



Development Management Committee

Date: Wednesday, 06 September 2023
Time: 18:30
Venue: Council Chamber
Address: Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

AGENDA

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

Agenda Contents

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

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

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

Conduct

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

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

DEVELOPMENT CONTROL COMMITTEE

PUBLIC CONSULTATION PROCEDURE

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

Protocol

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

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

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

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

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

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

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

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

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

3 MINUTES

5 - 13

To confirm the minutes of the meeting held on 26 July 2023.

4 06-22-0546-F LAND NORTH OF SCRATBY ROAD SCRATBY GREAT YARMOUTH

14 - 96

Report attached.

5 06-22-0008-F LAND AT THAMESFIELD WAY GREAT YARMOUTH

97 - 196

PLEASE NOTE

(i) The application is for the proposed demolition of existing building & erection of a new discount Foodstore (Use Class E) with access, car parking, landscaping and other associated works.

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(ii) The application site is situated in the Southtown & Cobholm Ward.

Report attached

6 06-23-0472-F 3 THE FAIRWAY GORLESTON-ON-SEA

**197 -
204**

Report attached.

7 ANY OTHER BUSINESS

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



GREAT YARMOUTH
BOROUGH COUNCIL

Development Management Committee

Minutes

Wednesday, 26 July 2023 at 18:30

PRESENT:-

Councillor M Bird (in the Chair); Councillors Annison, Boyd, Capewell, Freeman, Galer, Green, Martin, Mogford, Murray-Smith, Pilkington.

Councillor Jeal attended as substitute for Councillor T Wright.

Councillor Borg attended as substitute for Councillor B Williamson.

Mr R Parkinson (Development Manager), Mr N Harris (Principal Planning Officer) Mr R Tate (Planning Officer), Ms C Whatling (Monitoring Officer) Via Teams, Mr D Zimmerling (IT Support) & Mrs S Wintle (Democratic Services Manager).

01 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor T Wright and Williamson.

02 DECLARATIONS OF INTEREST

Councillor Pilkington declared a personal interest in item 4 in his capacity as an employee of the potential contractor for the installation of the decking/verandas that are on the caravans at the site.

Councillor Capewell declared a personal interest in item 4 in his capacity as Ward Councillor for the site location.

Councillor Annison declared a personal interest in item 4 in his capacity as Ward Councillor for the site location and advised that he would be speaking on the item as Ward Councillor and would therefore not partake in the vote or any discussion on this item.

03 MINUTES

The minutes of the meeting held on the 12 July 2023 were confirmed.

04 APPLICATION 06/23/0220/F - HOPTON HOLIDAY VILLAGE, WARREN ROAD, HOPTON ON SEA, GREAT YARMOUTH, NR31 9BW

Members received and considered the Principal Planning Officer's report which reported on a proposed redevelopment of the existing ancillary pitch and putt golf course to provide for the installation of 110 bases for the siting of static caravans with associated landscaping, drainage and utility infrastructure, access, car parking and lighting.

Members were advised of 2 updates since the publication of the report as follows :-

- **SUGGESTED CONDITIONS**

Minor re-wording (shown underlined below) of Condition no. 15 to provide greater clarity in terms of the details required to be submitted, as follows:

Before the installation of below ground services, details in written and drawn form of the means by which passive provision of electric vehicle charging shall be made available at each caravan base within the development shall be submitted to and approved by the local planning authority. Details shall demonstrate that the necessary underground infrastructure will be installed to allow for connection and activation of charging points at a future date as demand requires. The works shall accord to the approved scheme and be available prior to first occupation of each base and shall be retained thereafter.

- A further letter of objection had been received by Officers on the 26 July 2023 which objected to the application and followed similar objections that had been received and already reported to the meeting.

The Principal Planning Officer summarised the report and its recommendations to the Committee and highlighted in more detail through a presentation to the Committee the relevant planning policies throughout.

Members were advised that a landscaping scheme had been prepared, which integrated the new pitches within the existing Holiday Park and natural woodland features. The mature woodland boundaries around the perimeters of the site would be retained and would be enhanced through the implementation of a Woodland Management Plan.

The Principal Planning Officer reported on the Lighting proposed, which was a mix of Solar Low-Level lighting and wired streetlights. Each static caravan

pitch would have a solar Low-level light to offer both lighting for the parking and for the illumination of the number plate for the holiday maker to find the correct units they are staying in when arriving and returning on an evening. The solar lights would also offer a third purpose that they are removable to help with siting of holiday homes.

Streetlights had also been offered in key locations which would see heavier traffic to increase the lighting levels for junctions, turning heads and gaps between developments.

The Principal Planning Officer summarised the planning balance of the applications and advised that the proposal was considered acceptable in principle as there was no material conflict with local plan policy and highway impacts were within acceptable limits and did not raise any highway safety objections from statutory consultees. It was further advised that the 109 (net) new caravan pitches proposed represented a modest 10% increase in the scale of the pitch provision at the site and was well within the Caravan Site License pitch cap and finally, the economic and tourism benefits were considered to outweigh the loss of the existing pitch and putt facility which is not public open space.

Councillor Galer asked with regard to paragraph 17.3 within the report which referred to conditions that in his opinion are there to ensure caravans were only used for holiday purposes and not permanent residential use, he asked if any consideration had been given to restricting these conditions similar to other sites who have restrictions in place. The Principal Planning Officer reported that the conditions detailed within the report followed model guidance and that had been recommended by the Planning Inspectorate and therefore Officers were comfortable that the conditions were appropriate for the application.

Councillor Jeal asked if there were any Tree Preservation Orders on the site. The Principal Planning Officer reported that there were no TPO's on the site, however, conditions in relation to the landscape and woodland management were proposed and that this included protective fencing.

Councillor Pilkington asked with regard to fire safety and whether the safety certificate would be undertaken by Norfolk Fire and Rescue, Councillor Pilkington also asked if the Borough Council would receive a record of this inspection taking place. It was advised that this was not a requirement of the planning application.

Councillor Murray-Smith asked with regard to the earlier comments raised by Councillor Galer in relation to restrictions on the months of use. He asked how enforceable these conditions would be, as he felt that in his opinion this was an easy and straight forward condition to enforce. The Principal Planning Officer advised that conditions needed to be reasonable and it was felt that the conditions already included were in line with the Planning Inspectorate recommendations. Councillor Murray Smith asked if the applicant had confirmed they were satisfied with the conditions, the Principal Planning Officer advised that they had engaged with applicant and they had been satisfied with the conditions included.

Councillor Martin raised some concern with regard to the potential for increase in traffic and asked if traffic measuring had been undertaken at peak times such as checking in times, the Principal Planning Officer confirmed that traffic counting measures were completed and that the Highways Department had raised no objection

to the application.

Councillor Martin referred to paragraph 14.5 within the report and asked whether there had been any indication given as to how many existing on site caravan users travelled by other modes of transport other than car, it was advised that this figure had not been given.

Councillor Pilkington sought clarification as to when the traffic measures had been undertaken, it was confirmed that this had been completed by an automatic traffic counter.

Mr James Harris, agent addressed the Committee and advised that the applicant owned 4 parks within Great Yarmouth Borough and was therefore a significant contributor to the tourist economy. He advised that the applicant had added very few pitches at the site since 2001 and was now looking to add in these additional pitches. Mr Harris commented that the applicant had taken their time completing the application and had ensured that they had addressed and worked on any concerns that had been raised.

Members were informed that the application if successful would see the creation of around 60 new jobs and would potentially see a further £139,000 of increased funds in the area.

Mr Harris advised that the application had received no objections from the any utilities companies and the applicant had agreed to a woodland management plan as part of the application conditions.

Councillor Jeal asked if the applicant had discussed the application with the Local MP, this was confirmed.

Councillor Boyd asked with regard to the traffic measures that had been undertaken, Mr Harris confirmed that the majority of traffic movement took place between 10 and 11am on check out days, customers arriving were given time slots to arrive between 12 noon and 6pm with slots being given in 15 minute intervals. Mr Harris also confirmed that they were encouraging customers to use bikes or public transport as other methods of travel whilst staying at the park.

Councillor Galer asked whether the applicant would consider a closure order to prevent the potential for permanent residence which would be in place between January and February. Mr Harris advised that the applicant was comfortable with the conditions that had been proposed by the Principal Planning Officer and advised that the site already closed between these months. Councillor Jeal sought clarification that the park was closed during these times to everyone, this was confirmed.

Councillor Martin asked what measures had been put in place to limit traffic and whether the applicant had a figure for how many park users travelled by car or alternative means. Mr Harris confirmed that there were no specific measures in place for preventing people travelling by car, however the park had proposed a framework travel plan to be put in place to encourage the use of alternative modes of transport. Mr Harris advised that they did not hold the figures of park users cars or different modes of transport.

Councillor Pilkington asked if there were plans to employ more staff if the application was successful, this was confirmed.

Mr Tony Summersgill, caravan owner at the site and objector to the application, addressed the Committee and advised that the application proposed would dramatically impact the site and the surrounding area. He advised that the area was currently a 9 hole golf course which was currently overgrown and also saw wildlife such as deer's and users of the park cycling on the area. Mr Summersgill advised that owners at the park received no formal consultation on the proposed development other than what had been sent to all of the local community.

Mr Summersgill advised that his main concerns and reason for objecting to the application were based on the traffic movements at the site, he referred to the calculation within the report which had advised approximately 40 cars could arrive during a one hour period, he commented that in his opinion this calculation was not factually correct and had been acknowledged by the Parish Council who had witnessed 66 cars using Warren Road within a one hour period, he further advised that Mondays were a particularly busy day with queues of cars waiting to enter some of which took up to 20 minutes to enter the park. Mr Summersgill advised that the proposals had caused a lot of unhappiness with owners of the park.

Councillor Jeal asked with regard to the images of the golf green within the report which had shown this as cut grass and not overgrown as per Mr Summersgill comments advising that this area was in fact overgrown. Mr Summersgill advised that in his opinion the photos contained within the report did not demonstrate the true picture of Warren Road.

Councillor Murray-Smith asked if the photos that Mr Summersgill had referred to could be shown round to the Committee and it was advised these had not been submitted as part of the representations and therefore could not be shown as had not been included in the public documents. The Principal Planning Officer reminded the Committee that there had been no concern raised by the Highway Department with regard to traffic management.

Councillor Windsor-Luck, Hopton Parish Council addressed the Committee and advised that the Parish Council whilst the Parish Council acknowledged the amount of tourist economy that Haven brought into the Borough, they had objected to the application due to concerns raised with regard to the amount of traffic and the road infrastructure not being in place to warrant the additional cars if the proposed application was to be granted.

Councillor Windsor-Luck advised that there was only one route into Hopton with an almost blind right hand turn into Warren Road for the site, she advised that a number of concerns had been raised with regard to construction and emerging vehicles from the site and the impact this could have. Councillor Windsor-Luck commented that if the application were to be successful then consideration were should be given to the establishment of an alternative entrance route to the site.

Councillor Windsor-Luck reiterated the Parish Council's appreciation to the

tourist economy that the Haven site had brought to the Borough but it was felt that this proposal was a step too far.

Councillor Annison, Ward Councillor addressed the Committee and advised that whilst he always liked to promote business growth within the Borough he had, received numerous concerns from residents with regard to road safety and increased traffic. Councillor Annison commented that looking through the comments which had been received he found it very difficult to understand how the Highways department had raised no concern with the proposals and felt that they should be asked to attend meetings to provide reasoning to their comments.

Councillor Annison commented that he felt it would be devastating to see so many more vehicles using the roads through Hopton if the application were to be successful. Councillor Annison made reference to the proposed traffic plan that had been developed and advised that although the plan encouraged more sustainable modes of transport, he commented in his opinion people would still travel by car.

Councillor Annison referred to the NPPF which stated that developments should only be approved if they did not cause a major impact to the Highway and commented that in his opinion this application would cause a major impact and therefore consideration should be given to refusal of the application on those grounds.

Councillor Jeal agreed with Councillor Annison with regard to the need for Highways needing to attend meetings to answer questions when concerns have been raised but commented that it would be difficult to refuse an application based on traffic concerns with no objections from the Highways department.

Councillor Pilkington commented that he felt the application was a positive application which looked to provide employment opportunities within the Borough, however he noted the concerns raised by those that had objected to the application but felt the conditions that had been suggested by the Planning Officers were reasonable for the application.

Councillor Boyd commented that in his opinion there were both positives and negatives to the application, the positives being the need to keep building and encouraging the tourist economy and the negatives being the concerns around the traffic of which should continue to be monitored if the application were to be successful.

Councillor Galer proposed that condition 11 be strengthened to include the closure dates between the 7th Jan and 7th Feb to ensure that the units could not be used as permanent residence. The Principal Planning Officer advised that if the proposal was to be approved this would be contrary to national planning advice. This was also confirmed by the Monitoring Officer. Councillor Galer commented that he had hoped that this would harmonise with existing conditions on the site.

The proposed amendment to strengthen condition 11 to include dates of the 7th Jan to 7th Feb as a closure period was seconded by Councillor Murray-Smith. Following a vote this amendment was LOST.

RESOLVED :

That application 06/23/0220/F be approved subject to conditions as listed within the Planning Officers report and update sheet.

05 APPLICATION 06/22/0612/CU -128-129 NELSON ROAD CENTRAL, GREAT YARMOUTH, NR30 2JY

Members received and considered the Planning Officer's report which reported on a retrospective change of use of a first/second floor flat to a C4 House of Multiple Occupation (HMO).

Members were advised of the following updates since the publication of the report as follows, these had been included in the addendum report which had been circulated and published :-

- A number of attempts were made to gain access inside the property during the application process, including one instance where the applicant did not attend so access was not possible before this morning. To date the agent has assured the LPA that details submitted as part of the application were accurate.
- A site visit on the 26th July finally gained access inside the flat. This site visit revealed a number of issues with the application, which differ from the information submitted with the application. The changes in circumstance prevent Officers from considering the application as they had done to date.
- As a result, the Officer's recommendation has changed. Officers now recommend that the Committee REFUSE the application.
- The following problems had been identified with the application:

1. Current Use:

The site visit revealed that the description of development is inaccurate, and the property is not currently in use as a C4 HMO because only 2 people live there currently. As such, the property is not a retrospective application and currently in C3 residential use. A more accurate description instead would therefore be for the Proposed change of use of the first/second floor flat to a C4 House of Multiple Occupation (HMO), but even today the applicant's agent has stated the HMO use is active and therefore in the applicant's opinion a retrospective application.

2. Not a continuous use:

Therefore paragraph 1.3 of the committee report is no longer accurate. This also means for clarity that the proposal would not be eligible for a lawful development certificate for established use as the use can not be said to be continuous as a HMO for 10 years.

3. Inaccurate floor plans:

The submitted floor plans do not show an accurate layout because the 'communal room' is not accessible. The room labelled as 'communal living' on plan 1719/1 is being used as a bedroom. Therefore, the situation as described in paragraph 9.1 of the committee report is different in practice to that which is presented.

4. Amenity

The submitted plans do not show that the only access into the 'communal room' is through 'room 1' which the site visit revealed today. This is not considered to be acceptable and, whether this is in use as a

communal living space or as an additional bedroom, it would infringe on the privacy of residents and would create an unacceptable level of disturbance to occupiers of 'room 1'. This is contrary to Core Strategy Policy CS09 F and Local Plan Part 2 Policy A1 – contrary to paragraph 9.2 of the committee report.

v. Refuse Storage

The site visit also revealed the existing domestic waste from the flat is being disposed of within the commercial waste – not within the alley way as the application form and plans show, nor as described in paragraph 8.2 of the Committee report. Whilst planning cannot change the existing refuse storage situation for the current flat, the application process does represent an opportunity to improve the situation and ensure there is appropriate refuse storage provided in a suitable location of a suitable size for a HMO.

There is no space to store bins within the rear area of the passageway without causing an unacceptable obstruction, contrary to what is indicated on the plans. Permanent storage of bins on the pavement of Rodney Road is also not considered acceptable in terms of visual impact on the street scene – especially given the relationship with the Conservation Area opposite - and odours outside of the Colonel H Public House. This is contrary to policy H12 A which expects that *“there must be provision of adequate practical bin storage for the number of potential occupants out of sight from the street such as within the curtilage to the rear of the property, or in covered bin storage within a frontage curtilage, of a scale and of a design which maintains or improves the character and amenity of the area;”*

Members were therefore advised that following details of the above and the concerns expressed by the Planning Officer the recommendation as detailed at section 14 of the Committee report had now been amended as follows :-

Committee was now recommended to REFUSE the application for the following reasons:

1. There is inadequate space within the control of the applicant to provide the required bin storage needed for a C4 HMO to the level expected by Local Plan Part 2 Policy H12 whilst maintaining appropriate levels of amenity and safety for occupants and neighbours. The proposed location of refuse bin storage in the shared alleyway is not considered acceptable and would act as an obstacle to the rear access and to other properties which utilise the alleyway. The application is therefore contrary to Local Plan Part 2 (2021) Policy H12 A.
2. As a retrospective application the floor plans do not match the internal layout of the application site, and in practice the room labelled as 'communal living' is only accessible through the bedroom labelled 'room 1' on the plans. This would be detrimental to the amenity of occupants of room 1 and would lead to an oppressive living environment for the occupant of room 1 by virtue of offering an unacceptably minimal level of privacy and frequent disturbances. This is contrary to Core Strategy (2015) Policy CS09 F and Local Plan Part 2 (2021) Policy A1.
3. The plans submitted as part of this application have not proven to be accurate and therefore, due to a lack of detail, it is not possible to be sure that the layout is correct and the necessary standards of residential amenity can be achieved; it is not considered that using appropriate conditions would be able to rectify this.

Councillor Murray-Smith asked if the applicant had at any point advised that more people had been living at the property, it was confirmed that the applicant had advised 5 people were living at the property however it had been confirmed following the Planning Officer's site visit that there were only 2 people residing at the property.

Councillor T Wright, Ward Councillor commented to the Committee that he was pleased the recommendation had now been changed and advised that his objection had been based on a number of issues but in particular the bin storage area which was insufficient to store any refuse bins.

RESOLVED :

That application 06/22/0612/CU be REFUSED based on the reasons as detailed in the Planning Officers addendum report.

06 ANY OTHER BUSINESS

There was no other business discussed at the meeting.

The meeting ended at: 20:30

Application Number: **06/22/0546/F** - [Click here to see application webpage](#)

Site Location: Land north of Scratby Road, Scratby

Site Location Plan: See Appendix 6

Proposal: **Proposed erection of 41 no. dwellings, vehicular access, landscaping, open space, footpath improvements and associated infrastructure**

Applicant: Mr J. Coote, Badger Building (East Anglia) Ltd

Case Officer: Mr Robert Parkinson

Parish & Ward: Ormesby St Margaret with Scratby Parish, Ormesby Ward

Date Valid: 20 June 2022

Expiry / EOT date: 23 March 2023

Committee referral: Constitution (25+ dwellings).

Procedural note 1: This is an update report following the deferral of the application at the Development Management Committee of 19th April 2023. This report should be read in conjunction with the previous report of 22nd March 2023 and two addendum Update Reports which remain part of the consideration of the scheme and which are attached as Appendices to this report.

SUMMARY OF RECOMMENDATION:

To delegate authority to the Head of Planning to approve subject to prior completion of a section 106 agreement and proposed conditions.

1. Timeline and Reason for Deferral

- 1.1 This application was initially presented to the Development Management Committee on 22nd March 2023; the original Published Committee Report is attached at Appendix 1 to this report.
- 1.2 An Update Report was released prior to the consideration on 22nd March 2023 (see Appendix 2). Committee resolved to defer consideration for a site visit, which took place on 31st March 2023.
- 1.3 On 19th April 2023 the Committee considered the application again. A second Update Report was released prior to that meeting (see Appendix 3).
- 1.4 At the meeting on 19th April 2023 it was resolved to defer consideration of the application to allow for further appraisal and discussion with the applicant about the scheme's viability in relation to the proposed affordable housing mix.
- 1.5 The relevant extracts of the Minutes of the 19th April 2023 Committee are attached at Appendix 5 of this report.

2. Affordable Housing

- 2.1 Following the April 2023 committee, the Applicant revisited their viability appraisal calculations with updated figures and subsequently amended their proposals to include an additional affordable housing dwelling of Shared Ownership tenure property within the 'Exception Site' part of the development (the area of 'countryside' land located outside the adopted development limit boundary).
- 2.2 To enable this the applicant has changed an 'open-market' house into an affordable dwelling so the overall development remains as 41 dwellings, but the overall mix of affordable housing increases from the 14 proposed originally (34%) to 15 now (37%).
- 2.3 Therefore, the part of the site within the adopted development limits remains as 22 dwellings, comprising 4 affordable homes and 18 open market dwellings.
- 2.4 The 22 dwellings proposed inside the development limits is required to provide 20% (4no.) affordable homes as expected by policy UCS4; this is proposed and this part of the development is therefore policy-compliant.
- 2.5 The part of the site outside the development limits remains as 19 dwellings, but it now comprises 11 affordable homes. For the purposes of assessing the viability of the development, 8 of the 11 are affordable rent tenure and 3 are intermediate (shared ownership) tenure.
- 2.6 In this 'exception site' area, the 11 affordable homes for 'local needs' are now required to be supported by 8 open market units (compared to the previously proposed 10 affordable homes being supported by 9 open market dwellings).
- 2.7 The overall development proposal is for 15 affordable housing dwellings, comprising 11 no. affordable rent and 4 no. intermediate tenure (shared ownership).
- 2.8 The proposed 15no. affordable housing mix is:
- 2no. 2 bedroom 4-person bungalows – Affordable rent
 - 4no. 2 bedroom 4-person houses – Affordable rent
 - 5no. 3 bedroom 5-person houses – Affordable rent
 - 2no. 3 bedroom 5-person houses – Intermediate tenure (shared ownership)
 - 2no. 2 bedroom 4-person houses – Intermediate tenure (shared ownership)
- 2.9 Of the overall development the 15 dwellings amount to 37% of the 41 proposed, with 73% of that as affordable rent and 27% as intermediate tenure.
- 2.10 Officers have obtained independent viability advice from BNP Paribas. Their advice (received 5 June 2023) is available on the Council's website. In addition to the applicant amending the level of affordable housing being offered, they also provided further evidence on: private residential values; affordable housing revenues; and abnormal costs. These elements have also been considered within our Advisor's re-appraisal of the scheme.
- 2.11 In summary, the advice received highlights that when assessing the quantum of private housing units on the rural exception part of the site only, the provision of 8 private market units to support the provision of 11 affordable housing units generates a deficit

of -£324,827 against the viability benchmark. The advice received by officers is that this shows the level of affordable housing has been maximised for this part of the development.

- 2.12 A further appraisal of the entire Application Scheme, comprising 41 residential units of which 15 units are of affordable, shows the scheme generates a surplus of £300,398 against the viability benchmark.
- 2.13 If the application were presented as 2 separate applications, the Rural Exception site would be acceptable when considered against the policy test of amended Policy UCS4 because the majority of the homes provided are affordable and the number has been 'maximised' within the reasonable interpretation of being viable. It would also meet the guidance of paragraph 78 in the NPPF that relates to rural exception sites, because the market housing being provided is limited to the minimum number required to cross-subsidise the provision of affordable units in that part of the site.
- 2.14 The other portion of the site, the area located within the development limits, continues to meet the affordable housing requirement of 20% for sites in the Affordable Housing sub-market area 1 as required by policy UCS4. Each element of the proposal is therefore compliant with their relevant affordable housing policy.
- 2.15 The benefits of the scheme coming forward as a combined 'hybrid' application, spanning the village boundary, are principally that:
- the whole scheme delivers 37% affordable housing compared to 20% were the development constrained to the development boundary;
 - the 11 affordable homes in the 'exception site' outside the development limit are proposed as 'local needs' housing which are required to be allocated in the first instance to residents with housing needs with a local connection to the parish and / or adjoining parishes, rather than being 'general needs' housing accessible to the Council's general housing needs area (i.e. residents who would not necessarily have a connection to the local area);
 - by combining the two sites it has been possible to ensure all 11no. affordable rent tenure homes are set aside for 'local lettings' with the 4no. shared ownership tenure homes being used for 'general needs' affordable housing, which is acceptable because there is smaller demand for shared ownership dwellings within 'general needs' whilst the shared ownership tenure would not be effective for 'local needs' housing because it requires a mortgage of approximately 80% which is beyond the needs of most; and,
 - as a result, the housing mix proposed has largely reflected the housing needs demands of the area, in liaison with the Council's Strategic Housing Officer.

3. Housing Mix

- 3.1 The previous Committee Addendum Update Report 2 of 2 (19th April 2023 (Appendix 3) concluded that the concerns of the Council's Strategic Housing Officer had been sufficiently addressed at that time, but expected the final mix of tenure and dwelling types/sizes to be agreed prior to confirmation in the Section 106 Agreement. These have since been further refined with the intent it can be set out in the Section 106 Agreement.
- 3.2 The affordable housing mix now proposed at paragraph 2.7 above has been set out as per Table 1 below, whereby all 4 Shared Ownership tenure units are allocated for

'general needs' affordable housing use, and all 11no. Affordable Rent tenure units are allocated for 'local lettings' affordable housing use. This has been agreed in conjunction with the Strategic Housing Officer.

Table 1: Recommended affordable housing mix and tenures for the Section 106 Agreement

Plot No	Type	Size	Tenure	End Users: General Needs or Local Allocations Policy
32	3B5P House	93m2	Shared Ownership	General Needs
33	3B5P House	93m2	Shared Ownership	General Needs
40	2B4P House	79m2	Shared Ownership	General Needs
41	2B4P House	79m2	Shared Ownership	General Needs
8	2B4P House	79m2	Affordable Rent	Local Allocations Policy
9	2B4P House	79m2	Affordable Rent	Local Allocations Policy
10	2B4P House	79m2	Affordable Rent	Local Allocations Policy
11	2B4P House	79m2	Affordable Rent	Local Allocations Policy
12*	2B4P Bungalow	70m2	Affordable Rent	Local Allocations Policy
13*	2B4P Bungalow	70m2	Affordable Rent	Local Allocations Policy
35	3B5P House	93m2	Affordable Rent	Local Allocations Policy
34	3B5P House	93m2	Affordable Rent	Local Allocations Policy
24	3B5P House	93m2	Affordable Rent	Local Allocations Policy
25	3B5P House	93m2	Affordable Rent	Local Allocations Policy
26	3B5P House	93m2	Affordable Rent	Local Allocations Policy

- 3.3 All the Affordable Housing dwellings have been designed to be Part M4(2) compliant. Plots 12 and 13 (marked *) have also been designed with a level access shower to further cater for identified local housing needs.
- 3.4 The Council's Strategic Housing Officer has confirmed the mix of dwellings proposed will address some of the identified local needs and the sizes of the dwellings are appropriate and the proposed phased provision is acceptable.
- 3.5 In terms of the allocation of the affordable housing units, a hybrid scheme like this affords the Council the opportunity to tailor the housing to those in greatest need and to address local circumstances. In this instance it is proposed that the 4no. shared ownership units will be accessible to people across the Borough and beyond, being units available as 'general needs' housing. The 11no. affordable rented housing units will be made available to people through the Council's Local Allocations Policy which will work on the following 'cascade' basis:
- First priority to be given to those with a local connection to Scratby and Ormesby;
 - Second priority to people with a local connection to the other Northern Rural Parishes;

- Third priority to people with a local connection to other parishes in the Borough.

As Scratby is understood to have a significant shortage of affordable housing, this is seen as a considerable public benefit made possible by the concept of the 'exception site' being included in this development.

3.6 A proposed Affordable Housing Provision Plan has been outlined with the applicant which sets out the expectations for balancing market housing delivery and affordable housing delivery. The following schedule is recommended:

- No more than 14 open market dwellings are to be occupied before 8 affordable dwellings are constructed, completed and transferred to a Registered Provider.
- No more than 23 (a further 9) open market dwellings are to be occupied before all 15 affordable dwellings have been completed and transferred to the Registered Provider.
- Leaving 3 open market dwellings able to be completed and occupied once all the affordable dwellings have been provided ready for occupation.

This phasing plan has been discussed with the applicant and accords with their general expectation of developing the site in a generally clockwise fashion whilst delivering the affordable housing in a timely manner.

4. Other changes since April 2023 committee

Design amendments

4.1 The application layout and designs have been amended since the 19th April 2023 Development Management Committee. Revised plans were submitted and accepted corresponding to the amended layout plan included at Appendix 7 of this report, which shows the following alterations:

- a. Plots 36 and 37:
 - the parking arrangements have been revised but the number of spaces available remains the same: there is no longer a shared semi-detached garage, but two separate single garages instead.
 - two visitor parking spaces have been included in this part of the site;
 - a single street-tree has been removed.
- b. Plot 35 changes from an open-market tenure 3-bedroom semi-detached home of a 'Hulver' house type design, with single garage, to an affordable house 3-bedroom 5 person semi-detached housing with no garage (affordable dwellings tend not to include garaging);
- c. Plots 32-34 were previously a terrace of three affordable dwellings. These have been split into two pairs of semi-detached affordable homes (pairing Plot 43 with Plot 35);
- d. Plot 37 has been 'handed' to move parking access further from the bend in the road.

All other aspects of the layout and designs remain the same as previously considered.

4.2 No further public consultation was considered necessary because these changes only related to the increase in the level of affordable housing provision and are effectively limited to the interior of the scheme. The amendments did not make a material change to any other aspects of the proposal upon which public comments have been received

or where technical consultees were affected, and the changes do not affect any proposed dwellings bordering existing neighbouring properties.

- 4.3 The revised layout arrangements have actually improved the distribution of parking and proves beneficial in respect of the usability of the development for residents and the urban design of the site by reducing the distance from front doors to parking spaces and reducing the extent of two areas of curtilage parking along the streetscape.
- 4.4 In July 2023 the Council commenced a consultation on the draft Brough-Wide Design Code Supplementary Planning Document which runs until 15th Sept 2023. This has some very limited weight to be assigned to the decision-making process but, because of the very early stage of preparation the Code, is not considered to have sufficiently material weight at this point in time to affect the assessment of this application. Members will recall that extensive design commentary was provided in the original Officer Report of 22nd March 2023 at sections 10 and 15 of the Published Committee Report (Appendix 1 to this report).

Tree work proposals

- 4.5 An application has been received which proposes to remove the line of 17no. Lombardy Poplar trees in the northwest corner of the site which are protected by Tree Preservation Order TPO No.5 2021 (designated 14th Sept 2021) – application reference 06/23/0428/TRE.
- 4.6 The proposed works are described as:
“Proposed works to Lombardy Poplars trees (TPO No.5 2021) - Fell and replant 10 Quercus Koster and 7 Sargents Cherries”
- 4.7 The application has not been submitted by the applicant or landowner of this site and the trees are understood to be located in land adjoining / outside this application site's boundary and ownership. At this stage the tree works application remains invalid and no weight should be afforded to that proposal in the decision-making process of this application. Part of the assessment of that application will also have to take account of any relevant planning decisions on adjacent or affected sites.

Additional applicant statements

- 4.8 The applicant has asked the LPA to reconsider 5 matters presented by Officers to Committee previously:

Point 1:

- 4.9 The applicant considers that concerns from future neighbours of the bungalow under construction at Abel Court on the west side of the Lombardy Poplars should not be taken into account because the bungalow has not been completed and is not yet occupied, and alleging the objection derives from an adjoining landowner/developer *“who is trying to use planning for his own commercial advantage in hoping to see our scheme fail”*.

Officer Response:

- 4.10 This is not considered a fair position to take because the concerns raised are legitimate on planning grounds and in terms concerning overlooking and overbearing impact, which were discussed in prior reports and in the 19th April 2023 Committee presentation.

Members are reminded that any comments should be taken into account where they raise material planning considerations, regardless of from whom they originate. Members are advised that for any planning application officers fully consider the design relationship between the various adjoining sites and the application site, whether or not an objection has been received.

Point 2:

- 4.11 The applicant has raised concerns about the proposed Recommendation of the addendum Update Report 2 of 2 (19th April 2023, Appendix 3) in which Officers suggested the development should be commenced within 12 months of the eventual permission being granted. The concern derives from the current timescales required for securing agreements with utility providers and the highways authority and the practicality of resolving planning conditions, for example. The applicant requests at least 24 months to commence.

Officer Response:

- 4.12 The prior suggestion of a 12-month commencement period was based on the time-critical nature of the information used in support of the applicant's viability position. Now that these inputs into the viability model have been updated some more latitude can be afforded the commencement period. However, it is noted that the applicant is still arguing the case of their proposals representing significant public benefit to justify housing outside the adopted development limits. As such, consideration of the timely implementation and delivery of the development is considered appropriate.
- 4.13 Paragraph 77 of the NPPF highlights that to help ensure that proposals for housing development are implemented in a timely manner, LPAs can impose a planning condition requiring that development must begin within a timescale shorter than the 'standard' 3 year period. However, the relevant test is to consider whether "*this would expedite the development without threatening its deliverability or viability*". The applicant has highlighted that a period of less than 24 months would adversely impact on their ability to deliver the development. Therefore, in accordance with the NPPF guidance, officers consider that a 24 month implementation period should be agreed.

Point 3:

- 4.14 The applicant has questioned the proposed Recommendation of the addendum Update Report 2 of 2 (19th April 2023, Appendix 3) and in particular the reasonableness of imposing a viability re-appraisal and associated 'clawback mechanism' into the section 106 agreement to secure more affordable housing if and when the viability is seen to improve above and beyond current circumstance. The mechanism was to take effect if the development has not provided affordable housing occupations within 18 months of commencement, and if the development proves more viable / provides greater profit than expected at that point.

Officer Response:

- 4.15 The proposal was raised by Officers when there were more doubts about the veracity of the viability appraisal information and the mix of affordable housing proposed for each tenure; the re-appraisal has since verified some of those doubts and the mix of tenures has been agreed to officers' satisfaction. It is now considered appropriate to proceed without a 'clawback mechanism' given that the only part of the development that could be subject to this would be the 'exception site' element. Instead, a phasing requirement is to be inserted into the section 106 agreement to ensure earliest feasible delivery of the affordable housing.

Point 4:

- 4.16 The applicant has refuted the concerns raised on 19th April 2023 that the land available for a proposed path along Scratby Road to Beach Road would not be wide enough.

Officer Response:

- 4.17 The applicant assures Officers they can provide a 2.0m wide footpath from the site access north to Beach Road. It must be taken in good faith that the available highway verge and / or land available to the applicant has been investigated and appropriate due diligence undertaken.
- 4.18 Members are reminded that the Highway Authority has not objected to the proposed 2.0m wide path, notwithstanding whether there were concerns raised about whether 2.0m was sufficient. Members are advised that these off-site highways works would need to be confirmed as being possible in practice prior to commencement of development, and were the 2.0m width not possible any permission issued would need to be varied and would be subject to public scrutiny and a Committee decision.

Point 5:

- 4.19 The application site involves use of some agricultural land, the quality of which was discussed in the original Committee Report section 10. The applicant wishes to highlight:

- a) the land is uneconomic to farm (too small/large modern equipment whilst also surrounded on 2 sides by dwellings now which cause problems with manuring, spraying etc)
- b) hasn't been used for agriculture for many years (eg auctions, car boot sales, Circus etc)
- c) 'is de minimus'

In making this claim the applicant refers to a NPPF paragraph (para 175) and associated footnote which states: *"Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality"*. These paragraphs relate to the sequential approach to be taken to allocating sites for development, through policy making, where the general principal is to try and preserve best and most versatile agricultural land.

The applicant claims that the threshold for "significant" development of agricultural land should only apply to areas of 20ha or more agricultural land which requires Natural England assessment, but to adopt this interpretation would be to misconstrue the NPPF guidance when in fact there are no such thresholds, limitations or interpretations presented in the NPPF. Consideration of 'significant development' should be a matter for the decision maker, taking into account all material considerations, one of which should be the availability or otherwise of other high quality agricultural land in the area.

The point was discussed in detail in the previous report and the applicant's suggestion has limited relevance to this application.

- d) 2/3 of the site and its agricultural land is already within the development boundary.

Officer Response:

- 4.20 These points were all raised in the preceding committee reports. It would not be accurate to say the land has not been used for agriculture for many years, and no evidence has been presented to suggest that it is uneconomic, but it is acknowledged that it is perhaps less convenient to farm than the adjoining land.

- 4.21 However, Members will recall that Officers clarified the use of 2/3 of this site which sits within the boundary should not be resisted, and recommended the 1/3 of the site which is outside the development boundary should be used for affordable housing as the 'exception site' part of this scheme.

Any additional consultation or public comments

- 4.22 No additional public comments have been received subsequent to the Committee's consideration on 19th April 2023.
- 4.23 No further comments from Consultees, Parish Councils or Ward Members have been received since 19th April.

5. Planning Obligations

- 5.1 For ease of understanding, the proposed Section 106 Agreement Heads of Terms have been set out in the table at Appendix 5 of this report.
- 5.2 The requested contributions required by Norfolk County Council for education and libraries are valid only until 24 September 2023 and therefore the County Council would expect to be reconsulted if the application is not determined by then. As such any resolution to approve the application subject to completion of a section 106 agreement should be subject to updated contributions being included from the County Council if matters are not concluded by 24th September 2023.
- 5.3 The financial values listed as planning obligations shall need to be index linked from the time the application is determined by Committee in order to maintain their value in real terms.
- 5.4 Of the planning obligations listed in the original Committee Report(s), the following changes are necessary:
- a) The Affordable Housing provision shall need to increase to 15no. units overall.
 - b) The GIRAMS habitats mitigation contribution shall need to increase to £8,644.44 (reflecting the 2023-24 value of £210.84 per dwelling to address habitat impact).
 - c) The County Council's planning obligations monitoring fee should be interpreted as £500 per obligation (£1,000 total).

6. RECOMMENDATION:

- 6.1 It is recommended that application 06/22/0546/F should be delegated to the Head of Planning to APPROVE, subject to:
- a) **Prior Completion of a Section 106 Agreement to secure the details as set out in Appendix 5 and any amendments to the financial contributions deemed both reasonable and necessary in light further consultee comments; and,**
 - b) **If the Section 106 Agreement is not completed within three months of the date of this decision, to delegate authority to the Head of Planning (at their discretion) to:**
 - (i) **refer the application back to the Development Management Committee, for re-consideration of the application; or**

- (ii) to refuse the application directly, on the grounds of failing to secure planning obligations as outlined within this report (or the Committee's decision if the recommended content is varied); and,
- c) The Conditions as set out below (and any amendments to those conditions as deemed necessary)

Conditions

1. Standard time limit – commence in 24 months
2. Development to be in accordance with the approved plans and details

Pre-commencement:

3. Archaeological Written Scheme of Investigation details and undertake trial trenching
4. M4(2) building design standard details to be agreed
5. Water conservation and efficiency measures to be agreed
6. Details of surface water drainage scheme
7. Foul drainage details to be confirmed (capacity and flow rates)
8. Details of pumping station and electric substation layout and appearance
9. Existing vehicle access to be closed from Scratby Road – detail & provide
10. On-site parking for construction workers, loading and delivery areas to be agreed
11. Off-site highways scheme to be agreed
12. On-site highways details to be agreed
13. Fire hydrants scheme layout to be agreed
14. Tree protection measures to be installed prior to commencement
15. Construction management plan to be agreed and followed: inc. avoid the open space area (a) being delayed in its provision, and (b) being compromised by the construction process/squashed and unable to drain, and include dust, noise, air quality, hours of work measures, phasing sequence

During construction:

16. Contamination precautions
17. Construct in accordance with the submitted Arboricultural Method Statement

Prior to constructing beyond DPC / slab levels:

18. Hard landscaping scheme details
19. Soft landscaping scheme details - Planting plan, landscaping schedules & protection
20. POS details
21. Recreational Avoidance Strategy details to promote PROW and minimise visiting designated sites
22. Biodiversity Method Statement
23. Lighting design strategy and ecology mitigation
24. Cycle parking details for each dwelling

Prior to occupation:

25. Visibility splays to be in place
26. The off-site highways works to be completed
27. All highways works to be in place and complete – binder course level for first dwelling
28. All highways works to be complete – to adoptable standard before final dwelling
29. Topsoil certification and soil management plan

30. Removal of permitted development rights to the rear of plots 8-11 and / or other alterations to plot 1.

7. Appendices

1. Published Committee Report – 22nd March 2023
2. Committee Addendum Report No. 1 of 2 – 22nd March 2023
3. Committee Addendum Report No. 2 of 2 – 19th April 2023
4. Extract of Committee Minutes – 19th April 2023
5. S106 requirements
6. Site Location Plan
7. Site Layout Plan (Revised May 2023)

APPENDIX 1:

PUBLISHED COMMITTEE REPORT – 22ND MARCH 2023

Schedule of Planning Applications

Committee Date: 22 March 2023

Application Number:	06/22/0546/F - Click here to see application webpage
Site Location:	Land north of Scratby Road, Scratby
Site Location Plan:	See Appendix 1
Proposal:	Proposed erection of 41 no. dwellings, vehicular access, landscaping, open space, footpath improvements and associated infrastructure
Applicant:	Mr J. Coote, Badger Building (East Anglia) Ltd
Case Officer:	Mr Robert Parkinson
Parish & Ward:	xxx Parish, xxx Ward
Date Valid:	20 June 2022
Expiry / EOT date:	31 st January 2023
Committee referral:	Constitution (25+ dwellings).
Procedural note 1:	Whilst some areas of the development still need clarification and/or adjustment in line with officer recommendation, this item is referred to the Development Control Committee now to confirm whether it is appropriate to proceed in the recommended direction of travel in the terms described in this report through authority delegated to officers.

RECOMMENDATION:

To delegate authority to the Head of Planning to approve subject to completion of affordable housing negotiations, section 106 agreement and conditions.

REPORT

1. The Site

- 1.1 The site is towards the south-west corner of Scratby village, on land to the south of properties on Beach Road, and east of properties on Woodlands Close. The site has a gentle rise from Scratby Road north and east-wards, and is flat throughout. Levels to the north-west corner are recorded as c.17.0m AOD. Along the south-east boundary, levels are generally uniform in the order of 15.6 to 15.7m AOD.

- 1.2 This is agricultural land last used for commercial fruit and vegetable growing, and frequent but temporary use for the circus 'Fantasialand'. The applicant also notes there were agricultural auctions and other uses in times past.
- 1.3 Surrounding uses are residential bungalows to the west (Woodlands Close) and north (Abels Close), with some residential curtilages from homes on Beach Road extending south to adjoin the north boundary. The east and south sides are generally open landscapes used for agriculture, with the low-rise holiday accommodation at California to the east. Some trees adjoin the site and some are within the site, all on the north, west and east boundaries. Hedging runs along the east boundary. Adjoining the east boundary is a north-south electric pylon route, the easement for which extends into the application site. On the south side lies Scratby Road, and an informal layby sited opposite the proposed site access.

2. The Proposal

- 2.1 The application seeks permission for 41 new dwellings, comprising 27 open market dwellings and 14 affordable dwellings. Access is proposed from Scratby Road opposite the informal layby and its two trees north-west of Melton Lane. The dwellings are all located at the northern end of the 2.1ha application site, adjoining the dwellings on Abels Close and Woodlands Close.
- 2.2 A large area of 4223sqm (0.42ha) public open space is proposed in the southwest corner of the site between the access road to the east and Scratby Road. A pumping station and electric substation are proposed on the eastern side of the field.
- 2.3 The application is supported by the following plans and documents:
- Location plan, layout plan and affordable housing layout plan
 - Topographic survey
 - Off-site highways works plans
 - Vehicle tracking and HGV swept path analysis plans
 - Plans and elevations for the various house and bungalow types proposed
 - Design and Access & Planning Statement
 - Agricultural Land Classification Survey assessment report
 - Arboricultural Impact Assessment
 - Utility Assessment
 - Shadow Habitats Regulations Assessment report
 - Phase 1 Contamination Investigation report
 - Flood Risk Assessment with Drainage Strategies
 - Factual Permeability Report (Ground conditions survey)
 - Ecology report
 - Financial Viability Appraisal
 - Ecology Site Visit Walkover Survey / Validation
 - Transport Statement

3. Site Constraints

- 3.1 The site is partially within and partially outside the adopted village development limits for Scratby.
- 3.2 Scratby is identified as a 'Secondary Village' under Policy CS2 of the Core Strategy. In general, Secondary Villages contain fewer services and facilities against their

Primary Village, Key Service Centre or Main Towns counterparts, with limited access to public transport and very few employment opportunities. Accordingly, the development plan only seeks to distribute a very small proportion of future growth (5%) towards them, and their Tertiary Villages, combined.

- 3.3 The site is within close proximity to designated international wildlife sites.
- 3.4 The line of 17no. Lombardy Poplars in the north-west corner along the boundary with Woodlands Close are considered low quality by the applicant's Arboricultural Impact Assessment, but are nevertheless currently protected by TPO No.5 2021 (14th Sept 2021).

4. Relevant Planning History

- 4.1 There has been significant planning history at this site and on adjoining land over recent years.
- 4.2 This area of the village on the south side of Beach Road has expanded fairly significantly in recently years, as below:

- 1 dwelling fronting Beach Road west of 14 Beach Road / site of 14a Beach Road (permission 06/14/0604/F as varied by 06/18/0226/F).
- 1no. chalet bungalow and garage south of the new Beach Road / Abels Court access road (06/17/0569/F varied by 06/20/0223/F).
- 4no. bungalows and garages behind (south of) 32 Beach Road (06/19/0441/F).
- 2no. detached bungalows behind 14 Beach Road and Woodlands Close (permission 06/22/0260/F which replaced 06/21/0199/F as varied by 06/22/0057/VCF).
- 7no. detached bungalows and garages along Woodlands Close (06/18/0106/F).

All the above developments were approved despite being outside the development limit at the time, in no small part because the Council had a significant deficit in its 5-year housing land supply at the time and were considered accessible and sustainable in all other respects. On approval all were incorporated into the amended Development Limit boundary in 2021, causing the village envelope to have a more prominent presence on Stratby Road when approached from the south and in passing the village from the north.

- 4.3 The application site itself has been subject to the following applications:
- 4.4 **06/19/0313/CU** – Page's Farm (The Strawberry Field), Stratby Road – this is area sometimes seen to be used by a travelling circus, 'Fantasialand'.

Change of use of redundant field; use for Markets and entertainment events; stationing of portaloo and caravan for storage (during March to October) - REFUSED 02/08/19.

Reasons for refusal were:

- an intensification of use resulting in a likely increase in traffic movements and a greater requirement for parking. The application was not supported by sufficient highways and transport information to demonstrate adequate safety.
- an increase in people and activities could increase noise and disturbance and no information was provided demonstrate that the proposal would not have a significantly adverse impact on the amenities of neighbours.

4.5 **06/20/0313/F** – Land off Scratby Road (on a larger site than this proposal)

Erection of 67 dwellings, vehicular access, landscaping, open space and associated infrastructure.

– Considered by Development Control Committee – initially on 16th September 2020 and subsequently on 14th October 2020 and 11th November 2020, before ultimately being REFUSED on 17/11/20.

Reasons for refusal were:

- 1) *This proposal is located on land outside current development limits and some distance from local schools. It is considered contrary to Great Yarmouth Borough Council saved policy HOU10 where permission for dwellings in the Countryside will only be given where required in connection with agriculture, forestry or other listed criteria and Adopted Core Strategy policy CS1 where growth is required to be sustainable by ensuring that new development is of a scale and in a location that complements the character and supports the function of individual settlements; and policy CS2 where in the countryside, development will be limited to conversions/replacement dwellings/buildings and schemes that help to meet rural needs; and the NPPF, as being outside the development limits and unsustainable location for this scale of development, notwithstanding the "tilted balance" where the numerical assumptions underlying this apparent shortfall in housing supply relate to a local method of calculation that is almost five years old and where the newer national methodology set out in the NPPF indicates a lower demand and where recent supply levels and approvals in advance of the emergent local plan provide comfort that this unallocated land need not be given up to development contrary to the aspirations of the local community.*
- 2) *The proposal site expands the village of Scratby away from the Beach Road and onto the Scratby Road, which has functioned to by pass the village to date and the proposal creates an intrusion into open countryside south of the village where development on Scratby Road will further the coalescence of Scratby with Caister contrary to the aims of the Landscape Character Assessment, where open views towards the coast are considered to have value and Policy CS11 (L) where strategic gaps help retain the separate identity and character of settlements in close proximity to each other.*
- 3) *The proposal is sited within the area categorised by DEFRA as high quality Grade 1 agricultural land (best and most versatile), and therefore contrary to Great Yarmouth Borough Council Core Strategy policy CS6(j), CS11(j) where the protection and where possible enhancement of high quality agricultural land is cited*

and Policy CS12 (g) Recognising the need to protect the best and most versatile agricultural land as a valuable resource for future generations and NPPF paragraph 170(b).

4.6 The area of the application site where the dwellings are proposed is also still subject to an unresolved application, described below:

4.7 **06/18/0475/O** – Land adjacent 14 Beach Road, Scratby – 19 dwellings with access from Beach Road.

Development Control Committee resolved to approve on 12th June 2019, subject to the completion of a section 106 agreement, but the application remains undetermined.

4.8 This unresolved application is in outline form, but with full details of access, layout and scale forming part of the application, with matters of landscaping and building appearance being reserved for future determination. The layout had clearly shown an east-west linear form of large-footprint bungalows either side of a hammerhead road, so the density and positions / scale of development were fixed at that point.

4.9 The Development Control Committee considered the application and were informed that the 19 dwellings proposed were surrounded by housing on almost all of three sides of the rectangular application site, so was considered to be “within an existing residential area” despite being outside the development limits at the time.

4.10 There are some important features of that development, which is still technically pending approval, which are material considerations to this 41-dwelling application currently before Members:

- 1) Firstly, the 19-dwelling development was proposed with it's access taken off Beach Road along what is now called Abels Court;
- 2) Providing the access would require removal of at least two of the TPO-protected poplar trees in the north-west corner, but it was recognised that the trees' lifespans would be compromised by disease;
- 3) There was no requirement to provide public open space on-site and within the development, so instead there was an expectation that this be secured as a commuted sum for provision and enhancement elsewhere in the vicinity;
- 4) As a result, the density of development in the 19-dwelling scheme (1ha site) was just 19 dwellings per hectare.

4.11 However, that application's resolution to approve has not been able to be advanced because the Local Planning Authority has not been able to secure terms on the section 106 agreement with the landowner. It is understood that the applicant behind this current application has an opportunity to buy the land the subject of this current application and has served Article 13 notice on the landowner, but it is unclear who else may have a legal interest in the site of that particular pending application; if it was submitted by a person(s) who does not have a legal interest in the site that applicant

may not have the authority to progress a section 106 legal agreement for that development.

- 4.12 Ultimately if permission is granted to this application the outstanding pending application 06/18/0475/O may be withdrawn or concluded in another manner, but for now the resolution to approve that application remains an important material consideration in the determination of this application.

5. Consultations

5.1. External Consultees

Local Highway Authority (Norfolk County Council)	Initial Objection. Updated position - No objection subject to conditions
<p>The Highway Authority agreed to remove its holding objection to the principle of the proposed development, following submission of the revised plan showing additional footway provision from the site access to Melton lane, including construction of a pedestrian refuge in Scratby Road. This is subject to agreeing appropriate detailed design & Safety Audit standards of construction.</p> <p>Traffic volumes and network capacity –</p> <p>It is accepted that the previous use as a PYO fruit farm generated a certain amount of traffic, but no evidence of the volume generated has been provided, which would have been limited to a relatively short period in the summer months and would be a significantly different character of impact if compared to a development of 41 dwellings that will result in the creation of a new permanent junction onto this route throughout the year.</p> <p>Off-site highways works -</p> <p>A Transport Statement was lacking originally but has been provided subsequently. The Transport Statement would have been important for assessing routes to schools and other services in Ormesby and whether any mitigation was required.</p> <p>The application should consider whether at least a TROD form of footpath could be provided along Melton Road and Station Road to connect with the sealed footpath on Station Road at Ormesby village. Limiting off-site highways works to just a short section on Scratby Road would not be sufficient.</p> <p>Accessibility –</p> <p>The limited access to village services and employment in Scratby itself creates an over-reliance on the private car and means this unallocated site is not considered suitable at the scale of development proposed, although their objection on highway safety grounds has fallen away.</p>	

The physical and legal ability to provide a 1.8m wide footpath for the full length of Scratby Road should be thoroughly investigated as there appears to be encroachment into the highway preventing this.

Scheme layout -

The layout should avoid connecting a highway to the site boundary on the east of the site – as further development to the east would not be supported by the Highway Authority, and yet this layout would not prevent further development on the remainder of the field that was subject to the previous planning application.

The proposed highways drainage features (filter strip / swales) appear too close to dwellings and should be at least 5m away; this may be resolved by amended designs / drainage details.

Highways soakaway tests need to be accepted before the revised proposed drainage strategy can be formally agreed.

Parking beneath the tree canopy at plots 10 and 12 could be impractical due to sap dropping on cars.

Officer comment / response:	These requirements are proposed to be secured by conditions.
Any relevant Condition / Informative note?	<p>Highway Officers have not yet provided a set of proposed planning conditions for use in the event that permission is granted.</p> <p>Conditions will be discussed with the highway authority and imposed after the Committee meeting if not beforehand.</p>

Lead Local Flood Authority	No comment – the application falls below their consultation threshold for providing detailed assessment.
<p>The LLFA have only provided their “Standing Advice for Major Development below LLFA thresholds.”</p> <p>To ensure that development is undertaken in line with Paragraph 167 and 169 of the NPPF the LLFA recommends that LPAs satisfy themselves of the following considerations prior to granting permission for major development below LLFA thresholds:</p> <ol style="list-style-type: none"> 1. Is the development site currently at risk of flooding? 2. How does the site currently drain? 3. How will the site drain? 4. What sustainable drainage measures have been incorporated into the design? 5. How many SuDS pillars (Water Quantity (flooding), Water Quality (pollution), Amenity and Biodiversity) are included? <p>At a high level, the evidence should be provided by applicants for review by the LPA to demonstrate compliance with Paragraph 169 of the NPPF.</p>	

Officer comment / response:	<p>The general principles of the surface water drainage scheme have been laid out and discussed in the Flood Risk Assessment and Drainage Strategy report.</p> <p>Officers are content that there is very low risk of flooding, the site's existing greenfield infiltration rate of drainage can be closely replicated by the proposed suds features, and there is unlikely to be unusual contaminant threats to water quality which couldn't be treated by existing technologies.</p> <p>However, the LLFA standing advice cautions that pollution interceptors may be required and it is not clear if these are proposed, so it must be shown that appropriate measures are being taken to address water quality and maintenance thereof.</p> <p>Biodiversity cannot be enhanced in the drainage proposal but harm thereto should be avoided. The scheme is discussed in the report below.</p>
Any relevant Condition / Informative note?	The final surface water drainage scheme details can be secured by condition to ensure it is suitable re pollution and practical as clarification is also required to ensure the intended highways drainage features can be adopted, otherwise it may require a revised approach to surface water drainage.

Anglian Water Services	No Objection
Anglian Water has confirmed there is capacity at the main Pump Lane water recycling centre, and in the sewage system network. A number of informative notes have also been raised.	
Officer comment / response:	The general principles of a foul water drainage scheme are agreed subject to final details to achieve AWS standards.
Any relevant Condition / Informative note?	The final foul drainage scheme detail can be secured by condition, with additional informative notes.

Essex and Suffolk Water	No Objection
<p>Upon reviewing the plans we have no objections at this stage. We would recommend that care is taken to ensure that our assets are unaffected by the proposed works. I will attach a plan showing the approximate location of our assets in this area. Please, proceed in line with the attached guidance document and also be aware that liability for any damages throughout the duration of the works falls onto the party carrying out these works and their chosen contractor.</p>	
Officer comment / response:	The mains water supply runs along the west side of Scratby Road and should be unaffected although care is required during highway works and making foul sewer connections.

Any relevant Condition / Informative note?	n/a – the applicant has been made aware of these comments.
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NETI (NCC Ecology)	No Objection
<p>On initial assessment of the proposals, NETI identified the Ecology Survey and Shadow Habitat Regulations Assessment to be significantly out of date, undertaken in 2020, and relating to previous proposals over a much wider area, so updated reports were requested.</p> <p>The September 2022 Shadows Habitats Regulations Assessment report is acceptable to ensure the application can pass the Habitats Regulations Assessment's Appropriate Assessment stage by fulfilling the GIRAMS financial contribution mitigation (41 x £185.93) rather than requiring any additional bespoke mitigation measures.</p> <p>The subsequent site walkover survey of August 2022 and validation report of December 2022 were considered acceptable.</p> <p>If approval is granted, conditions would be required for:</p> <ul style="list-style-type: none"> - a Biodiversity Method Statement which will collate the various enhancements and mitigation measures proposed for flora, Birds, Bats, and Hedgehogs within the development, and should be prepared using the information in section 5 and 6 of the Ecology report. - A Lighting design strategy (focussing on ecology mitigation) 	
Officer comment / response:	The mains water supply runs along the west side of Scratby Road and should be unaffected although care is required during highway works and making foul sewer connections.
Any relevant Condition / Informative note?	<p>Conditions are requested and hereby proposed for:</p> <ul style="list-style-type: none"> • A Biodiversity Method Statement

Natural England	No objection subject to mitigation
<p>The application can only be considered acceptable and able to pass the Habitats Regulations Assessment if:</p> <ul style="list-style-type: none"> • it provides the GIRAMS financial contribution mitigation (41 x £185.93); and, • it provides appropriate (improved) quality of public open space / on-site green infrastructure. <p>If approval is granted, conditions and/or planning obligations need to be used to secure these.</p> <p>Green infrastructure –</p>	

Natural England advise that, if effectively designed, the provision and promotion of 'on-site' measures is important in minimising any predicted increase in visits to the designated sites and the associated disturbance this causes. The provision of quality on site green infrastructure has a wide range of benefits which are crucial for people and nature while also being beneficial for developers looking to deliver quality homes. Natural England advises that the overall quantity of green infrastructure proposed is sufficient that the quality could be improved.

There are areas where further improvements are required to lessen the recreational impact on designated sites:

- The public open space feature is welcomed but should be improved - provisions such as links to surrounding public rights of way (PRoW) with signage/information leaflets to householders to promote their use, as well as dog waste bins on site, could help to contain routine recreational activities of new residents within the area.
- Whilst some trees are proposed for the public open space area, no street trees are proposed in the scheme, which would provide further Green Infrastructure on site. Urban trees are capable of delivering a wide range of environmental and health and wellbeing benefits.
- The open space / green space can benefit communities better by being multifunctional - by providing space for exercise leading to improvement in mental and physical wellbeing, reducing flood risk, improving air quality and providing space for communities to gather and connect. This should be explored further with reference to Natural England guidance.

Officer comment / response:

A scheme for improved recreational avoidance strategy is required to ensure there is less need to access designated sites, including improved quality of POS, information to highlight opportunity links to offsite public rights of way. This can improve the 'multi-functionality' of the open space at the same time.

Street trees may be difficult to arrange in the layout proposed, but there is no reason why trees could not be provided in the hedgerow proposed along the back of the filter margin / swale on the east side of the road, which would greatly improve the design of the scheme and its integration with the landscape and offer improved biodiversity enhancement than stand-alone street trees. This is requested ahead of the Committee meeting.

Any relevant Condition / Informative note?	<p>Conditions are requested and hereby proposed for:</p> <ul style="list-style-type: none"> • A Public Open Space scheme, with regard to multifunctionality. • Recreational Avoidance Strategy details, for improved provision of on-site facilities and increased awareness of links to offsite public rights of way networks and recreational sites of lesser vulnerability. • Improved landscaping and tree planting details.
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Norfolk Fire Service	No objection subject to conditions
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The development will require at least two fire hydrants, connected to the potable water supply, dependent on site layout, and hydrant(s) shall conform to BS750 and be fitted on no less than a 90mm main.

No property shall be further than 125mtrs (hose laying not direct) distance from a fire hydrant.

No development shall commence on site until a full or phased scheme has been submitted to and agreed by the Council, in consultation with Norfolk Fire and Rescue Service.

No dwelling shall be occupied until the hydrant(s) serving the property or group of properties has been provided to the satisfaction of the Council in consultation with Norfolk Fire and Rescue Service.

Please note that the onus will be on the developer to install the hydrants, during construction, to the satisfaction of Norfolk Fire and Rescue Service at the developer's cost. Given that the works involved will be on-site, it is felt that the hydrants could be delivered through a planning condition.

Officer comment / response:	Fire hydrants can be required by conditions, so the provision is linked to final designs of highways construction and drainage.
Any relevant Condition / Informative note?	Condition – A scheme for suitable fire hydrants provision to be agreed prior to commencement & provided prior to occupation.

Historic Environment Service	No objection subject to conditions
<p>The proposed development site lies adjacent to the site of the now vanished parish church of Scratby, demolished in the mid-16th century. Frequently in Norfolk parish churches are located adjacent to medieval or earlier manorial centres or within medieval settlements. Metal-detecting in fields to the east have produced a significant number of Roman finds, including coins which is suggestive of Roman settlement in the vicinity. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.</p> <p>If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with NPPF para. 205.</p> <p>Conditions are requested for a Written Scheme of Investigation, investigation by trial trenching, reporting and publication of results.</p>	
Officer comment / response:	The archaeological potential will not affect the principles of development so can proceed without investigation prior to permission being granted.
Any relevant Condition / Informative note?	<p>Conditions are requested and hereby proposed for:</p> <ul style="list-style-type: none"> • Written Scheme of Investigation, • Site investigation by trial trenching,

	<ul style="list-style-type: none"> • Reporting and publication of results
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5.2. Internal Consultees

Environmental Health Officer	No objection subject to conditions
<p>Noise –</p> <p>Conditions are requested to ensure that dwellings are constructed to a standard which achieves certain minimum sound protection, presumably to defend against noise from traffic on Scratby Road. The request is to provide:</p> <p><i>Sound attenuation against external noise and ensure internal sound levels no greater than:</i></p> <p><i>a) 35dB LAeq(16 hour) in the main living rooms of the dwelling(s) (for daytime and evening use); and</i></p> <p><i>b) 30dB LAeq(8 hour)/45dB LAmx(fast) in the bedrooms of the dwelling(s) (for nighttime use) in line with World Health Organisation guidance, with windows shut and other means of ventilation provided.</i></p> <p>Contamination –</p> <p>Precautions should be taken to ensure any unexpected contamination is dealt with appropriately.</p> <p>Air Quality during construction –</p> <p>The site will potentially generate a significant amount of dust during the construction process; therefore, the following measures should be employed:</p> <ul style="list-style-type: none"> - An adequate supply of water shall be available for suppressing dust; - Mechanical cutting equipment with integral dust suppression should be used; - There shall be no burning of any materials on site, or burial of asbestos, which should instead be removed by an EA licenced waste carrier, and the waste transfer notes retained as evidence <p>Noise during construction –</p> <p>The applicant is strongly recommended to advise neighbouring businesses and residential occupiers of the proposals, including any periods of potentially significant disturbance e.g. demolition or piling, together with contact details in the event of problems.</p> <p>Hours of Work -</p> <p>Due to the close proximity of other residential dwellings and businesses, the hours of any construction or refurbishment works should be restricted to:</p> <p>0730 hours to 1830 hours Monday to Friday</p> <p>0830 hours to 1330 hours Saturdays</p> <p>No work on Sundays or Bank Holidays.</p>	

Officer comment / response:	<p>It is unnecessary to require specific noise protection standards for this development with no unusual prevailing background noise circumstances, especially so if the standards are no more exacting than those within building regulations anyway.</p> <p>Contamination is not expected given former uses but requiring suitable precautions shall be a condition as proposed.</p> <p>Dust measures can be required by conditions and a Construction Management Plan which shall include some general measures for noise minimisation and advertising contact details for a responsible site operative(s), and establishing appropriate working hours.</p> <p>Construction noise could be significant for dwellings closest to the residents on Woodlands Close. Officers have concerns that to impose any specific restrictions through planning could be unduly restrictive to construction of this development, and instead the impacts are better assessed through Environmental Health monitoring and responses to complaints.</p>
Any relevant Condition / Informative note?	<p>See proposed conditions and informatives:</p> <p>Conditions:</p> <ul style="list-style-type: none"> • Contamination precautions • Construction management plan: dust, noise, hours <p>Informatives:</p> <ul style="list-style-type: none"> • Building fabric noise standards • Construction noise notification • Hours of work

Strategic Housing and Enabling Officer	No objection subject to securing appropriate affordable housing by s106
<p>The site is within the Northern Rural Sub-Market Area and is therefore required to make a 20% affordable housing contribution with a starting point for tenure split of 90% Affordable Rent Tenure (ART) / 10% Affordable Home Ownership (AHO).</p> <p>This site is providing 14 affordable units which is above the policy requirement, and meets the guidance of the pre-app discussions which required, 3 units on the allocated site and 10 on the area considered an “exception site”.</p> <p>The affordable rent 2 bed properties meet NDSS for 4 persons, bungalows and houses which is acceptable, the 3 bed houses however are for 5 persons (93m²) and we would request this is increased to meet the size for 6 persons (102m²).</p> <p>Alternatively a need for 1 bed 2 person properties does exist and therefore top and bottom flats would be acceptable in this location, I note under the Local Validation Checklist all</p>	

<p>affordable housing will need to meet M4(2), so the bungalow and any ground floor accommodation must provide level access showers.</p> <p>I note the developer is working with Saffron Housing Association, this organisation would be able to provide a housing needs survey to support the requirement and affordability of the affordable home ownership product, as my understanding is, although there are several applicants registered for AHO on the Help to Buy register, their affordability for 3 bed properties would be stretched, this evidence would be needed to ensure the properties are affordable for local people.</p> <p>As the site is being brought forward as a whole, the S106 will need to detail, which plots are the policy contribution and which are the exception contribution. This is needed to ensure the local connection cascade is applied correctly. Exception properties are also required through Homes England funding to be capped at 80% sale.</p>	
<p>Officer comment / response:</p>	<p>It is unnecessary to require specific noise protection standards for this development with no unusual prevailing background noise circumstances, especially so if the standards are no more exacting than those within building regulations anyway.</p> <p>Contamination is not expected given former uses but requiring suitable precautions shall be a condition as proposed.</p> <p>Dust measures can be required by conditions and a Construction Management Plan which shall include some general measures for noise minimisation and advertising contact details for a responsible site operative(s), and establishing appropriate working hours.</p> <p>Construction noise could be significant for dwellings closest to the residents on Woodlands Close. Officers have concerns that to impose any specific restrictions through planning could be unduly restrictive to construction of this development, and instead the impacts are better assessed through Environmental Health monitoring and responses to complaints.</p>
<p>Any relevant Condition / Informative note?</p>	<p>See proposed conditions and informatives:</p> <p>Conditions:</p> <ul style="list-style-type: none"> • Contamination precautions • Construction management plan: dust, noise, hours <p>Informatives:</p> <ul style="list-style-type: none"> • Building fabric noise standards • Construction noise notification • Hours of work

- 5.3 **Arboricultural Officer** – The Tree Officer has submitted a representation that they have no objection to the proposals, but for the avoidance of doubt some detailed comments have been requested ahead of the Committee meeting.

- 5.4 **Strategic Planning Officer** – where relevant and agreed with, the comments are integrated into the planning assessment throughout his report.
- 5.5 **Coastal Protection Officer** – no comments as the site is inland of the coastal erosion vulnerability area.
- 5.6 **Norfolk Constabulary – Designing out crime officer** – No comments received.

6. **Publicity & Representations received**

Consultations undertaken:

There does not appear to have been any pre-application public consultation by the applicant which is contrary to the good practice guidance of an LPA's Statement of Community Involvement and the expectations of the NPPF, but the public issues were understood from previous applications at the site.

For this formal application, two site notices were placed in the vicinity of the site and a press advert was used to notify of the application, as required for a major application.

Reasons for consultation: Major development.

6.1. **Ward Member(s) -**

- Cllr Ron Hanton – No comments received.
- Cllr Geoffrey Freeman – No comments received.

6.2. **Parish Council(s) – Ormesby St Margaret - OBJECTS.**

Representation	Officer Comment
This is not within (an allocation of) the GYBC Local Plan	The site is largely within the adopted development boundary limit of the village. - see Section 10 of this report.
The position of the development is uncharacteristic for the area	Impacts on the setting and appearance of the village are discussed at Section 15.
There are no links to Scratby village	A proposed safe walking route will be available albeit further than is desirable. Some links to off-site recreation areas are also improved. – see Section 12.
Scratby is a tertiary village	This is correct but does not exclude Scratby from new housing growth at an appropriate scale. – see Section 10.

There are highway safety issues – dangerous for pedestrians walking along Scratby Road into Scratby village.	Some highways safety works are proposed to improve links with the village. – see Section 12.
This development sets a precedent – with the prospect of the rest of the filed being developed at a later date.	The development is considered on its own merits and is largely within the adopted village envelope so further growth would be contrary to policy. – see Section 24.
No access to villages other than use of motor vehicles will put a burden on surrounding roads	Highways capacity is adequate and no highways safety concerns remain. – see Section 12.
No direct link to Hemsby/Ormesby	This is the same for the existing Scratby village but it has still been identified for additional growth in the local plan and in this site in particular. – see Section 12.
Strain on doctor and dentist surgeries.	The scale of development falls below the threshold for Integrated Care Services (PCT/NHS) comment or subsequent infrastructure payments.
Affordable homes but no infrastructure – such as bus and transport links	This is the same for the existing Scratby village but it has still been identified for additional growth in the local plan and in this site in particular. – see Section 11.
Pathfinder Report questions the financial viability of this development	The report confirms in the applicant's opinion this is a viable development with the policy-based provision of affordable housing. Some independent viability analysis will be provided to the Committee meeting. – see Section 23.
Proposed crossing to the garden centre would put pedestrians in danger due to the bend in the road along Beach Road.	The Highways Authority is satisfied that the crossing will be a suitable location and benefit to existing residents. No specific pedestrian refuge was requested in this location. – see Section 12.
This is agricultural land.	The loss of agricultural land and its quality is an important consideration but half the site is already in the development boundary and the remainder is said by the applicant to be a 'de minimis' loss. - see Section 10.
There are seven objections on the planning portal	The number of objections raised is not material, only the content. See paragraphs 6.4-6.10
Loss of countryside views	Loss of a view is not a material planning consideration and impacts on outlook are not considered detrimental.

6.3. Public Representations

At the time of writing 22 public representations have been received: 2 in support and 20 objecting.

Objections / Concerns:

6.4 Scale and Principle of development – See Report section 10.

- The status of villages is being compromised by creating sprawling, adjoining towns.
- There is no benefit to Scratby and surrounding villages.
- Nothing beneficial is being brought to the area by this housing development.
- Loss of Grade 1 Agricultural land a time when more land is needed for food production.
- Inappropriate use of the land.
- There has been no prior consultation or communication with local residents.

6.5 Cumulative developments – See Report sections 10 & 24.

- The area is being overwhelmed by new housing from opportunistic developers.
- This is too many in addition to the 665 at Caister, and those at Hemsby Pontins.
- It will set a precedent - what is to stop this development being expanded to provide more houses on the remaining land and piecemeal development similar to the larger 67 dwelling development proposed in the past.

6.6 Highways concerns – See Report section 12.

- Too much extra traffic issues around the hazardous junctions adjacent to Scratby Garden Centre and the Wheelstop
- It is an inappropriate site alongside a main road where the speed limit is 40 mph. This is the main route to the villages of Scratby, California, Newport, Hemsby and Winterton-on-Sea.
- The traffic exiting the proposed new estate will likely increase road traffic accidents.
- There are no local shops within walking distance which will mean further car travel and pollution, and there are very few parking spaces around the local shops.
- No safe footpath routes to the schools in Ormesby.
- Speed limit on Scratby Road should not be compromised from the current 40mph.
- Sustainability and environment
- the development would increase traffic, congestion and pollution which is incongruent with Great Yarmouth Borough Council's promise to tackle climate control in order to reach net zero.
- There are regular accidents on Scratby Road - People have already crashed into homes on Woodlands Close when speeding, and crashes have occurred at the circus site entrance.

- Highways safety will be affected by the construction vehicles leaving debris on roads.
- There is no ability for school children to walk to Ormesby schools in the dark.

6.7 Design – See Report section 15.

- The Woodlands Close development adjacent this site is an unimaginative eyesore
- The greenbelt between Ormesby and Caister now amounts to the Caister bypass, and this proposal will herald the beginning of joining Scratby to Ormesby.
- The design of the houses do not blend in with existing houses in this area.
- The designs are charmless and non-coastal in appearance which detracts from the diverse and characterful homes in Scratby.
- The row of 4no. two-storey terraced houses in the north-west corner (plots 8-11) have the potential to cause overlooking of the new bungalow approved and under construction behind Woodlands Close.
- This is not connected to / related to the village.
- Scratby is a small village with very little green space left and this should not be lost.

6.8 Local services and infrastructure – See Report section 10.

- Existing facilities are already seen to be unable to cope and this will exacerbate matters.
- Local doctors and dentists cannot accept more residents.
- Pharmacy, vets, schools will not cope with the increased number of users.
- Water, sewerage and drainage and power supplies are becoming an issue.
- the water system is already under pressure and this pressure increases with the tourist season.
- New facilities to support or replace all the above facilities under strain are needed before any housing estate is built.
- Housing market
- These homes will not be available to local people who will be priced-out of the market.
- New residents will be elderly causing strain on local health care.
- The affordable housing is unlikely to really be affordable to young and local people who have low paid and/or seasonal jobs.
- The 27 'non-affordable housing' will likely be purchased by non locals with bigger budgets. How many of these will become 'holiday homes', 'buy to let', 'shared ownership'.
- The Council should be prioritising it's local population and giving the young an opportunity to get their feet on the property ladder thus ensuring Norfolk does not lose much more of it's identity.

6.9 Amenity – See Report section 17.

- The build will take approximately two years to complete. This will ensure major noise, safety, travel and service disruption to Scratby and surrounding villages.
- Building activities and construction vehicle noise.
- Council Tax will need to be spent to improve and maintain village facilities.

- Loss of outlook to adjoining properties.
- Increased sense of enclosure at homes adjoining the site.
- The housing will overlook properties at Woodlands Close.

Support:

- 6.10 The homes for local people are welcomed. Scratby needs small sized developments. – See Report section 11.

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

Policy CS1: Focusing on a sustainable future
 Policy CS2: Achieving sustainable growth
 Policy CS3: Addressing the borough's housing need
 Policy CS4: Delivering affordable housing
 Policy CS9: Encouraging well-designed, distinctive places
 Policy CS11: Enhancing the natural environment
 Policy CS13: Protecting areas at risk of flooding and coastal change
 Policy CS15: Providing and protecting community assets and green infrastructure
 Policy CS16: Improving accessibility and transport

The Great Yarmouth Local Plan Part 2 (adopted 2021)

Policy UCS3: Adjustment to Core Strategy Housing Target
 Policy UCS4: Amendments to CS4 - Delivering affordable housing
 Policy GSP1: Development Limits
 Policy GSP3: Strategic gaps between settlements
 Policy GSP5: National Site Network designated habitat sites and species avoidance and mitigation
 Policy GSP6: Green infrastructure
 Policy GSP8: Planning obligations
 Policy A1: Amenity
 Policy A2: Housing design principles
 Policy H1: Affordable housing tenure mix
 Policy H3: Housing density
 Policy H4: Open space provision for new housing development
 Policy H13: Housing supply and delivery
 Policy E4: Trees and landscape
 Policy E6: Pollution and hazards in development
 Policy E7: Water conservation in new dwellings and holiday accommodation
 Policy I1: Vehicle parking for developments
 Policy I3: Foul drainage

8. Other Material Planning Considerations

Supplementary Planning Documents

Draft Open Space and Recreational Needs Supplementary Planning Document

National Planning Policy Framework (July 2021)

Section 4: Decision Making

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well designed places, including paragraphs 124 d) and 130 f) of the NPPF – requirement to provide a high standard of amenity for existing and future users / neighbours / residents

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

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 include:

- Principle of development
- Housing supply and proposed affordable housing
- Sustainability of location and accessibility
- Highways safety
- Neighbouring amenity

Assessment:

Proposal summary: to provide 41 dwellings and public open space

10. Principle of Development

- 10.1 Unlike when application 06/18/0475/O was considered by the Committee, the Local Planning Authority can now demonstrate a healthy 5 year housing land supply and its policies are considered up-to-date, so this application shall be appraised on the basis of current local plan policy.
- 10.2 Scratby is identified as a 'Secondary Village' under Policy CS2 of the Core Strategy. In general, Secondary Villages contain fewer services and facilities against their Primary Village, Key Service Centre or Main Towns counterparts, with limited access to public transport and very few employment opportunities. Accordingly, the development plan only seeks to distribute a very small proportion of future growth (5%) towards them, and their Tertiary Villages, combined.

Housing supply and needs –

- 10.3 Scratby has grown from a small linear settlement along Beach Road and most of what is known as Scratby has been entirely built since post-war with access to the railway line. The village has contributed significantly to housing in secondary and tertiary villages in recent years largely due to housing windfall sites.
- 10.4 Scratby provides an appropriate and proportionate contribution to housing provision without the need for specifically-allocated residential sites.
- 10.5 The development plan must make provision to accommodate at least 5,303 dwellings within the plan period (2013-2030). A 5% share would equate to a combined total of 265 dwellings shared between the secondary and tertiary villages.
- 10.6 To date (April 2022), 181 dwellings have been developed across all the secondary and tertiary villages. Of this total, 164 (90%) have been built within the secondary villages – which reflects the relative unsustainability of tertiary villages given their complete lack of services, facilities and access to public transport. It is therefore assumed that

the overriding majority of the secondary & tertiary village 'balance' (approx. 84 dwellings) would likely need to be provided within the secondary villages, or further 'up' the settlement hierarchy (e.g. primary villages).

- 10.7 That said, each individual Secondary village does have varying levels of sustainability. Scratby does not have any primary school provision and safe routes to Ormesby St Margaret (where provision does lie) is very poor. This is in contrast to other secondary villages such as Filby, Fleggburgh or Rollesby which do include provision of primary schools. This must be taken into account notwithstanding the village's designation in the local plan. and therefore needs to be taken into the planning balance with respect to the amount of potential affordable homes which could be provided through this scheme

Location of development -

- 10.8 The development falls partly within, but also partly outside, the development limits.
- 10.9 The Development Limit for this part of the village was amended in the Local Plan Part 2 update to the Proposals Maps. The village boundary was expanded in 2021 to include the area where application 06/18/0475/O was resolved to be approved by Development Control Committee in June 2019, despite the lack of progress made in being able to actually issue permission for that 19-dwelling development.
- 10.10 The development area within that 2019-resolution amounted to an area of 1ha.
- 10.11 Unfortunately, in practice the extent of the development limit drawn and approved by the Planning Inspectorate was actually slightly shy of the area actually covered by the previous 'resolution to approve': the adopted development limit is actually 0.8ha whereas it should have been 1.0ha, a difference of 2,000sqm area and extending approximately 15m further south than the adopted formal designation.
- 10.12 Nevertheless, Officers accept the intended development limit should have included the full area covered by application 06/18/0475/O as a significant material consideration which would have extended the "intended development limit" to cover an area of 1ha.
- 10.13 For purposes of comparison, the refused application for 67 dwellings ref. 06/20/0313/F amounted to approximately 3.1ha compared to this proposed development's 2.1ha.
- 10.14 This current planning application proposes all the public open space and the access road, pumping station and electricity substation outside even the line of the "intended Development Limits"; ordinarily these would be expected to be located within the development limits were possible and practicable as features to serve the needs or address the impact of the development.
- 10.15 In terms of quantum of housing development, some 36 dwellings are considered 'within' the 'intended Development Limits', with 5 dwellings lying just outside the southern boundary (Plots 28, 29, 30, 21 and 27).
- 10.16 This is only useful as a guide however; in practice the error in drafting the local plan boundary means that 22 dwellings are proposed in the legal adopted development

boundary and 19 dwellings are proposed outside the adopted boundary, in 'countryside' land.

10.17 The principle of development therefore concerns:

- whether the access, enabling features, public open space and 5no. dwellings should be located outside the development limit;
- whether the loss of agricultural land is acceptable; and,
- whether the quantum of development is acceptable in the location proposed.

Principle of development outside defined village limits

Public open space –

10.18 The public open space should be provided on site in accordance with adopted policy H4. The 4,223sqm amount proposed significantly exceeds the amount required for 41 dwellings: the expected minimum provision would ordinarily amount to 971 sqm so there is a technical over-provision of 3,473sqm in this development.

10.19 The increased provision of open space is considered a benefit to the development, especially in regards the difficult and in some respects dangerous route to recreational space at Station Road, Ormesby. However it does extend the perceived extent of the village envelope significantly further south than what was anticipated by the development limit. On the other hand, trying to provide even the minimum necessary public open space quota within the development limit boundary would push new housing further south and make those dwellings more prominent in the landscape. As proposed, the development remains tucked behind the new bungalows along Woodland Close, and will be slightly more recessive, which is discussed further in the design and landscape impacts section of this report.

10.20 The public open space and the access road will create a more formal setting and appearance to the village than the existing agricultural fields. This would extend the appearance of urban development approximately 130m further south-east along Scratby Road from the rear boundary of the new dwellings on Woodlands Close.

10.21 It is noted the site rises very slightly from west to east but the rise is not dramatic. It is considered the sense of urbanisation will increase somewhat but the impact should be lessened by the use of trees and native hedging around the edges of public open space and both sides of the new access road. Other than creating a backdrop of housing, pumping station and electric substation, it is anticipated that the screening proposed will minimise the sense of creating a more formal approach to the village by hiding the public open space.

New access road -

10.22 The Local Plan development boundary was drawn on the basis of the 'approved' housing scheme in application 06/18/0475/O extending the village by adding 1ha of bungalow development, accessed from the northwest and Beach Road / Abel Court. To do the same has not proven possible in this instance, possibly due to landowners failing to reach agreement for rights of access and possibly due to being unable to

create a road to suitable standard for the quantum of development proposed. Attempting to re-route access through to Beach Road, however, would require a revised layout and likely reduce the numbers of dwellings that might be provided within the development limits, or increase the spread of development further south, with possible consequences for the proposed number of affordable dwellings to be provided.

- 10.23 It is noted that the refused application 06/20/0313/F included the reason for refusal that discussed the 'urban creep' of development towards Caister and erosion of the strategic gap, as below:

"The proposal site expands the village of Scratby away from the Beach Road and onto the Scratby Road, which has functioned to by pass the village to date and the proposal creates an intrusion into open countryside south of the village where development on Scratby Road will further the coalescence of Scratby with Caister contrary to the aims of the Landscape Character Assessment, where open views towards the coast are considered to have value and Policy CS11 (L) where strategic gaps help retain the separate identity and character of settlements in close proximity to each other."

- 10.24 This development will reduce the sense of Scratby Road "bypassing the village to date", but there is no in-principle objection to a new access being created beyond the development limit boundary, provided that residents are able to access local facilities and services (discussed later in this report). It is considered the greatest concern of the above reason for refusal was the proposed quantum of development and the built environment spreading southwards: indeed the application proposed housing all the way to Scratby Road and almost to the Old Chapel.
- 10.25 The landscape value of this more northerly part of the site is not so sensitive that it cannot accommodate housing at the northern end, whilst the southern end will not be affected by the at-grade construction of a road so it does not preclude the creation of a new access. The main determining factors for the creation of the new road must be that the visual impact of this new access and other connections can be mitigated and it must not cause an unacceptable compromise to highways safety (which is also discussed later in this report).
- 10.26 Given the gentle topography, it is anticipated that the screening proposed will minimise the visual intrusion of the wider access road to that of the splay and direct views opposite the proposed access / existing layby on Scratby Road. The footpath and pedestrian refuge proposed as off-site works will increase the sense of urbanisation in this area which is not screened by hedging. This is unfortunate but necessary to enable safe crossing and effective as a highways speed management feature to ensure maximum visibility of potential highway users and encourage slower speeds. If development is to be undertaken at this site for this number of dwellings such impacts shall need to be accepted as a consequence of providing essential safety mitigation.

Additional dwellings -

- 10.27 The Local Plan has already anticipated urban development to infill the 0.8ha area at the north of the application site. The proposed development extends further south than the local plan development limit. Had the previous scheme been realised, that development would have created a low-profile but featureless development line of the

rear of bungalows with little softening, albeit slightly further away. This proposal may be more prominent but it offers greater visual interest to the approach to the village.

- 10.28 The pumping station is likely to be enclosed by a brick wall and the electric substation is of utilitarian design but can be mitigated and the impact lessened by screening through conditions and/or amended details. By aiming to consolidate the built development together, these features are proposed in their only feasible location necessary due to the topography of the site. With the soft landscaping proposed along the current application site edges, the overall visual impact of this larger urban environment will be lessened, despite the development now being south-facing and outwardly orientated, rather than the former scheme's proposals which offered only a hard edge to the village and an inward-looking design.
- 10.29 As a principle, new dwellings outside of the development limits are considered to be in the countryside regardless of their proximity to other dwellings or the development limit boundary. As such they are not supported in principle unless they meet specific criteria set out in policy or provide suitable alternative public benefit; this is discussed later in the report.
- 10.30 This proposal includes 5 dwellings located outside the 'intended development boundary', but 19 outside the 'adopted development limit'. None meet those 'exception criteria' in policy. To be considered favourably there must be very strong reasons presented to justify why even only a fairly small part of the overall development should depart from these adopted policies; this application presents such a material consideration and is discussed later in this report. If the decision maker is satisfied the development provides sufficient public benefit to justify development in the countryside, the material considerations would override the principle of development being contrary to adopted policy.

Loss of agricultural land

- 10.31 The application site is referred to as 'The Strawberry Field' and is agricultural land. The Council's and Natural England's data records this is Grade 1 quality land in the Agricultural Land Classification. One of the reasons for refusal of application 06/20/0313/F was that the land was deemed Grade 1 quality.
- 10.32 The applicant has provided their own detailed assessment dated January 2021, produced after the Development Control Committee considered the application 06/20/0313/F. This survey included soil quality assessment and contends that it is more appropriate to be considered Grade 2 ALC, due to having a compromised moisture balance and a undesirable soil droughtiness.
- 10.33 The area of development outside the 'intended development limit' amounts to approximately 0.75ha of classified Grade 1 – 2 Agricultural land, either way land of the greatest value. It is not intended to interrogate the quality of soil assessment, given that the majority of housing land falls within land either in the development limit or previously expected to be developed and the balance is a relatively small area. If it is accepted that the development quantum is acceptable (and in turn the affordable housing provision) and if it is accepted the development should provide the additional

public open space on site and position that 'outside' the housing area, then the loss of 0.75ha agricultural land is a consequence of achieving that amount of development.

- 10.34 The presence and shape of the road and pumping station makes the field more awkward to farm productively for approximately a c.50m-long part of the field but they are consequences of the highways design safety standard. On balance it is considered the inconvenience to agriculture is relatively small and should not compromise the field's wider beneficial use.

Quantum and density of development

- 10.35 The planning application site amounts to 2.1ha or 21,000sqm. The 41 dwellings are complemented by 4,223sqm of public open space, which makes the 'built development area' in this application scheme approximately 1.67ha. Ordinarily, density of development would be calculated with any on-site public open space included within the area which would amount to 19.5 dwellings per hectare, the same as that 'approved' in the former development of 19 large-plan bungalows.
- 10.36 It is considered important to also assess the consequences of removing public open space from the calculation of density, in order to provide a more balanced comparison against the 'approved' 19 dwelling scheme. Doing so means this application would achieve a comparable density of 24.6 dwellings per hectare, much more in line with the expectations of policy H3 which seeks 20 dwellings per hectare.
- 10.37 By locating the public open space outside of the proposed built-development area it causes the density of the built environment within the scheme to be notably higher, at 24.6 dwellings per hectare. However, this is not considered unacceptable when noting that Local Plan Part 2 policy seeks a density of at least 20dph (albeit 30dph would be too dense). The development is therefore considered an efficient use of land acceptable in principle, subject to other local plan policies being satisfied.
- 10.38 It is necessary to also draw comparison to the density already considered favourable through the application 06/18/0475/O. At 19 dwellings, the extant (resolution to approve) outline application has a density of 23 dwellings to the hectare and was granted prior to the adoption of Policy H3 which sets a minimum density of 20 dwellings per hectare. If that site were to be approved under policies currently adopted, that scheme would now be expected to generate a minimum of approximately 16 dwellings (a 0.85ha site at 20 dwellings per hectare and with no on-site open space provision, as not of a level to be required by Policy H4).
- 10.39 If this application proposed 23-24 dph it should be considered favourably in respect of density because it is comparable to the previous form of development considered acceptable – but doing so would only be acceptable now if long views of the scheme when seen looking towards the village were carefully considered and impacts appropriately mitigated: this is discussed in more detail at Section 15.
- 10.40 Taking into account the above, the principle of development within the northern portion of the site would likely be generally acceptable for between 16 – 22 dwellings, as reasonably tested through the current resolution to approve and expectations of this

part of the site through the currently adopted policies GSP1, H3 and H4. The scheme accordingly proposes 22 dwellings within the adopted development limit area.

- 10.41 Any development outside the development limit area is however contrary to policy by principle and must demonstrate suitable public benefits to justify that conflict with policy.

Accessibility

- 10.42 The 19-bungalow development was considered acceptable as it provided accessibility to Beach Road, which was deemed sufficient to access the small village shop on Beach Road. There is no such direct access in this proposal which is a significant barrier to its integration with Scratby village and means residents will have to take the convoluted route down the access road, along Scratby Road and along Beach Road to the store and beyond. In all, the shop becomes approximately a 475 – 500m walk / cycle.
- 10.43 The lack of direct pedestrian and cycle access closer to the middle of Scratby village is a justifiable concern but providing such a link has not been considered by the applicant and is likely to be undeliverable due to land ownership constraints (Abel Close is not an adopted highway). Unfortunately, the Local Plan Part 2 did not see the need to specifically allocate this land for a specific form of development other than expand the development limits around the site of the area with a resolution to approve development; consequently there are no associated policies which dictate the layout or quantum of development, nor where vehicle access or non-car links should be provided.
- 10.44 The Highway Authority has identified that the site is not an officially-adopted allocation for a specific quantum of housing growth in the Local Plan; as a result, the Highway Authority would have had little opportunity to respond to such an anticipated scale of growth at the time of the Local Plan's adoption. Notwithstanding this concern, if the development addresses the density expectations of policy, a development on this windfall site largely within development limits does feasibly have the potential to be a similar scale of growth as is currently proposed within the development boundary (22 dwellings); the additional homes (19no) would have to demonstrate suitable public benefits to be justified.
- 10.45 Nevertheless, the Highway Authority does have significant concerns that the number of dwellings is too significant to be sustainable in this location, representing an unsustainable development due to its lack of access to services and facilities.
- 10.46 The Highway Authority is satisfied that a minimum level of sufficiently safe access can be achieved for pedestrians to Beach Road and towards Ormesby. Policy guidance would expect links to be no more than a 400m walk to services unless unavoidable.
- 10.47 In terms of cyclists it has not been possible for the applicant to provide a suitable width of shared cycle/path route along the east side of Scratby Road; to do so may require widening the carriageway elsewhere which has not been explored. Presumably the Highway Authority considers the short distance for cyclists using Scratby Road and turning right into Beach Road to be of acceptable low risk despite the 40mph speed

limit and excessive vehicle speeds anecdotally witnessed on Scratby Road as the road curves away from Beach Road.

- 10.48 There is no objection from the Highway Authority on highways safety grounds. In the absence of such an objection there are not considered sufficient grounds to refuse the application on the basis of highways safety concerns as per paragraph 109 of the National Planning Policy Framework.
- 10.49 Furthermore, in the absence of local plan policies to the contrary, it is not considered reasonable to refuse residential development of the scale proposed, in this location mostly within development limit boundary, solely on the basis of there being otherwise-inadequate accessibility for pedestrians and cyclists.

11. Affordable housing provision

- 11.1 Some 5no. dwellings are proposed on the south side of the site in the designated 'countryside' area where new housing is not normally permitted. Acknowledging this, the application has offered some 9no. dwellings positioned outside the adopted development limit (19no total) to be provided as "Affordable Housing for Local Needs" and proposes this element of the development as what might be termed a "rural exception site". These would be in addition to the expected number of affordable dwellings required by planning policy (4no. / 20%) from the dwellings within the development limit (22no).
- 11.2 Therefore, Officers consider it appropriate to assess the application as a 'hybrid' proposal whereby:
- an appropriate number of 'general needs' affordable homes should be provided as a proportionate number of affordable homes within the development limits in accordance with adopted policy – which has been achieved; and,
 - an additional number should be provided from those dwellings proposed on land outside the development limits, in accordance with the principles set out for 'rural exception site' schemes in the National Planning Policy Framework paragraph 78.

The number of affordable homes in the 'exception site' area should be the maximum possible with the minimum amount of open market housing needed to facilitate that.

- 11.3 It would be illogical to require only the 'local needs affordable housing' to be sited outside the development limit if it made these units less well integrated into the scheme. Furthermore, positioning such units on the outside of the site would not achieve the sales value as open market housing would in the same site so it would constrict the overall development value of the wider proposal and in turn affect the viability of affordable housing provision. Therefore, the overall housing mix should be provided to address identified local housing needs, whilst the design would benefit from a 'blended' approach which integrates all dwellings regardless of tenure or eligibility to general or local needs housing.

- 11.4 The applicant has presented the additional dwellings for local need affordable housing as “a substantial provision of affordable housing in such short supply in the area, [which is especially important with] Scratby being the only village in the Borough with no affordable/council housing at all.”
- 11.5 Paragraph 78 of the NPPF states:
“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.”
- 11.6 The intent of Paragraph 78 is clear: ‘rural exception sites’ can be allowed if they help address an existing local housing need, and if to do so requires some cross-subsidy from market-housing this should not be prevented; however, the level of market housing proposed should not be any more than the minimum needed to deliver those ‘local needs’ affordable dwellings.
- 11.7 As such, the applicant has presented a viability appraisal of the development to demonstrate how the proposal would cross-subsidise the affordable dwellings. Officers have therefore commissioned the advice of independent assessors to confirm whether this is accurate.
- 11.8 The applicant has proposed 14 affordable housing dwellings, comprising 11 no. affordable rent and 3 no. intermediate tenure.
- The proposed 14no. affordable housing mix is:
- 2no. 2 bedroom 4-person bungalows – Affordable rent
 - 6no. 2 bedroom 4-person houses – Affordable rent
 - 3no. 3 bedroom 5-person houses – Affordable rent
 - 3no. 3 bedroom 5-person houses – Intermediate tenure
(the applicant’s layout proposes the Intermediate Tenure homes as Shared Equity housing rather than the expected and preferred Shared Ownership model)
- 11.9 Of the overall development the 14 dwellings amounts to 34% of the 41 proposed, with 79% of that as affordable rent and 21% as intermediate tenure.
- 11.10 However, the provision outwith the development limit has not yet been satisfactorily demonstrated to be an appropriate level which is NPPF-compliant (ie the maximum that can be achieved as affordable housing) in accordance with the NPPG procedure. The LPA has commissioned an external viability assessment and further advice will be provided ahead of the Committee meeting.
- 11.11 The Council’s Strategic Housing Officer is generally satisfied with the proposed mix of affordable housing in the application because it provides the necessary amount of affordable housing: 4no properties within the development limits for ‘general needs’ housing, being 20% of the part of the development seen to fall within the formally adopted development limits.

- 11.12 In addition, the 10no. affordable dwellings proposed for specifically identified 'local needs' housing is welcomed (though the minimum of 10 is subject to review through viability appraisal).
- 11.13 The Strategic Housing Officer has stated that the mix proposed is not ideal, for the following reasons:
- there is a recognised need for the 2-bedroom affordable rent properties sized for 4 persons; but,
 - the proposed 3-bedroom terrace houses are too small for currently-identified affordable housing demands, being sized for 5 persons (93sqm) rather than up to 6 persons (102sqm) – ie to accommodate 2 parents and 4 children, 2 per room; or,
 - the same houses could be changed into multiple flats to address the need for 1-bedroom 2-person properties.
- 11.14 Housing officers have asked that the 3 bed premises be increased in size to a 6 person unit, but the applicant is concerned there is not enough room on site to increase the footprint of those terraces and they do not have a readily-available design of house to do so. Planning Officers caution that there could be significant additional impacts from increasing the number of dwellings were the houses to be replaced with flats. However, the applicant believes there will be a demand for the 3-bed 5-person types, when working with their Registered Provider.
- 11.15 The Strategic Housing Officer has also stated that they have concerns that proposed tenures of the affordable housing are not appropriate. Their concerns are predominantly that the cost of an 'affordable ownership tenure' is not achievable, neither to local residents nor those on the 'general needs' housing register, and the affordability of a 3-bedroom dwelling will be challenging. The applicant has expressed a willingness to review this as part of section 106 discussions.
- 11.16 As such, the precise tenure allocation of each type of the 14no. affordable dwellings still needs to be confirmed. This can also be agreed through delegated authority as part of viability discussions.
- 11.17 Officers have significant concerns that the purported benefits of this development are an increased affordable housing provision above and beyond that expected by local policy. This is not inaccurate, given that a scheme of 41 dwellings with 21% provision would provide only 8 dwellings, before considering that a lesser number of units would be expected from development just within the development boundary. In this case, the provision of at least 14 dwellings (34%) of the overall amount is indeed a significant benefit.
- 11.18 However, to be of genuine benefit the (minimum) 10no. affordable units considered "exception housing" must be affordable and achievable to the local community. The terminology used in the submitted application documents varies so without clarification the tenures put forward could suggest this is challenging:
- 'affordable home ownership' is a product that government dictates is still 80% of the prevailing market value which is a significant costs to local residents especially for larger (3 bed) homes;
 - 'shared ownership' offers more flexibility, and can be capped at anything by agreement between 50-90% of the value, if the applicant didn't agree these would also be unattainable;

- 'shared equity' is also not generally encouraged as there is little demand.
- 11.19 Furthermore, the viability of the development is being tested to ensure that the 10no. dwellings proposed from the 19 'outside' the adopted development limit is the minimum needed to deliver this part of the site as 'exception housing'. If there are differences in the appraisal findings, the number of 'exception site' affordable dwellings for local use may in fact increase.
- 11.20 Permission should not be granted before the following matters have been agreed:
- Is there a realistic demand and true need for 3-bed 5-person housing;
 - Which units will be proposed for general needs housing; and,
 - How many, and which units will be used for 'local needs' housing.
 - This may be clarified by the applicant presenting a 'Local Needs Housing Survey' to Officers for consideration as evidence to support their proposal.
- 11.21 In any case, such discussions are fundamental to the terms of the section 106 agreement and would be finalised following the committee meeting and before permission is granted.
- 11.22 If the development were considered acceptable as proposed, any approval would need to be subject to a section 106 agreement to secure the affordable housing types and tenures. The initial proposed allocation of units is shown on the applicant's affordable housing schedule and has been drafted with the input of a registered provider so there is confidence the scheme will come forward with at least 14 affordable homes.
- 11.23 In drafting the terms of the section 106 agreement, the 'Local needs housing' would need to be limited to occupation by those people in housing needs with a direct and longer-term connection to the parish or adjoining parishes and a more demonstrable need to reside in the village, which is secured by a local lettings policy to be set out in the section 106 agreement. 'General needs' affordable housing is available to all residents in housing need across the Borough and wider housing market area with no additional priority given to 'local connection', also subject to the section 106 albeit under differing terms.

12. Access, Traffic and Highways

Traffic volumes and character:

- 12.1 The Highway Authority initially expressed concern over the difference in impacts between the previous 'Pick Your Own' fruit growing use and a residential development, citing volumes, seasonality and frequency differences. The applicant has contended there were various uses throughout the year which created some impacts and movements to the site.
- 12.2 In any case, the applicant has suggested that the difference of 22 additional dwellings over the 19 bungalows previously resolved to be approved should not be considered as too significant an increase for the highway network capacity.
- 12.3 Vehicle tracking has been provided and visibility splays are appropriate for safety standards.

Accessibility to off-site facilities:

- 12.4 Concerns have been raised that the scheme does not provide suitable accessibility for future residents and in particular the lack of access along Melton Lane is a concern.
- 12.5 There is a connection proposed to the small village shop and garden centre on Beach Road opposite Woodland Close; though the route is circuitous this is acceptable and will help provide some day to day provisions for those in need without access to the car. Unfortunately, in all other respects Officers accept that the scale of development will lead to an increased dependency on private motor vehicles.
- 12.6 To some extent, the scale of development is to be expected if proposals are to achieve suitable densities on such windfall sites inside development limits, with the remainder to be determined on the basis of the public benefits it might provide.
- 12.7 The applicant has also identified that Scratby is not entirely without facilities of its own, including some employment opportunities. By providing the circuitous connection to Beach Road residents can use the highways-approved crossing point to the small convenience shop, post office, cafe, garden and pet centre. Further along Beach Road and perhaps beyond usual walking distance, but accessible by footpaths, lie the village hall, some restaurants, take aways, bakery with café. There are expected to be some employment opportunities from holiday parks and the 'business estate' which could be accessible to new residents.
- 12.8 On Beach Road there are also some a regular bus services linking Hemsby, Caistor with its medical centres, and Great Yarmouth.
- 12.9 In practice the development requires much more than the desired 400m walking distance to visit any of these facilities, but the constraints of site access for non-car modes appear to preclude making such connections so a view must be taken on whether the minimum 475-500m distance is acceptable in this instance.

Off-site highways works proposed:

- 12.10 North of the proposed access road the development proposes a new 1.8m wide public footpath in existing highway land along the length of the east side of Scratby Road, extending to a point just north of the access to Woodlands Close on Beach Road where a new dropped kerb pram crossing will be creating, completing the existing footpath which stops short of Woodlands Close.
- 12.11 South of the new access, the footpath will continue to a point approximately 40m north of Melton Lane, where the carriageway will be widened slightly to provide a new pedestrian refuge island crossing point in Scratby Road to allow pedestrian access to the west side of the road, as the new footpath will continue to and around the corner of the junction of Melton Lane. The new path works terminate at, and not extend into, Melton Lane, providing a safe route for its residents to access the 30mph quieter roads, footpath network, houses and businesses beyond.
- 12.12 There appears to be an obvious paucity of footpath and public rights of way routes in the area; the closest is Ormesby St Margaret with Scratby footpath FP1 some 110m to the north of Beach Road which lacks footpath connections with the village. Whilst this development may only create a connection with Melton Lane it at least facilitates safer access from there to Station Road and the Edgar Tennant Recreation Ground, sports pitches and playground, from where there is a footpath, and beyond to the

possible future connection with the old rail line aspirational route designated for safeguarding and enhancement by Local plan Part 2 policy GSP7.

- 12.13 In the refused application 06/20/0313/F there were 3 TROD footpaths proposed for accessing Station Road, two of which were in the same ownership as the current site owner. It is not clear why these have not been proposed in this application and is a significant material consideration which the decision maker must take into account as there appears to be no difference in material circumstances over the intervening period.

Suitability of off-site connections:

- 12.14 Officers of both the LPA and Highway Authority share the concern that providing safe pedestrian (and no bespoke cycle) access only to Melton Lane is not ordinarily be an adequate solution for this scale of development.
- 12.15 It is notable that the proposed development of 67 dwellings on the larger site including this site was refused partly due to the lack of highways accessibility by non-car modes – though that proposal was for 63% more housing than this proposal.
- 12.16 However, in Officers' opinion, there are material planning reasons why the proposed path to Melton Lane cannot be extended reasonably through this application:
- 12.17 First and foremost amongst these is that the development of new housing in Scratby over recent years, and in particular in the same close vicinity, has been approved without any requirement to provide off-site highways works – this has led to at least 15no. houses on and adjacent Woodlands Close being allowed without safe pedestrian access to facilities, and of significant concern is the fact that the 19 bungalows (which were large enough to have been used for family housing) also did not have requirements to provide links to Station Road either (though it is acknowledged the extent of works would have been similar, the scale would have been more disproportionate in that instance).
- 12.18 Some 34 dwellings have therefore benefitted from incremental provision through recent permissions granted when there was insufficient housing supply - with no recourse for collective provision of highways infrastructure. There was no substantive difference to the local development plan policy requirements at the time, compared to now, other than this site is now in the development limits which only affects the principle of development. At the time of those former approvals the NPPF and case law was clear that a scheme still needed to be suitable in terms of highways safety and general sustainability before it could be approved, even without a five year housing supply, so to have investigated or required off-site highway infrastructure should have been prominent in the decision making process.
- 12.19 With this background, it is considered unreasonable to insist on further extensions to the highways works beyond those proposed. It is right that the proposed 67 dwellings were refused for inadequate connections, as that is a vastly different scale to the application before Committee, but this proposition results in only an additional 7 dwellings compared to previous schemes adjacent which were not required to provide infrastructure. Arguably this proposal helps to right some of the wrongs of times past.
- 12.20 Ultimately this is a matter of interpretation for the decision maker. It is the opinion of the case officer that if the application were refused on the basis of not providing further

highways works, it would be seen as disproportionate and unreasonable given prior events and the absence of a planning policy allocation setting out how the local plan envisaged development coming forward on this site.

- 12.21 Secondly, to provide a continuous connection from Scratby Road to Station Road, would require approximately 530m of new footpath. Even as a TROD (unsealed path) this would be a notable expense for the development which may affect the viability of the scheme and affordable housing provision in particular.
- 12.22 However, the County Council has recognised this and points out that the cost of these works is not disproportionate to the scale of development proposed, whilst offering solutions to reduce the cost to the applicant – the Highway Authority officer has advised:
- The applicant could remove the entire footway on the south east side of the new access road within the development; and,
 - The applicant could construct a simple swale system and attenuation pond drainage feature for the highways surface water, rather than the proposed filter trenches and a soakaway constructed with crates / pipes which are more expensive.
- 12.23 It appears that both of these proposals have been taken up by the applicant, but as yet no extensions to the proposed off-site footpath networks have been proposed.
- 12.24 In practice, some local residents have advised Officers that at least one dwelling's ownership on Station Road extends to the carriageway so not all the verge is adopted highway land and would not be provided as such. However, this should not preclude an assessment of the merits of providing an almost-continuous footway should the decision maker deem it necessary.
- 12.25 Thirdly, the Highway authority have intimated that a TROD should be provided, which would improve access for walking outside the carriageway, but this would still not be suitable for push chairs, so limiting the general access to the play facilities for small families (notwithstanding the 1km distance to the north of the application site which is at least twice that of the 400m recommended accessibility to play facilities let alone shops and services further beyond). In this respect it is accepted that the paved footpath from the site along Scratby Road helps all users access the quieter Melton Lane which is straight and should make users visible. Whilst not condoning a lack of accessibility by non-car means, the case officer can confirm that having walked the route, it is not uncommon to experience cars but older teenagers and adults visiting the recreation ground would be able to step off carriageway or make their presence felt to oncoming cars.
- 12.26 In mitigation, the application does also provide significantly increased levels of public open space to those minimum requirements of planning policy; this will reduce the need to visit Station Road recreation ground, if not for play facilities then for informal recreation. Conditions should be used to ensure the highest quality open space possible, suitable for its position, to minimise the need for residents to travel off site for access to suitable recreation.
- 12.27 Finally, some regard should be given to the visual and landscape impacts of any additional footpaths alongside lesser single lane roads. Scratby lacks connections to Ormesby but at the question has to be asked at what point does the character of the area change too much by providing such facilities and encouraging further development on the basis of there being any such connections. In the opinion of

Officers the infrastructure around the site entrance and alongside Woodlands Close is acceptable given the backdrop of new development but to add features off the main carriageway would also start to create an urbanising effect, particularly when looking at the practicalities and the likelihood of this route being used extensively by future residents.

- 12.28 As such, in the opinion of Officers the development has addressed its highways impacts to the extent reasonably possible to do so and the appraisal must turn to the quality and delivery of those off-site highway works.

13. Parking & Cycling Provision

- 13.1 The development provides adequate parking for each dwelling in accordance with expected NCC standards, as well as 7no. additional visitor spaces at key locations in the site. It is not clear who would manage these spaces to ensure they do not become auxiliary residential spaces but this can be established as part of a section 106 agreement which would also require details of on-site drainage scheme, unadopted roads, existing and proposed landscaping, and open space management and maintenance.
- 13.2 Highways Officers identified how parking beneath the trees in the north west corner of the site could become problematic, but these are protected trees and not known for sapping and grow in a vertical manner.
- 13.3 No specific cycle storage is proposed which fails to address NCC guidance standards, and is especially important if there are such long distances to services. As all dwellings have secure rear gardens they could be provided with a garden shed or alternative store by planning conditions.

14. Public Open Space

- 14.1 As the development is over 20 dwellings it is expected that some provision will be provided on-site.
- 14.2 The amount of open space currently proposed through the scheme (0.442 hectares) has been based upon a calculation of the total number of proposed dwellings (41) multiplied by the amount of open space required per dwelling (103 sqm) in Policy H3. However, this calculation does not take into account that across the borough there will be a range of deficits and surplus' in the types of open space needed at a local level (in this case Ormesby Ward), and therefore flexibility in the total amount of open space that will need to be provided either as an on-site or off-site contribution through the proposed development.
- 14.3 An assessment of the current surplus/deficit of each type of open space and an allowance for maintenance in the Ormesby Ward has been carried out based on the Open Spaces Needs Assessment (2013) and Sport, Play and Leisure Strategy (2015). For developments between 20 and 49 dwellings in Ormesby, an on-site open space contribution of at least 947.1sqm (41 x 23.1sqm per dwelling) for the provision of play space and informal amenity space would be required.

- 14.4 As currently proposed, the total amount of open space (0.442 hectares/4,420sqm) is significantly higher than the minimum on-site provision required by Policy H4 (0.009 hectares/947.1sqm). Whilst open space contributions required by Policy H4 are not maximums, this over-supply (+3,473sqm) of open space is significant but unlikely to be of a major additional benefit to the proposed residents, owing to its potential informal amenity nature (there is no additional on-site open space need for outdoor sport, parks & gardens, accessible natural greenspace or allotments at this scale of development and/or location); nor to the existing residents of Scratby due to its poor accessibility to the wider village community.
- 14.5 Off-site improvements would also be required for outdoor sport, parks & gardens and allotments. On this basis, the Borough Council would expect a full off-site financial contribution of at least £29,237.51 (41 x £713.11 per dwelling).
- 14.6 It is noted that the figures presented above are based upon the most recent interim open space calculations used for the emerging Open Space Supplementary Planning Document. The draft SPD was expected to be adopted in March/April 2023. Whilst the calculations above are not expected to significant change, a revised calculation should be undertaken to feed into the overall viability assessment and section 106 agreement prior the determination of the planning application.

15. Design and landscape impacts

- 15.1 The long views offered towards the development (from the south) require a sympathetic design approach to balance the scale and density of the development in order to achieve a sensitive gateway location to Scratby.
- 15.2 The proposed 'village green' design characteristic is therefore welcomed, including placement of open space and provision of trees. However, it is felt that an improved design would have revisited the arrangement of detached homes which line the southern boundary as they do appear too cramped to be 'read' as a village green. As required by Policy A2(c)(iv) there should be more landscaping and spacing around the detached homes. This would help to provide a greater level of informality around the 'village green' as would be traditionally expected. The lowering of the density here, and increased planting would also help to provide a more sympathetic gateway to the village.
- 15.3 These are laudable aims but design policies and National Planning Policy Framework guidance expect developments to be 'in keeping' with the character of the surrounding area. In this respect, the development as proposed has little direct relationship or visual connection with the form of dwellings on Beach Road, which are a mix of bungalows to the west rising to chalets and two-storey homes to the east. In density-design / appearance terms, the proposed scheme should be considered more against the recent developments south of Beach Road. Whilst these are all bungalows, the spacing between dwellings is not dissimilar to that proposed in the current application, and the south-facing frontage / development line as proposed is similar to the character found in the recent adjoining developments.
- 15.4 The interior of the development is considered rather cramped in places, possibly borne out of a desire to keep as many dwellings as possible within the notional line of the development limit. This is most apparent at and around plots 1-5 and 41, 28-31 behind the southern frontage where the building line is forced north and the gardens are

consequently tight and positioning of garages exacerbates a sense of enclosure between neighbours.

- 15.5 The proposed inclusion of a terrace of four 2-bed dwellings in the north-west corner, and two terraces of 3no. 3-bed dwellings on the east side appears slightly at odds with the character of both the original village and the modern development, but these are positive additions to improving the housing mix and variety within the village and creating a mixed community within the site. Their positions towards the centre of the site and adjacent the trees, and being gable-on to the south, should help diffuse their impact as intervening bungalows break up the mass in views from the south, and in turn these provide important relief to the roofscape and variety of house type amongst detached dwellings.
- 15.6 The southern frontage is rather uniform being all detached dwellings of similar plot widths, but the design avoids creating a characterless form of by turning some of the bungalows to be gable-on and providing two neighbouring two-storey dwellings. These create a sense of character to the development in the more prominent locations and allow a denser form of development to follow behind.
- 15.7 The electricity sub station and foul water pumping station will be enclosed with brick and native species hedge planting to external sides. These can be determined by additional information and conditions as no details have been provided so far. The garden and building line on the eastern side have been affected by the need to accommodate the electric pylon route easement.
- 15.8 The Highway Authority has identified that the road extends almost onto the boundary of the site. If this were approved and adopted it would allow an adoptable connection in the future to land beyond, and the prospects of such additional growth would be unacceptable to the Highway Authority. However, that is a matter outside the scope of this application.
- 15.9 In response, the applicant has argued that *"[extending the road to the site boundary] is necessary for the road to be proposed adoptable to the east as shown, eg to satisfactorily deal with not just proposed dwellings but Anglian Water adoption of foul water pumping station and UKPower's access to the electricity sub station and the heavy service vehicles they require."* This is not an unreasonable argument.
- 15.10 The landscape setting to Scratby is open and flat. Unfortunately the sharp gables visible at Woodlands Close from the Old Chapel, Scratby Road are in contrast to the almost hidden low rise flat roofs of the California holiday parks to the east. It is only from Melton Lane that the rear of properties on Beach Road start to become visible.
- 15.11 The form of houses and pumping / electricity stations make the site more prominent because their visual presence has not been reduced by landscaping that will diffuse or screen the development from the south – the only trees proposed are around the public open space to the west. Adding a row of trees and some indication of substantial hedging along the east boundary would help reduce the impact on the landscape.
- 15.11 Improved landscaping to the south side of the access road would benefit the scheme by further reducing the development's prominence as well as improving resident's outlook by providing trees in front of the houses and screening the pumping station

further. These are considered necessary to help the development be more recessive in the landscape and try to improve its integration into the village form, as well as minimising the developments erosion of the 'strategic gap' between settlements which is protected under policy GSP3.

- 15.12 It would not be appropriate to hope that only a handful of trees would achieve this – a significant number to create a continuous tree belt and integration with the hedgerow is the minimum requirement, which would also create suitable bat and bird habitat and wildlife corridors.
- 15.13 The various amendments and improvements described above can be required by amended plans sought before the Committee meeting or through delegated authority, with final details to be secured by conditions.

16. Impact on Trees and Hedges

- 16.1 There are some 3 trees / groups of trees of Category B value trees and hedges around the site on the north and east boundaries. All are healthy and proposed to be retained with appropriate protection proposed during construction.
- 16.2 The line of 17no. Lombardy Poplar trees in the northwest corner of the site are protected by Tree Preservation Order TPO No.5 2021 (14th Sept 2021). The applicant's Arboricultural Impact Assessment considers them to be poor quality Cat C trees which make little contribution to the landscape or amenity value. The AIA actually advises their removal in the future, but noting the TPO it has declined to propose that at the moment and proposes no dig construction around them, and car parking is proposed adjacent. The AIA finds the trees healthy with a 20+ year lifespan, and advises no work is required at the moment.
- 16.3 In the absence of any landscaping plans to provide alternative trees of stature it is considered necessary and appropriate to retain the trees in situ as a visual screen and privacy barrier between the development (two storey houses at this location) and the neighbouring bungalows close to the boundary.
- 16.4 Only one tree is recommended to be removed in the AIA: a dying Category U yew tree on the north boundary, but this is in land outside the application site so may not be undertaken after all. Its retention would not compromise the development.
- 16.5 Should this application be approved, conditions would need to be imposed to secure suitable trees protection during the works, and suitable protection of new landscaping and trees during growth.

17. Residential Amenity

- 17.1 Conditions can be used to secure suitable construction management practices including dust control and noise protection measures, hours of work and remedial action plans in the event that unacceptable levels of disturbance are common.
- 17.2 The build programme / phasing of development suggests the west side would be completed first with construction access via east side loop road, minimising the impacts on residents as much as practical.

- 17.3 Contamination is not expected in the site but a condition should be used to require suitable precautions and remediation where necessary. Further conditions will require including use of suitable certified and clean topsoils.
- 17.4 The plots 8-11 proposed as 4 x 2-bedroom two-storey houses are very close and angles slightly towards the bungalow behind Woodlands Close – which has not been acknowledged on the applicant's site layout plan. In the layout as proposed there is some screening achieved by the poplar trees, though the bungalow garden remains unshielded but it has some stand-off screening from the garage to plot 1. The adjoining garden to plot 11 provides some suitable separation distance so that the two don't feel too overcrowded.
- 17.5 The terraced dwellings are at an angle that doesn't look directly over the bungalow garden and the occupants would have to go to some lengths to find a view from upper floor windows which invades the privacy of the bungalow garden for a prolonged period of time. When concerns about the orientation of the terrace dwellings and the general 'cramped' feel of the development was raised with the applicant, with a request that the terrace could be reorientated slightly, it was not pursued.
- 17.6 As such, given the scheme is dense and has possible impacts on houses within the scheme as well as the bungalows, it would not be unreasonable to impose a condition preventing dormers or extensions to the rear roofs of plots 8-11 or any part of plot 1 being extended without express permission from the local planning authority.
- 17.8 In respect of amenity for future occupants, the development shall need to confirm it has been designed to comply with category M4(2) of the current building regulations (facilitating disabled access) and in particular do what it can to provide level approaches, suitable access and approach widths, WC's at ground floor and be able to allow other adaptations to dwellings as occupants may need in the future. This will be particularly important for the affordable housing. This can be agreed by condition.

18. Environment, Ecology and Biodiversity

- 18.1 There are minimal impacts on ecology but conditions can be used to increase biodiversity enhancement with the Biodiversity Management Plan proposed by condition. The necessary enhancements will only be achieved if the scheme includes structural green infrastructure features including a new hedgerow and substantial tree belt along the road's eastern edge.
- 18.2 Officers recognise how the development will realistically have an over-reliance on the private car borne out of being a scale of growth perhaps not ordinarily expected of a secondary village with relative lack of convenient access to facilities, schools in particular. This will cause an unhelpful addition to private motor vehicle fossil fuel emissions, which will be mitigated only slightly by requiring the development to provide in-curtilage EV charging for each dwelling in accordance with policy I1. The decision maker will need to consider whether the merits of the development and its increased provision of affordable housing in particular would or would not outweigh the CO2 emission concerns.
- 18.3 Policy E7 requires new dwellings to meet a water efficiency standard of 110 litres per person per day. There is no reason why this could not be accommodated and a condition is recommended to confirm such details and secure this provision.

19. Habitats Regulations Assessment (HRA)

- 19.1 The application has included a Shadow HRA report for the LPA to have regard to as HRA competent authority. That report considers how the development might affect designated international wildlife sites in the vicinity.
- 19.2 Based on the Council's Indicative Habitat Impact Zones Map the development falls into the 'Green Zone', being sited between 2.5 and 5km from internationally protected wildlife sites.
The shadow HRA Stage 1: Screening report has determined that there is no significant negative effects for: Broadland Ramsar and SPA, Broads SAC, Southern North Sea SAC, Greater Wash SPA, Outer Thames Estuary SPA, Breydon Water Ramsar and SPA, and Haisborough, Hammond and Winterton SAC. This is agreed with and there are no further stages of the HRA necessary, nor bespoke mitigation required.
- 19.3 Winterton and Horsea Dunes SAC and Great Yarmouth North Denes SPA are potentially vulnerable to effects from increased recreational pressure, and Great Yarmouth North Denes SPA may also be vulnerable to potential negative impacts on the breeding Little Tern. In both cases the GIRAMS funding will be adequate to provide suitable mitigation, which needs to be secured through a section 106 agreement to support the Habitats Monitoring and Mitigation Strategy at those sites.
- 19.4 GIRAMS contributions are therefore required at £183.95 per dwelling which amounts to £7,623.13 (41 x £185.93).

Nutrient Neutrality

- 19.5 Separate to the issues of visitor impacts on SPAs and SACs, the development is within the Broads SAC and Broadland Ramsar's 'Nutrient Neutrality' catchment area which has not been identified in the shadows HRA document (which would ideally be updated) but which should be included in the competent authority's own Appropriate Assessment should the Shadow HRA be adopted.
- 19.6 The development will therefore only be acceptable if the scheme does use a sustainable drainage system and confirm it connects to the foul sewer network and from there discharge to the sea via Caister pumping station outside of the Nutrient Neutrality catchment area. These are both proposed so significant impacts on nutrient loading should be avoided.

20. Heritage / archaeological impacts

- 20.1 The proposed development site lies adjacent to the site of the now vanished parish church of Scratby, demolished in the mid-16th century. Frequently in Norfolk parish churches are located adjacent to medieval or earlier manorial centres or within medieval settlements. Metal-detecting in fields to the east have produced a significant number of Roman finds, including coins which is suggestive of Roman settlement in the vicinity. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.

- 20.2 If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with the National Planning Policy Framework.

21. Flood Risk

- 21.1 The development site is within Flood Risk Zone 1, the low probability flood zone with a less than 1 in 1000 annual probability of flooding, and all source of flood risk have been assessed which finds the site to be at 'low' or 'very low' risk of flooding. As the site is more than 10 dwellings it must provide a suitable surface water drainage scheme to avoid causing flood concerns on site or elsewhere.

22. Drainage

Surface Water Drainage

- 22.1 The submitted Flood Risk Assessment has included a proposed Surface Water Drainage Scheme. The ground conditions around the housing area of the site are favourable for infiltration of surface water run-off.
- 22.2 Tests show drainage ability lessens the further south tests were undertaken so the open space area may be less suitable for infiltration; that area of the site should be treated carefully when the open space is prepared to avoid ground compaction leading to future flooding.
- 22.3 A Construction Management Plan shall be required by condition to avoid the open space area (a) being delayed in its provision, and (b) being compromised by the construction process.
- 22.4 The scheme proposes to drain surface water to filter margin / swales alongside the site access road and internal loop road. No such filter / swale is proposed for the public open space, so the applicant shall need to clarify if one should be provided to ensure the open space remains useable following all weathers. The scheme advises that a larger contingency soakaway crate should be provided for draining the access and loop roads, to provide extra capacity if the filter strip swales are clogged on larger storm events, for example. This is shown on the drainage scheme as being in the south-eastern corner of the public open space but is not indicated on the proposed layout as it is underground.
- 22.5 The Highway Authority also advised that a swale could be used instead of filter drains; that has not been shown on the final layout plan 2093-SL01-rev K plans specifically, so will need to be clarified by final design details by condition. The Highway Authority also requested additional soakaway drainage rate testing to confirm this is an acceptable proposal but have not confirmed if the scheme satisfies their requirements; if confirmation cannot be gained before the Committee it shall need to be determined by planning condition.
- 22.6 Individual dwellings' roof water is to be discharged to individual or shared soakaways in rear gardens. Private drives and parking spaces will be constructed of pervious surface paving for natural infiltration.

- 22.7 All the scheme has been designed with a capacity to handle a storm event of at least a 1 in 100 year / 1% chance + 45% climate change and a 10% urban creep allowance, which addresses current standards and CIRIA guidance.
- 22.8 The LLFA have not made specific comment but their standing advice sets out various requirements and advises the drainage scheme cannot be accepted without “*evidence of ‘in principal’ agreement of a third party for SuDS discharge to their system (e.g. Anglian Water, Highways Authority or third party owner). Furthermore the LLFA caution that water quality must be protected and the ability to do so relies on the systems proposed, stating: “Proprietary SuDS such as vortex pollution control e.g. downstream defender will not be acceptable to some adopting authorities and hence comment from them should be considered. Identification of the maintenance responsibility of any ordinary watercourse (including structures) within or adjacent the development.”*
- 22.9 A draft SUDS Management and Maintenance Plan has been included in the FRA document, the basic principles of which are for the proposed access and loop road drainage features are proposed to be adopted by the Highway Authority which will need to be confirmed through section 106 and separate highways section 38 agreements. No ‘indicative agreements’ have been provided. It may prove complicated for the applicant to arrange highways adoption of the contingency soakaway crate underneath the privately-managed public open space area, so it should not be assumed to be an adoptable feature at this stage, but this can be established by conditions if not whilst the terms of the section 106 agreement are completed. Maintenance of soakaways at dwellings will fall to the homeowner / registered provider housing association.
- 22.10 As such it cannot be assumed that the drainage scheme is acceptable in its current form. However the application proposed a hybrid approach to highways drainage using filter strips and attenuation / soakaway crates; if it needed to be, there seems little reason why a scheme could not be amended to increase capacity in particular areas sufficient to overcome any remaining concerns of highway authority officers.
- 22.11 Subject to conditions, the final details of the drainage scheme can be agreed in terms of management and maintenance requirements, whilst the final confirmation of and transfer to management and maintenance bodies will be included in the section 106 agreement.

Foul Drainage

- 22.12 Anglian Water records indicate that a foul sewer is situated at the Scratby Road / Beach Road junction north-west of the site. A pre-planning application has been made to Anglian Water proposing a connection to that sewer (point MH 5302). Anglian Water has deemed this point of connection as acceptable and has confirmed there is capacity for a larger number of dwellings than those proposed, but, due to higher ground and pipe invert levels at this location, a pumped connection will be required. The applicant proposes to route the foul water conveyance along the proposed access road and north along Scratby Road to the existing sewer.
- 22.13 The remains in-principle capacity at the Pump Lane treatment works and in the sewage system network. Subject to achieving appropriate pumping rates / velocity and

including a back-up power and telemetry to inform Anglian Water in the event of power cuts, the development should be able to be discharged to mains sewer network and therefore shall be able to avoid an impact on designated habitat sites and avoid nutrient neutrality concerns by being discharged via Caister pumping station to sea.

- 22.14 The location of the foul water pumping station differs in the drainage scheme compared to the proposed layout so will need to be clarified before permission is issued, whilst conditions will secure the final foul drainage scheme details to ensure capacity can be achieved at the rates required by Anglian Water.
- 22.15 Anglian Water has confirmed there is capacity at the main Pump Lane water recycling centre, but the capacity if the network will depend on the details of a foul drainage strategy to be agreed by condition. A number of informative notes have also been requested.

Water supply

- 22.16 Essex and Suffolk Water have confirmed they have no objection to the proposal and a water mains supply runs along the west side of Scratby Road.

23. Planning obligations and viability

- 23.1 The following on-site facilities and contributions are expected from a development of this nature and scale, as described in preceding sections of this report:
- Affordable housing (at least 14no. dwellings as discussed above).
 - GIRAMS habitats mitigation contribution (41 x £185.93) = £7,623.13.
 - Public open space provision on site: minimum 947.1sqm.
 - Contributions for public open space facilities off-site (41 x £713.11 per dwelling) = £29,237.51 (which may be amended when the current draft SPD is adopted).
(unless the applicant elects to provide some additional facilities within the overprovision of public open space, such as allotments, to minimise travel elsewhere)
 - Education enhancements (depends on capacity at the time – NCC to confirm).
 - Library enhancement (at least £75 / dwelling) = £3,075 (may be updated by NCC).
 - Public Rights of Way enhancement contributions – to be confirmed by NCC.
 - NCC planning obligations monitoring fee = £500.
- 23.2 Comments from the County Council's s106 planning obligations team are yet to be received; if contributions were not addressed the scheme would not satisfy policy.
- 23.3 Education - All 41 dwellings are multi-bed dwellings so would be expected to create educational demands. In this respect the applicant has suggested there is capacity at Martham High, and both of Ormesby Junior and Infant schools. Whether that is the case remains to be seen because other permissions have to be taken into account and school rolls are updated at the beginning of each year. If the County Council identifies a shortfall in capacity then it is expected to be addressed by financial contribution. If it is not, the development will be contrary to policy GSP8 amongst others.
- 23.4 The provision of affordable housing and any other financial contributions necessary is expected to be achievable in light of the recently adopted Local Plan Part 2, and indeed

policy GSP8 is clear that viability is only a constraint on brownfield development sites. Policy GSP8 does not allow for the consideration of viability on greenfield sites unless the contributions would exceed £15,000 per unit in addition to the affordable housing requirement under Policy CS4 (which would be £615,000 total for this development); it is unlikely that the outstanding information regarding the need for education contributions would cause the development to exceed this.

- 23.5 Whilst the Council has commissioned external advice in respect of providing 'exception site affordable housing' (discussed at section 11) this is not expected to question whether other contributions can be made. The contributions listed above are expected to be provided to make the development acceptable.

24. Other Material Considerations

The concern over 'precedent'

- 24.1 Concerns have been raised that creating a new access road off Scratby Road will become 'the thin end of the wedge' facilitating future development to the south and east. These are understandable concerns, but it should be noted that any such proposal would be contrary to current adopted policy.
- 24.2 Any such proposals should be considered holistically through local plan preparation, which remains the best process to examine whether there is a need for the village to grow still further and what the best prospects for any future growth for Scratby should be.
- 24.3 At this point in time, the circumstances surrounding this application are rather unusual and it is right that only the merits of this application should be considered. Officers recommend very little weight should be given to the issue of setting a precedent, or enabling other future development, whether at this site, elsewhere in Scratby or at other villages in the Borough.

Local Finance Considerations

- 24.4 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.

25. The Planning Balance

- 25.1 In recognising the concerns raised previously which led to the refusal of the 67 dwelling scheme 06/20/0313/F, it is important to note the difference in the positioning and extent

of development now proposed. The form of development (save for the access road and paths discussed above) attempts to consolidate the built environment to the north of the site to reduce the spread of housing away from the village.

- 25.2 Overall, it is acknowledged that the character of the village will change and in some respects this is detrimental, but in comparison to the previous application it is considered to have some benefits and being within the development limit it is to some extent inevitable that development in this location will have some differences to the character of the existing village setting.
- 25.3 This is a finely balanced appraisal and one that is complicated by the area's planning history and recent incremental growth which created a residential cluster with limited practical accessibility other than the private car. Therefore, expanding on that at the scale proposed inevitably challenges policy and principles.
- 25.4 Nevertheless, aside from concern over limited accessibility to services, recreation or employment opportunities, it has to be acknowledged that over half the development is within the adopted village urban envelope and a significant part of the remainder is on land that was previously found to be acceptable for development pursuant to application 06/18/0475/O.
- 25.5 Overall, the development satisfies most relevant policies for delivering the site and once amendments are settled, will avoid creating unacceptable impacts. Importantly, the benefit of providing substantial area of public open space has the ability to reduce reliance on recreation provision offsite and commensurately reduce highway safety risks.
- 25.6 Of significant material consideration is the public benefit derived from the development's 'net-additional' provision of affordable housing above that which is a minimum requirement set out in policy. Whilst this would not normally be viewed as favourably if it involved development outside the defined development limit, it is an important additional benefit that a significant and majority proportion of the affordable housing is proposed to be set aside for specifically-identified local needs housing in a village which lacks existing affordable housing.
- 25.7 Taken together, these benefits are considered appropriate to outweigh the concerns raised and collectively justify approval in this instance.

26. Conclusion and Recommendation

- 26.1 On balance it is considered that the benefit of the additional affordable housing and the position of the development largely with development limits and an area anticipated to be developed will assist in maintaining a housing supply and addressing some need. The concerns for highway safety are not considered sufficient to justify refusal of the application in the terms expressed by the National Planning Policy Framework, whilst the impact on the character of the area is outweighed by the benefits of the scheme.
- 26.2 Having considered the details provided, the application is considered to comply with policies CS1, CS2, CS3, CS4, CS9, CS11, CS15 and CS16 of the adopted Core Strategy, and policies GSP3, GSP5, GSp6, GSP8, A1, H1, H4, E4, E6, E7, I1 and I3 of the adopted Local Plan Part 2 (and any neighbourhood plans policies?).
- 26.3 Although contrary to some adopted policies, it is considered the material considerations of additional affordable housing and open space provision combine to

overcome or reduce some of the severity of conflict with policy, and 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 06/22/0546/F should be delegated to the Head of Planning to APPROVE, subject to:

- (i) **Satisfactory minor amendments being proposed to the layout and landscaping as described above;**
- (ii) **Satisfactory resolution of the assessment of affordable housing provision from amongst the 19no. dwellings considered 'rural exception site' housing located outside the adopted development boundary;**
- (iii) **Following (ii), reaching agreement on the mix, type and tenure of affordable housing across the site, having regard to addressing the issues raised at section 11 of this report;**
- (iv) **Completion of a Section 106 Agreement to secure at least the following:**
 - Affordable housing in line with part (iii) above;**
 - Financial sums described at section 23 of this report;**
 - Sustainable drainage, open space and landscaping management.**

And;
- (v) **If the Section 106 Agreement is not progressing sufficiently within three months of the date of this decision, to delegate authority to the Head of Planning to (at their discretion) refer the application back to the Development Control Committee at the earliest opportunity, for re-consideration of the application, or to refuse the application directly, on the grounds of failing to secure planning obligations as outlined within this report (or the Committee's decision if the recommended content is varied);**

And;
- (vi) **Appropriate planning conditions to be proposed at the Committee meeting.**

Appendices:

1. Site Location Plan.
2. Site Layout Plan.

APPENDIX 2:

COMMITTEE ADDENDUM UPDATE REPORT NO. 1 OF 2 – 22ND MARCH 2023

DEVELOPMENT CONTROL COMMITTEE

ADDENDUM REPORT

22nd March 2023

UPDATES TO PLANNING APPLICATIONS

Item 4 – Application 06/22/0546/F: Land north of Scratby Road, Scratby

1) Additional information from the applicant:

The applicant has sought to address some of the matters raised in the Committee report which were identified as being a requirement to achieve officer support. If the application is considered acceptable in principle, some aspects will be finalised under delegated authority.

An **updated site layout plan** will be presented at the meeting to illustrate the following:

- Landscaping features – a complete hedge around the public open space has now been proposed through an addition on the west boundary.
- Landscaping mitigation – the hedging proposed behind the drainage channel on the east and south of the access road has been complemented with tree planting to try and mitigate the visual impact from Scratby Road. This may require more trees but indicates a willingness to provide a minimum standard.
- Public open space feature has been sketched out to propose additional informal greenspace as wildflower meadow and orchard species trees, with some seating and bins.
- Pumping station enclosure designs have been provided.
- Electric substation building elevations have been provided.
- The pumping station and electricity substation can be reappraised to see if they are able to be swapped in their position, with road layout confirmed also.
- The applicant is investigating the affordable housing need requirements in the village.

2) Corrections / clarifications to Officer Report:

Re: Off-site footpath access to Station Road, Ormesby.

The Highway Authority officer has identified a factual inaccuracy in the Committee Report.

In paragraph 12.24 it is stated that all of the verge may not highway as some owners claim to own up to the carriageway. Highway Authority officers point out that land ownership and highway rights are two separate matters that can overlap, even if the adjacent land owners are correct and they do own land to the edge of Station Road it may also still be in the highway boundary and highway rights may subsist across land in third party ownership. Ownership of highway by third parties would not give that landowner a right of veto or ransom, if the highway authority required the land in question.

In response **the Applicant** has stated they believed there was no land in the area in question outside Karumba House that was ever highway land.

In any case there are no proposals to provide any form of path beyond Scratby Road. Members will need to take a view on that as described in the report.

Re: Affordable Housing in the Countryside / outside development limits:

Whilst Members' decision will need to be based on the policies of the adopted development plan, the following information from the National Planning Policy Framework is a material consideration of note:

Officers have provided their own emphasis where underlined.

NPPF Paragraph 69: [re: housing within development limits]

"Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

(c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and...

NPPF Paragraph 72: [re housing outside the development limit]

"Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:

(a) comprise of entry-level homes that offer one or more types of affordable housing as defined in [Annex 2](#) of this Framework; and

(b) be adjacent to existing settlements, proportionate in size to them ³⁵, not compromise the protection given to areas or assets of particular importance in this Framework ³⁶, and comply with any local design policies and standards.

NPPF Annex 2 confirms that affordable housing will be suitable if it includes Affordable Rent where the landlord is a Registered Provider, and includes provisions to be retained as affordable or where disposed of the income would be recycled into affordable housing stock in the vicinity; or where homes are available with 'affordable routes to home ownership' i.e intermediate tenure shared ownership dwellings.

These are the shared expectations of the applicant.

Officer advice:

The NPPF is a significant material consideration, and is consistent with some general principles of support for 'exception site' affordable housing at policy CS4 as discussed in the report:

"Support proposals for housing on small rural exception sites where there is no conflict with other Local Plan policies and the following criteria are met:

- *The majority of the homes provided are affordable*
- *The site is within, or adjacent to, the existing settlement*
- *A housing need has been identified, either in the parish or in one or more of the adjacent parishes, for the type and scale of development proposed*
- *The proposed development is considered suitable by virtue of its size and scale in relation to the Settlement Hierarchy in Policy CS2."*

However a development must still be suitable in all other respects including with adequate and safe access to facilities, and be proportionate to the scale of the village and its relationship thereto.

Re: **Affordable housing** and Strategic Housing Officer comments –

At paragraph 5.2 underneath the comments from the Strategic Housing Officer, the officer response has been copied and pasted from the Environmental Health officer section above. With apologies for any confusion caused, the Officer response should read that the affordable housing needs to demonstrate there is an identified local need and (subject to viability) the final tenures and housing mix for affordable units will need to be agreed by officers and confirmed in the terms of the section 106 agreement. This is already set out in report section 12 and the Recommendation to Members.

As yet there is no formal feedback from the Council's appointed viability consultants but this can be ratified through delegated authority, if needs be in consultation with the Committee Chairperson.

3) Additional / Updated Consultee Comments:

Highway Authority officers have confirmed:

- The drainage scheme is acceptable as proposed, but would prefer to see a swale used rather than a filter strip along the east of the access road. This level of detail can be agreed by conditions.

- Highways should be able to adopt the drainage crate system proposed in the public open space area subject to agreeing a wayleave (and confirm through conditions and section 106).
- Highways would not support positioning the Scratby Road paths behind hedges.
- A selection of conditions are requested for use if this is resolved to be approved.

Council's Tree Officer - has provided more descriptive comments, stating:

Re: value of the TPO trees:

- The Lombardy Poplar Trees adjoining Woodlands Close remain worthy of TPO protection due to the tree group's public visibility. This is despite the group being of only satisfactory condition and a limited retention span overall, which corroborates the findings of the submitted Arboricultural Assessment.
- The trees contribute heavily to the wider area and landscape with the proposed development infringing upon them.
- There are construction techniques/methods suggested so that the trees and planned development can coexist however the characteristics of the tree species concerned will only become an 'issue' to the residents who live in the new dwellings (as detailed above).
-

And,

Re: impacts from the development:

- Plots 10, 11, and 12 will be in a lot of shade due to their proximity to the line of TPO'd Poplar trees (G1).
- The housing plot's foundations are out with the RPA so will not be damaged by the development and a no dig surface is proposed to be implemented in close proximity to the trees.
- However the tree's heavy impact upon the houses will lead to many TW applications and calls for the preserved trees to be removed in the future.
- Poplar trees are also very brittle and susceptible to drop branches as part of their life cycle (also the seeds are wind dispensed)– the proximity of these trees to the proposed properties will cause issue with residents again leading to requests for the trees removal.

These concerns will be raised in the Committee presentation. The applicant has suggested one of the 17 is dead and others are struggling but no updated evidence is provided.

At this moment in time there is no proposed replacement planting strategy for this part of the site. As such, any pre-emptive removal would not be followed up with appropriate screening or landscape feature in this location, within this application. Any future tree work applications would need to be considered on their own merit.

4) Additional Public Representations received:

Although no additional written comments have been received the case officer has received 4-5 telephone calls in the intervening week which express concern and raise matters missing or overlooked in the report. These include:

- Reiterated concern that without a footpath pedestrians will be unsafe.
- Affordable housing is isolated from the village without direct connection to Beach Road.
- There is no streetlighting which will make the Scratby Road verge-side paths unsafe.
- There is no justification for housing outside the village envelope.

One additional written letter of objection has been received, summarised:

- A precedent could be set by this development that impacts the whole Borough.
- The Highway Authority requirements should be clarified.
- A 6m high fence to the public open space along Scratby Road will be required.
- Highway access, path access, sewage connections have all been offered to the applicant through the land in separate ownership to the north but the offer has not been taken up.
 - o Officer note: this is a private arrangement and cannot be guaranteed to be possible: this application must be determined on its own merits.
- The adjoining land owner claims there is no obstacle on their part to completing the legal agreement for the 19 bungalows which have a resolution to approve.
 - o Officer note: there is nothing to stop that application proceeding and a landowner / developer undertaking either proposal but only one would be able to proceed as it is the same site.
- Someone will need to take responsibility for additional road traffic accidents.
 - o Officer note: Highways have confirmed there is capacity and access is sufficiently safe and there are no highway safety grounds to object to this.

Officer Response: All these points are addressed in the original Committee Report, with the exception of the suggested fence alongside Scratby Road but this would not be supported due to the visual impact it could create which the scheme and its layout and landscaping measures are trying to minimise, as described in the report.

One letter of support has been received, stating there is a need for affordable housing and 34% provision is significant.

5) Recommendation:

The recommendation remains as proposed in the written report, but with the addition of these conditions:

1. Standard time limit – commence in 3 years
2. Development to be in accordance with the approved plans and details

Pre-commencement:

3. Archaeological Written Scheme of Investigation details and undertake trial trenching
4. M4(2) building design standard details to be agreed
5. Water conservation and efficiency measures to be agreed
6. Details of surface water drainage scheme

7. Foul drainage details to be confirmed (capacity and flow rates)
8. Details of pumping station and electric substation layout and appearance
9. Existing vehicle access to be closed from Scratby Road – detail & provide
10. On-site parking for construction workers, loading and delivery areas to be agreed
11. Off-site highways scheme to be agreed
12. On-site highways details to be agreed
13. Fire hydrants scheme layout to be agreed
14. Tree protection measures to be installed prior to commencement
15. Construction management plan to be agreed and followed: inc. avoid the open space area (a) being delayed in its provision, and (b) being compromised by the construction process/squashed and unable to drain, and include dust, noise, air quality, hours of work measures, phasing sequence

During construction

16. Contamination precautions
17. Construct in accordance with the submitted Arboricultural Method Statement

Prior to constructing beyond DPC / slab levels

18. Hard landscaping scheme details
19. Soft landscaping scheme details - Planting plan, landscaping schedules & protection
20. POS details
21. Recreational Avoidance Strategy details to promote PROW and minimise visiting designated sites
22. Biodiversity Method Statement
23. Lighting design strategy and ecology mitigation
24. Cycle parking details for each dwelling

Prior to occupation

25. Visibility splays to be in place
26. The off-site highways works to be completed
27. All highways works to be in place and complete – binder course level for first dwelling
28. All highways works to be complete – to adoptable standard before final dwelling
29. Topsoil certification and soil management plan
30. Removal of permitted development rights to the rear of plots 8-11 and / or other alterations to plot 1.

And any other conditions as may be deemed appropriate by the Head of Planning.

APPENDIX 3 –

COMMITTEE ADDENDUM UPDATE REPORT NO. 2 OF 2, 19th APRIL 2023

DEVELOPMENT CONTROL COMMITTEE

ADDENDUM REPORT #2 of 2

Published 19th April 2023

UPDATES TO PLANNING APPLICATIONS

Item 4:

Application 06/22/0546/F: Land north of Scratby Road, Scratby

This report is produced in addition to the Update Report published as dated 22nd March.

The following additional and new information has been received since 22nd March.

1) Additional information from the applicant:

Affordable Housing mix and tenure –

- (a) The applicant has confirmed the 3no. intermediate tenure affordable homes will be provided as Shared Ownership.

OFFICER RESPONSE - This better addresses the identified housing need than shared equity or other forms of discounted home ownership would, and the clarification is welcomed.

- (b) In response to the Strategic Housing Officer's concerns about the overall mix and affordability of 3-bedroom 'shared ownership' properties (at paragraph 11.15 – 11.18 of the original officer report [agenda page 48]) – the applicant has changed a previous 2-bedroom affordable rent home to shared ownership, and changed a 3-bedroom shared ownership property to an affordable rent tenure.

OFFICER RESPONSE –

This redresses some of the concern about the ability of the local community to access the proposed affordable housing, though does not completely resolve the Strategic Housing Officer's concerns. The amendment is welcomed but the overall mix and tenures of affordable housing will still need to be reappraised and confirmed (as proposed under delegated authority) once the viability appraisal is agreed.

No change is proposed to the recommendation – the affordable housing mix should still be agreed as per Officer Recommendation parts (ii) and (iii).

Highways works -

- (c) The applicant has proposed to widen the Scratby Road and Beach Road footpaths from the 1.8m proposed to 2.0m.
- (d) The applicant has proposed to amend the route of the Scratby Road / Beach Road path to run alongside the road carriageway and on the outside of the junction curve, rather than cut-across land in third party ownership. This will also help remove the existing informal parking area which creates a hazard on the bend.

OFFICER RESPONSE –

The Highway Authority has confirmed they have no objection to these amendments.

These amendments are minor and are welcomed to improve safety and visibility of pedestrians and prevent complications of land ownership. Whilst a desire-line may well be created alongside the trees anyway it is a small issue that could be resolved by landowner providing landscaping outwith the remit of this application.

The applicant has also reassured the Highway Authority that the land on the west side of Scratby Road is within their control in order to provide the proposed path and widened carriageway to accommodate the pedestrian refuge island in Scratby Road.

Land ownership and legal agreement on undetermined application 06/18/0475/O -

- (e) In Update Report No. 1 dated 22nd March [agenda page 71]) an objector mentions:
 - (i) that they offered access rights and sewage connections for this development through their land to the north - the applicant responds by stating no such offer was made to themselves; and,
 - (ii) that the unresolved scheme for 19 dwellings could be agreed – this applicant claims there is no legal interest for that person in that land, but it would not necessarily need the applicant to have an interest, only a willing landowner.

2) Additional consultee comments

Norfolk County Council's Strategic Planning Obligations team has confirmed they would expect the development to provide:

- No financial contributions required for Education (there is ample capacity at all school levels in the local catchment).
- At least one fire hydrant to be provided (subject to layout and accessibility).
- £3,075 (£75 per dwelling) for library enhancements for stock and IT.

OFFICER RESPONSE –

These were largely as expected and reported at paragraph 23.1 of the officer report (agenda page 61). The officer recommendation is not affected by this confirmation.

3) Additional public representations and consultation comments

Since the publication of the original officer report for 22nd March committee, some 53 additional objections have been submitted, with 3no. additional comments, and 2no. additional letters of support.

This changes the overall number of comments received to:

- 74 objections
- 4 in support
- 2 comments

The objections raised cover the following matters which are material and which were addressed in the officer report paragraphs 6.4 – 6.10 (agenda pages 35-36):

- Inappropriate scale of development for Scratby
- Increased CO2 emissions
- Lack of off-site footpaths and routes to school to and from the site
- Safety of use of the open space at the front of the site
- Impact on protected species inc. newts, grass-snakes
- Local infrastructure, utilities and services are overloaded
- Traffic in the area will increase and speeds are already exceeded
- Loss of agricultural land / greenfield sites
- Noise pollution
- Loss of privacy to recently-built homes
- Over development
- Setting a precedent for other inappropriate developments
- Increased flood risk

Supporting comments are provided re: affordable housing.

General comments provided cover the need for improved footpath provision in the area.

The following comments are raised which are not material to the current application:

- Possibility to facilitate additional development at 27 Beach Road.

4) Initial feedback from the LPA's appointed viability consultants

The consultants have provided some initial points of assessment of the applicant's submitted viability reports. Discussions are ongoing to see if which areas require further clarification and re-appraisal, but the initial reports suggest there is a better viability position than was proposed by the applicant. The following are most pertinent:

- The applicant has included some £2.2m of 'abnormal costs' which are not usually considered abnormal and are accepted only pending further evidence to justify inclusion.
- The value of the site has been depressed by using outdated sales values and no 'real-life' purchase values for similar dwellings in the local area, amounting to some £28/sq.ft.
- The site value has relied on an outdated valuation of the affordable housing properties which needs reappraising.
- The costs of construction can be increased slightly, as could anticipated profit margin.

The land value of the 'exception site area' has been valued inappropriately and not based on the required 'existing use value + incentive'. This in turn has distorted the

'benchmark value' assessment that the release of land should be compared against. As such it could be said that the land value expectation is artificially high for this part of the site, based on 'hope' value rather than 'land use policy-based' value. This means the incentive to release the land assumes a higher value to be passed than planning policy would support, and in turn then assumes more dwellings to be necessary to achieve a 'fair price'.

The appointed consultants have therefore looked at how many private-market dwellings are necessary in the 'rural exceptions site' area and found that rather than needing 9 open-market dwellings, the scheme would appear to only need 6 open-market dwellings to provide the 10 affordable dwellings proposed in this area and remain viable with an appropriate and competitive land value.

When taken as a whole, this would suggest that the scheme of 41 dwellings could be reduced to 38 dwellings and still provide the proposed 14 dwellings across the site, whilst remaining viable and provide a fair return to the applicant/developer and landowner.

OFFICER RESPEONSE –

Clearly this emerging evidence has potentially very significant ramifications for the application, but it is important to stress that the emerging assessment is still heavily reliant on the applicant providing appropriate additional information to explain their proposed position.

The part of the development within the adopted village boundary would remain viable with 20% affordable housing provision, and that aspect of the development would not need to be questioned.

However, there are potentially significant consequences for both the 'rural exceptions site' portion of the application site, the application's proposed extent of 'public benefit', and the overall development quantum and layout as a 'hybrid' application spanning the village boundary.

If the emerging viability information and assessment is proven to be appropriate to pursue improved data, resulting in a position whereby Officers and applicant have differing opinions on viability, Officers suggest (and to some degree speculate) that the application could eventually remain viable despite either:

- Providing fewer dwellings overall; or,
- Proposing more affordable housing from within the 41 dwellings overall; or,
- Propose a smaller site area and appropriately adjusted layout.

However that is not what is currently proposed in this application. It is therefore proposed that the development viability should continue to be investigated under Delegated Authority, and if Officers do consider there are grounds to make any changes to the mix of affordable housing, or other alterations to the form of the proposed development, then this should be reverted to the Development Control Committee in due course.

5) **Amended Recommendation:**

The recommendation in the original Officer Report is still considered relevant.

The conditions recommended for use are as per Officer Update report (agenda page 71).

However – it is recommended to amend the Recommendation thus:

- (1) The viability appraisal review suggests house price valuations are relevant for the current period of time only with a slightly depressed housing market until 2024 (values are expected to increase akin with previously-experienced house price growth from 2025). As such, it is recommended that any approval should be subject to a planning condition **requiring commencement within 12 months of the date of the decision** (which could be 18 months from the committee meeting by the time section 106 agreements are completed). This would secure the public benefits quicker than the usual 3 years, and be relevant to the economic circumstances in which the decision is made.

This is a proposed amendment to proposed Condition 1 on agenda report page 71.

- (2) As the application is proposed to supply significant public benefits in the form of additional affordable housing, the affordable housing quota should be subject to a viability re-appraisal if the development has not provided any affordable housing ready for occupation within 18 months of the commencement of development, and a reappraisal would secure more affordable housing or a commuted sum from any 'uplift in value' if the affordable dwellings do not proceed to a timely fashion.

This is a proposed amendment to add the additional requirements to proposed recommendation part (iv) on agenda report page 64.

APPENDIX 4 –

EXTRACTS OF COMMITTEE MINUTES - 19TH APRIL 2023



Development Control Committee

Minutes

Wednesday, 19 April 2023 at 18:00

PRESENT:-

Councillor Annison (in the Chair), Councillors G Carpenter, Fairhead, Flaxman-Taylor, Hanton, Myers, Wainwright, Williamson, A Wright and B Wright.

Councillor Candon attended as a substitute for Cllr Freeman.

Councillor Mogford attended for agenda items 1 - 4 only.

Councillor Galer attended as a substitute for Cllr Hammond for agenda items 1 - 4 only.

Mr R Parkinson (Development Manager), Mr N Harriss (Principal Planning Officer), Ms C Whatling (Monitoring Officer), Mr M Brett (IT Support), Ms C L. Webb (Executive Services Officer) and Ms T Koomson (Senior Democratic Services Officer).

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Freeman who was substituted by Cllr Candon and from Cllr Hammond who was substituted by Cllr Galer for agenda items 1 - 4 only (not present for agenda item 5; application 06-21-0657 F).

DECLARATIONS OF INTEREST

Cllr G Carpenter declared a personal non-pecuniary interest on agenda item 5, informing the Committee that he has known the applicant over sixteen years as a neighbour. He was able to participate and vote on the item.

MINUTES

The Minutes of the meeting held on 22nd March 2023 were agreed.

06-22-0546-F - Land north of Scratby Road, Scratby

The Development Manager Mr R Parkinson referred the Committee to the main report and the addendum report of 22nd March attached to the main agenda pack and the second addendum report of the 19th April and the additional viability report that was only received on the afternoon of the 19th April. The Chair gave the Committee sufficient time to study the latest reports relating to the application.

The Committee then received and considered the full report set out on the agenda pack, which was prepared and presented by the Development Manager Mr R Parkinson. The application was brought to the Committee as per Constitution as it is a development of more than 25+ dwellings. Whilst some areas of the development still needed clarification and/or adjustment in line with officer recommendation, the Committee was asked to confirm whether it is appropriate to proceed in the recommended direction of travel in the terms described in the report (and subsequent amendments) through authority delegated to officers. The application was proposed erection of 41 no. dwellings, vehicular access, landscaping, open space, footpath improvements and associated infrastructure.

The Development Manager updated the Committee on additional information received from the applicant as well as comments received from the Highways Authority, Tree Officer and the public (as per addendum reports provided). He confirmed that having considered the details provided, the application is considered to comply with policies CS1, CS2, CS3, CS4, CS9, CS11, CS15 and CS16 of the adopted Core Strategy, and policies GSP3, GSP5, GSP6, GSP8, A1, H1, H4, E4, E6, E7, I1 and I3 of the adopted Local Plan Part 2. Although proposal was contrary to some adopted policies, it is considered the material considerations of additional affordable housing and open space provision combine to overcome or reduce some of the severity of conflict with policy, and it is considered that there are no other material considerations to suggest the application should not be recommended for approval subject to proposed conditions as per addendum report of the 22nd March.

The Development Manager further advised the Committee that including the consideration of the Development Viability Review and the potential changes in the affordable housing provision in the development, it was recommended to delegate

authority to the Head of Planning to DETERMINE the application 06-22-0546-F, in accordance with the Report, Update Addendum Report No. 1, and Update Addendum Report No.2, subject to:

(A)

(i) Complete the affordable housing viability investigation and agree the overall affordable housing provision with the applicant: final mix, type and tenure of open-market and affordable housing across the site, with regard to the results of the affordable housing viability investigations.

(ii) Complete a Section 106 Agreement to secure:

(i) Affordable housing, Financial contributions, on-site feature management e.g. open space, drainage, landscaping.

(ii) A viability appraisal / clawback mechanism for additional affordable housing provision or commuted sum, if the development has not provided Affordable Housing within 18 months of commencement.

(iii) Appropriate planning conditions, as per the Update Report no. 1 including Commencement of development within 12 months, rather than 3 years.

(B)

(i) If the applicant does not provide the optimal quota of affordable housing relevant to the 'rural exception site area', and the overall mix on the application site, to delegate authority to the Head of Planning to REFUSE the application for failing to provide the amount of affordable housing appropriate to the policy status of the site, with regard to the NPPF and policies CS2, CS3, USC4, GSP1, GSP8 and H1.

(ii) If the Section 106 Agreement is not progressing sufficiently revert to Committee Chair to refuse.

Cllr Hanton noted that there were quite a lot of mitigation on the report and rereferred specifically to point 26.3 'conclusion and recommendation' on the report. He further asked if in officer's view, any reasons for refusal of the previous application (06/20/0313/F) would still be relevant considerations (point 4.5 (1, 2, 3) of the report). The Development Manager went through the points and considered that point 1) is not relevant as this application is materially very different and includes green spaces and affordable housing that point 2) is not relevant as this application has taken trees and landscaping issues into consideration and that point 3) is not relevant as this development is using less agricultural land and provides other aspects to justify the use of that land.

Cllr Myers referred to proposed revised recommendation: "Point A) (ii) Complete a Section 106 Agreement to secure: (ii) A viability appraisal / clawback mechanism for additional affordable housing provision or commuted sum, if the development has not provided Affordable Housing within 18 months of commencement" and asked clarification how this would work in practise. The Development Manager talked through the revised recommendation specifically in relation to affordable housing provision and referred the Committee to condition B ii) If the Section 106 Agreement is not progressing sufficiently revert to Committee Chair to refuse.

The Chair invited Mr Harper (Agent to the applicant) to speak.

Mr Harper acknowledged a comprehensive report and presentation prepared by the Development Manager. He noted that this application has no comparison to the previous application (06/20/0313/F) that was refused in 2020 as this proposal offers three times more affordable housing and three times more green space. He noted that in Scratby there has been recent 'ad hoc' developments of at least 12 to 14 dwellings, but none of them offered any affordable properties or wider benefits to the area. Subsequently, there is currently no affordable housing provision in Scratby. This development of 41 dwellings not only include affordable housing, but would provide improvements that would benefit wider community for example the footpath on Scratby Rd. and green space. The development would be five minutes away from a shop, close to cafe, pub and other village amenities. Ormsby Schools also have spaces and in fact need more pupils. Mr Harper was confident that people want to come and live in Scratby and that this development has the benefit of the whole Scratby in mind. He believed it offers an opportunity for people to stay in the village and offers affordable energy efficient homes for the local people. Mr Harper referred to the development viability review and confirmed the applicant's willingness to work with the Council's appointed consultants to find the right mix of affordable housing for this development. He further advised the Committee that he is confident from working with the highways that the traffic on Scratby Road can be (and will) slowed down and that a safe footpath to Scratby can be provided.

The Committee had no additional questions and the Chair thanked Mr Harper for his contributions.

The Chair invited the ward Cllr Freeman to speak.

Cllr Freeman noted that the proposal would involve building 19 properties on rural exception land. He referred the Committee to section 24.2. on the officer report and concerns that this development would set a precedent and would create an isolated separated community. He noted that a bigger development of 67 dwellings on the same land was refused and there is another 19 dwellings unresolved application. He noted the lack of access to schools for any potential families with children residing in these properties. The nearest schools are in Ormesby and the journey there would take up to 30 minutes each way, and more importantly, there is no safe footpath to Ormesby. He advised the Committee that he had walked along the Scratby Rd at various times (and weather conditions) to make observations relating to the proposed footpath to Scratby village. Subsequently he disagreed with the assessment that a safe 2metre wide footpath would be possible along the Scratby Rd to provide access to the village amenities. He noted that accessibility needs to be a primary consideration on this development and at present it simply is not adequate. Although proposal is to provide affordable housing, the lack of access means it is not practicable solution to those who don't own cars. The public transport provision is 'one bus per hour' during the summer months and even less frequent during the winter months. The provision of public space that the development offers is irrelevant as Scratby already has a beach and the proposal in his view does nothing to improve the environment such as planting of trees or other design features as per local design plan. He noted that in Scratby, there are about 450 dwellings and Ormesby is considered to be 'the centre' and that these proposed 41 dwellings would be a separated unit outside the main village. In summary, Cllr Freeman urged the Committee to refuse the application on the basis of loss of agricultural grade I land, poor access and for this development being outside the identified development limit.

The Committee had no additional questions and the Chair thanked Cllr Freeman for his contributions.

The Chair invited the Parish Cllr Nathan to speak.

Parish Cllr Nathan thanked the Committee for the opportunity to speak and referred to section 1.1 and 1.2 on the report and the fact that the proposal involves building on the agricultural land that is not inside the village and would in fact create a 'hamlet inside a hamlet'. He then referred to section 2.1 of the report and the proposed use of exception land to build affordable housing, but noted that currently there are plenty of other developments that provide affordable housing in Great Yarmouth in areas that are accessible unlike this site. Cllr Nathan referred to section 3.2 of the report that confirms the limited accessibility and employment opportunities that means young people are leaving the village; not because of lack of housing. He further asked the Committee to consider the planning history on report section 4. He specifically noted that in his view, although smaller developments have taken place in the village, the village has not changed and this development does not meet the requirements of achieving sustainable growth as per policy CS2. Referring to section 5 and the responses to the consultations, Cllr Nathan confirmed that a survey was carried amongst the local residents and that out of 366 respondents, 98% rejected this proposal. In his view this clearly demonstrated that the residents of the village are against this proposal and that pursuing this development is disregarding local policies.

Cllr T Wright asked what evidence does Cllr Nathan have to support the claim that young people are leaving the village due to lack of employment opportunity rather than affordable housing. Cllr Nathan confirmed that he has reports that show that the main issue is accessing jobs in Norwich as well as in Great Yarmouth Town Centre. (Young) people leave Scratby due to lack of public transport provision to access these job opportunities from the village.

The Chair thanked Cllr Nathan for his contributions.

Cllr Myers agreed that public transport is always an issue. He further noted that there are policies for and against this proposal and the Committee needs to decide what carries more weight. He further noted that location of the development inside or outskirts of the village makes little difference in relation to accessibility to transport. He further noted the need for housing and especially affordable housing provision.

Cllr Wright agreed that the lack of public transport does have an impact and contributes to people leaving villages and rural areas. However he also emphasised the fact that affordable housing is a key 'community facility' that should be encouraged even if what is considered 'affordable' is still unaffordable to many. He further considered that this development is on the grade 1 agricultural land, which he strongly believes needs to be protected. As such he is yet to be persuaded what weighs more on the scales on this specific development; affordable housing or protection of that land.

Cllr Hanton agreed with Cllr Myers that there are many conflicting policies and numerous mitigations on the officer report. He confirmed that he has also made note of comments made by Cllr Freeman and Cllr Nathan in relation to this development.

Cllr Williamson proposed to approve the revised officer recommendation (as above) to delegate authority to the Head of Planning to DETERMINE the application, in accordance with the Report, Update Report No. 1, and Update Report No.2, subject to proposed conditions. This was seconded by Cllr Wainwright.

Following a vote; the motion was lost.

Cllr Flaxman-Taylor noted that she was not happy with the proposed delegated authority on the recommendation and was therefore unable to support this.

Cllr Candon moved a substantive motion to reject the officer recommendation on material considerations namely the layout of the proposal and the loss of agricultural land and considerations on concerns raised by the ward and parish Councillors. This was seconded by Cllr Mogford. Cllr Flaxman-Taylor added to the motion a concern in relation to delivery of affordable housing.

The Development Manager asked the Committee to review the specific policies relating to layout and design and loss of agricultural land and affordable housing.

Cllr Candon moved to clarify his substantive motion to reject officer recommendations on material considerations relating to Layout and Design as per policy A2 (d), loss of agricultural land as per policy CS6 (j) and Delivery of affordable housing as per policy CS4 (d). This was seconded by Cllr Mogford.

Following a vote, the motion was lost.

Cllr T Wright and Myers both acknowledged the challenges the Committee was having in reaching a decision.

Cllr Wainwright acknowledged that the Committee is in deadlock at least partly because of the Housing viability review -report and the subsequent uncertainty of the final mix, type and tenure of open-market and affordable housing across the site.

Cllr Wainwright therefore moved a further substantive motion to defer the decision on this application until such time that the consultations in relation to the mix of affordable housing have been agreed and that the application should be brought back to the Committee and considered in full when these consultations have been concluded. This was seconded by Cllr Flaxman-Taylor and Cllr Williamson.

Following an unanimous vote, it was RESOLVED:-

That the decision on this application is deferred and that it would be brought back to the Committee and considered in full after the ongoing consultations in relation to affordable housing mix have concluded.

APPENDIX 5 - Heads of Terms for Section 106 Agreement/undertaking

Development Committee 06 September 2023 - Application 06/22/0546/F (Scratby Road, Scratby)



Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Affordable Housing	<ul style="list-style-type: none"> Overall – 15no. units (35%) of which: 11no. (73 %) shall be Affordable Rent tenure dwellings and which shall be made available to people with a local connection within the Council's "Local Lettings Policy" 4no. (27%) shall be Shared Ownership tenure dwellings made available to "General Needs" housing. All to be provided in accordance with the Schedule set out in Table 1 of this report. 	<p>No more than 14 open market dwellings are to be occupied before 8 affordable dwellings are completed.</p> <p>No more than 23 (a further 9) open market dwellings are to be occupied before all 15 affordable dwellings have been completed.</p>	<p>Necessary – To meet the requirements of Policies CS4 and UCS4 of the local Development Plan.</p> <p>Directly related – Yes both in terms of directly-informed and tailored local need and the wider Great Yarmouth general needs housing needs area.</p> <p>Fairly and reasonably related in scale and kind – Set out in development plan policy and follows national planning guidance in respect of allocation and preference towards addressing an identified local need for housing.</p>
GIRAMS habitats mitigation contribution	£8,644.44 (£210.84 per dwelling)	Prior to commencement	<p>Necessary – The cost of providing mitigation and monitoring the impacts of recreation across designated sites in Norfolk (seen within the GIRAMS reports). This is a requirement of policies GSP8, GSP5, E4 and CS11 of the adopted local plan.</p>

			<p>Directly related – Yes in terms of the tariff for GIRAMS being applied to all new residential developments.</p> <p>Fairly and reasonably related in scale and kind – Yes in terms of the tariff for GIRAMS being set on a per-net-new dwelling basis.</p>
Public Open Space provision on-site	At least 947.1 sqm to be provided on site.	Prior to first occupation	<p>Necessary – The amount of open space required for new residential development on a pro-rata basis and as a 'public benefit' advocated by the applicant as a means to reduce the need to access existing off-site open space in less safely-accessible locations. This is a requirement of policies GSP8 and H4 of the adopted local plan.</p> <p>Directly related – Yes – the figure is bespoke to the development proposed and to address some of the shortcomings of new development in this location.</p> <p>Fairly and reasonably related in scale and kind – Yes – the figure required is pro-rata and calculated on the basis of the mix of development proposed herein.</p>
Public Open Space financial contributions for off-site facilities provision	£29,237.51 (£713.11 per dwelling)	50% Prior to first occupation 50% Prior to 50% occupation	<p>Necessary – The amount of open space required for providing new or improved facilities elsewhere because the development does not provide these within the proposal – to cover improvements to existing public open space, such as allotments. This is a requirement of policies GSP8 and H4 of the adopted local plan.</p> <p>Directly related – Yes – the figure is bespoke to the development proposed and to address some of the shortcomings of new development which fails to provide certain open space, relative to the existing provision in locations close enough to be used by future residents in this location.</p>

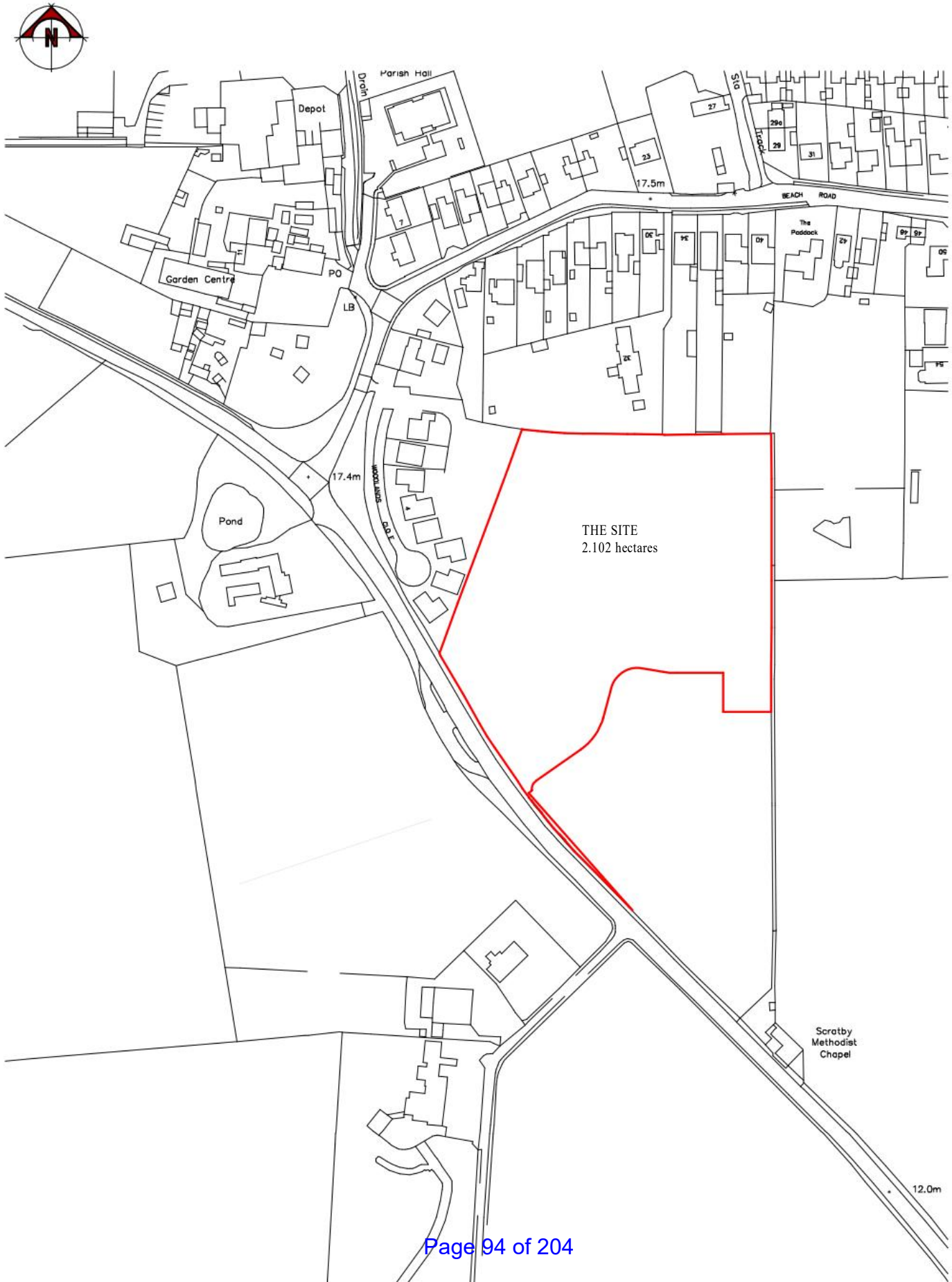
			<p>Fairly and reasonably related in scale and kind – Yes – the figure required is pro-rata and calculated on the basis of the mix of development proposed herein.</p>
Library Enhancements	£3,075 (£75 / dwelling)	Prior to first occupation	<p>Necessary – To address the impacts on public services caused by the increase in population in the area – a requirement of policy GSP8 of the adopted local plan.</p> <p>Directly related – Yes – the figure is bespoke to the development proposed and its mix of housing and would be needed to help address any shortage of available spaces at schools in the same catchment area / reasonable travel distance.</p> <p>Fairly and reasonably related in scale and kind – Yes – the figure required is pro-rata and calculated on the basis of the mix of development proposed herein.</p>
Education Enhancements	At present, no contributions are required but this may need to be revisited if the Section 106 Agreement is not concluded by 24 th September 2023.	n/a at this stage	<p>Necessary – In the event that such a contribution is sought it would be required if the school rolls should a lack of available places and a need for more expansion or facilities in schools to cater for the needs of the children arising from this development. This is a requirement of policy GSP8 of the adopted local plan.</p> <p>Directly related – Yes – the figure is bespoke to the development proposed and its mix of housing and would be needed to help address any shortage of available spaces at schools in the same catchment area / reasonable travel distance.</p>

			Fairly and reasonably related in scale and kind – Yes – the figure required is pro-rata and calculated on the basis of the mix of development proposed herein.
Norfolk County Council's Planning Obligations Monitoring Fee	£500 (£500 per NCC obligation) NB There is no equivalent adopted Borough Council monitoring fee tariff.	Prior to Commencement of Development	<p>Necessary – To enable the County Council to fulfil its function as a public service provide and to monitor the completion of planning obligations in accordance with the CIL Regulations.</p> <p>Directly related – Yes – the figure is bespoke to the development proposed.</p> <p>Fairly and reasonably related in scale and kind – Yes – the figure required is a pro-rata contribution.</p>

APPENDIX 6 –
SITE LOCATION PLAN

 EASTERN DESIGN ARCHITECTURE LTD info@easterndesignarchitecture.co.uk	PROJECT: LAND AT SCRATBY ROAD, SCRATBY.	DRAWING TITLE: LOCATION PLAN	CLIENT:  <small>Badger Building is a part of Dorset House, Dorset Road Lewes, Sussex BN8 2JG Tel: 01323 553333 Fax: 01323 553333 Email: info@badgerbuilding.co.uk Website: www.badgerbuilding.co.uk</small>	DATE - FEBRUARY 2022 SCALES - 1:2500 @ A4 JOB NO. 2093 DWG NO. LOC 01A

REV A Area adjusted 06/06/22.



APPENDIX 7 –
SITE LAYOUT PLAN – REVISED MAY 2023



NOTES

The Copyright of the design remains with Ardmore and may not be reproduced in any form without their prior written consent.

Written dimensions must be used in preference to scale.

Contractors must check all dimensions on site.

Discrepancies are to be reported to the Architect before proceeding.

SPECIAL WARNING

Relating to data or electronic data containing computer files of drawings prepared by Eastern Design Architecture Ltd.

Drawings issued by Eastern Design Architecture Ltd on paper, disk or e-mail are essential to ensure that the changes can be recorded and traced.

Eastern Design Architecture Ltd are not responsible for unauthorised changes made to their drawings or its consequences thereof.

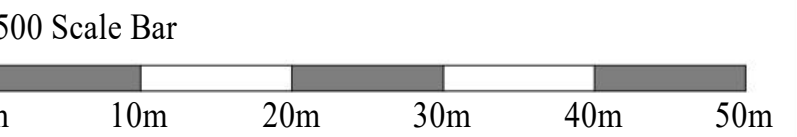
It is not possible to prevent, prevent or remedy lack computer generated drawings, and there are consequential risks.

Recipients of electronic copies of this drawing must not make amendments without the written consent of Eastern Design Architecture Ltd.

Site red line as Rossi-Long drawing No. 20106/SK01
Drawn short of boundary to allow for line thickness.

- Key**
- 27 Denotes Private Market Housing
 - 32 Denotes Shared Ownership Housing
 - 12 Denotes Affordable Rented Housing

LEGEND	
	1.0m HIGH BRICK SCREEN WALL
	1.5m HIGH CLOSE BOARDED FENCE WITH CONCRETE POSTS & CONCRETE GRAVEL BOARDS
	EXISTING TREES AND STUMPS
	PROPOSED TREE PLANTING
	REAR GARDEN GRASS
	FRONT GARDEN - PUBLIC OPEN SPACE GRASS
	HEIDING/SHRUBBERY - SEE LANDSCAPING PROPOSALS FOR PLANTING DETAILS
	BIN COLLECTION POINT
FOR SURFACE FINISHES REFER TO DRAWING NO 2017/ MATU	
	2.4 x 2.5m VISIBILITY SPLAYS



REVISIONS	
REV	DATE
A.	Revised highway drainage. 08.04.22.
B.	Station and Thorne types footprint updated. 11.04.22.
C.	Revised location of FWPS, EEB Sub-station and highway soakaway. 20.04.22.
D.	Revised red line. 21.04.22.
E.	Revised area of P.O.S. 25.04.22.
F.	Tenure added. Garages removed for plots 17 & 18. 16.05.22.
G.	Minor revisions. 09.06.22.
H.	Revised to highway officers comments. 17.10.22.
J.	Revised to highway officers comments. 04.01.23.
K.	Revised to highway officers comments. 06.01.23.
L.	Approx extent of site allocation and outline consent southern boundaries added. 20.03.23.
M.	Approx extent of site allocation and outline consent southern boundaries added. 21.03.23.
N.	Tenure of plots 41 and 33 swapped. 23.03.23.
P.	Plots 32-37 revised. 25.04.23.
Q.	Access revised. 27.04.23.
R.	Tenure revised. 02.05.23.

CLIENT:

BADGER
setting the standards

Badger Building (E. Anglia) Ltd
Stanley House, Stanley Street
Lowestoft, Suffolk, NR32 2DZ
Tel: 01502 583026
Fax: 01502 508586
Email: info@badgerbuilding.co.uk
Website: www.badgerbuilding.co.uk

PROJECT:
**RESIDENTIAL DEVELOPMENT,
SCRATBY ROAD,
SCRATBY,
NORFOLK.**

DRAWING TITLE:
SITE LAYOUT

DRAWING STATUS: **For Comment**

SCALES - 1:500 @ A0 DATE - MARCH 2022

EDA EASTERN DESIGN ARCHITECTURE LTD
info@easterndesignarchitecture.co.uk

JOB NO. 2093 DWG NO. SL01 REV. R

Application Number: **06/22/0008/F** - [Click here to see application webpage](#)

Site Location: Former Trafalgar College (aka former Parenco Site), Land at junction of Pasteur Road and Thamesfield Way, Great Yarmouth

Site Location Plan: See Appendix 6

Proposal: **Proposed erection of 41 no. dwellings, vehicular access, landscaping, open space, footpath improvements and associated infrastructure**

Applicant: Lidl Great Britain Ltd

Case Officer: Mr Robert Parkinson

Parish & Ward: Great Yarmouth – Southtown & Cobham Ward

Date Valid: 06 January 2022

Expiry / EOT date: 08 August 2023

Committee referral: To conclude the Committee's decision making process as the application was initially considered by the Committee at the discretion of the Head of Planning noting the conflict with policy.

Procedural note 1: This is an update report following consideration of the application at the Development Management Committee of 22nd February 2023. This report should be read in conjunction with the previous report of 22nd February 2023 and the addendum Update Report also dated 22nd February 2023 which remain part of the consideration of the scheme and which are attached as Appendices to this report.

SUMMARY OF RECOMMENDATION:

To delegate authority to the Head of Planning to approve and grant permission subject to the agreed section 106 agreement and recommended conditions.

1. Timeline and Reason for Committee Referral

- 1.1 This application was initially presented to the Development Management Committee on 22nd February 2023; the original Published Committee Report is attached at Appendix 1 to this report.
- 1.2 An Update Report was released prior to the consideration on 22nd February 2023 (see Appendix 2). Committee resolved to approve the application subject to the prior completion of a Section 106 Agreement and associated conditions.
- 1.3 The relevant extracts of the Minutes of the 22nd February 2023 Committee are attached at Appendix 3 of this report.
- 1.4 Officers and the applicant have since agreed a final draft version of the Section 106 Agreement in accordance with the Committee resolution of 22nd February 2023, and

have agreed the terms of most of the conditions required by Committee including the proposed pre-commencement conditions.

- 1.5 However, in doing so it became apparent that the applicant's Noise Impact Assessment report had not been accessible to view through the Council website when originally subject to public consultation and the Committee's consideration. Officers are of the view that the application was consequently incomplete when available for public inspection and the Committee's determination, and as such have re-advertised the application and undertaken a further 21 days formal public consultation between 09 August 2023 and 01 September 2023.
- 1.6 In addition to the Noise Impact Assessment the applicant has also provided further information relating to some of the conditions due to be imposed on any permission granted, including the results of surveying the proposed drainage outflow into the IDB network and liaison with the IDB regarding drainage consent requirements.
- 1.7 The information which has been available to public consultation is as listed below:
- Noise Impact Assessment ref 8219/FD
 - Confirmation that the proposed surface water drainage outflow point has been agreed with the Internal Drainage Board
 - Applicant's proposed opening hours
 - Applicant's proposed delivery hours
 - Final Draft Section 106 Agreement (see Appendix 4)
 - LPA Officers' proposed planning conditions (see Appendix 5)
- 1.8 In addition, further information has also been supplied and available to consultation; these are documents received originally but which have been updated to account for and reflect the revised site layout plan ref 7723L-20 Rev G which included the proposed attenuation pond and electricity substation (see Appendix 7 to this report). The layout and designs of these were all considered and resolved to be approved by Committee on 22nd February 2023, so the updates to documents are points of housekeeping:
- Tree Protection Plan
 - Landscaping Plan
 - Lighting Plan
 - Flood Risk Assessment
 - Transport Assessment
 - Travel Plan
 - Planning and Retail Statement
- 1.9 Most of the Committee's original resolution has been concluded, but Members are requested to consider the following matters which were not originally available:
- Opening hours in relation to noise and retail impacts
 - Delivery hours in relation to noise and disturbance
 - Residential amenity mitigations
 - Surface water drainage scheme outfall position
 - Minor adjustments to proposed landscaping scheme
- 1.10 Officers do not consider these to be so fundamental as to require reconsideration of the whole development or section 106 agreement, only the relevant proposed planning conditions.

2. Noise Impact Assessment

- 2.1 The Noise Impact Assessment was discussed at section 14 of the February 2023 Committee Report but was not originally made available to public view. To recap, the Noise Impact Assessment had considered the impacts of plant and machinery and, separately, delivery vehicles attending the site. The applicant contends that the results of the noise impact assessment mean there is no requirement to impose a restriction on the delivery or loading hours at the site, which is contrary to Officer's recommendation at proposed Condition 42 which states as drafted:

"42: No deliveries shall be taken at or dispatched from the site for the purposes of the development the subject of this permission outside the following hours:

0730 hours to 2230 hours on Mondays to Saturdays,

and,

0900 hours to 1800 hours on Sundays and Bank Holidays or Public holidays.

The reason for the condition is:-

To protect the amenity of neighbouring properties and land uses, and to ensure the possible highways impacts of the development are not focussed on the peak hours of use of the local highways network, and to provide a degree of consistency of approach with the permitted delivery hours of the existing retail store which has been assessed to be replaced by the proposed development so as to control the retail impacts of the development, in accordance with policies CS6, CS7, CS9 and CS16 of the adopted Great Yarmouth Core Strategy (2015), and policies UCS7, R1 and A1 of the Great Yarmouth Local Plan Part 2 (2021), and the principals of the NPPF."

- 2.2 It is worth reappraising the content of the Noise Impact Assessment and its parameters:

- Background noise readings were taken from a location close to Thamesfield Way where there is a quieter ambient noise level than close to Pasteur Road and the A47.
- The closest residential receptors (noise sensitive uses) are the Gapton Hall Traveller Site some 250m to the south-west and in direct line of site of the proposed foodstore as can be seen in the aerial image provided below (Figure 1 of the Assessment).

- 2.3 Key findings of the Noise Impact Assessment are:

- The background noise levels at night (the quietest time) were recorded as 39dB.
- Plant and machinery attached to the store would not exceed the levels, given the intervening distance to residents, so is considered acceptable.
- However, the delivery vehicles used at other Lidl sites at a distance of 10 metres, were far in excess of this background, peaking as below:
 - HGV Arrival 61dB
 - HGV Unloading 58dB
 - HGV Departing 63dB

The map shows the following locations and features:

- Proposed Site:** A large triangular area shaded in red, located between Pasture Rd and A47.
- Traveller Site:** A rectangular area shaded in blue, located south of the proposed site, bounded by A47 and Purley Ct.
- Other Locations:**
 - Grayling
 - Pasture Rd
 - TK Maxx Department Store
 - Books
 - Sports Direct
 - all Retail Park Shopping centre
 - Halfords - Great Yarmouth Auto parts store
 - McDonald's Captain Hall Takeaway/Delivery
 - Purley Ct
 - Pizza Hut Restaurants Takeaway + Delivery
 - Halfords Autocentre
 - Great Yarmouth MOT Centre
 - Great Yarmouth Police Investigation Centre
 - Clarks Flooring Supplies
- Highways:** A47, A49, and Purley Rd are visible.

- Page 100 of 204

(i) it is assumed there would be a cumulative impact from the delivery vehicles combined with the traffic which would exceed the existing background noise; and,
(ii) the fabric and glazing qualities of the caravans/chalets at the Traveller Site are not likely to be of standard construction and therefore have lower noise protection qualities than the dwelling equivalents and therefore it would likely be inaccurate and inappropriate to assume there would be a 15dB reduction from the external noise.

2.9 The Environmental Health Officer has been consulted on the noise impact assessment and has provided the following comments:

"I have read through the noise impact assessment and agree that the following hours would be most appropriate for delivery at site:

- 0730 hours to 2230 hours on Mondays to Saturdays,
- 0900 hours to 1800 hours on Sundays and Bank Holidays or Public holidays.

These hours will ensure deliveries to not stray into 'night time hours' which in acoustic terms are considered to be 11pm to 7am.

I think this restriction should suitably protect the nearby residents of the Traveller Site from noise nuisance from deliveries.

It is also worth mentioning that the 15dB reduction between external and internal noise levels is a generalised prediction based on the attenuation of a standard building. It is safe to assume that the acoustic properties of the caravans/ campervans present on the Traveller Site do not afford the same noise insulating properties as a conventional static property and therefore exceedances, especially of the night time World Health Organisation target (30dB LAeq (8 hour)/45dB LMax (fast)), may be experienced.

I would also recommend that if deliveries do occur late in the evening/ early in the morning, that only broadband reversing alarms are used as these provide directional sound projection which dissipates quickly at distance, therefore reducing noise impact on the surrounding area."

3. Delivery Hours

3.1 *In light of the Environmental Health Officer's advice, it is recommended that the delivery hours should remain as proposed in Condition 42 (at para 2.1 above). However, the condition should be expanded to include the following:*

"Where unloading and deliveries must occur between 0730 – 0830 and 2100 – 2230 vehicles shall only reverse using broadband reversing alarms or with other forms of reversing alarms disabled and a banksman employed to provide appropriate safety assessment."

4. Opening hours

4.1 Opening hours of the store were not expressly proposed in the application. The applicant has agreed to the Officer proposal of Condition 41 which states:

"41: The development the subject of this permission shall not be made available for use by the public / shall not be open to customers at any time outside the following hours:

0800 hours to 2200 hours on Mondays to Saturdays,

and,

1000 hours to 1700 hours on Sundays and Bank Holidays or Public holidays.

The reason for the condition is:-

To protect the amenity of neighbouring properties and land uses, and to ensure the retail impacts of the development are consistent with those of the existing retail store which has been assessed to be replaced by the proposed development, in accordance with policies CS6, CS7 and CS9 of the adopted Great Yarmouth Core Strategy (2015), and policies UCS7, R1 and A1 of the Great Yarmouth Local Plan Part 2 (2021)."

- 4.2 The impacts from trading until 2200 hours has already been assessed within the Retail Impact Assessment which considered opening hours until 2300. However the LPA's assessment of retail impact has been predominantly based on the change of the 'equivalent' practice at the Pasteur Road site and the replacement of one operation with another, albeit with a larger store format. In this respect the Pasteur Road store trades until 2100; it is considered the impact of a change from 2100-2200 is relatively minimal given the particular characteristic of the foodstore trading context and draw on the available spend in the area. The impacts of trading until 2300 has been considered in the Retail Impact Assessment and in practice it is considered that the daily additional hour of trading compared to existing operations is unlikely to significantly affect any other defined local centres in the vicinity and may in practice only affect the Tesco superstore opposite; the Tesco store is not itself in a defined centre and the impact is likely to only be apparent by providing a small element of additional competition to that large superstore which is understood to trade on a 24 hour basis.

5. Other updates

Proposed Planning Conditions

- 5.1 The applicant has liaised with officers to agree the terms of the proposed planning conditions and in particular the pre-commencement conditions as is expected by national guidance. With the exception of the amendment proposed to Condition 42 the conditions are provided at Appendix 5 of this report. Members are asked to consider the conditions and confirm the use of Conditions 1 - 41 and amended Condition 42.

Section 106 Agreement

- 5.2 The applicant and Council have agreed the terms of the final draft to the proposed Section 106 Agreement which is provided at Appendix 4 to this report. In broad terms the Agreement will require:
- the existing Lidl store on Pasteur Road to cease trading before the new foodstore begins trading (to minimise retail impacts);
 - the existing store shall not be used as a Class E(a) retailing use (to prevent an increase in cumulative retail impact over and above that of the proposed new foodstore); and
 - the existing store shall only be re-used as a premises in single use and with a single operator (to minimise the impact from various other small businesses relocating to the site when there are other units available in sequentially preferable locations).

- 5.3 Members are asked to consider the terms of the final draft section 106 agreement and confirm the requirement for any permission to be subject to the agreement terms as proposed.

Additional updated information

- 5.4 The following document revisions and their implications are:

- Tree Protection Plan –

Updated to include the proposed attenuation pond and substation. All existing trees will still be suitably protected under this amended plan, to be required by proposed Conditions 29 and 38.

- Landscaping Plan –

Updated to include the proposed attenuation pond and substation which will have no impact on existing trees. Some of the proposed trees have been relocated to ensure there is no reduction in the number of trees proposed (at least 9 no. were required and are still proposed). The landscaping is not considered to differ substantially from that previously accepted. Proposed conditions 28, 29, 30 and 38 shall ensure continued tree protection, appropriate levels of new planting and ongoing landscape maintenance. Landscape Plan 21-108-02 Revision G is provided at Appendix 8 for information.

- Lighting Plan –

Updated to reflect latest Site Layout Plan. No impact on lighting layout or LUX illumination levels. Condition 36 is recommended for use to prevent installation of new lighting without specific details being agreed to include bat protection measures.

- Flood Risk Assessment –

Updated to show the latest Site Layout Plan and the Drainage Strategy agreed with the Internal Drainage Board. No impact on the findings of the FRA report and function of the site's drainage strategy should not be materially affected. Conditions 22, 23 and 24 all ensure the scheme is constructed as expected and as agreed with statutory consultees. Conditions 20 and 21 ensure appropriate flood response measures will remain in place.

- Transport Assessment –

Updated to show the latest Site Layout Plan. No impact on the findings of the report or conditions or works required by the Local Highway Authority.

- Travel Plan –

Updated to show the latest Site Layout Plan. No impact on the findings of the report or conditions or works required by the Local Highway Authority.

- Planning and Retail Statement –

Updated to show the latest Site Layout Plan. No impact on the findings of the report or conditions required to limit operations or manage impacts on defined centres.

- Drainage Strategy –

The applicant has been able to work with the Internal Drainage Board (IDB) to establish the position of the required outfall for surface water discharge from the site's attenuation pond into the IDB drainage network. Their scheme design also ensures the outfall discharges at an appropriate rate to satisfy the pre-existing Lead Local Flood Authority and IDB flow requirements. The drainage consent was granted in June 2023 and proposed planning condition 23 requires that scheme to be followed, with maintenance details to be confirmed under condition 24.

Any additional consultation or public comments

- 5.5 No additional public comments have been received subsequent to the Committee's consideration on 22nd February 2023.
- 5.6 Specific additional public consultation has been undertaken between 09 August and 1st September 2023 in response to the new information available. At the time of writing this report, no additional public comments have been received in response to the current consultation period. The Committee will be updated at the meeting if any new representations or comments are received.
- 5.7 Other than those comments of the Environmental Health officer discussed above, and the applicant's liaison with the Internal Drainage Board as reported above, no further comments have been received since 22nd February 2023 from Consultees, Parish Councils or Ward Members .

6. RECOMMENDATION:

- 6.1 It is recommended that application 06/22/00008/F should be delegated to the Head of Planning to APPROVE, subject to:
- a) **Prior Completion of a Section 106 Agreement in the form as set out in Appendix 4 to restrict future uses of the existing foodstore on Pasteur Road; and,**
 - b) **If the Section 106 Agreement is not completed within three months of the date of this decision, to delegate authority to the Head of Planning (at their discretion) to:**
 - (i) **refer the application back to the Development Management Committee, for re-consideration of the application; or**
 - (ii) **to refuse the application directly, on the grounds of failing to secure planning obligations as outlined within this report (or the Committee's decision if the recommended content is varied); and,**
 - c) **The Proposed Conditions 1 – 41 as set out in Appendix 5 (and any amendments to those conditions as deemed necessary; and,**
 - d) **The following proposed Condition 42 (an amendment to that proposed in Appendix 5):**

42: No deliveries shall be taken at or dispatched from the site for the purposes of the development the subject of this permission outside the following hours:

0730 hours to 2230 hours on Mondays to Saturdays,

and,

0900 hours to 1800 hours on Sundays and Bank Holidays or Public holidays.

Where unloading and deliveries must occur between 0730 – 0830 and 2100 – 2230 vehicles shall only reverse using broadband reversing alarms or with other forms of reversing alarms disabled and a banksman employed to provide appropriate safety assessment.

The reason for the condition is:-

To protect the amenity of neighbouring properties and land uses, and to ensure the possible highways impacts of the development are not focussed on the peak hours of use of the local highways network, and to provide a degree of consistency of approach with the permitted delivery hours of the existing retail store which has been assessed to be replaced by the proposed development so as to control the retail impacts of the development, in accordance with policies CS6, CS7, CS9 and CS16 of the adopted Great Yarmouth Core Strategy (2015), and policies UCS7, R1 and A1 of the Great Yarmouth Local Plan Part 2 (2021), and the principals of the NPPF.“

7. Appendices

1. Published Committee Report – 22nd February 2023
2. Committee Addendum Update Report – 22nd February 2023
3. Extract of Committee Minutes – 22nd February 2023
4. Final Draft Section 106 Agreement
5. Proposed Planning Conditions
6. Site Location Plan 7723L-19
7. Site Layout Plan 7723L-20 Rev G considered by Committee on 22nd February 2023

APPENDIX 1:

PUBLISHED COMMITTEE REPORT – 22ND FEBRUARY 2023

Schedule of Planning Applications

Committee Date: 22nd February 2023

Planning Application Ref: 06/22/0008/F: [click here to see application](#)
Location: Great Yarmouth – Southtown & Cobham Ward
Case Officer: Robert Parkinson
Valid date: 06/01/22
Original Expiry Date: 07/04/22

Applicant: Lidl

Proposals: Proposed demolition of existing building and erection of a new discount foodstore (Use Class E) with access, car parking, landscaping and other associated works

Site: Former Trafalgar College (aka former Parenco Site), Land at Junction of Pasteur Road and Thamesfield Way, Great Yarmouth

Site Location Plan: See Appendix 1

Committee referral: At the discretion of the Head of Planning, noting the conflict with policy.

REPORT

1. Site Description

- 1.1 The site, of 1.18 ha, is located to the south-east of Pasteur Road, between the Gapton Hall Roundabout (junction of Pasteur Road A1243 and the A47) and the 'Tesco roundabout' at the junction of Thamesfield Way, Pasteur Road and Jones GC Way which leads into Cobham. The site is bounded by the A47 to the south-west, A1243 Pasteur Road to the north, and Thamesfield Way to the north-east.
- 1.2 The site is part of the employment area now known as the Yarmouth Business Park, which comprises 17.5ha on the eastern side of the A47 opposite the Harfreys Industrial Estate to the south-west.
- 1.3 The site is a former office with curtilage used for industrial storage, for the benefit of use by businesses in the offshore industry sector, most latterly

Parenco. The office / industry use had vacated by 2016 and the empty office site was then converted to use as a further education college (GY Charter Academy: Trafalgar College) from 2016 until 2019.

- 1.4 The existing buildings on the site comprise a red-brick and glazed vacant two-three -storey building last used for education (the former Trafalgar College) and a tall dual-pitched roof warehouse along the Pasteur Road frontage. The site and buildings have been unused for some time.

Neighbouring uses

- 1.5 To the south of the application site is the land used for storage of tanking units by ATI Tank Hire Limited which is currently still operational. Beyond that are other employment / industrial estate uses including the police investigation unit.
- 1.6 To the north-east is an established retail area situated on the north side of Thamesfield Way, where there is a mix of larger comparison retailers such as B&Q, Home Bargains and Argos. On the north side of Pasteur Road, and within 280m walking distance of the application site along Jones GC Way is the Tesco superstore and before that are a restaurant and public house.
- 1.7 Behind the 'Thamesfield Way / Pasteur Retail Park' is the residential area between Stafford Road/Suffolk Road and Southtown Road, along with the East Coast College complex. Some pedestrian / cycle links are available between the residential area and the application site, and there may be future opportunities to create such links if vacant land is developed appropriately.
- 1.8 Gapton Hall Retail Park lies approximately 150m to the west of the application site on the west side of the A47 and the east side of Gapton Hall Road, which includes a mix of convenience and comparison shops and fast food outlets.
- 1.9 The application is submitted by Lidl, a national foodstore retailer. There is an existing Lidl foodstore with car park on the east side of Pasteur Road some 600m to the north within a cluster of large out-of-town warehouse-format retailing uses in the same area along Pasteur Road including B&M Homewares and Matalan, a car showroom and new gym.

Site Constraints

- 1.10 The site is within the defined Development Limits set by Local Plan Part 2 policy GSP1, and within a 'Safeguarded Employment Area' which extends the full length of Thamesfield Way, in conjunction with the land north of Pasteur Road and south of the A47, all designated under and subject to Policy CS6 of the adopted Core Strategy.
- 1.11 The site is located in Flood Zone 3. Pluvial flood risk from 1 in 1000 yr events is plotted as likely to occur on this site but not from 1:100 or 1:30 year events (the reason for flood zone 3 status relates to tidal over-topping of the sea defence to the east).

- 1.12 There are no listed buildings within or in close proximity to the site and the site is not located within or close to a Conservation Area.
- 1.13 There are no protected trees within the site, but there are areas of planting to the Pasteur Road and A47 frontages.

2. Proposal

- 2.1 The proposal is for a single storey publically available retail foodstore shop with associated storage and infrastructure, delivery area and 136-space car park. A New access into the site is proposed from Thamesfield Way.
- 2.2 The applicant currently operates a foodstore from Pasteur Road, to the north of this application site, and has confirmed that they are planning to close their existing store before opening a new store in this location; such a proposal is a fundamental aspect in considering the impacts of this application.
- 2.3 The application site is 11,787 sq m / 1.18 ha in area.
- 2.4 The application proposes 2,342 sqm Gross Internal Area floorspace.
- 2.5 The total retail sales area of the floorspace proposed in this new Thamesfield Way foodstore amounts to 1,411 sq metres of the total GIA, which breaks down as:
- 1,129 sq m (80%) convenience shopping (i.e. food goods); and
 - 282 sq m (20%) for comparison goods (non-food non day-to-day needs).
- 2.6 The remainder of the floorspace is proposed for warehouse storage and delivery (569sqm), and staff / utility space (362sqm).
- 2.7 This Thamesfield Way scheme (2342sqm) is proposed to be almost twice as large as the existing Pasteur Road Lidl store (1374sqm GIA).
- 2.8 The Pasteur Road Lidl store has a Gross Internal Area of 1,374 sq.m, and a net sales area of 1,063 sq m floorspace, comprising:
- 850 sq m convenience shopping; and
 - 213 sq m comparison shopping.
- 2.9 This application may propose an increased floorspace of 901 sq m Gross Internal Area net increase, but in terms of it's potential impact on other centres, the net additional sales area is actually only 348 sq m new floorspace, comprising:
- an increase of 279 sq m for convenience sales; and,
 - an increase of 69 sq m for comparison goods.
- 2.10 The proposed building features a 3-degree mono-pitch roof facing southeast

and is steel framed and insulated metal sheet clad. There is a mezzanine of 67 square metres, this area being for non-retail functions (e.g. staff office), and which also acts as a place of safety during flood events.

- 2.11 Space for 136 car spaces is proposed, including 8 disabled spaces and 9 parent & child spaces. There are 28 EV charge points overall, including 2 disabled spaces with EV charging. 12 cycle spaces (6 stands) are provided outside the glazed frontage.
- 2.12 Solar panels are shown on the roof, no roof lights are provided.
- 2.13 The foodstore is proposed to be situated to the south of the triangular site, to provide a set back from the road. The eastern corner is proposed to be landscaped and to include a drainage attenuation pond.
- 2.14 Ecology proposals for enhancement are included. There is currently some planting to the site boundaries, this is proposed to be enhanced.
- 2.15 Native tree, shrub and hedgerow planting is shown within the scheme design to create a greenspace, particularly along boundary features.
- 2.16 Boundary treatments are proposed to remain open where feasible to allow passage for small mammals including hedgehog.
- 2.17 Accompanying the proposal are the following documents:
 - Planning Application Forms and Certificates of Ownership.
 - Application drawings
 - Travel plan
 - Lighting isolux plan
 - Statement of community involvement
 - Air quality assessment
 - Preliminary Ecology assessment
 - Phase 1 and 2 Geo environmental assessment
 - Design and Access statement
 - Planning and retail statement, including site sequential assessment (based on other available site suitability) and retail impact assessment
 - Flood risk assessment and appendices
 - Landscape Proposals and planting scheme
 - Tree survey and tree protection plans
 - Transport assessment
 - Site marketing details: brochures and summary of interest at April 2022

Environmental Impact Assessment screening

- 2.18 A screening opinion for the above proposal was requested as per Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Officers have determined that an Environmental Impact Assessment is not required (EIA Screening Reference: EIA/TH/2022/1).

- 2.19 In formulating this screening opinion, officers have reviewed the matters related to Schedule 3 of the EIA Regulations, using information in the applicant's submitted screening request letter (received 09 August 2021) as well as screening opinion consultation responses received by the Council by statutory and non-statutory consultees. This justification is provided in full within Appendix 1 to the LPA's Screening Opinion.

3. **Relevant Planning History**

- 3.1 The planning history at the site is a material consideration to the determination of this application.

- **06/85/0313/F** - Erection of a pipe yard, warehousing and offices.
 - Approved 1985 (full date unavailable).
- **06/16/0125/F** - Removal of condition 2 and 12 of planning permission 06/85/0313/F to allow the use of the site for Class D1 (education use).
 - Approved 1st June 2016.

Development Committee considered this application on 25/05/16. It was reported that the proposal was to:

- remove the 1985 restrictions which required use as open storage offices, warehouse and ancillary parking; and,
- remove the 1985 restriction which prevented the offices being used separately from the open storage; and,
- remove the 1985 restrictions which required the site to be used only in connection with offshore related activities.

The proposal would therefore have allowed the site to be used in smaller parts, and for non-offshore industry. In particular the application was an exercise in removing the prevailing restrictions to allow the site to be used as a school for a temporary period of a year under permitted development rights.

The decision notice issued did not include any conditions or restrictions.

- **1st August 2016 – 31st July 2018:** Use of the site as a school / college under permitted development rights.

Under permitted development, the planning use would officially revert to that use previously in place, unless an alternative formal permission is granted beforehand.

The original permitted development rights released in 2015 allowed use as a non-local authority school for 1 year only (academic year 2016-17), but that was amended in April 2016 to allow use for two academic years to August 2018.

- **06/17/0235/CU** - Change of use of office and premises from Class B1 to Class D1 Education for temporary period expiring September 2019.
 - Approved 27th October 2017.

This permission was granted under delegated authority. The Officer's report recognised the objection of the Economic Development Unit to the loss of employment land, but stated that:

"...the school can operate from the existing building for two academic years as permitted development so it would be difficult to justify refusing the proposed additional year on the grounds of loss of an employment site especially as the school is already in operation.

Taking the above into account there is no objection to temporary planning permission being granted for an additional year beyond the period allowed as permitted development."

Effectively, due to the permitted development rights, this allowed use as a school / college between 1st August 2018 and 01st September 2019.

As a temporary permission the site's planning use would revert to the former permanent use upon the expiry of the temporary permission.

The planning application documents stated there was an intention to use the existing site temporarily as a school before redeveloping the site over the longer term by building a new school. However, the school use ended in 2019 and the site has not been reused in its entirety since.

- **06/18/0178/F** - Variation of condition 2 re: PP:06/17/0235/CU - Time limit change from 3 months to 9 months to submit detailed scheme for off-site highway improvement works.
 - Approved 26th April 2018.
- **06/19/0316/CU** - Change of use of part of carpark to vehicle sales.
 - Refused 28th August 2019.
- **06/19/0539/CU** - Change of use of part of car park to vehicle sales (temporary permission).
 - Approved 1st June 2020.
 - Number of cars able to be displayed was limited to 22 at any time.
 - Temporary permission granted to May 2022 only.

As a temporary permission the site's planning use would revert to the former permanent use upon the expiry of the temporary permission.

4. **Consultations**

- 4.1 The proposal is a major development and represents a departure from the adopted local development plan by virtue of being an out-of-centre retail use proposed within a safeguarded employment area, so has been subject to public consultation with site notices and by press advert for both reasons.
- 4.2 Unfortunately it was only recently noticed that the development was not originally advertised as a departure from policy, and the subsequent consultation period does not end until 10th March 2023. Any responses received will be reported to the Committee meeting, and it is recommended that any decision to approve the application is subject to there being no adverse comments received, relevant to the principle of development, before 11th March; should any arise, which is considered unlikely given minimal responses received to date, a decision would not be issued and the application would be reported back to Committee.

Public comments

- 4.3 At the time of writing, 2no. comments have been received in support, and 3no. comments to object.

SUPPORT

- The Lidl store in Lowestoft is smart and this will be a great improvement.
- The store will provide more jobs to the area.

Officer comment:

- New employment creation has material weight in the assessment.
- The development also makes use of a brownfield site.

OBJECTIONS

- The store will be less accessible on foot, limiting customers' ability to do a big shop.
- It will also affect access for those less mobile, and be less inclusive to all.

Officer comment:

- Access difficulties and accessibility in respect of proximity and links to communities has material weight in the assessment, most relevant to Policy R1(d) and as a contributing to the Retail Impact Assessment process. – See Sections 10 - 12.

An objection from Tesco Stores Ltd has been received, citing concerns over:

- The impact on health of local centres and status of health of existing centres
- Limited retail capacity available in the Borough
- Policies have not identified new retail floorspace provision requirements
- The retail impact assessment threshold is 200sqm for a reason which is not reflected by the nature of the RIA
- The RIA has not ruled out harm to the town centre and is misleading

- The retail quantum could present a threat to future town centre investment
- Pedestrian access is insufficient / links are unavailable
- It is an unsuitable site for a retail use
- The retail sequential test is incomplete
- Marketing for alternative uses at the site has been inadequate for CS6
- A mechanism is needed to secure closure of the existing store.

Ward Councillors

- 4.4 Cllr. Waters-Bunn - No comments received.
Cllr. Cordiner-Achenbach - No comments received.

4.5 EXTERNAL CONSULTEES

Norfolk County Council – Local Highways Authority		Approve with conditions, following negotiation
Initial objections to the parking quota, access design, pedestrian refuge, provision of EV charging and cycle parking access routes has since been addressed. The development will need to be subject to final agreement of in-highways works through section 278 processes and appropriate conditions.		
Officer comment / response:	The travel plan should be conditioned as the end user continues to have control and so updates would be captured. Other conditions as suggested.	
Any relevant Condition or Informative note?	Travel Plan to be implemented and used. Various conditions required to secure the access details. Conditions will be proposed to the Committee ahead of the meeting.	

Environment Agency		No objection subject to conditions
Initial concerns over the Flood Risk Assessment and proposed flood response plan have been addressed. The council must ensure the sequential test is followed. Drainage schemes will need to be provided to satisfy local lead flood authorities.		
Officer comment / response:	The revised FRA document and Flood Response Plan are appropriate and accepted by consultees, and can be required to be followed, including the use of flood resilience measures.	
Any relevant Condition or Informative note?	Provision of resilience measures and Flood Warning plan to be followed by condition. Conditions will be proposed to the Committee ahead of the meeting.	

Norfolk County Council – Lead Local Flood Authority	Initial objections removed
The application's flood risk assessment is adequate having been revised successively to address the LLFA concerns. Extensive comments are available on the public website, which conclude with the LLFA being satisfied that the scheme will provide appropriate drainage.	
Officer comment / response:	Any permission shall need to be subject to the final agreed scheme.
Any relevant Condition or Informative note?	Conditions will be proposed to the Committee ahead of the meeting.

Internal Drainage Board:	No objection
<p>The scheme's FRA and drainage scheme propose that two outfalls are proposed into the riparian watercourse. Both outfalls will be restricted to 1 l/s, this is slightly above the greenfield runoff rate of 1.6 l/s, however I note that it is not possible to reduce the hydrobrakes any lower than this. This proposal requires consent from the Board under Byelaw 3.</p> <p>The presence of culverts linking the existing watercourses requires a survey to be completed. It is currently unclear how the watercourses connect to the wider network and we would need to see confirmation of the connection before we could consider approving an application for consent.</p> <p>We cannot provide an agreement in principle without an application for consent, therefore we recommend the applicant applies as soon as possible to gain confidence that the currently proposed drainage scheme is acceptable to the Board as well as the planning authority.</p>	
Officer comment / response:	The drainage scheme addresses the necessary requirements as much as possible in the context of the site's constraints.
Any relevant Condition or Informative note?	<p>Conditions: -</p> <ul style="list-style-type: none"> • Investigate the drainage outflow routes and links to existing watercourses. • develop the drainage scheme as proposed. <p>Informative Note - Separate land drainage consent might be needed.</p>

Norfolk Constabulary – Designing Out Crime Team (summarised)	No objections - but advice provided to help scheme meet “secured by design”
<p>The following advice is proposed:</p> <ul style="list-style-type: none"> • A brick pillar style entrance will create a "symbolic barrier" and "Defensible space. • The proposal should provide a design that has clear lines of sight for Natural Surveillance. The use of mirrored film/glazing at receptions/offices can create the impression that all activity is being observed and has a direct impact on behaviour. • The provision for car parking is shown as being adjacent to buildings with active windows overlooking and has appropriate levels of Natural Surveillance. • The securing of cycles left unattended must be considered, cycle stands provided must facilitate the locking of both wheels and the crossbar. • The building's reception entrance and car park should be clearly signposted from the entrances onto the site. • The landscaping plan needs to provide all specified shrubs and hedges that have a maximum growth height of one metre, whilst all trees should be "up pruned" to a minimum height of two metres to maintain a clear field of vision around the site. • A lighting plan to cover all vulnerable areas should be in place and coordinated with a CCTV installation. 	
Officer comment / response:	Most measures can be included by planning condition, but the overall advice is welcomed. It is not considered necessary for amendments to the site entrance in the form of brick pillars.
Any relevant Condition or Informative note?	Conditions will be proposed to the Committee ahead of the meeting.

Norfolk Fire Service	No objections
<p>The proposal must meet the necessary requirements of the current Building Regulations 2010 Approved Document B (volume 1, 2019 edition) as administered by the Building Control Authority. Particularly for water supplies and access for the Fire and Rescue Service.</p>	
Officer comment / response:	No comments.
Any relevant Condition or Informative note?	None required - their concerns are addressed by Building Regulations.

4.6 INTERNAL CONSULTTEES

GYBC Tree Officer:	No objection subject to conditions
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<p>There are no replacement trees being planted as part of the landscaping plan only Shrubs and Grasses. Some tree planting should be secured to offset this tree loss as part of the land scaping plans. Upon the grassed area to the west of the site is suggested.</p> <p>UK Native species should be used; preferably similar species found within G28 and G43 upon the Tree Survey to replicate the trees within the vicinity to the site. (Alder, Oak, Maple, Field Maple, Birch).</p> <p>Further information on off-site planting –</p> <p>The northern site boundary shrub species selection (Laurel, Cotoneaster, viburnum etc) can all establish in the tough conditions at the roadside and also ‘grow up’ to suitable heights to provide a good/wide/thick/deep screen (in addition to the ‘external’ vegetation along the other side of the site boundary).</p> <p>The tree species selection will also establish in this location (west of the proposed building) and when mature will provide a good green resource.</p>	
Officer comment / response:	Tree planting should be provided to add height and structure to the site’s landscaping scheme and visual amenity.
Any relevant Condition or Informative note?	Conditions will be proposed to the Committee ahead of the meeting, including: Landscaping and planning plans to be agreed Landscaping schedule Replacement tree planting

GYBC Emergency Planning Resilience Officer:	No objections
I have reviewed the Flood Risk Assessment and Flood Response Plan and am happy that the plan supports the safety of the occupants.	
Officer comment / response:	n/a
Any relevant Condition or Informative note?	Conditions should require compliance with the Flood Risk Assessment and Response Plan.

Environmental Health Officer	No objection subject to conditions
Contamination investigations are required, given the ground conditions, but the use is not unacceptable in principle. The contaminated land assessment proposes “further steps” are needed to further define the thickness and type of hardstanding areas and	

check for any hydrocarbon leeching in the soil both under and alongside the hardstanding areas. A Foundations Works Risk Assessment should be completed to inform future piling and ground works, and to establish any associated monitoring requirements. Other requirements include Material Management Plans and Ground Gas surveys and mitigation.

Officer comment / response:

A range of conditions are proposed alongside informative notes. This are considered reasonable and achievable for inclusion in any permission.

Any relevant Condition or Informative note?

Conditions will be proposed to the Committee ahead of the meeting, including:
Contamination investigations
Further mitigation plans
Risk assessment
Foundations risk assessment
Material management plan
Ground gas monitoring

4.7 Comments from Strategic Planning Officers are included throughout the body of this report.

5. **Relevant Planning Policies**

The following policies are relevant:

Great Yarmouth Core Strategy (adopted 2015)

Policy CS1: Focusing on a sustainable future
Policy CS2: Achieving sustainable growth
Policy CS6: Supporting the local economy
Policy CS7: Strengthening our centres
Policy CS8: Promoting tourism, leisure and culture
Policy CS9: Encouraging well-designed, distinctive places
Policy CS11: Enhancing the natural environment
Policy CS13: Protecting areas at risk of flooding and coastal change
Policy CS16: Improving accessibility and transport

Great Yarmouth Local Plan Part 2 (adopted 2021)

Policy GSP8: Planning obligations
Policy UCS7: Amendments to CS7 – Strengthening our centres
Policy A1: Amenity
Policy R1: Location of retail development
Policy E1: Flood risk
Policy E4: Trees and landscape
Policy E6: Pollution and hazards in development
Policy I1: Vehicle parking for developments
Policy I3: Foul drainage

National Planning Policy Framework (July 2021)

Section 4: Decision Making

Section 6: Building a strong, competitive economy

Section 7: Ensuring the vitality of town centres

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

6. ASSESSMENT

6.1 Main Issues

The main issues relevant to the determination of this application are:

1. Principle of Development – employment land policy
2. Principle – use of designated employment land
3. Material consideration – Future proposals for the employment land area
4. Material consideration – The site's existing planning status
5. Principle – Suitability of the proposed location for retail foodstore use
6. Principle – Retail foodstore impacts and use of the existing Lidl store
7. Highways safety, parking and network impacts
8. Flood risk and drainage
9. Design, landscaping and ecology
10. Other material considerations (e.g. jobs creation)

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.

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.

Principle of Development : Employment land policy

6.2 Policy CS6: Supporting the local economy, has defined particular areas around the Borough which are designated as 'Safeguarded Employment Areas', including this site as part of the wider Yarmouth Business Park covering land north and south of Thamesfield Way.

6.3 Policy CS6 states that employment and business growth will be promoted by:

"a) Encouraging the redevelopment and intensification of existing employment sites, particularly those sites with good access by a variety of transport modes."

6.4 In the Core Strategy (2015) the Council therefore designated 305.67 ha as Safeguarded Employment Areas; those designations were made based on evidence from a 2012 Employment Land Study.

6.5 The Core Strategy recognises the safeguarded employment land designation will be tested over the lifetime of the Core Strategy, and states (at supporting text paragraph 4.6.6) –

"Making better use of these areas and encouraging redevelopment and intensification of employment uses when suitable sites become available will ensure that new and existing businesses continue to thrive in these locations."

It is recognised that at certain points in the plan period, proposals for non-employment uses will arise within existing local employment areas."

A policy on the re-designation of land and buildings within local employment areas will be developed as part of the Development Control and Site Allocations Local Plan Document, enabling the borough to respond quickly to changes in the economic climate, having regard to the market and economic need."

6.6 Core Strategy policy CS6 therefore sets out a process for applications to justify any such loss of employment uses / introduction of alternative uses in safeguarded employment areas, at part CS6(b), which states:

"To ensure that the conditions are right for new and existing businesses to thrive and grow, there is a need to continue to strengthen the local economy and make it less seasonally dependent. This will be achieved by:

...[part (a) and]...

b) Safeguarding existing local employment areas identified in Table 10 and future local employment areas allocated in other Local Plan Documents for employment use. Alternative uses will only be allowed where it can be demonstrated that:

- *There is a satisfactory relationship between the proposed use and any pre-existing neighbouring uses, without significant detriment to the continuation and amenity of existing or proposed uses*
- *There is no commercial interest in the re-use of the site for employment, demonstrated by suitable marketing at an appropriate price for at least 18 months*
- *A sequential viability test has been applied following the unsuccessful marketing of the site, based on the following sequence of testing: mixed use of the site that incorporates an employment-generating use, then non-employment use”*

6.7 In respect of the review of policy CS6, there were no revisions or amendments in the Local Plan Part 2 (2021), but officers have begun the process of reviewing the quantum and quality of employment land proposed for non-employment uses, in preparation for future Local Plan Part 1 policies. This is discussed separately below.

6.8 The impacts this application has on employment land is considered against:

- Requirements of policy CS6
- Future trends for employment land in the Borough
- The existing and future use of the Yarmouth Business Park employment area
- The site’s existing permission and its planning use

7. Use of designated ‘Safeguarded Employment Land’

7.1 Notwithstanding the emerging evidence (discussed in section 8 below), the site is currently within a safeguarded employment land area. The proposed use therefore arguably represents a departure from policy CS6, or at least the principles or ambitions of policy CS6(b), which states:

“Alternative uses will only be allowed where it can be demonstrated that:

- There is a satisfactory relationship between the proposed use and any pre-existing neighbouring uses, without significant detriment to the continuation and amenity of existing or proposed uses*
- There is no commercial interest in the re-use of the site for employment, demonstrated by suitable marketing at an appropriate price for at least 18 months*
- A sequential viability test has been applied following the unsuccessful marketing of the site, based on the following sequence of testing: mixed use of the site that incorporates an employment-generating use, then non-employment use.”*

7.2 The policy’s intent is that criteria (i) must be satisfied in all cases, then criteria (ii) to demonstrate whether employment uses are likely to come forward at the site; and then criteria (iii) to demonstrate whether the site could viably host

employment uses in some form, before considering or relying on non-employment uses.

- 7.3 The surrounding uses and distance to adjoining neighbours means that the proposed foodstore would not cause a detrimental effect on existing neighbouring uses. Criteria (i) is considered to be satisfied.

Site marketing and viability –

- 7.4 In respect of criteria (ii), a marketing exercise was completed to illustrate the attempts to promote beneficial use of this land. The Marketing Summary document does demonstrate at least 18 months prior marketing, and confirms that the site was seeking valuations at a price that was considered in line with the Council's own suggested benchmark value.
- 7.5 Two periods of marketing were undertaken – initially prior to August 2021 when the application site and the adjoining ATI Tank Hire site were marketed as one entity. When ATI Tank Hire purchased their portion of the site in August 2021 the current application site was marketed as a separate entity.
- 7.6 The document as initially presented was confusing in the way it identified area quanta and which land was involved in offers received for the site when compared against a benchmark land valuation figure for employment uses in this location.
- 7.7 An improved tabulated version supplied shows that no offer for an appropriate employment-based use met the benchmark valuation. Whilst some offers for the site were higher than the benchmark valuation, all were for non-conforming non-employment uses.
- 7.8 Only one offer proposed a suitable valuation which would provide employment-use development, but that was for the adjoining land, and that land is of course not within the site of this application.
- 7.9 In respect of criteria (iii), it is accepted that the feasibility of alternative / hybrid uses was considered through the marketing process. One offer proposal was to combine retail on this application site and employment uses on the adjoining ATI Tank Hire Site, but that would be no different from the existing application and continuation of the adjoining use.
- 7.10 As such it is accepted that for the 18 months marketing period, no offers were received for just the application site, and this demonstrated the site to be unfeasible as an employment site. The reasons for this might be that the need to redevelop the site (ie remove the offices) could have deterred investment for more 'traditional' employment and manufacturing as it would represent a significant outlay for non-office users, whilst the existing offices are probably considered dated in comparison to new office space found relatively locally, or which could be provided on a vacant site such as Beacon Park.

- 7.11 Overall, criteria (ii) and (iii) are considered to have been addressed. It is accepted that the site has been available and marketed in varying degrees since the last employment use was due to leave the site, which led to the school's interest, and the information within the application has shown subsequent marketing since the school use ended. The marketing reports have shown varying results which are accepted as demonstrating no realistic prospects of development for employment use at this site in the current climate, and the only feasible alternative with some form of 'employment use' included was to create a situation akin to what is currently under consideration.

8. Future employment land protection

Borough-wide requirements

- 8.1 The LPA now has up-to-date and relevant emerging evidence relating to employment land uses and future requirements. This is being used to inform the future Local Plan Part 1 (the Core Strategy's eventual replacement), and is a material consideration as part of policy evidence base.
- 8.2 This is the Employment Land Needs Assessment [ELNA] (December 2022), available at: https://www.great-yarmouth.gov.uk/article/8000/Housing-and-economic-evidence#_content)
- 8.3 The ELNA is suggesting the Borough will need additional employment land in the period 2021 – 2041 to facilitate the predicted jobs growth, which will amount to:
- at least 6.00ha of newly-allocated land being required for employment uses;
 - in building terms – at least 24,017sqm new floorspace.
- 8.4 The report also finds that 73% of the Borough's existing employment areas are in employment use, but 15% is not.
- 8.5 The ELNA finds that 11% of the Borough's designated employment land areas is vacant but considered developable for employment uses.

Viability & vitality of the Yarmouth Business Park employment land

- 8.6 The ELNA does include an up-to-date assessment of the 'health' of the existing Yarmouth Business Park (employment land area EL05 in the Employment Land Needs Assessment).
- 8.7 It finds there are 29 individual units in the business park which offers 21,549sqm overall:
- 15 units are in employment use, comprising 10,601 sqm, or 49% of the overall floorspace.
 - 12 units are in active but non-employment use, comprising 8,792sqm (41% of the available floorspace).
 - 2 units are vacant (10%) (including the application site), comprising

2,156 sqm.

- 1.5ha of land is currently undeveloped but potentially suitable for employment use.

- 8.8 Of the 1.5ha undeveloped land, the majority could be taken up through the recently-submitted application ref: 06/22/0907/F, if approved, at Land at Thamesfield Way, for: *“Proposed construction of a mixed use commercial building comprising office (Class E) and storage & distribution (Class B8) uses; associated landscaping, new perimeter fencing; new accesses to Thamesfield Way and car parking area; removal of existing tank from site”* (valid 23/01/23; decision expected by 20/03/23).
- 8.9 With just 7% of existing units vacant, this suggests the site is successful as a destination for new business growth, even if the non-employment ratio is high.
- 8.10 However, at the Yarmouth Business Centre the ELNA suggests the high proportion of non-employment uses, and the 10% floorspace vacancy, and the large areas being used for external storage, all combine to make this area less feasible for new employment land creation.
- 8.11 In this respect, the ELNA actually concludes that the Yarmouth Business Park should not continue to be protected as a safeguarded employment land area, stating:

“There is no clear pattern to the mixture of uses within the existing area which makes redefining the area to protect employment uses impractical. Given the high level of alternative uses which have accumulated on the site, and the relatively limited remaining undeveloped space, together with other employment sites in close proximity, it is not justified to continue to protect the site for solely employment uses.”

This is perhaps unsurprising given the nature of adjoining uses and recent development in the area and the concentration of employment uses towards other neighbouring employment land sites.

- 8.12 As a planning document, the ELNA has no status as a part of the current development plan, but its timeliness and its use as part of the evidence base for the new local plan production means it attracts some, but very limited, weight in the decision making process.
- 8.13 Nevertheless, some regard must be had to the fact that the existing safeguarded employment land designation is dated (being based on evidence from 2012 and adopted as a policy in 2015) and, furthermore, that the ELNA suggests the direction of travel of a replacement policy would not look to protect this site for future employment-specific uses.

9. The site's existing permission and its planning use

- 9.1 The site's Planning History is a material consideration to the principle of development in this location and its assessment of the impacts on employment land supply.
- 9.2 Although the site's formal planning status has previously been changed to temporary school use, it since reverted to its former use and is no longer restricted to just be used only in connection with offshore related activity, because planning permission was granted by way of a S73 (variation of condition) application (ref. 06/16/0125/F) to allow for "*Removal of condition 2 and 12 of planning permission 06/85/0313/F to allow the use of the site for Class D1 (education use)*". Section 73 applications are not allowed to change the proposal of the original permission and the intent of the proposal was clear, reinforced by the committee report and minutes of the decision maker, so it is accepted that the intent of the variation of condition was solely to remove the expressly-stated use restriction in the 1985 permission to then allow the temporary permitted development right as a school to take effect (which was then expressly extended).
- 9.3 Permission 06/19/0539/CU for car sales on part of the site curtilage was a temporary permission only, until May 2022, and the expiry of that permission also reverts the site's status back to its former use established by either express permission, long-term established use, or permitted development rights without time restriction.
- 9.4 Policies in the current Core Strategy seek to protect employment land as well as existing employment uses from being changed to 'non-employment'. Therefore, the policy will seek to safeguard land within these employment areas for employment use if the existing unit/land has an employment use, a non-employment use or no use. This would suggest where a development is proposed or a redevelopment is proposed within the employment area, employment use should be considered first.
- 9.5 Notwithstanding these principles, the site has not been in 'traditional' employment use for some years and has stood vacant for many. There is some weight to the fact that the site has not provided 'employment use' jobs for a significant period of time. Whether or not there is potential to do so in the future is to be borne out by the results of marketing and viability processes discussed above.
- 9.6 Given the planning history, it is not considered reasonable to refuse the application solely because it is not proposing a 'traditional employment' use within the use classes B2, B8 or E(office) class groups. Policy CS6 does strongly encourage the location of new employment uses towards safeguarded employment areas, and does strongly resist the loss of designated employment use land, but the feasibility of the use and its former recent contributions to the economy are material considerations in the determination of this application.
- 9.7 Instead, officers note the provisions in Policy CS6(a) which states its intention as "*Encouraging the redevelopment and intensification of existing employment sites*". Whilst the active use would be non-employment, the development will

intensify the use of the employment area and provide valued jobs rather than remain vacant, and the net area of active employment land is not detrimentally effected by the proposal.

- 9.8 It should be noted that the primary purpose of CS6 is as set out below –

“The Borough of Great Yarmouth has a diverse local economy. It is the main service base in England for the offshore energy industry and has a thriving seasonal visitor economy. To ensure that the conditions are right for new and existing businesses to thrive and grow, there is a need to continue to strengthen the local economy and make it less seasonally dependent. This will be achieved by:...(criteria a-m)”

The policy states a number of ways in which its aim can be achieved. One of which is criteria:

“(g) Supporting the local visitor and retail economies in accordance with Policies CS7 and CS8”

- 9.9 It is reasonable to assert that the current application does go towards the primary aim of the policy in that it is for a retail use which minimizes impacts and satisfies policy R7 and which creates jobs.
- 9.10 Nevertheless, that is not to say the new foodstore use is automatically to be accepted in this location because it must still be subject to retail-location policies discussed below, but the site’s current status is nonetheless a material planning consideration.

10. Principle - Suitability of the proposed location for retail foodstore use

Policy background

- 10.1 Policy CS7 (f) policy (f) requires that other potential sites closer to the town centre are considered for their sequential appropriateness and that the site is accessible by sustainable transport.
- 10.2 The policy also requires that in certain circumstances a Retail Impact Assessment (RIA) shall be prepared to examine any possible significant adverse impacts to the established town centre and any other designated district or local centres; the criteria for an RIA being required is when a development proposes 200+ square metres net additional retail floor space. Compared to the NPPF’s indicative threshold of 2,500sqm gross (unless required otherwise through local policy), this much lower threshold reflects the current fragility of Great Yarmouth’s town centre, which is being squeezed by the increasing appeal of Norwich as a retail destination, the movement of many high street ‘fashion’ stores to out- of-centre locations and the ‘ring’ of large food stores outside of the town, which are impeding the flow of retail expenditure into the town.

- 10.3 In reflecting the impact from, and recent growth of, new foodstore retailing, the Local Plan Part 2 actually deleted parts of policy CS7 to remove the reference to identifying new foodstore floorspace locations, having included specific requirements in new district centre allocations at Caister and Bradwell, for example.
- 10.4 In creating the Local Plan Part 2, the background retail capacity refresh study determined that there was no need for any new retail (food or non-food) floorspace to be allocated over the short (to 2025) and medium (to 2030) term. There was little or no further need in the long (to 2040) term, however this lies beyond the current period of the Core Strategy and LPP2 plans and will be considered again as part of any new retail needs assessment through the next review of the Local Plan.
- 10.5 As such, the most recent evidence available since the adoption of the Core Strategy showed there is no longer a quantitative need for new food and non-food shopping floorspace. Consequently, there is not a requirement under national policy for the Council to have specifically identified or allocated sites for new retail-led development, hence deleting the previous retail requirement provided in Policy CS7b). Where market interest and demand does arise for new retail development, this will ordinarily be supported in the town, district and local centres in accordance with the plan's retail hierarchy in Policies CS7 (as amended), CS17, R1, R5 and where land is allocated to create a new or expanded district/local centres.

Location / Sequential test requirements

- 10.6 With the policy basis clear that new retail, and food retail in particular, is not required in the Borough except in pre-determined locations, the development is contrary to the local plan by being 'out of centre'. The application must therefore demonstrate: (i) that there are no preferable alternative locations available which could be utilised to better effect in terms of sustainability and access: the sequential test; and, (ii) that the additional floorspace created will not have a harmful impact on existing defined district or local centres: the retail impact assessment.
- 10.7 Policy R1 sets out the approach to be taken for sequential test assessments for retail and other town-centre uses. It states:

"Where there are no suitable or available sites within the designated centre, proposals for main town centre use development which are otherwise in accordance with Policy CS7 (as amended by Policy UCS7) will be permitted on edge of centre sites.

- *For retail development in Great Yarmouth, edge of centre sites should be within 300 metres of the Primary Shopping Area.*
- *For the development of other main town centre uses in Great Yarmouth, edge of centre sites should be within 300 metres of the Town Centre Boundary.*

Where there are no suitable or available sites within designated centres or edge of centre sites, new town centre use development will be permitted on out of centre sites within the Development Limits providing it is otherwise in accordance with Policy CS7 (as amended by Policy UCS7), and:

- a. the location is accessible by public transport and is accessible to pedestrians and cyclists;*
- b. the site has good links to the designated centre, or links can be improved;*
- c. the proposed use either individually or cumulatively does not undermine the attractiveness or viability of the designated centres; and*
- d. the site will not impact upon other neighbouring uses, in terms of traffic, parking and amenity issues.”*

10.8 The applicant's sequential test has examined alternative locations based on certain criteria which are for the most part agreed with, as below:

- i. Available sites with an area between 0.6ha (1.5 acres) and 1.6ha (4 acres) with the potential to house a foodstore unit measuring between 1,672 sqm to 2,461 sqm (18,000 - 26,500 sqft);
- ii. Existing vacant units with a floorspace measuring at least 90% of the size of that proposed;
- iii. A site that can allow for the safe manoeuvring of customer vehicles;
- iv. A prominent site with the ability to attract passing trade;
- v. A site that is able to offer adjacent surface level car parking, so that customers can easily transfer goods to their vehicles;
- vi. A site that can accommodate a dedicated service area to the rear of the store and associated HGV's deliveries and manoeuvres; and
- vii. A single storey, open and unrestricted sales floor area which benefits from a generally level/flat topography, or which has the ability to be developed as such.

10.9 These criteria are broadly in line with the expectations of the NPPF and guidelines in the NPP though Officers would take exception to the applicant's criteria iv, vi and vii.

10.10 The prominence of the site and attraction to passing trade is not accepted as a requirement for a store which is promoted to serve local needs and therefore become known to the community it seeks to be accessible to. Whilst foodstores will be able to attract passing trade and fulfil 'linked trips', the role should be to serve existing trips or reduce longer less convenient trips made elsewhere, and their site's prominence should not be so important that it displaces trade from existing local centres.

10.11 The store's design need not be restricted to surface-level delivery and sales, as is experienced elsewhere where sites can include below-ground servicing or upper-level or multi-level sales; these are considered operator-led preferences

and likely a viability concern, but on a constrained small site size as this it is necessary to accept that deviation from a standard model may be unfeasible.

- 10.12 Nevertheless, available sites of the necessary size are in short supply. Within the defined town centre, the old Palmers department store is agreed to be unsuitable for the proposed form of operation, where the upper floors would be difficult to make use of and deliveries would be difficult.
- 10.13 Two other sites were considered as more preferable edge-of-centre locations closer than the application site. Vacant land at Lime Kiln Walk / North Quay was suggested by the applicant to be inappropriate because of needing vehicular access off the North Quay and because the site lacked prominence. It is considered this argument is tenuous, in that while it would be behind other buildings, the location of a deep discounter is soon known by the local customer base and most clients would be expected to be local. Furthermore, the highway here features an extra lane so right-hand turn lanes could be provided.
- 10.14 Vacant land east of Bunns Lane, Southtown, was also considered but the site is both within the wider 'Waterfront Area' and is protected for employment linked to the offshore energy sector, which policy CS17 requires until at least 2025.
- 10.15 Although policy CS17 earmarks both these sites within the area for a 1000-dwelling residential-led development as part of the wider 'Waterfront Area', it would be expected to provide up to 14,200sqm new retail floorspace. However, the policy does set out a requirement for this area to be planned through additional supplementary planning documents to establish the most optimal mix of uses and their locations. Whilst an application could be required to demonstrate an appreciation of wider ambitions, it is nevertheless considered rather premature if not unreasonable to suggest the development provide a foodstore in isolation from any parts of the wider regeneration scheme in the absence of any evidence base or emerging additional development plan documents.
- 10.16 Insisting on a foodstore's location in the Waterfront Area at this stage could hinder the regeneration of that site or compromise its optimal design; the more important consideration is to ensure the proposed development in this application will not prevent the retail element of the Waterfront Area being delivered by policy allocation. In this respect, moving the existing retail offer further away from the town centre will make any prospective retail opportunity more attractive on the Waterfront Area on the basis of being closer to future communities and a more accessible location than this new competitor store in its proposed out-of-centre location.
- 10.17 This application site is 1km outside the designated town centre and no closer other sites are considered available that are not otherwise earmarked for other uses. As such, as there are no more preferable sites available in closer proximity to the defined town centre, the location is considered acceptable for the development if it can address criteria (a) – (d) of policy R7, and the retail impact assessment requirement within policy CS7.

Policy R7 (a) - (d)

- 10.18 Criteria (a) and (b) concern the site's accessibility. The site is located approximately 1.05km south-west of the Great Yarmouth Town Centre via Pasteur Road, the boundary of which is Hall Quay on the north side of the river, as identified on the proposal map in the Local Plan Part 2 (policy USC7).
- 10.19 Relatively speaking the site is close, within 5 minutes drive of the town centre, and accessible, being on national cycle route 517 and linked by cycleways on Pasteur Road to the town centre and the nearby retail sites. The nearest bus stops are 700m away on Anson Road / Southtown Road which is further than the recommended 400m but that could change in time following the third river crossing adjoining Thamesfield Way.
- 10.20 There are dwellings within 250m of the site though these are behind the screening bulk of the large B & Q store to the east. To the southwest the Traveller's caravan site is 250m away, within line of sight of this site on the far side of the A47 bypass road. The site is therefore considered well placed to serve a residential community which would otherwise have to cross the dual carriageway Pasteur Road to access the Tesco superstore.
- 10.21 Policy R7(c) concerns the potential retail impact assessment discussed below, and R7(d) concerns traffic, parking and amenity which is not considered problematic to neighbouring uses provided that the parking levels do not exceed County standards and the access position does not compromise safe and free flow of traffic.

11 Principle – Retail foodstore impacts

- 11.1 Fundamental to the possible impacts of the development is the intended future use of the existing Lidl foodstore on Pasteur Road. If the existing store were able to continue to trade as a foodstore, whether by the same or a different operator, the impacts on nearby defined centres would be markedly different and potentially much more severe.
- 11.2 In acknowledging this, the applicant has confirmed that this is a replacement foodstore to be used only when the existing is closed. To that end, the applicant has agreed to enter into planning obligations which require closure and cessation of the existing foodstore retail use of the Lidl on Pastur Road. Doing so means the associated retail impact assessment can be more focussed in its coverage and in-depth analysis.
- 11.3 The submitted Retail Impact Assessment has therefore only assessed the impacts of the net-additional floorspace created above that of the existing Lidl floorspace on Pasteur Road. The net increase in sales floorspace is therefore only 348 sqm. The 200sqm threshold in policy R7 does not mean the impact of concern is limited to only 148sqm (348 less 200), only that the critical mass to create an impact is from stores or extensions that have at least 200sqm floorspace.

- 11.4 The RIA has looked at the impact across a catchment area of 5 minute driving from the application site. This catchment area may not be considered appropriate were it for any other form of retailer, even supermarket or other foodstore providers, but in this case the operational model of the proposal has a format of a mass discounter, the effects and catchment area of which has been understood and is well established (at least based on the trends from before the covid and current economic crises).
- 11.5 At the request of Officers, the RIA has looked at the effects of many defined centres across the Borough, including those which the applicant contends are outside their forecast catchment area, starting with a 'health check' of each centre. The RIA for this model of retailing has demonstrated a 0.75% impact on the Great Yarmouth town centre, but only if the existing store is taken out of retail use. This is considered acceptable by officers and characterised as low impact on the town centre and other centres, providing that the removal of the existing store floorspace from retail activity can be secured by a section 106 legal agreement. As a result, it can be concluded that the retail impact assessment shows that the proposal will not have any significant adverse impact on existing, committed and planned public and private investment in any centre or centres in the catchment area of the proposal.
- 11.6 Whilst not included within the submitted RIA (mainly owing to the difficulty to quantify such impacts), consideration of the impacts has to be given to the pull of more retail uses towards Gapton Hall, which is not a designated retail centre and already contains a large number of town centre uses. The relocation of Lidl from Pasteur Road (just outside of the town centre), to a location closer to Gapton Hall has the potential to reinforce Gapton Hall's strength as an undesignated retail centre. However, in weighing this harm up, the existing location of the store is already outside of the 'edge of centre' area to the town centre and so if people are to leave the centre for one destination they are equally as likely to leave for the other.
- 11.7 Though some customers may access the existing store by foot and may struggle to access the new store on foot, it would be difficult to practically link trips between the town centre and existing foodstore site. The site is slightly further from the town centre than the existing Lidl retail site, so car use is more likely to occur, however, this site is closer to other large retailers so linked trips may also occur and reduce the likelihood of specific or longer trips. There is no existing bus service in this area, but there are cycle routes on Pasteur Road and linking through onto Anson Road so access from the Southtown area for non-vehicular users is not significantly different. Therefore, the net retail impact of the move from one location to the other slightly further out is primarily based on the slight increase in floorspace of the new store and its effects on defined centres in the vicinity of the new site.
- 11.8 Overall, it is considered the Retail Impact Assessment is robust and has provided sufficient evidence to assess the potential retail impacts in accordance with local and national policies. The outcome of such analysis is that nearby defined centres will not be adversely affected to an unacceptable degree, but

this is subject to the satisfactory site disposal of the existing store, to prevent any reuse of the existing site having a detrimental retailing impact upon the town centre, which could otherwise be the case with an unrestricted Class E use.

- 11.9 Subject to requirements of controlling the floorspace, sales areas and operations of the proposed foodstore to fall in line with the parameters assessed within the RIA, by planning condition, and securing suitable controls on the existing Pasteur Road site, the development will not cause any significant adverse impact on the vitality and viability of existing nearby centres, or committed and planned public and private investment in those centres, and therefore the development will comply with adopted local retail policy.
- 11.10 Officers will present a more complete range of proposed planning conditions to the Committee, but the following retail impact controls will be included:
- Site to provide a foodstore only, and no other E class use.
 - Floorspace to be limited to maximum of 1411 sq m sales area.
 - A maximum 1129 sqm to be used as convenience good retailing.
 - No more than 282 sqm to be used as comparison goods retailing.
 - No subdivision of the building into smaller premises.
 - No extensions to the building through permitted development rights.
- 11.11 In addition, a draft section 106 agreement between applicant (who is also expected to become site owner of both this application and the Pasteur Road site) and LPA will require retailing uses to cease and not be resumed, prior to the first use of the application site. Planning permission should not be granted without these being secured by Agreement.

12 Highways safety, parking and network impacts

- 12.1 In addition to ensuring the development is safe for users of the highway network, the site's accessibility to communities is also key to whether it is appropriate for a retail foodstore.
- 12.2 The levels of parking required also contributes to the development being safe in the local highway network; if there is an undersupply of expected spaces there is a risk of 'overflow' onto surrounding roads. It is not considered that the additional traffic flows that arise would impact on the highway network.
- 12.3 The proposed development of 2,275sqm GIA requires up to 163 car parking spaces on site, but this proposal includes only 136 spaces. The Local Highway Authority originally suggested the quantum of parking is too low, but the applicant has provided details to support their assertion that customers to Lidl and other discount food retailers like Aldi and Netto spend less time on site than other larger size supermarkets where the range of goods typically purchased is of a greater extent than with such "deep discounters". It is considered that this argument has some merit, and, in any case, technical under-provision encourages alternative travel mode. Similarly, if a new user was to purchase the site, then the under-provision would be a matter of fact on the site, and this

would inform choices by potential operators. Ultimately the parking standards are maximum figures, so the under-supply of 27 spaces is not contrary to policy and development of the site as proposed will not cause unacceptable safety impacts.

- 12.3 The development has been amended to address other Highway Authority concerns. The access from Thamesfield Way has been improved, including the design of a pedestrian refuge crossing and pedestrian priority across the bellmouth. Final details can be arranged and the works provided by conditions.
- 12.4 Parking provision comprises 136 spaces which include:
- 11 standard active, 2 rapid active, 2 disabled active and 13 passive EV charging spaces.
 - 9 parent and child spaces.
 - 6 disabled spaces.
- 12.5 Cycle parking has been provided to adequate levels and there is clear safe route to the cycle stands which are positioned adjacent the entrance and in view of customers.
- 12.6 The Highway Authority and LPA officers are both satisfied the development addressed policies CS9 and CS16 and can be approved subject to conditions.

13 Flood risk and drainage

- 13.1 As a development proposing over 1000sqm floorspace, a sustainable drainage scheme is required. After significant negotiation, the applicant has addressed the Lead Local Flood Authority's concerns with a revised drainage scheme within their Flood Risk Assessment Version 7, dated 21 October 2022, and an associated Technical Note dated Oct 2022.
- 13.2 The LLFA's final recent concerns were that the scheme:
- did not have capacity for draining at the appropriate drainage rates, but this has been demonstrated with revised Microdrainage calculations; and,
 - the exceedance flow predictions from storm events were shown to drain towards the highway and be likely to exceed to accommodate them on site. A new drainage channel has been proposed to capture additional storm waters were even the most challenging storm events occur.
- 13.3 The Water Management Alliance / Internal Drainage Board have commented that the proposed connection to the IDB drainage network will require use of a drainage ditch and culvert which runs through the site, but there is uncertainty over the connections required. Conditions can require the network to be surveyed to confirm the connection, and the scheme to be followed thereafter. The IDB note the outflows from the site into their watercourse is proposed to be slower than the greenfield rate but is the best possible rate determined by the site constraints. An Informative note will advise that specific drainage connection consent may be needed from the IDB.

- 13.4 The scheme will also include an attenuation pond within the east corner landscaped area which will have some associated benefit of helping wildlife.
- 13.5 The site is within Flood Risk Zone 3a, but the foodstore use is classed as being 'less vulnerable' within the NPPG. The development must therefore pass the flooding Sequential test. Policy E1 sets the requirements for a sequential test assessment, whether undertaken by the applicant or the LPA, and states: *"Where non-residential uses are proposed, areas of search should be applied proportionately depending upon the type of use"*. The NPPF requires a sequential test to cover *"the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed."*
- 13.6 Officers have considered the sequential approach and consider it is necessary for this to be examined in parallel with the retail-based sequential test. In this instance the catchment is accepted as a 5 minute drive distance from the application site, for reasons explained in the retail section above. As with the results of the retail-based sequential assessment, there are no alternative sites available which can accommodate the floorspace range of the foodstore which are suitable for planning policy reasons / matters of principle, such as being allocated or protected for other uses, or within development limits, regardless of their being reasonably available to the foodstore operator. In the opinion of officers there are no other suitable available sites known to the LPA and the development therefore does not need to pass the exceptions test.
- 13.7 Notwithstanding the absence of other suitably-sized sites in appropriate areas available for this development, the site is in flood zone 3a but the risk primarily relates to the easily predicted tidal overtopping cause for flooding, where adequate warning can be given. Because of the existing buildings on the site and the size of the flood cell displacement impacts are not considered to occur. Furthermore, the vulnerability classification of the proposed use is no different to the current use, and it is likely that the numbers of personnel on site and at risk of flooding is likely to be lower associated with this application than the former education use.
- 13.8 The economic impact of a flood event will be relatively high in terms of lost goods, but this can be mitigated in terms of the building's performance in a flood and the other material losses would be a commercial risk to the operator.
- 13.9 The Environment Agency have removed their initial objection, noting that (so long as the drainage scheme is acceptable and the flood resilient construction measures are provided) the Emergency Flood Response Plan dated 26 April 2022 has overcome their concerns. Key to this response is the inclusion of a mezzanine level refuge area for staff which will be approximately 3.1m AOD, compared to the predicted worst-case flood depth of 1.79m AOD & 0.30m freeboard. Conditions will require compliance with the Plan.
- 13.10 The development has therefore been accepted with its latest drainage scheme and, subject to conditions for compliance with these details, will address the NPPF requirements and policies CS13 and E1.

14. Design, amenity, landscaping and ecology

- 14.1 The development proposes a large format single-storey building not dissimilar to the retailing buildings in the vicinity nor the character of many industrial; units in this or adjoining employment areas. The location is prominent to the highway network but is otherwise not of distinctive design or a single prevailing character. The mono-pitch roof will face southeast into the employment area and create a consistency of style and connection to the retailing offers opposite. The proposed building is steel framed and comprises insulated metal sheet cladding so is perhaps slightly monotone but is not dissimilar to office or industrial and warehousing buildings. The scheme therefore addresses policy CS9.
- 14.2 The application has provided a noise impact assessment which confirms no significant effect on neighbouring uses subject to conditions on hours of delivery, plant and machinery for example. The site is sufficiently distanced from permanent residential areas to prevent an adverse impact on those residential receptors also. However, the site is in line of sight of the travellers site in closer proximity and there may well be a requirement to pile foundations in the soft ground conditions, so it is recommended to curtail hours of construction work on this site by condition in this instance. In all other respects the use and scale of the development is not dissimilar to industrial, office or school activities that went before and offers some confidence that it will not create unacceptable impacts on adjoining uses, so complies with policies CS9 and A1.
- 14.3 Under policy E4, development will be supported where it: *“retains trees, hedgerows, including ancient trees and hedgerows, and landscape features which contribute significant value to the character, amenity or ecology to the locality”*. The site has the benefit of some fairly deep highways verge hedging and shrubs and this is proposed to be reinforced by additional landscaping within the application site and alongside the building’s western elevation so will improve the screening and soften the appearance of the building. Some of this planting will need to include tree planting, previously lacking from the plans, but which can be included in a modified layout and landscaping plan by condition.
- 14.4 The landscaping plan accompanying the application is welcomed. The proposed boundary hedging can help to soften the car dominance of the area, particularly given the proximity of Pasteur Road as a dual carriageway. It would, therefore, be beneficial to have sufficient height to restrict the sight of the cars that will use car park but enabling the store itself to be seen from the roadside. The landscaping proposals also provide an opportunity for bat and bird boxes to be included which can be secured by conditions. By virtue of the planting possibilities on site and the opportunity to require a full landscape planting schedule by condition, the proposal is considered compliant with policy CS9(a) and(g) and E4, and in doing so offers additional biodiversity enhancement sought by CS11.

15. Material Consideration: Predicted jobs growth

- 15.1 The emerging evidence also suggests there will be an increase in 'employment use' jobs creation across the Borough which would expect to be accommodated and safeguarded in areas of 'designated employment land'. In the period 2021 – 2041, jobs growth in these sectors is predicted to be 699 new jobs in manufacturing, storage and distribution, light industry, research & development and office jobs. When these forecasts are analysed further, it is seen that the net increase of 699 new jobs actually masks a loss of 589 jobs from manufacturing but an increase of 513 jobs in warehousing, and 775 office jobs.
- 15.2 The application for a foodstore in a safeguarded employment area also must be considered in terms of the contribution the site might make towards jobs growth and retention in the Borough.
- 15.3 The application site is not considered the optimal for manufacturing, as it is established as offices with some curtilage for distribution. Given the predicted decline in manufacturing jobs, the loss of this site as a possible manufacturing location is considered unfortunate but accepted as a realistic loss.
- 15.4 The application site must therefore be considered in terms of its potential contribution to jobs in traditional employment uses, and through the foodstore.
- 15.5 To consider the number of jobs that could be created by this development, current guidance (the HCA 'Employment Density Guide 3rd edition' 2015) can be used to illustrate the jobs creation potential based on the floorspace proposed. The table below compares traditional forms of employment as would be found within safeguarded employment areas with the number of jobs proposed in the foodstore of 2,342 sqm Gross Internal Area.

Employment sector	Floorspace needed to create 1 new full time job (gross internal area)	No. jobs that would be created with the proposed floorspace of 2342 sq m GIA
Industry jobs (Class B2 uses)	36 m2	65 jobs
Warehousing, storage and distribution (Class B8 uses)	67 m2	35 jobs
Offices (Class E c i-iii uses)	14 m2	167 jobs
Retail foodstore in application this 06/22/0008/F	2342 sqm GIA floorspace is equivalent to 59 m2 per new FTE employee	40 obs

- 15.6 The number of FTE jobs that are forecasted to be created by this development are much less than the original use of the site as offices. However, that has to be viewed with some caution given that (i) it is not clear that an office use exists

at the site anymore, and (ii) the offices have been marketed and proved insufficiently attractive for reuse, perhaps given their slightly aged status and the availability of office stock elsewhere or potential new build opportunities promoted elsewhere. The potential reuse for industrial jobs could create more than the proposed foodstore, but again that did not prove sufficiently attractive to the market nor is the site readily available for industrial use (and would require specific permission to do so). The foodstore is able to offer more jobs than a warehouse, although again it is noted that would also need permission, to change the use at the least, and the site would possibly also need redevelopment which may have deterred investment.

15.7 As part of the decision making process, the importance of the benefits of creating jobs and potential uplift to the local economy can both be given 'weight' in the exercise of planning balance. The appropriate weight to be given to those factors lies with the decision maker based on their planning judgement. In this case, the economic factors to be considered are:

- The additional jobs at this site,
- Continuation of some future jobs through a new use at the Pasteur Road site,
- Investment during construction and continued spend in the local economy from the new jobs,
- The comparatively low number of jobs expected from the other forms of employment use at this site, and,
- The small impact on defined centres due to the small net additional retail sales floorspace proposed (following contingent closure of the existing store).

15.8 For the reasons given above, it is considered that the foodstore use helps create as many, if not more, jobs as might reasonably be expected from the site, and the proposals also have the benefit of releasing land and a building in an accessible location for other uses which will create employment. The other sites will therefore help assist the Great Yarmouth economy and provide jobs for the nearby residential communities and investment in the town overall.

16 Local Finance Considerations

16.1 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.

17 The Planning Balance

- 17.1 There will be a loss of employment area land, however, there potentially would be the release of other appropriate land for some degree of employment-generating uses on the existing site at Pasteur Road where retailing will not be permitted to continue.
- 17.2 The site is slightly further from the town centre where car use is more likely to occur, however, this is close to other large retailers so linked trips may occur and accessibility to the Southtown area for non-vehicular users is not significantly different from the existing site. The development is considered beneficial to enhance existing customer base experience through offering a larger store and improved parking levels, without creating a noticeable impact on existing nearby local centres. Sequentially the site is the best available location for a foodstore of this format and the development has made suitable provisions to address the flood risk and avoid increased flood risk elsewhere.
- 17.3 Whilst the loss of employment land from a currently-designated employment area is regrettable, the development has addressed the marketing and viability requirements of policy CS6, and emerging evidence suggests the employment area as a whole may not be appropriate to retain as a safeguarded area. In this instance the site is already not in a traditional employment use, so continuing a non-employment use in the future does not exacerbate the overall employment land status anyway. As a retail site, conditions can ensure this operates in accordance with the parameters in which the retail impact assessment has been conducted, which has found a very small but minimal impact on centres, demonstrated minimal impact on vitality and viability of the health of nearby local centres and which is considered outweighed by the benefits of wider economic investment
- 17.4 Notwithstanding its out of centre location, there is some support through policy CS6 for jobs creation in the retail sector, and the comparative number of jobs this proposal would offer is advantageous when compared to the jobs that might be expected in other forms of usual employment uses. Furthermore, the use of the site as a jobs-creating foodstore serving an existing catchment makes a suitable alternative to continued vacancy at this brownfield site.

18 Conclusion and Recommendation

- 18.1 Having considered the details provided, the application is considered to comply with policies CS2, CS6, CS7, CS9, CS11, CS13, CS16, USC7, A1, R1, E1, E4, A1, I1 and I3 from the adopted Core Strategy and 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 06/22/00008/F should be APPROVED, subject to:

- (i) the conclusion of the current consultation period on 10th March if no additional objections are received relating to issues not already discussed herein, and in the event that new objections are received which have not been assessed in this report, to revert back to Development Control Committee;
and,
- (ii) subject to satisfactory completion of the section 106 agreement to restrict future uses of the applicant's Pasteur Road store;
and,
- (iii) subject to a range of conditions which will be presented by way of update / addendum report ahead of the Committee meeting.

Appendices:

- Appendix 1 – Location Plan
- Appendix 2 – Site Layout

APPENDIX 2 –

COMMITTEE ADDENDUM UPDATE REPORT 22ND FEBRUARY 2023

DEVELOPMENT CONTROL COMMITTEE

ADDENDUM REPORT

22 FEBRUARY 2023

UPDATES TO PLANNING APPLICATIONS

Item 4 – Application 06/22/0008/F: Land at junction of Pasteur Rd & Thamesfield Way

1) Corrections / clarifications to Officer Report:

Planning Balance & Accessibility –

Although the accessibility of the site has been appraised in the body of the Officer report, those findings have not been reflected adequately in the 'Planning Balance' section of the report, nor the concluding Recommendation. Officers would like to take the opportunity to rectify that oversight within this Update Report.

As already described the site's proximity and available links to residential areas and public transport is less than ideal.

When appraising LPP2 policy R1 in its entirety, it should be noted that ensuring suitable site accessibility is a pre-requisite for satisfying policy R1, and by extension policy CS7.

The criteria (a) and (b) at policy R1 state: *"Where there are no suitable or available sites within designated centres or edge of centre sites, new town centre use development will be permitted on out of centre sites within the Development Limits providing..."*

a. the location is accessible by public transport and is accessible to pedestrians and cyclists; [and]

b. the site has good links to the designated centre, or links can be improved;..."

Policy CS7(f) also requires that out-of-centre retail must be able to demonstrate *"that the proposal can be accessed by sustainable transport."*

In this application the proposed site is not as accessible to pedestrians as would be desired, but there are routes to the site from the Southwell Road area via Anson Road's walking link around the north side of B&Q (350m walking distance)

and 800m from Boundary Road via Thamesfield Way. The distance to bus stops is also further than ideal, as described in the report para 10.19.

However there are significant material considerations linked to the application; Officers consider the material considerations collectively attract enough weight in the decision making process that Officers are able to recommend that they justify granting planning permission despite the conflict with these critical aspects of the planning policy criteria (a) and (b) of R1 and CS7 above.

2) Discrepancy in reference to policies R1 and R7 –

At paras 10.18, 10.21 and 11.3 the report describes needing to address criteria (a) – (d) of policy R7. This should instead read: policy R1.

3) Clarification on retail sequential test –

- (i) At paragraph 17.2, the phrase “*best available [site]*” is, on reflection, a shorthand phrase whereas a more accurate description would be the “*most sequentially appropriate available [site]*”. Such a draughting error has not contradicted the overall assessment which has been clear through the remainder of the report at paragraphs 10.17-10.21.
- (ii) The report does not include an appraisal of the sequentially-assessed (former Pasta Foods) vacant and cleared warehouse site at Jones (GC) Way just to the north of the proposed site. The site is ‘out of centre’ (as is the application site) but is also defined employment land, so is no more suitable other than being slightly closer to the existing store, but on the other hand is sited further from residential areas to the east and more awkward to access on the far side of the 4-lane Pasteur Road. The applicant questions whether the necessary access would be allowed by the site owners, making the site effectively unavailable at this time.

4) Section 106 Agreement update:

The applicant is entering into the draft Agreement proposed by Officers. The operation of the Agreement will ensure the following requirements:

- that use of the existing Lidl site for retailing under the terms of that permission from 2005 ceases when the new site’s use commences, and
- prevents the new store from trading until the existing store has ceased trading and has closed, and
- the existing site shall not be used thereafter for Class E(a) uses, and
- the Existing Lidl Site shall at all times be retained for use as a premises containing a single use and single operator, and shall not be subdivided or used for smaller uses other than as a 90% to 10% ratio of mixed uses where 90% of the floorspace shall be used for the main or predominant use and up to only 10% of the floorspace shall be

in a use ancillary to the main use or function of the site [with the effect of minimising the opportunity for 'main town centre uses' to be attracted outside defined centres.

The applicant's land ownership registration of the new proposed Lidl site is still being processed at the Land Registry; the registration will need to have completed before any permission can be issued to ensure the S106 is completed with the appropriate parties, otherwise the existing landowners would also need to be a party to the Agreement.

5) Additional / Updated Consultee Comments:

The LLFA have amended their final consultation response to confirm they would require the development to be undertaken in accordance with the latest proposed drainage scheme.

- Officer Response: This can be secured by condition.

6) Additional Representations received:

A local resident supports the application stating:

"The present site has problems because of traffic planning decisions in past years. I think Great Yarmouth is lucky this company wants to stay. Not surprised Tesco objects. Lidl is a strong competitor. Maybe a bus service of some kind along Pasteur Road would help all the supermarkets and Gapton Hall."

7) Objections from Tesco Stores Ltd:

Officers are aware that Members were sent a new objection letter from Tesco Stores Ltd on 20th February, further to their original objection of 25th August 2022.

Officers wish to assist Members with their understanding of the points raised, in both the original objection and the recent addition, and respond to the points raised by Tesco Ltd in the table below.

Objections raised by Tesco Stores Ltd: 25 th August 2022		OFFICER RESPONSE
1	Assessing impacts against the supposed "mediocre" 'health' of the town centre: effects are exacerbated because even a slight impact can be great in areas of poor vitality	The impact of the replacement retail store is indeed more keenly felt because the town centre's health is suffering at present, but nevertheless the impact is still considered very small, causing a 0.75% effect on retail spend / turnover in the town largely due to being a very small net additional increase. <ul style="list-style-type: none"> • See report paras: 2.9, 10.2, 11.5, 11.8.
2	A misleading assessment of retail capacity / no appropriate evidence of capacity is presented by the applicant	The store the subject of this application is a replacement, which mechanisms in place as part of any permission to prevent the existing store also contributing to impacts

		<p>from retailing uses. That net-additional impact, and therefore capacity to absorb the impact, is limited to just 348sqm.</p> <ul style="list-style-type: none"> See report paras: 2.9, 11.1 – 11.11.
3	Lack of policy support for new / net-additional retail floorspace in LPP2	<p>Policies find no reason to specifically allocate new retail floorspace, given the pre-existing inclusion of new retail opportunities within large mixed-use developments to serve new communities (e.g. at Bradwell, Caister, Waterfront area in Great Yarmouth). 'Windfall' retail developments are supported as a matter of principle when they are in appropriate locations and avoid unacceptable centre impacts – as per policies CS7, R1 and R7 and to a point CS6.</p> <ul style="list-style-type: none"> See report paras: 10.1–10.5, 15.8, 17.4.
4	The locally-set threshold for retail impact assessments is 12.5x lower at 200sqm than the NPPF minimum	<p>The submitted Impact Assessment provides the assessment in line with policies R1 & R7</p> <ul style="list-style-type: none"> See report paras: 10.2.
5	The Retail Impact Assessment is inadequate and misleading: it could mask a significant adverse impact on the town centre's vitality and viability, for example by underestimating the trade draw that Lidl would have, and not accounting for the full extent of diversion from other stores especially Aldi, Sainsbury's on the edge of the town centre, and Farm Foods.	<p>The Retail Impact Assessment has forecast its impacts on existing traders based on their location, access, floorspace and type of retail operation. The net increase in floorspace is small but may still create a larger impact on certain retailers - but as a proportion of their trade it is small, and as an impact on the overall town centre it is even smaller, and not considered unacceptable. The new store may well trade above its existing trade levels, e.g. due to having more parking, but is not expected to be disproportionate to its proposed scale nor is it considered likely to create a severe impact. If there is concern that trade would increase from outside the proposed retail catchment as assessed, it would suggest there is a level of unmet 'need' in the Borough which would have required an allocated retail foodstore site in policy, which has not been proposed. Any suggestion that there should be an evidential 'need' for the store to be justified is no longer a planning policy consideration.</p> <ul style="list-style-type: none"> See report paras: 10.5, 11.1 – 11.2.
6	Impact on planned town centre investment (public or private)	<p>It is not considered that the provision of a 'deep-discount' foodstore in this location</p>

		<p>(further from the centre than the existing store) with a relatively modest net increase in sales area would threaten the projects for which public investment is planned.</p> <p>Arguably relocating the Lidl operation further south may improve the prospects of creating and maintaining a customer base for the retail and other commercial uses planned at the Waterfront regeneration area under policy CS17 or at the market / vacant shops.</p> <ul style="list-style-type: none"> • See report paras: 10.5, 10.16, 11.4, 11.5
7	<p>The proposed site is not sufficiently accessible for pedestrians in particular, which is contrary to the aims of policies CS16, CS2, CS7 and specific criteria at policy R1(a) & R1(b)</p>	<p>Criteria (a) and (b) do expect out-of-centre retail proposals to be able to demonstrate their proposed site is / has:</p> <p><i>“accessible by public transport and is accessible to pedestrians and cyclists” and “good links to the designated centre, or links can be improved”.</i></p> <p>The most desirable distance would be within 400m walking distance of residential areas, whereas an ‘acceptable’ distance is considered 800m and ‘maximum’ should be 1200m for this form of development.</p> <p>The site is approximately 350m walking distance from the closest Southtown residential area to the east considered less accessible to residential areas than the existing store, but the benefits of the development – overall – are considered to outweigh the conflict with these policy criteria, especially when it is remembered that there are no other preferable available locations any closer than the existing or proposed sites, and this will improve the existing customers’ offer overall for what is a very similar catchment area, with only a small impact on other defined local centre locations. In mitigation, if some customers do not find the proposed site as accessible as the existing, other existing retail locations do exist closer to hand, including other ‘deep discounters’. There may also be some opportunity for ‘linked trips’ between the application site and Pasteur Road retail park, or Garton Hall retail park, but these are likely to be small in number and no significant weight is given to this potential, due to access practicalities.</p> <ul style="list-style-type: none"> • See report paras: 10.17-10.20, 11.7.

8	<p>The application site is unsustainable and will not be conducive to creating new linked-trips, instead generating more traffic. A more appropriate sustainable location would encourage the linked trips to take place within existing centres.</p>	<p>The 'deep discounter' foodstore operation as proposed is accepted to not cover all needs of convenience shopping (eg not having the range of goods preferred), nor being as convenient as other supermarkets or smaller outlets, but it still has a valued place in the household retail catchment. As a replacement store of 348sqm net increase sales floorspace the additional trips created will be relatively small but can be accommodated on the highway network. The scope for linked trips is already limited and so the benefits of using a more central location will also be limited compared to the existing store's location. It is considered that customers using the existing store are already unlikely to create 'linked trips' so whilst the 'opportunity' is lost but the practical impact is no greater.</p> <ul style="list-style-type: none"> • See report paras: 10.10, 11.6, 11.9.
9	<p>The retail sequential test is incomplete: the NPPF requires that even on out-of-centre sites <i>"preference should be given to accessible sites well connected to the town centre"</i>. Sites may have been discounted without good reason.</p>	<p>The applicant has not considered smaller sites which might be possible to be used if the floorplan / design of the foodstore were different, such as a two-storey model. However, this would still not find a suitable location within centres or out-of-centre locations, and other out-of-centre sites could require a different foodstore catchment area so further weakening the proposal's accessibility. No other suitable sites were identified to be available, by the applicant or the LPA, and the sequential assessment process must not be unduly burdensome on the applicant and a market-lead reasonable format of operating model.</p> <ul style="list-style-type: none"> • See report paras: 10.8 – 10.17.
10	<p>Inadequate marketing of the proposed employment land location, when considered against the requirements set out within policy CS6. The marketing has not been 'suitable'.</p>	<p>Policy CS6 requires 'suitable' marketing for 18 months, with a marketing campaign relevant to the site in question and with an appropriate and reasonable price. Local Plan Part 2 paragraph 3.218 also sets out the expected marketing conditions to follow. A comprehensive marketing report would have made this process easier to review but it is clear from the interest received that various parties were aware of the development potential and sale possibilities at the site, and offers were made across a broad range of prices, purposes and terms.</p>

		<p>It is acknowledged that the sales potential and/or marketing exercise was perhaps muddled by the inclusion of adjoining land for a period of time, and the promotional material was not expressly nor solely concerning 'employment land / uses'. If Lidl were known to have an interest at the site during any part of the marketing period, it would not be uncommon for interest to still be submitted on the basis that such offers are usually / often 'subject to planning'. Nevertheless, there are other material considerations which paint a broader picture of the site's potential for reuse by more conventional employment purposes, which include: former uses, including well-known temporary uses, extended periods of vacancy, wider feasibility of the site as a defined employment area, and the local plans additional support for retail as a 'form' of jobs-creating / 'lesser' employment use.</p> <ul style="list-style-type: none"> • See report paras: 7.4 - 7.11, 8.6 - 8.13, 9.4 – 9.9, 15.2 – 15.8, 17.4.
11	<p>The application has not presented any suitable mechanisms for preventing convenience retail / food sales use at the existing Lidl site (so could increase the retail impact assessment overall): if there is such confidence that the existing site will create jobs through redevelopment or reuse then the new site should equally remain available as protected employment land. To prevent retailing, the applicant (and site owner) will need to agree to formally Modify the existing 2004 permission 06/04/0317/F, going to the heart of the matter being considered.</p>	<p>Imposing a restriction on the existing site is being pursued by way of a legal agreement, because the retail impact assessment has also only examined possible impacts from the net-additional sales floorspace created, and no possible retail use of the existing store. Precautions are necessary, at least until appropriate retailing impact assessments and mitigation are proposed to address any possible future impacts of the two sites being used in conjunction. The objection actually asks that only food retailing is prevented at the existing site, but as that store currently has the benefit of an 'open' retail permission, any retailing use is possible and could create wider impacts as an edge/out-of-centre site which should be avoided. The existing Pasteur Road Lidl site is within development limits so a range of uses would be considered suitable in principle, although office uses would have to undergo a sequential test as per policy B1 and other 'main town centre uses' would have to examine defined centre locations first. Employment-generating uses would be encouraged towards defined employment areas but in policies there are no in-principle</p>

		<p>objections to non-office employment uses being location in such location.</p> <ul style="list-style-type: none"> See report paras: 11.11, 15.7 - 15.8, and Officer's Recommendation.
Objections raised by Tesco Stores Ltd: 20 th February 2023		OFFICER RESPONSE
1	An error in the report at paragraph 18.1 suggests the assessment has been inconsistent and potentially erroneous in appraising adopted local policy, affecting the planning balance.	<p>The drafting error in the report is acknowledged, but the overall assessment has clearly identified the conflicts with policy and recognised the benefits that outweigh that policy conflict.</p> <ul style="list-style-type: none"> See report paras: 4.1, 8.13, 9.9, 15.1 – 15.8, 17.1, 17.3, 17.4. See also Update Note 1(f) above.
2	The marketing requirements of policy CS6 have still not been addressed.	<p>This is covered at August 2022 point 10 above.</p> <p>If the 18 month period is questioned, on the basis that Lidl became interested in the site over the final 5 months of the 18 month period, it is noted that policy CS6 does allow a shorter period of marketing in some circumstances, but material considerations also weigh against the need to insist on a strict 18 month marketing with no such interest.</p>
3	The report has misrepresented the importance of securing a Modification of the existing Pasteur Road store's open retail use permission.	<p>The report describes, erroneously, at paragraph 4.3 that Tesco Stores Ltd seek 'closure' of the existing store; this is unfortunate shorthand for the effect of the mechanism being pursued with the applicant. The report should state that Tesco only seek the cessation and prevention of retailing for food purposes (see their submission of 25/08/22).</p> <p>LPA officers and their legal advisors have drafted an agreement which requires retailing to cease before the Thamesfield Way store opens for trade, and does not allow any form of retailing to resume without express permission (by way of application and appropriate supporting information). These 'heads of terms' can be revisited but our legal advice has, to date, said that a formal Modification was not necessary to meet the requirements whilst being within the NPPF tests for planning obligations.</p>

		<p>The broad requirements of the Officer Recommendation remain unchanged, but further consideration of using a Modification order will be undertaken.</p> <ul style="list-style-type: none"> • See report paras: 11.11 • See also Update Note 4 above.
4	Misinterpretation of the retail sequential test	<p>The report does make clear that the sequential assessment process under policy R1 (not policy R7) only allows the site to be considered favourably if there are no other suitable alternative sites. There are no other available sites which are sequentially better, as has been demonstrated at 10.17-10.21.</p> <ul style="list-style-type: none"> • See report paras: 10.7 – 10.21. • See also Update Note 3 above.
5	The site's Accessibility to pedestrians is questioned and conflicts with requirements of policy R1(a) and (b). Also, the assessment should not look favourably on any possible bus links of the future. As such the proposal remain in conflict with policy R1.	<p>The report has only documented the distance to residential areas in very general terms. A more specific assessment reveals that walking routes to the store from the Southwell Road / Southtown area are approximately 350m – 800m in practice.</p> <p>The report does not put any additional 'weight' against possible public transport connections once the Third River Crossing is completed, only identifies that it could occur.</p> <p>This initial omission was an error from not documenting the officer assessment rather than a misunderstanding of the proposal. Whilst the site is further than the 400m 'desirable distance' to bus stops and residential areas (a measurement used to reflect a comfortable distance carrying shopping bags) there are other considerations in favour of the proposal notwithstanding the conflict with parts of policies CS7 and R1.</p> <ul style="list-style-type: none"> • See also Update Note 1 above.

6	The Flood Emergency Plan has not been proven to make the development safe in the event of flooding.	<p>The Council's Emergency Planner / Flood Resilience Officer has accepted the flood precaution measures and confirmed they are satisfied. Furthermore, compliance with the flood plan can be sought by conditions.</p> <ul style="list-style-type: none"> • See report para: 13.9.
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8) Recommendation:

Following Update Note (1), it is noted that the report has consistently identified the conflict with policies (employment and retailing location in particular) but at paragraph 18.1 a drafting error in the report erroneously concludes that the application "complies with policies". Paragraph 18.1 should instead state:

"Having considered the details provided, the application is considered to comply with policies CS2, CS9, CS11, CS13, CS16, USC7, A1, E1, E4, I1 and I3 from the adopted Core Strategy and Local Plan Part 2, and is considered to provide suitable and appropriate benefits which are considered important materials considerations of sufficient weight to outweigh the areas of identified conflict with policies CS6 and CS7 of the adopted Core Strategy, and R1 of the Local Plan Part 2.

9) Updated recommendation:

- a. In the event of needing further referral: to present new information to Chair of the Committee to agree with the Head of Planning whether permission continues to be issued at Officer level.
- b. Subject to conditions as presented to the meeting.

APPENDIX 3 –

EXTRACTS OF COMMITTEE MINUTES – 22nd FEBRUARY 2023



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Minutes

Wednesday, 22 February 2023 at 18:00

Councillor Freeman (in the Chair); Councillors Flaxman-Taylor, P Hammond, Hanton, Mogford, Myers, Fairhead, Wainwright, A Wright, B Wright, Williamson and Galer.

Mr M Turner (Head of Planning), Mr R Parkinson (Development Manager), Mr N Harriss (Principal Planning Officer), Ms C Whatling (Monitoring Officer), Mrs S Wintle (Corporate Services Manager), Ms S Buttifant (Planning Officer), Mr D Zimmering (IT Support) and Ms T Koomson (Senior Democratic Services Officer).

01 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G Carpenter and Annison.

Councillor Galer attended as a substitute for Councillor G Carpenter.

02 DECLARATIONS OF INTEREST

Cllr Hanton declared personal interest in agenda item 6 as the Chair of the Community Safety (Great Yarmouth) Ltd. that operates the CCTV in the Borough of Great Yarmouth. GYBC makes an annual donation to the company. Cllr Hanton informed the Committee that he would not participate in debate or vote on this item.

Cllr Williamson declared personal interest in agenda item 5 as the Chair of the GY Preservation Trust.

Cllr Wainwright and Cllr P Hammond declared personal interest in agenda item 5 as members of the Town Deal Board.

Cllr Wright asked it to be noted that the objector for the application 06/22/0008/F Tesco plc (agenda item 4), has made direct email contact with several (if not all) Councillors.

03 MINUTES

The Minutes of the meeting held on the 18 January 2023 were confirmed.

04 APPLICATION 06-22-0008-F - Former Trafalgar College, Land at Junction of Pasteur Road and Thamesfield Way, Great Yarmouth

The Chair gave the Committee sufficient time to study the addendum report that largely related to the application 06/22/0008/F.

The Committee then received and considered the report set out on the agenda, which was prepared and presented by the Development Manager Mr R Parkinson. The application was brought before the Committee at the discretion of the Head of Planning, noting the conflict with policy. The application proposed demolition of existing building and erection of a new discount food store (Use Class E) with access, car parking, landscaping and other associated works.

The Development Manager summarised that the Marketing and the Planning History suggests there is little prospect of site's reuse for 'traditional' employment use (policy CS6) and that the 2022 employment land assessment suggests little merit in retaining the specific employment land policy protection. He further confirmed that forty jobs at the food store exceed the forecasted number of jobs that would be expected from some other forms of 'employment use' job creation. He further confirmed that there are no more suitable locations available for retail use with a sequential preference. Although the site cannot demonstrate preferred level of pedestrian accessibility as required by Policy R1 (a) which is a weakness of the scheme, there is on the other hand only a very small impact from the net-increase retail sales area proposed. Hence the other public benefits collectively outweigh the conflict with policy R1 and CS6 namely that of jobs creation on site and at existing store, reuse of vacant and brownfield land and providing an important facility to support businesses and continuing to serve a local retail catchment.

As such, the Development Manager confirmed that as stated in the addendum report, having considered the details provided, the application is considered to comply with policies CS2, CS9, CS11, CS13, CS16, USC7, A1, E1, E4, I1 and I3 from the adopted Core Strategy and Local Plan Part 2, and is considered to

provide suitable and appropriate benefits which are considered important material considerations of sufficient weight to outweigh the areas of identified conflict with policies CS6 and CS7 of the adopted Core Strategy, and R1 of the Local Plan Part 2. It was therefore recommended that the application 06/22/0008/F to be approved subject to 1) Conclusion of public consultation period, following which to present new information to Chair of the Committee to agree with the Head of Planning whether permission can to be issued at Officer level, and 2) Securing legal agreement as described in report and Addendum update report and 3) Conditions as proposed, with the final versions to be agreed under delegated authority to the Head of Planning, and pre-commencement conditions to be agreed with the applicant.

Cllr Wright asked for clarity if the eighteen months of marketing the site was during the covid pandemic and if the forty jobs creation refers to full time employment. The Development Manager confirmed that the marketing period did coincide with the pandemic however would not have compromised the marketing. He further confirmed that the job creation referred to in the report is of full time equivalent.

Cllr Myers asked for clarity in the timescale of closing the existing store before opening the planned new store. The Development Manager confirmed that there is no intended gap between closing the old store and opening the new store. However, in order to be compliant with s.106, the plan is to build the new store and when that is ready to open, close the old store.

Cllr Fairhead referred to section 13 on the report and highlighted the importance of ensuring that any development on the site does not cause drainage and flooding issues to other surrounding areas. The Development Manager confirmed that the Water Management Alliance and the Drainage Board have been very clear on their licensing in relation to drainage and the development is not assessed to be likely to increase flooding elsewhere.

Cllr Williamson agreed that the site has not attracted employment use interest for a very long time and as such he fully supports the application. He further agreed with Cllr Fairhead that ensuring proper care in relation to the drainage is highly important so that it does not end up causing drainage problems and flooding further down south. The Development Manager agreed and further clarified the measures taken in relation to managing the flood risk and drainage. Basic principle being that the hard surfaces on the proposed development are roughly the same as they are currently and that the drainage is designed to operate on reduced 'slowed down' rate and only be discharged steadily downstream.

Cllr Wright outlined his concerns in relation to the application mainly the loss of

designated employment land that may be required in the future and the poor catchment area for local residents who will lose a local shop and have poor pedestrian access to the new location. He further clarified that his objections are not the same as those submitted by Tesco plc. The Development Manager clarified that due to high vacancy rate on this location there already is consideration to de-designate the area as an employment land. He accepts that the marketing of the land was during the pandemic, but that does not undermine the actual marketing process. He further confirmed that there are other similar food stores in the current location catchment area.

Cllr Hammond did not consider the catchment area and relocation of the store to be a major concern as the applicant would know their own market base. He further added that regardless of the pandemic, the eighteen months advertising period is more than sufficient. He further asked clarity about the proposed conditions and specifically condition 3 - no other E class use and 6 – subdivision. The Development Manager confirmed that this means that it needs to operate as a food store and no other shops, cafes or offices can operate on the site as specific units. The Head of Planning clarified whether the question related to ancillary uses (such as internal coffee shops) or the actual subdivision of the larger store into multiple smaller retail units. Ancillary uses are not in themselves deemed to be development and therefore planning permission would not be required. The proposed condition would prevent the subdivision of the store into multiple small stores.

The Head of Planning also noted that Members had discussed the clear relationship between the granting of the application before them and the closure of the existing store. However, he reminded Members that it was important to note that the closure of the existing store did not require planning permission and as such should not be regarded as a material consideration in determining the application.

Cllr Myers agreed that although it is regrettable that there is a potential loss of a local shop for some residents, other food stores may subsequently open in the vicinity of the town centre in the future. He thought that the application to expand and provide a bigger store is a vote of confidence for Great Yarmouth and a positive thing as a whole. He further added that although it is a loss of designated employment land, one can't wait forever for such application.

Cllr Wainwright agreed that the land has been unused for a long time and the College that used to operate on the site shut down four years ago. There has been no interest at all for the site as a use of employment land and at least this plan provides forty jobs.

Cllr Mogford agreed that the planned location for a food store was excellent both for visibility and access and will ultimately provide a bigger store for the residents of Great Yarmouth. He also agreed that although it is not within the ideal walking

distance, that should not prevent the development from going ahead.

Cllr Flaxman-Taylor noted the high number of conditions placed on this application and proposed that, as per recommendations stated on the addendum report and subject to the stated conditions, the application be approved. This was seconded by Cllr Williamson.

Following a vote, it was RESOLVED:-

That application number 06/22/0008/F be approved subject to:

1. Conclusion of public consultation period, following which to present new information to Chair of the Committee to agree with the Head of Planning whether permission can to be issued at Officer level.
2. Securing legal agreement as described in report and Addendum update report
3. Conditions as proposed in the summarised list below, with the final versions to be agreed under delegated authority to the Head of Planning, and pre-commencement conditions to be agreed with the applicant.

Proposed conditions

1. Standard time limit
2. To accord with plans
3. Site to provide a foodstore only, and no other E class use.
4. Floorspace to be limited to maximum of 1411 sq m sales area.
5. A maximum 1129 sqm to be used as convenience good retailing and no more than 282 sqm to be used as comparison goods retailing.
6. No subdivision of the building into smaller premises.
7. No extensions to the building through permitted development rights.
8. No commencement until highways works are agreed & provide pre-use
9. Contamination investigations and remediation plan - inc extra surveys
10. Contamination risks assessment from foundations works proposals
11. Ground gas surveys and monitoring plan
12. Materials management plan
13. Drainage outflow point to be surveyed and agreed to ensure deliverable
14. Flood resilience and safety measures to be agreed following principles in FRA
15. Flood emergency response plan to be agreed, and mezzanine provided to appropriate height 2.09m AOD, and available for public use in emergency
16. Provide and retain visibility splays and other Highways Authority requirements
17. Drainage to accord with the approved drainage layout plans
18. Drainage maintenance schedule to be agreed and followed
19. Foul drainage strategy to be agreed
20. Fire hydrant to be agreed and provided
21. Materials to be agreed
22. Landscaping scheme to be agreed, to accommodate attenuation and at least 9 trees and suitable replacements for those being removed where necessary
23. Landscaping schedule to be agreed
24. Substation screening and substation to be green
25. Ecology enhancement scheme to be agreed, inc bird and bat boxes
26. Provision of EV charging as per the layout and schedules proposed
27. Provision of various parking space types and cycle parking stands

28. No external lighting without prior permission
29. Noise mitigation measures as proposed in noise impact assessment
30. Solar panels as proposed prior to use
31. Tree protection measures as per AIA
32. Implement Travel Plan upon commencement of use
33. Hours of construction
34. Hours of use of the store

And any additional / amended conditions proposed by the Head of Planning and agreed with the Chairperson of the Committee.

05 APPLICATION 06-22-0955-F - Former Palmers Store 37 - 39 Market Place Great Yarmouth

The Committee received and considered the report set out on the agenda, prepared and presented by the Principal Planning Officer Mr N Harriss. The application was brought before the Committee as it was a connected application where the applicant was the Borough Council. The application was for proposed change of use from retail/commercial into local community and education use to accommodate the relocated Great Yarmouth Public Library and provide new space for University classrooms and Adult Education (F1 (a) (d) uses); Ancillary associated uses; proposed external repairs to building fabric; Replacement door & windows; New ground floor entrance to Market Place; Internal amendments to facilitate new use; New external staircase.

The Principal Planning Officer reported that having considered the details provided, the application is considered to comply with policies CS9, CS10, CS15 and CS16 from the adopted Core Strategy, and policies GSP1, GY1, R1, R2, A1, E5 and I1 from the adopted Local Plan Part2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval. He further confirmed that as per addendum report, all Proposed Elevations have been updated to include more detailed notes clarifying proposed external materials.

The Principal Planning Officer summarised that the application repurposes a vacant building and will significantly enhance the buildings appearance and wider townscape setting. It also delivers a key mixed use premises that is an important element in the Town Centre Regeneration and enhances library provision by also providing important community uses, adult learning provision and education centre. It was therefore recommended that the application 06/22/0955/F be approved, subject to conditions as set out on the addendum report.

Cllr Fairhead asked if the lift that previously existed in the building would remain for the public use. The Principal Planning Officer confirmed that it would.

Cllr Wright asked if there was a designated space for an art gallery. The Principal Planning Officer confirmed that there is no permanent area for an art

APPENDIX 4 –

PROPOSED FINAL DRAFT SECTION 106 AGREEMENT

Dated

2023

Great Yarmouth Borough Council

-and-

Lidl Great Britain Limited

**DEED OF PLANNING OBLIGATION
UNDER SECTION 106
OF THE TOWN AND COUNTRY PLANNING
ACT 1990**

relating to land on the south west side of Thamesfield Way,
Great Yarmouth

THIS DEED is dated

2023

PARTIES:

- (1) **GREAT YARMOUTH BOROUGH COUNCIL** of Hall Plain, Great Yarmouth, NR30 2QF (referred to as "the Council")
- (2) **LIDL GREAT BRITAIN LIMITED**, Company number 02816429, whose registered office is at Lidl House, 14 Kingston Road, Surbiton, KT5 9NU (referred to as "the Owner")

together referred to as 'the Parties'

INTRODUCTION

- (A) The Council is a local planning authority for the purposes of this deed for the area within which the Site is located.
- (B) The Owner has applied for the Permission and the Council has resolved to grant the Permission provided the Parties enter into this Deed.
- (C) The Owner owns the freehold of the Application Site which is registered at the Land Registry under title number NK512090 and held free from encumbrances other than the matters referred to below and is also the freehold owner of the Existing Lidl Site registered at the Land Registry under title numbers NK120718, NK122955, and NK300328.

1. DEFINITIONS

In this Deed the following expressions have the following meanings:

Act	The Town and Country Planning Act 1990 as amended.
Application	the application for the Development registered on 6 January 2022 under reference number 06/22/0008/F
Application Site	the land known as the south west side of Thamesfield Way, Great Yarmouth and registered at H M Land Registry under title number NK512090 as shown edged

	red on Plan 1
Commencement	<p>The date on which a material operation as defined in Section 56(4) of the Act is first carried out, except (for the purposes of this Deed only) operations consisting of:</p> <p>site clearance</p> <p>demolition</p> <p>archaeological investigations</p> <p>ground surveys</p> <p>removal of contamination or other adverse ground conditions</p> <p>erection of temporary fences</p> <p>temporary display of site notices and/or advertisements</p> <p>and 'Commence' and 'Commenced' will be construed accordingly</p>
Development	The demolition of existing building and erection of a new discount foodstore (Use Class E) with access, car parking, landscaping and other associated works pursuant to the Permission on the Application Site
Existing Lidl Site	The land known as Lidl Stores, Pasteur Road, Great Yarmouth registered at HM Land Registry under title numbers NK120718, NK122955, and NK300328 shown edged red on Plan 2
Existing Foodstore	The existing foodstore owned and operated by the Owner located on the Existing Lidl Site
New Foodstore	The proposed foodstore to be constructed pursuant to the Permission on the Application Site
Nominated Officer	The senior officer of the Council responsible for development management or other officer of the Council notified to the Owner

Occupation	Occupation of the New Foodstore , or any part of it, for any purpose authorised by the Permission, but excluding occupation for the purposes of: construction internal and external refurbishment decoration fitting-out marketing and 'Occupy' and 'Occupied' will be construed accordingly
Permission	The planning permission granted by the Council for the Development pursuant to the Application
Plan 1	The plan showing the location of the Application Site on drawing no. 7723L-19 attached to this Deed
Plan 2	The plan showing the location of the Existing Lidl Site on drawing no. 7723L-30 attached to this Deed
Site	Together the Application Site and the Existing Lidl Site
Trigger	means the Commencement date and any trigger or threshold in this Deed linked to the taking of specified steps, payment of money, or linked to the prohibition of a specified action

2. LEGAL BASIS

- 2.1 This Deed is made pursuant to Section 106 of the Act and, to the extent that it does not contain planning obligations, under Section 111 of the Local Government Act 1972, Section 1 of the Localism Act 2011, and all other enabling powers.
- 2.2 The covenants and obligations contained in this Deed create planning obligations for the purposes of section 106 of the Act enforceable by the Council and relate to the Site.
- 2.3 The covenants and obligations given on the part of the Owner are entered into with the intent that the same shall be enforceable by the Council without limit of

time not only against the Owner but also against its successors in title and assigns and any person corporate or otherwise claiming through or under the Owner a freehold or leasehold or other such interest or estate created hereafter in the Site or any part or parts thereof as if that person had also been an original covenanting party in respect of such of the covenants and undertakings which relate to the freehold or leasehold or other such interest or estate for the time being held by that person in the Site (or part thereof).

- 2.4 Covenants given by more than one party can be enforced against them individually or jointly.
- 2.5 A reference to an Act of Parliament includes any later modification or re-enactment, including any statutory instruments made under that Act, and reference to a gender or person includes all genders or classes of person.
- 2.6 Any covenant in this Deed not to do something includes an obligation not to allow or permit it to be done.
- 2.7 References to any party to this Deed shall include successors in title to that party and to any person deriving title through or under that party and in the case of the Council, the successors to their respective statutory functions.
- 2.8 Representatives of the Council may enter the Site at any reasonable time to ascertain whether the terms of this Deed are being or have been complied with provided that:
they adhere to all reasonable health and safety requirements.

3. CONDITIONALITY

This Deed is conditional upon:

- 3.1 The grant of the Permission; and
- 3.2 The Commencement of Development.

Save for the provisions of this clause and clauses 5.1, 5.2, 5.3, 5.4, 5.5, 5.7, 5.8, 5.9, 5.10, 5.11, 5.13, 5.14, 6, 7, 8 and 9 which shall come into effect immediately on completion of this Deed.

4 COVENANTS

- 4.1 The Owner covenants with the Council for himself and his successors in title to the Site to observe and perform the obligations and stipulations contained in this Deed.
- 4.2 The Council covenant with the Owner to comply with their respective requirements contained in this Deed.

5. OTHER PROVISIONS

- 5.1 No person will be liable for any breach of this Deed if he no longer has an interest in the Site or such part of the Site to which the breach relates (unless the breach occurred before he disposed of his interest).
- 5.2 The Owner confirms that he is the owner of the Site with full power to enter into this Deed and that there is no person or body with an interest in the Site whose consent is necessary to make this Deed binding on all interests in the Site.
- 5.3 The covenants, restrictions and requirements contained in this Deed shall not be enforceable against:
 - 5.3.1 any statutory undertaker or other person who acquires any part of the Site or an interest in it for the purposes of the supply of electricity gas water telecommunications or highways in connection with the Development of the Site.
- 5.4 On completion the Owner will pay the Council's reasonable legal costs in connection with this Deed.
- 5.5 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.
- 5.6 If any provision of this Deed is held to be invalid, illegal or unenforceable it will not affect the remaining provisions.
- 5.7 No waiver, express or implied, by the Council of any breach or failure to perform or observe any of the covenants, terms or conditions of this Deed constitutes a continuing waiver, nor prevents the Council from enforcing any of the provisions in this Deed.
- 5.8 If the Permission is quashed revoked or expires before Commencement then, save for clause 5.4 , this Deed will cease to have effect (insofar only as it has not already been complied with).
- 5.9 Nothing in this deed prohibits or limits the right to develop any part of the Site in

accordance with a planning permission (other than the Permission) granted after the date of this Deed.

- 5.10 The Council will register this Deed as a local land charge in the Council's register of Local Land Charges in relation to the Application Site and the Existing Site
- 5.11 Following the performance and satisfaction of all the obligations contained in this Deed the Council will, upon the written request of the Owner, cancel all relevant entries contained in the Register of Local Land Charges.
- 5.12 An agreement, approval, consent or expression of satisfaction required by the Owner from the Council under the terms of this deed must be given in writing and shall not be unreasonably withheld or delayed.
- 5.13 The provisions of this Deed (other than this clause which takes immediate effect) will be of no effect until this deed has been dated.
- 5.14 Nothing contained or implied in this Deed will fetter, prejudice or affect the rights, discretions, powers, duties and obligations of the Council in the exercise of any of its functions as local authority.

6. DISPUTES

- 6.1 If any dispute is not resolved between the Parties, any of the Parties may refer it for determination by an expert. The expert will be appointed by agreement between the parties or, in default of agreement, by the President for the time being of the Royal Institution of Chartered Surveyors and the expert's decision shall be final and binding (save in the case of manifest error).
- 6.2 The expert is to be replaced by a fresh appointee in the event that he becomes at any time unable or unwilling for any reason to proceed to discharge his functions. The fresh appointee is to be appointed in the manner prescribed in this clause.
- 6.3 The expert is to make his decision as soon as reasonably possible.
- 6.4 The costs of appointing the expert are to be shared equally by the parties to the dispute except where the expert takes the view that one party has acted unreasonably. In that case the expert has binding discretion as to apportionment of the costs.
- 6.5 Nothing in this clause will apply to the recovery of liquidated sums or prevent the parties from commencing or continuing court proceedings.

7. NOTIFICATIONS

- 7.1 Any notice or written communication given under this Deed is validly given if hand delivered or sent by recorded delivery post to the address set out at the beginning of this Deed, unless written notification of another address has been received.
- 7.2 The Owner will notify the Nominated Officer in writing of the relevant
 - 7.2.1 anticipated Triggers seven days in advance of each anticipated date,
 - 7.2.2 actual Triggers within seven days of each actual date.
- 7.3 If the Owner disposes of his interest in all or part of the Site he will:
 - 7.3.1 Prior to disposing of his interest in all or part of the Site, notify his successors in title and assigns of the existence of this Deed and the restrictive covenants contained therein relating to the Site
 - 7.3.2 notify the Nominated Officer within 7 days of the name and address of the new owner and sufficient details to identify the Site or part of the Site.
 - 7.3.3 notify the Nominated Officer within 7 days that he has made formal notification in accordance with clause 7.3.1 above

8. COUNTERPART

This agreement may be executed in any number of counterparts, each of which shall constitute a duplicate original, but all the counterparts shall together constitute the one agreement.

9. JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England and Wales.

Schedule 1

Plan 1

Plan 2

PLAN 1



Notes:
1. All dimensions are in millimetres unless otherwise stated.
2. All dimensions are to the centre of the wall unless otherwise stated.
3. All dimensions are to the finished level unless otherwise stated.
4. All dimensions are to the external face of the wall unless otherwise stated.
5. All dimensions are to the internal face of the wall unless otherwise stated.
6. All dimensions are to the top of the wall unless otherwise stated.
7. All dimensions are to the bottom of the wall unless otherwise stated.
8. All dimensions are to the side of the wall unless otherwise stated.
9. All dimensions are to the front of the wall unless otherwise stated.
10. All dimensions are to the back of the wall unless otherwise stated.

ALL DIMENSIONS ARE TO THE CENTRE OF THE WALL UNLESS OTHERWISE STATED.
ALL DIMENSIONS ARE TO THE FINISHED LEVEL UNLESS OTHERWISE STATED.
ALL DIMENSIONS ARE TO THE EXTERNAL FACE OF THE WALL UNLESS OTHERWISE STATED.
ALL DIMENSIONS ARE TO THE INTERNAL FACE OF THE WALL UNLESS OTHERWISE STATED.
ALL DIMENSIONS ARE TO THE TOP OF THE WALL UNLESS OTHERWISE STATED.
ALL DIMENSIONS ARE TO THE BOTTOM OF THE WALL UNLESS OTHERWISE STATED.
ALL DIMENSIONS ARE TO THE SIDE OF THE WALL UNLESS OTHERWISE STATED.
ALL DIMENSIONS ARE TO THE FRONT OF THE WALL UNLESS OTHERWISE STATED.
ALL DIMENSIONS ARE TO THE BACK OF THE WALL UNLESS OTHERWISE STATED.



Client
Lidl UK GmbH

Project
New Store
Thamesfield Way
Great Yarmouth

Drawing
Location Plan

Scale
1:500 @ A3
Date
21 Sep 21
Sheet
7728L-19
Revision
01

john roberts architects

1, Dorset Street | Farnham | Surrey | GU10 2AA
T: 01252 533344 | F: 01252 512888
E: admin@jra.co.uk
www.jra.co.uk





ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 01-23-2001 BY 60322 UCBAW



Existing Store
Pasteur Road
Great Yarmouth

Location Plan

ACRIS	date	Drawn	Checked
1:500@A3	Feb 23	PM	
drawing no.			
77231-30			
			revision

john roberts architects

T: 01522 533441 F: 01522 512886
E: admin@jgarthlectis.co.uk
www.jgarthlectis.co.uk



Schedule 2

In this Schedule (and elsewhere in this Deed where the context permits) the following words and phrases shall have the following meaning:

Class E(a) Uses	Means for the display or retail sale of goods, other than hot food, principally to visiting members of the public, as described by Schedule 2 Article 3 Part A of the Town and Country Planning (Use Classes) Order 1987 (as amended) and any subsequent variation or modification thereof
First Permission	Means the planning permission granted by the Council under reference 06/04/0317/F dated 24 January 2005, as varied by permission ref 06/15/0277/F dated 13 August 2015 granted under s73 of the Act.

The Owner covenants with the Council:

1. Not to open the New Foodstore for trade to the public until trading at the Existing Foodstore has ceased and the Existing Foodstore is no longer open for trade to the public and to confirm the same in writing to the Council
2. Following Occupation of the New Foodstore, not to reopen or resume trading at the Existing Foodstore pursuant to the First Permission for Class E(a) Uses unless otherwise agreed in writing by the Council.
3. That the building subject of the Existing Lidl Site shall at all times be retained for use as a premises containing a single use and single operator, and shall not be subdivided or used for smaller uses other than as a 90% to 10% ratio of mixed uses where 90% of the floorspace shall be used for the main or predominant use and up to only 10% of the floorspace shall be in a use ancillary to the main use or function of the Existing Lidl Site.
4. The parties hereto acknowledge that the covenants contained in this Deed shall not give rise to any right to compensation whatsoever and the Owner covenants not to pursue any such claim.

APPENDIX 5 –

LPA'S DRAFT PLANNING CONDITIONS DATED 04 AUGUST 2023

DRAFT PLANNING PERMISSION CONDITIONS

UPDATE 04 August 2023

1 Standard time limit

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

The reason for the condition is :-

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Plans to be followed

The development hereby approved shall be carried out in strict accordance with the following plans and details submitted to the Local Planning Authority:

Drawings and plans –

7723L-19 Location Plan;
7723L-20 Rev G Proposed Site Plan;
7723L-21 Existing Site Plan;
7723L-22 Rev C Proposed Floor Plan;
7723L-23 Rev A Elevations (with Bat Shelter and Nest Box comments);
7723L-24 Rev A Proposed Roof Plan;
7723L-25 Existing Elevations;
21-108-01 Tree Survey & Constraints Plan;
21-108-02 Rev D Detailed Landscape Proposals;
21-108-03 Rev B Tree Protection Plan;
DWG 00 Rev 2 LiAS Design Notes & Luminaire Schedule;
DWG 01 Rev 2 Proposed Lighting Layout;
DWG005 Proposed Site Access;
DWG 16-2038-401 Rev P2 Drainage Arrangement Sheet 1 of 2;
DWG 16-2038-401 Rev P2 Drainage Arrangement Sheet 2 of 2;
DWG 16-2044-300 Rev P2 Section 278 – Proposed General Arrangement and Access Construction;
DWG 16-2044-301 Rev P2 Section 278 – Contours and Flow Arrows;
DWG 16-2044-302 Rev P2 Section 278 – Site Clearance;
DWG 16-2044-303 Rev P2 Section 278 – Signs and Road Markings;
DWG EDS07-0102.01 Version E Unit/Package Substation with Standard Plinth Design & GRP Enclosure Sheet 1 of 3;
DWG EDS07-0102.01 Version D Earthing Arrangement for Unit / Package Substation with Standard Plinth Detail & GRP Enclosure Sheet 2 of 3;
DWG EDS07-0102.01 Version A Small Power & Lighting Layout Sheet 3 of 3; and,

Supporting documents –

Air Quality Assessment Project No. 444605-01(00) prepared by RSK dated 3 November 2021;
Emergency Flood Response Plan T004 Issue 1 prepared by Cora IHT dated 26 April 2022;
Flood Risk Assessment 16-2044-T003 Issue 7 prepared by Cora IHT dated 11th March 2023;

Letter from Paul Palgrave (Geo Investigations) to Joe Caunt (Lidl Great Britain Limited) dated 25 November 2021 re: Proposed Lidl, Thamesfield Way, Great Yarmouth - Report on Soakaway Testing;
Noise Impact Assessment ref. 9219/FD prepared by Acoustic Consultants Ltd dated 16 December 2021;
Phase I & II Geo-Environmental Assessment ref. UK215309b Issue 1 prepared by EPS dated 13 May 2021;
Planning and Retail Statement prepared by Rapleys LLP dated January 2022;
Preliminary Ecological Appraisal (PEA) Survey Report ref. SQ-309 prepared by Estrada Ecology Ltd dated 25 August 2021;
Transport Assessment T001 Issue 2 prepared by Cora IHT dated 17 December 2021;
Travel Plan T001 Issue 2 prepared by Cora IHT dated 17 December 2021.

The reason for the condition is :-

For the avoidance of doubt, and in the interests of proper planning.

3 Foodstore use only and no other Class E uses

Notwithstanding the provisions of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any subsequent order revoking and re-enacting that order with or without modifications), the commercial unit hereby permitted shall be used only for activities and the purposes of retail and therein only as a predominantly foodstore retail unit (notwithstanding the range of retailing activity uses which fall within the range of uses covered by Use Class E(a) [a use for the display or retail sale of goods, other than hot food, principally to visiting members of the public] of the Town and Country Planning (Use Classes) Order 1987 (as amended)) and shall not be used for any other use or purpose without first gaining the express written permission of the Local Planning Authority obtained pursuant to the submission of a valid planning application.

See also Conditions 4-7 of this permission.

The reason for the condition is :-

The development hereby permitted provides a substantial area of new retail floorspace in a location not ordinarily supported by adopted planning policies because of the potential conflict with established local, district and town centre designations, and the removal of land in a designated employment area, but has been justified on the basis of being able to minimise the potential impacts by virtue of being a replacement for an existing foodstore in the vicinity, with the associated impacts assessed and considered on this basis only; if the use of the development were to change to other forms of retailing such as a non-foodstore retail use, or other main town centre uses, the development could give rise to impacts not previously assessed and not necessarily without detriment to the town centre or other sequentially-preferable defined centres. As such, the restriction is necessary to ensure that the Council retains control over the quality, extent and range of impacts and provision of any change of use, in accordance with policies CS1, CS2, CS6 and CS7 of the adopted Great Yarmouth Core Strategy (2015), and policies R1 and UCS7 of the adopted Great Yarmouth Local Plan Part 2 (2021).

4 Floorspace to be limited to maximum of 1411 sq m sales area

The development hereby permitted shall provide no more than a maximum of 1,411 sqm (square metres) to be used as a retail floorspace sales area at any time. This area shall not be exceeded without first gaining the express written permission of the Local Planning Authority obtained pursuant to the submission of a valid planning application.

See also Conditions 3, 5-7 of this permission.

The reason for the condition is :-

The development hereby permitted provides a substantial area of new retail floorspace in a location not ordinarily supported by adopted planning policies, but is acceptable by virtue of being a replacement for an existing foodstore in the vicinity, with the associated retailing, social, economic and highways impacts assessed and considered on this basis of a proposing 1,411 sqm sales area within the application. The restriction is imposed in order to define the permission and ensure the development operates as proposed and as assessed, and to ensure the satisfactory functioning of the development in accordance with policies CS1, CS2, CS6, CS7 and CS16 of the adopted Great Yarmouth Core Strategy (2015), and policies R1, USC7 and I1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

- 5 Maximum 1129sqm floorspace for convenience goods and max 282sqm for comparison goods

The development hereby permitted shall provide:

- no more than a maximum of 1,129 sqm (square metres) of the permitted retail floorspace sales area to be used for convenience good retailing; and,
- no more than a maximum of 282 sqm (square metres) of the permitted retail floorspace sales area to be used for comparison good retailing, at any time.

This limitation shall not be exceeded without first gaining the express written permission of the Local Planning Authority obtained pursuant to the submission of a valid planning application.

See also Conditions 3-4, 6-7 of this permission.

The reason for the condition is :-

The development hereby permitted provides a substantial area of new retail floorspace in a location not ordinarily supported by adopted planning policies, but is acceptable by virtue of being a replacement for an existing foodstore in the vicinity, with the associated retailing, social, economic and highways impacts assessed and considered on this basis of a proposing this particular mix of retail floorspace sales area within the application. The restriction is imposed in order to define the permission and ensure the development operates as proposed and as assessed, to ensure the satisfactory functioning of the development, in the interests of highways safety, and to safeguard the vitality and viability of nearby town and local centres in accordance with policies CS6, CS7 and CS16 of the adopted Great Yarmouth Core Strategy (2015), and policies R1, USC7 and I1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

- 6 No subdivision of the building into smaller premises

The commercial unit foodstore hereby permitted shall only be operated as a single commercial premises and shall not at any time be subdivided into smaller commercial units or premises. This restriction shall apply notwithstanding extent of operational development required for such subdivisions nor the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any subsequent order revoking and re-enacting that Order with or without modifications).

See also Conditions 3-6,7 of this permission.

The reason for the condition is :-

The development hereby permitted provides a substantial area of new retail floorspace in a location not ordinarily supported by adopted planning policies, but is acceptable by virtue of being a replacement for an existing foodstore in the vicinity, with the associated retailing, social, economic and highways impacts assessed and considered on the basis of a proposing the particular format of retail operations as presented within the application. The restriction is imposed in order to define the permission and ensure the development operates as proposed and as assessed, to ensure the satisfactory functioning of the development, in the interests of highways safety, and to safeguard the vitality and viability of nearby town and local centres in accordance with policies CS1, CS2, CS6, CS7 and CS16 of the adopted Great Yarmouth Core Strategy (2015), and policies R1, USC7 and I1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

7 No extensions to the building by permitted development

Notwithstanding the provisions of Schedule 2 Part 7 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any subsequent order revoking and re-enacting that Order with or without modifications), the commercial unit hereby permitted shall not be extended or altered at any time without first gaining the express written permission of the Local Planning Authority obtained pursuant to the submission of a valid planning application.

The reason for the condition is :-

The development hereby permitted provides a substantial area of new retail floorspace in a location not ordinarily supported by adopted planning policies, but is acceptable by virtue of being a replacement for an existing foodstore in the vicinity, with the associated retailing, social, economic and highways impacts assessed and considered on the basis of the floorspace and size of the development as proposed. The restriction is imposed in order to define the permission and ensure the development operates as proposed and as assessed, to ensure the satisfactory functioning of the development, in the interests of highways safety, and to safeguard the vitality and viability of nearby town and local centres in accordance with policies CS1, CS2, CS6, CS7 and CS16 of the adopted Great Yarmouth Core Strategy (2015), and policies R1, USC7 and I1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

8 Prior to commencement – agree highways works and provide them

Part (A)

There shall be no commencement of the development hereby permitted, including demolition of existing buildings, until a detailed Scheme for providing appropriate off-site highway improvement works has first been submitted to and approved in writing by the Local Planning Authority.

Part (B)

There shall be no construction of the development hereby permitted beyond slab / DPC / foundations level until suitable evidence has first been submitted to and approved in writing by the Local Planning Authority to demonstrate that the applicant has applied for and promoted a Section 278 agreement with the Local Highways Authority to ensure the off-site highways works will be undertaken in accordance with the detailed Scheme required by Part (A) of this condition.

The reason for the condition is :-

To ensure that the highway network is adequate to cater for the development proposed in the interests of highways safety. This is a pre-commencement condition to ensure that a safe and

suitable access is available for traffic associated with the construction of the development, in accordance with policies CS16 of the adopted Great Yarmouth Core Strategy (2015) and R1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

9 Highways – providing the off-site works

The development hereby permitted shall not be brought into first use as a foodstore until the off-site highway improvement works (including any Public Rights of Way works) required by Condition 8 of this permission have first been completed and made available for use in strict accordance with the detailed plans approved under Condition 8 of this permission.

The reason for the condition is :-

To ensure that the highway network is adequate to cater for the development proposed in the interests of highways safety and ensure that a safe and suitable access is available for the development, in accordance with policies CS16 of the adopted Great Yarmouth Core Strategy (2015) and R1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

10 Highways – On-site construction worker parking

There shall be no commencement of the development hereby permitted, including demolition of existing buildings, until the details of a Scheme for providing on-site construction worker parking for the duration of the construction period of the development have first been submitted to and approved in writing by the Local Planning Authority. The Scheme shall thereafter be implemented and retained in accordance with the approved details, for the duration of the construction period.

The reason for the condition is :-

To ensure adequate off-street parking is provided during construction in the interests of highways safety. This is a pre-commencement condition to ensure that a safe and suitable parking arrangement is provided for the construction of the development, in accordance with policies CS16 of the adopted Great Yarmouth Core Strategy (2015) and R1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

11 Highways – Construction Traffic Management Plan

There shall be no commencement of the development hereby permitted, including demolition of existing buildings, until the details of a Construction and Demolition Traffic Management Plan to be used for the duration of the demolition and construction period of the development and which shall include details of providing wheel washing facilities within the site, have first been submitted to and approved in writing by the Local Planning Authority. The Plan shall thereafter be implemented and retained in accordance with the approved details, for the duration of the demolition and construction period.

The reason for the condition is :-

To ensure adequate off-street parking is provided during the redevelopment of the site in the interests of highways safety and the efficient and safe operation of the highway network. This is a pre-commencement condition to ensure that a safe and suitable parking arrangement is provided for the construction of the development, in accordance with policies CS16 of the adopted Great Yarmouth Core Strategy (2015) and R1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

12 Highways - Visibility splays

The development hereby permitted shall not be brought into first use as a foodstore until visibility splays have first been provided in full accordance with the details indicated on drawing number DWG-005 Proposed Site Access. The splays shall thereafter be retained and maintained at all times free from any obstruction exceeding 0.225m above the level of the adjacent highway carriageway.

The reason for the condition is :-

In the interests of highways safety and the efficient and safe operation of the highway network, including during construction, in accordance with policies CS16 of the adopted Great Yarmouth Core Strategy (2015) and R1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

13 Contamination investigations and revised risk assessment based on extra surveys

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until the detailed results of a further site investigation for contamination at the site (to be undertaken in accordance with BS1075:2011+A1:2013 and LCRM) has first been submitted to and approved in writing by the Local Planning Authority. The site investigation report shall be accompanied by a revised conceptual Risk Assessment model amended in light of the results of the additional investigation.

The site investigation shall include the areas of the site which were considered to be previously inaccessible ground when prior investigations were undertaken as detailed in the submitted Phase I & II Geo-Environmental Assessment report dated 13 May 2021, and shall be based upon the recommendations presented within Section 7.4 of the same report, including:

(a) The investigation shall be undertaken to include assessment of the physical extent and nature of the thickened concrete surfacing in the eastern area of the site, which should be established through the drilling of a series of boreholes by rotary methods. Subsequent to this, the lateral extent and severity of fuel impacts underlying concrete surfacing in the south-eastern area of the site should be established through the drilling of further shallow boreholes in recognition that there may well be overlap between the area of possible fuel impact and areas of thickened concrete meaning a combined approach to risk assessment and mitigation is required.

(b) The investigation should also include an assessment of ground water presence and quality and an assessment of the potential risks to groundwater resources, undertaken through a controlled waters risk assessment and subsequent presentation of remedial options appraisal and sustainability assessment.

(c) The site conceptual model shall be amended based on the findings of the intrusive site investigation and the risks to identified receptors updated. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates from on the site.

The findings of the site investigation and proposed remedial options shall be submitted to the Local Planning Authority for approval in writing prior to any remedial works commencing and any development works commencing.

The reason for the condition is :-

In the interests of ensuring the land contamination present and the risks to groundwaters and end users are understood, and in the interests of maintaining local amenity, in accordance with policies CS1 of the adopted Great Yarmouth Core Strategy (2015) and E6 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

14 Contamination foundations risk assessment and mitigation strategy

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until a detailed Foundations Works Risk Assessment and proposed Foundations Design Strategy have first been submitted to and approved in writing by the Local Planning Authority.

The risk assessment shall include the detail risks to controlled and ground waters and shall be used to inform the piling and ground works strategy required for the development. The Strategy shall detail the proposed foundations or piling methods and include mitigation to prevent groundwater contamination as required, and shall include any associated monitoring requirements as appropriate.

The development shall thereafter be constructed in strict accordance with the details as approved, including the mitigation and monitoring thereof.

The reason for the condition is :-

In the interests of ensuring the land contamination risks at the site are addressed and remediated in the interests of maintaining local amenity and environmental assets, and the safety of workers, neighbours and other offsite receptors, in accordance with policies CS1 of the adopted Great Yarmouth Core Strategy (2015) and E6 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

15 Contamination ground gas risk assessment and mitigation strategy

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until a detailed assessment for the possible risks of ground gas presence at the site, and an appropriate ground gas remediation scheme and appropriate monitoring as necessary, has first been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be constructed in strict accordance with the details as approved, including the mitigation and monitoring thereof.

The reason for the condition is :-

In the interests of ensuring the land contamination risks at the site are addressed and remediated in the interests of maintaining local amenity and environmental assets, and the safety of workers, neighbours and other offsite receptors, in accordance with policies CS1 of the adopted Great Yarmouth Core Strategy (2015) and E6 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

16 Contamination revised remediation strategy

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until a detailed remediation scheme sufficient to bring the site to a condition suitable for the intended use has first been submitted to and approved in writing by the Local Planning Authority.

The remediation scheme shall be provided subsequent to the fulfilment of an agreed site investigation and revised contamination risk assessment in accordance with Condition 13 of this permission, the foundations proposals to be agreed under Condition 14 of this permission, and any mitigation required for ground gas presence to be agreed under Condition 15 of this permission. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must thereafter be carried out in strict accordance with the approved details prior to the commencement of construction works. The development shall not be brought into beneficial use until the remediation scheme has been completed successfully and demonstrated to be undertaken as such in accordance with the details of a contamination remediation verification and validation scheme.

The reason for the condition is :-

In the interests of ensuring the land contamination risks at the site are addressed and remediated in the interests of maintaining local amenity and environmental assets and the safety of workers, neighbours and other offsite receptors, in accordance with policies CS1 of the adopted Great Yarmouth Core Strategy (2015) and E6 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

17 Contamination Remediation Verification and Validation Plan

There shall be no use of the development hereby permitted until the details of a Contamination Remediation Verification and Validation Plan have first been submitted to and approved in writing by the Local Planning Authority. The Plan shall include proposed means to confirm successful mitigation of the immediate contamination risks identified by Conditions 13-16 of this permission and shall propose long term monitoring of the identified risks with appropriate mitigation measures to be introduced as necessary.

The contamination measures shall thereafter be provided in strict accordance with the details as approved, including the mitigation and monitoring thereof, prior to the first use of the development as necessary.

The reason for the condition is :-

In the interests of ensuring the land contamination risks at the site are addressed and remediated in the interests of maintaining local amenity and environmental assets, and the safety of workers, neighbours and other offsite receptors, in accordance with policies CS1 of the adopted Great Yarmouth Core Strategy (2015) and E6 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

18 Contamination Materials Management Plan

There shall be no commencement of the development hereby permitted, including demolition of existing buildings, until a detailed Contamination Materials Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in strict accordance with the details as approved, including the mitigation and monitoring thereof.

The reason for the condition is :-

In the interests of ensuring the land contamination risks at the site are addressed and remediated in the interests of maintaining local amenity and environmental assets, and the safety of workers, neighbours and other offsite receptors, in accordance with policies CS1 of the adopted Great Yarmouth Core Strategy (2015) and E6 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

19 Unexpected contamination

If 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 shall be 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 policies CS1 of the adopted Great Yarmouth Core Strategy (2015) and E6 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

20 Flood Resilience and Flood Risk Mitigation Measures

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until a Flood Resilience and Flood Risk Mitigation Measures Scheme has first been submitted to and approved in writing by the Local Planning Authority. The Scheme shall set out how the development will provide suitable protection and resilience during flood events, having regard to the recommendations and principles set out within the approved Flood Risk Assessment ref 16-2044 – T003 version 7, dated 11th March 2022, and the Technical Note [submitted] in response to the LLFA response (ref.: FW2022_0856), dated 17 October 2022, and shall include confirmation of the final proposed site ground levels and finished floor levels. The development shall thereafter be constructed in strict accordance with the details as approved, and shall be retained as such thereafter.

The reason for the condition is :-

In the interests of minimising flood risk and improving the development capacity to respond to flood events, in accordance with policies CS12 and CS13 of the adopted Great Yarmouth Core Strategy (2015) and E1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

21 Flood Emergency Response Plan

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until a Flood Emergency Response Plan has first been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of connecting the development to the Environment Agency's Flood Warning Direct Scheme, and other measures having regard to the recommendations and principles set out within the approved Flood Risk Assessment ref 16-2044 – T003 version 7 dated 11th March 2022, and the Emergency Flood Response Plan T004 Issue 1 dated 26 April 2022, and the Technical Note [submitted] in response to the LLFA response (ref.: FW2022_0856), dated 17 October 2022. The details shall demonstrate the final proposed floor level of the internal mezzanine floor to act as a refuge area, of at least 2.09m AOD, to be shown in relation to the recognised flood risk depths and external ground floor levels, with appropriate climate change allowances. The flood event refuge area shall remain available for public access in the event of a flood emergency thereafter. The development shall be constructed in accordance with the mitigation measures as proposed and shall thereafter be operated in strict accordance with the details as approved.

The reason for the condition is :-

In the interests of minimising flood risk and improving the development capacity to respond to flood events, in accordance with policies CS12 and CS13 of the adopted Great Yarmouth Core Strategy (2015) and E1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

22 Drainage scheme to be followed as proposed in Revision 7 version

The development hereby permitted shall be constructed in strict accordance with the following drainage scheme proposals as submitted:

- Flood Risk Assessment and Drainage Strategy (document ref: Flood Risk Assessment Version 7 ref: 16-2022 T-003 dated 11th March 2022; and,
- Technical Note in response to the LLFA response (ref.: FW2022_0856), dated 17 October 2022;

and the following drawings which supersede those plans included in the Flood Risk Assessment:

- drawing 16-2038-401-P2: Proposed Drainage Arrangement Sheet 1 of 2; and,
- drawing 16-2038-401-P2: Proposed Drainage Arrangement Sheet 2 of 2.

The approved scheme will be implemented in full prior to the first use of the development.

The reason for the condition is :-

In the interests of minimising flood risk and ensuring suitable sustainable drainage solutions are provided for the development, in accordance with policies CS12 and CS13 of the adopted Great Yarmouth Core Strategy (2015) and E1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

23 Drainage scheme outflow connection

There shall be no use or occupation of the development hereby permitted until the site's drainage strategy has first been connected to the required drainage outflow points within the privately maintained riparian watercourse as shown on the approved Internal Drainage Board Consent ref.22_07549_C dated 19 June 2023. The appropriate preparations shall be made prior to connection, noting the Internal Drainage Board's advice that vegetation clearance will be required first.

The reason for the condition is :-

To ensure there is sufficient drainage capacity to address the surface water run off requirements of the development without causing additional surface water flooding risk to adjoining land and natural ecosystems, in accordance with policies CS11, CS12 and CS13 of the adopted Great Yarmouth Core Strategy (2015), and E1 and E6 of the adopted Great Yarmouth Local Plan Part 2 (2021).

24 Drainage scheme maintenance schedule

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until a Drainage Maintenance Schedule Scheme has first been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented on first use of the development which shall thereafter be operated in strict accordance with the details as approved.

The reason for the condition is :-

In the interests of maintaining the continued operation of the development's drainage scheme and minimising flood risk and ensuring suitable sustainable drainage solutions are provided for the development, in accordance with policies CS12 and CS13 of the adopted Great Yarmouth Core Strategy (2015) and E1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

25 Foul drainage scheme

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until the details of a Foul Drainage Scheme have first been submitted to and approved in writing by the Local Planning Authority. The details shall be completed and implemented prior to the first use of the development and shall thereafter be operated in strict accordance with the details as approved.

The reason for the condition is :-

In the interests of minimising flood risk and ensuring suitable drainage solutions are provided, in accordance with policies CS12 and CS13 of the adopted Great Yarmouth Core Strategy (2015) and I3 of the adopted Great Yarmouth Local Plan Part 2 (2021).

26 Fire hydrant details

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until the details of proposed Fire Hydrants provision have first been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the details as approved which shall be provided prior to the first use of the development and retained as such thereafter.

The reason for the condition is :-

In the interests of ensuring appropriate utilities are provided and maintaining public amenity, in accordance with policies CS14 of the adopted Great Yarmouth Core Strategy (2015) and GSP8 of the adopted Great Yarmouth Local Plan Part 2 (2021).

27 Materials and finishes

There shall be no commencement of construction beyond foundation / damp proof course / slab level of the development hereby permitted until the details of proposed materials and finishes to be used in the external walls, roofs and fenestration of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in strict accordance with the details as approved.

The reason for the condition is :-

In the interests of the visual amenity of the area, in accordance with policy CS9 of the adopted Great Yarmouth Core Strategy (2015).

28 Landscaping scheme and planting schedule

Part (a) –

There shall be no commencement of construction beyond foundation / damp proof course / slab level of the development hereby permitted until full details of a proposed Landscaping Scheme have first been submitted to and approved in writing by the Local Planning Authority.

The proposed Landscaping Scheme shall include details of:

- (i) all hard landscaping materials, appearance and locations;
- (ii) all soft landscaping and planting;
- (iii) a planting plan including planting schedule for all species, quantities and locations;
- (iv) details of all other features, street furniture, apparatus, lighting and associated facilities to be provided within the curtilage of the foodstore and car park hereby permitted;
- (v) relationship with provision of drainage attenuation features, including details of any screening or safety barriers to be used around the attenuation pond;
- (vi) at least nine (9 no.) trees of a suitable standard to ensure presence and rapid establishment with associated details of growing mediums;
- (vii) details of appropriate screening to be provided around the proposed electrical substation;
- (viii) details to demonstrate how proposed boundary hedging can ensure cars parked within the site will be shielded from view;
- (ix) details of all trees and plants required to be removed, and suitable replacement planting for those trees being removed where necessary, with associated details of growing mediums; and,
- (x) A Maintenance and Management Schedule and regime for all areas of landscaping and planting.

Part (b) –

With the exception of the planting and soft landscaping, all the features of the Landscaping Scheme shall be provided and made available for use in accordance with the approved details, prior to the first use of the development hereby permitted, and shall be retained and maintained as such thereafter in full accordance with the details of the approved Maintenance and Management Schedule.

Part (c) –

All the soft-landscaping and planting within the approved Landscaping Scheme shall be undertaken and provided no later than the first planting season following the first use of the

development hereby permitted, and shall be retained and maintained as such thereafter in full accordance with the details of the approved Maintenance and Management Schedule.

The reason for the condition is :-

In the interests of the visual amenities of the locality, biodiversity enhancement, resilience against climate change, and to provide a high standard of design, in accordance with policies CS1, CS9 and CS11 of the Great Yarmouth Core Strategy (2015) and policy E4 of the Great Yarmouth Local Plan Part 2 (2021).

29 Existing tree, shrub & hedgerow protection

No tree, shrub or hedgerow which is indicated to be retained on the approved Tree Protection Plan (ref 21-108-03 Rev B) or the Landscaping Scheme to be approved under Condition 28 of this permission, shall be topped, lopped, uprooted, felled or in any other way destroyed, within ten years of the date of the first use of the building hereby approved, other than if such works are required in accordance with the approved Landscaping Scheme details.

A retained tree, shrub, or hedgerow, means an existing tree, shrub or hedgerow which is to be retained in accordance with the approved plans and particulars.

The reason for the condition is:-

To protect and enhance the visual amenities of the area and on-site biodiversity, in accordance with the requirements of Policies CS09 and CS11 of the adopted Great Yarmouth Core Strategy (2015) and Policy E4 of the adopted Great Yarmouth Local Plan Part 2 (2021).

30 Landscaping and Planting Scheme ongoing protection

Any tree, shrub or hedgerow forming part of the approved Landscape Scheme which dies, is removed or become seriously damaged or diseased, within a period of ten years from the date of planting, shall be replaced with another of a similar size and species as that originally planted, and in the same place, during the next planting season immediately following its removal.

The reason for the condition is:-

To protect and enhance the visual amenities of the area and on-site biodiversity, in accordance with the requirements of Policies CS09 and CS11 of the adopted Great Yarmouth Core Strategy (2015) and Policy E4 of the adopted Great Yarmouth Local Plan Part 2 (2021).

31 Screening and colour of electrical substation

There shall be no use of the development for the purposes hereby permitted until the proposed electrical substation facility has first been built in or painted a green / olive green colour on all external walls, and screened from view with appropriate landscaping installed in the positions shown on the Landscaping Scheme to be approved under Condition 28 of this permission. The substation shall thereafter be maintained as a green colour and with appropriate landscaping screening.

The reason for the condition is:-

To protect and enhance the visual amenities of the area and in the interests of good design, in accordance with the requirements of Policies CS09 and CS11 of the adopted Great Yarmouth Core Strategy (2015) and Policy E4 of the adopted Great Yarmouth Local Plan Part 2 (2021).

32 Biodiversity and Ecology Enhancement Plan

There shall be no construction of the development hereby permitted beyond foundation / slab / damp proof course levels until a detailed scheme for a Biodiversity and Ecology Enhancement Plan has first been submitted to and approved in writing by the Local Planning Authority.

The details of the Plan shall include proposed ecological enhancement features including proposed installation of bird and bat boxes on the building and within the grounds.

The development shall thereafter be undertaken in strict accordance with the approved details which shall be provided and made available for use prior to the first use of the development for the purposes hereby permitted. The features of the Plan shall be retained as such thereafter.

The reason for the condition is:-

For the enhancement of biodiversity and ecological assets, and in the interests of securing good design, in accordance with Policies CS09 and CS11 of the adopted Great Yarmouth Core Strategy (2015) and Policy E4 of the adopted Local Plan Part 2 (2021).

33 Biodiversity and Ecology Enhancement Plan monitoring and provision

There shall be no use of the development for the purposes hereby permitted until a "Statement of Good Ecological Practice" has first been signed by a competent ecologist upon completion and review of the wildlife enhancement features contained in the Biodiversity and Ecology Enhancement Plan required by Condition 32 of this permission. The Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development, sufficient to confirm that the specified enhancement measures contained within the Plan have been implemented in accordance with good practice.

The reason for the condition is:-

In order to safeguard the ecological interests of the site in accordance with Policy CS11 of the adopted Great Yarmouth Core Strategy (2015) and the principles of the National Planning Policy Framework (2021).

34 Provision of EV Charging facilities

There shall be no use of the development for the purposes hereby permitted until the Electric Vehicle (EV) Charging facilities (both the bays and associated charging apparatus) have first been installed, provided and made available for public use in accordance with the approved plans as listed at Condition 2 of this permission.

The development shall provide two (2) rapid, eleven (11) active, and thirteen (13) passive EV charging bays in accordance with the layout and schedule.

The EV charging facilities shall thereafter be maintained as such and retained for public use thereafter, and every two years from the first use of the development, a minimum of one

passive space shall be converted into an active charging space until such time that all passive spaces are fully operational active spaces.

The reason for the condition is:-

In order to encourage the uptake of electric vehicles and minimise air pollution, increase the network of electric vehicle charging points and ease of access thereto for users of the development, and to promote travel to and from the site by means other than the combustion engine private car, and to ensure the development satisfies the necessary parking standards, in accordance with Policies CS1 and CS16 of the adopted Great Yarmouth Core Strategy (2015), policy I1 of the Local Plan Part 2 (2021), the Norfolk Local Transport Plan (2022), and the principles of the National Planning Policy Framework (2021).

35 Parking, turning areas and cycle parking provision

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

The reason for the condition is:-

To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policy CS16 of the adopted Great Yarmouth Core Strategy (2015), Policy I1 of the adopted Great Yarmouth Local Plan Part 2 (2021) and the principles of the National Planning Policy Framework (2021).

36 External lighting and bat protection

No external lighting shall be erected within the development site unless full details of its design, location, orientation and level of illumination and luminescence have first been submitted to and approved in writing by the Local Planning Authority. Such lighting shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation. The specifications to be provided shall include appropriate mitigation to minimise the impacts on bats and disturbance to bat feeding corridors alongside and within the site. The lighting shall thereafter be implemented in strict accordance with the approved details and the mitigation measures included shall be installed prior to the use of the lighting and shall be retained as such thereafter.

The reason for the condition is:-

In order to safeguard visual and neighbouring amenity, the ecological interests of the site to improve the Borough's natural environment and to avoid any harmful impacts of development on its biodiversity, landscape assets, priority habitats and species in accordance with Policies CS09 and CS11 of the adopted Great Yarmouth Core Strategy (2015), policies A1 and E4 of the Local Plan Part 2 (2021) and the principles of the National Planning Policy Framework (2021).

37 Solar panels to be provided

There shall be no use of the development for the purposes hereby permitted until the solar panels shown in the approved drawings listed at Condition 2 of this permission have first been

installed, made operational and brought into use. The development shall thereafter retain and maintain the solar panels for the duration of the development.

The reason for the condition is:-

The provision of PV and solar panels was proposed as an additional benefit of the development, and contributed to the permission being granted contrary to various provisions of the adopted development plan, and so the condition is imposed to ensure the development includes these features, in accordance with policies CS1 and CS9 of the adopted Great Yarmouth Core Strategy (2015), and the principles of the National Planning Policy Framework (2021).

38 Tree Protection Measures to accord with the AIA

There shall be no commencement of the development hereby permitted, including demolition of existing buildings, until the tree protection measures as detailed in the approved Tree Protection Plan drawing no. 21-108-03 Rev B have first been installed, to include the protective fencing and Construction Exclusion Zone which shall be installed and demarcated in the locations shown in the submitted and approved Tree Protection Plan drawing no. 21-108-03 Rev B.

Notwithstanding the details of the Tree Protection Plan 21-108-03 Revision B, additional protective fencing shall be installed along the length of the application site perimeter to the west, north and north east boundaries, sufficient to prevent disturbance and harm to the areas of vegetation within the highways boundary adjoining the site.

All protective measures shall be installed in strict accordance with BS 5837 (2012) - Trees in Relation to Design, Demolition and Construction.

No fires, materials or debris storage, parking or other operations whatsoever shall be undertaken within the construction exclusion zone, and the protection measures shall be retained in situ for the duration of the development's construction period.

The reason for the condition is:-

To avoid any unnecessary loss of trees, harm or damage being caused to the wooded setting at the site during the construction process, and to ensure appropriate tree protection in the interests of protecting the visual amenity of the area, in accordance with Policy CS11 of the Great Yarmouth Core Strategy (2015) and Policy E4 of the adopted Great Yarmouth Local Plan Part 2 (2021).

39 Implementation of the Travel Plan

Upon the first use of the development for the purposes hereby permitted the approved Travel Plan ref T001 Issue 2 dated 17 December 2021 shall be implemented and the Travel Plan Measures shall be introduced and promoted as set out at Chapter 5 of the approved Travel Plan.

The Travel Plan shall thereafter be managed, issued and made available to all employees and staff within the development, and reviewed and updated to the timescales set out in the Travel

Plan, in full accordance with the measures proposed at Chapters 6 and 8 of the approved Travel Plan document, for the duration of the development.

The reason for the condition is:-

To ensure that the development supports sustainable modes of transport and to reduce the impact of travel and transport on the environment in accordance with Policies CS1 and CS2 of the adopted Great Yarmouth Core Strategy (2015) and the principles of the National Planning Policy Framework (2021).

40 Construction work hours

There shall be no undertaking of any demolition or construction work within the development site outside the hours of 0800 - 1800 Monday - Fridays and 0800 – 1300 on Saturdays.

No development shall be undertaken on Sundays, Bank Holidays or Public holidays.

The above restrictions shall apply only to works and all associated activities which are audible at the site boundary.

For the duration of the demolition and construction periods, the contact details including accessible phone numbers for persons responsible for the site works, shall be made available on public display at the development site entrance, for the duration of the works.

The reason for the condition is:-

To protect the amenity of neighbouring properties and land uses in accordance with Policies A1 and E6 of the Great Yarmouth Local Plan Part 2 (2021).

41 Hours of use of the foodstore

The development the subject of this permission shall not be made available for use by the public / shall not be open to customers at any time outside the following hours:

0800 hours to 2200 hours on Mondays to Saturdays,

and,

1000 hours to 1700 hours on Sundays and Bank Holidays or Public holidays.

The reason for the condition is:-

To protect the amenity of neighbouring properties and land uses, and to ensure the retail impacts of the development are consistent with those of the existing retail store which has been assessed to be replaced by the proposed development, in accordance with policies CS6, CS7 and CS9 of the adopted Great Yarmouth Core Strategy (2015), and policies UCS7, R1 and A1 of the Great Yarmouth Local Plan Part 2 (2021).

42 Hours of deliveries to the foodstore

No deliveries shall be taken at or dispatched from the site for the purposes of the development the subject of this permission outside the following hours:

0730 hours to 2230 hours on Mondays to Saturdays,

and,

0900 hours to 1800 hours on Sundays and Bank Holidays or Public holidays.

The reason for the condition is:-

To protect the amenity of neighbouring properties and land uses, and to ensure the possible highways impacts of the development are not focussed on the peak hours of use of the local highways network, and to provide a degree of consistency of approach with the permitted delivery hours of the existing retail store which has been assessed to be replaced by the proposed development so as to control the retail impacts of the development, in accordance with policies CS6, CS7, CS9 and CS16 of the adopted Great Yarmouth Core Strategy (2015), and policies UCS7, R1 and A1 of the Great Yarmouth Local Plan Part 2 (2021), and the principals of the NPPF.

INFORMATIVE NOTES: -

1 INFORMATIVE NOTE: PLANNING OBLIGATIONS:

This permission is the subject of an associated Section 106 Agreement made under Section 106 of the Town and Country Planning Act (1990) as amended, to ensure appropriate planning obligations are fulfilled and to address planning policy and natural environment protection requirements. The planning obligations cover the terms of opening and operation of this development and an existing retail store on Pasteur Road currently operated by the applicant.

The Section 106 Agreement deed is dated 31 July 2023.

2 Highways works to be subject to Section 278

INFORMATIVE NOTE: Highways works –

The applicant and developer are advised that the works to make the development acceptable in highways safety terms will require a Section 278 Highways Act Agreement (or similar). The proposals in the approved plans of the planning permission demonstrate that a suitable highway layout is achievable in principle. It does however appear that at the southeast extent, the proposed carriageway and footway alignment may need to be clarified to ensure it does not require land both outside the highway and the development red-line location plan for the Highway Authority to be assured the proposed scheme is buildable, with particular regard to the ability to provide visibility splays to the minimum distances shown on the approved layout plan.

The layout will as a minimum require dropped kerbs with tactile paving both at the pedestrian route across the access bellmouth and either side of the crossing refuge, and other details will require revision. The highway designs will, in line with standard process, require formal technical review including road safety audit, prior to NCC entering in to a S278 agreement to enable delivery of the works.

3 Internal Drainage Board Advice

INFORMATIVE NOTE: Drainage works and consents –

The applicant and developer are advised that the site is within the Internal Drainage District (IDD) of the Waveney, Lower Yare and Lothingland Internal Drainage Board (IDB) ('the Board') and therefore the Board's Byelaws apply. For further information on the Board's area, the designation of watercourses as riparian or Board-Adopted, and the Board's Byelaws please contact the IDD. The adoption of a watercourse is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD and as such will normally receive maintenance from the IDB.

In order to avoid conflict between the planning process and the Board's regulatory regime and consenting process please be aware of the following:

- The IDD notes that the applicant intends to discharge surface water to a watercourse, with no other means of draining the site readily available or discussed. The proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy. (available at https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf).
- The IDD notes the presence of multiple watercourses which have not been adopted by the Board (a riparian watercourse) within the site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents.

4 Highways advice – works in the highway

INFORMATIVE NOTE: Works in the public highway –

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority.

This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the Applicants own expense.

The off-site works will be delivered by a Section 278 Agreement and the precise delivery mechanism will be determined as the works are brought forward. The applicant should be

aware that there may be additional costs relating to the off-site works which will include a commuted maintenance amount as well as various fees including administration and supervision. The completed works will be subject to a Safety Audit and additional works may be required.

Further information on the delivery of highway works can be found under Highways and Transport: Post-planning processes at the following link:

<https://www.norfolk.gov.uk/rubbish-recycling-and-planning/planning-applications/highway-guidance-for-development/publications>

5 Informatives – General notes:

INFORMATIVE NOTES: -

(a) The applicant is advised that businesses require a Trade Waste contract to dispose of all waste associated with commercial activities as stated in the Environmental Protection Act 1990, Section 34.

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

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

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

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

(e) The applicant should ensure that adequate and suitable provision is made for the surface water drainage of the proposed development. Under no circumstances should the surface water be connected into the foul drainage system without the permission of Anglian Water. It should be noted that it is the applicant's/developer's responsibility to ensure adequate drainage of the site so as not to adversely affect surrounding land, property or the highway.

(f) If the developer wishes to connect to Anglian Water's sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. They will then advise of the most suitable point of connection. Contact Development Services Team 0345 606 6087.

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

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

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

(j) The preferred method of surface water disposal is 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.

(k) 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.)

(l) The Bat Conservation Trust and The Institution of Lighting Professionals (ILP) have produced new guidance on bats and lighting which you are recommended to follow:
<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

APPENDIX 6 –

Site Location Plan 7723L-19



ALL DIMENSIONS AND SETTING OUT ARE TO BE VERIFIED ON SITE
AND ALL DISCREPANCIES REFERRED TO THE ARCHITECT BEFORE
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REV.	DATE	DESCRIPTION
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client
Lidl UK GmbH

project
New Store
Thamesfield Way
Great Yarmouth

drawing
Location Plan

scale
1:500 @ A3

date
Sept 21

drawn
RM

checked

drawing no.
7723L-19

revision

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APPENDIX 7 –

Site Layout Plan 7723L-20-Rev G

ALL DIMENSIONS AND SETTING OUT ARE TO BE VERIFIED ON SITE AND ALL DISCREPANCIES REFERRED TO THE ARCHITECT BEFORE WORK COMMENCES. COPYRIGHT RESERVED

REV.

DATE

DESCRIPTION

• A

28.10.62

NOTES AMENDED

• B

09.11.21

FLOOR PLAN UPDATED TO LATEST SPEC

• C

14.12.21

MEZZANINE STAIR ADDED

• D

25.05.22

EV SPACES UPDATED

• E

26.05.22

HIGHWAY WORKS, CYCLE ACCESS, PARKING LAYOUT UPDATED

• F

03.02.23

ATTENUATION POND ADDED

• G

07.02.23

HIGHWAYS DESIGN UPDATED

‘Subject To Survey’

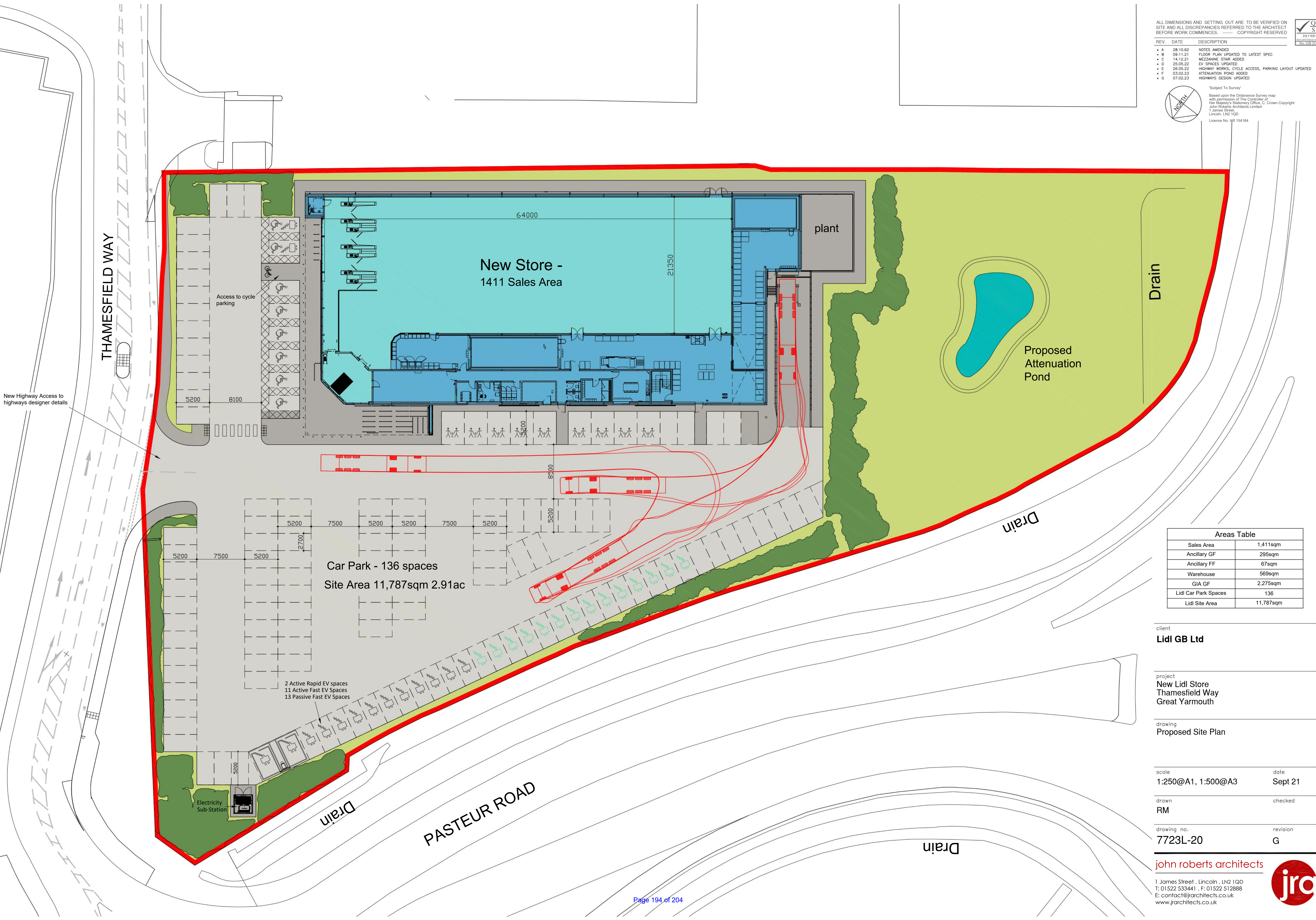
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REGISTERED

ISO 9001

NO. 418 200



Areas Table	
Sales Area	1,411sqm
Ancillary GF	295sqm
Ancillary FF	67sqm
Warehouse	569sqm
GIA GF	2,275sqm
Lidl Car Park Spaces	136
Lidl Site Area	11,787sqm

client

Lidl GB Ltd

project

New Lidl Store
Thamesfield Way
Great Yarmouth

drawing

Proposed Site Plan

scale

1:250@A1, 1:500@A3

date

Sept 21

drawn

RM

checked

drawing no.

7723L-20

revision

G

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jrc

APPENDIX 8 –

Landscape Scheme Proposals 21-108-02 Revision G

PLANNING NOTES (SOFT LANDSCAPE):

- SOILS: Subgrade / subsoil to be prepared in accordance with BS 8001 and BS 4428 and scarified or ripped to 300mm depth prior to spreading topsoil to alleviate compaction and promote drainage. Imported and as saved topsoil to be in accordance with BS3882: 2015 'Multipurpose Grade' with minimum soil organic matter contents 1% greater than the minima value (or as approved). Imported topsoil (and 'as saved' if requested) is to be laboratory tested to BS3882: 2015 and ameliorated as required to meet the required characteristics as detailed within Table 1 of BS3882: 2015 specification. Grass areas to be a minimum depth of 150mm and Shrub beds 300mm depth. Any weed / grass growth to be sprayed out with appropriate herbicide at least 10 days prior to cultivation. Incorporate proprietary non-past compost to BS PAS 100 to 50mm depth evenly worked into soil.
- N.B Proposed services (electric, water, gas etc) in landscape areas should be installed as a minimum below the required topsoil depths and clearly identified in accordance with service / utility requirements.
- BUILDING FOUNDATION DESIGN: All landscape proposals are to be referred to by the structural engineer during foundation design.
- PROPOSED PLANTING: Should planting be required outside of the planting season (October - March) any bare root or rootballed stock specified is to be replaced with containerised stock to an appropriate or similar specification to the approval of the landscape architect prior to ordering.
- EXISTING TREES: Where trees are to be retained they should be subject to a full arboricultural inspection to assess condition and safety. Retained trees shall be protected from damage by erection of 2.3m weldmesh fencing on a scaffold framework in accordance BS 5837:2012 Figure 2. These barriers shall be maintained in position and in good condition until works are complete. Fencing to be located in accordance with Table D.1 at a radius of 12 times the stem diameter (single stem trees) or based on the combined stem diameter for multi-stem trees (trees with more than one stem arising below 1.5m above ground level) refer to Clause 4.6. Further precautions are to be taken as detailed within BS 5837:2012 6.2.4.
- TREE SURGERY / REMOVAL: Tree surgery and tree removal to be carried out by an Arboricultural Association approved Tree surgeon in accordance with BS 3998:2010. Arisings to be removed to a licensed tip.
- TREE PLANTING: All trees to be in accordance with BS 3936 / 4043. Trees to be planted in accordance with BS 4428 and double staked (10-12cm - 14-16cm girth trees) or triple staked (16-18cm - 18-20cm girth trees) and tied in prepared pits. Tree pits in open field / uncompacted ground conditions to be 1000mm x 1000mm (at least 75mm greater than that of the root system) with pit depth to be based on the planting depth of the tree (distance from root flare to underside of rootball) in accordance with BS 8845. Topsoils and subsoils to be excavated and stored separately for reuse. Tree pit to be backfilled with stored subsoil and topsoil at depths to replicate the existing soil horizons. Topsoil to be mixed enriched with 40L of peat free tree planting compost. Root balls to be encased by Root Rain Iri-Metro or similar irrigation pipe. Well water after planting. The base of trees to be planted in grass areas are to be covered with 75mm amenity grade bark mulch such as Melcourt 'Amenity' Bark Mulch (or similar approved by the landscape architect) to 1.0 metre diameter and kept weed free.
- In confined urban areas i.e car parks & housing estates where trees are to be planted in heavily compacted ground, larger tree pits are to be excavated to achieve circa 5m³ of uncompacted growing volume with pits approximately 2.5m x 2.5m backfilled with excavated subsoil and topsoil (as described above) mixed with 160L of peat free tree planting compost. Where groups of trees or avenues are planted the pits are to be combined to achieve the required growing volume. Tree pits in poorly draining soils are to be positively drained, connecting into the surface water drainage system to engineers details.
- Suitable foundations are to be provided to accommodate proposed tree planting and retained trees. In locations close to footpaths and roadways linear root barriers Greenleaf, ReRoot or similar are to be installed in accordance with manufacturers instructions. Where proposed tree locations conflict with services, trees are to be relocated in accordance with the appropriate utilities guidance notes subject to client / local authority approval. Proprietary root barrier Greenleaf, ReRoot or similar to be installed in accordance with manufacturers instructions where relocation is not considered appropriate.
- SHRUB & HERBACEOUS PLANTING: plants to be in accordance with BS 3936 and handled in accordance with CPSE guidelines and planted in accordance with BS 4428. Nursery stock supplier to be approved by the Landscape Architect. All shrubs to have a minimum of three breaks, except Hedera with a minimum of two. Well water plants immediately after planting and prior to spreading of slate chippings. Planting areas to be covered with 50mm depth slate chippings much such as Melcourt 'Blue Slate 40mm' (or similar approved by the landscape architect) laid onto geotextile membrane detailed below and kept weed free.
- WEED CONTROL: Geotextile membrane (to be Terram 'WeedGuard' or similar approved) laid on top of prepared topsoil (refer to item 1.0) covering all planted areas with a minimum overlap of 200mm between sheets. Cut a cross and pin back the membrane for each individual plant location and dig out the soil below the cut large enough to accept the root ball. Well water plants immediately after planting and prior to spreading of mulch. Shrub areas to be covered with slate chippings as above and kept weed free.
- WEED CONTROL ON STEEP SLOPES: proposed planting areas steeper than 1:3 (33%) gradient are to be designed appropriately by a suitably qualified engineer to ensure slope stability. Where appropriate bark mulch and geotextile membranes are to be replaced with proprietary mulch matting such as Greenfix 2.4m wide mulch rolls or similar.
- WILDOFLOWER SEEDING: grass areas to be seeded in accordance with BS 4428 during March, April or September. Unimproved topsoil to be imported, rotavated and levelled as required and any debris or stones greater than 20mm diameter removed. Lightly rake areas after sowing. Seed to be Germinall Seeds mix WFG4 'Neutral Soils' sown at 5.0 g/m².
- MAINTENANCE: To be carried out at approximately monthly intervals to include the following:
 - Eradicate weeds by hand or appropriate chemical means.
 - Cut out dead or / and damaged stock or branches, prune as required.
 - Ensure all shrubs and trees are firmed in, securely staked and tied.
 - Collect litter, sweep and tidy site.
 - Apply suitable non-residual pesticides, fungicides, fertilisers and water as required.
 - Carry out grass mowing to turf when attained 100mm, cut to 35mm (50mm for shaded areas).
 - All hedges to plot frontages be maintained at a max height of 1.0m. Hedges and shrub planting within visibility splays to be maintained in accordance with current highways design guidelines.
- WATERING: all plant material to be watered in dry periods until established during April through to September with a fine rose until the water penetrates the topsoil to at least 5cm depth and achieves field capacity. Frequency of watering regime to be determined by weather conditions, soil conditions and underlying geology, all plant beds to be watered to ensure soil is consistently moist to promote successful establishment. As a guide only it is suggested that during hot, dry periods, plants are to be watered every six to ten days. For individual trees it is suggested that 18 watering visits per year are carried out commencing late March (prior to budburst) and utilising a minimum of 50 litres of water per tree. Soil probe to be used to determine soil saturation to full depth of root ball.

SURFACE TREATMENTS - HGV SPECIFICATION:

- PAVING: 300 x 300mm light grey concrete paving stones; laid stacked pattern.
- PEDESTRIAN PAVING: 200 x 100mm dark grey concrete block paving; laid stretcher bond.
- TARMAC: tarmac surface to engineers specification.

LEGEND: SOFT LANDSCAPING

- GROUND COVER: ornamental shrub ground cover planting as specified.
- PROPOSED WILDOFLOWER GRASS: environmental / regional grass seed mixture.
- EXISTING GRASS AREAS: amenity grass verges to roadside.
- EXISTING SCRUB: taller ruderal herb and shrub along roadside.
- TREE PLANTING: standard tree planting.
- EXISTING TREES / VEGETATION: to be retained.
- EXISTING TREES / VEGETATION: to be removed to facilitate development.
- EXISTING TREES / VEGETATION: to be removed as identified on tree survey plan.
- BOUNDARY TREATMENTS:
- BOUNDARY RAILINGS: 2000mm Euroguard fence.
- KNEE RAIL: 450mm high timber knee rail as detailed.
- EXISTING BOUNDARY: to be retained.

Plant Schedule

Trees

No.	Species Name	Specification	Girth	Height	Common Name
3 -	Acer campestre	3x :Extra Heavy Standard :Clear Stem min. 200 :5 brks :RB :PG 1	14-16cm	400-450cm	Common Maple
3 -	Alnus glutinosa	3x :Extra Heavy Standard :Clear Stem min. 200 :5 brks :RB :PG 1	14-16cm	400-450cm	Common alder
3 -	Quercus robur	3x :Extra Heavy Standard :Clear Stem 175-200 :5 brks :RB :PG 1	14-16cm	400-450cm	Common Oak

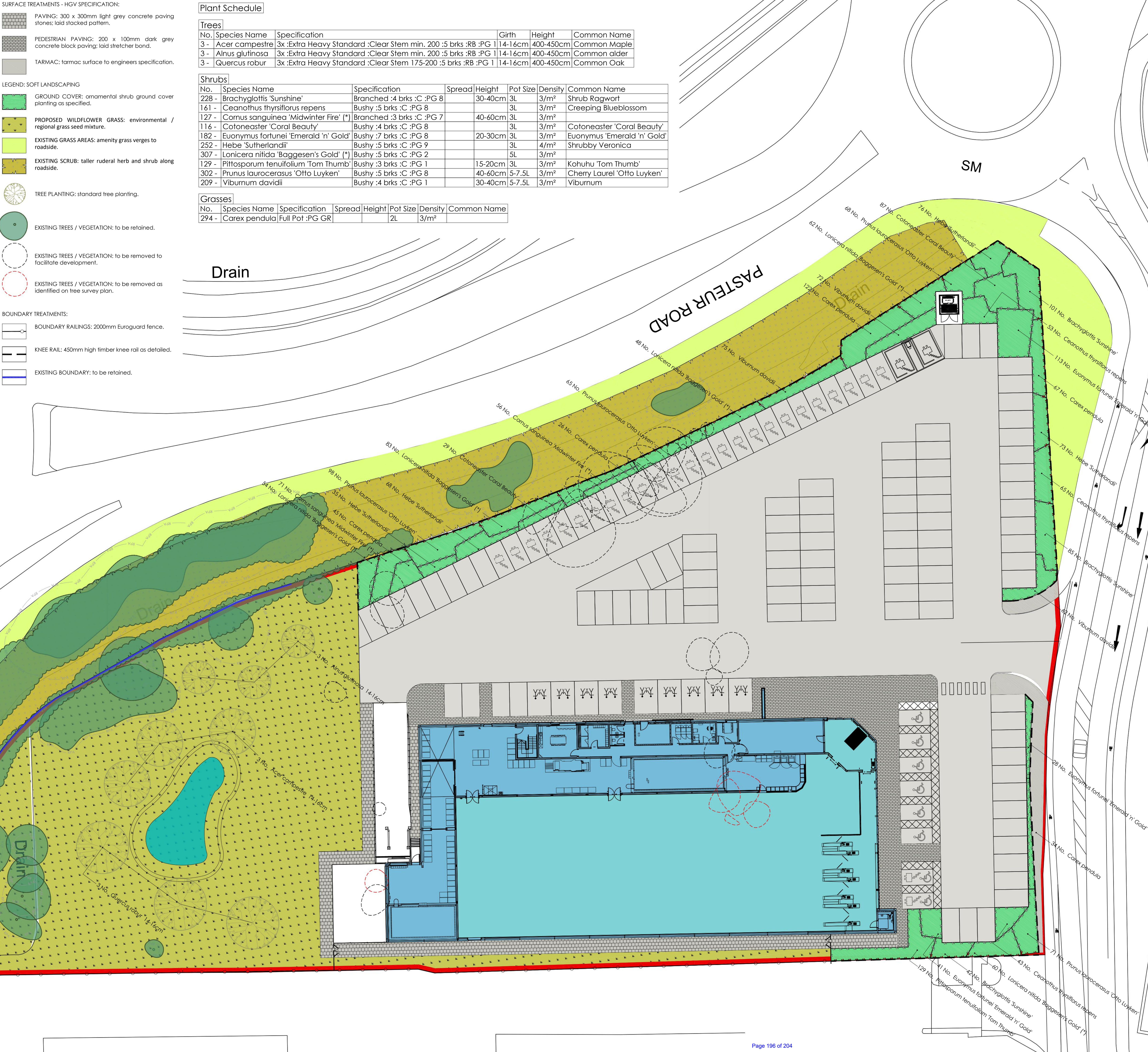
Shrubs

No.	Species Name	Specification	Spread	Height	Pot Size	Density	Common Name
228 -	Brachyglottis 'Sunshine'	Branched :4 brks :C :PG 8		30-40cm	3L	3/m ²	Shrub Ragwort
161 -	Ceanothus thyrsiflorus repens	Bushy :5 brks :C :PG 8			3L	3/m ²	Creeping Blueblossom
127 -	Cornus sanguinea 'Midwinter Fire' (*)	Branched :3 brks :C :PG 7		40-60cm	3L	3/m ²	
116 -	Cotoneaster 'Coral Beauty'	Bushy :4 brks :C :PG 8			3L	3/m ²	Cotoneaster 'Coral Beauty'
182 -	Euonymus fortunei 'Emerald 'n' Gold'	Bushy :7 brks :C :PG 8		20-30cm	3L	3/m ²	Euonymus 'Emerald 'n' Gold'
252 -	Hebe 'Sutherlandii'	Bushy :5 brks :C :PG 9			3L	4/m ²	Shrubby Veronica
307 -	Cotoneaster 'Baggesen's Gold' (*)	Bushy :5 brks :C :PG 2			5L	3/m ²	
129 -	Pittosporum tenuifolium 'Tom Thumb'	Bushy :3 brks :C :PG 1		15-20cm	3L	3/m ²	Kohuhu 'Tom Thumb'
302 -	Prunus laurocerasus 'Otto Luyken'	Bushy :5 brks :C :PG 8		40-60cm	5-7.5L	3/m ²	Cherry Laurel 'Otto Luyken'
209 -	Viburnum davidii	Bushy :4 brks :C :PG 1		30-40cm	5-7.5L	3/m ²	Viburnum

Grasses

No.	Species Name	Specification	Spread	Height	Pot Size	Density	Common Name
294 -	Carex pendula	Full Pot :PG GR			2L	3/m ²	

Drain



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Refer any query to office of origination.

rev	date:	amendments:	alt:
A	03/11/2021	Updated to latest site layout	MH
B	17/12/2021	Updated to latest site layout	BH
C	23/02/2022	Replacement tree planting	DP
D	10/05/2022	Existing roadside vegetation added	DP
E	26/05/2022	Updated to latest site layout	DP
F	30/05/2022	Updated to latest site layout	DP
G	15/08/2023	Updated to latest site layout	TOW

bea
landscape design ltd

client:
Lidl UK GmbH

project:
Thamesfield Way
Great Yarmouth

title:
Detailed Landscape Proposals

status:
PLANNING

date: Sept 2021	drawn: DP	number: 21-108-02
scale@A0: 1:200	checked: ECH	revision: G

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Application Number: **06/23/0472/F**- [Click here to see application webpage](#)

Site Location: 3 The Fairway, Gorleston, Great Yarmouth NR31 6JS

Site Location Plan: See Appendix 1

Proposal: Conversion and change of use of integral garage to use as hair salon; Alterations to front of dwelling – replacing garage door with full height windows

Applicant: Mrs S J Allen, 3 The Fairway, Gorleston, Great Yarmouth NR31 6JS

Case Officer: Mr R Tate

Parish & Ward: Gorleston Ward

Date Valid: 07-07-23

Expiry / EOT date: 01-09-23

Committee referral: Connected application: The applicant is related to a Council member of staff.

SUMMARY OF RECOMMENDATION:**Approve subject to conditions.****1. The Site**

- 1.1 3 The Fairway is a detached dwelling located on the western side of The Fairway, a residential cul-de-sac located to the southern end of Gorleston. The area is residential in character comprising large, detached dwellings dating from circa 1970.
- 1.2 The subject dwelling is neighboured by no.4 The Fairway to the south. A single storey flat roof garage separates the subject dwelling from the neighbouring dwelling, giving an approximate 7 metre gap between the houses.
- 1.2 The site visit revealed that works have commenced on the development, with the garage door already having been removed and replaced by the 3-bay floor-to-ceiling window in the manner shown on the proposed plans. It should be noted however that as no material change of use has taken place yet, and the materials used are in keeping with those of the existing dwelling, the works undertaken would likely be considered permitted development under Schedule 2 Class 1 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. The Proposal

- 2.1 The application seeks conversion and change of use of the integral garage to use as a hair salon. These works include the replacing garage door with full height windows.

3. Site Constraints

3.1 The site is within the development limits defined by GSP1.

4. Relevant Planning History

4.1 None applicable

5. Consultations

5.1. Statutory Consultees

Consultee: Local Highway Authority (NCC)	Response: No objection
<p>Comments:</p> <p>It would appear from the information provided that the scale of the proposal would restrict the number of clientele at any one time, and it is noted that, if approved, an appointment only system would operate.</p> <p>The property does have off-street parking provision albeit the loss of the garage would reduce that and I question as to whether the present provision could accommodate four cars as suggested in the supporting documentation. Whilst the proposal would therefore give rise to increased on-street [parking], this is more likely to give rise to social issues rather than any overriding highway safety concerns.</p> <p>Accordingly, in highway terms only, whilst I do not consider I could sustain an objection to this application, the LPA may wish to consider the comments above in terms of any displaced parking and may wish to condition any grant of consent to use by appointment only.</p>	
Officer comment / response:	<p>The supporting statement details that the service would operate on an appointment only basis with two customers being able to be styled at the same time.</p> <p>However, there are only 3 parking spaces available at the property at any one time, for which parking for two customers would likely cause overspill into the surrounding street.</p> <p>There is an existing low level of on-street parking and no parking restrictions in place at the site address. The proposal could lead to an increase in off-road parking pressures, but this is unlikely to be severe and the lack of on-site parking would not justify a reason for refusal.</p>
Any relevant Condition / Informative note?	A condition ensuring that the salon operates on an appointment only basis should be imposed to allow time between appointments, however this would be imposed to address amenity impacts rather than highway safety concerns.

5.2. Internal Consultees

Consultee: Environmental Services	Response: No objection
Comments:	

Various informative notes surrounding construction and related amenity and contamination mitigation measures.	
Officer comment / response:	n/a
Any relevant Condition / Informative note?	n/a

6. Publicity & Representations received

- 6.1 Consultations undertaken:
- Site notice
 - Ward Member – Cllr(s) Flaxman-Taylor and Wells – No comments received
- 6.2 Public Representations
At the time of writing no public comments have been received.

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS6: Supporting the local economy.
- Policy CS7: Strengthening our centres
- Policy CS9: Encouraging well-designed, distinctive places.
- Policy CS16: Improving accessibility and transport.

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development Limits.
- Policy UCS7: Strengthening our centres
- Policy A1: Amenity.

8. Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- The policies in the Framework are material considerations which should be considered in dealing with applications.

Section 2. Achieving sustainable development
Section 4. Decision-making
Section 6. Building a strong, competitive economy
Section 7: Ensuring the vitality of town centres
Section 8. Promoting healthy and safe communities
Section 9. Promoting sustainable transport

9. Planning Analysis

Main Issues

9.1 The main planning issues for consideration include:

- Principle of development
- Amenity
- Highways and Parking

Principle of Development

9.2 The application site is located within the development limits for Gorleston. Here, according to policy GSP1 development is considered acceptable in principle, subject to compliance with the rest of the Development Plan.

9.3 The application seeks the creation of a salon within the integral garage. Core Policy CS06(L) encourages schemes which enable flexible working patterns including by allowing home-working where there is no adverse impact on residential amenities. This expands on Paragraph 82 of the NPPF which encourages flexible working arrangements. It is recommended that permission be restricted so that the hair salon cannot be split into a separate unit to the main dwelling, which will also help to restrict the intensity of the use and ensure that parking for staff etc does not increase the numbers of vehicles attending the site, and also ensure the main town centre use does not become established as a separate entity outside of defined town centres which is a less sequentially appropriate location in accordance with policy UCS7.

9.4 The principle of development therefore is considered acceptable and will comply with policy CS06 subject to there being no significant or unacceptable adverse impact on residential amenity which will be assessed in the next section of the report.

Amenity

9.5 Adopted policy A1 expands on CS09(F) to ensure that no significantly harmful amenity issues occur, including overlooking and loss of privacy; loss of light and overshadowing and flickering shadow; building and structures which are overbearing; nuisance, disturbance and loss of tranquillity from waste and clutter, intrusive lighting, visual movement, noise, poor air quality (including odours and dust); and vibration. Development would be unacceptable if it were considered to create an excessive or unacceptable impact on neighbouring amenity.

9.6 The proposal would introduce a more intense use of the garage. Additional vehicle movements and the associated slamming of doors and vehicle start ups would likely lead to some disturbances to neighbouring properties. This is mitigated slightly by the distance to neighbours so is unlikely to be significantly adverse.

9.7 The application proposes to operate the salon through an appointment-only system. The supporting statement details that *"There will be two hairstyling stations so, for example, a client can wait after a colour treatment whilst another is being styled. It is likely only one client will be in the salon at any given time"*. It goes on to confirm that *"The salon will operate between 8:30-18:00 Tuesday-Saturday"*.

9.8 The combination of these two factors, in addition to the distance to neighbouring properties should mitigate any disturbances to neighbouring properties. The hours of work are limited to day time hours and are therefore less likely to affect neighbours during the evening, for example. The intensity of the use will be controlled by a condition limiting the number of customers to a maximum of 2 at any time, and a

condition restricting working hours to those set out in the application. This will prevent a future intensification of the use that could have a detrimental impact on the amenity of surrounding residents.

- 9.9 Subject to the proposed conditions to fix the intensity of the use, the proposal is not considered to generate significant adverse impacts on neighbouring amenity and would therefore comply with Core Strategy Policy CS09 and Local Plan Part 2 Policy A1.

Highways and Parking

- 9.10 Information submitted with the application states that the driveway can accommodate 4 cars. At the time of the site visit, there were 2 cars and a skip within the driveway, along with an existing but limited amount of on-street parking, although it is noted that off-street parking pressures is likely to be greater during weekends and in the evenings. However, it would appear that there should be at least one space within the drive for customers.
- 9.11 The site is located within the development limits for Gorleston, and is within a 120 metre walk to the nearest bus stops which the site is connected to via lit footpaths. It is therefore plausible that some residents would access the salon via sustainable means (public transport, cycling or walking) and would not be reliant on a private car.
- 9.12 The Local Highway Authority (Norfolk County Council) have been consulted on the application and raised no objection but did suggest that by conditioning an appointment only system that this could mitigate any highway impacts. Their comments highlight that *"the proposal could lead to an increase in off-road parking pressures but this is unlikely to be severe"*. Conditions can only be imposed where they make a development which is otherwise unacceptable in planning terms, acceptable. In this instance there is no highways reason to impose a restrictive condition. However, a similar condition has been found to be necessary to restrict the intensity of use on amenity grounds.
- 9.13 Any potential impact on the highway network has been assessed to be less than severe by the Local Highway Authority and the proposal would comply with Core Strategy Policy CS16.

10. The Planning Balance

- 10.1 The application would see a homeworking salon created which would be in accordance with the flexible working aims of Core Strategy Policy CS06 which is consistent with paragraph 82 of the NPPF, so long as the main town centre use does not detract from the vitality and viability of defined local centres, which a condition can ensure.
- 10.2 The small-scale nature of the development is unlikely to cause unacceptable highways impacts, but the use of an appointment only system limiting the number of clients to 2 at any one time with a space of 15 minutes between appointments, and restricting hours of operation should ensure that unacceptable impacts on neighbouring amenity should not occur.

11. Conclusion

- 11.1 Having considered the details provided, the application is considered to comply with policies CS06, CS07, CS09 and CS16 from the adopted Core Strategy, and policies UCS7, A1 and GSP1 from the adopted Local Plan Part 2 and the aims of the NPPF.
- 11.2 It is considered there are no other material considerations to suggest the application should not be recommended for approval.

12. RECOMMENDATION

It is recommended that planning permission should be granted subject to the conditions as set out below.

Proposed Conditions

1. The development shall be carried out in accordance with the following plans received by the Local Planning Authority on the 7 July 2023:
 - Site Location Plan; 8551 P01
 - Proposed Floor Plans and Elevations; 8551 P02

Reason: For the avoidance of doubt.

- 2 The salon hereby approved shall treat no more than two customers at any one time and shall operate by appointment only. Each third appointment shall be set no less than 15 minutes after a prior appointment has concluded.

Reason: To ensure that the number of visitors is retained to a suitable level in the interests of neighbouring amenity, in accordance with Core Strategy Policy CS09 and Local Plan Part 2 Policy A1.

- 3 The applicant shall maintain a logbook detailing visitors to the site. The logbook shall be maintained in perpetuity and be available for officers from the Local Planning Authority to view at all times.

Reason: To ensure that the number of visitors is retained to a suitable level in the interests of neighbouring amenity, in accordance with Core Strategy Policy CS09 and Local Plan Part 2 Policy A1.

- 4 The hair salon hereby approved shall be used as a hair salon only and shall not be used for any other commercial purpose. At no time shall it be sold, leased or occupied independently from the main dwelling known as 3 The Fairway, Gorleston, Great Yarmouth, nor shall the common ownership of the hair salon and main dwelling be severed.

Reason:

To enable the local planning authority to retain control over the development which has been permitted to offer a specific purpose and which as a main town centre use shall not be allowed to cause a detrimental impact on defined local, district or town centres due to its being sited in a less sequentially-preferable location. The restriction is also imposed to ensure that the proposed hair salon is used at the intensity expected of a home working unit, to comply with Core Strategy Policies CS06, CS07 and CS09 and Local Plan Part 2 Policies USC7 and A1 and the expectations of the NPPF.

- 5 The premises shall not be open for business outside of the following hours:-

08:30 to 18:00 - Tuesdays
08:30 to 18:00 - Wednesdays
08:30 to 18:00 - Thursdays
08:30 to 18:00 - Fridays
08:30 to 18:00 - Saturdays

The premises shall remain closed on Mondays, Sundays, Bank and Public Holidays.

Reason: In the interests of the residential amenities of the occupiers of nearby dwellings, in accordance with Core Strategy Policy CS09 and Local Plan Part 2 Policy A1.

Appendices

1. Site Location Plan



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client:
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location:
**3 The Fairway, Gorleston
NR31 6JS**

title:
**Proposed Conversion of Garage
to Hairstyling Salon
Site Location Plan**

scale @ A4:
1:1250

date:
June 2023

project no:
8551

drawn by:
JY

checked by:
JY

dwg no:
P01

revision:

rev:	date:	description:	by: