

Application Number: **06/21/0657/F** - [Click here to see application webpage](#)

Site Location: Land adjacent Rayns court Lodge, 16 Euston Road, Great Yarmouth

Site Location Plan: See Appendix 1

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

Applicant: Mrs. K. Rokach

Case Officer: Mr Nigel Harriss

Parish & Ward: Great Yarmouth Town, Central and Northgate Ward

Date Valid: 02/08/2021

Expiry / EOT date: A revised extension of time is to be confirmed.

Committee referral: Constitution (25+ dwellings) and a Connected application (see note).

Procedural note 1: This application was reported to the Monitoring Officer as an application submitted by a relative of a Councillor, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 16/3/23, and the Monitoring Officer has checked the file and is 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.

**RECOMMENDATION:**

**DELEGATE AUTHORITY TO HEAD OF PLANNING TO APPROVE SUBJECT TO IMPOSED CONDITIONS FOLLOWING RECEIPT OF BALANCE DUE OF HABITAT MITIGATION PAYMENT**

**REPORT**

**1. The Site**

- 1.1 This site is a piece of land 0.2 acres adjoining Rayns court Lodge on the corner of Euston Road and Marine Parade, Great Yarmouth. It is a gateway off the seafront to the town centre in a prominent position.
- 1.2 Currently used as surface level car parking (25 spaces), the land was formerly the Rayns court Hotel which was demolished in 2016.
- 1.3 The site is located in the Great Yarmouth Seafront Conservation Area designated by the local authority on 10th October, 2003.

- 1.4 In this location, Victorian and Edwardian villas are situated opposite the site on Euston Road, with elegant architectural details such as Italianate towers and turrets. Marine Parade offers a row of three storey terraced houses south and directly adjacent the site.
- 1.5 To the west is the Raynscourt Lodge Guesthouse, to the north Marine Lodge Hotel, residential apartments and the Novaturient Independent School. To the southwest is a terrace of houses and to the east is the former Aquarium now a cinema and nightclub.

## **2. The Proposal**

- 2.1 The proposal is for the erection of 28 flats (market housing) in a four and five storey building. The building is an “L” shape turning the corner with frontages on Euston Road and Marine Parade. The layout shows 10 maisonettes and 18 flats comprising (9 x 2 bed maisonettes, 1 x 3 bed maisonette, 13 x 2 bed flats, 4 x 1 bed flats and 1 x 3 bed flat.
- 2.2 No car parking is proposed, 36 secure cycle storage spaces and outside amenity space in the form of green space to the maisonettes at ground floor and balconies to the flats on the upper levels – flats 25 and 26 having outside balconies and others having ‘Juliet’ style balconies.
- 2.3 Proposed external materials include buff brickwork, grey render, stone banding & soldier course detailing, aluminium windows & doors, and single ply membrane with standing seam profile to represent traditional zinc standing seam roofing. Dwarf brick walls are proposed along the road frontages topped with a steel bar and post rail.
- 2.4 The following documents were submitted in support of the application:
- Design and Access Statement
  - Heritage Statement
  - Flood Risk Assessment
  - Habitats Regulations Assessment
  - Viability Assessment
  - Drainage Strategy
- 2.5 The viability assessment identifies that the development would not be viable if it is subject to planning obligations to provide affordable housing contribution and contributions to other community infrastructure including open space and libraries.

## **3. Site Constraints**

- 3.1 The site is located in Conservation Area no16 Great Yarmouth Seafront designated on 10th October, 2003.
- 3.2 There is likely underlying archaeology at the site (Town Battery 1781 and 16<sup>th</sup> century fortifications). The consultation response from the NCC Historic Environment Service refers in the consultation section of this report.
- 3.2 The site is located partly within Flood Zone 3a as designated by the Environment Agency and therefore considered as having a high probability of coastal flooding

although the larger part of the site is in Zone 2 having a medium probability of coastal flooding.

- 3.3 The site is located in the Orange Habitat Impact Zone more than 400m but less than 2.5Km from an internationally protected wildlife site and for developments greater than 10 dwellings a bespoke Shadow Habitat Regulations Assessment (HRA) is required and has been provided.
- 3.4 There are no nearby listed buildings where their setting would be a consideration.

#### 4. Relevant Planning History

- 4.1 In November 2015 Conservation Area Consent was granted for the demolition of the Rayns court Hotel 06/15/0521/CC and in March 2016 planning permission for a change of use of the land for car parking was granted 06/15/0764/CU.
- 4.2 An application of the same description ref 06/20/0020/F was originally submitted in January 2020 and then later withdrawn on 26th November 2020. The applicant chose to withdraw the application to address the concerns raised after the committee report was published.
- 4.3 Since the application’s withdrawal the applicant’s agent has engaged with the planning service, the conservation officer, and Historic England to develop a new design proposal. The applicant has also engaged with the Lead Local Flood Authority and Anglian Water regarding the surface water drainage strategy.

#### 5. Consultations

##### 5.1. Statutory Consultees

<b>Norfolk County Council Fire and Rescue</b>	<b>No objection</b>
No objection provided the proposal is constructed in accordance with the Building Regulations	
<b>Officer comment / response:</b>	The development shall be required to be carried out in accordance with the Building Regulations as required by the Building Act
Any relevant Condition / Informative note?	None

<b>Norfolk County Council – Highways</b>	<b>No objection</b>
The Highway Authority (HA) notes that it raised concern with the previous proposal on the grounds that the on-site parking provision was both contrived and in places dangerous. “The applicant’s method of addressing the parking layout issues we raised is to remove on-site parking completely”. Given the close proximity of the flats to both the town centre and seafront, together with the fact that parking in this area is heavily controlled by legal orders, the Highway Authority does not raise an objection to the proposed development or raise issue with it.	

<b>Officer comment / response:</b>	Noted. The site is in a town centre location with good access to alternative modes of transport
Any relevant Condition / Informative note?	Secure by condition on-site cycle parking

<b>Norfolk County Council – Historic Environment Service</b>	<b>No objection</b>
<p>Advises that this is the location of the ‘Town Battery’ built in 1781 during the American War of Independence, along with earlier fortifications from the 16th century. Therefore, there is the potential of buried archaeological remains on the site which would be affected by the development. If permission is granted a condition is recommended for site investigation analysis and recording in accordance with an approved programme of works. In this instance the programme of archaeological mitigatory work would comprise the monitoring of groundworks for the development under archaeological supervision and control.</p>	
<b>Officer comment / response:</b>	Noted and as accepted as per Policy CS10 of the GYBC Core Strategy and NPPF paragraph 194
Any relevant Condition / Informative note?	Condition requiring site investigation as recommended

<b>Norfolk County Council – Natural Environment Team (NETI)</b>	<b>No objection</b>
<p>The National Planning Policy Framework (NPPF) and Policy CS11 of the Councils adopted Core Strategy states that developments should avoid harmful impacts on biodiversity, priority habitats and species, and take measures to create biodiversity features. The application site currently comprises an area of hardscaping that is used as a car park which is of limited ecological interest. However, measures to enhance the site for biodiversity should be incorporated into the proposal in accordance with CS11. Given the nature of the design and urban environ it is recommended that bird boxes are incorporated into the scheme and the height provides opportunities for swift boxes. It is therefore suggested that a condition is used to secure provision for 25 swift boxes (the equivalent of one/dwelling) to either be incorporated within the fabric of the building or mounted externally.</p>	
<b>Officer comment / response:</b>	The site lies in the Orange Habitat Impact Zone. A bespoke shadow Habitat Regulations Assessment has been submitted in support of the application, in accordance with the Monitoring and Mitigation Strategy, to address potential negative impacts on nationally designated sites for nature conservation caused by increased visitor pressure resulting from new development. NETI confirm that the HRA is fit for purpose and the above proposal will not have a significant adverse effect on nearby nationally protected habitat sites. A mitigation payment of £110 dwelling has been received to address the cumulative impact of new development on protected sites as required to satisfy the Boroughs mitigation strategy. This is now insufficient as the development will only satisfy the Habitat Regulations Assessment if it fulfils the full financial requirement of the

	GIRAMS recreational avoidance strategy: the balance must be paid for the scheme to be considered lawfully acceptable.
Any relevant Condition / Informative note?	<p>As of April 1, 2022, the mitigation payment per dwelling is £185.93 per dwelling. An additional sum will need to be received before issuing any planning permission.</p> <p>A plan showing the location of the boxes (informed by consultation with an ecologist) should also be provided to ensure they are sited appropriately. This can be a condition if the Committee is minded to approve the application.</p>

<b>Norfolk County Council Lead Local Flood Authority (LLFA)</b>	<b>Maintains an objection in the absence of an acceptable Drainage Strategy</b>
<p>Extensive and evolving comments from the LLFA have been received but as of the time of writing the objections have not been able to be overcome.</p> <p>The latest position of the LLFA will be described to the Committee meeting.</p>	
<b>Officer comment / response:</b>	A further revised Drainage Strategy has recently been submitted to the LLFA in response to their objection and their further comments are awaited.
Any relevant Condition / Informative note?	The site cannot drain via infiltration given groundwater levels and the proposal is to attenuate surface water discharge into Anglian Waters combined sewer. Whilst the LLFA have welcomed revisions to the Drainage Strategy they still consider that there are areas where supporting information/evidence is required. This matter has been ongoing for some considerable period of time between the applicant's drainage engineer and LLFA and in the circumstances it is suggested that a pre-commencement condition could be used that prevents <b>any development</b> until the requirements of a Surface Water Drainage Strategy including timing of compliance has been submitted and approved. The applicant has agreed with this approach.

<b>Anglian Water</b>	<b>No Objection</b>
<p>The sewerage system at present has available capacity for these flows via a gravity connection to the public combined sewer. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.</p> <p>The site falls within the catchment of Caister - Pump Lane WRC, the outfall for which is located outside of Natural England's Nutrient Neutrality boundary.</p>	

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Anglian Water has reviewed the submitted documents drainage strategy and can confirm that a maximum rate of 2l/s are acceptable to us.

We require these documents to be listed as approved plans/documents if permission is granted. Please note that the developer will have to provide the Lead Local Flood Authority letter, and confirmation that you have followed the surface water hierarchy when you apply for a formal connection under a s106.

<b>Officer comment / response:</b>	A pre-commencement condition could be used that prevents <b>any development</b> until the requirements of a Surface Water Drainage Strategy including timing of compliance has been submitted and approved.
Any relevant Condition / Informative note?	A condition is recommended that the development be carried out in accordance with the drainage strategy

<b>Environment Agency</b>	<b>No objection</b>
<p>The site is located partly within Zone 3a as such having a high probability of coastal flooding. The agency has no objection to the proposed development on flood risk access safety grounds because an Emergency Flood Plan has been submitted by the applicant.</p> <p>The agency notes the upper floor of the proposed maisonettes will provide safe refuge in the worse-case flood event. The same consideration apply in regard of the residual risk of flooding and a Flood Evacuation Plan has been proposed.</p> <p>The Agency advises consideration of the sequential and exceptions test is a matter for the local planning authority.</p>	
<b>Officer comment / response:</b>	<p>The sequential and exceptions test is discussed in the assessment section of the report. The EA response sets out that in relation to Actual Risk:</p> <ul style="list-style-type: none"> <li>• The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.</li> <li>• The site does benefit from the presence of defences.</li> <li>• Finished ground floor levels have been proposed at 3.83m AOD. This is below the 0.5% (1 in 200) annual probability flood level including climate change of 4.97m AOD and therefore at risk of flooding by 1.14m depth in this event.</li> <li>• Finished first floor levels of the ground and first floor maisonettes have been proposed at 6.89 m AOD and therefore</li> </ul>

	<p>there is refuge above the 0.1% (1 in 1000) annual probability flood level of 5.48 m AOD.</p> <ul style="list-style-type: none"> <li>• The site level is a minimum of 3.70 m AOD and therefore flood depths on site are 1.27 m in the 0.5% (1 in 200) annual probability flood event including climate change.</li> <li>• Therefore, assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.</li> <li>• Therefore, this proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event).</li> </ul>
Any relevant Condition / Informative note?	A condition is recommended that the development is carried out in accordance with the approved plans and the Flood Risk Assessment submitted in support of the application

<b>Water Management Alliance (WMA)</b>	<b>No comment</b>
<b>Officer comment / response:</b>	The WMA is primarily concerned with adequate provision of surface water drainage within its watershed management area. This is an existing urban site.
Any relevant Condition / Informative note?	None

<b>Norfolk Constabulary – Designing out Crime</b>	<b>No objection</b>
Provides various advice that has been shared with the applicant regarding secure design for communal entrances, waste facilities and lighting.	
<b>Officer comment / response:</b>	The advice has been shared with the applicant
Any relevant Condition / Informative note?	An informative will refer the applicant to the advice

<b>Historic England (HE)</b>	<b>No objection</b>
Raise no further comments on the proposal referring to the views of the specialist conservation and archaeological advisers, and other consultees, as relevant.	
<b>Officer comment / response:</b>	HE has been a key partner in reviewing the proposed design of the building
Any relevant Condition / Informative note?	None

<b>Norfolk County Council Planning</b>	<b>No objection</b>
<b>Obligation Standards</b>	
<u>Education</u>	
It is understood that the proposed development comprises 24 x multi-bed flats/maisonettes and 4 x 1-bed flats/maisonettes. The County Council does not seek education contributions associated with 1-bed units and only seeks 50% contributions for multi-bed flats. Therefore, in net education terms this represents the equivalent of 12 dwellings. Education do not seek contributions for developments which represent less than 20 dwellings, therefore the County	

Council Children's Services department will not be claiming Developer Contributions on this occasion.

Fire Service

Norfolk Fire Services have indicated that taking into account the location and infrastructure already in place, no additional fire hydrants are required.

Library Provision

A development of 28 dwellings would place increased pressure on the existing library service particularly in relation to library stock, such as books and information technology. This stock is required to increase the capacity of the library. It has been calculated that a development of this scale would require a total contribution of £2100 (i.e., £75 per dwelling). This contribution will be spent on increasing the capacity of the library serving the development

<b>Officer comment / response:</b>	A viability assessment has been submitted which states no S106 contributions
Any relevant Condition / Informative note?	None

5.2. **Internal Consultees**

<b>Housing Service</b>	<b>Response:</b>
The site is within the town centre and over the threshold of 15 units. Therefore a 10% affordable housing contribution would normally be expected, equating to 3 units.	
Previous discussions have been held regarding this site and a commuted sum in lieu of affordable housing would be sought in this instance.	
<b>Officer comment / response:</b>	A viability assessment has been submitted which states no S106 contributions
Any relevant Condition / Informative note?	None

<b>Conservation Officer</b>	<b>Response:</b>
The proposed development design has been discussed in association with Historic England. If minded to approve the application conditions are recommended to agree a schedule of materials and finishes to be used for external features of the proposed building prior to the start of development and the design of the proposed windows and door, materials specification, method of opening and finish and wherever the materials are to be visible the position, type and method of installation of all new services and related fixtures (including rainwater goods, communications and information technology servicing) to the exterior of the building.	
<b>Officer comment / response:</b>	A heritage statement was submitted with application
Any relevant Condition / Informative note?	Condition recommended as above

<b>Environmental Health</b>	<b>Response</b>
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The site is formerly the location of munitions and guns of the historic 'Town Battery' so associated risks should be considered in a contamination report. A Phase 1 Desktop contamination report and depending on the findings a Phase 2 intrusive report should be submitted to the local planning authority prior to the determination of the application.

<b>Officer comment / response:</b>	A Phase 1 Desktop report has not been submitted with the application
Any relevant Condition / Informative note?	A condition is recommended requiring investigation and remediation of any contamination.

<b>Property Services</b>	<b>Response</b>
Given the extensive costs associated with developing the site to satisfy the design and materials requirements associated with its location, Property Services concur with the assessment in the submitted financial viability report.	
<b>Officer comment / response:</b>	Property Services was requested to review the assumptions of the financial viability assessment submitted with this application.
Any relevant Condition / Informative note?	None

**6. Publicity & Representations received**

The application has been advertised in the press, as this a major application and located with a Conservation Area. A site notice was posted and given the age of the application neighbouring residents were notified in writing. Since the application was submitted, revised plans have been received clarifying the extent of the site and including details of the proposed surface water drainage. The application was readvertised and relevant parties re consulted.

- 6.1. **Ward Member** – no comments received
- 6.2. **Parish Council(s)** – not applicable
- 6.3. **Public Representations**

At the time of writing 5 public comments have been received with concerns summarised as follows:

**Objections / Concerns:**

Representation
Car Parking: No car parking provision will exacerbate existing parking difficulties for residents especially in summer
Officer Comment
Comments relate to policies CS16 and I1
Relevant Condition/Informative
None

Representation
Building Size and Siting: Proposed building is too big and too tall, too many units, shouldn't be more than 3 storeys, projects beyond the Euston Road frontage, former building was set back from the corner and set in large garden with trees, out of character with surroundings. Projection on Euston Road will cause overlooking.
Officer Comment
Comments relate to policies CS9, CS10, A1, A2 and E5
Relevant Condition/Informative
None

Representation
Use: Low grade residential accommodation in a high value tourism area, doesn't support the tourism industry, site should be kept for car parking.
Officer Comment
Comments relate to policies CS8, GY6 and GY7
Relevant Condition/Informative
None

Representation
Access: concern re adequacy of proposed access for refuse collection
Officer Comment
Comments relate to policies CS9 and A2
Relevant Condition/Informative
None

Representation
Existing problem of fly tipping
Officer Comment
Not a material consideration in this case. Details of waste provision for the development have been provided on the submitted plan, with waste storage and collection.
Relevant Condition/Informative
None

Representation
Plant trees at No16 to prevent overlooking of property to west
Officer Comment
Comments relate to policies CS9 and A1
Relevant Condition/Informative
None

Representation
No affordable housing has been included
Officer Comment
Comments relate to policies CS4 and GSP8
Relevant Condition/Informative
None

## **7. Relevant Planning Policies**

### **The Great Yarmouth Core Strategy (adopted 2015)**

- Policy CS2: Achieving sustainable growth
- Policy CS4: Delivering affordable housing
- Policy CS8: Promoting tourism, leisure and culture
- Policy CS9: Encouraging well-designed, distinctive places
- Policy CS10: Safeguarding local heritage assets
- Policy CS11: Enhancing the natural environment
- Policy CS13: Protecting areas at risk of flooding and coastal change
- Policy CS14: Securing appropriate contributions from new developments
- Policy CS16: Improving accessibility and transport

### **The Great Yarmouth Local Plan Part 2 (adopted 2021)**

- Policy GSP5: National Site Network designated habitat sites and species avoidance and mitigation
- Policy GSP8: Planning Obligations
- Policy GY6: Great Yarmouth Seafront Area
- Policy GY7: Great Yarmouth Back of Seafront Area (adjacent)
- Policy A1: Amenity
- Policy A2: Housing design principles
- Policy E1: Flood risk
- Policy E5: Historic environment and heritage
- Policy E6: Pollution and hazards in development
- Policy E7: Water Conservation
- Policy H3: Housing density
- Policy H4: Open space for new housing development
- Policy I1: Vehicle parking for developments
- Policy I3: Foul drainage

## **8. Other Material Planning Considerations**

### **National Planning Policy Framework (July 2021)**

- Section 4: Decision Making

- Section 6: Building a strong, competitive economy
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990:

- Section 72 requires with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area.

National Planning Practice Guidance

The National Planning Practice Guidance sets out the key principles in understanding viability in plan making and decision taking. Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value landowner premium, and developer return.

To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to fully comply with policy requirements.

In terms of developer return this is the level of return a developer will need to bring the site forward. Planning Practice Guidance suggests a profit return range of between 15% and 20% is appropriate and reasonable.

The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.

## **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.

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

### Main Issues

The main planning issues for consideration in this case include:

- Principle of development and Sustainability
- Design
- Impact on character and appearance of the area
- Tourism
- Seafront and Back of Seafront
- Amenity
- Access and Parking
- Open Space
- Ecology and Biodiversity
- Habitats Regulations
- Nutrient Neutrality
- Heritage and Cultural Impacts
- Archaeology
- Flood risk
- Foul Drainage
- Surface Water Drainage
- Affordable Housing
- Planning Obligations
- Viability

### **Assessment:**

**The proposal is for the redevelopment of the site to create twenty-eight self-contained flats**

#### **10. Principle of Development and Sustainability**

- 10.1 The site is located within the development limits for the town as defined in the adopted development plan and is a brownfield site. Policy GSP1 of Local Plan Part 2 states that development will be supported in principle within the development limits.
- 10.2 Great Yarmouth Borough adopted Local Plan Policy CS2 “Achieving sustainable growth” in the Core Strategy (2015) ensures that new residential development is distributed according to the policy’s settlement hierarchy which seeks to balance the delivery of homes with creating resilient, self-contained communities and reducing the need to travel. The settlement hierarchy identifies Great Yarmouth as one of the Borough’s ‘Main Towns’ due to wide range of services, opportunities for employment, retail and education and large catchment area that it serves. Therefore, a greater proportion of the plan future housing requirement is directed to it.

- 10.3 The proposal is located towards Great Yarmouth seafront and is within a 15-minute walk of the town centre, schools and a large range of services within it. The seafront area also offers a range of local facilities in very close walking distance from the proposal and is therefore considered to be in a sustainable location.
- 10.4 Policy CS2 (e) encourages the reuse of previously developed land and existing buildings. The proposal is therefore seen to aid the delivery of the local plan in this respect.

## **11. Design**

- 11.1 Policy A2 (Housing Design Principles) – requires dwellings to meet building regulations and be designed with regards to the local context such as local townscape and urban grain and other detailed design requirement. The design principles for the development were devised in association with Historic England.
- 11.2 The proposed building provides 28 two and three bed flats in a four and five storey building. The building is an “L” shape turning the corner with frontages on Euston Road and Marine Parade. The layout shows 10 maisonettes and 18 flats comprising (9x2 bed maisonettes, 1x3 bed maisonette, 13x2 bed flats, 4x1 bed flats and 1x3 bed flat.
- 11.3 The building graduates from 4 floors at the western and southern ends stepping up to 5 floors for most of the northern elevation and the northern half of the eastern elevation.
- 11.4 The current design proposes the use of flat and mansard roofs to create a simple form and reduced height, responding to the existing buildings on Marine Parade and to not dominate the street scene in scale and mass.
- 11.5 The building has been designed to comply with category M4(2) of the current building regulations (facilitating disabled access) by providing level approaches, suitable access and approach widths, WC’s at entry stories, lift through the building.
- 11.6 The accommodation schedule submitted with the application shows that the internal gross floorspace of each flat is above the minimum set out in the Nationally Described Space Standard (NDSS). The standard for a 1 bed 1 person dwelling is 39m<sup>2</sup>, for a 2 bed 4-person dwelling is 70m<sup>2</sup> and for a 2 bed 2 storey dwelling is 79m<sup>2</sup>.
- 11.7 The maisonettes will have a small amenity space, flats 24 and 25 on the western end have an outdoor balcony. The site is a short distance from the Seafront and public open spaces for informal recreation.
- 11.8 The proposed design shows an enclosed and secure refuse storage area. Refuse vehicle access via the existing street network will be unaltered by the development. It should be easily accessible to residents and refuse collectors. The applicants consulted the Council’s Waste and Recycling Service to confirm the proposal was feasible.
- 11.9 LPP2 Policy E7 (Water conservation) – requires new dwellings to meet a water efficiency standard of 110 litres per person per day. The applicant has confirmed this can be accommodated and a condition is recommended to secure this provision.
- 11.10 The design is considered to comply with the objectives of Policy A2

## 12. Impact on Character and Appearance of the Area

12.1 The site is located in the Seafront Conservation Area. A Heritage Statement was submitted with the application.

12.2 The supporting Design and Access statement submitted with the application states that:

*“The proposal intends to compliment both of these architectural forms through our interpretation of the projecting tall bay windows of the three-storey terrace along Marine Parade, and our chamfered tower form positioned seamlessly at the corner junction of Marine Parade and Euston Road.*

*We believe the graduation in height of the built form accumulating at this point, creates an impressive building which makes considerable effort to contribute to local distinctiveness and to the quality of the roofscape and skyline.*

*The proposed windows diminish in scale as you move up the building to resemble the traditional composition of Victorian and Edwardian fenestration. The proposed bay windows and stone projections provide visual interest and modular relief to the buildings otherwise linear façade.*

*The diminishing nature of the proposed windows is continued in the vertical built form of the proposal by introducing a change of external finish and multiple set-backs on the upper floor levels. The mass of the building is intentionally staggered and diminishes down at either end of the building, so it doesn't dominate or negatively affect the special character of the Conservation Area. This arrangement, accompanied by the change in materials, also help create and emphasise an elegant tower form at the corner of the building.”*

12.3 It is proposed to use traditional materials combined with a mixture of contemporary and traditional features to create a high-quality building which complement, enhance and support the character and appearance of the conservation area.

12.4 Policy CS9 – “Encouraging well-designed, distinctive places” and Policy CS10 “Safeguarding local heritage assets” are relevant. The site currently functions as a surface level car park, located on the corner of Euston Road and Marine Parade and within the Seafront Conservation Area. The scale and location of the proposal in the context of its prominent corner plot within the Conservation Area (which is currently contributes nothing architecturally and its relationship to other designated and non-designated assets requires a design of high quality and a clear narrative as required by Core Policies CS9 (a), (b), (g), CS10 (a), (b).

12.5 Policy E5 (Historic Environment) – in particular all replacement building, or any new use of the site should preserve or enhance the character of the area and significance of the heritage asset. The proposal has been designed in association with Historic England, its massing, graduated form, siting and proposed material finishes are considered to comply with this policy. A condition is recommended to agree details of windows and doors and materials prior to construction.

12.6 The applicant has engaged the Councils planning service, conservation officer and Historic England to develop an improved design proposal. The accompanying design and access demonstrate a reduction in the overall height of the scheme - using flat and mansard roofs to create a simpler form of development. The building character also takes into account the architectural forms of the conservation area, in particular

the Victorian and Edwardian villa style which includes Italianate towers and turrets and presence of bay windows and reimagining these in a contemporary form along Marine Parade. The vertical massing of the building is also reduced through the use of multiple set-backs on the upper floors. Historic England has provided a response to the consultation, offering no objection to the proposal. The Councils Conservation Service raises no objection and recommends a condition to agree exterior details before the start of development.

- 12.7 The proposal is considered to comply with the requirements of Policy CS9.

### **13. Tourism**

- 13.1 Core Policy CS8(b) seeks to safeguard the existing stock of visitor holiday accommodation from potential loss with these areas and Policy GY6 c) seeks to resist the loss of key tourism uses to non-tourism uses. Conservation Area consent was given in 2015 to demolish the former Raynscourt Hotel on the site, and in 2016 planning approval was granted to change the use of the land to car parking, therefore Core Policy CS8(b) and GY6 (c) are no longer considered to be directly relevant to the determination of the application.
- 13.2 Tourism is a mainstay of the local economy. However, the current use of the site as a surface car park is not considered to be essential to support tourism. There is public parking along the seafront and 100 off street parking spaces of North Road to the north-east of the site.
- 13.3 There is considered to be no conflict with local plan policy in this regard.

### **14. Seafront and Back of Seafront Improvement Area**

- 14.1 The site lies within the Seafront Area. Local Plan Part 2 Policy GY6 (Great Yarmouth Seafront Area) – seeks to control self-contained residential uses to upper floor only, to support active uses, that support the vibrancy of area at ground level. The proposal would be contrary to this element of the policy. However, the site immediately adjoins Back of Seafront Improvement Area. LPP2 Policy GY7 (Great Yarmouth Back of Seafront Improvement Area). In that area the policy encourages self-contained dwellings including houses and apartments to help improve the character, amenity and physical conditions of properties by encouraging existing and new uses and investment which strengthen its positive characteristics.
- 14.2 In consideration of policies GY6 and GY7 it is noted that the adjoining land to the north across Euston Road and the west is in the back of Seafront Improvement Area. The site is presently a car park which detracts from the character and appearance of the Conservation Area at this gateway to the Seafront. It is therefore considered that the principles of GY7 are material in this case and that the proposed use would help to deliver the improvement envisaged by that policy and as such is compliant.

### **15. Residential Amenity**

- 15.1 The use to the west is the Raynscourt guest house, then a mix of guest houses, hotel, school and residential uses along Euston Road; to the east is the former Aquarium, now nightclub and cinema, then the esplanade, parking and the seafront; to the south are neighbouring residential uses including the terrace of Marine Parade and Pagent Road and the edge of the town centre.
- 15.2 Policy A1 (Amenity) – supports development that contributes positively to the general qualities and amenities of the locality; it requires new particular consideration on the form of development and its impact on the local setting in terms of scale, character and appearance; it is not supportive of development that would lead to excessive or unreasonable impact on the amenities of the occupiers of existing and anticipated development in terms of overlooking and loss of privacy, loss of light and overshadowing, buildings and structures that are overbearing.
- 15.3 The proposal has been designed to reflect the character of its location in a Conservation Area. Given the orientation of the building and its siting there should be no significant adverse impact on neighbouring property by way of loss of light, overshadowing or overbearing. A residential use is considered to be compatible with this mixed commercial residential area.
- 15.4 The windows on the west elevation will not significantly worsen the existing overlooking of property to the west which is already overlooked from dwellings at Marine Parade and Pagent Road. Given the graduated design of the building where the mass reduces on the upper floors, it is considered that there will not be an overbearing or overshadowing impact on neighbouring property.
- 15.5 As such the proposed development is considered to comply with policy A1.

## **16. Access and Parking**

- 16.1 The National Planning Policy Framework encourages development which supports sustainable transport modes development, concentrated with access to employment and services.
- 16.2 Policy CS16 “Improving accessibility and Transport” seeks to achieve goals of sustainability b) directing new development towards the most sustainable locations in accordance with Policy CS2, thereby reducing the need to travel and maximising the use of sustainable transport modes; and c) ensuring that new development does not have an adverse impact on the safety and efficiency of the local road network and users. Policy CS9 (e) seeks to provide vehicular parking suitable for the use and location of the development reflecting the councils adopted parking standards in policy I1.
- 16.3 Each maisonette will have its own separate entrance at ground level, accessible from existing footpaths on Euston Road, Marine Parade and the access road off Pagent Road to the southwest. Flats on the upper floors are accessible via a central core with communal staircase and passenger lift extending to the top floor. The central core is to be accessed from either the primary entrance off Marine Parade or the rear access doors via Pagent Road.

- 16.4 The former proposal had an underground car park that was constrained and difficult to use, it also identified external parking spaces directly off Euston Road which raised concern for highway safety. In response to this and given the town centre location the proposal removes all carparking and instead encourages sustainable modes of transport in the form of secure cycle parking provision and public transport. The proposal includes 36 secure cycle storage spaces at ground level.
- 16.5 As stated in the consultation response the County Highways Authority, raise no objection, "Given the close proximity of the flats to both the town centre and seafront, together with the fact that parking in this area is heavily controlled by legal orders". The proposal elects to support alternate transport modes with access to public transport and provision of bicycle storage. It is considered that the development will likely result in added pressure to on-street parking. However, given the general movement for carbon reduction and the availability of alternate modes of transport it is not considered that refusal of the application on the basis of no car parking provision is sufficient to substantiate refusal".
- 16.6 On this basis the proposal is considered compliant with policies CS2, CS9 and CS16 on the basis of the sustainable location of the development and the proposed on site cycle storage to be secured by condition.

## **17 Public Open Space**

- 17.1 Given the size of the site and the footprint of the proposed apartment block there is no scope to provide public open space with the development and very limited scope to provide private space. Small amenity areas are provided to each maisonette and balconies on upper floors.
- 17.2 LPP2 Policy H4 (Open space provision for new housing development) – 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 policy requires the provision for publicly accessible recreation open space of 103 square metres per dwelling comprising approximately: 24% for outdoor sport; 18% for informal amenity green space; 6% for suitably equipped children's play space; 2% for allotments; 10% for parks and gardens; and 40% for accessible natural green space. An assessment has been carried out of the open space proposed on site and facilities in the vicinity.
- 17.3 As the development is over 20 dwellings, provision would usually be expected to be met through a combination of on and off-site. However, given the limited space within the site there will be no remaining space to provide on-site play space or informal amenity space (this would have been 646.8m<sup>2</sup> or 23.1m<sup>2</sup> per dwelling). Therefore, based on assessment of the current surplus/deficit of each type of open space and an allowance for maintenance in the Central & Northgate Ward, the Borough Council would normally expect a full off-site financial contribution of at least £46,125.24 (28 x £1,647.33 per dwelling)
- 17.4 The applicant has provided a viability assessment that demonstrates without adding this financial requirement (developer contribution) and others referred to in this report that the development would be marginally viable, so if minded to approve this application no contribution would be provided. The marginal viability means the

requirements of this policy are set aside in the circumstances of this case in terms of the planning balance.

## **18 Ecology and Biodiversity**

- 18.1 Core Strategy Policy CS11 “Enhancing the natural environment” seeks to improve the borough’s natural environment and avoid harmful impacts on its biodiversity. Paragraphs 170(d), 174(b) and 175(d) of the National Planning Policy Framework encourage biodiversity net gain is included in new development. Emerging national regulation following the Environment Act 2021 will require development to make a 10% biodiversity net gain from winter 2023. The site is presently a surface car park, so has negligible biodiversity. As part of its consultation response the NCC Natural Environment Team have recommended a condition for the provision of 25 swift boxes on the building. This would provide a biodiversity net gain and be policy compliant.

## **19 Habitats Regulations Assessment (HRA)**

- 19.1 Core Strategy Policy CS11 “Enhancing the natural environment” requires the authority to assess the impacts of development on natural assets. LPP2 Policy GSP5 (Designated Habitat Sites) expands upon outlining the required assessment and mitigation.
- 19.2 The site lies within the Orange Habitat Impact Zone more than 400m but less than 2.5Km from a nationally protected wildlife site and for developments greater than 10 dwellings a bespoke Shadow Habitat Regulations Assessment (HRA) is required.
- 19.3 The application has included a bespoke HRA report for the LPA to have regard to as HRA competent authority. That report considers how the development might affect the following European sites in the vicinity of the project:
- Breydon Water SPA
  - Breydon Water Ramsar
  - The Broads SAC
  - Broadland Ramsar
  - Great Yarmouth and North Denes SPA
  - Winterton-Horseley Dunes SAC
- 19.4 The assessment has been provided and an Appropriate Assessment has been confirmed this as compliant by the NCC Natural Environment Team. The applicant has provided a contribution to the Borough Council’s Habitats Monitoring & Mitigation Strategy (£110 per dwelling at the time of submitting the application in 2021). As of April 1, 2022 the standard mitigation fee has increased to £185.93 per dwelling (updated annually or when new evidence arises). If the committee is minded to approve this application, no permission is allowed to be issued before the receipt of the difference in mitigation fee – Total of £2,126.04 (28 x £75.93).

## **20. Nutrient Neutrality**

- 20.1 In March 2022, alongside all other local planning authorities in Norfolk, the Council has received a letter from Natural England on nutrient pollution in the protected habitats of the Broads Special Area of Conservation and Ramsar site. The letter advised that new development comprising overnight accommodation such as new housing development within the catchment of these habitats has the potential to cause adverse impacts with regard to nutrient pollution. The Conservation of Species and Habitats Regulations 2017 require local planning authorities to ensure that new development does not cause adverse impacts to protected habitats such as the Broads prior to granting planning permission. At present there are no mitigation solutions available locally to resolve these impacts.
- 20.2 Drainage from the site is not located within the watershed of the Broads Special Area of Conservation and Ramsar site as foul water is treated at Caister with discharge out to sea. Therefore, there is no restriction in this case to give planning permission.

## **21. Heritage and cultural impacts**

- 21.1 The site is located in the Seafront Conservation Area, designated in 2003 in recognition of the architectural and townscape character of the designated area. An assessment of the impact of the proposal was provided by the Heritage Statement submitted with the application. As stated in the sections of this report relating to design and the character and appearance of the locality, the building design has been devised in consultation with Heritage England and it is considered that the development/design will enhance the character of the area as required by policies CS10 of the Core Strategy and E5 of LPP2 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 21.2 A condition is recommended to ensure the appropriate use of traditional and compatible materials and to minimise the visual impact of services attached to the public facing elevations.

## **22. Archaeology**

- 22.1 As identified in the consultation section of this report. The site is likely within the location of the Town Battery. A condition is recommended requiring a scheme of archaeological investigation and recording prior to development as per Policy E5 of LPP2

## **23. Flood Risk**

- 23.1 The site is located partly within Zone 3a and therefore considered as having a high probability of coastal flooding although it must be noted that most of the site is in Zone 2 having a medium probability of coastal flooding.
- 23.2 Policy CS13 "Protecting areas at risk of flooding or coastal change" (a) directs new development proposal away from areas of highest risk of flooding unless the requirements of the Sequential Test and Exception Test (where applicable) are met, and a satisfactory Flood Response Plan has been prepared.

- 23.3 LPP2 Policy E1 (Flood Risk) – expands on the above. In this case the proposal is for residential development within the town of Great Yarmouth, therefore for the purposes of the sequential test, the search for alternative sites can be limited to Great Yarmouth town.
- 23.4 The planning practice guidance expects site-specific flood risk assessments to provide the evidence for the local planning authority to apply the sequential test. The applicant provided a statement from a local surveyor that states: *"after researching current market availability and our database of landbank development sites I can see no similar sites either presently available or imminently coming to market in the local area"*. Whilst not documenting any search for alternative sites this is not especially rigorous, but it is nevertheless considered that the sequential test has been undertaken to assess whether there are any reasonable available sites appropriate for the proposed development in area with a lower risk of flooding.
- 23.5 If it is accepted that the circumstances of the location and format of the development proposed means the sequential test is satisfied in accordance with paragraphs 161 – 162 of the NPPF it is necessary for the proposal to pass the Exception Test paragraphs 163 – 165 (being a 'more vulnerable use' within Flood Risk Zones 2 and 3a).
- 23.6 For the Exception Test to be passed the development will normally need to demonstrate that the wider sustainability benefits emanating from the proposal would outweigh the flood risk. This takes into consideration relevant factors including the highly sustainable location (as indicated by its compliance with Policy CS2) and its contribution towards improving the setting of the Seafront Conservation Area at a visually prominent and underutilised brownfield location (as indicated by its compliance with Policies CS9, CS10 and E5).
- 23.7 In these circumstances it is considered that the sequential test and exceptions test are satisfied.
- 23.8 The proposal also needs to demonstrate that the development will be safe for its lifetime, taking into account the vulnerability of its users, without increasing flood risk elsewhere. It is noted that the applicant has designed the development to provide maisonettes at ground level which have internal stairs to a first floor above the level of the worse-case flood in all circumstances including coastal flood and climate change.
- 23.9 The applicant sought to engage with the Environment Agency and design the scheme to mitigate flood risk. A Flood Risk Assessment was submitted with the application. The main feature of mitigation is that the ground floor accommodation is designed as two-level maisonettes, wherein the upper floor of the maisonettes would be above the worse-case flood level and so provide safe refuge. In design and external appearance terms, within this prominent location of the Conservation Area, animation provided by windows and doors is needed at street level to preserve the character and appearance of the locality. The alternative of raising the ground floor level to avoid risk to habitable rooms on ground floor level would also have a knock-on effect to increase the height of the building disproportionately in comparison to its surroundings.
- 23.10 The building has been designed to provide safe refuge in the maisonettes in the worse-case actual flood scenario including climate change and includes flood resilience/resistance measures and a Flood Evacuation Plan has been proposed.
- 23.11 As such the proposal is considered to comply with policies CS13 and E1 of the local plan and subject to conditions regarding both Water Entry and Water Exclusion

Strategies as indicated in submitted FRA as well as a Flood Warning and Evacuation Strategy.

#### **24. Foul Drainage**

- 24.1 LPP2 Policy I3 sets out that all new development will be expected to demonstrate that adequate foul treatment and disposal infrastructure exists or can be provided to serve the development. As indicated in the response from Anglian Water connection can be made to the public main sewer in this regard under S106 consent.

#### **25. Surface Water Drainage**

- 25.1 The existing site area comprises circa 800m<sup>2</sup> of impermeable hardstanding with no drainage so surface water discharges into nearby road gullies. Investigation of on-site ground conditions and the nature of the proposed development is such that the developed drainage strategy proposes to re-use water on site (grey water), incorporate a green roof and discharge surface water to the combined sewer at a restricted rate.
- 25.2 It is considered that the principles of the drainage strategy are likely to be acceptable but at this moment in time no agreement has yet been reached with the LLFA on a detailed drainage strategy as seen in section 5.1.
- 25.3 Whilst the LLFA have welcomed revisions to the Drainage Strategy they still consider that there are areas where supporting information/evidence is required. This matter has been ongoing for some considerable period of time between the applicant's drainage engineer and LLFA and in the circumstances it is suggested that a pre-commencement condition could be used that prevents **any development** until the requirements of a Surface Water Drainage Strategy including timing of compliance has been submitted and approved. The applicant has agreed with this approach.
- 25.4 Subject to a suitable pre-commencement condition the proposed development is considered in accordance with local plan policy CS13.

#### **26. Affordable Housing**

- 26.1 Core Strategy Policy CS4 "Delivering affordable housing" (a) requires new housing developments of over 15 dwellings in the main Great Yarmouth Town area (affordable housing market sub-area 3) to contribute at least 10% affordable units – either providing 3 affordable units on site or equivalent commuted sum for use off-site.
- 26.2 The applicant has provided a viability assessment that demonstrates without adding this financial requirement (developer contribution) and others referred to in this report that the development would be marginally viable, so if minded to approve this application no contribution would be provided. The marginal viability means the requirements of this policy are set aside in the circumstances of this case in terms of the planning balance.

26.3 The Housing Service consultation response notes that the proposal excludes affordable housing.

## **27. Planning obligations**

27.1 The following on-site facilities and contributions are expected from a development of this nature and scale in accordance with Policies CS14 and GSP8 of the local plan:

- 3 affordable dwelling units (10% of the dwellings or equivalent commuted sum)
- Library contributions
- Open Space contributions in lieu of on-site provision

27.2 The standard NCC Library contribution is £75 per dwelling. Total (£2,100). The applicant has provided a viability assessment that demonstrates without adding this financial requirement (developer contribution) and others referred to in this report that the development would be marginally viable, so if minded to approve this application no contribution would be provided. The marginal viability means the requirements of these policies are set aside in the circumstances of this case in terms of the planning balance.

## **28. Viability**

28.1 LPP2 Policy GSP8 (K) – states that development viability with respect to planning obligations will be considered at the planning stage under limited particular circumstances where the scheme is on previously developed land.

28.2 In this case the site has been used as a hotel and latterly a car park and is previously developed land.

28.3 The planning application is accompanied with a site-specific viability assessment which concludes that a policy compliant scheme including developer contributions for affordable housing, open space and libraries would return a negative residual land value RLV significantly below the benchmark land value. Whereas a scheme of 28 open market units but without the three developer contributions referred to would generate a positive RLV which is essentially the benchmark land valuation returning a marginally economically viable scheme with reduced profit at 15% which is just within the National Planning Practice Guidance suggested profit return for developers range of between 15% and 20% as being appropriate and reasonable. Property Services have reviewed the viability assessment and agree that the proposal including the developer contributions is unlikely to be viable.

28.4 Therefore, in this case the provision of affordable housing, library contribution and open space payment would make the development non-viable and cannot in this particular case be justified if the site is to be developed as proposed. This is a material consideration of significant weight.

## **29. Local Finance Considerations**

29.1 Under Section 70(2) of the Town and Country Planning Act 1990 the Council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus, or the Community Infrastructure Levy (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.

### **30. The Planning Balance**

- 30.1 The exercise of weighing the balance of harm versus public benefits and concluding whether the balance is acceptable is provided in this section of the report.
- 30.2 The site is presently a surfaced car park at a gateway of the seafront. While this provides a private facility, public parking is available close by. The featureless lot provides view to the less elegant side and rear elevations of adjoining buildings and ancillary structures, which will become screened from public viewpoints. The space is presently like a missing tooth and detracts from the streetscene and townscape of Euston Road and Marine Parade.
- 30.3 Though a substantial building, the design provides that the height is stepped, rising towards the corner, where it will provide a visual stop and create enclosure.
- 30.4 This proposal addresses the concerns raised of the previously withdrawn design, which was considered too large, bulky and too tall compared with and viewed in the context of the neighbouring buildings.
- 30.5 The proposal does not provide on-site car parking, but is in a sustainable location with access to alternative modes of transport and will provide secure bicycle parking.
- 30.6 The proposal does not provide an affordable housing contribution or other contributions to open space and library provision. However, it will provide 28 dwellings in a sustainable location which will support the vibrancy and vitality of the town centre and support economic, social and environmental objectives.
- 30.7 As a brownfield site these are more generally expensive to develop due to existing constraints, including contamination and in this case flood risk and drainage and redevelopment reduces the pressure for greenfield development elsewhere.
- 30.8 It is considered that the redevelopment will result in a built form that will not have a significant detrimental impact on amenity, is compatible with the local character which in this case will enhance the character and appearance of the Seafront conservation area.

### **31. Conclusion and Recommendation**

- 31.1 The development is for more than 10 dwellings in accordance with the Council's Habitats Monitoring and Mitigation Strategy a bespoke Habitats Regulations Assessment is required to be provided in order to determine the application. A bespoke assessment has been provided and assessed as compliant subject to payment of the balance for habitat mitigation.
- 31.2 The site lies within the Great Yarmouth Development Boundary wherein development will be supported in principle unless material considerations outweigh that principle. In this case those would be matters of local identity, the character and appearance of the Seafront Area and Seafront Conservation Area, amenity highway safety, and flood risk. The issue of viability is also a material consideration.
- 31.3 In consideration of the local identity, the character and appearance of the Seafront Area and the Seafront Conservation Area, while located in the Seafront Area the site adjoins the back of Seafront Improvement Area wherein the latter support the provision of uses including apartments and investment which strengthens the positive characteristic of the Seafront.
- 31.4 The impact of the proposed development on both the back of Seafront Improvement Area and the Conservation Area are considered to be linked as the local identity is derived from the characteristics that define the Conservation Area.
- 31.5 The character is derived from the architecture, design, scale and massing of buildings on Euston Road and Marine Parade which are Victorian and early Edwardian seaside leisure and residential buildings. It is considered that the development will make a positive contribution to both and more so than the current car park. It is not considered that a residential use in this case will have a harmful impact on the character of the area.
- 31.6 The applicant has worked constructively with the Council's planning service, conservation officer and Historic England to produce a design that meets policy tests. Overall, the current design proposal provides a much improved and acceptable response that draws inspiration from the surrounding area and historic character of the seafront conservation area, providing a sympathetically designed landmark building on the junction of Euston Road and Marine Parade. The design is considered to comply with Core Strategy Policies CS9 (a), (b), (g), CS10 (a) and (b), and with LLP2 Policy E5.
- 31.7 In relation to the amenity of existing occupants adjoining the property and of the future occupants of development, the maisonettes will have a small amenity space and the flats 24 and 25 on the western end have a balcony. The windows on the west elevation will not significantly worsen the existing overlooking of property to the west which is already overlooked from dwellings at Marine Parade and Paget Road. The site is a short distance from the Seafront and public open spaces for informal recreation. Given the graduated design of the building where the mass is reduced on the upper floors, it is considered that by there will not be an overbearing or overshadowing impact on neighbouring property. The proposed design shows an enclosed and secure refuse storage area. Refuse vehicle access via the existing street network will be unaltered by the development.
- 31.8 In relation to open space, Policy H4 would normally require payment for any deficit in the provision of open space both on and off site. Based on assessment of the current surplus/deficit of each type of open space and an allowance for maintenance in the Central & Northgate Ward, the Borough Council would normally expect a full off-site

financial contribution of at least £46,125.24 (28 x £1,647.33 per dwelling). However, in this case such a requirement would make the development non-viable.

- 31.9 In relation to highway and transport impact - as stated in the consultation response the County Highways Authority, raise no objection, "Given the close proximity of the flats to both the town centre and seafront, together with the fact that parking in this area is heavily controlled by legal orders". The proposal elects to support alternate transport modes with access to public transport and provision of bicycle storage. It is considered that the development will likely result in added pressure to on-street parking. However, given the general movement for carbon reduction and the availability of alternate modes of transport it is not considered that refusal of the application on the basis of car parking provision is sufficient to substantiate refusal.
- 31.10 In relation to flood risk, the site is located mainly in Zone 2 and partly within Zone 3a as such having a high probability of coastal flooding. The building has been designed to provide safe refuge in the maisonettes in the worse-case actual flood scenario including climate change. It is considered that the sequential test and exceptions test are satisfied.
- 31.11 In relation to viability of the proposed development, the accompanying viability assessment demonstrates that it is a marginally economically viable site concluding that no affordable housing provision would be provided, as normally required by Policy CS4. Further, that no open space payment would be provided as normally required by Policy H4. It is also noted that Policy GSP8 recognises the challenging nature of previously developed land in terms of viability and allows for flexibility for providing planning obligations in specific circumstances as set out in this report.
- 31.12 Having considered the details provided, the application is considered to comply with policies CS2, CS9, CS10, CS11, CS13, CS16 and Policies GSP1, GSP4, GSP5, A1, A2, E1, E5, E6, E7, H3, and I3 of Local Plan Part 2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval.

#### **RECOMMENDATION:**

It is recommended that application 06/21/0657/F should be delegated to the Head of Planning to APPROVE, subject to:

- (i) Receipt of the balance of £2126.04 Habitat Mitigation Payment and;**
- (ii) The following Conditions:**

#### **Proposed Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.

The reason for the condition is :-

Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following plans and documents:

- . Location Plan - Drawing No. P01 Rev A
  - . Block Plan - Drawing No. P03 Rev A
  - . Proposed Ground Floor & First Floor Plans - Drawing No. P04
  - . Proposed Second & Third Floor Plans - Drawing No. P05
  - . Proposed Fourth Floor Plan & Roof Plan - Drawing No. P06 Rev A
  - . Proposed North & East Elevations - Drawing No. P07
  - . Proposed South & West Elevations - Drawing No. P08
- . Flood Risk Assessment July 2021 REF: 2433/RE/01-20/01 REV A

The reason for the condition is :-

For the avoidance of doubt.

3. No development shall commence until full details of the means of surface water drainage in the form of a Surface Water Drainage and Management Strategy have first been submitted to and approved in writing by the Local Planning Authority. The details should include water efficiency and water saving devices such as rain saver systems and green roofs and a Maintenance and Management strategy for the Surface Water Drainage Strategy. The development shall be carried out in accordance with the approved details and implemented prior to the first occupation of the development and retained and maintained as such thereafter.

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

The reason for the condition is :-

To control surface water discharge and to minimise the possibilities of flooding in accordance with Core Strategy Policy CS13.

4. Development shall not progress above slab level until a schedule of materials and finishes to be used for external surfaces and features of the proposed building, including details of brick/stone work demonstrating the colour, texture, bond and mortar, have first been submitted to and agreed in writing with the Local Planning Authority and the development shall be carried out in accordance with those details as approved and retained as such thereafter.

The reason for the condition is :-

To ensure the appropriate use of materials that will preserve and enhance the character and appearance of the conservation area in accordance with Core Strategy Policies CS9 and CS10 and Local Plan Part 2 Policy E5.

5. Development shall not progress above slab level until details of the design, materials and finish of the proposed external windows and doors, including method of opening have first been submitted to and agreed in writing with the Local Planning Authority and the development shall be carried out in accordance with those details as approved and retained as such thereafter.

The reason for the condition is :-

To ensure the appropriate opening style and use of materials that will preserve and enhance the character and appearance of the conservation area in accordance with Core Strategy Policies CS9 and CS10 and Local Plan Part 2 Policy E5.

6. Development shall not progress above slab level until details of the position, type and method of installation of all new services and related fixtures (including rainwater goods, communications and information technology servicing) to the exterior of the building have first been submitted to and agreed in writing with the Local Planning Authority wherever these installations are to be visible, or where ducts or other methods of concealment are proposed and the development shall be carried out in accordance with those details as approved and retained as such thereafter.

The reason for the condition is :-

To enable the local planning authority to ensure the satisfactory appearance of the development that will preserve and enhance the character and appearance of the conservation area in accordance with Core Strategy Policies CS9 and CS10 and Local Plan Part 2 Policy E5.

7. The development hereby permitted shall be carried out incorporating the measures to mitigate the risk from flooding set out in the flood risk assessment REF: 2433/RE/01-20/01 REVISION A dated July 2021, and shall specifically include:

- implementing and adopting the Water Entry Strategy across the ground floor area of the building; and,
- implementing and adopting a Water Exclusion Strategy (including but not limited to flood barriers across doorways and air brick covers) up to the differential depth limit of 0.6m.
- registering the premises with the Environment Agency's Flood Warnings Direct service and preparing a Family Flood Plan.

There shall be no use or occupation of the dwellings hereby permitted until the mitigation measures have first been introduced and the premises is enrolled within the flood warning system and the family flood plan is introduced and made available to all occupants of the dwellings .

The reason for the condition is :-

To ensure that mitigation measures are undertaken as the property is located within an area at risk of flooding in accordance with Policies CS13 and E5 of the Local Plan.

8. With the exception of demolition, no development shall commence until a Phase 1 contamination report has first been carried out to assess whether the land is likely to be contaminated, and the results of the investigations submitted to and approved in writing by the Local Planning Authority.

The report to be submitted shall also include details of known previous uses and possible contamination arising from those uses. If contamination is suspected to exist, a Phase 2 site investigation is to be carried out to the satisfaction of the Local Planning Authority in consultation with the Environmental Health service. If the Phase 2 site investigation determines that the ground contains contaminants at unacceptable levels then the applicant is to submit a written strategy detailing how the site is to be remediated to a standard suitable for its proposed end-use. This subsequent report shall be submitted to and approved in writing by the Local Planning Authority before the commencement of construction works.

No buildings hereby permitted shall be occupied until the remediation works agreed within the scheme have first been carried out to the written satisfaction of the Local Planning Authority, following submission of a remediation verification report.

The reason for the condition is :-

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 Local Plan Part 2 Policy E6.

9. In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All development shall cease and shall not recommence until:
  - 1) a report has been submitted and agreed in writing by the Local Planning Authority which includes results of an investigation and risk assessment together with proposed remediation scheme to deal with the risk identified and
  - 2) the agreed remediation scheme has been carried out and a validation report demonstrating its effectiveness has been approved in writing by the Local Planning Authority.

The reason for the condition is :-

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 Local Plan Part 2 Policy E6.

10. A) No development shall take place until an archaeological written scheme of investigation has first been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- 1) The programme and methodology of site investigation and recording,
- 2) The programme for post investigation assessment,
- 3) Provision to be made for analysis of the site investigation and recording,
- 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation,
- 5) Provision to be made for archive deposition of the analysis and records of the site investigation and
- 6) Nomination of a competent person or persons/organisation to undertake the works set out within the written scheme of investigation.

and,

B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).

and,

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for condition: -

In accordance with Core Strategy Policy CS10.

11. The building shall include measures to meet a water efficiency standard of 110 litres per person per day. No development shall take place above slab level until the details of how this will be achieved have first been submitted to and approved in writing by the local planning authority. There shall be no occupation of any dwelling until those details have first been provided and made available for us in accordance with the details as approved.

The reason for the condition is :-

In the interests of water efficiency in accordance with Local Plan Part 2 Policy E7

12. Development shall not progress above slab level until a Biodiversity Enhancement Plan has first been submitted to and agreed in writing with the Local Planning Authority.

The plan shall detail the provision of a minimum of 28 swift boxes. The plan shall be prepared by a suitably qualified and experienced ecologist and include elevation drawings to show the exact location of the swift boxes to ensure they are appropriately located. Ideally the boxes should be integrated within the fabric of the building. The development shall be carried out in accordance with those details as approved and shall remain in perpetuity.

The reason for the condition is :-

To secure biodiversity enhancements in line with Core Strategy Policy CS11.

13. Prior to installation, details of the secure cycle storage building for a minimum of 36 cycle spaces as indicated on Proposed Block Plan Drawing No. P03 Rev A shall be first submitted to and approved in writing by the local planning authority and shall thereafter be carried out as approved.

The reason for the condition is :-

In the interests of the satisfactory appearance of the development in accordance with Core Strategy Policies CS9 and CS10 and Local Plan Part 2 Policy E5.

14. Prior to the first use of the development hereby permitted the secure cycle parking shall be provided in accordance with the approved plans/details and retained thereafter available for that specific use.

The reason for the condition is :-

To ensure the permanent availability of the cycle parking in the interests of satisfactory development and encouraging the use of sustainable modes of transport in accordance with Local Plan Part 2 Policy I1.

15. No foul drainage from the development hereby approved shall be discharged other than to the main sewer. The foul water disposal shall be implemented prior to the first occupation of the development and retained as such thereafter.

The reason for the condition is :-

To prevent pollution of the water environment in accordance with Local Plan Part 2 Policy I3.

16. REASON FOR APPROVAL OF THE APPLICATION :-

The proposal complies with Core Strategy Policies CS2, CS9, CS10, CS11, CS13, CS16 and Local Plan Part 2 Policies GSP1, GSP5, A1, A2, E1, E5 and E7.

17. 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.

It is hereby acknowledged that the application has been accompanied by the appropriate and necessary financial contributions for GIRAMS Habitat Impacts Mitigation amounting to £5,206.04 (28 dwellings x £185.93 per flat) received (to be inserted 2023).

18. NOTES - Please read the following notes carefully:-

Anglian Water public combined sewer:

Please note connection for either foul water disposal, surface water disposal or both will require notice to be served on and the consent of Anglian Water under S106 of the Water Industry Act.

Please also refer to Planning Applications - Suggested Informative Statements and Conditions Report prepared by Anglian Water Pre-Development Team dated 1 March 2023 AW Site Ref: 182096/1/017034.

Biodiversity:

In regard to the siting of the bird boxes these should be sited below the cornices on the 3rd, 4th and 5 floors, to the side of, not directly above windows.

Archaeology:

In this instance the programme of archaeological mitigatory work will comprise the monitoring of groundworks for the development under archaeological supervision and control.

A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service. Please note that we now charge for our services. If you have any questions or would like to discuss NCC recommendations, please contact Steve Hickling, Historic Environment Officer Community and Environment Services Tel: 01362 869285 | Dept: 01362 869278 | Mobile: 07775687817

Secure by Design: Your attention is drawn to the advice provided by the Norfolk Constabulary in its letter dated 18th August 2021

Construction work shall not take place outside the following hours:-

08:00 to 18:00 Mondays

08:00 to 18:00 Tuesdays

08:00 to 18:00 Wednesdays

08:00 to 18:00 Thursdays

08:00 to 18:00 Fridays

08:30 to 13:30 Saturdays

and no work shall take place on Sundays or Bank Holidays. (These hours shall only apply to work generating noise that is audible at the boundary of the nearest noise sensitive property)

The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149.)

The site will potentially generate a significant amount of dust during the conversion 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.

**Appendices:**

1. Site Location Plan

