road; public open space; car and cycle parking; landscaping; Sustainable Urban Drainage Systems; and associated infrastructure including highway works, which was recently approved (Application 06/22/1027/F).
- 1.5 In addition, at the northern site, a Certificate of Lawful Existing Use or Development (CLEUD) application has been approved which sets out the LPA’s formal position that the permission granted under 06/17/0028/O has been lawfully implemented (see application ref. 06/22/0695/EU). The outline planning permission for development of 7 dwellings to the north and its associated reserved matters within application 06/19/0161/D is therefore considered extant.
- 1.6 The subject site and the site to the north are herein referred to as the Southern Site and the Northern Site respectively. The sites are at the residential edge of Ormesby St Margaret, which is designated as a Primary Village under policy CS2 of the Core Strategy. Presently, the Northern Site is located within the defined village Development Limits set out by policy GSP1. The Southern Site is adjacent but outside the village Development Limits.
- 1.7 The Northern Site is currently residential curtilage within Beechcroft, 74 Station Road, Ormesby St Margaret, and is a predominantly lightly vegetated grassed area but includes many stands of important and valued trees protected by Tree Preservation Order (TPO No.4 1989). The Southern Site is an arable agricultural field enclosed by mature hedges and tree belts.
- 1.8 As previously stated, access is proposed to be provided via Foster Close, an adopted road maintained by Norfolk County Council. The subject or Southern Site is outside of, but adjacent to, the settlement boundary of Ormesby St Margaret. The western boundary is largely composed of the dwellings and associated boundary treatments of Symonds Avenue including mature trees. Abutting the south-west corner of the Southern Site is the group of 8 dwellings under construction at the site of the former Dairy Farm, Yarmouth Road (applications 06/23/0318/VCF and 06/23/0459/F), which also forms part of the No. 11 Ormesby St Margaret Conservation Area. Beyond this application site’s southern boundary is an area of woodland and beyond that a significant run of housing fronting Yarmouth Road.

The eastern boundary of this Site is hedged and approximately 600metres beyond that is Scratby Road, with the areas between consisting of fields. There is a significant change in levels, with the land sloping down to the southern end of the site.

- 1.9 This site is within a Nitrate Vulnerable Zone and a Drinking Water Safeguard Zone (Surface Water). There are no sites of designated ecological significance (at international, national or county level) within 1km of either Site. There are a number of priority habitats in the surrounding area.
- 1.10 This sites is located within Flood Zone 1, the lowest category of flood risk, on the Environment Agency's flood risk mapping. It is not in a Conservation Area, although the southwest corner abuts a Conservation Area. There are no statutorily designated listed buildings in close enough proximity to be likely to be impacted by the development.

2. The Proposal

- 2.1 This is an application seeking approval of the reserved matters details of appearance, landscaping, layout and scale, following outline planning permission having already been granted for residential development of up to 33 dwellings.
- 2.2 The application site is accessed from the Northern Site whose access is via Foster Close. This Reserved Matters application takes this into account and is closely related to the site. Many of the supporting documents relate to the northern site and the full planning permission granted under permission ref 06/22/1027/F.
- 2.3 Condition 4 of Outline Planning Permission ref 06/20/0156/O firms up this access as needing to be in accordance with site location plan drawing ref: 18/230/01 received by the Local Planning Authority on 30th April 2020 and explains its sole purpose is as details of 'access', which is defined within the Town and Country Planning (Development Management Procedure Order) (England) 2015, as "the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted".
- 2.4 This application for the above Reserved Matters was submitted in a timely fashion in accordance with condition 1, is within the scope of the permitted quantum of development in condition 2, and provides details as set out in condition 3 of Outline Planning Permission ref. 06/20/0156/O.
- 2.5 Members are reminded that a number of conditions remain to be discharged from the related Outline Planning permission under Ref 06/20/056/O, several prior to the commencement of development at the Southern Site, related to matters as diverse as details needing to be submitted to the LPA for approval of a temporary haul road, Ecological Mitigation and biodiversity strategies, Aboricultural Impact Statements, Surface and Foul Water Drainage, Construction Worker on-site car parking, Construction and Environmental Management Plans, Schemes of Archaeological and Contaminated Land investigations/desktop studies, provision and location of fire hydrants, and land and finished floor levels. It is not unusual for these to be determined after Reserved Matters are agreed.

3. Site Constraints

- 3.1 The site lies adjacent to but outside the development limits of Ormesby St Michael and lies within affordable housing sub market area 1 (Policy CS4).
- 3.2 Provision of affordable housing has already been accounted for through the Section 106 Agreement associated with the outline planning permission.

4. Relevant Planning History

The adjoining North Site (7 dwellings)

- 4.1 06/14/0330/F
Erection of seven two-storey detached houses with private drive access
Approved 14.11.2014
- 4.2 06/17/0028/O
Residential development of seven detached dwellings accessed by extension of Foster Close
Approved 24.03.2017
- 4.3 06/19/0161/D
Approval of reserved matters application. 06/17/0028/O - for appearance, landscaping, layout & scale.
Approved 12.11.2019.
- 4.4 06/21/0290/CD
Discharge condition 5 of pp 06/17/0028/O (7 dwellings) and condition 3 of pp 06/19/0161/D (reserved matters).
Approved 23.09.2021.
- 4.5 06/22/0695/EU
Proposed application for Lawful Development Certificate for a proposed use or development - works as approved under applications 06/17/0028/O, 06/22/0161/D & 06/21/0290/CD.
Certificate Issued 11.03.2024
- 4.6 06/22/1027/F
Erection of 7 no. dwellings (Use Class C3); vehicular and pedestrian access from Foster Close; internal access road; public open space; car and cycle parking; landscaping; Sustainable Urban Drainage Systems; and associated infrastructure including highway works.
Approved 08.03.2024

South Side (Subject Site)

- 4.7 06/20/0156/O
Outline planning permission for vehicle access to and egress from the site - for the residential development of up to 33 dwellings.
Approved 9.12.2021.
- 4.8 06/22/1025/CD
Discharge of condition 8 of Permission 06/20/0156/O. Details of EV charging points.
Discharged in part 08.03.2024.

- 4.9 06/22/1024/CD
Discharge of condition 9 of pp 06/20/0156/O - Surface water drainage strategy and flood risk assessment.
Currently pending consideration.

5. Consultations

- 5.1 A site notice was erected on 22nd December 2022. When the intention of the application and the description of the development was clarified it required additional public consultation by advertisement on 6th October 2023. The second consultation expired on 27th October 2023.

5.2 Designing Out Crime officer

- 5.2.1 No concerns over the proposed layout in general. Recommend adding windows to ground floor for increasing surveillance. (Plots 8,12,13,14,15,21,31,32,33,34,35,37,38).

5.3 County Ecologist

- 5.3.1 Further information was requested including that the HRA should be updated and clarified, and that further information is provided with regard to the arboricultural implications, the site's bat roosting potential, and proposed strategy for assessing and accommodating the possibility that there are great crested newts at the site.

5.4 Natural England

- 5.4.1 Confirmed no objection subject to receipt of appropriate GIRAMS payment.

5.5 Local Highway Authority

- 5.5.1 The Highway Authority were consulted on 06/12/2022 but no comments were received until 08/02/2024. Some concerns over aspects of layout.
- 5.5.2 Revised plans have been submitted and objections have been removed apart from there still being concerns about the proposed link between dwelling units in the south-east corner of the site (which are discussed in section 10 of this report).
- 5.5.3 Any approval must still be subject to requirements of outline planning permission and imposition of a standard condition relating to the layout of the access roads, parking and drainage prior to occupation.

5.6 Lead Local Flood Authority (LLFA)

- 5.6.1 Holding objection awaiting further information being provided.
- 5.6.2 The LLFA request (amongst other matters) further infiltration testing and finished floor levels and flood resilience and level of infiltration features in relation to groundwater levels. A follow up consultation response also noted the lack of an infiltration basin, lack of justification for why deep infiltration would be necessary for surface water drainage in this development and lack of exploration of alternative options.

- 5.6.3 Parts of the FRA – Addendum suggest that surface water is intended to be discharged into a watercourse. As this is not part of the drainage strategy, these statements should be amended to avoid confusion. In addition, the applicant should contact the Environment Agency to establish whether consent would be given to using deep infiltration in this location.
- 5.6.4 Additionally, the LLFA advise that as advised in a letter dated 13 January 2022 (LLFA ref: FW2022_1163) that they cannot recommend the discharge of conditions until reserved matters have been approved, as they believe that there is greater scope to address any potential issues with the drainage strategy at this stage of planning.
- 5.6.5 Further updates and information were submitted on 6 March 2024 and were referred to the LLFA for their consultation response within the normal 21 day statutory period, which will extend beyond this Committee date. If further comments are received from the LLFA prior to the meeting the Committee will be updated by Addendum Report or verbal update at the meeting.
- 5.7 GYBC Arboricultural Officer
- 5.7.1 No objection provided the AIA / Tree Report is adhered to including any Tree Protection methods detailed.
- 5.7.2 Notes that the TPOs that are situated upon the site are no longer accurate – a number of trees have been removed or died since its inception eg. T1 and T4 (1985 TPO) and T4 (1989 TPO). For example, TPO group G2 may not exist on site anymore based upon comparing the tree species detailed upon the TPO Group details against the Site Arboricultural Survey.
- 5.7.3 The retention and protection measures afforded to trees T018 in the AIA (TPO tree T2) and T017 (TPO T3) are suitable and adequate to ensure their retention during the development process.
- 5.7.4 Request confirmation that *quercus robur*, *Prunus padus* and *Acer campestre* will be planted as part of the landscaping plan in various locations to replace the tree species removed.
- 5.8 GYBC Strategic Planning
- 5.8.1 In principle, the development density has already been accepted through grant of Outline planning permission. Provision of water efficiency measures and EV charging points required. GIRAMS contribution payable. Key concerns are design and layout in terms of an over-complication of material pallettes, too many blank walls, lack of screening where significant south facing fenestration is proposed and lack of a linkage SW outside of the site as well as lack of permeability within the site. Other matters raised were suggestions with regard to the avoidance of clustering of the Affordable Housing and re-orientation of some plots and grouping of housing types to better reflect the established development pattern in the area and legibility of site layout.
- 5.8.2 Officer comment: Revised plans were submitted and whilst the materials proposed should be simplified with a smaller number of pallettes are used across the development, the additional planting of trees along the street scene, their placement of trees forward of the principal elevations provides some unifying consistency to the street scene. The rotation of plots 39 and 40 provide connectivity through the site.

5.9 Housing Enabling and Strategy Manager

- 5.9.1 Notes correct tenure split and amount of proposed affordable housing and that the affordable housing meets the internal space standards of the Nationally Described Space Standards. Whilst there would be some preference for the provision of a 3 bed/6 person housing and the parking at plot 20 to be to the front of the property, or perhaps next to plot 21 to assist with management of the Shared Ownership unit, these shortcomings are not fatal to the overall application.

6. **Publicity and Representations**

- 6.1 Consultations undertaken: Site notices erected 22 December 2022, Initial Consultation Period expired on 16 January 2023. Further information received was advertised by site notices and press advertisement posted 6 October 2023 and that consultation period expired on 27 October 2023. Reasons for consultation: Major Planning Application

6.2 Ward Members – Cllrs Freeman and Rundle

- 6.2.1 No representations made.

6.3 Public Representations

- 6.3.1 6 public comments have been received; including 5 objections. The representations raised are summarised below.

Objections / Concerns

- 6.3.2 Parking pressure in Foster Close, Construction Traffic noise and disturbance, poor manoeuvrability, highway safety in Foster Close and beyond including near the school. Plot 14 could cause lack of privacy due to proximity. Lack of clarity in the proposed development and whether it addresses all issues raised during grant of outline planning permission.
- 6.3.3 Officers would note that with regard to parking and Highway safety, the County Highway Authority has no objections to this proposal. Officers would also advise that this application is for reserved matters and would not cover all points raised with regard to the Outline planning permission which officers consider are covered by the attached conditions and Section 106 agreement.

7. **Relevant Planning Policies**

7.1 The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS1: Focusing on a sustainable future
- Policy CS2: Achieving sustainable growth
- Policy CS9: Promoting high quality of design
- Policy CS11: Enhancing the natural environment
- Policy CS13: Protecting areas at risk of flooding and coastal change
- Policy CS14: Securing essential new infrastructure
- Policy CS16: Improving accessibility and transport

7.2 The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development Limits
- Policy GSP 5: National Site Network Designated Habitat Sites species impact avoidance and Mitigation
- Policy A1: Amenity
- Policy A2: Housing Design Principles
- Policy E4: Trees and Landscape
- Policy E6: Pollution and hazards in development
- Policy E7: Water Conservation in New Dwellings and Holiday Accommodation
- Policy H2: Delivering Affordable Housing
- Policy H3: Open Space Provision for New Housing Development
- Policy H4: Housing Density
- Policy I1: Vehicle parking for developments

8. **Other Material Planning Considerations**

Great Yarmouth Design Code, adopted February 2023

National Planning Policy Framework (December 2023)

- Section 2: Achieving sustainable development
- Section 4: Decision Making
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well designed places

9. **Planning Analysis**

9.1 Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

9.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states:

In dealing with an application for planning permission the authority shall have regard to—

- (a) the provisions of the development plan, so far as material to the application,*
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,*
- (b) any local finance considerations, so far as material to the application, and*
- (c) any other material considerations.*

Main Issues

9.3 The main planning issues for consideration include:

- Principle of development
- Design (appearance, layout and scale)
- Amenity: Existing occupiers
- Amenity Future occupiers
- Landscape Impact and Trees
- Ecology and Biodiversity
- Condition 8 EV charging
- Condition 9 Surface Water Drainage
- Other: Services, car and cycle parking, water efficiency, accessibility

10. Assessment

Principle of Development

- 10.1 The principle of the development was established through the grant of planning permission under reference 06/20/0156/CU, which Members resolved to approve at the Development Control Committee. The decision was issued on 9th December 2021.
- 10.2 Policy GSP1 sets out that development will be supported in principle within the development limits subject to compliance with other relevant policies in the development plan. The proposal for 7 dwellings on the Northern Site is located within the development limits so development there is compliant with Policy GSP1. The scheme of 33 dwellings on the Southern Site is outside the development limits, though adjacent to, and relies on having an extant outline planning permission to be considered acceptable in principle.
- 10.3 Core Strategy (2015) policy CS1(e) seeks to ensure that development is located in 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. Core Strategy Policy CS2 builds upon this by ensuring that new residential development is distributed according to the Policy's Settlement hierarchy which seeks to balance the delivery of homes with resilient, self-contained communities and reducing the need to travel. The settlement hierarchy identifies Ormesby St Margaret as a 'Primary Village' due to the small range of services and opportunities for employment, retail and education. They serve a limited local catchment and contain a lower level of access to public transport. Therefore, approximately 30% of the Borough's future housing growth is directed to the Primary Villages.
- 10.4 This application was submitted in a timely fashion to ensure the outline permission remains extant, was for the correct quantum of development and the density is considered acceptable, and as such is in accordance with the general aims of Policies CS1, CS2 and H3.

Design, Layout and Scale

- 10.5 The Design Code augments the aims and objectives of Policies CS9 and A2 in seeking to protect and enhance the distinctive built and landscape character of the settlements in the borough. New developments must be of a quality that will be enduring and can become the

civic heritage and lifestyles of the future, be resilient to a changing climate and minimise carbon emissions and waste, including through reducing car use.

- 10.6 The National Planning Policy Framework advocates good design and recognises that poor design creates environments that are not attractive to live in, work in, or to visit. This causes harm to local pride in place and erodes the distinctive identity of our built heritage and landscapes. It also erodes prospects for economic growth as liveable, attractive environments are an important factor in attracting and retaining businesses and residents.
- 10.7 Poor design can also lead to increased maintenance and long-term management costs, as well as the indirect costs from ill-health caused by inactive lifestyles, poorly designed and constructed building fabric or overheating; from the need to police poorly laid out spaces without natural surveillance; and from many other causes.
- 10.8 Policy CI1 of the Design Code requires site layout to complement the existing landscape and built environment, including the pattern of development, landscape and townscape.
- 10.9 Policy CI3 of the Design Code encourages the inclusion of a range of house types on larger developments, with a clear design-led rationale for their usage and placement. Standard house types must not be used without being adapted to create a distinct local identity. In addition, Policy CI4 of the Design Code prompts the use of external materials and detailing which complement the local context and are appropriate for the local climate. Policy SM1 of the Design Code encourages the creation of a walkable and integrated network of streets and pedestrian/cycle routes.
- 10.10 The access road into this application site is a continuation of the road approved for accessing the 7 dwellings of the Northern Site. Immediately within the Southern Site there is a spur off the access road where there are 6 dwellings of various types proposed, comprising two semi-detached 2-bedroom homes and the rest as 3-bedroom detached houses. In layout these are positioned around the established trees to create a small 'green' between the north and south sites. The pattern is not dissimilar to that proposed in the eastern side of the northern site and as such serves as a rough mirror image.
- 10.11 Further south a further spur to the east continues south to oppose the access road as it turns down towards the south-east of the site, serving 20 dwellings off the spur road cul-de-sac in a higher density arrangement of detached, semi-detached and terrace dwellings, including all 8 affordable houses. The revised plans add a pedestrian link here significantly increasing the permeability of the site. The remaining 7 dwellings are all detached houses and bungalows positioned on the north side of the continued spur road, overlooking the drainage basin and landscaping to the south of the site.
- 10.12 Elevationally, with the exceptions of plots 39-40 which are bungalows and the garages and plot 13 which is part 1.5 storey (with dormers) the dwellings are two storey and of a scale not out of keeping with the site and surrounding area. The larger units are located at the junction of the spur road to provide presence and identity and towards the south-east of the site, and the smaller and affordable units are located to the east and south-west of the site.
- 10.13 The Strategic Planning Officer's key concerns are design and layout in terms of an over-complication of material palettes, too many blank walls, lack of screening where significant south facing fenestration is proposed and lack of a linkage south-west to outside of the site as well as lack of permeability within the site.

- 10.14 Revised plans were submitted and whilst Strategic Planning have ongoing concerns with regard to the materials proposed and the need to simplify these across the development, the additional planting of trees along the street scene, their placement of trees forward of the principal elevations provides some unifying consistency to the street scene. The rotation of plots 39 and 40 and the pedestrian link between the two main spurs of the access road has provided connectivity through the site, and on balance officers consider that a condition attached to any permission could require further details prior to above ground level works, which would in this instance mitigate any potential issues that remain from the design and layout point of view. As such officers consider that the proposal accords with Policies CS9, A1 and A2 and the adopted Design Code.

Materials and Boundary Treatments

- 10.15 The northern area of public open space on the boundary to the east of the access road is part delineated by a Timber post & galvanised chain-link (600mm high). Boundary treatments between the residential plots are 1800mm close boarded fencing. The facing materials for the houses are predominantly brick save for a north facing part of plot 13 which will be rendered.
- 10.16 The proposed access and spur roads are a mix of tarmac and impermeable paving to the adoptable length of the main access road, with pavements, and permeable paving or tar-spray shingle to the non-adopted areas. The final colours of this hard landscaping can be agreed by conditions and required to be provided prior to occupation should permission be approved.

Landscaping Impact

- 10.17 The Landscaping Strategy submitted with this planning application and latterly revised sought to provide landscaping which whilst in accordance with the surrounding area was self-contained for the specific development incorporating street trees, village and linear greens and planting within front gardens and street spaces to soften the hard landscaping necessary for access and car parking.
- 10.18 The existing pond will be retained and the attenuation basin will also serve as an informal 'natural greenspace' with naturalistic edge profile and associated wetland grass mix and pond marginal planting. The eastern boundary will retain the existing hedgerow maintained and enhanced planting is proposed with interspersed feature native (hedgerow) trees. The western boundary will retain the mature trees augmented with further tree planting.
- 10.19 The addition of trees along the street scene and enhanced permeability between the main spine road and lower spur in the south-eastern corner of the site is welcomed by the officers and the tree placement forward of the principal elevations helps to mitigate, in part, the varied approach to the materials used, by providing some unifying consistency to the street scene.
- 10.20 Officers consider that the trees themselves should have a mature height, spread and canopy height that works with its functional setting and to secure this any permission should be subject to a condition that the development is to be carried out in accordance with the submitted revised Landscaping Strategy (revision B) by the Landscaping Partnership in accordance with Policies CS11 and E4.

Development Density and Public Open Space

- 10.21 The affordable housing requirement which is established in the Section 106 Agreement has been calculated based on the total development of the northern and southern scheme combined and is discussed further below. From a design perspective, it is not ideal for all 8 affordable housing dwellings to be positioned together at the south-eastern corner of the site but policy CS4 describes avoiding 'large numbers' of dwellings clustered together which is considered on balance to be acceptable at a maximum of 8 in this instance.
- 10.22 Policy H3 of the LPP2 requires residential development to meet indicative minimum housing densities. The density expected in Ormesby St Margaret is 30 dwellings per hectare, the actual density for this 0.78 site area is 9 dwellings per hectare and therefore is significantly lower than the expectations of this policy in securing an efficient and effective use of land.
- 10.23 When considering the surrounding density of the area, the general density is much lower than 30 dwelling per hectare, though generally around 17 dwelling per hectare but the 33 dwellings are generally in conformity with the existing character and density of surrounding estates. However, it is noted that the layout has had to have regard for the existing TPOs on the Northern Site, which has influenced layout to some degree, and to some extent (with the exception of the tighter south east corner) the lower density helps disperse the appearance of dwellings in views of the fringe of the village from the east.
- 10.24 Officers note that the total density of the northern and southern schemes (the latter's density having already been established by the granting of outline consent) combined is 15 dwelling per hectare and therefore is more reflective of the existing urban grain.
- 10.25 Policy H4 of the LPP2 requires new residential development to make provision for publicly accessible recreational open space where there is an identified deficit in local provision (defined by ward). The Open Space Needs Assessment identifies that proposals of 40 dwellings should provide informal amenity greenspace and play space provision in the Ormesby ward, where there are identified deficits. When considering the open space provision of the north and south scheme combined, the total site should deliver 4,120sqm of open space. The northern scheme provides two pockets of informal amenity green space approximately 1,630sqm and 1,250sqm respectively (2,980 sqm in the southern scheme), owing to the retention of existing TPO trees and landscape features, therefore may warrant the overprovision of green space in northern scheme.
- 10.26 Officers note that there is no provision of children's play space. However, the high degree of green space is considered justified given the site constraints set out above and that the increased degree of informal amenity space would in this instance outweigh the lack of children's play space. It is not possible to seek financial contributions for off-site provision at this stage as the outline planning permission should have set out the requirements for open space and planning obligations were they not to have been accounted for on-site.

Impact upon Amenity

- 10.27 Policy A1 supports proposals where they protect or promote a high standard of amenity, and planning permission will only be granted where the development would not lead to an excessive or unacceptable impact on the amenities of the occupiers of existing and anticipated development in the locality in terms of the outlined criteria, including noise.
- 10.28 A third party concern was raised about the potential impact on the amenity of the existing occupiers to the west of the site. However, plots 14 and 33-35 are approximately 30 metres

form the site's western boundary and there is significant existing and proposed screening between this and the boundary. It is noted the separation distance arises from the layout of the access road between existing gardens and new dwellings, but the level of traffic anticipated is not considered likely to be so significant as to create unacceptable living conditions and the screening and vegetation offers a perceived sense of separation between the two. As the new houses are set well back from the western boundary of the site officers are satisfied that no adverse impacts on the amenity of the occupiers of these properties would arise from the dwellings themselves, nor would they for the occupiers of the properties to the south or south-west of the subject site.

- 10.29 Potential noise and disturbance from the construction phase are covered by planning conditions attached to the outline Planning Permission under 06/20/0156/O.
- 10.30 With regard to the living conditions of the future occupiers of the proposed houses, officers consider that the dwellings are of sufficient internal area which meet the Nationally Described Space Standards, have good access to natural light and circulation internally and possess adequate amenity space. The shared areas are sufficiently overlooked without unduly compromising privacy and as such officers consider that the proposal accords with Policy A1.

Design and Security

- 10.31 The Designing Out Crime Officer has no objections but recommends that windows should be added to ground floor active rooms to give surveillance onto the plots' parking provisions. Also utility rooms overlooking parking provisions would contribute to increasing surveillance by being glazed, notably at plots 8,12-15,21,31-35,37-38.
- 10.32 Officers note that whilst some of these have plots windows for snugs and/or doors to utility rooms at ground floor level, all of the units enjoy good overlooking and natural surveillance of the car parking and street as well as private amenity areas. The proposed parking does not detract from this. The green link between plots 27 and 26-40 provides permeability which outweighs any potential reduction in security afforded by this access.

Electric Vehicle charging

- 10.33 Condition 8 of the outline permission required full details for the provision of electric vehicle charging points to be submitted alongside the reserved matters application and then agreed and installed prior to the first occupation of dwellings.
- 10.34 Details submitted have been considered to be acceptable to officers and as such condition 8 of 06/20/0156/O has been part discharged as being acceptable for the purposes of this application and in accordance with Policy I1.

Surface water drainage

- 10.35 Condition 9 of the outline permission requires that, in conjunction with this Reserved Matters application, full details of a Surface Water Drainage Strategy (SUDS) shall be submitted for approval prior to commencement of development. The Lead Local Flood Authority has raised a holding objection requiring further information; although these further details have been provided the LLFA have yet to comment on the latest proposals so Condition 9 currently remains to be resolved.
- 10.36 In relation to the Reserved Matters application, the LLFA notes that the soakaway for Plot 39 (which is in the garden of Plot 38), and the fully-infiltrating permeable paving parking spaces

for Plots 27 and 28, are closer to failed soakaway test TP01 than to any successful soakaway test which might suggest that infiltration may not be successful. It should not be assumed that the use of infiltration drainage is suitable in these locations without further infiltration testing being carried out.

- 10.37 The most up-to-date information submitted to the LLFA, including an amended drainage strategy submitted on 6th March 2024, shows no material change proposed the layout of the site with regard to the drainage strategy. The consultation period to which the LLFA is subject extends to 27th March 2024 and as such goes beyond the date of this Committee. Officers consider that any potential changes in layout to accommodate a further amended drainage scheme may be able to be restricted to the identified plots 38, 39 and 27-28; as such Officers recommend that Committee is able to resolve to delegate powers to allow for the grant of permission subject to receiving further infiltration testing and other drainage requirements for the LLFA, and duly amending the layout of the scheme's reserved matters, prior to any approval being granted.

Ecology, Trees and Biodiversity

- 10.38 The outline permission attaches conditions with regard to protected species and biodiversity enhancement including such details during the construction as well as significant planting and retention of planting on site.
- 10.39 The County Ecologist requested an updated Habitat Regulations Assessment and further ecological information, and this has been provided.
- 10.40 The Arboriculturalist has not objected to the details, provided that the AIA / Tree Report is adhered to, including any Tree Protection methods detailed in the AIA. The Arboriculturalist does note that the TPOs that are situated upon the site are no longer accurate with a number of trees, T1 and T4 for instance, that do not exist on site anymore based upon the tree species detailed upon the TPO Group details and the Site Arb Survey. The retention and protection measures afforded to T018 (TPO T2) and T017 (TPO T3) are suitable and adequate to ensure their retention during the development process.
- 10.41 Officers consider that a condition requiring replanting/planting (including *quercus robur*, *Prunus padus* and *Acer campestre* will be planted as part of the landscaping plan in various locations to replace the tree species removed) as suggested by the arboriculturalist is reasonable and necessary to provide amenity protection and enhanced landscaping to mitigate the impact of the proposed development.
- 10.42 Recently an application to undertake works to group TPOs in the adjoining property has been approved. Given the proximity to the subject site, officers consider that a replanting condition is reasonable to attach with regard to vegetation dying within the next two years and the planting scheme should be augmented to counter loss of trees (along with a replacement condition to be attached to the permission granted for the site to the north under 06/22/1027/F).
- 10.43 Officers consider that for the purposes of this application the proposal is acceptable but note there are relevant conditions in the Outline Planning Permission which requires the proposed planting and retention of trees to be submitted separately for discharge. Any approval will need to take account of these requirements to ensure all relevant conditions can be discharged.

- 10.44 Although the S106 agreement in relation to the Outline Planning permission under Ref 06/20/0156/O required an index-linked contribution, this falls somewhat short of the GIRAMS payment required to the tune (currently) of £80.84 per dwelling, or £2667.72 for all 33 proposed. The applicant accepts that this is subject to further uplifts prior to the commencement of development annually in April but have paid the aforementioned sum on 6 March 2024 prior to the release of any decision to grant planning permission.
- 10.45 A HRA was submitted to Natural England who have confirmed they have no objections subject to the GIRAMS being paid and as such officers consider that the proposal is acceptable subject to standard conditions. Whilst this is a Reserved Matters application this updated information was required as was the uplift in the GIRAMS contribution to £210.84 per dwelling, both of which are necessary to ensure the decision maker can confirm the proposal passes the Appropriate Assessment required by Habitat Regulations.

Access, Car and Cycle Parking

- 10.46 The Local Highway Authority provides a response for both the north and south site and refers to the conditions attached to 06/20/0156/O in relation to highway matters that would ultimately result in adoption under Section 38 of the Highways Act 1980.
- 10.47 The Highways Authority has required that some relatively minor adjustments should be made to the overall designs and has sought clarification in respect of the amount of parking for new dwellings and visitors, for example. Planning Officers consider these have been accommodated through revised plans and should be able to address the requirements prior to the Committee meeting or if not under delegated authority.
- 10.48 Revised Planning Layout, External Works, Landscaping and Vehicular Tracking Plans were submitted and the Local Highway Authority has no objections, subject to pre-occupation conditions requiring their provision, save for the pedestrian link between plots 26 and 39 in the south-east of the site. Officers consider that this pedestrian link is a modest addition that provides significantly enhanced permeability and accessibility and as such should be retained. The Highway Authority appears to be concerned that the pedestrian link between the private access drive would link onto a publicly adopted road, and possibly cause maintenance concerns but this is not a reason to prevent good urban design and accessibility, and should be managed by planning conditions, to require its provision, and the development's management plan obligations in the section 106 agreement re its upkeep.
- 10.49 The proposed development is considered able to provide sufficient car parking spaces to address policy standards and highways concerns, and augments this with garage provision housing the cycle parking. This is supported by the Designing Out Crime Officer and as such officers consider that the proposed accords with Policies CS16 and I1.

Lighting

- 10.50 Officers note that no lighting impact assessment has been submitted. Officers are content that this can be addressed by the existing condition 30 on the outline planning permission granted under 06/20/0156/O, and no further condition is required for the development to be in accordance with Policy E6.

Affordable Housing

- 10.51 Policy H2 sets out that where residential sites are proposed adjacent to a recently permitted scheme (within the past 3 years) and identified as phased or cumulative development, as evidenced in addition to one or more of the below criteria, the affordable housing

requirement will be calculated based on the total development of the northern and southern scheme combined. The total number of dwellings to be provided across both sites (north and south) are 40 dwellings and the affordable housing requirement is for 8 dwellings within that (20% as required by policy UCS4); the applicant is proposing 7no. affordable rent properties and 1no., shared ownership tenure to the Strategic Housing officer's satisfaction.

- 10.52 The proposed tenure and overall mix of affordable housing unit sizes and styles is considered acceptable in general terms, although the Housing and Enabling Officer would have had a preference for the provision of 3 bed/6 person housing, but this could have affected the overall design slightly and the interest available from Registered Providers, so the request has not been pursued. However, Officers would like to see a minor amendment to ensure there are no obstacles to the management and uptake of those units.
- 10.53 The Housing and Enabling Officer has identified that the parking of plot 20 should better serve its occupant by being either to be to the front of the property, or perhaps next to plot 21 on the other side of the terrace, to assist with management of the Shared Ownership unit at the end of the terrace property. In its current position, Officers consider that whilst this would be desirable in itself, issue would arise with the need to re-orientate other aspects of this part of the site including the spur road. As such the current scheme is considered to be acceptable overall.

Water Efficiency and Accessibility

- 10.54 Officers note that the outline planning permission does not include standard conditions limiting water use nor ensuring the dwellings meet Part M4(2) of the Building Regulations to ensure accessibility, and as such consider it reasonable to attach such conditions to these Reserved Matters. As such the proposal is considered able to be developed in accordance with Policies A2(f) and E7.

Service Provision

- 10.55 Officers note that condition 3 of the outline permission also covers details of cycle storage and details of refuse storage and collection points and screening thereof. Officers consider the details acceptable and in accordance with Policies CS16 and I1.
- 10.56 Bin storage is set out in the external works layout and is considered to be acceptable subject to a condition requiring the implementation of the approved details prior to occupation of any dwellings.

Local Finance Considerations

- 10.57 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 (which is not applicable to the Borough of Great Yarmouth). 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, for example. There do not appear to be any planning-related local finance considerations linked to this development.

11. The Planning Balance

- 11.1 The application for reserved matters seeks approval for submitted details of layout, scale, design and landscaping, and includes details of electric vehicle charging points to be provided, an indication of the surface water drainage scheme required by condition 9 of the outline permission, details of cycle storage and details of refuse storage and collection points and screening.
- 11.2 The applicant has worked with the Local Planning Authority to provide satisfactory details to flesh out the outline development and in the process discharge conditions 8 and 9 in conjunction with this application.
- 11.3 Overall, it is considered that the proposal is, on balance, acceptable and whilst greater accessibility and permeability could have been achieved consider, it is considered that the proposal has responded to the requirements of the outline permission and provides dwellings of a good standard of accommodation and design and layout of appropriate character and scale and does not cause unacceptable detrimental impact to neighbours.
- 11.4 The design and layout is considered to be slightly positive in planning terms with the neutral impact of surface water drainage able to be addressed by pre-approval amendments and clarification of technical details by conditions, and the provision of accessible, water efficient housing with EV charging provision which can also be secured by conditions.
- 11.5 At wider level the outline planning permission provides positives in terms of housing and affordable housing, public open space, enhanced biodiversity and security, all of which combine to outweigh the loss of the undeveloped agricultural land.

12. Conclusion

- 12.1 Having considered the details provided, the proposal is considered to be acceptable and the conditions will be amended accordingly together with the remaining conditions imposed (and amended where appropriate, for example to reflect that the development commenced under the previous permission).
- 12.2 The proposed details for reserved matters are therefore considered acceptable and to accord with Policies CS2, CS9, A1, A2, E4, E6, E7 H2, H3 and H4 as well as the adopted Great Yarmouth Design Code 2024.
- 12.3 There are some matters which remain outstanding, which are considered necessary to address through additional information and amendments to be secured before any permission is granted. These include:
- clarifying and if necessary amending the size and position of turning head requirement in the vicinity of plot 35; and,
 - additional surface water drainage information and amended drainage scheme details concerning arrangements at plots 38, 39 and 27-28.
- 12.4 Officers are reasonably confident that these are largely technical concerns and the above matters can be addressed within the parameters of the Reserved Matters set out before Committee without requiring further public consultation or further Committee overview.

- 12.5 It is therefore recommended that the Committee delegate authority to the Head of Planning to resolve the outstanding matters and subsequently approve the Reserved Matters subject to the conditions proposed in the list below.

13. Recommendation

- 13.1 It is recommended that the Committee delegate authority to the Head of Planning to subsequently APPROVE the reserved matters details and grant consent subject to:
- Resolution of outstanding details in respect of drainage matters, in conjunction with the LLFA;
 - clarifying and if necessary amending the size and position of turning head requirement in the vicinity of plot 35; and
 - appropriate conditions including those listed below (to be modified where necessary).

Conditions

1. The development hereby permitted must be begun not later than the expiration of eighteen (18) months from the date of this decision, being [specific date to be inserted].

Reason: The time limit condition is imposed in order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to achieve consistency with the outline planning permission, and to secure timely and swift delivery of housing in light of the Borough Council's housing land supply situation at the time of the decision being made to grant outline planning permission.

Development to Accord with Approved Plans

2. *[Except where the plans are to be amended under authority designated to the Head of Planning, prior to the release of any planning permission:]*

The development shall be carried out in accordance with the following revised documents and drawing numbers listed below received by the Local Planning Authority on:

29th February 2024

L22414-TLP-PA01-B

L22414-TLP-Landscape Strategy-B

20th February 2024

ORM 1-2.101C Revised Site Layout Plan

ORM1-2.102C Revised External Works Plan

ORM1-2.103C Revised Materials Plan

1035.100.001 Refuse Vehicle Tracking

1035.100.002 Fire Tender Vehicle Tracking

The development shall be carried out in accordance with the following revised documents and drawing numbers listed below received on 6 December 2023:

Street Scenes Elevations AA and BB

ORM1-2.305A Floor Plans and Type 859 Plots 25-26

ORM1-2.306A Floor Plans and Type 859 Plots 25-26

ORM1-2.401A Garage 1 Plans and Elevations Plots 11 15 31 36 38
ORM1-2.225B Side Elevations Type 2063
ORM1-2.224A Elevations Type 2063
ORM1-2.223B Elevations Type 2063 Plot 37
ORM1-2.303A Floor Plans Type 631 1029 Plots 22-24
ORM1-2.304A Elevations Type 631 1029 Plots 22-24
ORM1-2.207B Floor Plans Type 1550 Plots 12 15 38
ORM1-2.308B Elevations Type 1550 plots 12 15 38
2.503 External Works Details (received 16.10.23)

The development shall be carried out in accordance with the following revised documents and drawing numbers listed below received on 6 December 2023:

Plan 201 Floor Plans Type 2048
Plan 202 Elevations Type 2048
Plan 2.111 Elevations Type 2048
Plan 2.221 Floor Plan Type 1317
Plan 2.205 Floor Plan Type 1317
Plan 2.206 Elevations Plan Type 1317
Plan 2.222 Elevations Type 1317
Plan 2.226 Floor Plan Type 1197
Plan 2.226 Elevations Type 1197
Plan 2.203 Floor Plan Type 1040
Plan 2.204 Elevation Type 1040
Plan 2.213 Floor Plan Type 919
Plan 2.214 Elevations Type 919
Plan 2.215 Floor Plan Type 832
Plan 2.216 Elevations Type 832
Plan 2.209 Floor Plan Type 1687
Plan 2.210 Elevations Type 1687
Plan 2.211 Floor Plan Type 2101
Plan 2.212 Elevations Type 2101
Plan 2.402 Floor Plan and Elevations Garage Type 2
Plan 403 Floor Plan and Elevations Garage Type 3
Updated Ecological Appraisal (dated 2.2.23)

Reason: For the avoidance of doubt.

Access and Car Parking

3. Prior to the first occupation/use of the development hereby permitted the proposed access, on-site car and cycle parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan (Drg No. *[plan ref to be finalised]*) and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

Surface Water Drainage

4. Prior to the commencement of development and in conjunction with the details required to be submitted with regard to condition 9 of the outline planning permission granted under Ref 06/20/0156/O, the following further details/clarifications of a surface water drainage scheme are to be submitted to and approved in writing by the Local Planning Authority:
- A contributing areas drawing including the infiltration basin;
 - Justification for provision of the necessity for deep infiltration for surface water drainage in this development and evidence of the exploration of alternative options that do not rely on deep infiltration
 - Clarification of what “PERM PAVING” and “PERM PAVING 2” are meant to represent in relation to the drainage strategy drawing.
 - Further infiltration testing around the soakaway for Plot 39 (which is in the garden of Plot 38), and the fully-infiltrating permeable paving parking spaces for Plots 27 and 28
 - Clarification with regard to whether it is intended to discharge surface water into a watercourse.

Reason: In the interests of the satisfactory development of the site, provision of infrastructure, protection from flooding and reduction of flood risk, and protection of residential amenity. To prevent flooding in accordance with National Planning Policy Framework objectives by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Schedule of External Works

5. Unless otherwise first agreed in writing by the Local Planning Authority all dwellings shall be constructed in accordance with the external works details (Drawing no [final plan ref to be confirmed]), External Works Layout (Drawing no. [final plan ref to be confirmed] and Materials Plan (ORM1-2.103.C), and all dwellings shall be constructed to achieve the following specifications:
- Compliance with Building Regulations Part M4 Category 2 - accessible and adaptable dwellings;
 - Limiting water consumption through installation of water efficiency measures which restrict usage to no more than 110 litres per person per day;
 - Provision of electric vehicle charging points as shown on the plan and in accordance with the details approved under condition 8 of outline permission 06/20/0156/O;
 - Boundary Treatments as shown on the plans; and
 - External Materials as shown on the plans.

Reason: To ensure the proper development of the site in making provision for the demand for electric vehicle charging within the lifetime of the development, to ensure homes are designed to be adaptable to meet current and future needs, and to achieve a higher water efficiency standard all in accordance with Policies I1, A2 and E7 of Great Yarmouth Local Plan.

Landscaping and Tree Planting

6. The soft landscaping as set out in the Landscaping Strategy by the Landscaping Partnership and related Landscaping Ref nos (L22414-TLP-PA01-B, L22414-TLP-Landscape Strategy-B received on 29 February 2024) shall be carried out within the first available planting season following the commencement of the development (or in accordance with a programme of planting to be first agreed in writing by the Local Planning Authority).

Notwithstanding the detail shown on the approved plans, there shall be no commencement of development beyond foundation / DPC / slab level until details of the proposed additional planting and management of the hedge along the eastern boundary of the site have first been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the details as approved.

The planting shall be carried out as approved. If within a period of TEN YEARS from the date of planting any tree or plant or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, (or becomes in the opinion of the Local Planning Authority, seriously damaged or defective) another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of the satisfactory appearance of the development in accordance with Policies CS9 and E4 of Great Yarmouth Local Plan.

Ecology Details and Mitigation

7. In the event that site clearance pursuant to this development is not undertaken before 01 June 2024, no development shall be undertaken after 01 June 2024 without a protected species survey first being undertaken and the results submitted to and approved in writing by the Local Planning Authority, with the details of the survey report including mitigation measures for protection of any protected species present within the site. The development shall thereafter be carried out only in strict accordance with the protection and mitigation measures specified within the approved survey report.

Reason: In the interests of protecting and if necessary relocating protected species, to be undertaken with regard to any district level licence consents at the site pursuant to this development.

Ecology Mitigation

- 8) All ecological mitigation and enhancement measures and/or works undertaken prior to June 2024 shall be carried out in strict accordance with the details contained within the updated Ecological Appraisal (Carter Sustainability Ltd; July 2022) submitted with this reserved matters application.

Reason: To conserve and enhance Protected and Priority species and allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

Biodiversity Enhancement

- 9) No development shall take place until a scheme for biodiversity enhancement measures within the development has first been submitted to an approved in writing by the Local Planning Authority. The details of the scheme shall be based on and include as a minimum the Biodiversity Enhancement measures recommended at Chapter 5, contained within the updated Ecological Appraisal (Carter Sustainability Ltd; July 2022) submitted with this reserved matters application. The development shall thereafter be carried out in accordance with the approved biodiversity enhancement scheme which shall be provided in full before the practical completion of the final dwelling to reach practical completion stage within the development hereby permitted

Reason: In the interests of biodiversity protection and enhancement in accordance with the expectations of the NPPF. This condition is a pre-commencement action in order to safeguard the ecological interests of the development in accordance with requirements to protect and enhance biodiversity and to avoid unnecessary costs to the developer.

Tree Protection During Construction

- 10) The development hereby approved shall be carried out in accordance with the details provided within the submitted Tree Survey, Arboricultural Impact Assessment- Preliminary Arboricultural Method Statement & Tree Protection Plan dated 18 October 2022 from Hayden's Arboricultural Consultants including protective measures to be implemented during the course of construction to protect retained trees and hedges within and adjacent the site.

The proposed development shall be carried out in accordance with the details of the approved Arboricultural Method Statement. The approved protective measures shall be installed prior to the commencement of the development, including construction of the approved haul road where relevant, and shall be retained in place for the full duration of the construction period.

Reason: To protect the canopies and roots of any trees on site or adjacent trees which have a good amenity value, in the interest of biodiversity enhancement and landscape character and visual amenity. The condition is required as a pre-commencement action because it addresses some of the impacts associated with the construction period of the development

Informative Notes

1. The Outline Planning Permission 06/20/0156/O, contains a number of compliance Conditions that still require discharge and compliance is also required with the following conditions:
- Condition 4 -Site Plan indicative only apart from access roads and drainage as above.
 - Condition 5 -Details of Haul Road for construction traffic access and egress to site
 - Condition 6 – Ecological Mitigation Strategy for GCN submission for approval
 - Condition 9 - Details of SUDS- part of RM outstanding
 - Conditions 10 -Details of foul water drainage submitted for approval
 - Conditions 11 and 12 and 16 – parking for construction workers and CMP to be submitted for approval

- Condition 14 No development shall take place until a Construction Ecological Management Plan – Biodiversity (EMP) has first been submitted and approved.
- Condition 17 – Archaeology-WSI to be undertaken for approval
- Condition 18 -Mineral Management plan to be submitted for approval • Condition 20 – Provide the roads, footways, foul and surface water sewers in accordance with the approved specifications, to the satisfaction of the Local Planning Authority pre occupation
- Condition 21 and 22- Contaminated land survey and requirement to stop all works if during construction contamination discovered ecology enhancements
- Condition 23 -Details of fire hydrants to be submitted for approval
- Condition 24- detail of site levels to be submitted for approval
- Condition 26 -lighting strategy to be submitted for approval s

The following conditions remain in force

- Condition 1- Amended to condition 1 of this planning permission
- Condition 2- limit to 33 houses
- Condition 3- submission of reserved matters
- Condition 7 -Updated Ecological Appraisal required 2022 (superseded) on-site parking for construction workers as approved above
- Condition 13- All ecological mitigation and enhancement measures and/or works undertaken prior to June 2022 carried out in accordance with Preliminary Ecological Appraisal and Impact Assessment report Revision B
- Condition 15. Scheme for biodiversity enhancement measures within the development has first been submitted to an approved in writing by the Local Planning Authority.
- Condition 19- Detailed plans of the roads, footways, foul and surface, water drainage have first been submitted to and approved in writing by the Local Planning Authority.
- Condition 25- No development shall take place until an Arboricultural Impact Assessment has first been submitted for approval
- Condition 27- No dwelling shall be occupied until the roads, footways and any cycleways connecting that dwelling to the adjoining County road have first been constructed to at least binder course surfacing level, in accordance with the details to be approved in writing by the Local Planning Authority
- Condition 28- Replacement planting

2. Advisory Note - Local Air Quality:

The site will potentially generate a significant amount of dust during the construction process; therefore, the following measures should be employed:

- An adequate supply of water shall be available for suppressing dust.
- Mechanical cutting equipment with integral dust suppression should be used.
- There shall be no burning of any materials on site, or burial of asbestos, which should instead be removed by an EA licenced waste carrier, and the waste transfer notes retained as evidence.

The applicant is strongly recommended to advise neighbouring businesses and residential occupiers of the proposals, including any periods of potentially significant disturbance e.g., demolition or piling, together with contact details in the event of problems.

3. Advisory Note - Hours of Construction:

The Hours of Construction shall be limited to the following hours:

- 0800-1800 Monday to Fridays
- 0900-1300 Saturdays and
- No works at all on a Sunday or Public Holiday

4. Disclaimer re contamination:

NOTE: The responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application based on the information available to it, but this does not mean that the land is free from contamination, or that the land could not be declared Contaminated Land in future.

5. Disclaimer re Conditions Discharge:

Conditions attached to this Reserved matters Approval require details to be submitted. Should further modifications to the appearance, landscaping, layout and scale it is at the applicant's risk that the scheme hereby approved may not be able to be implemented

6. Advice note re Ecological Surveys:

It is acknowledged that results of the Ecological and updated Ecological Surveys in 2020 attached to the outline permission and its update attached to this Reserved Matters application (2022) are valid for only two years and as the survey found protected species within and adjacent to this site the report findings cannot be assumed to be valid for development commencing after the initial two year period, although regard should be had to the principles included therein.

7. Advice note re public sewer connections:

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

8. Advice note re Protection of existing assets:

A public sewer is shown on the record plans within the land identified for the proposed development. It appears that the development proposals will affect the existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

9. Advice note re Building near to a public sewer:

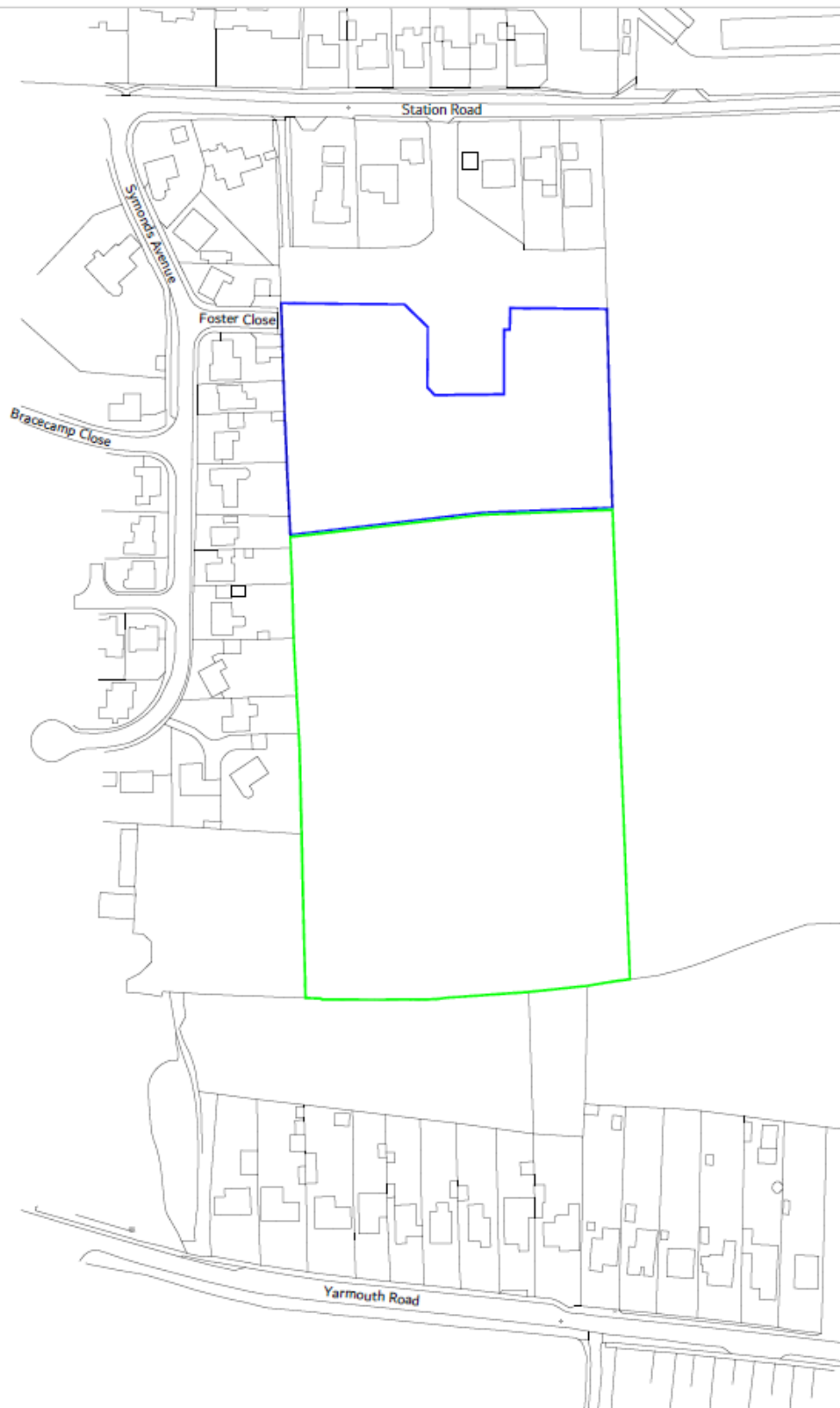
No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team 0345 606 6087.

10. Advice note re drainage system adoption:
The developer should note that the site drainage details have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under S104 of the Water Industry Act 1991), they should contact our Development Services Team 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
11. Advice note re GIRAMS:
It is hereby acknowledged that the applicant has paid appropriate and necessary financial contributions for GIRAMS Habitat Impacts Mitigation amounting to £2,667.72 (33 dwellings x £80.84 uplift per dwelling) on 6 March 2024 prior to the issue of a decision notice related to this resolution to grant. In so doing, the obligation within the associated Section 106 Agreement is satisfied.
12. Planning Obligations: Please be aware this Reserved Matters approval forms part of an overall planning permission that is subject to the planning obligations contained within a Section 106 legal agreement dated 15th October 2021.
13. STATEMENT OF POSITIVE ENGAGEMENT: In dealing with this application Great Yarmouth Borough Council has actively sought to work with the applicant in a positive and proactive manner.

It is confirmed that this shadow HRA submitted by the applicant was assessed at outline (the planning permission) 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 and the required payment as currently updated has been made enabling this reserved matters decision.

APPENDIX 1: SITE LOCATION PLAN

- Blue line represents the Northern Site and point of access from Foster Close.
- Green line represents the Southern Site and boundary of this Reserved Matters application.



Development Management Committee Report

Committee Date: 20 March 2024



Application Number	06/23/0918/F – (Click here to see application webpage)
Site Location	Site of former Car Park G, James Paget Hospital, Lowestoft Road, Gorleston, Great Yarmouth, NR31 6LA
Proposal	Retrospective redevelopment of an existing car park to provide an Orthopaedic Elective Hub and Community Diagnostic Centre (Class C2), together with associated parking, highway, drainage, engineering and landscaping works.
Applicant	James Paget Hospital
Case officer	Rob Tate
Parish & Ward	Magdalen Ward
Date Valid	19-12-23
Determination Due	22-03-24
Reason at committee	Connected application – part of the application site is owned by the Borough Council.
Procedural notes	This application was reported to the Monitoring Officer as an application submitted for development on land owned by the Borough Council. The land owned by the Council is a short length of the 'JPUH Staff Entrance' access route to the site off Brasenose Avenue, which is within the red line of the application site. The application was referred to the Monitoring Officer for their observations on 12/03/24, to afford the Monitoring Officer an opportunity to check the file and ensure they are satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application. Any discrepancies will be raised by the Monitoring Officer prior to the meeting.

SUMMARY OF RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS

1. The Site and Context

- 1.1 The application site is within the James Paget University Hospital campus and sits on what was Car Park G located to the northwestern portion of the hospital site. The site covers circa 1.19 hectares and sits next to the recently completed Concept Ward and the Diagnostic Assessment Centre (DAC) currently under construction.

- 1.2 Car Park G is a staff car parking, although this has been closed during the construction of the neighbouring new buildings, and is now being used as a site compound.
- 1.3 The application is described as being retrospective. This is because the ground works for the proposed Orthopaedic Elective Hub and Community Diagnostic Centre commenced in December 2023 at the risk of the applicant. On the site visit on the 9th February 2024, this was confirmed with works so far being limited to the digging of foundations and associated ground works.
- 1.4 In terms of the wider site, the James Paget University Hospital campus is located to the southern end of Gorleston. The wider Site consists of the main Hospital facility, and a number of supplementary wards that have been constructed to increase the functionality of the Hospital. The James Paget has been identified to receive government funding to build a new hospital and health campus in the fullness of time.
- 1.5 The application site is bordered by hospital residential accommodation to the north, a substation and generator compound which generates power for the main hospital site to the east beyond the Diagnostic Assessment Centre, inpatient wards to the south and the remains of car park G to the west.
- 1.6 There are pockets of land around the Hospital that are formal Car Parking areas for staff, patients and visitors. These are all ancillary to the main hospital site.
- 1.7 Beyond this, the wider site is accessed from the A47 Lowestoft Road (to the east) and vehicular access is also achievable from Brasenose Avenue (to the north) with staff-only vehicle access from Jenner Road to the south. There is a one-way system internally around part of the hospital site from the A47 access.

2. The Proposal

- 2.1. The application seeks planning permission for the development of a new building that forms both an Orthopaedic Elective Hub and a Community Diagnostic Centre. The proposed building will constitute a total of 2,627m² Gross Internal Floor Space over two floors. This consists of 1,520m² at the Ground Floor which will serve as the Orthopaedic Elective Hub and 1,041m² at the First Floor which will function as the Community Diagnostic Centre, plus mechanical plant rooms and other support spaces required for both floors to function. The total Gross External Area (GEA) of accommodation equates to 2,711m².
- 2.2. The proposed building will include the following:
 - On the ground floor for patients, there are 2 no. fully compliant theatres for elective surgery with associated ancillary spaces including anaesthetic and preparation rooms. There are 4 no. Stage 1 Recovery Bays for patients post-surgery, plus 8 no. Admission/Discharge 'Pods'.
 - A separate staff entrance point to the building (located along the northern elevation to the west), straight into the changing facilities. The main visitor access point is adjacent to the DAC building to the east.
 - On the rest of the ground floor, there are separate changing facilities at the entrance point with a separate rest rooms for all staff. There are also a number of storage areas needed for the facilitation of the hospital including storage areas and a pharmacy.

- The first floor for patients will be accessed by the primary staircase and lift on the eastern side of the building. On the first floor for patients, there are 8 no. treatment rooms, 6 no. clinical consultation rooms and a waiting area. Further on the first floor, there are further staffing facilities, offices and reporting offices for the CDC staff and a plant room.
 - There are also waste storage facilities including waste disposal holds that are transported from this facility to the central Hospital facility on the wider site.
- 2.3. The proposal creates 18 no. drop-off vehicle parking spaces, including 3 no. disabled parking spaces. In addition to this, a minibus space is also proposed, due to the removal of the space provided as part of the DAC scheme.
- 2.4. The proposal allows for 40 dedicated staff cycle parking spaces, which are secured and covered to the south, and a further 10 covered visitor cycle parking spaces in the vicinity of the building entrance. In terms of access and egress points for vehicles, the proposal seeks the blocking up of the currently consented egress point from the DAC parking area, expanding this area creating a one-way system. The system will allow vehicles to access 'in' at the most eastern point in front of the DAC and exit 'out' to the most western point in front of the OEH and CDC.
- 2.5. The existing cellular soakaway, which serves the Concept Ward located to the south of the site, is proposed to be removed as part of the new development due to its close proximity to the new building (i.e. within 5m of the proposed foundations). The connections to the existing soakaway are to be directed into the proposed building's drainage system and directed to the two new soakaways, to be constructed as part of this application, to be located to the north of the new development under the car parking area.
- 2.6. The proposal seeks permission for a landscaping strategy and demonstrates the retention of the existing trees to the west of the site as well as the planting of additional trees and other landscaping features, including: Where the DAC egress point is blocked up, additional landscaping is proposed in this area; and, whilst the scheme does not seek any changes to the Concept Ward Therapy Garden it does seek additional planting to the south of the proposed OEH and CDC building as well as to the north and west.

3. Site Constraints

- 3.1. The site is located within the development limits defined by GSP1.
- 3.2. Part of the site is at risk of surface water flooding in the 1 in 1000 event.

4. Relevant Planning History

- 4.1. 06/22/0256/F
Proposed development of a Diagnostic Assessment Centre (Class Ee), together with associated drop off car parking, highway works, drainage works and landscaping.
APPROVED 30-05-22.
- 4.2. 06/22/0576/F
Proposed development of a Decant Inpatient Ward (Class C2) with associated displacement parking, highway works, drainage works, engineering works, landscaping and associated infrastructure works.
APPROVED 20-09-22.

- 4.3. 06/23/0128/NMA
Proposed non-material amendment to pp. 06/22/0576/F - Development of Decant Inpatient Ward and associated works; Alter the cladding colour of the plant room (1F)
AMENDMENT ACCEPTED 01-03-23

- 4.4. 06/23/0748/F
Construction of a surface-level car park (up to 376 spaces) to be used for a temporary period of up to 7 years, together with associated works, including drainage, construction of a bund, landscaping and access works
PENDING CONSIDERATION
Note: As the end of public consultation period expires on 13th March 2024, it is possible this decision could be made prior to the Committee meeting; an update will be provided accordingly.

5. Consultation responses

5.1. Local Highway Authority (Norfolk County Council)

No objection subject to conditions

- 5.1.1. The applicant engaged in pre-application discussions with the Local Highway Authority to minimise the likelihood of any approval being subject to pre-commencement conditions. The Highways Officer raises no objection to this application subject to conditions to ensure the implementation of the car and cycle parking along with the waiting and turning hours and the implementation of the Travel Plan.
- 5.1.2. The applicant has requested a revised trigger point for the Travel Plan to be implemented so that it can be rolled out across the wider hospital more cohesively. The Highways Officer has agreed that the Travel Plan can be implemented within 12 months of the building being first used.

5.2. Lead Local Flood Authority (Norfolk County Council)

No comment – standing advice for major schemes applies.

- 5.2.1. The LLFA were consulted as statutory consultees due to the application being a major scheme and have provided standing advice for major development where it falls below their threshold to comment. The Standing Advice is used in the appraisal below.

5.3. Anglian Water

No objection

- 5.3.1. Anglian Water confirmed that the main sewer system has capacity to deal with the foul water discharge from the proposed development. They noted that the surface water scheme does not affect assets owned by Anglian Water.

5.4. Essex and Suffolk Water

No objection

- 5.4.1. Essex and Suffolk Water confirmed that the nearest asset is a 9" water main on Brasenose Avenue which will remain unaffected by the proposed development.

5.5. Historic Environment Service (Norfolk County Council)

No objection

- 5.5.1. The Historic Environment Service noted that the proposed development will not have any significant impact on the historic environment and therefore did not wish to make any recommendations for archaeological work.

5.6. County Ecologist (Norfolk County Council)

No objection

- 5.6.1. The County Ecologist raised no objection to the proposal, noting that the application was submitted before the 12th of February 2024 and therefore is not subject to the mandatory Biodiversity Net Gain.

5.7. Environmental Services

No objection subject to conditions

- 5.7.1. The Senior Environmental Protection Officer raised no objection to the scheme although did request a number of conditions related to contamination and amenity (noise in particular).

5.8. Outstanding Consultations

- 5.8.1. No comments have been received from the Environment Agency, Arboricultural Officer or the Designing Out Crime Officer. The absence of comments is not considered critical to the determination of this application. Should any comments be received prior to the committee meeting, a written update report or verbal update will be provided.

6. Publicity and Representations

- 6.1. Consultations undertaken: Site notices / Press advert. Reasons for consultation: Major application. The overall expiry date for the consultation process was 1 March 2024.

6.2. Ward Member – Cllr(s) Green, Pilkington and Wainwright

- 6.2.1 No comments received.

6.3. Public Representations

- 6.3.1 At the time of writing, no public comments have been received.

7. Relevant Planning Policies

7.1 The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS1: Focusing on a sustainable future.
- Policy CS9: Encouraging well-designed, distinctive places.
- Policy CS11: Enhancing the natural environment.
- Policy CS12: Utilising natural resources.
- Policy CS13: Protecting areas at risk of flooding and coastal change.

- Policy CS15: Providing and protecting community assets and green infrastructure.
- Policy CS16: Improving accessibility and transport.

7.2 The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development Limits.
- Policy A1: Amenity.
- Policy E4: Trees and landscape.
- Policy E6: Pollution and hazards in development.
- Policy C1: Community facilities.
- Policy I1: Vehicle parking for developments.
- Policy I3: Foul Drainage.

8. **Other Material Planning Considerations**

8.1 National Planning Policy Framework (Dec 2023)

The policies in the Framework are material considerations which should be taken into account in dealing with applications.

- Section 2. Achieving sustainable development
- Section 4. Decision-making
- Section 8. Promoting healthy and safe communities
- Section 9. Promoting sustainable transport
- Section 11. Making effective use of land
- Section 12. Achieving well-designed and beautiful places
- Section 14. Meeting the challenge of climate change, flooding and coastal change
- Section 15. Conserving and enhancing the natural environment

8.2 Supplementary Planning Documents

- Great Yarmouth Design Code (adopted January 2024)

9. **Planning Analysis**

9.1 Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

9.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to—*

- (a) *the provisions of the development plan, so far as material to the application,*
- (aza) *a post-examination draft neighbourhood development plan, so far as material to the application,*
- (b) *any local finance considerations, so far as material to the application, and*

(c) any other material considerations.

Main Issues

- Principle of development
- Design, Form and Character
- Amenity
- Highways, Parking and Travel Plan
- Drainage
- Contamination
- Landscaping
- External Lighting

10. Assessment

Principle of Development

- 10.1 The application site is located within the development limits for Gorleston. Here, policy GSP1 states: *“Development will be supported in principle within the Development Limits subject to compliance with other relevant policies in the development plan.”*
- 10.2 Moreover, The James Paget University Hospital is one of the Borough's key strategic community facilities, providing cross boundary healthcare and being one of the Borough's main employers. From a national and local planning policy level, there is a presumption in favour of enhanced community facilities. Core Policy CS15 recognises this and supports the growth, upgrading and eventual redevelopment of the JPUH to support the needs of the borough. Policy C1 supports the approach of Core Strategy Policy CS15 and states *“The retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth, will be encouraged.”*
- 10.3 As such, the principle of upgraded and expanded facilities at the hospital are supported, subject to complying with the rest of the development plan.

Design, Form and Character

- 10.4 Core Strategy Policy CS09 expects new development to provide a high quality of design, in part stating that development should *“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”*.
- 10.5 The recently adopted Design Code expands on this and outlines how development proposals can achieve the level of design expected. At Section 6.3 of the Design Code it outlines the expectations for new industrial, commercial and retail development. Here, there is an expectation that there should be:
- A legible layout of streets and movement routes with a clear relationship to the active frontages of buildings.

- Tree planting should specify species that will grow to provide substantial canopy shade and be climate- resilient; permeable paving should be used; and all opportunities for introducing planting and biodiversity must be taken.
 - Boundary treatments of non-residential development should use greening, such as climbing plants, to soften the visual impact of security fencing and to increase biodiversity on the site.
 - Where external lighting is required, this should be very carefully designed to limit light pollution while ensuring a safe and attractive environment at night.
- 10.6 The James Paget University Hospital was built in the early 1980s and its design is typical for hospitals dating from that era. The site has seen piecemeal development since - some of which are more in keeping and of higher quality than others. The proposed Orthopaedic Elective Hub and Community Diagnostic Centre would be read in conjunction with the DAC building to the east and the Decant Ward (known also as the Concept Ward) to the south.
- 10.7 The application has benefitted from pre-application discussions which have helped create a design which is complimentary to the surrounding buildings and one which positively contributes to the emerging 'street' scene being created in this part of the university hospital campus.
- 10.8 The proposed building consists of three distinctly different massing blocks, in three distinct coloured fibre cement cladding materials. This is to provide reference to the DAC which utilises buff bricks and allows in effect the continuation of the street frontage, whilst also allowing for a modular construction building. The building uses vertical horizontal cladding boards to provide some interest to the elevation and to lessen the sense of excessive horizontal massing. The black recessed windows provide a visual link to the Concept Ward designs to the rear.
- 10.9 The proposed building does not exceed the height of the existing hospital building. The distinct blocks provide relief to, and mitigates, the sense of excessive horizontal massing of the building. The corner block is coloured in muted yellow/tawny hue cladding and is the tallest of the three blocks, this creates a prominent corner and an effective bookend to the building line.
- 10.10 The ground floor northern elevation and the corner detailing do not make full use of the possible street frontage, as there is a lack of activity on the northern elevation and a lack of activity on the first floor of the corner frontage. Whilst this is less than ideal, it is recognised that this is due to the constraints of the use of the building and the operational requirements dictating the internal layout of the building and thus impacting on the positioning of the windows. This harm is somewhat offset by the entrance to the building which continues to reference the vertical lines of the DAC and provides an attractive entrance to the building.
- 10.11 The use of parapets and screening around the roof edge means that plant equipment and PV panels will not be visible from ground level. The design ensures that the parapets and screening is integrated into the building and therefore does not clutter its appearance.
- 10.12 Overall, the building suitably references the surrounding buildings and provides a functional design which also achieves the design expectations of CS09 and the Design Code.

Amenity

- 10.13 Core Strategy Policy CS09 also expects that new development achieves a high level of amenity for future and existing users. Policy A1 expands on this approach and states:

"Development proposals will be supported where they protect or promote a high standard of amenity to ensure a suitable living environment in the locality.

Planning permission will be granted only where development would not lead to an excessive or unacceptable 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 that will be overbearing;*
- d. nuisance and disturbance"*

- 10.14 As mentioned earlier in the report, the application site is adjacent to existing hospital buildings and opposite (to the south of) the hospital's on-site residential accommodation. The nearest non-hospital use residential dwellings are located on Brasenose Avenue circa 100 metres to the north.
- 10.15 The Environmental Protection Officer has requested further details or use of proposed conditions. Of the conditions requested, a Glint and Glare Assessment for the solar panels is considered unnecessary because these will be hidden behind the parapet and therefore not visible from the public domain. The request for conditions to secure a noise assessment of the proposed air source heat pumps and other plant and machinery is understandable, given the cumulative impacts of the recent developments in the area; this is necessary and is recommended if permission is to be granted, to accord with policy A1. Although some noise data sheets have been provided and noise data sheets in relation to air source heat pumps are expected to be provided in advance of Committee meeting, the information has not been reviewed by the Environmental Protection Officer. A written update Addendum Report in advance of the Committee meeting, or a verbal update within the meeting, will be provided to Members as necessary.
- 10.16 The Environmental Protection Officer has also requested a Construction Environment Management Plan, to include detailed noise and dust management proposals, in the interests of protecting residents at both the hospital's residential accommodation and the non-hospital dwellings such as at Brasenose Avenue. The Local Planning Authority and Environmental Health teams have both received at least one enforcement complaint about current construction practices, noise and unsuitable working hours, being experienced from as far as 100m away, and it is suggested that these should be prevented by the use of appropriate construction management techniques. A requirement to provide a Construction Management Plan and the use of a Working Hours condition can address this, and ensure the proposal can be undertaken in accordance with policy A1. This has been requested of the applicant for presentation to the Committee meeting, and, if received, Members will be updated in due course.
- 10.17 The building is located a sufficient distance (15.5m) to the north of the Concept Ward such that the building's presence should not be overbearing to patients being treated in the Concept Ward. The existing therapy garden will remain between the two buildings.

- 10.18 The proposal is not considered to generate any other amenity concerns. The application is therefore considered to comply with CS09 and A1.

Highways, Parking and Travel Plan

- 10.19 Core Strategy Policy CS16 expects that new development should not have an adverse impact on the existing highway network.
- 10.20 The proposed building will be accessed via the Hospital's internal road network, including access from either Brasenose Avenue or the A47. It will link with the parking area for the DAC to create an In/Out parking area with 18 no. drop-off vehicle parking spaces, including 3 no. disabled parking spaces dedicated for the proposed building. The minibuss space is proposed to be shared between the proposed building and the DAC.
- 10.21 The application also recognises the need to promote a more sustainable and less car dependant mode of travel. The application proposes 40 dedicated staff cycle parking spaces, which are secured and covered to the south, and a further 10 covered visitor cycle parking spaces in the vicinity of the building entrance. Officers are checking whether this also includes appropriate provision for the adjoining developments such as the recently approved DAC facility and will update Members in an Addendum Report; should more be required, there is sufficient space and land availability to do so in the vicinity.
- 10.22 The submitted proposed Travel Plan details how the Hospital will introduce car share schemes and promote public transport options for staff and patients. Given the incremental and piecemeal recent developments at the hospital, Officers are verifying that this takes into account and complements any Travel Plans required for the adjoining developments such as the recently approved DAC facility, and will update Members in an Addendum Report; should any adaptations be required these can be agreed by subsequent conditions in the initial preparation stage before Travel Plan implementation.
- 10.23 The Local Highway Authority have been consulted on the application and have raised no objection to the scheme. The Highways Officer is agreeable to a condition which requires that the Travel Plan is implemented within 12 months of the permission being granted.
- 10.24 Subject to the recommended conditions from the Local Highways Authority, and any amendments required for cycle storage and Travel Plan adjustments, the application would comply with CS16.

Flooding and Drainage

- 10.25 The application site is located within Flood Zone 1. The application has included a site-specific flood risk assessment and, being an application for major development, the application is supported by a surface water drainage scheme. This confirms that the site would not be at risk of flooding in the most extreme fluvial and coastal flood events.
- 10.26 The application proposes that the existing cellular soakaway which serves the Concept Ward should be removed due to its close proximity to the new building (i.e. within 5m of the proposed foundations). The connections to the existing soakaway are to be directed into the proposed building's drainage system and directed to the two new soakaways, to be constructed as part of this application, to be located to the north of the new development. The use of infiltration is the preferred method of dealing with surface water drainage according to the drainage hierarchy. The use of on-plot SuDS detention and infiltration will

reduce flood risk by reducing the quantity of surface water run-off from the Hospital site and promoting groundwater recharge, thereby complying with one of the Four Pillars of SuDS, 'Water Quantity' and complying with the standing advice of the LLFA.

- 10.27 In terms of foul drainage, Anglian Water have confirmed that the main sewer network has capacity to accommodate the flows expected from the proposal and the application therefore complies with policy I3.
- 10.28 The application is therefore considered to comply with policy CS13.

Contamination

- 10.29 Policy E6 requires that applicants demonstrate their proposals are safe from, and do not give rise to, unacceptable hazards and/or pollution. The application is supported by a Phase 1 and Phase 2 contamination assessment. This concludes that there is no identified contamination on site and there are no associated dangers to human receptors.
- 10.30 Environmental Protection Officers request that the recommendations stated in the Phase 1 & Phase 2 contaminated land report produced (dated December 2023) should be adhered to. The recommendations outline the process required if contaminated land is found during construction. This can be secured through a condition, to ensure compliance with policy E6.

Landscaping

- 10.31 The application is supported by a Landscaping Plan. This proposes 7 trees along the northern verge which will continue the line of trees which has been secured within the permission for the DAC to the east, and the proposed trees are also reflective of the species of these adjacent trees as well. The trees on the western edge of the car park are to be retained, but the car park is proposed to be used as a construction compound and so will need to be protected during construction (despite the submitted arboricultural assessment suggesting the trees are too far away from the proposed building to be affected by construction). Planning conditions can still be used to require fencing and ensure there is no parking, unloading, materials storage etc in the vicinity / within the crown spread of these trees. In other areas tree planting is not proposed but some feature planting, shrubs and wild flower mix are proposed which will provide further biodiversity benefits along with improving visual amenity. The proposed planting mix is considered appropriate.
- 10.32 A condition is required to ensure the vehicular access outside the DAC centre is closed up and planted with trees to match the mix proposed in this application. A condition is also required to ensure that the planting takes place within the first planting season of the development being first used and that any trees or shrubs which are planted are replaced if they die, are removed or fail within 10 years.

- 10.33 The planting scheme is considered to be acceptable and complies with the aims of E4 and CS11.

External Lighting

- 10.34 The application is supported by an external lighting plan which shows the light spill from the proposed external lighting. This is all contained within the site boundaries, preventing light trespass to neighbouring buildings on the hospital site and the hospital residential accommodation.

- 10.35 The luminaires proposed are to be attached to the building at 3m above the finished floor level. These luminaires accord with good lighting design principles in the fact that they are proposed to be downlit and therefore avoid contributing to sky-glow and avoiding glare and light trespass. The proposed lighting would therefore not cause adverse impacts on neighbouring amenity.
- 10.36 The Environmental Health Officer's response requests that no other external lighting be installed other than in accordance with the submitted lighting scheme. The lighting scheme is considered to be in accordance with the requirements of Policies A1 and E6.

Local Finance Considerations

- 10.37 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 (which is not applicable to the Borough of Great Yarmouth). 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, for example. There do not appear to be any planning-related local finance considerations linked to this development.

11 The Planning Balance

- 11.1 The application proposes a new building at the James Paget University Hospital which will expand the available healthcare provision which can be provided on site. This provides a public benefit and complies with the aims of improving community facilities and supporting the expansion of the Hospital as outlined in policy CS15.
- 11.2 The design of the new building is considered to appropriately reflect the neighbouring buildings and the positioning of the building and the material palette proposed ensures that the building will contribute to forming a street frontage, even if it is recognised that a more active frontage would have been desirable but operational restrictions mean it cannot be achieved due to the function of the building.
- 11.3 The landscaping scheme is considered acceptable if delivery is secured by condition, along with the required reinstatement and planting of the redundant access outside the DAC centre, and subject to protection of the trees.
- 11.4 Local residential and in-patient amenity can be protected by use of planning conditions, including precautionary mitigation measures for plant and machinery and specific conditions concerning construction practices.

12 Conclusion

- 12.1 Having considered the details provided, the application is considered to comply with policies CS1, CS9, CS11, CS12, CS13, CS15 and CS16 from the adopted Core Strategy, and policies GSP1, A1, C1, E4, E6, I1 and I3 from the adopted Local Plan Part 2.
- 12.2 It is considered that there are no other material considerations to suggest the application should not be recommended for approval.

- 12.3 As works have commenced on site, there is no need to impose a condition requiring the development to commence within 3 years of the grant of planning permission.

13. Recommendation

It is recommended that application 06/23/0918/F should be APPROVED subject to the proposed conditions listed below.

Conditions

Development to accord with approved plans and details.

1. The development must be undertaken in strict accordance with the following plans and details submitted to the Local Planning Authority:
 - Site Location Plan: 180726-DGL-01-XX-DR-A-1100 Rev P5
 - Proposed Block Plan: 180726-DGL-01-XX-DR-A-1160 Rev P6
 - Proposed Site Plan: 180726-DGL-01-XX-DR-A-2003 Rev P5
 - Proposed Roof Plan: 180726-DGL-01-XX-DR-A-2002 Rev P4
 - Proposed Elevations: 180726-DGL-01-XX-DR-A-2100 Rev P8
 - Proposed Building Section: 180726-DGL-01-XX-DR-A-2320 Rev P2
 - Proposed Ground Floor General Arrangements: 180726-DGL-01-XX-DR-A-2000 Rev P15
 - Proposed First Floor General Arrangements: 180726-DGL-01-XX-DR-A-2001 Rev P17
 - Proposed Site Sections A & B: 180726-DGL-01-XX-DR-A-2300 Rev P3
 - Proposed Site Sections C & D: 180726-DGL-01-XX-DR-A-2301
 - Proposed Landscape Plan: PWP 823 002 Rev 00
 - External Lighting Layout: 7358-MCP-ZZ-00-DR-E-9000
 - Interim Travel Plan for the 'Cold Elective Hub' version P2 dated December 2023.

Reason: For the avoidance of doubt.

2. Construction Working Hours:

There shall be no construction of the development hereby permitted undertaken outside of the following hours:

- 0730 hours to 1830 hours Monday to Friday
- 0830 hours to 1330 hours Saturdays
- There shall be no work undertaken on Sundays, Public or Bank Holidays.

These restrictions imposed shall apply only to any works that are audible outside of the boundary of the application site and when measured at the nearest noise sensitive receptor.

Reason: In the interests of protecting nearby residential amenity due to the close proximity of other residential dwellings, in accordance with Local Plan Part 2 policy A1.

3. Construction Environment Management Plan

No construction shall take place beyond *[date: 14 days – TBC at the Committee meeting, being at least 21 days since requested]* of the date of this permission, unless a Construction Environment Management Plan (CEMP), to include detailed noise minimisation and appropriate dust management proposals for use during the construction of the development, has first been submitted to the Local Planning Authority for its approval in writing. The development shall thereafter be undertaken only in strict accordance with the details of the approved CEMP and its associated mitigation measures, which shall be retained for the duration of the construction of the development hereby permitted.

Reason: In the interests of protecting the amenity of nearby residential dwellings and those hospital patients in close proximity to disruptive construction operations, in accordance with Local Plan Part 2 policy A1. The timescale is necessary because the development has already started without first gaining the permission of the local planning authority and is the most expedient course of action in the absence of formal planning enforcement measures.

4. Tree protection during construction

Before any works begin, appropriate tree protection fencing shall be installed around the retained trees on the western edge of the existing car park to be used as a construction compound. There shall be no storage of materials, parking, servicing or loading or unloading undertaken within the immediate vicinity or within the crown spread of the retained trees on the western edge of the car park to be used as a construction compound, and these are to be retained and shall not be pruned, lopped or in any way altered or removed without the prior written consent of the local planning authority.

Reason: In the interests of protecting the visual amenity of the area and maintaining biodiversity and ecology at the application site, in accordance with policies CS11 and E4.

5. Details of Plant noise data

There shall be no installation of any Plant Equipment or Air Source Heat Pumps within the development hereby permitted until full details including location, acoustic specifications, and specific measures to control noise from the equipment, and maintenance details and schedules thereof, have first been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed, used, maintained and retained in full working order thereafter in full accordance with the approved details.

Reason: In the interests of visual and neighbouring amenity, in accordance with Core Strategy (2015) Policy CS9 and Great Yarmouth Local Plan Part 2 (2021) Policy A1.

6. Closure and planting of the DAV access/egress point

The shall be no use or occupation of the development hereby permitted until the existing vehicle access/egress point on the west side of the adjoining 'Existing DAC' building (as shown on the landscaping plan ref PWP 823 002 Revision 00) has first been closed, removed from use and reinstated as a soft landscape verge to match the verge either side, and this shall be planted with at least 1no. tree species from those listed in the proposed tree planting

specification on the approved landscaping plan for this development (plan ref PWP 823 001 Revision 03), with associated tree protection and establishment measures which shall be retained in situ until the tree has been successfully established.

Reason: To ensure a high quality of development and in the interests of ensuring appropriate visual amenity for the local area, to enhance biodiversity and to secure appropriate residential amenity, in accordance with Core Strategy (2015) Policies CS9, CS11 and Local Plan Part 2 Policy E4.

7. Parking areas to be provided

There shall be no use or occupation of the development hereby permitted until the proposed access, on-site car and cycle parking and turning/waiting areas have first been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and shall be retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety, in accordance with Core Strategy Policy CS16.

8. Planting and landscaping

The approved planting scheme (detailed in plan PWP 823 001 Rev 03) shall be carried out in its entirety within the first planting and growing season following the first use of the Orthopaedic Elective Hub and Community Diagnostic Centre hereby permitted. For the duration of a period of 10 years from the first use of the Orthopaedic Elective Hub and Community Diagnostic Centre, any trees, shrubs or hedges planted in accordance with the landscaping scheme which die, are removed or become seriously damaged or diseased shall be replaced in the next immediate planting season with others of similar size and species, unless the Local Planning Authority gives its first written consent to any variation thereof.

Reason: To ensure a high quality of development and in the interests of ensuring appropriate visual amenity for the local area, to enhance biodiversity and to secure appropriate residential amenity, in accordance with Core Strategy (2015) Policies CS9, CS11 and Local Plan Part 2 Policy E4.

9. Implementation of the Travel Plan

No later than 12 months following the first use or occupation of the development hereby permitted, the approved Interim Travel Plan for the 'Cold Elective Hub' version P2 dated December 2023 shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented and operated as such as long as any part of the development hereby permitted is occupied, subject to any approved modifications to be first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment, in accordance with Core Strategy Policy CS16.

10. No use of additional external lighting

No external lighting shall be installed other than in accordance with the submitted lighting plan unless otherwise first agreed in writing by the Local Planning Authority and no external lighting shall be able to cause light intrusion beyond the application site boundaries.

Reason: To ensure that the development minimises light pollution and reduces glare, in the interests of highway safety, and to minimise the potential impact on biodiversity in accordance with sections 12 and 15 of the NPPF.

11. Unexpected Contamination

If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission until a scheme has been submitted to and approved by the Council as Local Planning Authority detailing how this contamination shall be dealt with in accordance with the remediation scheme as set out above. Only when evidence is provided to confirm the contamination no longer presents an unacceptable risk, can development continue.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with section 179 of the NPPF.

Informative Notes

1 Informative Note: Site Drainage:

The applicant should ensure that adequate and suitable provision is made for the surface water drainage of the proposed development. Under no circumstances should the surface water be connected into the foul drainage system without the permission of Anglian Water.

It should be noted that it is the applicant/developer's responsibility to ensure adequate drainage of the site so as not to adversely affect surrounding land, property or the highway.

2 Informative Note: Contamination Disclaimer:

NOTE: The responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination, or that the land could not be declared Contaminated Land in future.

3 Informative Note: Construction Noise Notification:

The applicant is strongly recommended to advise neighbouring businesses and residential occupiers of the proposals, including any periods of potentially significant disturbance e.g. demolition or piling, together with contact details in the event of problems.

4 Informative Note: Anglian Water Advice:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

1. INFORMATIVE – Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

2. INFORMATIVE – Protection of existing assets – A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

3. INFORMATIVE – Building near to a public sewer – No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

4. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

6 Statement of Positive Engagement

STATEMENT OF POSITIVE ENGAGEMENT: In dealing with this application Great Yarmouth Borough Council has actively sought to work with the applicant in a positive and proactive manner.

APPENDIX 1: Site Location Plan

