

Reference: 06/16/0188/F

Ward: Southtown

Officer: Mrs G Manthorpe

Expiry Date: 19-12-16

Applicant: Dawson Brown Ltd

Proposal: Development of 22 no flats (14 no 1 bedroom flats and 8 no 2 bedroom flats) with associated external works.

Site: 132 Gordon Road Southtown Great Yarmouth

Report on varying resolution to approve removing liability on applicant to pay obligations excluding Natura 2000.

- i. The application has previously been brought before members on the 14th December 2016 and the resolution was to approve the application subject to conditions and a s106 agreement for policy compliant contributions. The application is to be heard again as the applicant has submitted a viability assessment to remove the liability to pay s106 contributions.
- ii. The previous contributions required were as follows:

Norfolk County Council – Environment:

Connections into the local Green Infrastructure (GI) network, including Public Rights of Way and ecological features, should be considered alongside the potential impacts of development. Mitigation should therefore be included within the site proposal. Maintenance/mitigation for new and existing GI features may require a contribution or commuted sum in order to allow the local GI network to facilitate the development without receiving negative impact and equally, allow the development to integrate and enhance the existing network.

Norfolk County Council, following the resolution to grant, stated that they would not be seeking GI contributions.

Norfolk County Council – Library Provision

A development of 22 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 £1,650 (i.e. £75 per dwelling) towards IT infrastructure and equipment towards Great Yarmouth library.

Great Yarmouth Borough Council – Affordable housing

Policy compliant affordable housing is requested.

Great Yarmouth Borough Council – Public open space and children's recreation

Payment in lieu of public open space and children's recreation at £1400 per dwelling.

- iii. The viability assessment submitted post resolution of the application states that the development is not viable and therefore contributions should not be sought. The viability assessment has been evaluated by a qualified officer within Great Yarmouth Borough Councils Property Services and it has been concluded that it is not viable to seek policy compliant contributions for this scheme.
- iv. The previous resolution to grant permission was made with policy compliant contributions and as such the principle of the development is agreed. The recommendation is to accept the application with no contributions save the contribution required under the adopted Natura 2000 policy. The reason that the contribution under the Natura 2000 policy is still required is that this is to comply with the Habitats Regulations Assessment to mitigate the impact of development on protected species and areas. This adopted mitigation strategy is unable to be set aside for viability reasons as to do so would place the Local Planning Authority at risk of challenge at the High Court. An extract of the policy is below:

These Natura 2000 sites are protected in UK law by the Habitats Regulations (2010). Under the Habitats Regulations, development proposals must not give rise to adverse effects on the integrity of these sites, either alone or in combination with other plans and projects. If development proposals are likely to cause adverse effects then measures must be secured to remove this impact, otherwise the competent authority, such as the Council, is obliged to refuse permission

The increase of persons to an area as defined within the strategy has been assessed as having an impact on these sites and as such the mitigation contribution is required.

- v. The amount requested to mitigate the impact is £60 per dwelling which totals £1320 (£60 x 22) to be secured by legal agreement.
- vi. It is accepted in planning policy that obligations should not render sites undeliverable, Paragraph 175 of the National Planning Policy reads as follows:

173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements

for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

- vii. There is acknowledgement within the adopted Core Strategy, at paragraph 5.1.9, which is in line with the National Planning Policy Framework as follows:

It is critical to the economic and social welfare of the borough that the Council meets its development needs and provides land for housing that is economically viable for development. An adequate supply of good quality houses is needed if the borough is to meet the economic challenges ahead. If these development needs are not met, the economy will suffer and residents seeking a new property may move elsewhere, adding to the trend of out migration.

- viii. It is therefore in accordance with Local and National Planning Policy to reduce or remove contributions in order to allow a viable development to come forward.
- ix. The recommendation is to approve the reduction in contributions following the submission and assessment of the viability assessment in line with Property Services recommendation. The development will be approved as previously granted and contributions towards Natura 2000 will be the only obligation required.
- x. There have been additional objections to the application received however the principle of development has been previously established. For reference the previous committee report is in full below.

REPORT

1. Background / History :-

- 1.1 The application site located towards the eastern section of the southern side of Gordon Road, Southtown; the road comprises, on the southern side a large commercial area, which is the application site and terrace housing to the western section and northern side. The corner of Southtown Road and Gordon Road, at the northern side, is a large commercial building with an open frontage for associated parking.
- 1.2 The housing to the northern side of the road is primarily bay fronted large terrace houses and a more modern style of house towards the western section and on the southern side of the road. The site is within close proximity to Great Yarmouth Collage, retail units and gym located to the rear of the site and the industrial area that fronts Southtown Roads water front.
- 1.3 There have been no recent applications for planning on the site with the most recent being in 1965 for alterations and fanlight. There are no historical applications that are relevant to this application.

1.4 The site is 1267 square metres and is in existing use for storage and retail with a business comprising a two storey workshop building attached to a larger corrugated asbestos building. There is also a porta cabin and outside storage facilities on site.

2. Consultations :-

2.1 Neighbour Consultations – Two objections have been received, they are attached to this report and are summarised below:

- Three storeys are too high.
- Increased traffic on Gordon Road.
- The traffic lights are on a short timer.
- 22 Dwellings will cause sewerage and drainage problems when there is already an issue.
- A tree shall have to be removed.
- Overdevelopment.
- More than 22 Parking spaces will be required.
- Better vehicular access to existing sites is needed or a more sensible double yellow line system is required.

2.2 Highways – The highways officer notes that on street parking is in demand in the area and that the proposed development will increase pedestrian movements however it was considered that the kerb should be raised to reinstate a full height footway adjacent to the carriageway not only to deter footway parking but also in the interests of pedestrian safety. The highways officer is satisfied that this, and other matters, can be dealt with by condition and has no objection to the application subject to conditions.

2.3 Norfolk Constabulary- A full and comprehensive report was given by Norfolk constabulary with full comments and recommendations on the file. Recommendations include that the rear boundary treatment is no less than 1.8m close boarded fence. Recommended that the applicant provides protection for the underground parking in accordance with the guidance provided in secured by design.

2.4 Lead Local Flood Authority – No comment.

2.5 Environment Agency – No objection and conditions requested.

2.6 Norfolk Fire and Rescue Service – No objection provided compliance with Building Regulations.

2.7 Building Control – No adverse comments.

2.8 Environmental Health – No objections and conditions requested.

2.9 Strategic Planning – No objections and note that the location is within an area of predominantly residential uses with employment to the rear. Weight should be given to the NPPF requirement to significantly boost the housing supply with local emphasis also on the Core Strategy with Great Yarmouth identified as a Main Town (Policy CS2) to deliver a proportion of such growth.

2.10 Anglian Water – No comments received.

3. Policy :-

3.1 POLICY CS1 – FOCUSING ON A SUSTAINABLE FUTURE

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

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

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

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

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole
- Specific policies in that Framework indicate that development should be restricted

3.2 POLICY CS2 – ACHIEVING SUSTAINABLE GROWTH

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

- a) Ensure that new residential development is distributed according to the following settlement hierarchy, with a greater proportion of development in the larger and more sustainable settlements:
 - Approximately 35% of new development will take place in the borough's Main Towns at Gorleston-on-Sea and Great Yarmouth
 - Approximately 30% of new development will take place in the borough's Key Service Centres at Bradwell and Caister-on-Sea
 - Approximately 30% of new development will take place in the Primary Villages of Belton, Hemsby, Hopton on Sea, Ormesby St Margaret, Martham and Winterton-on-Sea
 - Approximately 5% of new development will take place in the Secondary and Tertiary Villages named in the settlement hierarchy
 - In the countryside, development will be limited to conversions/replacement dwellings/buildings and schemes that help to meet rural needs
- b) To ensure compliance with Policy CS11, the proportions of development set out in criterion a) may need to be further refined following additional work on the impact of visitor pressures on Natura 2000 sites
- c) Ensure that new commercial development for employment, retail and tourism uses is distributed in accordance with Policies CS6, CS7, CS8 and CS16
- d) Promote the development of two key strategic mixed-use development sites: the Great Yarmouth Waterfront area (Policy CS17) and the Beacon Park extension, south Bradwell (Policy CS18)
- e) Encourage the reuse of previously developed land and existing buildings

To ensure that the Council delivers its housing target, the distribution of development may need to be flexibly applied, within the overall context of seeking to ensure that the majority of new housing is developed in the Main Towns and Key Service Centres where appropriate and consistent with other policies in this plan. Any changes to the distribution will be clearly evidenced and monitored through the Annual Monitoring Report.

3.3 POLICY HOU7

NEW RESIDENTIAL DEVELOPMENT MAY BE PERMITTED WITHIN THE SETTLEMENT BOUNDARIES IDENTIFIED ON THE PROPOSALS MAP IN THE

PARISHES OF BRADWELL, CAISTER, HEMSBY, ORMESBY ST MARGARET, AND MARTHAM AS WELL AS IN THE URBAN AREAS OF GREAT YARMOUTH AND GORLESTON. NEW SMALLER SCALE RESIDENTIAL DEVELOPMENTS* MAY ALSO BE PERMITTED WITHIN THE SETTLEMENT BOUNDARIES IDENTIFIED ON THE PROPOSALS MAP IN THE VILLAGES OF BELTON, FILBY, FLEGGBURGH, HOPTON-ON-SEA, AND WINTERTON. IN ALL CASES THE FOLLOWING CRITERIA SHOULD BE MET:

- (A) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE FORM, CHARACTER AND SETTING OF THE SETTLEMENT;
- (B) ALL PUBLIC UTILITIES ARE AVAILABLE INCLUDING FOUL OR SURFACE WATER DISPOSAL AND THERE ARE NO EXISTING CAPACITY CONSTRAINTS WHICH COULD PRECLUDE DEVELOPMENT OR IN THE CASE OF SURFACE WATER DRAINAGE, DISPOSAL CAN BE ACCEPTABLY ACHIEVED TO A WATERCOURSE OR BY MEANS OF SOAKAWAYS;
- (C) SUITABLE ACCESS ARRANGEMENTS CAN BE MADE;
- (D) AN ADEQUATE RANGE OF PUBLIC TRANSPORT, COMMUNITY, EDUCATION, OPEN SPACE/PLAY SPACE AND SOCIAL FACILITIES ARE AVAILABLE IN THE SETTLEMENT, OR WHERE SUCH FACILITIES ARE LACKING OR INADEQUATE, BUT ARE NECESSARILY REQUIRED TO BE PROVIDED OR IMPROVED AS A DIRECT CONSEQUENCE OF THE DEVELOPMENT, PROVISION OR IMPROVEMENT WILL BE AT A LEVEL DIRECTLY RELATED TO THE PROPOSAL AT THE DEVELOPER'S EXPENSE; AND,
- (E) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE RESIDENTIAL AMENITIES OF ADJOINING OCCUPIERS OR USERS OF LAND.

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

* ie. developments generally comprising not more than 10 dwellings.

4 National Planning Policy:

4.1 Paragraph 101.

The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

- 4.2 Paragraph 102. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate.

For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.

- 4.3 Paragraph 14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

5 Assessment :-

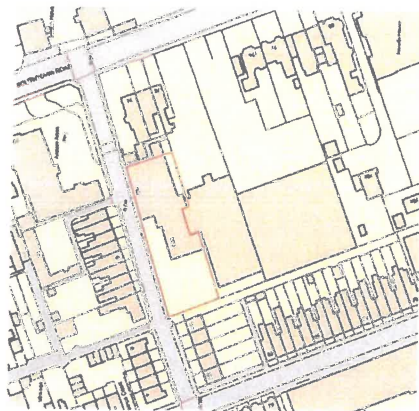
- 5.1 The application site is located within flood zone three as identified by the Environment Agencies Flood Map and is accompanied by a flood risk assessment. The application complies with the sequential test and the exemption test and can be adequately conditioned as per the environment agencies recommended conditions.
- 5.2 The site currently comprises a commercial use surrounded by predominately residential uses. The site is located within a sustainable location with good links to transport and services. Although an intense use of the site is proposed, the residential use is in keeping with the character of the area.
- 5.3 The development proposed is to be three storey with a pitched roof. There have been other designs submitted with flat roofs however these were deemed to be at odds with the existing buildings in the locality and as such the pitched roof, although giving a greater height, is preferred. The building will be highly visible given the height and massing and will dominate the street scene. The view of the building will be partially obscured from the southward approach up Southdown

Road by the existing commercial buildings as although they are set back they will break up the line of the building. Travelling from the north towards Gorleston the building as proposed will be visible across a currently open parking area. Although visible the design of the building will create an interesting aspect to the street scene. The use of the pitched roof will tie in the building to those around it and act to soften the appearance. There have been other three storey dwellings approved, for example Horatio House, within the locality although these have not yet been constructed and others that have been in existence for some years within the vicinity of the site.

- 5.4 One of the objectors has stated that there are concerns over drainage both foul and surface. There have at the time of writing been no comments received from Anglian Water although if these are received before committee they shall be verbally reported. The flood risk assessment states that the soil types at the site are likely to be suitable for the effective use of shallow infiltration devices and therefore the drainage could be, at least partially, in the form of pervious surfaces. These are also relevant in relation to Environmental Health comments regarding contamination. The applicant has stated on the form that surface water will be via mains sewer however a condition to provide full details of drainage can be placed upon any grant of permission members are minded to make to ensure that the preferred option of sustainable drainage is explored and utilised in accordance with the Flood Risk Assessment.
- 5.5 The objections were also in relation to the increase in vehicular movements. 22 new dwellings will increase vehicular movements and pedestrian as noted by the highways officer. The amount of parking provided is accepted by the highways officer and as such there are no highways objections to the application although improvements are requested as conditions in the interest of highway safety as outlined at paragraph 2.2 of this report.
- 5.6 An objector noted that there will be windows to the eastern elevation overlooking an existing property and that light to the property shall be reduced. There are windows located on the eastern elevation of the proposed development however these are set in with none on the closest section of the wall. The windows are set 8 metres back from the edge of the site and then an additional 7m from the nearest dwelling. The overlooking to the nearest property on Gordon Road will be reduced by the absence of windows in the existing dwellings eastern elevation; there will be an increase of overlooking to the rear garden although this is mitigated by the existing overlooking as the site is in an existing urban area. There will be an increase in the overlooking however this is not deemed so significant to warrant a refusal of the application. A further objection was in reference the loss of light to a property located on Southtown Road; the height of the dwelling will have an impact on the amenity of the area although the positioning and height restriction to three stories only will restrict the impact to an acceptable level.
- 5.7 The 106 monies requested from Norfolk County Council are outlined above and any grant of permission should be in line with current policy for open space, recreation and affordable dwellings. It is noted that there is no open space on the site which is acceptable in this location provided that the payment in lieu is made.

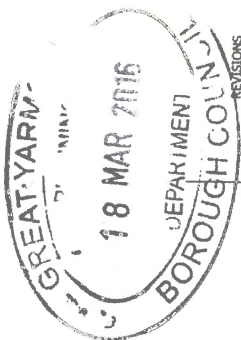
6 PREVIOUS RECOMMENDATION - SEE VIII FOR CURRENT :-

- 6.1 Approve – the proposal complies with Policies CS1 and CS2 of the Great Yarmouth Local Plan: Core Strategy and saved Policy HOU7 of the Great Yarmouth Borough-Wide Local Plan.
- 6.2 Any permission shall be subject to a 106 agreement for all appropriate contributions including County obligations, including GI payments to be negotiated between the applicant and Norfolk County Council as per the consultation response and these have not been decided, open space payments, recreation payments and affordable housing. All conditions are requested shall be appended to any grant of permission including any further that secure an adequate form of development.

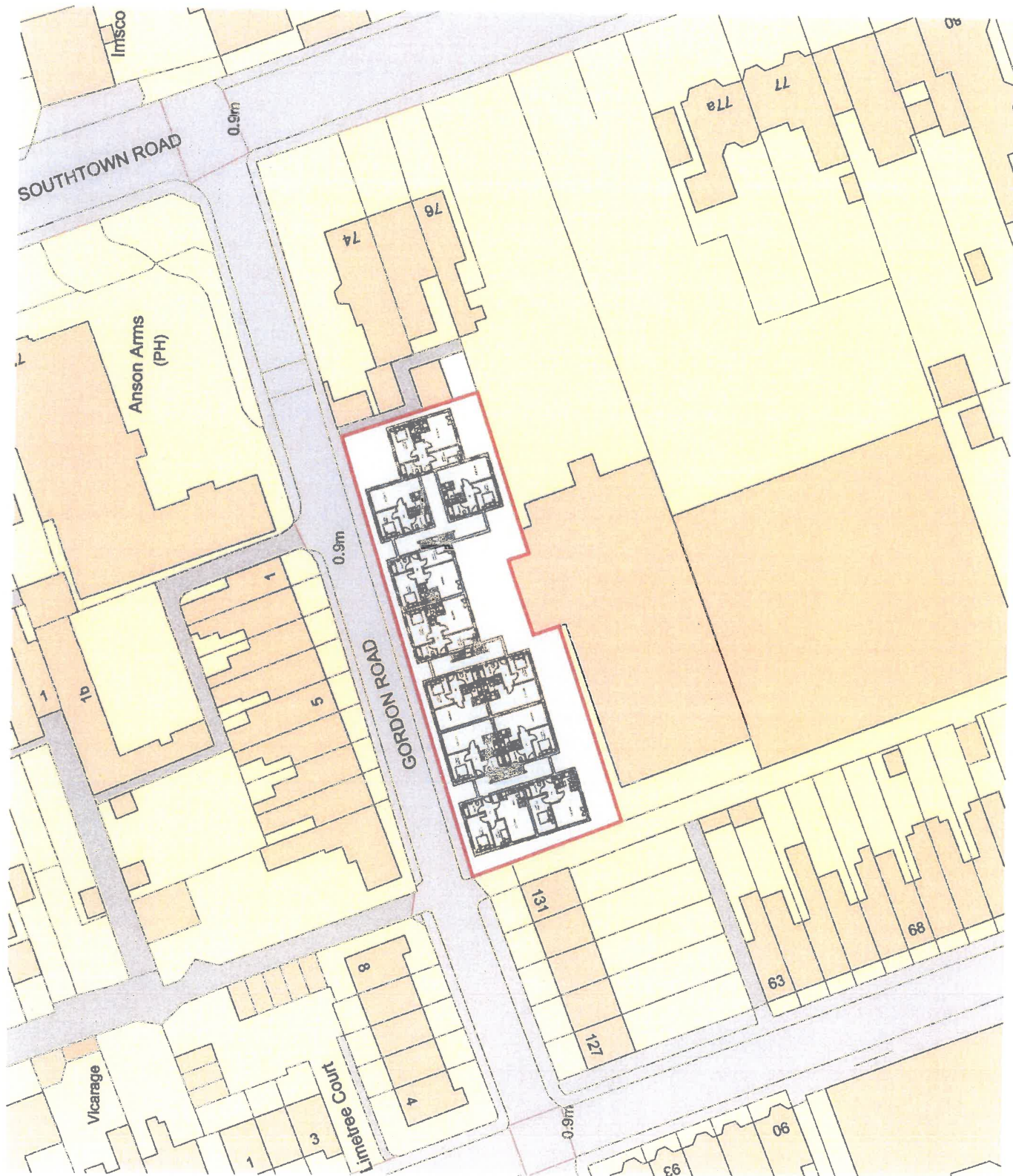


Scheme Mix

14no. 1 Bedroom / 2 Person Flats @ 50sq.m
8no. 2 Bedroom / 3 Person Flats @ 60sq.m



PROJECT NO	06/16/0188/F
PROJECT NAME	Gordon Road Great Yarmouth
CLIENT	Dawson Brown Ltd
DEVELOPER TITLE	Development Plan
Fusion 13 9 Princes Street Norwich, Norfolk NR3 1AZ info@fusion-13.co.uk www.fusion-13.co.uk	
SCALE	1:250 1000
DATE	Mar 2016
REV NO	F222
REV NO	01
REV	A



Development Control Committee

Minutes

Wednesday, 14 December 2016 at 18:30

PRESENT:

Councillor Annison (in the Chair); Councillors Flaxman-Taylor, A Grey, Hammond, Hanton, Thirtle, Wainwright, Williamson & Wright.

Councillor Borg attended as a substitute for Councillor Fairhead.

Councillor K Grey attended as a substitute for Councillor Andrews.

Mr D Minns (Planning Group Manager), Mrs G Manthorpe (Senior Planning Officer), Mrs E Helsdon (Technical Planning Officer) and Mrs C Webb (Member Services Officer).

6 06/16/0188/F 132 GORDON ROAD SOUTHTOWN

The Committee received and considered the comprehensive report from the Planning Group Manager.

The Senior Planning Officer reported that the application site was located towards the eastern section of the southern side of Gordon Road, Southtown, on the southern side, there was a large commercial area which was the application site, and terrace housing to the western and northern side.

The Senior Planning Officer reported that the application site was located within Flood Zone Three, as identified by the Environment Agencies Flood Map and was accompanied by a flood risk assessment. The application complied with the sequential test and the exemption test and could be adequately conditioned as per the Environment Agency recommended conditions.

The Senior Planning Officer reported that the site currently was a commercial use surrounded by predominately residential uses. The site was located within a sustainable location with good links to transport and services. Although an intense use of the site was proposed, the residential use was in keeping with the character of the area.

The Senior Planning Officer reported that two neighbour objections had been received citing that three storeys were too high, increased traffic along Gordon Road, the traffic lights are on a short timer, the number of dwellings will cause more sewerage and drainage problems, a tree will have to be removed, over-

development of site, more than 22 parking spaces will be required and better vehicular access into the site is required.

A Member asked for clarification regarding the number of spaces provided for car parking. The Senior Planning Officer reported that 22 spaces would be provided.

A Member asked whether the development would deliver any affordable housing units. The Senior Planning Officer reported that details of the affordable housing allocation had not yet been approved.

A local resident was concerned regarding the overlooking of her garden from the flatted development. The Senior Planning Officer reported that the distance from window to window was 7 metres to the nearest dwelling. A Member asked whether obscured glazing could be conditioned to help negate overlooking. The Planning Group Manager reported that as the living rooms were dual aspect, the height of one of the windows could be raised to negate overlooking of the residential garden concerned.

RESOLVED:

That application number 06/16/0188/F be approved as the proposal complied with Policies CS1 and CS2 of the Great Yarmouth Local Plan: Core Strategy and saved Policy HOU7 of the Great Yarmouth Boroughwide Local Plan. Any permission shall be subject to a s106 agreement for all appropriate contributions including County obligations, including GI payments to be negotiated between the applicant and Norfolk County Council as per the consultation response and these have not been decided, open space payments, recreation payments and affordable housing. All conditions requested shall be appended to any grant of permission including any further that secure an adequate form of development including obscure glazing and raised window height as required to prevent overlooking of adjacent residential properties.