

**Reference:** 06/16/0190/F

**Location:** Gorleston

**Officer:** Mrs G Manthorpe

**ExpiryDate:Extension**

**Applicant:** Dawson Brown Ltd

**Proposal:** Development of 6 houses and 28 flats with associated works – amended from 8 three bedroom terraced houses, 6 one bedroom flats and 30 two bedroom flats with associated external works.

**Site:** Former Ferryside Building and Land 98 High Road Gorleston

## REPORT

### 1. Background / History :-

- 1.1 The application site is 0.48 hectares in size and is currently occupied by a substantial building and various outbuildings. The application has been amended to reduce the total number of dwellings from 44 to 34 following negotiations.
- 1.2 There are mature trees on the site which are covered by a TPO, attached to this report. The site is adjacent to but not within a conservation area.
- 1.3 The relevant planning history on the site is below:
  - 06/13/0466/F – Change of use from office to residential and the construction of garden wall to the south west boundary. Approved.
  - 06/14/0770/M –Demolition of Ferryside building, bungalow, workshop and annexe. Permitted development.

### 2 Consultations :-

- 2.1 Neighbour Consultations – There have been 15 objections to the application from neighbours, the objections received summarised below and a selection of objections are attached to this report.
  - Density of housing too high.
  - The conservation officer's designs should have been used.
  - Trees should not be removed.
  - There is insufficient parking provided.
  - There is no disabled parking provided.

- There is no designated powered two wheel vehicle parking.
- Ferry Boat Lane should not be closed as this will increase the pressure on Ferry Hill which will cause congestion.
- The wall should be retained.
- Where is the bus stop being relocated to? It should not disrupt existing residents.
- Hard standing will exacerbate drainage issues.
- The main building 'Ferryside' should be incorporated in to the development instead of demolished.
- Loss of privacy.
- Building work could damage nearby properties.
- Nearby homes will be devalued.
- Development is out of character with the area.
- The massing and height are out of scale with the area.
- A more modern design should be used.
- The development may destabilise the ground.

2.2 Highways – No objection the application and conditions requested. Full comments are attached to this report. One of the conditions requested states that no works are to commence until a Traffic Regulation Order (TRO) has been promoted by the Highway Authority for one way driving in a south westerly direction for Ferryboat Lane.

2.3 Historic Environment Officer – The proposed development sits between the Augustinian friary in Gorleston and the river Yare. Intriguingly, historic maps dating back to the start of the 19th century show the ferry crossing at Malthouse Lane, with a road or path heading back in the direction of the friary, so it is possible that the ferry crossing has a monastic origin. Very little is known about medieval Gorleston outside of the friary and church, but it was a significant settlement in 1086 (at the time of the Domesday survey), and the town engaged in a number of legal disputes with Great Yarmouth throughout the medieval period, so this importance continued. The location of early settlement is, as noted, not known, but it is likely that both the church and friary provided a focus for development. Hence the location of the proposed development between the friary and the river (particularly the ferry stage) has considerable potential for surviving archaeological deposits.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework para. 141. We suggest that the following conditions are imposed:-

A) No development shall take place until an archaeological written scheme of investigation has 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/organization 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.

2.4 Building Control Officer – No objection.

2.5 Peel Ports – Object to the residential development in this location given the location adjacent to the port use. Full comments are attached to this report.

2.6 Assistant Grounds Manager and Arboricultural Officer - In regards to the onsite trees at the development at Ferryside, High Road, Gorleston based upon the revised plans;

- The Horse Chestnut and Sycamore situated to the southern boundary of the site are to be retained as they have high amenity value with long life expectancy and high public visibility. Consideration needs to be made as to how they are protected during the construction process and the proximity of any construction, the same applies to the three sycamore trees at the Ferryboat Lane boundary.

- The Holly tree that is located in the centre of the site is of medium amenity value however there are multiple wounds caused by past bad pruning practices which has severely reduced its life expectancy.

- The Acacia tree located to the east of the site provides medium amenity value but due to its age and form it has limited life expectancy and may only contribute to the site for 5-10 years and this will only be achieved with a high level of remedial work demands removing dead wood etc. and also with a slowly entrenching canopy.
- The Holm oak located to the east of the site has been previously coppiced/pollarded again reducing its longevity on site and overall amenity value.
- The Yew tree, located to the east of the site again (nearest to the road) is of good amenity value and I cannot see any Arboricultural reason to justify its removal however replacement planting will make up for this loss.

In regards to the onsite planting;

- Overall there are currently 9 trees within the site and it is planned for the removal of 4 of the less prominent and valuable specimens; to counteract this there are currently 5 trees planned to be planted around the site (as well as a number of shrubs) adding amenity value to the project through landscaping.
- The tree species selected for planting; Lime trees “*Tilia cordata* ‘Greenspire’”, Yew *Aureomarginata* and *Ilex Pyramidalis* are a compact, neat and tidy trees. Clonal tree selection ensures the same height and shape can be expected from each tree planted which is needed for avenue planting and the planting to nearby buildings. These species can also be maintained as a pollard given the space limitations of the site in regards to the lime trees and the yew and holly can be trimmed into a hedge or compact shape allowing planting in restricted spaces.
- The issue of space for future tree growth and planting positions upon the site has also been remedied by the reduction or positioning of the dwellings on site.
- The tree species selection is also sympathetic to the trees being removed due to the development – a newly planted tree does not have the same amenity value as a mature established tree however they will in time.

2.7 Local Planning Authority – Local Authority 106 requirements – In order to be policy compliant, 40 square metres of usable public open space is to be provided per dwelling or, at the discretion of the Local Planning Authority payment in lieu can be accepted. The application is providing an attractive entrance feature which is valuable to the amenity of the area but does not comply with the public open space criteria.

2.8 Payment in lieu of public open space to be calculated at £12 per square metre shortfall (equates to £480 per dwelling where none provided). There are areas of green space identified on the submitted plans however these do not comply with the Core Strategy for useable open space and while they are required to make an appropriate living environment they cannot offset the open space requirement. Payment in lieu of children's recreation equipment is £920 per dwelling for the provision, maintenance and improvement of children's play or recreation off site.

2.9 The Local Planning Authority will not accept liability for open space, recreation equipment (children or otherwise), drainage, roads (this does not preclude highway adoption by agreement) or private drives and as such should the resolution be made to approve this development the requirement will be on the developer to secure future maintenance by management agreement and agreed nominated body. This shall be included within the s106 agreement.

2.10 The application site is located within affordable housing sub market area three and requires 10% affordable housing to be provided. The type and tenure of affordable housing to be secured as part of the s106 to comply with Local and National Planning Policy (paragraph 64 of the National Planning Policy Framework).

2.11 In order to comply with policy CS14, the draft Natura 2000 Monitoring and Mitigation Strategy, the comments from Natural England and the findings of the HRA submitted in support of the application £110 per dwelling is sought to go towards the monitoring or implementation of mitigation measure for designated sites and information leaflets provided for future occupants. The design and wording of the leaflets is to be agreed and secured by condition.

### **3. Local Planning Policy Adopted Core Strategy:-**

#### **3.1 Policy CS1 - Focusing on a sustainable future (complete):**

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

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

- a) Sustainable growth, ensuring that new development is of a scale and in a location that complements the character and supports the function of individual settlements.
- b) Mixed adaptable neighbourhoods, which provide choices and effectively meet the needs and aspirations of the local community
- c) Environmentally friendly neighbourhoods that are located and designed to help address and where possible mitigate the effects of climate change and minimise the risk of flooding
- d) A thriving local economy, flourishing local centres, sustainable tourism and an active port
- e) Safe, accessible places that promote healthy lifestyles and provide easy access for everyone to jobs, shops and community facilities by walking, cycling and public transport
- f) Distinctive places that embrace innovative, high quality urban design that reflects positive local characteristics and protects the borough's biodiversity, unique landscapes, built character and historic environment

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

Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole

Specific policies in that Framework indicate that development should be restricted.

### 3.2 Policy CS2 – Achieving sustainable growth (partial)

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

a) Ensure that new residential development is distributed according to the following settlement hierarchy, with a greater proportion of development in the larger and more sustainable settlements:

□ Approximately 35% of new development will take place in the borough's Main Towns at Gorleston-on-Sea and Great Yarmouth

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

### 3.3 Policy CS3 – Addressing the Borough's housing need:

To ensure that new residential development in the borough meets the housing needs of local people, the Council and its partners will seek to (partial):

a) Make provision for at least 7,140 new homes over the plan period. This will be achieved by:

- Focusing new development in accessible areas and those with the most capacity to accommodate new homes, in accordance with Policy CS2.

### 3.4 Policy CS9 – Encouraging well-designed, distinctive places (partial)

High quality, distinctive places are an essential part in attracting and retaining residents, businesses, visitors and developers. As such, the Council will ensure that all new developments within the borough:

a) Respond to, and draw inspiration from the surrounding area's distinctive natural, built and historic characteristics, such as scale, form, massing and materials, to ensure that the full potential of the development site is realised; making efficient use of land and reinforcing the local identity

### 3.5 Policy CS10 – Safeguarding local heritage assets (partial)

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

promote the conservation, enhancement and enjoyment of this historic environment by:

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

**3.6 Policy CS14 – Securing appropriate contributions from new developments (partial):**

New development can result in extra pressure being placed on existing infrastructure and local facilities. To ensure that the necessary infrastructure is delivered the Council will:

d) Ensure that the relevant improvements to local infrastructure are made by the developer. Where this is not practical financial contributions will be sought.

e) Seek appropriate contributions towards Natura 2000 sites monitoring and mitigation measures.

f) Make certain that new developments for which a planning obligation is necessary does not take place until a planning obligation agreement has been secured and approved. Payments should be made in a timely and fair manner to minimise the impact on existing services and infrastructure

**4 Local Planning Policy – Saved policies Borough Wide Local Plan:-**

**4.1 Saved Policy HOU7 of the Borough Wide Local Plan.**

New residential development may be permitted within the settlement boundaries identified on the proposals map in the parishes of Bradwell, Caister, Hemsby, Ormesby St Margaret, and Martham as well as in the urban areas of Great Yarmouth and Gorleston. New smaller scale residential developments\* may also be permitted within the settlement boundaries identified on the proposals map in the villages of Belton, Filby, Fleggburgh, Hopton-on-Sea, and Winterton. In all cases the following criteria should be met:

- (a) the proposal would not be significantly detrimental to the form, character and setting of the settlement;

- (b) all public utilities are available including foul or surface water disposal and there are no existing capacity constraints which could preclude development or in the case of surface water drainage, disposal can be acceptably achieved to a watercourse or by means of soakaways;
- (c) suitable access arrangements can be made;
- (d) an adequate range of public transport, community, education, open space/play space and social facilities are available in the settlement, or where such facilities are lacking or inadequate, but are necessarily required to be provided or improved as a direct consequence of the development, provision or improvement will be at a level directly related to the proposal at the developer's expense; and,
- (e) the proposal would not be significantly detrimental to the residential amenities of adjoining occupiers or users of land.

(Objective: To ensure an adequate supply of appropriately located housing land whilst safeguarding the character and form of settlements.)

\* i.e. developments generally comprising not more than 10 dwellings.

- 4.2 HOU16: A high standard of layout and design will be required for all housing proposal. A site survey and landscaping scheme will be required will all detailed applications for more than 10 dwellings. These should include measures to retain and safeguard significant existing landscape features and give details of, existing and proposed site levels planting and aftercare arrangements.
- 4.3 HOU9 A developer contribution will be sought as a planning obligation under the Town and Country Planning Act 1990 to finance the early provision of facilities required as a direct consequence of new development.

## **5 Emerging Local Plan Policies – Local Plan Part 2:**

### **5.1 Policy GN6-dp**

Land at Ferryside Road, Gorleston Land off Ferryside Road, Gorleston (0.56 hectares) as identified on the Policies Map, is allocated for 35 dwellings. The site should be developed in accordance with the following site specific criteria:

- 1. Provision of safe and appropriate access to the satisfaction of the local highways authority, including:
  - i. appropriate vehicular access to be taken off Ferryside Road

- ii. appropriate foot-way improvements and visibility splays to Ferry Boat Lane
- 2. Provide a mix of housing types and sizes, including a minimum of 10% affordable dwellings to reflect the needs and character of the local residential area;
- 3. A well designed scheme that is sympathetic to the surrounding historic character of the area;
- 4. Retention of the historic flint wall;
- 5. Retention of all trees with Tree Preservation Orders;
- 6. Car parking provision for residents and guests; and
- 7. No demolition or development shall take place until a Written Scheme of Investigation has been submitted to and approved by the local planning authority

## **6 National Policy:- National Planning Policy Framework (NPPF)**

- 6.1 Paragraph 2: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 6.2 Paragraph 7: The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs<sup>4</sup>.
- 6.3 Paragraph 8: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
  - a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open

spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 6.4 Paragraph 11 (partial): Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 6.5 Paragraph 48. Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 6.6 Paragraph 55. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

- 6.7 Paragraph 59. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 6.8 Paragraph 64. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:
- a) provides solely for Build to Rent homes;
  - b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
  - c) is proposed to be developed by people who wish to build or commission their own homes; or
  - d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.
- 6.9 Paragraph 76. To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. For major development involving the provision of housing, local planning authorities should also assess why any earlier grant of planning permission for a similar development on the same site did not start.
- 6.10 Paragraph 103. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 6.11 Paragraph 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.12 Paragraph 117. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

6.13 Paragraph 170. Planning policies and decisions should contribute to and enhance the natural and local environment by: (partial)

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

6.14 Amended 19<sup>th</sup> February 2019.

Paragraph 177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

## **7 Habitat Regulations Assessment considerations:**

7.1 "European" or "Natura 2000" sites are those that are designated for their wildlife interest(s) through the Conservation of Habitats and Species Regulations 2017, and constitute the most important wildlife and habitat sites within the European Union. The Council has an adopted policy approach, the Habitats Monitoring and Mitigation Strategy, prepared alongside the Part 1 Local Plan (and most recently updated at the Policy & Resources Committee meeting on 5<sup>th</sup> February 2019). The key research is set out in the Habitats Regulations Assessment (HRA) for the Core Strategy, which concludes that the in-combination effects of new development on the various Natura 2000 sites, principally disturbance of birds by humans and/or dogs, cannot be ruled out as having a likely significant effect. A financial contribution is required to be made (currently £110 per dwelling) for each house or six bed spaces of tourist accommodation within defined areas of the borough. This money goes towards both monitoring Natura 2000 sites for potential harm, and funding measures to mitigate harm. If it is concluded that a development may also

cause direct effects to a Natura 2000 site, further mitigation measures may be necessary.

- 7.2 A recent 2018 decision by the European Court (People Over Wind and Sweetman v Coillte Teorantac (C-323/17)) has changed the position relating to mitigation; as such, mitigation measures cannot any longer be considered at the 'screening stage' of a (HRA). Therefore, just on the basis of the in-combination effects the effect of this application on Natura 2000 sites is assessed as potentially significant. In accordance with the regulations, upon finding that it is likely that there will be a significant effect, an Appropriate Assessment is required to be undertaken, as part of the HRA process, by the Competent Authority (which is the Council). The assessment also requires the consideration of any potentially significant direct effects.
- 7.3 Guidance for applicants is available on Great Yarmouth Borough Council's website identifying when bespoke shadow Habitat Regulation Assessments (HRA) are required to be prepared by the applicant and submitted to the Council. In this case, in accordance with the guidance issued, a bespoke shadow HRA has been submitted (and is available to view on the Council's website). The submitted assessment is thorough and finds that there is likely in combination effects on designated sites from the development.
- 7.4 The application, informed by the bespoke shadow HRA, has been assessed by the Competent Authority as likely to have significant indirect effects on one or more Natura 2000 sites (but no significant direct effects). As such, permission may only be granted if an Appropriate Assessment demonstrates that, taking into account relevant mitigation measures, the application will not adversely affect the integrity of any Natura 2000 site(s). Mitigation for in-combination effects through the £110 per-dwelling contribution to more general monitoring and mitigation is therefore required. It is therefore the assessment of the Council, as Competent Authority, that the application, if approved, would not adversely affect the integrity of Natura 2000 sites, provided that the mitigation sought is secured.

## **8 Local finance considerations:-**

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

It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. The development, if approved, will have financial benefits to the Local Authority, for example by council tax payments, although in this case local finance considerations are not considered to be material to the case.

## **9 Assessment:-**

- 9.1 The application was submitted in June 2016 and has been amended since the original submission to the current application for 34 residential dwellings and associated infrastructure. The design of the flats has been amended over time with the current design seeking to provide 28 flats over three or four storeys. There is a row of six terraced properties proposed at the High Road Boundary, all proposed to be three bedroom dwellings with two storeys and rooms in the roof.
- 9.2 A number of the objections received have asked why the Ferryside Building cannot be retained and have noted the Conservation Officer's suggested alternative designs which show how it might (in theory) be retained. Ferryside is a building that, having served as the Borough's register office for over fifty years, is clearly subject of affection and memories for residents in the Borough and beyond. Having originally been constructed as a gentleman's residence in the 1880s is regarded by many as a local land mark. In planning terms the building is not subject to any particular protection ie it is not listed, architecturally unique or in the conservation area and therefore can be demolished without requiring full planning permission to do so. Therefore whilst the local connections in particular to the building are acknowledged, extremely limited weight in planning terms can be given the retention of the building which can essentially be demolished under as permitted development rights with the Council having control over the practicalities of demolition - such as the method of demolition and safety of services on the site - only.
- 9.3 Historic England conduct periodic examinations of areas to see if buildings that are listed are worthy or remaining on the list and whether buildings should be added to the list. There is availability for applications to be made to Historic England to apply to have buildings listed. To the case officer's knowledge, Ferryside has not been put forward for potential listing and it is known that the building has not been listed by Historic England during one of their local surveys. The Core Strategy states that Designated Heritage Assets should be protected and states the following:

*The term heritage asset applies to all parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic value within the borough.*

Listed buildings are listed because of reasons explained in a similar vein to the explanation in the Core Strategy. Ferryside has not been found to be a heritage asset that warrants protection by Historic England or by planning policy within the Core Strategy and also the emerging Local Plan Part 2.

- 9.4 The current Ferryside building has not been deemed worthy of retention and as such this is not a reason for refusal of the application. The prior approval is still valid and as such the building could be demolished with no further input from the Local Planning Authority at any time.
- 9.5 The site is a draft allocation within the emerging Local Plan Part Two as a development site up to 35 dwellings. This policy is not adopted and therefore only limited weight can be applied currently, particularly as there are objections to this draft allocation policy.
- 9.6 The design of the buildings has been objected to by residents and by the Conservation officer. Following the initial objections the design of the flats was changed dramatically to reflect some of the conservation officer's comments. The number of flats was reduced, the roof changed from a flat roof to a pitch, balconies added and further detail provided. In an effort to demonstrate what the development will look like 3d imaging has been provided as an additional visual aid. The Conservation officer has requested further amendments however, given the age of the application the applicant has refused and asked that the application be decided in its current form. The primary concerns of the Conservation officer with reference the existing design is the roof. The Conservation officer would prefer a mansard roof as opposed to the submitted design however it is understood that design is subjective and the roof design, with no policy justification or adopted design guide, is not sufficient to recommend refusal of the application.
- 9.7 There is a tree preservation order (TPO) on the site showing 8 protected trees. An annotation on the TPO states that T5, a holly tree, is not on the confirmed order and as such 7 individual trees are protected and there are, according to the Assistant Grounds Manager and Arboricultural Officer, 9 trees on site. The application proposes to remove 4 trees, a Holly, Acacia, Holm Oak and Yew. Of the 4 trees to be removed the Assistant Grounds Manager and Arboricultural Officer has said that the Holly, Holm Oak and Acacia all have faults which are fully detailed at 2.6 of this report. The Assistant Grounds Manager and Arboricultural Officer has stated that, with regards the removal of the Yew, there are no arboriculture reasons to justify its removal however 'planting will make up for the loss'. The Assistant Grounds Manager and Arboricultural Officer have surmised that the 4 trees to be removed are the less prominent on the site.

- 9.8 The loss of trees has been discussed at length and has resulted in the reduction in dwellings with specific reference a detached dwelling to the south west of the site. The application proposes to mitigate the loss of the four trees with the planting of 5 trees in suitable locations. The Assistant Grounds Manager and Arboricultural Officer have approved the species and location of the proposed trees. Although, as stated above, only limited weight can be applied, the emerging policy of the Local Plan Part 2, while stating that the site can accommodate 35 dwellings, looks to retain all of the TPOd trees. The loss of the protected trees does not therefore accord with the emerging policy and has been discussed at length. The applicant and their agents have not been able to accommodate the retention of all of the trees and as such the proposed planting is to mitigate the harm in the loss of the trees. The planting can be conditioned to semi mature trees so that the benefit is almost immediate and in order that they can be adequately protected by tree preservation order. The trees that are marked to be retained will remain protected.
- 9.9 The site is adjacent the conservation area and has, at the eastern boundary, an historic flint wall which is to be retained as it the sloping and low level brick wall to the south. The retention of the historical features and by maintaining a green gap at the south west section of the site ensures that the conservation areas is not harmed and that the development shall preserve the character and appearance of the area in accordance with s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.10 There are listed buildings in the vicinity of the site and as such the application must be assessed in accordance with s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The separation by virtue of the green space referenced above distances the development from the buildings of special architectural interest preserving the setting of the buildings. Although the site is currently open in nature the listed buildings are closely linked to other buildings in a dense urban setting. The extension of the urban setting by virtue of this residential development will not be significantly detrimental and, it is assessed, is not a reason to recommend that the application is refused.
- 9.11 The density of the development accords with the emerging policy (noting that only limited weight can currently be afforded to this policy) and can be seen to be in keeping with the wider area. By developing the site there will be an erosion of the open character however there is no policy that could protect the retention of the open space and the land is in private ownership so cannot be assessed as public land.
- 9.12 The plans show a vehicular and pedestrian access off High Road and Ferryboat Lane becoming one way. The plans are annotated to state that this is the

preference of the Highway Authority. The emerging policy puts the access at Ferryboat Lane however in the absence of highways requiring the access to be relocated the access is as shown and is an acceptable form of access for a development such as this.

- 9.13 An objection has been raised regarding the overlooking that will occur to no.6 Ferry Hill. This property is at a lower level than the application site which, the objector states will cause a detrimental effect on the living conditions. The flats, ranging from three to four stories high, will overlook the property and this is exacerbated by the provision of balconies. However given the difference in land levels any development would overlook this dwelling to an extent. In mitigation, as demonstrated by the objector's photographs, there is greenery which helps mitigates the overlooking that may occur. While the overlooking is acknowledged, it is not seen as sufficiently detrimental to warrant a recommendation of refusal.
- 9.14 Peel Ports have objected on the grounds that future residents may object to the port activities and noise and that the operation of the port should not be compromised by the development. Environmental Health have not objected but noise assessments and mitigation to be incorporated into the build (triple glaze for example) to mitigate against and adverse effects from noise. In the absence of an objection from Environmental Health it is assessed that the noise impact shall not be so severe that conditions cannot adequately mitigated against it.
- 9.15 An objection has been received stating that the development will cause erosion and stability issues within the locality. The National Planning Policy Framework is unequivocal on this point as follows:
- Paragraph 179. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- As such it is the land owners/developers responsibility to ensure that the development is safe.
- 9.16 An important factor when determining applications is whether a Local Authority has the ability to demonstrate a 5 year housing land supply. If a Local Planning Authority cannot show that they are meeting this requirement, their policies with regards to residential development will be considered to be "out of date". There is currently a housing land supply of 2.6 years as at the end of 2017/18.
- 9.17 Paragraph 177 of the National Planning Policy Framework (NPPF) has been amended on the 19th February 2019 and it is now the case that if any necessary proposed mitigation measures (as assessed through Appropriate

Assessment) would lead to a conclusion that there would be no adverse effects on the designated habitats site, then the presumption in favour of sustainable development (paragraph 11 of the NPPF) would apply (in the event of there not being a five-year supply of deliverable housing sites). Only if the proposed mitigation would not ensure no significant adverse effects on the designated Natura 2000 site(s) would the presumption in favour of sustainable development not apply. In this case, as detailed in paragraphs 7.1-7.4 above, officers are content that the proposed mitigation would ensure that there would be no significant adverse effects. The presumption in favour of sustainable development therefore applies – in order for a refusal to be justified, the harms of the development must significantly and demonstrably outweigh the benefits.

- 9.18 The application site is one of only 5 proposed site allocations for residential development within the Local Plan Part 2. The site is located within a sustainable location and accords with Local and National Planning Policy being the re-development of a brownfield site. The benefits of the development – principally new homes, including affordable housing – are significant and are few harms have been identified. The application is therefore recommended to be approved.

## **7 RECOMMENDATION :-**

- 7.1 Approve the application subject to policy compliant affordable housing and payment in lieu of public open space and children's recreation. Although there is open space shown on site this isn't policy compliant and as such full financial payments are required. The Local Planning Authority will take no responsibility for open space, roads or drainage and the s106 agreement will contain provision for a management company. The planning permission should not be issued until the s106 is signed and sealed with full obligations included. The permission shall contain all conditions are requested by consulted parties and all that are deemed necessary to ensure a satisfactory form of development.

**From:** Emily Barrett  
**Sent:** 24 February 2019 20:50  
**To:** plan  
**Cc:**  
**Subject:** Ref: Planning Application 06/16/0190/F

Dear Mr Minns,

**Ref: Planning Application No. 06/16/0190/F - Development of 6 houses and 28 flats with associated works, former Ferryside building and land at 98 High Road Gorleston Great Yarmouth NR31 0PH.**

Once again, we write to inform you of our continued, absolute objection to the above revised planning application. We have reviewed the revised planning application carefully and highlight that the proposed minor changes still fail to protect and enhance the local environment on High Road on every level.

The objections we made in our three previously submitted comments on this development (dated 19th April 2018, 24th October 2017 and 16th June 2016) still stand. I wish to draw your attention to those comments. The applicant has made no significant changes to the plans, except the removal of the questionably located house on the edge of the development. A number of concerns that we raised in our previous comments have yet to be addressed. These include (but are not limited to) the following:

1. The incorrect description of the Gorleston Fire and Rescue Station as 'unused'.
2. The absence of the current and future location of the existing bus stop outside Ferryside in the plans.
3. The high density of housing proposed on the site.
4. The failure of the plans to protect and enhance the local streetscape and environment on High Road.
5. The ignoring of sound planning advice regarding the potential development of the site by Ian Hardy.

The applicant has failed yet again to produce a plan for this development which takes into account the surrounding conservation area, streets cape, historical importance of the Ferryside building itself and any pre-application advice by GYBC. The applicant has, by all accounts, simply removed 1 house from the plans, which is unsatisfactory. We will continue to oppose this development until a) something is done to protect the historic Ferryside building and the surrounding plot and b) a proposal is submitted which is both a creative use of the space and sympathetic to the surrounding conservation area on High Road.

Yours faithfully

Mr & Mrs Spencer & Emily Dye

Sent from my iPad

96 High Rd.  
Gorleston, SY.  
NR31 0PE

Mr G P Harvey

The Old Ferryboat Inn

5 Ferry Hill

Gorleston

GREAT YARMOUTH NR310PD

23/02/2019

Planning Application: 06/16/0190/F

Development of 6 Houses and 28 Flats at the former Ferryside Building, 98 High Road  
Gorleston.

I OBJECT TO THIS APPLICATION FOR THE FOLLOWING REASONS:

Our property will suffer a complete loss of privacy and become overlooked with the above proposed development. I have serious concerns in relation to this, with the 3 Storey and 4 Storey proposed dwellings on the corner/proximity of Ferryboat Lane and Ferry Hill. These will have an unacceptable impact on our privacy due to directly overlooking our bedroom, living and kitchen windows.

The immediate locality will suffer with the increased volume of overspill parking. Ferry Hill in particular, and the surrounding roads are unable to cope with current levels of demand. By the nature of the proposed volume of dwellings, even allowing for the provision of parking within the development. The area will not cope, leading to road safety issues and congestion.

The proposed development will have a negative impact on the character of the local area. Dwellings within the immediate location, range from Regency, through Victorian and Edwardian periods. Taking into account pre and post War developments, this proposed development would not be in keeping with locality. The only exception to this is a commercial property, namely the Fire Authority building adjacent to proposed development.

I have serious concerns in relation to the road surfaces and sub-terranean infrastructure in such close proximity to our property. The surface area has undergone numerous repairs to cracks and movement over recent time, and I consider the extent of the excavations could impact detrimentally on the existing area.

I trust you will consider my objections when considering this application.

Yours faithfully

George P Harvey

Development Control  
Great Yarmouth Borough Council  
Town Hall, Hall Plain  
Great Yarmouth, Norfolk NR30 2QF

18 02 19

**Re: AMENDED HOUSING PROPOSAL - FERRYSIDE, 98 HIGH ROAD, GORLESTON**  
**Application Ref. 06/16/0190F**

Dear Mr Minns

Thank you for notifying me regarding the most recent minor amendments to this proposal – so minor in fact that I need do little more than top and tail my previous letter. The removal of the single dwelling at the entrance to Ferry Boat Lane is clearly an improvement, but no amount of tinkering will improve what is a fundamentally flawed scheme. If the applicant gave as much thought to designing something worthwhile as local residents are now spending criticising the proposals it is possible things would move forward. Surely an important site like this next to a Conservation area deserves something better.

Ferryside punctuates the street scene with a much needed green space and should continue to do so. The present house, set within its generous grounds has presented something of a landmark since 1874, as did its predecessor Stone House for a hundred years before. With or without the big house, this site should be given the respect it deserves as a defining part of Gorleston – it should continue to be what planning policy so frequently refers to - a 'distinctive place'.

The comments in my earlier letter of 23 06 16 are all still relevant, as are the following points made in my letters of 21 10 17 and 29 04 18:

## ONE HOUSE / MASSIVE OVERDEVELOPMENT

Just a single private dwelling exists on this site at present. The previous use of Ferryside as a public building has been superseded by the planning permission granted to reinstate it as just one house. We are now being asked to consider thirty-four dwellings on this site of a little over an acre, which can only be viewed as massive overdevelopment.

Policy HOU17 requires development to be 'respectful of the density of the surrounding area' and The Interim Land Supply Policy (item e) requires 'the proposed density and layout to be appropriate and to reflect the character and appearance of the surrounding area' and goes on to say 'Where 'higher' densities are proposed these will only be permitted if potential impacts have been mitigated by a well thought out design'.

## YOUR OWN IN-HOUSE DESIGN ADVICE

Ian Hardy has set out how this site can sensibly be developed – why has this advice been so completely ignored by the applicant? In principle I can see two approaches:

- 1) 'Villas in the grounds' – Convert Ferryside for use as flats, with a few well considered individual houses, or even blocks of flats, within the grounds. Has this been explored?
- 2) 'Parkland development' – All new development, but set back from High Road and with a green space along the road frontage, much as it presently is.

The 'perimeter development' proposed by the applicant should be completely rejected.

#### CONSERVATION AREA

The scheme makes no response to the character of the immediately adjacent Conservation Area or indeed Ferry Boat Lane, the significance of which has been highlighted by the Historic Environment officer at the County authority. The site is a natural end stop to the Conservation area and should really have been included in it. Ferryside itself is a candidate for listing and should only be lost if an EXCEPTIONAL scheme comes forward to replace it.

Policy BNV8 – there will be a strong presumption against the demolition of any buildings which are of local importance (including those of architectural, historical, social, cultural or religious interest or significance) and every effort will be made to find alternative uses for these buildings whilst retaining their essential character.

#### JUST ONE TREE

Well, actually two now, but sadly that's all that remains of the existing green space on High Road – the landscape proposals make no more than a token gesture and the very great majority of the site is tarmac. This directly contradicts the objectives of Policy CS15 from the Councils Core Strategy, concerning 'Green Infrastructure', a term which makes no distinction between public and private ownership and is defined as follows:

'the network of green assets that can work together to support sustainability and quality of life within and around the borough. Green assets include open spaces, parks and gardens, allotments, biodiversity and geodiversity conservation sites, landscape features, waterways, woodlands, green roofs and public rights of way'.

Instead we are offered a terrace of houses, positioned so close to the road as to present a hazard, at odds with the terraced housing opposite and detrimental to the streetscene. And yet support for the retention of green space and the provision of adequate amenity space is a specific requirement of the retained Borough-Wide Local Plan Policies:

#### POLICY REC11 – Protection of Community and Streetscene

THE BOROUGH COUNCIL WILL REFUSE PROPOSALS WHICH WOULD ERODE THE PROVISION OF AMENITY, OPEN SPACE OR ANY OTHER LAND WHICH CONTRIBUTES POSITIVELY TO THE COMMUNITY OR STREET SCENE, AS IDENTIFIED ON THE PROPOSALS MAP. WHERE NOT IDENTIFIED PROPOSALS WILL BE TREATED ON THEIR INDIVIDUAL MERITS.

#### POLICY REC8 - Provision of recreational, amenity and playspace

WHERE THE SITE OF A RESIDENTIAL DEVELOPMENT OR PART OF A LARGER RESIDENTIAL SCHEME PROVIDES 20 OR MORE CHILD BEDSPACES, THE COUNCIL WILL REQUIRE PROVISION OF RECREATIONAL/AMENITY SPACE AND/OR CHILDREN'S PLAYSACE PROPORTIONATE TO THE SCALE OF THE DEVELOPMENT OR THE OVERALL SCHEME AS APPROPRIATE.

#### DISTINCTIVE PLACES

'Distinctive' for all the wrong reasons as things stand, this site has tremendous potential to deliver something worth having. The context is so rich – a waterfront with soon to be revived fishing fleet; historic route to the ferry; flint boundary walls; listed buildings and some lovely trees. In the right hands this could be marvellous – so please don't waste the opportunity in a headlong rush to up the housing numbers. Why underpin the profits of a speculative developer who can't be bothered to make much of an effort?

#### FERRY LANE

The intentions are not entirely clear to me, but Norfolk Highways support the view of local residents that this route must be maintained for vehicular traffic travelling from Ferry Hill to High Road and I trust their advice will be followed.

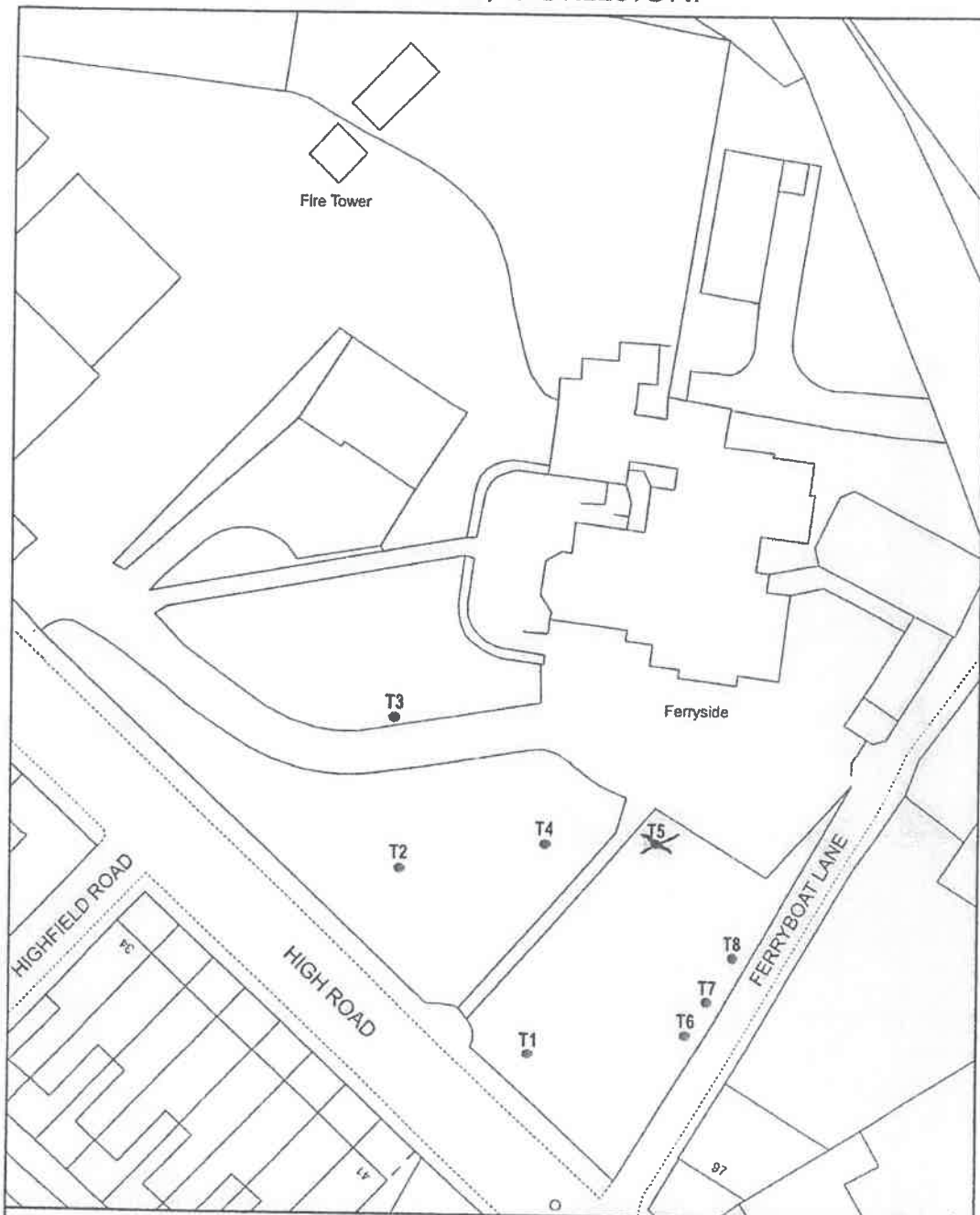
Yours Sincerely

Henry Kelf

## Town and Country Amenities Act 1974 - Tree Works Register

[illegible]

# HIGH ROAD, GORLESTON.



## THE BOROUGH OF GREAT YARMOUTH

Tree Preservation Order No.2

2013

Plan Number: TG 5205

Scale: 1:500

TREES SPECIFIED INDIVIDUALLY

TREES SPECIFIED BY REFERENCE TO AN AREA

TREES SPECIFIED BY REFERENCE TO WOODLAND

GROUPS OF TREES

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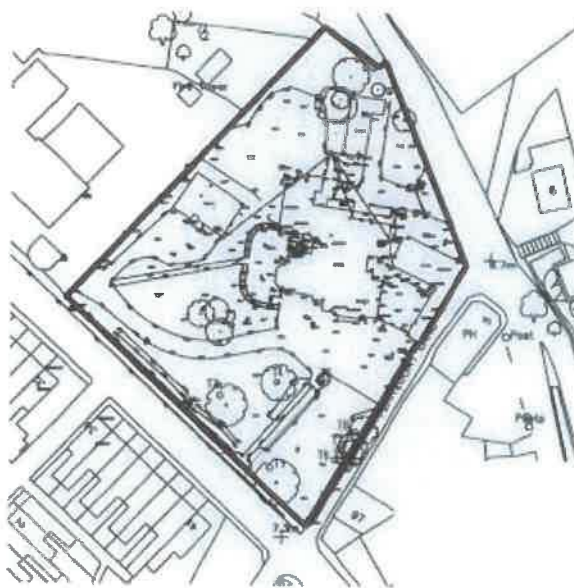
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T1 Horse Chestnut	652546 - 305441
T2 Sycamore	652534 - 305458
T3 Yew	652534 - 305472
T4 Holly	652547 - 305460
T5 Holly	652557 - 305461
T6 Norway Maple	652560 - 305443
T7 Lime	652562 - 305446
T8 Sycamore	652565 - 305450



06/16/0190/F-4

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REVISIONS		
NO.	DATE	DESCRIPTION
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