

**Reference: 06/20/0190/O**

**Parish:** Great Yarmouth

**Officer:** Mr D Minns

**Expiry Date:** EOT

**Applicant: Mr A Moore Great Yarmouth Borough Council**

**Proposal: Outline application for demolition of existing buildings and development of 89 dwellings with some matters reserved**

**Site: The Conge/Brewery Street/George Street GREAT YARMOUTH  
NR30 1JN**

## **REPORT**

### **Background / History :-**

#### **The Proposal**

1.1 The application is an outline planning permission seeking to establish the principle of development on the site for the development of 89 dwellings along The Conge, Great Yarmouth, with some matters reserved. To be considered as part of the current application at this outline stage is means of access and scale of development. The appearance, landscaping and layout are reserved and not to be considered as part of this application and will be addressed at the detailed stage should the application be approved. Also included at this stage is the demolition of the existing buildings on the site. The site is 1.36 hectares ( 3.26 acres) and is brownfield land in the built up urban area of Great Yarmouth.

1.2 The terms “scale” means the height, width and length of each building proposed within the development in relation to its surroundings. “Access”, here in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network

1.3 The submitted plans illustrate how a total of 89 dwellings incorporating 1, 2 and 3 bed dwellings can be accommodated on the site. The Design and Access statement submitted with the application states while the detailed proposals will form part of a detailed application, in order to understand and develop the scale of the proposed

development a number of criteria have been implemented into the concept design with the future development intended to meet the following:

- that internal areas will meet the current National Space Standards for each type of dwelling
- The proposed houses will be constructed using high quality materials to match surrounding buildings and to a high energy
- The proposed houses will be constructed using high quality materials to match surrounding buildings and to a high energy performance specification to ensure the dwellings perform better than current building regulations.
- The proposed development is split into blocks of different heights, scale and size, creating a familiarity of what a residential development feels like, but also allows for phasing of the construction and provide pedestrian permeability across the site.
- The distances between blocks varies and is based on a typical urban grain. Special consideration has been given to overlooking and ensuring that there is still plenty of natural daylight. The buildings are orientated north -south to maximise the benefits of natural daylight and solar gain based on the principals of passive solar design. These principals will be developed as the design progresses
- Most dwellings will have high level terraces or west facing living spaces and balconies providing long range river views of Breydon Water. All dwellings will have private amenity space.
- The historical rows immediately surrounding the site would be enhanced by new signage, incorporation into public space, and/or resurfacing to make them attractive for pedestrian use
- The proposed development would allow an increase in density of residential properties within the town centre, providing homes in close proximity to retail and leisure facilities. This is at the core of developing sustainable communities that benefit both the communities with a wide range of facilities on their doorstep but also benefit the towns themselves and their futures.

## SCALE OF DEVELOPMENT

1.4 The surrounding built environment consists of 2-, 3-, and 4-storey structures. As such the proposed development has been informed by this and includes 2-, 3-, and 4-storey houses and 4-storey blocks of flats, over a range of 9 blocks with eaves heights ranging from 6.5m for the houses and 10.5m for the highest 4 storey flats

## ACCESS

1.5 The proposed site is within the Great Yarmouth town Centre area and is within easy walking distance to facilities and public transport. As such the proposed parking

ratio is 1 parking space per dwelling. Vehicular access to the development is shown to be from George Street with pedestrian access from The Conge, Brewery Street and North Quay. All parking will be situated behind the proposed dwellings, ensuring the frontages onto The Conge are free for more inviting landscaping and street furniture. Parking and access to dwellings have been considered in line with flood risk and safe means of escape.

1.6 All ground floor dwellings will have a level approach to the main entrance, Cycle parking and bin storage has been considered for each dwelling. Access for servicing and emergency vehicles have been incorporated into the layout of the site with appropriate turning areas shown. The proposals have been subject to discussions with Norfolk County Highways and further amendment since the application was originally submitted.

1.7 According to the documents submitted with the application the overall approach to the project has been to combine the research and parameters within the document to develop a conceptual scheme for the site.

1.8 The key drivers of the development include:

- New residential dwellings to help housing requirements.
- Linking the railway station to the town centre and seafront.
- Encouraging future investment in Great Yarmouth and the borough by enhancing and making the most of the assets already in place and creating a flagship development to set the benchmark for future projects, in terms of design, aspiration, sustainability and deliverability.

1.9 The application is accompanied by a range of supporting documents including

- Planning Statement
- Design and Access Statement
- Flood Risk and Drainage Assessment
- Ecological Assessment
- Heritage Area Appraisal (revised)
- Transport Assessment and Car Parking Strategy
- Shadow HRA
- Utilities Review
- Geoenvironmental Interpretative
- Baseline Noise Assessment: Constraints and Opportunities
- Air Quality Constraints Assessment
- Detailed Unexploded Ordnance Threat & Risk Assessment
- Archaeological Assessment

## **2.0 The Site Location and Context**

2.1 The Conge is a side road located within the town centre of Great Yarmouth. It sits centrally between the railway – to the west of the site – and the Market Place and seafront – to the east of the site. The site is bounded to the west by North Quay, to the north by Brewery Street and an ALDI superstore, and to the south by residential properties on Patterson Close

2.2 Great Yarmouth Railway Station is situated to the north-west of the site, on the opposite side of the River Yare. The Conge has a natural view towards this area meaning there is an opportunity to develop links between the railway station and the Market Place and Great Yarmouth seafront

2.3 The site currently consists of a mix of commercial and light industrial units on either side of The Conge. The existing units are mid to late 20th century construction with little architectural merit. The Conge links the strategic arrival point for pedestrians and visitors to the town with the Market Place and beyond.

2.4 The current area is generally an uninviting space for pedestrians, as a primarily commercial area with the business uses light industrial.

2.5 The site is not within a Conservation Area but is adjacent to conservation Area No 2 'Great Yarmouth Market Place, Rows and North Quay' which are close to the eastern and western boundaries of the site. Adjacent the site to the north is conservation Area No 5 'St Nicholas and Northgate Street' areas. On North Quay there is also a number of Listed Buildings with two Grade 2 buildings opposite the site along with the nearby Vauxhall Bridge which is also listed. A Heritage Statement has been produced to support the application.

2.6 The site is also located in close proximity to the River Yare with its wildlife and habitat designations and Breydon Water, which is a Ramsar Site and of International Wildlife importance within the Broads Authority Executive Area.

2.7 In terms of the consideration of the scale of the existing development in the area the surrounding built environment consists of 2, 3 and 4-storey structures. As such the proposed development has been informed by this and includes 2-, 3-, and 4-storey houses and 4-storey blocks of flats.

2.8 Access - the site is within the Great Yarmouth town Centre area and is within easy walking distance to facilities and public transport.

2.9 The site falls from east to west with the bottom of the site being is located within Flood Zones 3 ( highest risk) of the Environment Agency areas at risk of flooding maps with the rest of the site in Zone 2 and 3 . A Flood Risk Assessment (FRA) has been carried out and submitted with the application The FRA was prepared in support of the

Supplementary Planning Document to illustrate potential feasibility of the site redevelopment prior to completion of the proposed masterplan. The Environment Agency Flood Maps for Planning (River and Seas) indicates that part of the site located within Flood Zone 3 (Risk) with a 0.5% chance of flooding from the seas (tidal flooding) in any given year. According to the EA Product 4 data, the site is protected by flood defences on the River Yare for 1 in every 200 years and inundated for 1 in every 200 years plus climate change.

2.10 The Environment Agency Risk of Flooding from Surface Water shows that the flood risk ranges from low to very low for the majority of the site. Given the likelihood that infiltration methods will not be practicable to manage surface water due to high groundwater table and potential of coastal tidal action, discharging to the existing watercourse will be the preferred method of surface water disposal in line with the SuDS hierarchy later

**3.0 Consultations:** - All consultation responses received are available online or at the Town Hall during opening hours.

3.1 Neighbours – There have been no objections to the proposal.

Note of Support - County Councillor Castle - Yarmouth North and Central Division - As the local County Councillor I am very pleased to support what is proposed. The redevelopment of The Conge has long been earmarked in strategic planning documents and it is vital to the wider regeneration of the North Quay and the improvement of the corridor between the Town's Rail station and the Market Place. More housing in the town centre is also very important and residents will benefit from being close to schools, amenities, shops and public transport. The introduction of Residents Permit Parking will be advantageous given the intensification of housing in the area between the Market Place and the Quay.

### **External Consultees**

3.2 **Norfolk County Highways** - originally whilst having no objection in principle the application the County Council has raised a number of detailed points of concern which have been addressed following submission of revised drawings. The County have suggested a number of conditions that they would like imposed should the application be approved. They also make the following comment :-

"The proposals retain the potential stopping up of a small area of existing highway. We still consider this can be avoided by way of amending the layout of the proposed housing within the extent of the application boundary. That said, it would appear sufficient widths of highway are proposed to be retained to provide appropriate footway provision around the north-east corner of block 6, should the proposed stopping up take place.

3.3 The applicant should be aware however that to secure formal approval to stop up existing highway an application is made to DfT under Section 247 of the Town & Country Planning Act. As part of this process the DfT would consult on the stopping up application (the Highway Authority being one of the consultees). No works on land intended to be stopped up can begin until formal approval has been given by DfT. Stopping Up under Section 247 of the Town & Country Planning Act cannot be granted in retrospect. “

**3.4 Norfolk County Council – Education and infrastructure** - The requirements below would need to be addressed in order to make the development acceptable in sustainable terms through the delivery of necessary infrastructure. The funding of this infrastructure would be through Planning obligations / condition.

3.5 There is spare capacity in the Early Education and High school sectors to accommodate the children generated from this proposed development should it be approved. However, although there is some spare capacity (9 spare places i.e. less than 1.5% spare capacity) in the Primary Sector there would be insufficient capacity for all of the children generated by this proposed development and these schools are deemed to be at capacity.

3.6 Therefore, the County Council will seek the full primary sector contributions based on the costs shown in table 2. The contributions will be used to contribute towards the provision or enhancement of educational facilities required as a consequence of the development

**3.7 Fire Service** - With reference to the proposed development, taking into account the location and infrastructure already in place, no further fire hydrants are required to be installed.

**3.8 Library Provision** - A development of 75 dwellings would place increased pressure on the existing library service particularly in relation to library stock, such as books and information technology. This stock is required to increase the capacity of the library. It has been calculated that a development of this scale would require a total contribution of £6,675 (i.e. £75 per dwelling). This contribution will be spent on increasing the capacity of the library serving the development.

**3.9 Norfolk County Historic Environment Officer** - Thank you for forwarding the desk-based assessment from 2019 covering most of the proposed development area

3.10 The proposed development site lies within the medieval core of the town (ie within the area of the town walls), an area characterised by the topography of the ‘rows’, narrow east-west aligned alleys leading down to the dockside to the west. Excavations in the adjacent Fuller’s Hill site in 1974 and Falcon Brewery site in 1997 produced evidence of dense settlement from the 11th century onwards. Just to the south of the proposed development site lies the site of the former Carmelite Friary, founded in 1276 and dissolved in 1538.

3.11 Burials have been found on this site and as the exact boundaries of the friary are unknown, it is possible that human burials will be found within the proposed development area. 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 affected by the proposed development.

3.12 If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with *National Planning Policy Framework* para. 199. We suggest that the following conditions are imposed: -

*A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation, 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation and 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required. and*

*B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A) and any addenda to that WSI covering subsequent phases of mitigation. and*

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

A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service. Please note that we now charge for our services.

**3.13 Historic England** – Our letter in June 2020 did not raise any objection to the principle of redeveloping the site with residences in a contemporary style but set out the historic significance and context of the application site stated reservations about the scale and massing of the development and in particular requested additional indicative street scenes at street level along The Conge and around North Quay as these would provide a clearer indication of how the development would respond to the surrounding townscape. The additional information is helpful in assessing this impact.

3.14 Overall we would not wish to raise any objection to the proposed development which would remove modern industrial buildings of little historic interest and replace it with residential properties which would follow the historic street plan and be of generally traditional form, although of clearly contemporary design. The new information gives a clear indication of the massing and how the taller buildings would appear in the street scene. While buildings of three and four storeys are found in the area and did occasionally appear historically a large proportion of the new building is of that height

3.15 The four storey blocks seen in the George Street image are particularly striking. These buildings are not only tall but of considerable scale and could have an overbearing feel which the more modest and varied blocks of town houses do not. We would not object to building with a rhythm of gables facing the street, as suggested, but feel these larger blocks might be excessive for the area.

3.16 By way of illustration we note how block 5. While we would not oppose the contemporary design, we would suggest the scale of these larger blocks is reconsidered to see if they could be divided into smaller modules and the height, in least in part, reduced. appears quite bulky and dominant compared to the combination of blocks 2 and 3 which turn the corner opposite more successfully and break up the mass of building.

3.17 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development and that protection and enhancement of the historic environment is an overarching objective in this (paragraphs 7 and 8). The significance of conservation areas can be harmed or lost by alteration to them. The NPPF states that clear and convincing justification should be made for any such harm and that 'great weight' should be given to the conservation of conservation areas irrespective of the level of harm caused (paragraphs 193 and 194).

3.18 We have considered this application in terms of this policy and while we would not object to the application consider that the taller and larger blocks of new building could be modified to be more in line with the scale of residential building traditionally seen in the area, as described above.

**3.19 HE recommendation** - Historic England has no objection to the application on heritage grounds, although we consider that the taller and larger blocks of new building could be modified to be more in line with the scale of residential building traditionally seen in the area. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 7, 8, 193, 194 and 196. In determining this application, you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Your authority should take these representations into account in determining the application.

**3.20 Natural England** – No objection subject to appropriate mitigation being secured. Without appropriate mitigation the application would have an adverse



impact upon the integrity of Breydon Water SPA / RAMSAR site and North Denes SPA and SSI's We recommend a financial contribution of £110 per dwelling to Great Yarmouth Borough Council's adopted Habitats Monitoring and Mitigation strategy to mitigate in-combination impacts of recreational disturbance to designated sites, as advised in the HRA submitted with the application. It also provides advice how to enhance the environment as part of any development including provision of onsite recreational space where possible.

**3.21 N.C.C Natural Environment Team** – The HRA report is acceptable and concludes that there would be no likely significant effects and any cumulative effect of recreational activity can be resolved through the Monitoring and Mitigation Strategy.

**3.22 Ecology** - The Ecological Assessment is broadly fit for purpose. There are no reasons to object to the proposals on ecological grounds. Should you be minded to grant consent a number of conditions and informative are suggested to protect and enhance biodiversity. Conditions are suggested relating to biodiversity including an ecological management plan *be used by breeding birds shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before (within 48 hrs) of clearance starts and provided written confirmation to the LPA that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority."*

**3.23 NHS** – Has assessed that the development will have an adverse impact on the delivery of healthcare in the catchment area of the development and seeks a contribution of £124,693 towards capital funding to increase capacity in the form of bed-spaces and floorspace at primary care facilities at the local medical centre(s) and at the acute hospital (James Paget University Hospital) approximating to 139 residents.

**3.24 Norfolk Constabulary (Architectural Liaison Officer)** – I am delighted to see in the Design and Access Statement that the pre-app consultation advice provided by Norfolk Constabulary has been followed , if these recommendations are to be adopted for this development ( please may we have confirmation of this) I would strongly encourage the applicant to make an application for a 'Secure By Design' for a Commercial Development Award.

**3.25 Cadent Gas** – No objection in principle to the proposal and request notes be added to any planning permission notice regarding connection.

## **Drainage Bodies**

**3.26 Local Lead Flood Authority** – initially raise objection to the proposal on grounds that the information submitted. Have addressed further clarification on surface water drainage. The LLFA further response to submitted details to be reported

**3.27 Environment Agency** - Initially issued a holding objection to the application on Flood Risk grounds but no objection following further information. Condition required on finished floor levels as recommended in the flood risk assessment.

**3.28 Anglian Water** – Advise the sewerage system has capacity via gravity connection to the existing public sewer, Surface water should be to a sustainable drainage system (SuDS)

**3.29 Essex and Suffolk Water** – We have no objection to the proposed development subject to compliance with our requirements. Consent will be given to this development on the condition that a metered water connection is made to our company network for each new dwelling/community and commercial unit for revenue purposes.

**3.30 Water Management Alliance** – The site is not within or adjacent to any of our member Boards Areas therefore we have no comments to make

**3.31 Emergency Planning Officer** - I have no comments regarding the above application. The Flood Risk Assessment is comprehensive, recommends appropriate risk mitigation measures

#### **Internal**

**3.32 Environmental Health** - No objection subject to conditions on potential contamination and amenity

**3.33 Building Control** -No comments at this stage

### **4.0 Assessment of Planning Considerations: Planning Policy**

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

4.2 Paragraph 2: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise, however in the absence of a 5-year Housing Land Supply, there remains a presumption in favour of sustainable housing developments.

4.3 Paragraph 7: The purpose of the planning system is to contribute to the achievement of sustainable development which has 3 arms:-

- a) an economic objective

- b) a social objective
- c) an environmental objective

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

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given),.

4.5 Paragraph 84. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

4.6 Paragraph 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.7 Paragraph 170 - 177. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside,
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air

and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.8 Para 172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

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

4.10 Para 7, 8, 193, 194 and 196 of NNPF in as far as they relating to the historic environment.

#### **4.11 Great Yarmouth Local Plan Core Strategy 2013-2030 Adopted 21st December 2015**

4.12 Great Yarmouth Borough adopted Local Plan Policy CS1 - "Focusing on a sustainable future" seeks to create sustainable communities where growth is of a scale and in a location that complements the character and supports the function of individual settlements.

4.13 Policy CS2: "Achieving sustainable growth" Growth within the borough must be delivered in a sustainable manner in accordance with Policy CS1 by balancing the delivery of new homes with new jobs and service provision, creating resilient, self-contained communities and reducing the need to travel.

4.14 This is a major development within an established settlement. In Policy CS2 Gorleston-on-Sea and Great Yarmouth is defined as a Main Town where 35% of new borough wide development is anticipated to be provided in the development plan period to 2030.

4.15 As a Main Town, Great Yarmouth is identified in the Core Strategy as a settlement with a wide range of services and opportunities for employment, retail and education. It serves a wider catchment area with high levels of accessibility and public transport provision.

4.16 Policy CS3 - “Addressing the boroughs housing need” which identifies that 7,140 homes need to be delivered in the plan period focussing on accessible areas in line with CS2 it states in subparagraph g) that the Council and partners will seek to promote design-led housing developments with layouts and densities that appropriately reflect the characteristics of the site and surrounding areas and make efficient use of land, in accordance with policy CS9 and CS12 (Utilising Natural Resources).

4.17 Policy CS4 - “Delivering affordable housing” In the affordable housing sub-market area 3 (Great Yarmouth Town Centre) requires schemes to deliver 10% affordable housing on sites of 15 dwellings and more.

4.18 CS6 -Supporting the local economy includes at b) a commitment to safe guard existing employment sites identified in Table 10 – (the site is not one of those identified in the policy )

4.19 Policy CS9 “Encouraging well designed distinctive places” which requires proposals to take inspiration form the local character, creating positive relationships with the surrounding area

4.20 Policy CS11 “Enhancing the natural environment” which requires proposals to conserve and enhance the natural environment and biodiversity

4.21 Policy CS12 “Utilising natural resources” which requires proposals to maximise energy efficiency, reduce waste and minimise the loss of the most fertile agricultural land

4.22 Policy CS13 “Protecting areas at risk of flooding” which requires proposals not to increase flood risk elsewhere and to incorporate SuDS

4.23 Policy CS14 Securing appropriate contributions from new developments

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

- a) Ensure that the Council’s Infrastructure Plan is appropriately updated as part of the plan making process
- b) Prepare a Supplementary Planning Document on Planning Obligations to set out the appropriate range and level of contributions, and matters for which they will be sought

- c) Assess all development proposals and encourage early engagement with service/utility providers to establish whether any infrastructure or infrastructure improvements are needed to mitigate the impacts of the proposed development
- d) Ensure that the relevant improvements to local infrastructure are made by the developer. Where this is not practical financial contributions will be sought
- e) Seek appropriate contributions towards Natura 2000 sites monitoring and mitigation measures
- f) Make certain that new developments for which a planning obligation is necessary does not take place until a planning obligation agreement has been secured and approved. Payments should be made in a timely and fair manner to minimise the impact on existing services and infrastructure

Policy CS16 “Improving accessibility and transport” seeks to make best use of existing transport infrastructure and promotion of sustainable forms of travel by directing development to locations towards the most sustainable locations

#### 4.24 Policy CS17 – Regenerating Great Yarmouth’s Waterfront

The Waterfront area in the heart of Great Yarmouth has the potential to become a vibrant urban quarter that utilises its rich heritage and prime urban riverside location to create a unique and high quality environment for housing, shopping and offices; attractive to investors and visitors as well as new and existing residents. Proposals for new development within the Waterfront Area should seek to:

- a) Transform Great Yarmouth’s arrival experience by developing a network of attractive, vibrant and well-connected neighbourhoods to create a new gateway to the town
- b) Identify appropriate development sites within the Waterfront area for approximately:
  - 1,000 new dwellings of a mix of types (of which at least 300 are anticipated to be delivered within the plan period)
  - 16,500m<sup>2</sup> of employment floorspace (of which at least 7,700m<sup>2</sup> is anticipated to be delivered within the plan period)
  - 14,200m<sup>2</sup> of retail and leisure floorspace, promoting the mixed-use regeneration of disused and other under-used sites (of which at least 5,050m<sup>2</sup> is anticipated to be delivered within the plan period)
- c) Ensure that the quayside area identified on the Policies Map as port operational land is safeguarded as employment land to serve offshore energy related businesses for the first part of the plan period (2013-2025) unless it can be demonstrated that there is no need for this use. If the land is developed for offshore energy related employment uses during this period then Policy CS17 will no longer apply and Policy CS6 will apply.

- d) Maximise the provision of on-site affordable housing by submitting a site-specific viability assessment at the planning application stage
- e) Provide positive, safe and convenient connections for pedestrians and cyclists throughout the area and to neighbouring areas, served by high quality public transport services
- f) Improve links between the railway station and the market place in Great Yarmouth town centre and maximise public access to the Waterfront area through the use of walkways and open spaces, provided this does not conflict with port activity or safety requirements
- g) Capitalise on the area's prime riverside location by creating a strong urban form with distinctive high quality architecture of an appropriate scale, form and massing that complements the surrounding historic environment
- h) Utilise the heritage assets of the area, such as the historic townscape and important historic buildings, converting buildings to other uses where appropriate
- i) Promote high levels of sustainable construction and design in non-residential development, including energy and water efficiency, reduced waste production and where possible, the use of renewable energy in accordance with Policy CS12
- j) Enrich the quality of the public realm, ensuring that elements of the street scene contribute to the overall character and identity of each neighbourhood and that the choice of materials and quality of signage adds interest, and aids identity and legibility

#### **4.25 Great Yarmouth Local Plan 2001 – saved policies**

Policy HOU7 New Residential Development provides a presumption in favour of development within settlement boundaries where the following criteria are met:

(A) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE FORM, CHARACTER AND SETTING OF THE SETTLEMENT;

(B) ALL PUBLIC UTILITIES ARE AVAILABLE INCLUDING FOUL OR SURFACE WATER DISPOSAL AND THERE ARE NO EXISTING CAPACITY CONSTRAINTS WHICH COULD PRECLUDE DEVELOPMENT OR IN THE CASE OF SURFACE WATER DRAINAGE, DISPOSAL CAN BE ACCEPTABLY ACHIEVED TO A WATERCOURSE OR BY MEANS OF SOAKAWAYS;

(C) SUITABLE ACCESS ARRANGEMENTS CAN BE MADE;

(D) AN ADEQUATE RANGE OF PUBLIC TRANSPORT, COMMUNITY, EDUCATION, OPEN SPACE/PLAY SPACE AND SOCIAL FACILITIES ARE AVAILABLE IN THE SETTLEMENT, OR WHERE SUCH FACILITIES ARE

LACKING OR INADEQUATE, BUT ARE NECESSARILY REQUIRED TO BE PROVIDED OR IMPROVED AS A DIRECT CONSEQUENCE OF THE DEVELOPMENT, PROVISION OR IMPROVEMENT WILL BE AT A LEVEL DIRECTLY RELATED TO THE PROPOSAL AT THE DEVELOPER'S EXPENSE; AND,

(E) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE RESIDENTIAL AMENITIES OF ADJOINING OCCUPIERS OR USERS OF LAND.

#### Policy HOU9 Developer Contributions

POLICY HOU9 A DEVELOPER CONTRIBUTION WILL BE SOUGHT, AS A PLANNING OBLIGATION UNDER THE TOWN AND COUNTRY PLANNING ACT 1990 TO FINANCE THE EARLY PROVISION OF FACILITIES REQUIRED AS A DIRECT CONSEQUENCE OF NEW DEVELOPMENT.

### 4.26 Final Draft Local Plan Part 2

4.27 Policy GSP1: "Development Limits" repeats and reinforces existing spatial policy stating "development will be supported in principle within the Development Limits except where specific policies in the Local Plan indicate otherwise.

4.28 Policy UCS3: "Adjustment to Core Strategy Housing Target" recognises that the housing requirement over the plan period needs to be reduced to reflect the objectively assessed need as updates from 7140 units to 5303 new dwellings, this has the effect of giving the Borough a five year housing supply reinforced by recent approvals for outline permission on housing land allocations within the emergent plan and therefore removing the lack of supply argument, upon adoption.

4.29 Policy GY1- Great Yarmouth Town Centre – the supporting text states that the managing the future role and direction of the town centre is a priority of the Council and new investment opportunities and initiatives are currently being pursued in the town centre through the Council adopted Great Yarmouth Town Centre Masterplan and Future High Streets Fund. This policy seeks to support the vitality and viability of Great Yarmouth town centre in accordance with the Core Strategy and national policy, and in the context of supporting new development opportunities and currently being pursued by the Council.

4.30 Policy GY3 - Hall Quay Development Area – this area is adjacent to the application site being separated

4.31 Local Plan part 2 - Proposals map - The Conge Development Area



#### **4.32 Other Material Considerations**

#### **4.33 Great Yarmouth Town Centre Regeneration Framework & Masterplan**

4.34 This framework and masterplan set out the Council's ambition for the regeneration of the town centre over the coming decade. The study area for this work encompasses the extended town centre area east-west between the seafront and the Yare riverfront, and north south corresponding to the length of the historic town walls. Our vision for the town centre is that, by 2025, new investment and employment in the town centre is generating renewed pride in Great Yarmouth and building confidence for the future.

4.35 The following six objectives will enable us to work with partners to bring that vision to life:

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

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

#### **4.36 The Corporate Plan 2020-25: – Strategic Priorities for the Borough**

4.37 To transform The Conge as the key linkage between the railway station and town centre by delivering a mix of new residential and employment opportunities as well as improving the physical environment

#### **4.38 Local Finance Considerations:**

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.

4.39 It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development

acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. In this case it is assessed that financial gain does play a part in the recommendation for the determination of this application in relation to the provision of community infrastructure.

#### **4.40 Habitat Regulations Assessment considerations:**

“European” or “Natura 2000” sites are those that are designated for their wildlife interest(s) through the Conservation of Habitats and Species Regulations 2017 and constitute the most important wildlife and habitat sites within the European Union.

#### *Shadow Habitats Regulation Assessment*

4.41 The site lies within the Green Habitat Impact Zone over 2.5km but less than 5km from an internationally protected wildlife site and for developments greater than 10 dwellings a bespoke Shadow Habitat Regulations Assessment (HRA) is required. It is confirmed that the shadow HRA submitted by the applicant has been assessed as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.

4.42 The report rules out direct effects in isolation; but accepts that in-combination likely significant effects cannot be ruled out from increased recreational disturbance on the Winterton and Horsey Dunes Special Area of Conservation, the North Denes Special Protection Area, the Breydon Water Special Protection Area, the Broadland Special Protection Area and the Broads Special Area of Conservation, but this is in-combination with other projects can be adequately mitigated by a contribution to the Borough Council’s Habitats Monitoring & Mitigation Strategy (£110 per dwelling). Impact payments. If planning permission is granted mitigation payment can be a provision of any associated legal agreement required to run with the permission.

### **5.0 Assessment**

5.1 The proposal is seeking outline planning consent, with details of proposed access and layout in relation to the demolition of existing buildings and erection of 89 dwellings. All other matters are reserved.

#### ***Local Planning Policy – the Development Plan***

#### *Development Principle*

5.2 The site is within the development limits of Great Yarmouth, as defined by the existing Borough-wide Local Plan. Core Policy CS2 identifies Great Yarmouth<sup>1</sup> as being one of the borough's 'Main Towns', and accordingly directs a greater proportion of the plan's future housing requirement to it, owing to its size, scale and range of existing services and facilities.

5.3 The site is adjacent to, and within close walking distance of, Great Yarmouth's town centre and railway station, in a highly sustainable location with access to a range of services and facility, in particularly via sustainable modes of transport.

5.4 Within the 'Main Town' the site is situated in the defined 'Great Yarmouth Waterfront area', a strategic allocation which is critical to delivering both social and economic objectives of the Local Plan. Through Core Policies CS2, CS3 and CS17, the Local Plan seeks to maximise the efficient use of this area, providing at least 300 dwellings in the Great Yarmouth Waterfront area by the end of 2030.

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

5.6 The principle of residential development in this location i.e. providing up to 89 residential units in an area of flood risk - is supported as the proposal helps deliver on the strategic housing delivery aims of the Local Plan, providing residential development in a demonstrable sustainable and safe location and maximising brownfield land. These deliverables would be consistent with Core Policies CS2, CS3, CS13 and CS17.

5.7 Core Policy CS4 and CS17(d) sets out the need to maximise affordable housing provision on site. The current application does not indicate the amount or location of affordable housing. This will need to be adequately demonstrated through the reserved matters application. A minimum of 9 affordable units would normally be expected and well-integrated within the development in terms of layout and design.

#### *Principle of Access & Layout*

5.8 Core Policy CS9 sets out the Council's strategic policy approach to achieving good design, however Core Policy CS17 also provides additional detailed policies to guide the layout, including scale, massing and form of future development proposals in the

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<sup>1</sup> Alongside Gorleston-on-Sea, as the other 'Main Town'

Great Yarmouth Waterfront area and will be the key policy determinants against this element of the current application.

5.9 The proposal comprises a design layout of predominantly 2, 3 & 4 storey flats and townhouses arranged in a perimeter block design which internalises parking courts and bin collection/storage points within the development blocks. 5.10 The general perimeter block layout is supported and helps to provide a positive relationship between public and private space, providing surveillance and visual interest along the principal movement corridors of The Conge, North Quay and Georges Street. The internalisation of the parking courts within the perimeter blocks allows for surveillance from residential properties and (in contrast to front curtilage parking) reduces the potential for an excessive car dominated environment along the principal movement corridors. This helps to reinforce a safe, convenient and attractive pedestrian/cycling link between Great Yarmouth rail station and the Market place, and allows for greater flexibility to improve the street scene from enhanced public realm.

5.11 Since submission the application has been amended to address the comments and concerns of Norfolk County the highway authority for the area. The consultation comments above with overall are no objection to the principle subject to highway related conditions reflect the highway officer support for the application.

5.12 These layout principles would in the Case Officer's view be considered consistent with Policies CS9 (c) & (d), and Policies CS17 (f) & (j).

5.13 The Design and Access (D&A) statement has explored a proposed layout which seeks to balance opportunities for providing key views westwards (towards Breydon Water), maximising solar gain, and maintaining the amenity of existing and future residents. Whilst the detail by which this is to be achieved will form part of the subsequent reserved matters, the general approach is laudable and flows with the transformative regenerations aims of Policy CS17 and, more intently, Policy CS9 (f) & (h).

5.14 Policy CS9(e) requires developments to demonstrate how the design has considered car parking, with reference to the Council's adopted parking standards. The D&A statement indicates that the proposed parking ratio is 1 space per dwelling and would be below that currently required by adopted standards. The lower amount has been justified in the D&A statement on the basis that the site is urban and is very accessible on foot and has good transport links.

5.15 The submitted plans do not provide detail on the precise mix of dwelling types, but the supporting documents that provision is made for one parking space per dwelling this could mean that the proposal falls short of the County Council parking standards depending on the final details of the development.

5.16 Some flexibility in the amount sought could be justified on the basis of the proposal's highly sustainable location and need to actively encourage sustainable

modes of transport, including the provision of adequate and secure cycle parking/storage (as indicated in the D&A statement).

### ***Emerging local planning policies***

5.17 The Local Plan Part 2 has been submitted to the Planning Inspectorate for examination in public which is due to commence in January 2021. In accordance with paragraph 48 (of the NPPF) upon submission, those policies of the plan which have no unresolved objections could be given more significant weight. 5.19 Emerging policies of particular relevance include:

- Policy A2 – Housing design principles. Requires dwellings to meet building regulations standard M4(2) for adaptable homes.
- Policy H4 – Open space provision
- Policy H6 – Pollution and hazards in development – owing to the likely presence of potentially contaminated land, and potential for unexploded ordnance on site.
- Policy E7 – Water conservation – requires new dwellings to meet a water efficiency standard
- Policy I1 – Vehicle parking – requires consideration of parking standards and provision of electric charging points

### **5.19 Other material considerations:**

#### **5.20 North Quay Supplementary Planning Document (May 2020)**

5.21 The North Quay Supplementary Planning Document (SPD) was adopted in May 2020 with the purpose of setting out the vision, objectives and planning considerations for the regeneration of the North Quay area. The SPD is a material consideration in the determination of relevant planning applications.

5.22 Whilst the development proposal is outside of the SPD's defined area, it does link at it's northern, sharing the strategic pedestrian/cycling connection between the Great Yarmouth Rail Station and Market Place via North Quay and The Conge. This interrelationship forms an integral element in the wider regeneration framework for the waterfront area of Great Yarmouth, as reflected by Core Policy CS17 (f). The movement and land uses proposed by the current application are considered to be in support of the SPDs strategic ambitions.

#### ***Great Yarmouth Town Centre Masterplan (May 2017)***

5.23 The Great Yarmouth Town Centre Masterplan was endorsed by the Council in July 2017 with the aim of setting out six key strategic objectives to aid the regeneration of the town centre by 2025.

5.24 'Transforming the Conge' was identified as one of the main strategic objectives, with the aim of introduce new mixed-use development along The Conge, as well as

the re-allocation of road space to pedestrian/cycle use to support greater movement between the Market Place and Great Yarmouth Rail Station.

5. 25 The reallocation of road space for pedestrian/cycling use was completed in 2018, therefore the current proposal seeks to complete this strategic objective of the masterplan.

## **5.26 Historic Environment and Scale of Development**

5.27 The site is located adjacent to Conservation Areas No.2 and No.4. Historic England has no objection to the application on heritage grounds ie on the Conservation Area, they consider that the application meets the requirements of the National Planning Guidance in particular paragraph numbers 7, 8, 193, 194 and 196 which relates to heritage assets and in my view as the Case Officer I concur with this view agree.

5.28 In commenting on the application Historic England reminds the Council to bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

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

## **5.30 Setting of Listed Buildings and Conservation Area**

5.31 In my view the development as proposed on the application drawings which support the application details of access and scale preserves and indeed enhances the character and appearance of the settings of the identified Conservation Areas. Whilst Historic England have raised concerns over the scale of development there are a numbers of four story buildings in the immediate locality with higher stored buildings beyond.

5.32 In terms of the Listed Buildings Historic England has raised no concern in the regard. My conclusion in this regard is at the most the impact would be modest. The impact of the proposed development on the significance of the designated heritage assets, is my view, less than substantial harm to their significance. In weighing the harm as required by Paragraph 196 of the National Planning Policy Framework I

consider that the harm to the setting of the listed buildings and conservation area is outweighed by the considerable public benefits of the proposal in terms of improving the attraction of the locality and economic benefits and contribution to the regeneration and character of the area that will result.

### **5.33 Drainage**

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

5.35 In addition to the Flood Risk assessment the application is accompanied by a drainage strategy.

5.36 Details of sustainable drainage system incorporated as part of the design to ensure is proposed to with the aim of ensuring that flood risk both on the site and elsewhere as a result of the development. Permeable paving for driveways are proposed to be used where possible and areas with impermeable surfaces will be managed using SUDS to ensure that surface water run-off does not increase local flood risk and does not increase flows into the existing watercourse.

5.37 It is anticipated that roof drainage could be directed to individual plot soakaways, or to permeable paving subbase structures where suitable. The final details of the surface water drainage is still to be agreed with the local lead flood authority. The applicant has provided a Flood Risk Assessment and Drainage strategy. Anglian Water have stated there is capacity I the Caister system to accommodate the foul water flows subject to final details being submitted which we need to be addressed by condition on any grant of planning permission.

### **5.38 Planning Obligations and Viability**

5.39 The County Council has stated that there is capacity with the existing schools at all levels but some more than others identifying that provision in the form of a commuted sum should be made to address the capacity issues. Here they have identified that the spare capacity at St Nicolas Primary and St Georges Primary and Nursery have a capacity for +2 and +7 spaces respectively which equates to a less than 1.5% spare capacity in the Primary Sector stating that there would be insufficient capacity for all the of the children generated by this proposal The actual detailed figures are not stated at this stage because the final make up of the development is not known at this stage. In addition the County identifies a requirement and commuted sum for library books.

5.40 The Health Authority has assessed that the existing healthcare services would be impacted and seek a developer contribution of £155,676 towards additional bed spaces and floorspace for primary healthcare and acute healthcare facilities.

There are questions how this contribution has been calculated. It should be noted that since 2018 the Health Authority has a policy of seeking contributions on sites of over 50 units which it has put in place since this application was submitted at the end of 2018

5.41 In considering this application should be mindful of Policy CS14 -Securing appropriate contributions from new developments as set out the Core Strategy 2015. This states that new development can result in extra pressure can be placed upon existing infrastructure and local facilities. This can include both physical and social infrastructure as set out in the supporting text to the policy.

5.42 In this application the requests and requirements are set out in the report along with the requirements of the adopted policies. These in summary in addition to the County Council and NHS amount to affordable housing and open space contribution or provision on site per unit on a pro rata basis along with the Habitat Regulation Mitigation payment.

5.43 The Council is mindful as set out in the Core Strategy that development proposals need to be economically viable and in cases where viability is in question the proposed scheme should be subject to viability testing.

5.44 In this instance, taking into account different profit scenarios, the scheme is not considered financially viable taking into account the demolition and, construction costs and the constraints of developing this this previously developed brownfield site. It is considered that the additional financial requirements would further decrease the viability of development. The Council also has control over the land.

5.45 It is therefore appropriate for the Committee to consider that in order to facilitate the development- if the Committee is minded to approve the application – that this application is not subject to planning obligations sought with the exception of the Habitat Mitigation payment which is presently £110 per dwelling. This is because there is a presumption against any new development that will damage the ecological integrity and/ or landscape value of these designated sites either individual or in combination.

6.0 **Conclusion** - In this case the site is in a sustainable location and will help to deliver the Councils development plan housing target and to implement the Council ambition of developing The Conge and the Town Centre Masterplan contributing to the economic, visual and social improvements objectives to the town centre and enhancing the local townscape.

7.0 Approve. Subject to the conditions outlined below and in the report and the Habitat Mitigation payment prior to occupation. The proposal is deemed in



compliance with the aims of Policies CS2, CS3, CS13 CS14 CS15 and CS17 of the Great Yarmouth Local Plan Core Strategy, and saved Policies HOU7, and HOU9 of and the Great Yarmouth Borough-wide Local Plan (2001) (LP).

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

Background Papers 06/20/0190/O





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SCALE 1: 250

0 2.5 5 7.5 10 12.5 15m

NORTH

NOTES

This drawing contains the following:

LEGEND

- Site boundary
- Existing building/kerb layouts based on OS map data
- Indicative landscaping - subject to detailed design

REVISION LOG

REV.	DATE	DESCRIPTION
P1	09/03/2020	First issue.
P2	27/04/2020	Overall layout revised.
P3	30/04/2020	PLANNING ISSUE

DRAWING USE

PLANNING

CLIENT

GREAT YARMOUTH BOROUGH COUNCIL

PROJECT

RESIDENTIAL DEVELOPMENT

ADDRESS

THE CONGE, GREAT YARMOUTH

STATUS

A3-DEVELOPED DESIGN APPROVED

DRAWING TITLE	SIZE
BLOCK OUTLINE PLAN	A1
DRAWING NO.	REVISION
TCGY-CF-ZZ-XX-DR-A-0103	P3
CREATED BY	CHECKED BY
JW	JJ
APPROVED BY	JJ

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