



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Date: Thursday, 24 September 2015

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 one week 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**

1 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.

2 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3 MINUTES

5 - 8

To confirm the minutes of the meeting held on 11 August 2015.

PLANNING APPLICATIONS

4 APPLICATION 06/15/0325/F PASTEUR ROAD

9 - 72

Demolition of existing building and erection of non food retail park of 3 A1 retail units, 1 A3/A5 and 1 A3 unit with car parking and associated works.

5 APPLICATION 06/13/0703/O MEADOWLAND DRIVE (LAND SOUTH OF) BRADWELL

73 - 100

New residential development of 130 dwellings

6 APPLICATION 06/15/371/O 11 FELL WAY

**101 -
144**

Outline application application for two dwellings

7 APPLICATION 06/15/0363/F 1 BEACONSFIELD ROAD

**145 -
156**

Proposed change of use from shop to 4 self contained flats, rebuild and extension of rear part of building.

8 APPLICATION 06/15/0348/O SOUTHTOWN ROAD HORATIO HOUSE

**157 -
166**

Demolition of existing buildings and the construction of 24 dwellings, and associated works including parking and open space.

9 APPLICATION 06/15/0448/F SUNDOWNER HOLIDAY PARK HEMSBY

**167 -
176**

16 static holiday caravans with associated parking, internal roads and play area.

10 APPLICATION 06/15/308/F MAIN ROAD FILBY

**177 -
196**

Erection of 8 dwellings, garages and vehicle access.

- 11 **APPLICATION 06/15/0168/F 30 WELLESLEY ROAD** 197 -
Change of use from single residential unit to 5 No. (4 extra) residential flat units. 210
- 12 **PLANNING APPLICATIONS CLEARED BETWEEN 1 AUGUST** 211 -
2015 AND 31 AUGUST 2015 222
- The committee is asked to note the planning applications cleared by the Planning Group Manager and the Development Control Committee during August 2015.
- 13 **APPEAL DECISION**
- 06/14/0381/O – Residential development of thirty five dwellings including access at land off Meadow Way, Rollesby, Great Yarmouth – appeal dismissed.
- The original application was a Committee refusal.
- 14 **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.

Development Control Committee

Minutes

Tuesday, 11 August 2015 at 18:30

PRESENT:

Councillor Reynolds (in the Chair); Councillors Andrews, Annison, Bird, Collins, Grant, Jermany, Lawn, Linden, Sutton, T Wainwright & Wright.

Mr D Minns, Miss J Smith & Mrs C Webb (GYBC Officers)

1 DECLARATIONS OF INTEREST

Councillor Jermany declared a personal interest in item 4 as he had been approached in this matter by both applicants and an objector.

2 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Blyth.

3 MINUTES

The minutes of the meeting held on 23 June 2015 were confirmed.

PLANNING APPLICATIONS

4 APPLICATION 06/15/0205/0 30 BULMERS LANE, WINTERTON

The Committee considered the detailed, comprehensive report as laid out in the agenda.

The Planning Group Manager reported that the application was an outline application, with appearance, landscaping and scale reserved and if this application was approved, these matters would form a separate application. The layout and access were part of this application and access was shown through a retained right of way off Lavender Court with the layout of the three bungalows indicated.

The Planning Group Manager reported that the access was the primary objection

from both the neighbours and the Parish Council. The access to the site was off Lavender Court, a private brick weave drive currently serving four bungalows and Lavender House. The proposed development would increase the properties using the access to eight. The objections to the access were twofold, one regarding the quality of the access road and one regarding the right of way to the site. The Planning Group Manager reported that Highways had no objection following the submission of the amended plan improving the visibility splay from Lavender Court to Bulmer Lane by the removal of a hedge.

The Planning Group Manager reported that the site was located within the village development limits and would form a natural continuation of the Lavender Court development. The proposed bungalows were in keeping in scale and layout with the adjacent development and would not cause a significant adverse effect on the character of the area and there was no significant adverse effect on the amenities of the occupiers of Lavender Court caused by the proposed development. The bungalows on Plots 2 & 3 were sited close to the adjoining properties, however, they were to be single storey and could be conditioned to remain as such, to reduce any overlooking or over-development by height. The application accorded with both Local, HOU7(c) of the GYBWLP and National Planning Policy and was recommended for approval.

The Planning Group Manager reported that any variation to the maintenance of the access road to Lavender Court would be a civil matter between interested parties.

A Member asked for clarification as to who owned the access road into Lavender Court. Mr Evans reported that up to recently, the builder had owned the road, however, he had recently gifted the road to the residents of Lavender Court who were unaware that they did not own the road, even though they had been paying for its maintenance for the past twenty years.

A Member reported that she was unhappy that an existing resident would have to lose part of his garden to provide the access to the site which would affect his privacy. She was also concerned that the increase in traffic and the type of traffic movements would have a detrimental affect due to noise and disturbance on the residents of Lavender Court and the new development.

A Member was concerned regarding both the storage and presentation of bins and whether there was adequate room for them to be stored on individual plots and presented for collection as appropriate.

Mr Watson, the applicant, reported that he was born and bred in Winterton and wished to develop the site and remain in the village during his retirement by moving into one of the new bungalows.

Mr Evans, an objector, summarised his objections to the proposal and asked that the Committee refuse the application.

Councillor Jermany, Ward Councillor, reported that the Planning Group Manager had fully reported the application and it was now the responsibility of the Committee to determine it.

A Member was concerned that planning guidance stated the width of the access road should be a minimum of 3.7m to allow emergency vehicles to access the new site but Building Regulations had accepted an access road of 3.66m, which did not take into account fencing or kerb requirements, did not sit easily with him. The lack of a

suitable turning area for vehicles was also an issue for existing and new residents alike.

Against the recommendation of the Planning Manager, it was proposed and seconded that the application be refused, on the grounds that the application would impact on the local neighbourly amenities enjoyed by the existing residents of Lavender Court, as the proposed width of the access road and an insufficient car turning area was not in accordance with national planning policy.

RESOLVED:

That against the recommendation of the Planning Group Manager, application number 06/15/0205/F be refused, as the application would impact on existing local neighbourly amenities enjoyed by residents of Lavender Court, as the proposed width of the access road did not accord with National Planning Policy.

5 APPLICATION 06/15/0277/F LIDL STORE

The Committee considered the comprehensive report from the Planning Group Manager as set out in the agenda for permanent consent for deliveries on Sundays and bank Holidays during the hours of 12 noon to 6 pm.

The Planning Group Manager reported that this application was recommended for approval.

RESOLVED:

That application number 06/15/0277/F be approved for permanent consent for deliveries on Sundays and Bank Holidays during the hours of 12 noon to 6 pm.

6 PLANNING APPLICATIONS CLEARED BETWEEN 1 JUNE 2015 AND 31 JULY 2015

The Committee received and noted the planning applications cleared between 1 - 30 June 2015 by the Planning Group Manager and the Development Control Committee.

7 ANY OTHER BUSINESS

The Planning Group Manager reported that the Planning Department would shortly be in receipt of an amended planning application for the ex-Pontin's site in Hemsby, which would require considerable consultation work before it can be presented to Committee for determination.

The meeting ended at: 20:00

Reference: 06/15/0325/F

Parish: Great Yarmouth

Officer: Mr D.Minns

Expiry Date: 22-09-2015

Applicant: Pasteur Retail Park Limited

Proposal: Erection of a non-food retail park comprising 3 A1 units, and 1 A3/A5 and 1 A3 units with car parking spaces and associated works

Site: Landing Adjoining to the East Jones Way (Gc) Park Pasteur Road Great Yarmouth

REPORT

1. The Application Site and Background

- 1.1 The application site is located on Pasteur Road on the south-western side of Great Yarmouth. It is approximately 1km south-west of Great Yarmouth town centre and 400m from the A12 Great Yarmouth western bypass. The site extends to 2.133 hectares(5.7 acres) and is rectangular in shape. The southern half of the site is vacant scrubland and the northern half is occupied by a single storey warehouse building and car/lorry parking. The site has access onto Pasteur Road, which provides a link between the roundabout junction with the A12 bypass to the south-west and the junction with the town centre, North Quay and South Quay to the north-east
- 1.2 The site is bounded by Jones Way to the west and south-west, to the east by Pasteur Road (A1243) and to the north by the existing Pasta Foods factory. A Tesco Extra store and petrol filling station is situated to the north-east. The recently constructed pub restaurant The Grayling and Frankie and Benny's are opposite accessed off Jones Way.
- 1.3 There are a number of other retail operators on Pasteur Road, including Matalan, B&M, Lidl, Topps Tiles and the recently constructed Hughes electrical building. Gapton Hall Retail Park is approximately 600m to the south-west and comprises a number of national multiples (including Boots, Brantano, Outfit, Next and TK Maxx). Pasteur Retail Park is located on the opposite side of Pasteur Road, off Thamesfield Road and its main tenants include B&Q and Argos.
- 1.4 The planning application 06/15/0325/F before the Council is seeking permission for 6,849 sqm of non-food retail development comprising three A1 units, one A3/A5 unit and one A3 unit, with car parking and associated works. This is the third recent application for retail development on the site/adjoining land.

- 1.5 The first was submitted in 2005 (06/05/0709/F), but was refused as it failed to meet the sequential test required and the key objectives of PPS6 at the time. More recently the applicants sought permission for up to 10,071sqm (GEA) retail floorspace comprising seven retail (Use Class A1) units (including mezzanines) and two restaurant units (ref 06/14/0109/FUL).
- 1.6 The original application was for Open A1 retail floorspace, and a subsequent amendment reduced the total floorspace proposed to 8,999 sqm, and proposed a condition that would limit the types of goods that could be sold from the floorspace.
- 1.7 This application was refused on 24th November 2014 on two grounds namely:
'That the proposal would have a significant adverse impact on Great Yarmouth and Gorleston town centres and thus is contrary to national and local policy which seeks maintain and enhance the overall vitality and viability of existing centres through new investment and development; and
- 1.8 *The proposal would undermine the strategic ambitions for the Great Yarmouth Waterfront Action Area Plan which in the short and medium term in The Conge and North Quay would represent the most appropriate locations for new mixed use development including retail.'*
- 1.9 The application is currently subject to an appeal inquiry scheduled for the end of October 2015. The current application by Indigo relates to a smaller scheme of five units totalling 6,849 sq m gross, with a sales area of 5,480 sq m net. The floorspace is split into five units and four of these units have named operators.

2.2. Table 1: Proposed floor areas

Unit	Gross area			Net Area		
	Ground Floor (sqm)	Mezzanine (sqm)	Total (sqm)	Ground Floor (sqm)	Mezzanine (sqm)	Total (sqm)
1 (Dunelm)	1,858	1,626	3,484	1,486	1,301	2,787
2 (unlet)	1,162	581	1,743	930	465	1,395
3 (AHF)	697	604	1,301	558	483	1,041
4 (Costa)	150	0	150	120	0	120
5 (Burger King)	171	0	171	137	0	137
Total	4,038	2,811	6,849	3,231	2,249	5,480

- 1.10 The revised scheme effectively involves three-quarters of the retail floor space previously proposed. The previous application sought permission for two retail terraces. The revised scheme involves one retail terrace, providing 6,849 sq m retail floor space across three units, together with two separate restaurant units (units 4 and 5): Tenants have been secured for all but one of the units

1.11 Dunelm have committed to occupying Unit 1 and Anglia Home Furnishings (AHF) are committed to Unit 3. The two drive-thru units are pre-let to Costa Coffee (Unit 4) and Burger King (Unit5). Only Unit 2 remains unlet

1.12 The applicants state that the range of goods sold by Dunelm and AHF is focussed on large furniture items such as beds, bedroom furniture, dining tables and sofas. Dunelm sell a complementary range of smaller homewares items such as bed linen and cushions but principally, the range sold by both is typically of a bulky nature. Unit 2 is also being marketed as bulky goods retail unit. Officers can, therefore, be confident that this is a genuine bulky goods scheme and as previously, the client is prepared to accept a sale of goods condition to ensure that the scheme operates as such. It is proposed that the sale of goods condition is worded as follows:

'The premises hereby permitted shall only be used for the sale of bulky comparison goods consisting of building and DIY products, pets and pet supplies, furniture, carpets, floor coverings, household furnishings, homewares, electrical goods, vehicle accessories and parts, office supplies, hobbies/crafts, sports goods and kitchens/bathrooms and any other goods which are ancillary and related to the main goods permitted. The premises shall not be used for the sale of food or any goods not included in the first part of this condition and shall not be used for any other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior consent of the Local Planning Authority.'

2. Design

2.1 The Design Statement submitted with the application states that this proposal is for the construction of a range of flexibly sized shell units to accommodate a diverse range of retail tenants. Additionally there are two drive-through restaurant unit. The terrace is aligned across its front elevation and stepped at the rear in response to the HGV manoeuvring requirements and the tapering of the site itself.

2.2 This creates three distinct units. It is proposed that the existing junction on Pasteur Road be upgraded to a roundabout. .

2.3 The terrace have been arranged to align with the Pasteur Road frontage. This allows the rear service areas to be shielded by the naturalising landscape strip that abuts Jones Way. On entering the site, HGV vehicles pass immediately through the site to the rear to minimise conflicts with cars and pedestrians in the public circulation areas. The exception to this is service access to the restaurant units. These will be served through the northern half of the car park with access limited to off-peak hours trading for the retailers. The service areas will be secured by a 2.4m high paladin style fence.

2.4 HGV access to the factory utilizes the same service route around the rear of the site to enter the Pasta Foods factory in the north east corner. Visitors to the factory (who are very limited in number) will pass through the retail park.

2.5 The car park has been arranged to ensure aisles are perpendicular to the frontage with disabled bays aligned with the entrance elevation. The 256 parking spaces will be marked out in white thermoplastic paint, 2.5m wide x 5m deep (11 of which are 6m x 3.6 m for the disabled space allocation) with 6m aisles to accord with the Highways Authority's specification. Roadways will be in black tarmac and there will be concrete to the service yard areas.

2.6 The design makes provision for a pedestrian link across the front of the terraces, which is covered with a projection that is a continuation of the main roof line. The full height columns and this covered walkway become, through their scale, the dominant theme of the front elevation and will help to contain the elements of the signage with the framework that it creates.

2.7 The building will be clad in a micro rib composite panel system or similar, horizontally laid on a vertical module of 900mm. We propose a colour change to a darker tone across the front elevation to reinforce the appearance of depth to the colonnade. Entrances will feature panels of full height glazing framed with polyester powder coated aluminium.

2.8 There is a limited number of existing trees within and around the site boundary with gradual scrubland establishing from regenerated growth. The southern site consists of open scrubland and drainage ditches which provide an exposed and relatively open landscape. In contrast, the eastern boundary (facing onto Pasteur Road) is delineated by a well-established 2 to 4m high Highways hedgerow which is dominated by field maple and hawthorn. This hedgerow becomes thinner towards the north. There is a row of existing Poplar trees within the site, running north from the Pasta Foods road entrance, which have been heavily pollarded in the past.

2.9 Most of these trees are showing signs of decay. Many have collapsed and are leaning against the existing fence for support. They offer limited visual amenity. It is proposed that the existing trees onsite will be removed to facilitate development with new tree planting to mitigate this loss. There are no Tree Preservation Orders within the site boundary.

2.10 Along the Pasteur Road frontage to the east of the development, the existing highways hedgerow will be retained and protected during construction works. Negotiations will take place with the Highways Authority in regard to the future management of the hedgerow to achieve visibility of the scheme when approaching the frontage. As part of the creation of the roundabout, some removal of hedgerows will be necessary along with clipping back of other sections to ensure good visibility for road users.

2.11 As the new boundary hedge and thicket develop they will be managed and maintained at an appropriate height to ensure they develop to provide low level screening and enhanced security to the site boundaries whilst maintaining visibility. Within the southern section of the car park end islands will be planted with low groundcover and a line of trees which divides the massing of the car park. The trees will be clear stem to achieve good visibility across the site for surveillance.

2.12 Materials will be chosen to ensure their longevity and to maintain their appearance with the minimum amount of maintenance. Where vulnerable materials

are exposed to potential damage in service yards they will be afforded protection with Armco barrier. Bollard protection will be provided to doorway reveals.

2.13 This application is for the delivery of shell and core units, which will be let to tenants for a subsequent fit out. The standards of energy performance of both will be those required by the building regulations current at the time of their construction. The landlord's estate lighting to the car park, service yards and colonnade will utilise LED luminaires ensuring longevity and reducing energy use..

2.14 The application is accompanied by the following documents

- Retail Statement;
- Design and Access Statement;
- Transport Assessment;
- Flood Risk Assessment, Surface and Foul Water Drainage Strategy
- Strategic Flood Risk Assessment;
- Ground Condition Assessment;
- Ecological Survey;
- Noise Report ;
- Air Quality Assessment; and
- Energy Statement.

3.0 Background to the Application Proposal

3.1 The applicants in supporting documentation state that 'Pasta Foods is the UK's leading dry pasta producer, and a world leader in the production of snack pellets.

3.2 The company, which employs approximately 140 people, has two other warehouse facilities in Great Yarmouth and another in Norwich. It also operates Waveney Mill at Southtown Road, Great Yarmouth.

3.3 Its current operation at Pasteur Road is outmoded; the existing factory building, adjacent to the application site, is no longer 'fit for purpose' and is in need of regular repairs and capital expenditure to remain operational.

3.4 This application scrubland adjacent to the existing factory. It considers that it is not commercially viable to expand the current operation onto the adjoining

3.5 The company plans to expand significantly over the coming years and to aid this expansion it wishes to sell the site with planning permission, releasing capital to facilitate improvements to the wider operation. Further updated information on the operation of the business is anticipated .

3.6 The application site has formally promoted through the Local Development Framework process and agents has submitted representations on its behalf in response to the following documents:

Local Plan: Core Strategy 'Finalising Our Options' (Regulation 18) – November 2012; and

Local Plan: Core Strategy Publication (Regulation 19) – September 2013 As part of these representations Deloitte made reference to the following evidence base documents:

- Sustainable Settlement Study (November 2012);
- Employment Land Study (January 2006);
- Employment Land Update (November 2012);
- Retail Study (2011)
- Indigo Retail Consultants have also submitted representations on behalf of the applicants to the Core Strategy.

4. Strategic Perspectives LLP (SP) / Carter Jonas

4.1 SP retail specialists were commissioned by the Borough Council in July 2011 to update the 2006 joint Great Yarmouth Borough Council and Waveney District Council Retail and Leisure Study (GYBC/WDC RLS 2006). The updated Great Yarmouth Retail Study 2011 (GYRS) has subsequently been referred to by GYBC to help inform and guide plan-making and decision-taking pertaining to retail and town centre uses at the local authority level.

4.2 SP were commissioned to carry out an independent review and appraisal of the retail planning matters for the previous application and Carter Jones this current application. The author behind the reports is consistent in both cases. Carter Jones are also involved in the master planning of the town centre.

4.2 Since the 2011 study was published, however, there have been some significant changes to the baseline assumptions and forecasts that underpinned the quantitative need ('capacity') assessments for new retail (convenience and comparison) goods floorspace in the Borough and its main centres and the SP were further commissioned to refresh the retail capacity forecasts to inform the local plan process. A further refresh to support further representations on the retail section of the emerging Core Strategy following further comments from the Planning Inspectorate.

5.0 Consultations

5.1 Neighbours/ Advert – The application has been subject of one letter of support and 14 letters of objection including: the Town Centre Partnership, town centre businesses and individuals.. Savills have submitted an objection on behalf of the owners of the Market Gates Shopping Centre broadly agreeing with the Council's own retail consultant and the Town Centre Partnership. (Copies Attached)

5.2 The email supporting the application states that this is a good scheme which will provide much need employment. The future of the town centre should be full recreation and residential as the size of the units are no good for the business we wish to attract to Great Yarmouth.

5.3 The letters objecting to the application in summary include:

Development in this location will have severe negative impact upon the town centre which is suffering loss of traders:

This is not a genuine bulky goods scheme

A lot of the goods proposed to be sold in the town centre

Loss of Marks and Spencer to Gapton Hall has adversely impacted upon footfall in the town centre this will affect all businesses

It will not encourage new shops to open up Empty shops in the town centre should be utilised

The development is clearly aimed at town centre retailers- With many empty shops in the town there is little justification for more out of town retail space Should follow government Town Centre first policy

5.4 Town Centre Partnership – In summary – objects to the application. The reasons are similar to the refusal reasons for the previous application adverse impact upon the existing town centres and the Great Yarmouth Area Action Plan. There is great concern amongst our members that the proposed development will have a negative impact on an already fragile town centre that has seen foot fall decline significantly as a result of similar developments on Gapton Hall, Thamesfield Way and Tesco. The fact that this development is not restricted A1 strongly suggests that it is intended to attract a town centre retail offer that will be in competition to the existing town centre, and may result in some of the current national brands to re-located to this development

With 16% of town centre retail units currently vacant there seems little justification for additional out of town retail space and any new shops looking to come to Great Yarmouth should be encouraged to consider a town centre location to fill these empty units. The inclusion of 2 x A3/A5 units would also seem surplus to requirements particularly after the recent approval of similar units by the Council's Planning Committee alongside the Marstons Pub and Frankie and Benny restaurant development just a few hundred metres from the site of this proposal.

Within the Borough Council's local plan Core Strategy 7 'strengthening our town centres' does not in any way suggest or support the development of a retail park in this location. The strategy sets out an aspiration for future retail development to take place along the North Quay and The Conge to "to enable the centre to continue to complete with centre outside the Borough, out of town retailers and the internet"

CS7 also includes a reference from the Borough Councils Retail Study that any additional capacity for new 'non- food' space identified in the short to medium term "should be concentrated in the Great Yarmouth town centre". If this guidance is not adhered to then it is unlikely that these aspirations are to be realised if every time a development proposal outside of this aim is approved. The development is contrary to the national planning policy frame work in that it would have an significant adverse impact upon the town centre and independent traders. (full letter attached to report)

5.5 Representation by Savills on behalf of Ellandii LLP - owners of Market Gates Shopping Centre. Comprehensive Objections to the proposal and their summary and conclusions are reproduced below.

We are instructed by Ellandi LLP (Ellandi) to submit our comments in relation to the above mentioned planning applications by Pasteur Retail Park Ltd (PRP) (Application Ref: 06/15/0325/F) and EOP II Prop Co S.a.r.l. (EOP) (Application Ref: 06/15/0390). These applications are of significant interest to Ellandi, not least because of their notable implications for the health of Great Yarmouth Town Centre – the Borough’s Main Town Centre. The purpose of this letter is to outline Ellandi’s views as to the acceptability of each proposal having regard to the NPPF and supporting guidance and to weigh in the balance the case for each scheme having regard to relevant material considerations including that of the Borough’s emerging Core Strategy Local Plan (which is sufficiently advanced to be afforded great weight in the decision making process).

This assessment is informed by our in-depth understanding of the health of Great Yarmouth Town Centre and follows on going liaison with Great Yarmouth Borough Council and its partners regarding the steps that can be made towards securing a positive future for the Town Centre.

It also follows an ongoing objection by Ellandi in respect of Application Ref: 06/14/0109/F and a subsequent Appeal made by Pasteur Retail Park Ltd for the erection of seven retail units, restaurant and drive thru units with associated car parking at land owned by Pasta Foods.

The rationale for this objection is that we consider the creation of a brand new retail park in this location would have a significant adverse impact on Great Yarmouth Town Centre. Moreover, the proposal conflicts with a number of relevant policies contained within the adopted Development Plan as well as relevant policies of the emerging Local Plan.

To summarise, and in respect of these latest applications for out of centre development, this letter concludes:

That combined, the two application proposals would far exceed the floorspace proposed under refused Application Ref: 06/14/0109/F (with similar goods restrictions conditions proposed). There have been no material changes in circumstances which would favour these applications since the consideration and refusal of Application Ref: 06/14/0109/F and which would warrant reconsideration of this decision (including the health of Great Yarmouth Town Centre which has in fact declined since November 2014).

In order to ensure consistency in decision making, it follows that GYBC would find the cumulative impacts of this amount of floorspace to be significantly adverse in line with its original decision in connection with Application Ref: 06/14/0109/F. Instead, a decision must be made as to whether it would be appropriate to allow just one of these schemes to come forward, taking into account the NPPF criteria for decision-making at Paragraph 14 which includes reference to the role of material considerations in weighing up the acceptability of a proposal.

PRP asserts that tenants have been secured for all but one of the units with Dunelm having committed to Unit 1 and Anglia Home Furnishings committed to Unit 3. The two drive thru units are to be occupied by Costa and Burger King.

In contrast to the proposal by EOP, the site to which this application relates is not currently in a retail use – in fact it is identified as an Existing Employment Site in the existing and emerging Local Plan which we address in more detail below.

Before an analysis of the two proposals is undertaken, it is necessary to outline the Development Plan position, against which both proposals will need to be assessed. This is important because in both cases, both applicants have applied very little weight to the emerging Core Strategy Local Plan in the consideration of their respective proposals – an approach which is incorrect for the reasons we set out below and in any event it is for the Council to determine what weight is to be applied to the emerging Local Plan as set out below.

It is also notable that the site of the second retail terrace under Application Ref: 06/14/0109/F has simply been removed from this application proposal with the layout of the site remaining as previously proposed but also including what looks to be service access to the area previously identified for the second retail terrace. It is apparent from this layout that the Applicant has every intention of bringing forward additional development here, once the principle of retail use in this location is established (Full letter forms part of the background papers)..

5.6 Highways Agency – No Objection subject travel plan and restriction on sale of goods Holding direction initially until 30 September now with drawn A comprehensive travel plan should be developed and agreed with Norfolk County Council.

5.6 Norfolk County Highways – The application is similar to Application Number 06/14/0109/F, however the quantum of development is less and the layout of the car parking has been modified accordingly.

According to Drawing No 12-174-P002 Rev G of the Design and Access Statement, the development will be accessed via a roundabout, however the Transport Statement makes reference to a signalised junction. The Highway Authority wishes to see the development accessed via a roundabout as was agreed for the first application and as is shown in the Design and Access Statement.

Provided a roundabout is the form of junction providing the access, the Highway Authority has no objection subject to conditions. (see attached conditions)

5.7 Norfolk Fire and Rescue Service – ‘A fire hydrant is required on site (at the applicants expense) details of the location to be agreed before the commencement of development and a condition is required on any pp to cover this.’

5.8 Environment Agency – Essentially our comments and request for condition remain as described in our letters of 8 April and 6 June 2014 and we request that you accept this letter as the same .Norfolk County Council as Lead Flood Authority have been copied on in this response. We consider that planning permission should only be granted to the proposed development if the following planning conditions are imposed as set out below. The EA have requested 10 conditions relating to surface

water management, flood management and the need to ensure that flood risk is not increased elsewhere and the need to get the prior approval of the internal drainage board to discharge surface water into the surrounding water courses. The reason given is to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water.

5.9 Anglian Water –No objections. The sewage system at present has available capacity for these flows. If the developer wishes to connect to our sewage network they should serve notice under section 106 of the Water Industry act 1991. We will then advise them of the most suitable point of connection.

5.10 Essex and Suffolk Water- We would advise you that our existing apparatus does not appear to be affected by the proposed development. We give consent to this development on the condition that water mains are laid in the highway to the development, and that the water service is connected with a meter for revenue purposes.

5.11 Inland Drainage Board – we refer to this application which falls within this Board's drainage district. As the surface water drainage from the proposed development will flow into the Board's drainage system Board consent will be required in the event that the application is granted.

5.12 Natural England – This proposal does not appear to affect any statutory protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal an EIA development

5.13 Environmental Health – I would not have any opposition to the development proposed, however, I would make the following comments

Contaminated Land - The contaminated land report was a phase 1 only and this identified that further intrusive investigation is required to establish levels of ground gas, metals and hydrocarbons. Ground gas and the other substances highlighted were found during a site investigation on the plot of land next door where Marston's have applied for planning permission. In addition asbestos (Crysotile) was positively identified during sampling at the Marston's site. As the land in this application was earmarked for allotments it would be within the realms of possibility that asbestos will be present and should be investigated.

I would therefore recommend a condition that prior to any construction on site a phase 2 report detailing an intrusive site investigation is to be submitted to the Planning Authority for approval. The report should be accompanied by a validated remediation strategy to demonstrate what remediation

Noise – Fixed Plant

The report with the application identifies residential properties along Anson Road and Tamworth Lane as the nearest; however, there are residents equidistant in Coronation Green and High Mill Road in Cobholm. Background noise levels are to

give rise to audible noise at the boundary of the nearest residences shall be carried out only between the following hours:

Monday to Friday 08:00 to 18:00 hours

Saturday 09:00 to 13:00 hours

With no such activities being carried out on Sundays and Public Holidays

All plant and machinery in use shall be silenced and maintained in accordance with the manufacturers' and/or suppliers' instructions or recommendations. All hand-held pneumatic machinery, including breakers and chisels, shall be of an integrally silenced design.

In order to minimise dust on the neighbouring residential properties a scheme should be submitted to the planning authority detailing how emissions of dust from the demolition and construction activities on site will be minimised. The air quality assessment that has accompanied the application identifies good practice measures and should be used as a basis for the scheme.

Food Hygiene - The applicants are more than likely aware that some of the units will need to be registered with Environmental Health as a food premises. Despite this it is strongly recommended Environmental Health is consulted by the applicants prior to construction to discuss the layout of the kitchen and the amount and type of ventilation proposed.

5.14 Norfolk Constabulary– The site is in an area that Crime records show a considerable number of local crimes within the retail arena. The D& A statement makes little direct reference to Crime Prevention measures. Detailed comments on Boundary treatment, Access Control and Permeability, Landscaping, Lighting Parkings Bays and Cycle Storage. (full comments attached).

5.15 Building Control – No comments that affect planning.

5.16 Archaeology – Following comment from the County landscape Archaeological unit that the application lacked a Heritage Assessment the applicants commissioned a Heritage Assessment. The conclusions of which have been agreed with by the Unit on the basis of the information submitted. The conclusion being that the potential to yield further, as yet undiscovered archaeological evidence has not been demonstrated by the desk based study.

It has been demonstrated that there is at best low potential to yield lithic material of prehistoric date and there is no potential for archaeologically of national significance which would preclude development. In this respect archaeology is unlikely to compromise the principle of development.

The proposed development site is to the west of the location of the medieval chapels associated with South Town and West Town, consequently there is no potential to recover evidence of medieval date.

The pattern of evidence held by the HER, which is dominated by remains from the Second World War also indicates that the remains from that period are located

beyond the boundaries of the proposed development site and that no further assessment is necessary.

6. Planning Policy Context

6.1 National Planning Policy

6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.3 National planning policy in the National Planning Policy Framework (NPPF) states in paragraph 22 'Planning policies should avoid the long term protection of sites allocated for employment uses where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'

6.4 The NPPF recognises the need to ensure the vitality of town centres. In paragraph 23 it states: 'Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- Recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- Promote competitive town centres that provide customer choice and a diverse retail offer which reflect the individuality of town centres; and
- Allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre.'

6.5 Para 24 states: 'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.'

6.6 Para 26 states: 'When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date

Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and,
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.'

6.7 Para 27: Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

7. Local Planning Policy Context

7.1 The Great Yarmouth Borough Wide Local Plan 2001 includes saved policies which were given full weight for a protected period for 12 months following publication of NPPF in March 2012. However from March 2013 existing policies and the amount of weight that can be given to the saved policies is dependent on their degree of consistency with the NPPF.

7.2 The most up to date and relevant local plan policies to be considered here and are contained in the Great Yarmouth Borough Wide Local Plan 2001 and the emerging Core Strategy (May 2015)

7.3 Of the saved policies set the most relevant to this application are set out below
Saved Great Yarmouth Borough-Wide Local Plan Policies (2001):

EMP7: Light industry, offices, general industry, warehousing or open storage and associated uses will be permitted on 9.8 hectares of land at Harfreys Farm and Gapton Hall Industrial Estate as shown on the proposals map.

EMP10: Subject to the development having no significant detrimental effect on neighbouring uses, mixed uses mainly comprising general industrial, light industrial and warehousing development but with a content of retail and leisure uses not exceeding 20% of the built development will be permitted on 8.8 hectares of land bounded by Pasteur Road, the bypass, Marsh Road, Coronation Green and High Mill Road as shown on the proposals map.

NNV9: Within identified landscape enhancement areas, the Borough Council will promote, seek and secure improvements to the landscape through restoration and enhancement measures including the creation of wildlife habitats

BNV14: As a consequence of new development, including implementation of relevant proposals within the land reclamation strategy, the Council will secure improvements to the appearance of the main vehicular and pedestrian gateways to the town.

7.4 Core Policy CS7 – Strengthening our centres

b) Seek to allocate in accordance with the retail hierarchy and the sequential approach between 2,152,sqm (net) and 4,305sqm (net) of new ‘food’ shopping floorspace, and up to 8,865 sqm (net) of new ‘non-food’ shopping floorspace, in identified opportunity sites in the borough, up to 2031 in accordance with the retail hierarchy and sequential approach

c) Promote the extension of Great Yarmouth’s centre to include The Conge and parts of North Quay as a mixed-use development scheme through Policy CS17 and the Great Yarmouth Waterfront Area Supplementary Planning Document

f) Ensure that all proposals for town centre uses outside of defined centres demonstrate that there are no sequentially preferable sites available and that the proposal can be accessed by sustainable transport. Proposals over 200sqm (net) will also be required to submit a Retail Impact Assessment demonstrating that there will be no significant adverse impact on existing designated centres, including those beyond the borough boundary such as Lowestoft.

Core 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 which is attractive to investors and visitors as well as new and existing residents. To help realise this vision, the Council is preparing the Great Yarmouth Waterfront Area Action Plan (AAP) which seeks to [inter alia]:

b) Identify appropriate development sites within the Waterfront area for approximately:

- 14,200m² of retail and leisure floorspace, promoting the mixed-use regeneration of disused and other under-used sites (of which at least 5,050m² is anticipated to be delivered within the plan period)

Other supporting studies

Great Yarmouth Retail Study (2011, Strategic Perspectives)

7.5 The Great Yarmouth Retail Study was undertaken in 2011 as an update to the Great Yarmouth Borough Council and Waveney District Council Retail and Leisure Study (2006). The update specifically focussed on the Great Yarmouth Borough area. The Study provided advice on the appropriate scale and type of new retail (convenience and comparison goods) that can be reasonably accommodated in the Borough and its main centres over the development plan period to 2028.

7.6 In terms of comparison goods (which form the bulk of this planning application) the Study identified the potential capacity for new comparison goods floorspace in 2016 as 4,459 sqm. This capacity increases to 19,110 sqm by 2026 and 27,672 sqm by 2031.

7.7 In detail, the Study highlights the need to improve and consolidate comparison (and convenience) goods floor space in Great Yarmouth in line with its role as an important Town Centre, furthermore the Study recommends that the Council should carefully consider future planning applications in accordance with national, regional and local planning policy, balancing the potential for town centre and edge of centre sites to accommodate all or some of the forecast capacity in compliance with the sequential approach as well as the likely cumulative impact of new development on the overall vitality and viability of the town centre.

7.8 In the short to medium term the Study considers that in Great Yarmouth, The Conge and North Quay present the most appropriate location for new mixed uses including retail and commercial leisure uses.

7.9 Retail Planning Appraisal of Proposed Retail Development at Pasteur Rd, Great Yarmouth (2014, Strategic Perspectives)

7.10 An independent review and appraisal of the retail matters pertaining to the planning application was undertaken by Strategic Perspectives, retail planning consultants working on behalf of the Borough Council. The purpose of the review was to investigate the approach undertaken by Deloitte (acting as planning consultant to the planning application) in terms of the sequential and impact assessment of the site.

7.11 The Retail Planning Appraisal (RPA) undertook a 'capacity refresh' of the 2011 Retail Study to take in to account productivity growth rates and the rise in internet shopping. As a result, the refresh significantly altered the expected capacity for new comparison goods floorspace from negative 660 sqm in 2019, 4,663 sqm in 2026 and 8,865 sqm in 2031.

7.12 Further updated evidence undertaken by Carter Jonas (27 July 2015) shows that there is still no forecast capacity for new comparison goods retail floorspace until 2021 and that the forecast capacity up to 2031 is 10,814 sq m net, which is only slightly higher than previously forecast in 2014 (8,742 sq m net).

7.13 The Great Yarmouth Employment Land Review was published as a selective review of the Employment Land Study (Bone Wells, 2006) and the Lowestoft and Great Yarmouth Area Action Plans – Employment Land Evidence Base Report (DTZ, 2009). The study was undertaken to provide an up to date evidence base to guide the safeguarding and allocation of employment land in the new Local Plan up to 2029.

7.14 The Pasta Foods site was not identified as being part of an employment allocation in the 2001 Borough-Wide Local Plan, but was in existing employment use

and the 2012 Study recommends it should be allocated as employment land in the forthcoming Site Allocations Local Plan (SALP).

8.0 Strategic Planning Response

8.1 The site is partly allocated as employment land in the 2001 Borough-Wide Local Plan (2001) whilst the remainder of the site is in general employment/storage uses. The Employment Land Review (2012) identifies the area as being suitable, viable and deliverable for employment use. Paragraph 6.1.8 of the Study states that there are issues with constrained land largely due to poor ground conditions. These sites may become viable when the economy recovers, however it is likely that the most significantly constrained sites will require intervention. It should be noted however that whilst development costs and low returns will discourage speculative developers, companies with specific locational requirements such as those with port related businesses, such constraints may not be insurmountable especially in the long term.

8.2 Since the publication of the Employment Land Review in 2012, the current intentions to develop the site have changed by virtue of the planning application and as such the proposal would not be considered as currently available for employment use. The NPPF advises against the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Equally emerging Core Policy CS6 allows for alternative uses where it can be demonstrated that there is a sufficient range of suitable and available sites in the borough and that there is a satisfactory relationship between the proposed use and pre-existing neighbouring uses.

8.3 The Employment Land Review (2012) has demonstrated that there are sufficient alternative sites within the borough to accommodate the likely employment need in the plan period, and equally the site is located within a quasi-employment and retail led area therefore the proposed use would be potentially appropriate for retail-led development.

8.4 Whilst the proposal is partly within employment use, it has been demonstrated that retail-led development on this site would not have an adverse impact upon the borough's capacity to bring forward sufficient employment land, and would be an appropriate alternative use.

8. Appraisal

8.1 This application has raised a number of issues not in the least that it has demonstrated the changing dynamics of retail development. The independent reports and appraisal from Strategic Perspectives and Carter Jonas and subsequent refresh of the retail data show that there is no longer the capacity for retail development that the 2011 Retail Study identified.

8.2 The Great Yarmouth town centre in particular is increasing fragile and there is no doubt that on the evidence here that a open A1 retail development would continue to

undermine the town centre by continuing the shift of expenditure and footfall away from the town centre.

8.3 This report on the retail aspects of this application is based on advice received on the application(s) from Carter Jonas in terms of the application proposal, planning context, sequential site appraisal and impact upon Great Yarmouth and Gorleston Town centres and retail impact appraisal.

8.4 Members will be aware that there is a planning application to subdivide the B& Q building on Thamesfield Way and the representation from Savills on behalf of Ellandi owners of market gates makes ref to this both individually and cumulatively. The application is not on this agenda for reasons that will become apparent in the context of the advice received from Carter Jonas.

8.5 The Council commissioned Carter Jonas to undertake an independent appraisal the applications both individually and cumulatively. Essentially there are three retail consultants involved in the applications this application the agents are Indigo Planning and the B&Q site is Quod and the third is Savills commissioned by the owners of Market Gates

8.6 Savills have made considerable representation to the proposals and their representation has been taken into account by Carter Jonas in the advice given. In considering the advice Members will need also to consider the wider implications and economic benefits or otherwise of the proposal along with other material considerations identified and the weight to be accorded to those material considerations.

8.7 The retail data has also been refreshed using the most recently available index in July 2015 and undertaken by Carter Jonas

8.8 In considering the Pasteur Road application Carter Jonas have made a clear distinction between the current and previous application which is a smaller development and for the most part has named retailers and therefore cannot be seen to be a speculative development as the previous application and trading patterns are known.

8.9 Concern has been raised by a number of parties that Dunelm are not a traditional 'bulky goods' retailer despite the ascertain by the applicants agent Indigo that the range of goods sold will be "focussed on large furniture items such as beds, bedroom furniture, dining tables and sofas" They also suggest "Dunelm sell a complementary range of smaller homewares, such as bed linen and cushions but principally, the range sold by both is typically of a bulky nature".

8.10 Consistent with this view Indigo propose that the A1 retail units be subject to a condition that would limit the range of goods to be sold but which goes far beyond a normal 'bulky goods' condition. The suggested condition is as follows:

'The premises hereby permitted shall only be used for the sale of bulky comparison goods consisting of building and DIY products, pets and pet supplies, furniture, carpets, floor coverings, household furnishings, homewares, electrical goods, vehicle

accessories and parts, office supplies, hobbies/crafts, sports goods and kitchens/bathrooms and any other goods which are ancillary and related to the main goods permitted. The premises shall not be used for the sale of food or any goods not included in the first part of this condition and shall not be used for any other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior consent of the Local Planning Authority.'

8.11 However, the Council is advised this suggested condition is not consistent with the Carter Jonas' our understanding of Dunelm's primary retail offer, nor with the description provided by the Company in their latest Annual Report. There they describe themselves as a "specialist homewares retailer" with their two main competitors being John Lewis and Argos (Annual Report 2014, page 2). Further they go on to indicate that their

"....superstore format provides an average of 30,000 sq ft of selling space with over 20,000 products across a broad spectrum of categories, extending from the Group's home textiles heritage (bedding, curtains, cushions, quilts and pillows) to a complete homewares offer including kitchenware and dining, lighting, wall art, furniture and rugs." (Annual Report, page 5)

8.12 This supports our own view that Dunelm is not a traditional 'bulky' goods retailer, but rather a retailer that seeks to offer an extensive range of goods that have traditionally been sold from town centre locations by both specialist retailers and department stores. As such, although they may require a unit of a size and format not often found in town centre locations, the goods sold cannot in the majority of instances be considered to be 'bulky' and will compete 'like-against-like' with the town centres.

8.13 In terms of turnover of the proposed development the Carter Jonas consider that the turnover estimates suggested by Indigo are likely to be an underestimate. This certainly appears to be the case for Dunelm, where the Indigo sales density figures of £2,000 and £1,000 per sq m are considerably less than the £2,522 figure used by Deloitte in the Planning and Retail Assessment for the 2014 application (see SP Review & Appraisal, Table 2.2).

8.14 Review of the latest financial reports by Carter Jonas suggests an average turnover per store of around £5.33m for Dunelm (turnover of £730.2m from 137 stores – Annual Report 2014). Applying the £2,000 per sq m sales density to the whole of the net floorspace proposed equates to a turnover of £5.57m and is considered this is a better estimate of the likely sales from Unit 1.

8.15 The turnovers forecast for the other two units are also low, reflecting that sales densities used. As set out in the RPR&A in 2014 a sales density of £4,000 per sq m was considered appropriate for the unrestricted A1 use originally being proposed

8.16 Given that some restrictions on use are now proposed and an occupier is named for one of the units, a lower figure may now be appropriate. On this basis the turnover of units 2 and 3 respectively would be £4.96m and £3.70m respectively,

giving a total turnover for the proposal of £14.43m, some £5.86m higher than Indigo suggest

8.17 As stated previously, all planning applications should be determined against the development plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, unless material considerations indicate otherwise.

8.18 The local retail planning policy context has been set out above. It is also informed by the reasons for refusal of the 2014 application.

8.19 National Planning Policy Framework (NPPF) referred to above is an important material consideration in this case. At its heart is the presumption in favour of sustainable development, which is seen as “a golden thread running through both plan-making and decision-taking” (paragraph 14).

8.20 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 the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted (for example those policies designated as Sites of Special Scientific Interest; land designated as Green Belt; designated heritage assets; etc.).

8.21 With regards to decision-taking, the NPPF directs local planning authorities (LPAs) to “...approach decision-taking in a positive way to foster the delivery of sustainable development” (paragraph 186) and to “...look for solutions rather than problems” (paragraph 187). In order to deliver sustainable development, the NPPF sets out thirteen core tenets to inform both plan-making and decision-taking, including ‘ensuring the vitality of town centres’.

8.22 In summary, the primary objective of national and local plan policies is to maintain and enhance the overall vitality and viability of existing centres, principally through new sustainable investment and development. Proposals for retail and main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan, as is the case with the current applications, will therefore need to satisfy both the sequential and impact tests set out in the NPPF.

8.23 In their previous advice to the Council on the application for a larger retail park at Pasteur Road, Strategic Perspectives found that there were no suitable sequentially preferable alternative locations currently available, based on the evidence reviewed and taking into account the policy, guidance and advice set out in the NPPF and NPPG, along with recent Supreme and High Court judgments and relevant appeal/called-in decisions.

8.24 Based on the evidence presented, and previous discussions, Carter Jonas agree with the conclusion that there are no sites in the town centre that are currently available, or likely to be available within a reasonable period of time to accommodate the scheme as a whole. It follows that there are also no sequentially preferable sites

either in or on the edge of the town centre that can accommodate the application proposals, even assuming some flexibility in terms of format and scale.

8.25 Turning to the impact of the proposals upon the Great Yarmouth and Gorleston it is clear there are a number of considerations that are directly relevant to the current appraisal, and which are likely to be key to the determination of the two applications. These relate to the existing health of the centres; and the forecast trade draw from them.

8.26 In terms of the expected trade draw, it is an accepted principle that '*like competes with like*' (NPPG, paragraph 016); meaning a new store will draw the majority of its trade from the most similar existing outlets in an area. On this basis it would be expected that a bulky goods retail outlet would draw most of its trade from similar stores in an area, which in turn would normally mean competing with primarily out-of-town stores.

8.27 This is the case that in this application and indeed on the Thamefield Way site Carter Jonas make the point however that it is , it is important to distinguish between a proposal for a 'bulky goods retail warehouse' and a large footprint retail unit. As the range of goods permitted to be sold at existing and proposed out-of-town retail units expands, the offer in these locations is becoming less discrete from that found in town centres. This in turn means the potential trade draw from the town centre retail offer increases, with a consequential uplift in impacts.

8.28 This is a key consideration in the case of the current applications. Although both applicant's are seeking to control the types of goods that can be sold from the units and despite the reference to 'bulky goods', both applicants are seeking to sell a wider range of products. It is therefore important that, in determining the applications, the degree of potential overlap with the town centre offer is considered.

8.29 To this end a more detailed assessment of the potential overlap of offer between the current proposals, based on the suggested conditions set out by the applicants and offer provided by the named operators in the Indigo scheme, namely Dunelm and AHF. The assessment shows that there is significant potential for overlap with the town centre offer . The most recent GYBC Floorspace Survey suggests that a number of businesses could be in direct competition with occupiers of either or both of the out-of-town proposals.

8.30 When considering the potential impact of any additional out-of-centre development on the town centre, the starting point must be an understanding of the current health of the centre and its likely level of turnover and as previously stated this is mainly applicable to Great Yarmouth and Gorleston Town centres.

8.31 Both in this application and Thamefield Way application the agents conclude d conclude that Great Yarmouth is performing relatively well (Quod, para 6.33), and remains a healthy and viable centre (Indigo, para 4.28). The view of Carter Jonas is the health of the town more cautious basically echoing the concerns raised by the Council previously and that of objectors to the proposal through it is acknowledged there are some more positive signs recently most notably the investment by Ellandi

in the Market Gate Shopping Centre and the letting of the long-term vacant Co-op unit to Edinburgh Woollen Mill, Peacocks and Ponden Mill.

8.32 However Ellandi has clearly set out its concerns with regard to the health and performance of their shopping centre asset, and the wider town centre in their representations to the Council. Furthermore, current vacancy rates are still high as evidenced by the most recent Council survey, which suggests around 18% of all units in the town centre are vacant; a figure significantly above the Experian Goad national average.

8.33 In addition a number of national multiples and key attractors have closed their stores in the town centre recently, and moved to out-of-centre locations; including Marks & Spencer and Hughes Electrical. Other stores have closed as a result of company failures or have moved out of Great Yarmouth altogether. This suggests a lack of confidence in Great Yarmouth town centre. This is illustrated by the significant closure of Marks & Spencer in the town centre earlier this year, and the opening of a new store at Gapton Hall Retail Park. This is likely to have resulted in a reduction in the attractiveness and market share of the town centre, with shoppers wishing to visit these retailers having to go elsewhere, or use online shopping facility.

8.34 In the case of Gorleston town centre, the views of the applicants is again similar but limited in their consideration of the centre's health, given the relatively small impacts they forecast and the greater impact that the proposed Beacons Park development will have if it proceeds. There is no doubt that Gorleston provides a complementary offer to Great Yarmouth, but is of a more limited scale, role and function, with a greater reliance on convenience shopping.

8.35 The most recent analysis of shopping patterns in the Great Yarmouth area was undertaken as part of the 2011 Great Yarmouth Retail Study (GYRS) prepared by Strategic Perspectives. This study also examined the health of the Borough's main centres and advised on the capacity for future convenience and comparison floorspace.

8.36 as mentioned the retail capacity forecasts provided in this report were subsequently updated by SP in a 2014 Retail Capacity Refresh (GYRCR 2014), and then again by CJ in 2015 (GYRCR 2015) following representations submitted by Indigo to the proposed modifications to the Great Yarmouth Core Strategy.

8.37 The GYRCR 2015 therefore represents the most up-to-date forecast of future convenience and comparison needs and centre turnovers within the Borough, based on 2011 shopping patterns

8.38 In terms of convenience sales, the majority of retail provision is currently located in out-of-centre locations (see GYRCR 2015, Appendix 3, Table 11). Convenience sales in Great Yarmouth town centre are likely to be in the region of £35m in 2019, increasing the centre turnover to around £212.2m, whilst Gorleston's convenience sales of around £26.8m would increase total sales to £45.5m, assuming no change in retail provision. In practice however, the current turnover of Great Yarmouth town centre may be lower than this analysis suggests given the

number of key retailers who have left the town centre since the 2011 survey was undertaken, including Marks & Spencer.

8.39 On this basis of both the quantitative and qualitative analysis outlined above, Carter Jonas consider that Great Yarmouth town centre is vulnerable to competition from other competing centres and out-of-centre locations, the growth in internet shopping, and the long term effects of the economic recession on investor, business and consumer confidence. Vacancies in the town centre remain high; it has lost a number of key retailers over recent years (most recently, and most significantly, Marks & Spencer); there are a number of retailers on short term leases; and a number of retailers will be vulnerable to further loss of trade.

8.40 It is against this background that Carter Jonas have considered the likely trade draw to the application proposals from the Borough's main town centres, and the likely impact of the forecast trade diversion and impact on their overall vitality and viability and investor confidence.

8.41 Carter Jonas have advised on the 'Solus impact' of the development and considers that not only will the Retail Park proposal have a greater turnover than Indigo suggest, but that there is greater potential for trade draw from the centre, given the range of goods for which permission is sought, and which we know Dunelm and AHF would be expected to sell and represent solus' trade diversion of between £3.61 and £4.3m, from the town centre, which would be equivalent to an impact of between 2.0% to 2.4% and forecast that the equivalent impact on Gorleston would be around £0.4m or 2% of comparison sales and 1% overall.

8.42 Given the current health of Great Yarmouth town centre any trade diversion and impact is a cause for concern; as it could affect the vitality and viability of the centre, in the form of trade diversion from existing businesses who are already facing difficult trading conditions.

8.43 There is also the potential for an existing retailer in the town centre to relocate to the proposed Unit 2, which would further impact on the town centre, potentially reducing footfall and increasing vacancies. As set out in the representations made by Savills on behalf of Ellandi, there is also a risk to investor confidence in the centre. Any loss of trade or occupiers could therefore be a concern and the benefits of recent and committed investment may simply offset the new losses to the out-of-town retail park.

8.44 The cumulative effect of allowing both the B&Q and Pasteur Road applications proceeding is not considered by either applicant, as neither is a commitment at the present time. However, this is clearly an important consideration for GYBC when determining whether to allow one or both of the applications. Given the current health of the town centre and the consideration by Carter Jonas that this Pasteur Road application is likely to result in a trade diversion of -2%-2.5% and considered to be adverse it is unlikely to it would be considered significantly adverse however, with both schemes this increases.

8.45 With the Pasteur Road application the Carter Jonas are able to assess the likely impact of the development on the evidence of the information with the B&Q application this currently unclear and requires further dialogue with the applicants. .

8.46 In conclusion having considered the impact of both the proposals on Great Yarmouth town centre and Gorleston Carter Jonas advises that it is clear that both proposals will impact on Great Yarmouth and, to a lesser extent, Gorleston town centres, with some trade diversion inevitable and an impact on town centre vitality and viability and investor confidence.

8.47 However, Carter Jonas also considered that the type of space sought by retailers such as Dunelm and AHF is not currently available in the town centre. Furthermore, the refusal of the current Pasteur Road application is highly unlikely to lead to these named retailers taking space in the town centre instead.

8.48 On this basis, and in the context of a planning system that seeks to encourage sustainable economic development and encourages local planning authorities to work with applicants to achieve development, Carter Jonas have sought to consider whether there are any measures that the Council could take that would allow approval of the applications without significantly harming the town centres.

8.49 With respect to the Pasteur Road (Indigo) application, it is considered that the occupation of two of the three A1 units by retailers new to the town reduces the potential impact on the town centre, as it reduces the risks of existing retailers relocating. Further, the degree of overlap in offer between the prospective tenants and existing town centre occupiers can and has been considered and could in our judgement be controlled by condition.

8.50 The remaining unit does not have an end user at the moment and therefore could be taken by an existing town centre business, or one that would otherwise have taken a unit there. In our judgement this risk is reduced considerably if the occupier is a bulky goods retailer.

8.51 On balance, therefore, Carter Jonas consider that the principle of retail development at the proposed Retail Park at Pasteur Road is acceptable, but advise the Council that they will need to take action to ensure the impact on the town centre is kept to an acceptable level.

8.52 It is considered that this can be achieved by the imposition of suitably worded conditions which restrict the range of goods that can be sold from the out-of-town location and other aspects of the development, namely:

The maximum gross and net floorspace proposed to that set out in the PRS;

The further sub-division of any of the units to reduce the risk of attracting town centre occupiers and Conditions be applied to the individual units proposed rather than the scheme overall.

Carter Jonas considers the preferred goods condition for our judgement the preferred goods conditions for the Pasteur Retail Park (Indigo) application should be as follows:

1. Notwithstanding the provisions of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 or any amending Order, Unit 1 shall only be used as a retail unit for the sale of non-food goods comprising fabric, furniture, soft and hard furnishings, floor coverings, household goods, homewares, domestic appliances and decorative products
2. Notwithstanding the provisions of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 or any amending Order, Units 2 and 3 shall only be used as a retail unit for the sale of non-food bulky goods comprising building and DIY products, garden products and plants, kitchens and bathrooms, furniture, carpets and floor coverings, motor vehicle accessories and parts, bulky electrical goods and boating equipment (excluding boats)

8.53 Carter Jonas consider that our suggested conditions are reasonable and justified in this case to help mitigate any significant adverse impacts on the Borough's existing centres that will arise from allowing an increase in the amount and range of comparison goods to be sold from an out of centre location.

8.54 in terms of the design of the building, traffic impact and impact upon infrastructure the applicants have demonstrated that the building in this location in terms of the physical presence can be accommodated and makes use of a brownfield site subject to the conditions outlined in the report. It has been demonstrated that retail-led development on this site would not have an adverse impact upon the borough's capacity to bring forward sufficient employment land, and would be an appropriate alternative use.

8.55 It is for members to consider the competing material considerations in this application and the social economic benefits associated with the proposal against the impact upon the town centre.

9. Recommendation

9.1 On balance the application is recommended for approval in accordance with the controlling conditions on the goods to be sold as suggested by Carter Jonas and subject to conditions requested by the Highway Authority, Environment Agency regarding drainage and others outlined in the report

9.2 Members should be aware that should the application be approved under the Town and Country Planning (Consultation) (England) Direction 2009, because of the size and location of the proposal it will need to be referred to the Secretary of State prior to any decision being issued.

Background Papers : Planning File 06/15/0325/F

Our ref: BS/CG

27th July 2015

FAO Mr Minns, Group Manager (Planning)
Great Yarmouth Borough Council
Planning Services
Development Control
Town Hall, Hall Plain
Great Yarmouth
Norfolk
NR30 2QF

Dear Mr Minns

RE: Planning Application No: 06/15/0325/F
Proposed Pasteur Retail Park

You may remember that I wrote to you with a strong objection to the previous scheme and as far as I can see, the arguments on which it was refused planning, are the same for this latest smaller scheme.

Great Yarmouth town centre is in a very delicate state. In fact things have deteriorated since last November as Marks & Spencer left the town centre in January. Customer perception has been severely dented and footfall has reduced.

The Borough Council have committed £1m to regenerate the town centre and there are some signs of future recovery with some new retail businesses due to open. It is very important that this very fragile recovery is not de-railed.

In my view, any extra out-of-town shopping will harm the town centre at this time. However, I think this particular scheme will be especially damaging because it has as its anchor a 'category killer' homewares retailer. We, at Palmers, know the effect this particular retailer has, as we have experienced it in other locations. Although we would welcome any competition in the town centre, a store such as this in an out-of-town location would threaten the future of Palmers Department Store, which has traded in the town centre for over 178 years.

I would welcome the opportunity to express these views in person at the Planning Committee meeting that considers this application.

Yours sincerely

Franklin D. Roosevelt

Bruce Sturrock

100% FLAME
RETARDANT

JOHN ST. LINDHOLM
July 2007 - Present

LOWE'S FOOT
1940-1941

Internet Consultees

Application Reference 06/15/0325/F

Attachments

Invalid Consultee Comment? ☐

Copy to existing Consultee? ☐

Name Mr M J Huke

Address Yarmouth Pet Stores

59/60, Victoria Arcade

Great Yarmouth

Post Code NR30 2NU

Telephone 01493 211111

Email Address m.j.huke@yarmouth.gov.uk

For or Against OBJ Object

Speak at Committee ☐

Subject Opposition to proposed planning application 06/15/0325/F

I strongly oppose these plans for further out of town retail development as they are a thinly disguised reapplication of 06/14/0109/F which will have the same impact.

This location will have a severe negative impact on the town centre which is suffering continued loss of traders with no significant uptake only pop up shops for the summer season.

Some of the current closures of retail outlets are due to the ever increasing on line sales pressure which is set to

Date Entered 28-07-2015

Internet Reference OWPC442

Internet Consultees

Application Reference 06/15/0325/F

Attachments

Invalid Consultee Comment? ☐

Copy to existing Consultee? ☐

Name Mr M J Huke

Address Yarmouth Pet Stores

59/60, Victoria Arcade

Great Yarmouth

Post Code NR30 2NU

Telephone

Email Address

For or Against OBJ Object

Speak at Committee

continue resulting in lower demand for high street shops. It is therefore critical we do not encourage further out of town development.

With reference to THE REVISED PROPOSALS

2.5 Officers can ----

This paragraph is totally misleading in that it is not as stated a genuine bulky goods scheme. The items that should not be included are DIY goods, pets and pet supplies, household furnishings, homewares, electrical goods, vehicle accessories and parts, office supplies, hobbies/crafts, sports goods, all of which can be sold from any town centre

Date Entered 28-07-2015

Internet Reference OWPC442

Internet Consultees	
Application Reference	06/15/0325/F
Attachments	
Invalid Consultee Comment?	<input type="checkbox"/>
Copy to existing Consultee? <input type="checkbox"/>	
Name	R Silver
Address	Cobholm Miniatures
	14 Broad Row
	Great Yarmouth
Post Code	NR301HT
Telephone	
Email Address	
For or Against	OBJ Object
Speak at Committee	<input type="checkbox"/>
<p>I object to this application as more out of town development will and is affecting the town center</p> <p>As a town center retailer myself I am noticing that less and less people are coming into Great Yarmouth not only for shopping but also tourism. There are lots of empty retail units in the town center need filling, we do not need more units- housing and industry yes not retail - on the outskirts of the town competing with retailers in the town.</p> <p>Also the road system in that area is most of the time at a grid lock and this also stops visitors to the town so if there</p>	
Date Entered	29-07-2015
Internet Reference	OWPC443

From: TRADITIONAL WAIFS
29 30, VICTORIA AVENUE
GT. YARMOUTH.
NR30 2NU

To: Planning Services
Development Control
GYBC

28/07/2015

Subject: Opposition to proposed planning application 06/15/0325/F

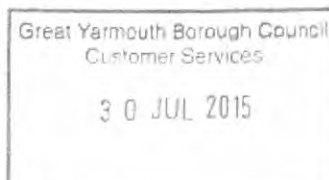
I strongly oppose these plans for further out of town retail development as they are a thinly disguised reapplication of 06/14/0109/F which will have the same impact. This location will have a severe negative impact on the town centre which is suffering continued loss of traders with no significant uptake only pop up shops for the summer season. Some of the current closures of retail outlets are due to the ever increasing on line sales pressure which is set to continue resulting in lower demand for high street shops. It is therefore critical we do not encourage further out of town development. With reference to THE REVISED PROPOSALS

2.5 Officers can ---

This paragraph is totally misleading in that it is not as stated a genuine bulky goods scheme. The items that should not be included are DIY goods, pets and pet supplies, household furnishings, homewares, electrical goods, vehicle accessories and parts, office supplies, hobbies/crafts, sports goods, all of which can be sold from any town centre. All the reasons for the previous scheme (06/14/0109/F) being refused are valid for this one, refusal should be endorsed.

Yours faithfully

MARK SUBTHORP



From:

33/34 Victoria Road
Great Yarmouth
Norfolk NR30 2NU

To Planning Services
Development Control
GYBC

28/07/2015

Subject: Opposition to proposed planning application 06/15/0325/F

I strongly oppose these plans for further out of town retail development as they are a thinly disguised reapplication of 06/14/0109/F which will have the same impact. This location will have a severe negative impact on the town centre which is suffering continued loss of traders with no significant uptake only pop up shops for the summer season. Some of the current closures of retail outlets are due to the ever increasing on line sales pressure which is set to continue resulting in lower demand for high street shops. It is therefore critical we do not encourage further out of town development.

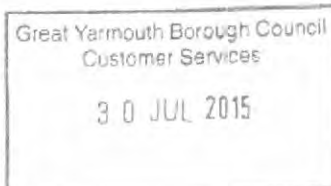
With reference to THE REVISED PROPOSALS

2.5 Officers can ----

This paragraph is totally misleading in that it is not as stated a genuine bulky goods scheme. The items that should not be included are DIY goods, pets and pet supplies, household furnishings, homewares, electrical goods, vehicle accessories and parts, office supplies, hobbies/crafts, sports goods, all of which can be sold from any town centre.

All the reasons for the previous scheme (06/14/0109/F) being refused are valid for this one, refusal should be endorsed.

Yours faithfully



From: "Sawent Dreama"
 35, 36 Victoria Arcade
 Great Yarmouth
 NR30 2NU

To: Planning Services
 Development Control
 GYBC

28/07/2015

Subject: Opposition to proposed planning application 06/15/0325/F

I strongly oppose these plans for further out of town retail development as they are a thinly disguised reapplication of 06/14/0109/F which will have the same impact. This location will have a severe negative impact on the town centre which is suffering continued loss of traders with no significant uptake only pop up shops for the summer season. Some of the current closures of retail outlets are due to the ever increasing on line sales pressure which is set to continue resulting in lower demand for high street shops. It is therefore critical we do not encourage further out of town development.

With reference to THE REVISED PROPOSALS

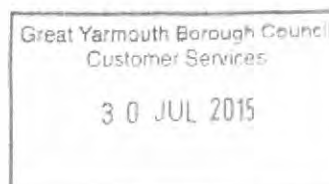
2.5 Officers can ----

This paragraph is totally misleading in that it is not as stated a genuine bulky goods scheme. The items that should not be included are DIY goods, pets and pet supplies, household furnishings, homewares, electrical goods, vehicle accessories and parts, office supplies, hobbies/crafts, sports goods, all of which can be sold from any town centre.

All the reasons for the previous scheme (06/14/0109/F) being refused are valid for this one, refusal should be endorsed.

Yours faithfully

N.B. Pappall



From

24 Beach Row

Great Yarmouth NR30 1HT

To Planning Services
Development Control
GYBC

28/07/2015

Subject: Opposition to proposed planning application 06/15/0325/F

I strongly oppose these plans for further out of town retail development as they are a thinly disguised reapplication of 06/14/0109/F which will have the same impact.

This location will have a severe negative impact on the town centre which is suffering continued loss of traders with no significant uptake only pop up shops for the summer season.

Some of the current closures of retail outlets are due to the ever increasing on line sales pressure which is set to continue resulting in lower demand for high street shops. It is therefore critical we do not encourage further out of town development.

With reference to THE REVISED PROPOSALS

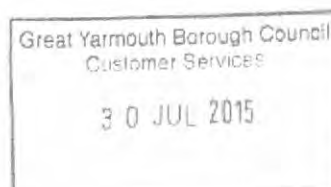
2.5 Officers can ---

This paragraph is totally misleading in that it is not as stated a genuine bulky goods scheme. The items that should not be included are DIY goods, pets and pet supplies, household furnishings, homewares, electrical goods, vehicle accessories and parts, office supplies, hobbies/crafts, sports goods, all of which can be sold from any town centre.

All the reasons for the previous scheme (06/14/0109/F) being refused are valid for this one, refusal should be endorsed.

Yours faithfully

Laura C. C. C.



Internet Consultees	
Application Reference	06/15/0326/F
Attachments	
Invalid Consultee Comment?	<input type="checkbox"/>
Copy to existing Consultee? <input type="checkbox"/>	
Name	Christine Silver
Address	22 Century Road
	Cobholm
	Great Yarmouth
	Norfolk
Post Code	NR31 0BS
Telephone	
Email Address	
For or Against	Object
Speak at Committee	
<p>We do not need anymore out of town development, why build new when there are empty shops in the town centre? If this is given the go ahead it will take more people away from coming into town, they have no need if everything is outside with free parking! Keep it in town and make the first hour free for parking. There is also the wildlife that will lose their habitat along Jones Way, there are a lot of wild flowers, trees and insects, birds etc along that stretch of land. This will also make Pasteur Road even busier what with all the traffic that leaves the estate this will make matters worse! Please leave it alone - dont let them build!</p>	
Date Entered	28-07-2015
Internet Reference	OWPC440

DEBENHAMS

Property Management, The Moor, Sheffield, S1 3LR
Tel: 0114 289 5307 Fax: 0114 275 1164

Planning Services
Development Control
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
NR30 2QF

24th July 2015

Dear Sir/Madam

Land Adjoining to the East Jones (Gc) Way, Pasteur Road, Great Yarmouth, NR31 0DW

I would like to register my objection to the following planning application for the development at Pasteur Road, Great Yarmouth, NR31 0DW, application reference 06/15/0325/ Erection of a non food retail park comprising of 2 A1 units, 1 A3/A5 and 1 A3 units with car parking spaces and associated works.

The proposed development is clearly aimed at town centre type retailers and will compete for these with the town centre. This will make it all the more difficult to attract any new stores into the town centre, and may well result in some of the current national brands to re-locate to this development. With many of the town centre retail units vacant there seems little justification for additional retail space and any new shops looking to come to Great Yarmouth should be encouraged to consider the town centre location to fill these empty units.

I understand that this scheme would not fit in with the Council's Local Plan and does not satisfy the Government's 'Town Centre First' policy in that it would have without doubt a 'significant adverse effect' on Great Yarmouth town centre.

Yours faithfully

Karen Wanless
Estates Manger

Jill K. Smith

From: Marty Rice [REDACTED]
 Sent: 13 July 2015 15:09
 To: plan
 Subject: Opposing plans for application 06/15/0325/F

This is an email referring to the planning application 06/15/0325/F

For many reasons, we still strongly oppose the plans to build *another* out of town retail park.

The footfall within the centre of town has drastically fallen over the past few years, especially since we have lost Marks and Spencer to Gapton Hall Retail Park, and enticing the public to shop even further out of town will eventually give them little to no reason to come in at all. This will affect all business', especially independents like ourselves, and won't encourage new shops or start ups from opening. This can already be seen by the current state of our town with a fairly large portion of our retail units empty and in a poor condition. Since we received this letter, we have lost 'The Body Shop' too!

The town should be the main area for retail activity with both shops and restaurants alike occupying the vacant units and providing the public with somewhere to both shop and eat throughout the day. However, with *another* 'out of town' retail park being planned, shoppers will have to travel between areas and are less likely to head towards the town centre, with rising parking charges and a lack of shops.

We strongly oppose these plans and definitely do not see any need for more retail units to be plotted across the Great Yarmouth area. We need to utilise the empty units within the town, not just Market Gates, and give young people the opportunity to start up a new business in a thriving, busy environment.

Yours,

Beverley and Marty Rice

Bizarre Bizarre, Great Yarmouth.



This email has been checked for viruses by Avast antivirus software.
www.avast.com

From

H. PIRARATT

21 RAUQUELIN HOUSE
ST PETERS PLAIN
G.T. YARMOUTH
NR30 1 PZTo Planning Services
Development Control
GYBC

28/07/2015

Subject: Opposition to proposed planning application 06/15/0325/F

I strongly oppose these plans for further out of town retail development as they are a thinly disguised reapplication of 06/14/0109/F which will have the same impact. This location will have a severe negative impact on the town centre which is suffering continued loss of traders with no significant uptake only pop up shops for the summer season. Some of the current closures of retail outlets are due to the ever increasing on line sales pressure which is set to continue resulting in lower demand for high street shops. It is therefore critical we do not encourage further out of town development.

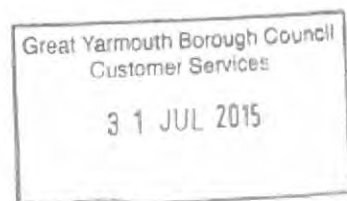
With reference to THE REVISED PROPOSALS

2.5 Officers can ----

This paragraph is totally misleading in that it is not as stated a genuine bulky goods scheme. The items that should not be included are DIY goods, pets and pet supplies, household furnishings, homewares, electrical goods, vehicle accessories and parts, office supplies, hobbies/crafts, sports goods, all of which can be sold from any town centre.

All the reasons for the previous scheme (06/14/0109/F) being refused are valid for this one, refusal should be endorsed.

Yours faithfully

From: PHILL KENNE
GOLLESTON
NORFOLK
NR31 6HT

To: Planning Services
Development Control
GYBC

28/07/2015

Subject: Opposition to proposed planning application 06/15/0325/F

I strongly oppose these plans for further out of town retail development as they are a thinly disguised reapplication of 06/14/0109/F which will have the same impact.

This location will have a severe negative impact on the town centre which is suffering continued loss of traders with no significant uptake only pop up shops for the summer season.

Some of the current closures of retail outlets are due to the ever increasing on line sales pressure which is set to continue resulting in lower demand for high street shops. It is therefore critical we do not encourage further out of town development.

With reference to THE REVISED PROPOSALS

2.5 Officers can ----

This paragraph is totally misleading in that it is not as stated a genuine bulky goods scheme. The items that should not be included are DIY goods, pets and pet supplies, household furnishings, homewares, electrical goods, vehicle accessories and parts, office supplies, hobbies/crafts, sports goods, all of which can be sold from any town centre.

All the reasons for the previous scheme (06/14/0109/F) being refused are valid for this one, refusal should be endorsed.

Yours faithfully

P. A. Lambott



S

Internet Consultees

Application Reference

Invalid Consultee Comment? ☐

Copy to existing Consultee? ☐

Name

Address

Post Code

Telephone

Email Address

For or Against

Speak at Committee

This is a good scheme which will provide much needed employment for the area. The future of the town centre should be for recreation and residential, as the size of units within the town centre are no good for the business we wish to attract to Great Yarmouth.

Date Entered Internet Reference

Town Centre Partnership

Unit 5 Wilkinsons Yard
Market Gates
Great Yarmouth
Norfolk
NR30 2AX

Mr Dean Minns
Group Manager
Planning Services
Development Department
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
NR30 2QF



Great Yarmouth Borough Council
Customer Services

27 JUL 2015

Dear Mr Minns,

06/15/0325/F; Demolition of existing warehouse and erection non-food retail park of 3 A1 retail units, 1 A3/A5 and 1 A3 units with car parking and associated works.

On behalf of the Town Centre Partnership's Retail Forum, I would like to register an objection to the above planning application for the development at 'Pasteur Retail Park', Pasteur Road, Great Yarmouth, NR31 0DW.

My comments are similar to those raised in response to the previous application by the same applicant made for 7 A1 units and restaurant/drive thru that was refused planning permission last year. The reasons given for the refusal was that the development would have an adverse impact on the existing town centres and the strategic ambitions of the Great Yarmouth Waterfront Area Action plan. There remains great concern amongst our members that the amended proposed development, albeit for fewer units, will still have a significant negative impact on an already fragile town centre that has seen footfall decline significantly as a result of similar developments on Capton Hall, Thamesfield Way and Tesco. The fact is that this application is not restricted to 'Bulky Goods' only and includes a retailer with a significant 'homewares' offer that will only weaken both Great Yarmouth and Gorleston town centres by attracting away much needed footfall and spend.

With 16% of town centre retail units currently vacant there seems little justification for additional out of town retail space and any new shops looking to come to Great Yarmouth should be encouraged to consider a town centre location to fill these empty units. The inclusion of 1 x A3/A5 and 1 x A3 units would also seem surplus to requirements, particularly as a similar A3/A5 permission granted as part of the recent Marstons Pub / Frankie and Benny development has still to be taken up on a site just a few hundred metres from the site of this proposal.

Within the Borough Council's local plan, Core Strategy 7 'Strengthening our centres', does not in any way suggest or support the development of a retail park in this location. The strategy sets out an aspiration for any future retail and mixed use development to take place along North Quay and The Conque to 'enable the centre to continue to compete with centres outside of the borough, out-of-town retailers and the internet'.



Great Yarmouth
Town Centre Partnership

GREAT YARMOUTH
gyBID
BUSINESS IMPROVEMENT DISTRICT

CS7 also includes a reference from the Borough Councils Retail Study that any additional capacity for new 'non-food' floor space identified in the short to medium term "should be concentrated in Great Yarmouth town centre". If this guidance is not adhered to then it is unlikely that these aspirations will ever be realised if every time a development proposal outside of this aim is approved.

Ultimately the decision on whether to allow this development should be taken based on the impact it will have on the existing town centre's viability and vitality. In appraising this proposal the following aims set out in the Borough Council's own should be considered: If this development was to be approved would it in any way promote or make a contribution to any of the aims set out in CS7 to "safeguard the retail function and character of each centre, Primary, Secondary and Holiday Shopping frontages"?

Would this development "enhance the appearance, safety and environmental quality of the centre, encourage a diversity of uses within each centre enabling a wide range of retail, leisure, social, education, arts, cultural, office, commercial and where appropriate residential uses?

Would this development "Support small and independent businesses, including retaining and enhancing important local markets?

Would this development "promote the short and long-term reuse of vacant buildings"? Enhance the early-evening economy? Improve access to the centre by sustainable modes of transport, and encourage multi-purpose trips?

The answer to all the above is a resounding no, in fact this development is more likely to negatively impact each of the above aims by further reducing town centre footfall and demand for town centre premises, which will have a severe knock-on effect for the smaller independent traders that represent the majority of businesses (55%) trading in the town centre.

In respect of National Planning Policy Framework, it is clear that unless any development can demonstrate that it will not have a significant adverse effect on the existing town centre, it should not to be permitted. It must be abundantly clear to anyone visiting Great Yarmouth town centre in recent times that further expansion of the out of town retail offer would not just have a "significant adverse effect" it would severely impact the revival that Great Yarmouth town centre needs.

Yours sincerely,



Jonathan Newman

Town Centre Manager

Great Yarmouth Town Centre Partnership



Great Yarmouth
Town Centre Partnership



Dean Minns
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
Norfolk
NR30 2QF

Your Ref: 06/15/0325/F
Date: 4 August 2015

My Ref: 9/6/15/0325
Tel No.: 01603 638009
Email: liz.poole@norfolk.gov.uk

Dear Mr Minns,

Erection of a non food retail park comprising of A1 units, 1 A3/A5 and 1 A3 unit with car parking spaces and associated works. Land adjoining to the East Jones (GC) Way Pasteur Road, Great Yarmouth, NR31 0DW.

Thank you for your consultation dated 3 July 2015.

I have considered the information provided and have the following comments:-

The application is similar to Application Number 06/14/0109/F, however the quantum of development is less and the layout of the car parking has been modified accordingly.

According to Drawing No 12-174-P002 Rev G of the Design and Access Statement, the development will be accessed via a roundabout, however the Transport Statement makes reference to a signalised junction. The Highway Authority wishes to see the development accessed via a roundabout as was agreed for the first application and as is shown in the Design and Access Statement.

Provided a roundabout is the form of junction providing the access, the Highway Authority has no objection subject to the following conditions:-

SHC 24: Prior to the commencement of the use hereby permitted) the proposed access / on-site car and cycle parking / servicing / loading, unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

SHC 28: Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been

Informatives

Inf.1: 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 based at County Hall in Norwich.

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.

Inf. 2: This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

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. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group. If required, street furniture will need to be repositioned at the Applicants own expense.

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 you have any further queries, please do not hesitate to contact me.

Yours sincerely

Liz Poole

Engineer - Major Developments
for Executive Director for Community and Environmental Services

4 September 2015

The Savills logo consists of the word "savills" in a red, lowercase, sans-serif font, positioned on a bright yellow rectangular background.

Dean Minns
Group Manager Planning
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
Norfolk
NR30 2QF

Matthew Williams
E: mwilliams@savills.com
DL: +44 (0) 121 634 8432
F: +44 (0)

Innovation Court
121 Edmund Street
Birmingham B3 2HJ
T: +44 (0) 121 633 3733
savills.com

Dear Mr Minns

Planning Applications on behalf of EOP II Prop Co S.a.r.l. (Ref: 06/15/0390) and Pasteur Retail Park Ltd (Ref: 06/15/0325/F)

We are instructed by Ellandi LLP (Ellandi) to submit our comments in relation to the above mentioned planning applications by Pasteur Retail Park Ltd (PRP) (Application Ref: 06/15/0325/F) and EOP II Prop Co S.a.r.l. (EOP) (Application Ref: 06/15/0390). These applications are of significant interest to Ellandi, not least because of their notable implications for the health of Great Yarmouth Town Centre – the Borough's Main Town Centre.

The purpose of this letter is to outline Ellandi's views as to the acceptability of each proposal having regard to the NPPF and supporting guidance and to weigh in the balance the case for each scheme having regard to relevant material considerations including that of the Borough's emerging Core Strategy Local Plan (which is sufficiently advanced to be afforded great weight in the decision making process).

This assessment is informed by our in-depth understanding of the health of Great Yarmouth Town Centre and follows ongoing liaison with Great Yarmouth Borough Council and its partners regarding the steps that can be made towards securing a positive future for the Town Centre.

It also follows an ongoing objection by Ellandi in respect of Application Ref: 06/14/0109/F and a subsequent Appeal made by Pasteur Retail Park Ltd for the erection of seven retail units, restaurant and drive thru units with associated car parking at land owned by Pasta Foods. The rationale for this objection is that we consider the creation of a brand new retail park in this location would have a significant adverse impact on Great Yarmouth Town Centre. Moreover, the proposal conflicts with a number of relevant policies contained within the adopted Development Plan as well as relevant policies of the emerging Local Plan.

To summarise, and in respect of these latest applications for out of centre development, this letter concludes:

- That combined, the two application proposals would far exceed the floorspace proposed under refused Application Ref: 06/14/0109/F (with similar goods restrictions conditions proposed). There have been no material changes in circumstances which would favour these applications since the consideration and refusal of Application Ref: 06/14/0109/F and which would warrant reconsideration of this decision (including the health of Great Yarmouth Town Centre which has in fact declined since November 2014). In order to ensure consistency in decision making, it follows that GYBC would find the cumulative impacts of this amount of floorspace to be significantly adverse in line with its original decision in connection with Application Ref: 06/14/0109/F. Instead, a decision must be made as to whether it would be appropriate to allow just one of these schemes to come forward, taking into account the NPPF criteria for decision-making at Paragraph 14 which includes reference to the role of material considerations in weighing up the acceptability of a proposal.

- Ellandi object to both proposals in their current form, although it is acknowledged that the EOP proposal can be distinguished from the PRP application insofar as it relates to an existing retail unit within an established retail park and as such already has a call on local expenditure. Moreover we would envisage the EOP proposal has the scope to deliver the space that is required to accommodate both Dunelm and AHF – the two occupiers envisaged by PRP to take occupation of the new retail park on land owned by Pasta Foods.
- The EOP proposal is not however fully acceptable because it fails on a number of counts to appropriately restrict the types of goods and / or users that could take occupation of space within the rationalised B&Q unit. It is, in effect, an entirely speculative application with no named operators. In order to arrive at a position whereby Ellandi would not object to the EOP proposal, further consideration of the controls to be applied to the space should be undertaken. This includes the strengthening / refinement of the current proposed goods restriction condition and the removal of permitted development rights to safeguard against the insertion of mezzanines and future sub-division (dependent on end users if these can be confirmed). Further information is also required as to the anticipated tenant line up for the scheme and there is a need to expand upon the Applicant's proposed minimum unit size threshold (465 sq m). This is because as the proposal currently stands, more than four retail units could be created within the space - all of which will have the ability to sell a range of goods which will be in direct competition with Great Yarmouth Town Centre as we demonstrate below.
- In addition to the above, we note that the EOP application seeks to vary Condition 4 attached to an extant Planning Permission Ref: 06/98/0969 for the development of the B&Q unit and builders yard. However, the red line site location plan (Drawing No. PL-10) submitted by EOP in support of this application appears to cover only part of the existing B&Q retail unit – i.e. the area to be carved up into separate units. Whilst we understand the rationale for submitting the plan in this form, the correct approach in our view would be for the red line to echo that of the original red line plan which was Approved under Planning Permission Ref: 06/98/0969. Condition 4 would then be varied to permit the sale of a broader range of goods from the carved up space (as appropriate) and also to restate the existing DIY goods restriction that would remain applicable to the downsized B&Q unit. The decision notice would also repeat the relevant conditions from the original planning permission (alongside any new conditions), unless they have previously been discharged, as specified by Planning Practice Guidance (PPG) (Paragraph: 015 Reference ID: 17a-015-20140306). This would ensure there is no ambiguity associated with the Permission for the site.
- There are no material benefits associated with the PRP application which would in our view substantially outweigh the impact of the proposed development on Great Yarmouth, particularly when it is considered the proposal is outwith an established retail location, is far bigger than the EOP proposal and that the proposed 'bulky goods' condition put forward by the Applicant is not a bulky goods condition. Indeed, the Applicant's proposed condition would enable the sale of sports goods and supplies, hobbies and crafts and household furnishings. As we demonstrate below, the sale of such goods will compete directly with Great Yarmouth Town Centre on a like for like basis. Moreover, the proposal directly conflicts with the existing and emerging Development Plan which identifies the site (in part and as a whole) as an Existing Employment Site.
- If in the event EOP is able to overcome our concerns regarding the restrictions to be imposed on the rationalised B&Q unit and indeed the format of the application, we find there to be a clear and distinct rationale for GYBC to approve this application and not the PRP application. Namely:
 - the EOP proposal relates to an existing retail unit within an established retail park which already has a command over local expenditure;
 - conversely, the PRP site is allocated as an Existing Employment Site in the existing and emerging Development Plan – the Applicant has categorically failed to provide justification for the loss of employment land in this location;

- the EOP scheme could be regarded as more sustainable than that of the PRP scheme insofar as it offers the opportunity for linked trips within an existing retail park;
- the EOP scheme would have a lesser impact on the Borough's network of centres owing to its smaller size – furthermore it does not include additional A3 uses which would act as a further draw on trade, to the detriment of Great Yarmouth Town Centre;
- the EOP proposal will ensure the retention of B&Q thus preserving existing local jobs.

Background to Representation

For information, Ellandi acquired Market Gates Shopping Centre in November 2013. Ellandi was formed in 2008 and is a leading specialist shopping centre investment and asset manager. Ellandi's approach is to proactively transform the towns in which it invests by working with occupiers and other stakeholders to ensure that its shopping centres perform a successful and vibrant role for the local communities that they serve. By pioneering a new form of shopping centres that are referred to as 'Community Shopping Centres', Ellandi is successfully increasing footfall for not only its shopping centres but the town centre as a whole. The effect is that where investment has already been made in its shopping centres Ellandi is securing a substantial positive effect on the vitality and viability of the associated town centre.

Market Gates is situated in the heart of Great Yarmouth Town Centre and in line with Ellandi's business model, provides a vital community shopping resource which is also popular with tourists and the local working population. Originally opened in 1976, it comprises a 2-storey covered centre of approximately 21,370 sq m and is situated at the southern end of Market Place. The Centre has been extended over time with the most recent extension in 2008 providing an additional 7,250 sq m for occupation by Debenhams and New Look amongst others.

A significant amount of funding has been set aside by Ellandi and its funding partner for improvements to the Shopping Centre itself. Works currently underway include a complete upgrade of the Centre's signage both internally and externally. Other elements progressing through to final designs include the replacement / upgrade of the mall ceilings, lighting and flooring, improvements to the external facade, the provision of solar energy, improvements to the car park and an ongoing commitment to attracting new retailers to fill vacant units.

Ellandi has also very recently secured planning permission for works to refurbish the southern entrance to the Shopping Centre to include a 485 sq m extension and the reorganisation of the existing layout to make more efficient use of the space available (Application Ref: 06/14/0828/F)¹ and to enhance the access from Regent Road and the Town Centre's main bus station. The proposal includes a new entrance area with escalators and a lift to improve connections with the first floor mall and improvements to the legibility and accessibility of the ground floor units.

As part of its wider objective to deliver improvements and contribute to the well-being of the Town Centre as a whole, Ellandi actively engages with the Great Yarmouth Town Centre Partnership (the Town Centre's Business Improvement District (BID)) whose remit is to promote the vitality and viability of the Town Centre and manage projects funded by the BID. Ellandi has also worked closely with Great Yarmouth Borough Council (GYBC) in connection with the emerging Core Strategy Local Plan to ensure that the policies contained within provide a positive and forward thinking strategy for Great Yarmouth Town Centre that fosters investor confidence which will ultimately improve its vitality and viability.

This engagement has been crucial in providing Ellandi and its partners with the comfort required to define its investment strategy for Market Gates which includes the projects which have commenced since the application by PRP for seven retail units (Application Ref: 06/14/0109/F) was refused in November 2014.

In addition to the commencement of Ellandi's investment programme, the following provides an overview of progress in the Town Centre made by Ellandi and others since the PRP application was refused:

¹Approved on 2 June 2015.

- replacement of Gamestation with Warren James at Market Gates and internal and external refurbishment as described above;
- final negotiations with x2 national high street operators to take space at the Market Gates Shopping Centre;
- planning permission secured for works to refurbish the southern entrance to Market Gates Shopping Centre with funding set aside to undertake the works;
- the freehold acquisition of the former Cooperative store in March 2015 (which has been vacant since 2010) to Edinburgh Woollen Mill (EWM) - Peacocks, Ponden Home Interiors and the Edinburgh Woollen Mill are all expected to take occupation of the premises in due course with planning permission now granted for works to the building to facilitate occupation²;
- public commitment to the Town Centre by GYBC through its Corporate Plan 2015-2020 (Investing in the Future of Great Yarmouth)³ including:
 - major town centre initiative supported by Council investment to deliver a package of environmental and presentation initiatives and develop a long term strategy to plan key changes, and to guide investment, operational and marketing plans⁴;
 - working with shops and town centre businesses to plan initiatives designed to build confidence and kick-start a new phase of town centre reinvention;
 - supporting the Town Centre Partnership in the renewal of its Business Improvement District for the next five years;
 - engaging national experts to develop a masterplan for the development of the Town Centre and the surrounding 'central' area including North Quay and links to the train station – we understand that this will culminate in the preparation of x2 SPDs for the Town Centre and Waterfront Area⁵;
- significant progress towards the adoption of the Local Plan Core Strategy for Great Yarmouth which has now been through Examination and consulted upon a series of proposed Modifications – this sets GYBC's spatial vision and objectives for how the Borough will develop and grow in the future including a clear commitment to ensuring that major new retail development is directed towards Great Yarmouth Town Centre (Policy CS7).

The above are all indications that the Town Centre is in the first stages of recovery and is receiving the support and funding it needs to do this. This should however be set against the current health of Great Yarmouth Town Centre which, in our view, demonstrates that the Centre remains vulnerable and needs time to recover / benefit from the recent upturn in investor confidence. The importance of the Town Centre to the tourist industry should also not be forgotten.

Vacancies in the Town Centre were at an all time high at 7.5% above the UK national average in July 2014⁶ and there have been a number of key losses from the Town Centre since this time including The Body Shop, Hughes Electrical and Marks and Spencer.

² Planning Permission and advertisement consent was granted on 7 July 2015 for alterations to the Coop unit Planning Application Refs: 06/15/0236/F and 06/15/0237/A

³ Presented to Cabinet on 21 July 2015 – document approved.

⁴ Funding approved at meeting of GYBC Cabinet on 11 February 2015

⁵ We understand that Carter Jonas now been appointed to undertake this work and that an inception meeting is due to take place in the first week of August.

⁶ GOAD Category Report, July 2014 – 92 vacant units out of 490 units – 18.78%. UK average = 11.32%.

Other recent losses include:

- M&Co;
- Dorothy Perkins;
- Gamestation;
- Thorntons;
- Stead and Simpson;
- Poundstretcher; and
- Burton.

A number of these stores are now represented in out of centre locations including the Pasteur Road area with many of the vacant units having been replaced by banks, small value retailers on short term leases and charity shops. Other stores (including Hughes Electrical, The Body Shop and Marks and Spencer) have yet to be re-occupied whereas others have lacked the investment needed to attract new / quality occupiers. This is not simply a matter of 'churn' (the stores that are leaving are not being replaced quickly enough as evidenced by the latest vacancy data) – it indicates a failure on the part of the Town Centre to fulfil its role as the main shopping destination for the local community and compete with the already extensive out of centre offer at Pasteur Road.

It is this decline that leads us to conclude that the health Town Centre remains in a vulnerable position and is highly sensitive to further inappropriate, out of centre competition – a view that is shared by key retailers in the Town Centre including Palmers and Debenhams, a major new investor (Edinburgh Woollen Mill), the Town Centre Partnership and the Council's own retail advisors Carter Jonas (formerly Strategic Perspectives).

Ellandi is keen to ensure that the Centre is able to build upon the positive steps that are being made towards a recovery for the Town Centre. This will of course take time, but given the Centre's vital community and tourist role, it is important that this is allowed to happen without being undermined by unsustainable out of centre development.

It is with the above in mind that Ellandi has taken the time to consider each proposal on its merits and to outline its views as to whether or not there is a planning case for either proposal to come forward.

Application Proposals

Application by EOP - B&Q Rationalisation

The first application by EOP seeks the variation of Condition 4 of Planning Permission Ref: 06/98/0969 to allow the sale of a wider range of goods from an existing B&Q unit and builders yard at Pasteur Retail Park. This, the Applicant asserts, is in order to facilitate the 'right sizing' of B&Q's existing warehouse operation and is part of a national programme of rationalisation of B&Q's larger stores across the UK.

The application follows a similar proposal at the site which was approved by GYBC in April 2008 under expired Planning Permission Ref: 06/06/0704/F albeit instead of three units, the Applicant states that this variation could accommodate up to four retail units within the existing footprint of the B&Q unit and builders yard to comprise a minimum unit size of 465 sq m.

The plans that support the application (namely Drawing No.s: PL-16 and PL-17) indicate that the newly created units to be 'carved' out of the B&Q could be arranged as follows:

- Unit A – 1,765 sq m
- Unit B – 802 sq m
- Unit C – 700 sq m
- Unit D – 470 sq m
- Total – 3,737 sq m (net)

The size of the remaining space to be occupied by B&Q does not appear to be confirmed.

The following condition is proposed by EOP and seeks to restrict the types of goods that can be sold from the unit:

“Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any other Order revoking or re-enacting that order, the premises shall only be used for the sale of bulky comparison goods consisting of building and DIY products, garden products and plants, pets and pet supplies, home furnishings, electrical and gas products, vehicle accessories and parts, bicycles and cycle accessories, office supplies, computers and accessories and boating equipment (excluding boats) and any other goods which are ancillary and related to the main goods permitted.”

We provide our detailed observations in relation to the above condition below. As a technical point however, it should be noted that the red line site location plan (Drawing No. PL-10) submitted by EOP in support of this application appears to cover only part of the existing B&Q retail unit – i.e. the area to be carved up into separate units. Whilst we understand the rationale for submitting the plan in this form, the correct approach in our view would be for the red line to echo that of the original red line plan which was Approved as part of the original Planning Permission. Condition 4 would then be varied to permit the sale of a broader range of goods from the adjacent space and also to restate the existing DIY goods restriction that would remain applicable to the downsized B&Q unit. The decision notice would also repeat the relevant conditions from the original planning permission (alongside any new conditions), unless they have previously been discharged, as specified by Planning Practice Guidance (PPG) (Paragraph: 015 Reference ID: 17a-015-20140306). This would ensure there is no ambiguity associated with the Permission for the site.

Application by PRP – Pasta Foods Proposal

The second application is submitted by PRP (Application Ref: 06/15/0325/F) and seeks the erection of a retail terrace providing 6,528 sq m (gross) (5,223 sq m (net)) of retail floorspace across three units, together with two restaurant units comprising 321 sq m (gross) (257 sq m (net)). The application is an amendment to a previously refused application for the erection of a seven unit retail park comprising two retail terraces and amounting to 8,999 sqm (gross) of retail floorspace (Application Ref: 06/14/0109/F). This application is currently the subject of an Appeal⁷ which is due to be heard in October 2015.

The following condition is proposed by PRP in order to restrict the types of goods that can be sold from the proposal:

“The premises hereby permitted shall only be used for the sale of bulky goods comparison goods consisting of building and DIY products, pets and pet supplies, furniture, carpets, floor coverings, household furnishings, electrical goods, vehicle accessories and parts, office supplies, hobbies and crafts, sports goods and kitchens and bathrooms and any other goods which are ancillary and related to the main goods permitted. The premises shall not be used for the sale of food or any goods not included in the first part of this condition and shall not be used for any other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior consent of the Local Planning Authority”.

PRP asserts that tenants have been secured for all but one of the units with Dunelm having committed to Unit 1 and Anglia Home Furnishings committed to Unit 3. The two drive thru units are to be occupied by Costa and Burger King.

In contrast to the proposal by EOP, the site to which this application relates is not currently in a retail use - in

⁷ Savills submitted representations to the Inspectorate in respect of this Appeal on 24 July 2015 which sought to summarise Ellandi's ongoing **objection** to the proposal in the context of national planning policy and guidance as well as to highlight key changes to the development plan position and further material considerations that have come to light since the Application was determined on 11 November 2014 (which have a material bearing on the determination of this Appeal).

fact it is identified as an Existing Employment Site in the existing and emerging Local Plan which we address in more detail below.

It is also notable that the site of the second retail terrace under Application Ref: 06/14/0109/F has simply been removed from this application proposal with the layout of the site remaining as previously proposed but also including what looks to be service access to the area previously identified for the second retail terrace. It is apparent from this layout that the Applicant has every intention of bringing forward additional development here, once the principle of retail use in this location is established.

Before an analysis of the two proposals is undertaken, it is necessary to outline the Development Plan position, against which both proposals will need to be assessed. This is important because in both cases, both applicants have applied very little weight to the emerging Core Strategy Local Plan in the consideration of their respective proposals – an approach which is incorrect for the reasons we set out below and in any event it is for the Council to determine what weight is to be applied to the emerging Local Plan as set out below.

Development Plan Context

Since the application by PRP was refused in November 2014, substantial progress has been made towards the adoption of the Great Yarmouth Core Strategy Local Plan (GYCSLP) which has now been through Examination and was the subject of a Proposed Modifications consultation between 11 May and 23 June 2015.

The Proposed Modifications are modifications made to the GYCSLP by the presiding Inspector to reflect the discussions at the Hearing Sessions which were held between 25 - 27 November 2014 and upon which all parties in attendance were in agreement on. With the exception of the retail capacity figures outlined in Policy CS7, these modifications reflect the latest position in terms of the emerging Development Plan strategy for the Borough.

Further, focused consultation is to take place in respect of the latest retail evidence prepared by Carter Jonas with comments invited up to Friday 4 September 2015. This will inform an update to the capacity figures cited at Policy CS7 in the Inspector's Proposed and Additional Modifications (May – June 2015). However, it is not expected that this consultation will significantly delay progress towards the adoption of the Plan (all other matters are resolved).

Moreover, it should be stressed that this revision to the retail capacity figure for comparison goods does not affect the basic premise of Policy CS7 which is to direct new retail development to Great Yarmouth Town Centre at the point capacity arises towards the end of the Plan period. Indeed, the updated evidence (27 July 2015) shows that there is still no forecast capacity for new comparison goods retail floorspace until 2021 and that the forecast capacity up to 2031 is 10,814 sq m net, which is only slightly higher than previously forecast in 2014 (8,742 sq m net). It remains therefore that any identified need can be met within the Town Centre as and when capacity arises, towards the end of the Plan period.

Based on the progress that has made in respect of the GYCSLP and only the minor amendments to Policy CS7 that are required, it is considered that great weight can now be afforded to the relevant policies contained within the emerging Plan (as modified and updated through the evidence) on the basis that these policies are significantly advanced and that the Plan is nearing adoption⁸. This is bearing in mind Para 216 of the National Planning Policy Framework (NPPF) which states that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given) – the GYBC Core Strategy Local Plan has been the subject of an Examination with adoption scheduled in for September / October 2015;

⁸ It is understood that the Council hopes to adopt the Plan in September 2015.

- 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) – it is understood the PRP has requested that the retail capacity figures cited in the modified Policy CS7 be revisited to ensure that they reflect the latest growth rate projections – this has now been undertaken by GYBC through its retail planning advisor Carter Jonas. Minor alterations to the figures are required, however they do not alter the premise of the GYCSLP - that there is limited short to medium term need to accommodate major comparison goods retail floorspace in the Borough and that in the longer term any identified need can be met within the Town Centre and in the Waterfront Area; and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given) – the Core Strategy Local Plan has been through Examination and is considered to be in compliance with the Framework - the Inspector has not raised any points of soundness in relation to the Plan as a whole or retail strategy specifically.

The Core Strategy Local Plan and the policies contained within should therefore hold great material weight in the determination of the application proposals and there is no reason in our view why the local authority would choose not to do so.

In more detail, the policies of particular relevance in respect of EOP and PRP's applications are as follows:

Policy CS2 - Achieving Sustainable Growth

Policy CS2 sets out the overarching locational strategy for sustainable growth in the Borough, with a view to creating resilient, self-contained communities and reducing the need to travel. This includes a requirement to ensure that new commercial development for employment, retail and tourism uses is distributed in accordance with Policies CS6, CS7, CS8 and CS16 (Policy CS2 (c)) and 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) (Policy CS2 (d)).

Policy CS2 (c) was added to this policy as part of the latest round of Proposed Modification consultation, thus emphasising the importance that is being placed upon ensuring the appropriate distribution of retail and employment uses in the Borough.

Policy CS6 - Supporting the Local Economy

Policy CS6 (b) refers to a number of existing local employment areas (areas within B Class Use) which are to be safeguarded unless certain criteria can be met in order to demonstrate their loss to an alternative use is appropriate. This includes PRP's site which is identified as Existing Employment Site EL02 - Gapton Hall Industrial Estate.

The policy was subject to a proposed modification in June 2015 but the primary objective to ensure that the loss of existing and future local employment areas is retained:

"b) Safeguarding existing local employment areas identified in Table 11 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 sufficient range of suitable and available employment sites in the local area;~~
- *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”.

The Inspector has not altered this policy and only sought comments on the deletion of the first assessment criteria. This relevant policy can therefore be afforded great weight as a material consideration in the determination of the PRP application, in accordance with Para 216 of the NPPF.

Policy CS7 - Strengthening Our Centres

Policy CS7, which defines the Borough’s retail strategy was subject to modification in May – June 2015 as follows:

“Overall, the majority of town, district and local centres within the borough are performing well, despite the national economic downturn. To enable them to continue to compete with centres outside of the borough, out-of-town retailers and the internet, the Council will:

- *focus future development and investment using the retail hierarchy in Table 12 below:*

Table 12: Retail Hierarchy

Classification	Location
Main Town Centre	Great Yarmouth
Town Centre	Gorleston-on-Sea
District Centres	Bradwell (Proposed) and Caister-on-Sea
Local Centres	Well defined groups of shops and services in the Borough’s villages and main towns, such as The Green, Martham, Bells Road, Gorleston and Northgate Street, Great Yarmouth

- *promote the extension of Great Yarmouth’s centre to include The Conge and parts of North Quay as a mixed-use development scheme as part of the Great Yarmouth Waterfront Area Action Plan through Policy CS17 and the Great Yarmouth Waterfront Supplementary Planning Document;*
- *aim to improve the vitality and viability of our town and district centres by:*
 - *safeguarding the retail function and character of each centre. Primary, Secondary and Holiday Shopping frontages will be identified in the Development Policies and Site Allocations Local Plan Document where appropriate;*
 - *enhancing the appearance, safety and environmental quality of the centres;*
 - *encouraging a diversity of uses within each centre, enabling a wide range of retail, leisure, social, educational, arts, cultural, office, commercial and where appropriate, residential uses;*
 - *supporting small and independent businesses, including retaining and enhancing important local markets;*
 - *promoting the short and long-term reuse of vacant buildings;*
 - *enhancing the early evening economy;*
 - *improving access to the centre by sustainable modes of transport and encouraging multi-purpose trips;*
- *maintain and strengthen the role of local centres and local shops in the borough to better serve the*

day-to-day needs of local communities;

- ensure that all proposals for town centre uses outside defined centres demonstrate that there are no sequentially preferable sites available and that the proposal can be accessed by sustainable transport. Proposals over 200 sq m (net) will also be required to submit a Retail Impact Assessment demonstrating that there will be no significant adverse impact on existing designated centres, including those beyond the Borough boundary, such as Lowestoft”.

Further, minor Additional Modifications were made to the supporting text to Policy CS7 (not subject to consultation). The key aspects of this supporting text (as modified) is summarised below:

Para 4.7.1 “Supporting the growth of retailing and other town centre uses, such as leisure and offices, is important for maintaining and enhancing the vitality and viability of our town, district and local centres. The borough’s town and local centres have been arranged into a hierarchy to signal their importance and the role they play. Generally, larger centres are more accessible, have a wider catchment and are appropriate locations for large developments that will attract a lot of people. In contrast, the local centres have a smaller catchment and are more suited to meeting the day-to-day needs of nearby residents”.

Para 4.7.2 “Great Yarmouth has the largest town centre in the borough and functions well as the main retail, commercial, cultural, educational and leisure destination for the borough. The centre has a critical mass of retailing and a sufficient catchment area to sustain significant new additions to its retail offer. Over a wider field, the most dominant centre competing with Great Yarmouth is Norwich, which due to the size of its shopping offer and quality of shopping experience, attracts significant retail expenditure from a wider geographical area, including from within the borough of Great Yarmouth. Lowestoft has a town centre that is similar in size to Great Yarmouth and draws some of its retail expenditure from the borough’s southern parishes”

Para 4.7.3 – “Directing large retail and leisure developments to the centre and appropriate edge-of-centre locations, such as The Conge and parts of North Quay, will help strengthen the centre’s role and function in the shopping hierarchy, diversify its offer and improve its attractiveness. This will enable it to better serve the needs of the borough and better compete with nearby centres, such as Norwich and Lowestoft”.

Para 4.7.11 – “In terms of food shopping, the Retail Study Capacity Refresh predicts that there is minimal forecast capacity over the short to medium term (i.e. up to 2026) for major new floorspace, with capacity increasing to between 2,152 sqm (net) and 4,305 sqm (net). However, the capacity for new food shopping floorspace would be reduced as and when existing retail commitments are completed”.

Para 4.7.12 – “The Retail Study Capacity Refresh also shows there to be no forecast capacity for new ‘non-food’ floorspace in 2016, rising only to a minimum of 484sqm (net) in 2021, 4,539sqm (net) in 2026 and 8,742 sqm (net) by 2031. It is considered that in the medium to long term, any new major floorspace should be concentrated in Great Yarmouth Town Centre. The Conge and North Quay will present the most appropriate locations for new mixed-uses, including retail, commercial and leisure uses. Encouraging a mix of compatible uses in the centres will also provide a stronger economic environment and will help stimulate a greater diversity of entertainment and evening activities. To ensure that this future retail development does not further constrain the transportation network around the town centre, the necessary transportation infrastructure should be provided in accordance with Policy CS16”.

Para 4.7.13 – “The NPPF suggests that applicants prepare impact assessments for edge-of-centre and out-of-centre retail and leisure developments over 2,500sqm gross as standard, allowing for lower targets to be set locally if required. The 2011 Retail Study recommends that any retail proposal over 200sqm (net) in an edge-of-centre or out-of-centre location should be accompanied by a retail impact assessment. This 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”. (Savills emphasis)

Para 4.7.14 – “It is expected that a lower Retail Impact Assessment threshold will help to concentrate investment and development opportunities in the town centre by discouraging movement away from the town centre and make better use of town centre vacancies”.

The amendments to the wording of the Policy and supporting text was necessary for the Plan to reflect the findings of the Retail Capacity Refresh 2014 which provided clear evidence that there is significantly less capacity for new retail development in Great Yarmouth than anticipated by previous drafts of the Core Strategy Local Plan.

In respect of comparison goods, it is anticipated that this supporting text will be updated to reflect the latest retail evidence prepared by Carter Jonas (July 2015) as follows:

Para 4.7.12 – “The Retail Study Capacity Refresh also shows there to be no forecasted capacity for new ‘non-food’ floorspace in 2016, rising only to a minimum of 818 sq m (net) in 2021, 5,613 sq m (net) in 2026 and 10,814 sqm (net) by 2031. It is considered that in the medium to long term, any new major floorspace should be concentrated in Great Yarmouth Town Centre. The Conge and North Quay will present the most appropriate locations for new mixed-uses, including retail, commercial and leisure uses. Encouraging a mix of compatible uses in the centres will also provide a stronger economic environment and will help stimulate a greater diversity of entertainment and evening activities. To ensure that this future retail development does not further constrain the transportation network around the town centre, the necessary transportation infrastructure should be provided in accordance with Policy CS16”.

The GYCSLP and the supporting evidence now provides an up to date, evidenced-based strategy for accommodating the plan-led retail need within the Town Centre, in accordance with the requirements of the NPPF. Notwithstanding the latest evidence prepared by Carter Jonas, there remains a clear intention on the part of GYBC to direct new retail development to Great Yarmouth Town Centre at the point capacity arises towards the end of the Plan period. It also reaffirms the Council’s latest position in regard to the health of its network of centres through setting a substantially lower threshold (200 sq m) for requiring an impact assessment, below the default 2,500 sqm set by the NPPF.

The implications of Policy CS7 and the supporting up to date evidence in the determination of the subject applications are clear – there is no need for further out of centre development in Great Yarmouth in the short to medium term. Therefore the spatial planning approach is that in the short to medium term any proposals for retail development should be accommodated within the Borough’s existing network of shopping centres and facilities without bringing forward further out of centre retail development, such as a new retail park on Pasteur Road. The eradication of vacancies in the Town Centre alone (comprising some 15,710 sq m⁹) would contribute significantly to meeting quantitative retail need across the whole Plan period.

As we have outlined above, great weight can be attributed to this policy and the supporting evidence in the determination of applications. Both applicants have failed to acknowledge this, having cited capacity figures from the Great Yarmouth Retail Study 2011 which is outlined in previous iterations of the GYCSLP. These figures are significantly out of date and cannot be relied upon in the determination of applications.

Policy CS17 - Regenerating Great Yarmouth’s Waterfront

Policy CS17 sets out GYBC’s strategic ambitions with regard to the Great Yarmouth Waterfront - one of two strategic sites that are deemed to be central to the delivery of the Plan (Para 4.2.16 of the Local Plan Core Strategy Revised Version of 2013 Submission Document incorporating the Main and Additional Modifications). The policy states that this area 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 which is attractive to investors and visitors as well as new and existing residents.

⁹ GOAD Category Report dated 29 July 2014.

Central to the delivery of this scheme is an element of retail and leisure floorspace which would serve as an extension to the existing Town Centre offer. Specifically Policy CS17 (b) states that GYBC will identify appropriate development sites within the Waterfront Area for approximately 14,200 sq m of retail and leisure floorspace *“promoting the mixed-use regeneration of disused and other under-used sites (of which at least 5,050 sq m is anticipated to be delivered within the Plan period)”*.

This policy signals a clear commitment on the part of GYBC to meet a substantial element of the Borough’s retail need through the Waterfront Area scheme and is to be regarded as planned investment in the context of the impact test.

This commitment has recently been bolstered through the appointment of Carter Jonas to develop a masterplan for the development of the Town Centre and the surrounding ‘central’ area including North Quay and links to the train station. This will form part of a comprehensive Supplementary Planning Document to support development in the area.

Emerging Local Plan Summary

The following conclusions can be drawn in respect of the relevant emerging Local Plan policies in the determination of EOP and PRP’s applications:

- that the policies contained within the GYCSLP and the associated up to date evidence base can be afforded great weight in the decision making process owing to their advanced stage of preparation;
- that the policies identify a clear and overarching strategy to direct new retail development to the Borough’s hierarchy of centres;
- that Great Yarmouth Town Centre remains vulnerable in the face of out of centre development and as such proposals for new retail development above 200 sq m in these locations will need to be accompanied by a retail impact assessment;
- that there is no plan-led requirement to deliver substantial comparison goods retail floorspace in the short to medium term - this aspect of Policy CS7 has been challenged by the PRP as part of the Proposed Modifications consultation however, Carter Jonas on behalf of GYBC has responded to the PRP’s requests and finds that the objectives of Policy CS7 remain unaffected – only a minor uplift to capacity is required towards the end of the Plan period;
- that in considering PRP’s revised proposal, there is a requirement to re-consider the site’s designation as an existing employment site which includes providing evidence that the site has been marketed for a period of 18 months - Policy CS6 policy has been tested at Examination and there are no outstanding objections to this policy;
- that there is a clear intention on the part of GYBC to deliver substantial retail development in the Great Yarmouth Waterfront Area.

It is with the above in mind we now turn to our analysis of the two application proposals.

Analysis

A stand out point in relation to the consideration of both application proposals is that combined, the two schemes would provide up to 10,266 sq m gross (8,400 sq m net) of additional / re-purposed floorspace in an out of centre location. This is concerning because this amount of retail floorspace far exceeds that which was refused under Application Ref: 06/14/0109/F and is an amount of floorspace that the GYBC has very recently concluded will have a significant adverse impact on Great Yarmouth and Gorleston Town Centres, despite a proposal by the Applicant to restrict the type of goods that can be sold from the park.

The case against approving both applications is even more compelling when it is considered that additional weight to the high bar of great weight can now be applied to the emerging Local Plan Core Strategy as a material consideration in the decision making process. The latest evidence to support the emerging Plan clearly does not envisage a need for new comparison goods retail floorspace in the Borough in the short to medium term (up to 2021), with any capacity beyond this point capable of being met within the Town Centre. The retail strategy as set out in the GYCSLP would be significantly undermined if both applications were to be approved effectively rendering it unsound at the point of adoption. Moreover, the GYCSLP makes clear that in assessing applications for new retail development, the Council must ensure that there is no significant adverse impact on an existing designated centre (also a key test set out by the NPPF – another important material consideration in the determination of applications).

It therefore follows that a decision needs to be made as to whether it would be appropriate to allow just one of these schemes to come forward. In this case the key things to consider are:

- the health of the Borough's network of centres and therefore the extent to which each proposal will have an impact on the vitality and viability;
- the impact of each proposal on existing, committed and planned investment;
- the existing and emerging development plan position in respect of each site;
- other material considerations relevant to the determination of each application.

In respect of impact, we have the following observations:

Impact on Vitality and Viability

In their current form, neither application would be acceptable in terms of their likely impact upon the vitality and viability of Great Yarmouth Town Centre. This is largely due to the types of goods that each applicant is proposing to sell which in both cases are not exclusively sold from stores and facilities in out of centre locations. In the case of Great Yarmouth, there are a great number of stores which could find themselves to be in direct competition with either proposal on a like for like basis if either of the proposed restrictive conditions are accepted. This includes:

- Palmers Department Store
- Debenhams
- Wilko
- H Samuel
- Argos
- Poundland
- 99p Stores
- BHS (includes homewares)
- Normans Furniture
- The Linen Line
- CeX
- WHSmith
- AB Computers
- Yarmouth Pet Stores

This list is extended further when considering the condition put forward by PRP which would also permit the sale of sports goods and supplies and hobbies and crafts:

- Craftmania
- Noble Crafts
- Northgate Needlecraft
- More to the Point
- Knitters Knook

- Crafts Gifts and More
- JD Sports
- Trespass

The introduction of these competing comparison goods categories have the potential to threaten the future of stores and facilities within Great Yarmouth Town Centre with adverse implications for its vitality and viability.

In addition to the above, it should be highlighted that the conditions proposed do not in anyway prevent the relocation of existing Town Centre occupiers to the proposed retail floorspace (such as those listed above). Moreover, they would also allow incoming tenants, who are traditionally town centre occupiers to take space at the new floorspace serving to inhibit Great Yarmouth Town Centre's ability to attract new entrants.

This is most concerning in respect of the EOP proposal as with a minimum floorspace of 465 sq m there is nothing to prevent the carving up of the B&Q unit into more than four retail units – leading to far more efficient floorspace in this location and a size of retail unit which would more readily compete with the Town Centre. More controls relating to the reconfiguration of this space must be imposed if it is to be found acceptable.

Alternatively, there may well be scope for the space to be occupied by the tenants envisaged by PRP and to restrict the floorspace on the basis of these named operators. Whilst the introduction of a Dunelm unit in this location would be less than ideal, it would facilitate the downsizing of the B&Q unit through occupation of all vacated space by one operator. This would remove additional speculative floorspace in this location which would have been to the detriment of the Town Centre.

Whilst we do not dispute there are signs of recovery through recent planned and committed investment, this must be set against the context of the key indicators of health set out within the NPPF – a number of which point to the Town Centre being vulnerable. This includes:

- an increase in the number of vacant units from 81 units in July 2013 (16.53%) to 92 in July 2014,¹⁰ representing 18.78% of all units in the Town Centre – 7.46% above the national average;
- the loss of two national operators from the Town Centre since the last GOAD survey was undertaken - The Body Shop and Marks and Spencer and one local retailer – Hughes Electrical - all three units remain vacant;
- the nature of retail representation and lack of choice within the Town Centre following the departure of the above stores and a number of additional stores in 2013/14 - vacated stores have been replaced in the main with charity shops, value retailers, stores on temporary rents, banks and building societies;
- 3% decline in footfall across the Town Centre when compared with 2014 figures (a figure confirmed to us by the Town Centre Partnership);
- ongoing lack of investment in existing stores (which is required to attract new, quality retailers to the Centre) and the need for general environmental enhancements across the Centre including Market Square; and
- decline in Zone A rents since 2011 (Commercial Yields on Non-Domestic Property – Source: EGi (accessed July 2015)).

Set against this backdrop of ongoing decline, it is therefore reasonable to assume that the proposals represent a significant threat to the vitality and viability of the Town Centre.

To elaborate, the applicants both cite low impact figures arising from their respective quantitative

¹⁰ GOAD Category Reports dated 30 July 2013 and 29 July 2014 respectively.

assessments of impact. This is however misleading, not least because this figure serves to mask the likely impacts of the proposal due to the comparison goods turnover of Great Yarmouth being approximately 9-10 times higher than the proposals combined. In this case, the quantitative impact figure must be viewed with caution and set against the current health of the Town Centre, bearing in mind Planning Practice Guidance which states that:

“a judgment as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact” (Paragraph: 017 Reference ID: 2b-017-20140306).

This infers that a judgment as to the qualitative impact of the proposal is necessary in the context of assessing impact and in this case entirely justified to demonstrate that the proposal will have a significant adverse impact on the Town Centre.

As we have set out in previous representations, the proposals, if not properly controlled, represent a significant threat to the Town Centre. Allowing either proposal on the basis that the impact assessment generates a ‘low impact figure’ is hazardous from a precedent setting perspective. This is best illustrated if you were to quadruple the size of the proposed developments utilising the same trade draw assumptions utilised by Strategic Perspectives (now Carter Jonas) in its assessment of the proposal. This would only serve to increase the cumulative trade diversion impact on Great Yarmouth by 2-3%. Whilst this is a fairly crude assessment, it illustrates quite clearly that a) the quantitative assessment grossly underestimates the influence of the proposal on Great Yarmouth and fails to reflect the realities on the ground; and that b) even the impacts of a circa 40,000 sq m retail park on the outskirts of Great Yarmouth would be masked significantly by the relative turnover of Great Yarmouth.

As we have demonstrated above, the proposed conditions for restricting the sale of goods provides very little comfort that the proposed retail floorspace will not compete with stores and facilities in the Town Centre on a like for like basis – a concept introduced by the Planning Practice Guidance at Paragraph 016 (Reference ID: 2b-016-20140306) and that applies in this instance as a number of stores in the Town Centre are of a comparable scale, sell similar goods and have national presence.

This includes Ponden Home which is due to take occupation of the former Cooperative unit later this year as well as Debenhams, Wilko, 99p Stores and Poundland. It also includes Palmers Department Store which has been operating from the Town Centre since 1837 and stocks a variety of branded furnishings, homewares, linens and cookware¹¹.

Impact on Existing, Planned and Committed Investment

In addition to the above, neither Applicant has sought to properly address the likely impact on existing, committed and planned investment. In the case of Great Yarmouth Town Centre, as we have referred to above, there are a number of town centre developments or investments that are planned for Great Yarmouth Town Centre which have been announced since the PRP application was refused in November 2014.

It is not a coincidence that these positive steps towards recovery have occurred since the subject Application was refused and the Local Plan has put forward a robust strategy for supporting the plan-led regeneration of the Town Centre.

The first is the announcement that Edinburgh Woollen Mill (EWM) have acquired the freehold interest in the former Cooperative building in Market Place which will be reconfigured to accommodate three new retailers - an Edinburgh Woollen Mill, Ponden Home and Peacocks. This development represents a significant investment as it will allow for the re-occupation of a landmark building in a location which has been in decline since the store was vacated in 2010. On the basis that the building has now been acquired by EWM and that substantial progress has been made to facilitate its occupation by the three retailers, this investment can be

¹¹ <http://www.palmerstores.com/>

regarded as 'committed' taking into account the key considerations set out in Planning Practice Guidance at Para 016 (Reference ID: 2b-016-20140306):

"Where wider town centre developments or investments are in progress, it will also be appropriate to assess the impact of relevant applications on that investment. Key considerations will include:

- *the policy status of the investment (i.e. whether it is outlined in the Development Plan)*
- *the progress made towards securing the investment (for example if contracts are established)*
- *the extent to which an application is likely to undermine planned developments or investments based on the effects on current/ forecast turnovers, operator demand and investor confidence."*

The nature of the tenant line-up at the reconfigured store (which is to include the sale of home furnishings and homewares at Ponden Home) is such that we consider the application proposals will have a significant adverse impact on the ability of this investment to trade to its full potential, something which we understand EWM have expressed concern about through discussions with the Town Centre Partnership. Indeed, if Dunelm (or a similar operator) were to take occupation at either proposal, this will compete on a like for like basis with Ponden Home – both operators have a national presence and sell the following goods:

- duvet sets;
- bedspreads;
- bed accessories;
- sheets;
- pillowcases;
- quilts;
- pillows;
- mattress protectors;
- ready made curtains;
- cushions;
- throws;
- storage;
- towels;
- bath mats; and
- laundry items¹²¹³.

The second investment for consideration relates to the ongoing work by Ellandi to improve the overall offer at Market Gates in order to attract new retailers to the Centre and to encourage increased trips to the Town Centre as a whole.

The fact that Ellandi acquired the Centre in 2013 represents in itself a significant existing investment which cannot be ignored. Further investment has taken place since 2013 which includes improvements to internal wayfinding and refreshed branding for the Centre (occurred before the Appeal emerged). Additional funding has also been committed for works to the southern entrance which was granted planning permission in June 2015 as well as further external enhancements to include the potential recladding of existing elevations and new glazing. A scheme of external signage incorporating the Centre's refreshed branding has also been approved by GYBC and commissioned by Ellandi. Lastly, we can advise that Ellandi is in advanced negotiations with x2 national high street retailers to take occupation of Market Gates which has involved significant time and money and will necessitate fit out costs etc.

Collectively, these works can be regarded as significant existing, planned and committed development – all of which will be undermined should the proposals be allowed to come forward without proper scrutiny. The anticipated effects could include:

¹² <http://www.pondenhome.co.uk/>

¹³ <http://www.dunelm.com/>

- the loss of existing tenants through closure due to loss of trade or relocation to the application sites (or other out of centre space 'freed up' through relocation to the new retail floorspace);
- difficulty in attracting new tenants to the scheme due to increased supply and cheaper rents at Pasteur Road;
- reduced footfall across the Town Centre due to improved provision elsewhere.

These types of effects serve to significantly undermine Ellandi's ability to justify further expenditure at Market Gates and thus puts at risk its existing, planned and committed investment.

In addition to the above mentioned private investment, progress has also been made by GYBC to put in motion a programme of investment in Great Yarmouth Town Centre through the Town Centre Initiative. It is understood that funding for this initiative has been secured following Cabinet approval in February 2015 and a public commitment to the initiative has been made through the GYBC Corporate Plan 2015-2020 which was consulted upon during 2014 and approved at Cabinet on 13 July 2015.

The commitment outlined in the Corporate Strategy is to refocus interest in the Town Centre in the short term and to develop a long term vision of how the Centre can be commercially attractive and viable. The initiative is supported by committed Council funding and is intended to deliver a package of environmental and presentation initiatives and develop a long term strategy to plan key changes, and to guide investment, operational and marketing plans. Central to this long term vision includes the renewal of the Business Improvement District for the next five years and the recent appointment of Carter Jonas to develop a masterplan for the development of the Town Centre and the surrounding Waterfront Area.

The recent announcements by GYBC in respect of the Town Centre Initiative represent a significant long term commitment to investing in the Town Centre and supports the spatial strategy for sustainable development set out in the soon to be adopted Local Plan.

The announcements also represent significant progress in terms of the status of the investment insofar as GYBC has set aside funding for the Town Centre Initiative and has now instructed consultants to undertake the necessary review of the Centre to bring about its recovery.

This work forms the overarching strategy for the Town Centre as advocated by the NPPF / Local Plan Policy CS7 (amongst others), which can only be properly executed if it is given time to be implemented. The proposals pose a significant threat to the success of this initiative, not least because they will serve to detract the focus of investment away from the Town Centre and deliver a substantial quantum of the planned retail capacity for Great Yarmouth now and not as directed by the emerging local Plan later in the Plan period.

It is with the above in mind that we are able to conclude that either proposal in their current form could have a significant adverse impact on a series of existing, committed and planned investments in Great Yarmouth Town Centre and on this basis fails the first test of impact set out at NPPF Para 24.

Impact Conclusions

In weighing up the individual proposals, we note that the PRP proposal would lead to a far greater increase of retail floorspace than that of the EOP proposal, in a non-established retail location (with potential for future extension if retail uses are established). The impact of this proposal on the Town Centre would therefore be far greater than that of the proposal by EOP, especially if it is considered that the retail floorspace to be taken by named occupiers of the PRP scheme could be accommodated within the EOP scheme. Moreover, and whilst the EOP proposal in its current form is unacceptable (there are no named operators and there are insufficient controls in regard to the types of goods that can be sold and the number of retail units that can be created) – we acknowledge that the site to which this application relates is already in a retail use albeit with a lower turnover attributed to the leftover B&Q space than would be created by occupation of a separate retailer(s).

Further impact on the Town Centre would also be attributable to the PRP scheme owing to the additional A3

uses that are proposed. Both Burger King and Costa are represented in the Town Centre, are relatively new to the Centre and have made substantial inroads in terms of improving customer dwell time. Moreover, they have assisted in allowing the Centre to survive as a community facility. Placing A3 uses in an out of centre location will enhance the attraction of the PRP park and remove another reason for shoppers to visit the Town Centre. This will not only result in a loss of trade to the A3 occupiers in the Town Centre but it will also increase the patronage of the retail park increasing the likelihood of people diverting their trade to the retail park from the Town Centre.

The Development Plan

In regard to the existing and emerging Development Plan, we note that PRP has failed to provide justification for the loss of employment land in this location. This includes the need to provide evidence that:

- 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 – the site has never been marketed;
- 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 – no viability exercise on this basis has been undertaken.

On the basis of the above the PRP application proposal clearly conflicts with the existing and emerging Development Plan.

In respect of emerging Policy CS6, it is important to highlight that the Inspector has not altered the policy and in his Modifications only sought comments on the deletion of the first assessment criteria of the Policy. There are also no outstanding policy objections to this policy. This relevant policy can therefore be afforded great weight as a material consideration in the determination of this Appeal in accordance with Para 216 of the NPPF.

PRP has previously asserted that the site is not viable for employment uses or a form of mixed-use development as required by Policy CS6. However, this position simply amounts to assertion on the Applicant's behalf. The Applicant has not marketed the site to date to provide the evidence called for by Policy CS6.

The repercussions of accepting a vacant and cleared employment site as unviable for economic development without the supporting evidence called for by Policy CS6 would be severe and likely lead to substantial loss of other employment land within the local area. This is because much of the land required to meet future employment land supply is comparable to the application site. Therefore, as required by Policy CS6, it is appropriate for the market to determine if a site can deliver employment uses which can only be robustly tested if a site is made available at a reasonable price, not a price with hope value for alternative uses.

There is no such allocation in connection with the EOP application site (i.e. the EOP proposal is not subject to the same policy allocation and therefore material consideration in relation to the loss of employment land).

Material Considerations

In both cases, the Applicants assert that there are benefits to the scheme which should be afforded weight in the determination of their respective applications. This largely relates to the creation of jobs and the economic benefits associated with each proposal which we review in more detail below.

PRP Application

PRP has across its various submissions cited the following benefits with the proposed development which it considers to be material to the determination its proposal:

- providing investment;

- creating jobs;
- regenerating a brownfield site;
- improving choice and competition;
- retaining expenditure that is currently leaking elsewhere.

What PRP'S assessment of benefits fails to highlight is that the majority of these benefits will be at the expense of Great Yarmouth Town Centre which is GYBC's priority location for delivering investment, brownfield regeneration and the creation of new jobs in the Borough, as specified in its emerging Local Plan. Any new jobs to be created must be treated with caution as the significant adverse impacts on Great Yarmouth Town Centre and the relocation of existing retailers to the retail park / closure of Town Centre stores will substantially lower this figure (as jobs are either redistributed or lost as a result of the proposal).

Moreover, there is no evidence to support the assertion that the scheme will enhance consumer choice and competition in the spirit of NPPF. There is no identified shortfall in retail warehouse provision in the Borough, or the range of goods that the scheme would be able to sell – quite the opposite in fact when in and out of centre retail provision is considered. Moreover, the type of competition that the scheme will bring about would only serve to dilute existing provision in the Town Centre and significantly undermine existing operators which will be competing with the scheme directly.

In addition, any assertion that either scheme will serve to claw back expenditure to the Borough is also disingenuous and conflicts with the available evidence:

- an interrogation of the household survey data which supports the Great Yarmouth Retail Study (2011) reveals that the majority of the comparison goods leakage from Great Yarmouth's Core Catchment Area is to Norwich City Centre - a higher order, regional centre which caters for a much wider catchment and is a major centre for employment (key retailers in Norwich include John Lewis, House of Fraser, Apple Store and Cath Kidston). It is also not the intention of the NPPF to claw back trade from a town centre location to an out of centre retail park;
- the highest proportion of this leakage can be attributed to clothing and footwear expenditure – the extent of this expenditure leakage is not however considered to be critical at 39% (taking into account Norwich City Centre's higher order status);
- the subject proposal is not appropriately located nor is it of a sufficient scale to bring about the step change that would be required to claw back trade from Norwich City Centre and to attract the type of retailers referred to above (even if this was identified as being required by the Local Plan – which it is not);
- as stated above, this 'step change' or increase in market share is not planned for by the emerging Local Plan Core Strategy on the basis that Great Yarmouth serves a much more local catchment and is not deficient in any goods categories when considering the provision of retail in the Town Centre and retail parks;
- accordingly there is no argument to be progressed that there is a need to improve choice and competition (particularly competition in a retail park location when this should be directed to competitive town centres);
- the retention rates for bulky goods / retail warehouse provision in Great Yarmouth's Core Catchment Area are very high and do not suggest a requirement to claw back expenditure as the Applicant implies:
 - furniture, carpets and other floor coverings – 69.32%
 - hardware, DIY goods, decorating supplies and garden products – 94.7%;
 - audio-visual and electrical equipment – 84.4%
 - small goods for the home – 89.9%

- large domestic electrical items – 87.7%
 - pets and pet products – 91.9%
 - all other non food goods – 79.8%
- the remaining trade is drawn predominantly to Norwich City Centre (not, we would add, to its out of centre retail parks which would be comparable to the application proposals) – this is hardly surprising taking into account the nature of retailing in this location (John Lewis and House of Fraser for example provide a wide range of goods for the home).

To illustrate this point in more detail, we set out below the market shares for retailing in Great Yarmouth's Core Catchment Area which have been extrapolated from the Great Yarmouth Retail Study (2011):

Figure 3 – Comparison Goods Market Shares

	Core Catchment Area (CCA)	Norwich City Centre (Draw from CCA)	Norwich Out of Centre (Draw from CCA)
Clothes and Footwear	61.0%	34.6%	0.0%
Furniture, Carpets and Other Floor Coverings	69.32%	15.8%	6.6%
Hardware, DIY Goods, Decorating Supplies and Garden Products	94.3%	15.8%	6.6%
Audio-Visual and Electrical Equipment	84.4%	13.2%	1.9%
Small Goods for The Home	89.9%	7.9%	0.3%
Large Domestic Electrical Items	87.7%	8.4%	1.1%
Pets and Pet Products	91.9%	0.0%	0.4%
All Other Non Food Goods	79.8%	13.1%	0.0%

In respect of the redevelopment of brownfield land and in the context of the PRP proposal, this should not attract weight in this case as the land needs to be tested first through marketing for the development of employment uses. The sites that are allocated in the soon to be adopted Local Plan for retail development are also brownfield land and will bring about far greater regeneration benefits than the limited job provision suggested for the application proposals.

Underlining this is our conclusion that the application proposal conflicts with the relevant policies of the adopted Development Plan (as well as the relevant policies of the emerging Local Plan which currently have

great weight and will have full weight if adopted at the point the application is determined).

EOP Application

In respect of the benefits / material considerations cited by the Applicant in relation to the EOP proposal, our conclusions are largely similar to those outlined above where job creation / investment is concerned. There are however a number of additional considerations associated with the EOP proposal which serve to distinguish the scheme from the PRP proposal:

- the EOP proposal relates to an existing retail unit within an established retail park which already has a command over local expenditure;
- the EOP scheme could be regarded as more sustainable than that of the PRP scheme insofar as it offers the opportunity for linked trips within an existing retail park;
- the EOP scheme would have a lesser impact on the Borough's network of centres owing to its smaller size – furthermore it does not include additional A3 uses which would act as a further draw on trade, to the detriment of Great Yarmouth Town Centre;
- the EOP proposal would ensure the retention of a B&Q operation in Great Yarmouth thus preserving existing local jobs (we would wish to see confirmation from B&Q to this effect before the application is determined); and
- the EOP proposal could be subject to further reasonable restrictions on unit size, permitted development rights and range of goods which would further reduce its potential impact on centres.

Conclusions

In conclusion, the two application proposals combined would far exceed the floorspace proposed under refused Application Ref: 06/14/0109/F (with similar goods restrictions conditions proposed). There have been no material changes in circumstances which would favour these applications since consideration and refusal of 06/14/0109/F and which would warrant reconsideration of this decision (including the health of Great Yarmouth Town Centre which has in fact declined since November 2014). In order to ensure consistency in decision making, it follows that GYBC would find the cumulative impacts of this amount of floorspace to be significantly adverse in line with its original decision in connection with Application Ref: 06/14/0109/F. Instead, a decision must be made as to whether it would be appropriate to allow just one of these schemes to come forward, taking into account the NPPF criteria for decision-making at Paragraph 14 which includes reference to the role of material considerations in weighing up the acceptability of a proposal.

Ellandi object to both proposals in their current form, although it is acknowledged that the EOP proposal can be distinguished from the PRP application insofar as it relates to an existing retail unit within an established retail park and as such already has a call on local expenditure. Moreover, we would envisage the EOP proposal has the scope / flexibility to deliver the space that is required to accommodate both Dunelm and AHF – the two occupiers envisaged by PRP to take occupation of part of the new retail park on land owned by Pasta Foods. Whilst the introduction of a Dunelm unit in this location would be less than ideal, it would facilitate the downsizing of the B&Q unit in through occupation of all vacated space by one operator. This would remove additional speculative floorspace in this location which would have been to the detriment of the Town Centre.

The EOP proposal is not however fully acceptable because it fails on a number of counts to appropriately restrict the types of goods and / or users that could take occupation of space within the rationalised B&Q unit. In order to get to a position whereby Ellandi would not object to the proposal, further attention would need to be paid to the controls that are applied to the space. This includes the strengthening / refinement of the current proposed goods restriction condition and the removal of permitted development rights to safeguard against the insertion of mezzanines and future sub-division (dependent on end users if these can be confirmed). Further information is also required as to the anticipated tenant line up for the scheme and there is a need to expand upon the Applicant's proposed minimum unit size. This is because as the proposal currently stands, more than four retail units could be created within the space - all of which will have the ability to sell a range of goods which will be in direct competition with Great Yarmouth Town Centre.

In addition to the above, we note that the EOP application seeks to vary Condition 4 attached to an extant Planning Permission Ref: 06/98/0969 for the development of the B&Q unit and builders yard. However, the red line site location plan (Drawing No. PL-10) submitted by EOP in support of this application appears to cover only part of the existing B&Q retail unit – i.e. the area to be carved up into separate units. Whilst we understand the rationale for submitting the plan in this form, the correct approach in our view would be for the red line to echo that of the original red line plan which was Approved under Planning Permission Ref: 06/98/0969. Condition 4 would then be varied to permit the sale of a broader range of goods from the carved up space (as appropriate) and also to restate the existing DIY goods restriction that would remain applicable to the downsized B&Q unit. The decision notice would also repeat the relevant conditions from the original planning permission (alongside any new conditions), unless they have previously been discharged, as specified by Planning Practice Guidance (PPG) (Paragraph: 015 Reference ID: 17a-015-20140306. This would ensure there is no ambiguity associated with the Permission for the site.

Conversely, there are no material benefits associated with the PRP application which would in our view substantially outweigh the significant adverse impact of the proposed development on Great Yarmouth, particularly when it is considered the proposal is outwith an established retail location, it is larger than the EOP proposal and that the proposed 'bulky goods' condition put forward by the Applicant is not a bulky goods condition. Indeed, the Applicant's proposed condition would enable the sale of sports goods and supplies, hobbies and crafts and household furnishings. As we demonstrate above, the sale of such goods will compete directly with Great Yarmouth Town Centre on a like for like basis. Moreover, the proposal directly conflicts with the existing and emerging Development Plan which identifies the site (in part and as a whole) as an Existing Employment Site.

If in the event EOP is able to overcome our concerns regarding the impact of the proposal on Great Yarmouth Town Centre through revisions / additions to the proposed restrictions and provide more details as to the format of the retail unit / tenant line up, we consider there is a rationale for GYBC to approve this application and refuse the PRP application. These revisions / additions should include:

- revision to red line site location plan and retention of DIY goods only condition in respect of the down-sized B&Q unit;
- where new units are to be created, a floor plan to be approved as part of the application (therefore setting the size of units) with further conditions restricting future subdivision horizontally and vertically (mezzanines) through the removal of permitted development rights;
- the setting of a minimum unit size of over 1,000 sq m to differentiate occupier space from many units that are available within Great Yarmouth Town Centre;
- confirmation from the Applicant as to whether the scheme could accommodate Dunelm and / or AHF;
- where Dunelm is not being targeted, removal of the ability to sell home furnishings to prevent significant adverse impact upon Great Yarmouth Town Centre – this would ensure the scheme is more akin to a traditional bulky goods retail warehouse operation.

I trust you will find these comments to be of assistance. Should you have any queries regarding the above, please do not hesitate to contact me.

Yours sincerely



Matthew Williams
Director

Cc Kim Balls (Senior Planner - Policy)

Reference: 06/13/0703/O

Parish: Bradwell

Officer: Mr D Minns

Expiry Date: 17-02-2014

Applicant: Mr D King

Proposal: Residential development of 130 dwellings including all site works

Site: Land to south of Meadowland Drive
Bradwell

REPORT

1. Background / History :-

- 1.1 This is an outline planning application seeking to establish the principle of development 130 residential dwellings with only the means of access to the site forming part of this application. The means of access is shown from Meadowland Drive and Caraway Drive. The site is situated on land immediately south of Meadowland Drive and Caraway Drive and consists of approximately 5.6 hectares (14 acres) of Grade 3 agricultural land. To the north of the site are residential dwellings. To the south and east there is land which is presently agricultural land but forming part of the Wheatcroft Farm land granted full and outline planning permission for 850 residential units last year. To the east beyond the Jews Lane footpath is a playing field for the Oriel High School.
- 1.2 The site gently slopes from south west to north east by approximately 4m. This corner has been identified as being a suitable location for the surface water attenuation basin. The site lacks any landscape features except boundary trees and hedges. These will be retained and enhanced where necessary. The application notes that there are trees on the main southern boundary which are of good quality and that these will be retained and the layout will seek to keep them within the public realm.
- 1.3 The indicative plans submitted with the application show the public open space and attenuation basin would be located between the existing and proposed dwellings to maintain a buffer between the existing dwellings and the proposed development.
- 1.4 The indicative plans also show 1.311 hectares of open space (including the attenuation basin) resulting in 4.289 hectares of development area. This equates to densities of 23.2 dwellings per hectare (gross) and 30.3 dwellings per hectare (net).

- 1.5 In addition the plans also show the potential to link up with land to the south by showing potential pedestrian and cycle links to this adjacent site to ensure both proposals.
- 1.6 The site is currently outside the development boundary as shown in the Great Yarmouth Borough Wide Local Plan 2001. The site has been put forward for development in the Strategic Housing Land Availability Assessment (SHLAA) 2014 and forms part of the wider strategic allocation for Beacon Park put forward under the emerging Core Strategy Policy CS18.
- 1.7 As assessed the SHLAA states the site is located off the southern development limits Bradwell and is bounded on its southern and western boundary by sites put forward for development. The site is level and featureless.
- 1.8 In terms of suitability for development the site is described as adjacent to the village development limits of Bradwell which is considered to have a good range of facilities such as secondary school, range of shops and medical facilities. In terms of highways and access suitability, Norfolk County Highways commented that the site is suitable for estate scale development and is well related to provision of local services. However the site is possible constrained by strategic infrastructure implications along the A143 and further north to the A12 Garton Hall roundabout.
- 1.9 The SHLAA goes on to state in terms of environmental suitability, Anglian Water have indicated that there are major constraints to sewage infrastructure, particularly the cumulative impact of many sites which may require larger wet wells at the pumping stations along with flow attenuation upstream. In addition there is no further capacity for foul water sewage, therefore alternative methods of surface water drainage such as exploring the potential for Suds where appropriate should be considered.
- 1.10 In terms of achievability of delivery the site is in single ownership and considered to have few constraints in terms of development and could deliver up to 130 dwellings at a rate of approximately 20-25 dwellings per year.

2. Consultations :-

- 2.1 Parish Council – No objections to overall proposal, but would make the following comments on some of the detail:-
 - 1) The 'open space' areas should not be spread thinly across the length of the development, but an equivalent amount of open space should be provided within a better shaped area at the eastern side of the development;
 - 2) The smaller properties within the 'central' area should be provided with 'back passages' and rear access, so that 'wheelie bins' etc. do not have to be stored permanently at the front of each dwelling;

- 3) All dwellings should be provided with at least 'dwarf walls' or 'divides', rather than being completely 'open plan'
 - 4) The 'Design and Access Statement', first paragraph under sub-heading 'Use and Amount', states that the dwellings should access the road network via Meadowland Drive and Caraway Drive 'on the basis that the signalised junction at Beccles Road and Long Lane is improved'. Are there any plans to make such improvements, and if so, what are they?
- 2.1 **Publicity/Neighbours** – 7 letters of objection. In summary-
- No objection in principle to housing but to the means of access. Primrose Way and Meadowland Drive are access not through roads.
 - Parking on roads is hazardous now and building traffic will only exacerbate that problem.
 - The main objection is if Meadowland Drive is opened up as access road then it could become no more than a rat run from the A12 once the link road is opened up.
 - Build up of traffic is horrendous on Primrose Way in the mornings. No reason why the properties can't be accessed off the new link road.
 - The proposal is contrary to your Core Strategy 5.2.7 which states 'that it is important that development contributes to improving the the quality of life for existing communities' This will certainly not be the case if Meadowland Drive is used to access the development.
 - Very little thought has been given for the safety of children by using the existing roads to access the development.
- 2.3 **Environment Agency** – previously objected to the proposal because the proposed houses were shown to be in area of flood risk as shown Great Yarmouth Surface Water Management Plan. The plan reference SK-100 REV P3 . 02 Rev C. The main Meadowland Drive access route is still at risk of up to 0.5m depth of water which would be unsafe to drive through. An alternative emergency access route has been provided to link to Caraway Drive in the event of a flood to provide safe access for all occupants. You may wish to condition that this emergency access is provided.

We consider that outline planning position could be granted to the proposed development if the following planning condition is included as set out below.

Infiltration tests

A plan showing the location of the infiltration tests has been provided. One test was just to the west of the proposed basin, but is considered to be sufficiently near to agree to the principle of infiltration drainage. Further BRE365 testing will be required at the detailed design stage.

As part of the reserved matters application for each phase of development approved by this planning permission a surface water drainage scheme to shall be submitted to, and approved in writing by, the local planning authority. The scheme shall include:

1. Infiltration testing in the location of the proposed infiltration features in accordance with BRE 365, and the design of the infiltration features using the locally specific lowest rate.
2. Plans and drawings of all aspects of the surface water drainage system.
3. Modelling of the surface water drainage scheme to show that the attenuation features will contain the 1 in 100 year rainfall event including climate change.
4. Modelling of the conveyance system to demonstrate that there would be no above ground flooding in the 1 in 30 year rainfall event, and to detail the volumes of flooding in the 1 in 100 year climate change event, along with plans and drawings to show where any flood volumes would flow and be stored to prevent flooding of buildings and offsite flows.
5. Plans depicting the exceedence flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system.
6. Details of who will maintain each element of the surface water system for the lifetime of the development, and submission of maintenance schedule. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.

2.4 Environmental Health –

Contaminated Land -The historical agricultural use of the land on which the proposed development is to be sited does not present any significant concerns with regard to any potential land contamination. If, however, during any stage of development any suspected contamination is unearthed then work is to cease immediately and the developer is to contact Environmental Health

Air Quality - There is the potential problem of airborne emissions during the site preparation and construction phases of the proposed development. Therefore, the following measures should be employed (where applicable):-

- An adequate supply of water (protected against frost) available for suppressing dust; - Access routes and site roads are to be swept and washed down on a regular basis to help prevent vehicle movements releasing dust into the atmosphere;
- If employed on site any crushing and screening equipment is to have integral dust suppression fitted;
- If employed on site any mobile crushing and screening equipment is to be sited distant from the identified existing receptors along the northern boundary of the site;
- If employed on site any bulk aggregates stored on site are to be stored in screened bays as to minimise their disturbance by prevailing weather conditions;
- Vehicles carrying loose aggregate and workings are to be sheeted at all times; Mechanical cutting equipment with integral dust suppression should be used There should be no burning of any materials on-site.

Noise Due to the proximity of existing Monday to Friday: 07:30 hrs to 18:00 hrs
Saturdays: 08:30 hrs to 13:30 hrs No work on Sundays and Bank Holidays

The applicant is strongly recommended to advise neighbouring residential occupiers and businesses of the proposals, together with contact details in the event of problems arising. The hours of site operation should be

- Monday to Friday: 07:30 hrs to 18:00 hrs
- Saturdays: 08:30 hrs to 13:30 hrs
- No work on Sundays and Bank Holidays

The applicant is strongly recommended to advise neighbouring residential occupiers and businesses of the proposals, together with contact details in the event of problems arising. /

2.5 Highway Agency - As the application will not have adversely affect the A12 Trunk Road at this location, the Highway Agency does not intend to issue a direction.

2.6 Norfolk Wildlife Trust – Mitigation for impacts on biodiversity and biodiversity enhancements should be a condition on any planning permission. In our view, the majority of the recommendations within Section 6 of the Ecological Assessment should be considered as necessary mitigation, as they relate to impacts and not as optional enhancements. These should included in planning conditions and should be drawn together as proposed in the Conservation Management Plan for the development.

My bit Section 6 refers to Opportunities for enhancement including

Boundary habitats enhancing the boundaries by filling in the gappy bits of hedging which help foraging bats,

Lagoons, if they are expected to hold water then they should be aquatic plants to create a diverse pond habitat, transient water only the basins should be seeded with wetland grass and wildflower mix

Biodiversity management plan to ensure the biodiversity gains are over the longer terms*

2.7 RSPB - 'Having reviewed the proposal, the RSPB does not object to the Outline planning application. This assessment is based on sufficient infrastructure being provided., such as SuDs and other measures to ensure that drainage from the site will not result in nutrient inputs to watercourses within the area . Whilst we are supportive of the proposed biodiversity enhancements recommendations, we consider more should be done to ensure that the development delivers net biodiversity gains. The Council will need to satisfy themselves that appropriate measures are applied to the development to ensure it meets the net biodiversity gains under the NPPF.'

2.8 Building Control –No adverse comments

2.9 GYB Services - Each property will need a bin storage area.

2.10 Natural England – No objection.

2.11 Essex & Suffolk Water – We would advise you that our existing apparatus does not appear to be affected by the proposed development. We have no objection. We give consent to this development on the condition that new water mains are laid on site in the highway, and water connections are made onto our Company network for each new dwelling for revenue purposes.

2.12 **Strategic Planning** – The site is outside the settlement boundaries and therefore contrary to the 2001 Local Plan however the site is located in Bradwell which is identified in the draft Core Strategy as a settlement which will see significant growth. The site is between the strategic allocation and the edge of Bradwell and is a logical extension to the Kings Drive development. The site has been included in the Strategic Housing Land Availability Assessment.

2.13 Anglian Water –

Wastewater Treatment - The foul drainage from this development is in the catchment of Great Yarmouth STW that at present has capacity for these flows.

Foul Sewage Network – The sewage system at present has available capacity for these flows.

Surface Water Disposal - is outside of our remit you will need to seek the views of the Environment Agency. We will request that the agreed strategy is conditioned in the planning approval.

- 2.14 **Norfolk Constabulary-** Has no formal objection to the outline application in principle and suggests that the following comments are considered, which if implemented as part of the Reserved Matters will reduce the likelihood of crime, disorder and anti-social behaviour occurring. The indicative layout is acceptable in terms of designing out crime, we would however request that the layout maximises on the potential for in curtilage parking provision with back to back gardens, with rear court yard parking eliminated.

2. 15 Norfolk County Council – Contributions will be required towards Education, Fire Service and Library provision,

Education - the scale of development proposed in Bradwell the County Council preferred approach is for a new primary school to serve all the new Bradwell developments. This would comprise a new 1.5 form entry (315 places) primary phase school including nursery provision on the new South Bradwell development to accommodate the additional children. Therefore the County Council would seek pro rata cost of building a 1.5 FE school- the total cost being £5,150,000: Application No 06/13/703/O 34 children/315 place school x £5,150,000 =£555,873

Norfolk County Council- Potential Planning Obligations

Application No 06/13/703/O (130 dwellings) would require 3 fire hydrants on no less than a 90 mm main at a cost of £424 each (Essex and Suffolk Water). Please note that the onus will be on the developer to install the hydrants during construction to the satisfaction of Norfolk Fire Service and at no cost. Given that the works involved will be on-site, it is felt that the hydrants could be delivered through a planning condition.

Library Provision

The proposed developments would place increased pressure on the existing library service (Gorleston Library) particularly in relation to library stock, such as books and information technology. This stock is required to increase the capacity of Gorleston library. On this basis the following contributions are sought: Application No 06/13/703/O (130 dwellings)- It has been calculated that a development of this scale would require a total contribution of £7,800 (i.e. £60 per dwelling).

Environment - Public Rights of Way

My suggestions for the proposed development would be for the improvement of the surface of Jews Lane along its full length, a public bridleway to the east of the development, which also is a route to the rear entrance of the high school. The type of improvement would not be for a tarmac surface but a stone surface that would still be suitable for its public bridleway status.

To improve the access for horseriders in the area, a new bridle link between the two existing bridleways - Jews Lane on the east of the site and Clay Lane which bisects the site, would be of benefit to all users, a bridleway being able to be used by horses, cyclists and pedestrians.

Future maintenance of biodiversity areas should also be considered. A commuted sum may be required where appropriate to cover the future maintenance of existing and new areas habitat. These may require different management to the standard landscaped areas

Highways Much of the traffic impact of this development will be mitigated by the new A143/A12 Link Road. This development should make a contribution to the cost of the link road in line with the contribution secured from the Persimmon development to the south by GYBC.

The development will need a Travel Plan to make the site as sustainable as possible the funding for which will need to be secured by a S106 agreement.

In the light of the above the Highway Authority recommends no objection subject to the above mentioned S106 being completed and the following conditions being placed on any permission granted:- (attached to report).

Archaeology- there is potential that for items of Archaeological interests and it recommended that although that a desk survey and field walking survey has been undertaken that a geophysical survey is undertaken prior to planning permission being granted.

Norfolk Wildlife Trust – Mitigation for impacts on biodiversity and biodiversity enhancement should be a condition of any planning permission. In our view the majority of the recommendations within Section 6 of the Ecological Assessment should be properly considered as necessary mitigation, as they relate to impacts and not as optional enhancements. These should be included in [planning conditions and should be drawn together as proposed in a Conservation Management Plan for the development.

3. Policy :-

3.15 Strategic Planning Policies

The current policies specifically affecting the site are as follows:

1. Saved Great Yarmouth Borough-Wide Local Plan Policies (2001):

The NPPF states¹ that where Development Plans were adopted prior to 2004, due weight should be afforded to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Council has assessed the extent to which the saved policies of the borough-wide local plan are in conformity to the aims of the NPPF and concluded that of the 232 saved policies, 196 were consistent, 20 partially consistent and 16 not consistent (14 of which related directly to Bure Loop) with the NPPF. Therefore, those policies assessed as 'consistent' with the NPPF should be considered as up-to-date and full due weight should be afforded to them. NPPF consistent policies which are considered relevant to the application are outlined below:

HOU15: All housing development proposals including replacement dwellings and changes of use will be assessed according to their effect on residential amenity, the character of the environment, traffic generation and services. They will also be assessed according to the quality of the environment to be created, including appropriate car parking and servicing provision.

HOU16: A high standard of layout and design will be required for all housing proposals. A site survey and landscaping scheme will be required with all detailed applications for more than 10 dwellings these should include measures to retain and safeguard significant existing landscape features and give details of, existing and proposed site levels planting and aftercare arrangements.

TCM13: Development will not be permitted where it would endanger highway safety or the satisfactory functioning of the local highway network. In appropriate cases a traffic impact assessment will be required to demonstrate that development proposals can be satisfactorily accommodated within the highway network taking into account any improvements proposed.

EDC1: Where proposals for development create a direct need for additional education provision which cannot be met by existing facilities determined by the local education authority and which would create the need for extensions and/or alterations to existing schools or the provision of new schools the council will seek a contribution proportionally towards the cost of the improvement, or the new school.

INF12: Proposals for new development will only be permitted if they can be properly serviced or agreement can be reached to ensure development does not proceed in advance of services being provided.

NNV10: In connection with new development the Borough Council will, where appropriate, expect the retention, restoration and creation of landscape features and wildlife habitats.

¹ Paragraph 214 National Planning Policy Framework

NNV16: Proposals for the development of land regarded as the best and most versatile land i.e. land classified as grade 1, 2 or 3a by the Ministry of Agriculture, Fisheries and Food, will not be permitted unless it can be demonstrated that there is no other suitable sites for the purpose and, that, in so far as is possible land of the lowest classification has been used.

BNV2: Within 'areas of known archaeological significance' and 'areas of potential archaeological significance' the Council will not determine any application for built development unless the application is accompanied by an archaeological evaluation undertaken by a recognised archaeological field unit to a written brief approved by the Council. Planning permission will only be granted if the evaluation reveals that any archaeological remains:

- (A) Would be unaffected by the proposed development; or,
- (B) Are not of sufficient importance to warrant their physical preservation in situ; or,
- (C) Could be sympathetically preserved in conjunction with the proposed development, or taking account of the importance of the remains and the need for development, where preservation in situ would not be feasible or merited.
- (D) Can be excavated and preserved by record by the implementation of programmes of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Council.

BNV15: All new estate layouts whether residential or employment use, as well as individual groups of building or structure, should be designed so as to minimise the incidence of burglaries and crime which may be created by poor design. Designers and architects will be encouraged to provide well lit, visible, secure environments.

BNV16: The Council will permit new development, including modern architecture, which provides a high quality of design and townscape complimentary to its setting, and which would result in enhancement of an area. To this end, the Council will not oppose proposals for the suitable replacement of existing buildings or structures which detract from the character or appearance of an area.

REC8: Where the site of a residential development or part of a larger residential scheme provides 20 or more child bed spaces, the Council will require provision of recreational/amenity space and/or children's play-space proportionate to the scale of the development or the overall scheme as appropriate

2. Local Plan

The Core Strategy Local Plan document was formally submitted in two parts by Great Yarmouth Borough Council on Tuesday 1 April and Monday 7 April 2014 to the Secretary of State for Communities and Local Government (Secretary of State) for independent examination. The examination took place November 2014 and is therefore considered by the local planning a relevant material consideration in the determination of the application.

The emerging Core Policy CS18 underpins a sustainable urban extension of Bradwell, therefore the criteria based policies should be taken into consideration: The emerging policy in its entirety is presented below:

Policy CS18 – Extending the Beacon Park development at land south of Bradwell:

The existing Beacon Park development is a high quality mixed-use area of both residential and commercial uses. It also benefits from Enterprise Zone status. To ensure that the proposed sustainable urban extension to Beacon Park at land south of Bradwell is developed to the highest possible standard, proposal must:

- (a) Seek to create a series of locally distinctive, high quality, walkable neighbourhoods that are well connected to the existing urban areas of Bradwell and Gorleston and the wider rural countryside through enhanced bus connections, footpaths, bridleways and cycle ways*
- (b) Provide for approximately 1,000 new homes, offering an appropriate mix of house types and sizes informed by the Council's Strategic Housing Market Assessment in accordance with Policy CS3*
- (c) Seek to maximise the provision of on-site affordable housing by undertaking a site specific viability assessment*
- (d) Develop a phasing strategy that facilitates the delivery of the total amount of proposed housing within the plan period*
- (e) Provide for approximately 10-15 hectares of new employment land to the south of the new A12/A143 link road and west of the existing Beacon Business Park. This employment area should seek to provide a range of office accommodation and light industrial units of varying sizes (Use Classes B1 and B8), including small starter units or managed units if appropriate*
- (f) Reduce the potential impact of the development area on the existing wider transportation network including the A12 trunk road by making appropriate enhancements to the surrounding road network and a new developer funded link road from the A12 through Beacon Park to the A143 Beccles Road*
- (g) Provide appropriate new community, retail and health facilities to meet the day-to-day needs of new and existing residents and improving where possible, existing facilities in Bradwell and Gorleston in accordance with Policies CS14 and CS15*
- (h) Ensure that appropriate educational facilities are provided including the provision of a new on-site primary school with nursery and off-site contributions towards secondary school provision in accordance with Policy CS14 and CS15*
- (i) Seek to ensure that residents and businesses have access to high quality telecommunications and high speed broadband facilities*
- (j) Protect and enhance archaeology, biodiversity and geodiversity across the site and ensure that where appropriate, mitigation measures are undertaken in accordance with Policy CS11*
- (k) Incorporate a strategic landscaping and tree/hedge planting scheme to soften the impact of the development on nearby dwellings, the adjacent open countryside and the Broads. This may include making appropriate enhancements to the surrounding landscape*
- (l) Provide a variety of multi-functional green infrastructure for activities such as public sport, general recreation, children's play and food production throughout the site interlinking with existing green infrastructure in the wider area where possible*
- (m) Seek to reduce carbon dioxide emissions (over the requirements set by Building Regulations) by 10% through enhanced energy efficiency measures or the installation of renewable or low-carbon sources unless this is not feasible, having regard to the type of development involved and its design, or viable in accordance with Policy CS12*

(n) Seek to minimise the risk of flooding by taking into account the findings of the Surface Water Management Plan and the use of Sustainable Drainage Systems (SuDS) in accordance with Policy CS11

Due to the strategic nature of this site, planning permission for parts of the site will not be granted unless it is accompanied by a masterplan for the whole area, supported by a comprehensive planning obligations regime. Pre-application engagement with the Local Planning Authority and the local community should be

sought in developing a masterplan. It is recommended that any proposed masterplan document be submitted to the SHAPE east design review panel for consideration before a formal application is submitted.

Whilst the policy is at a proposed submission stage, criteria points (c), (d), (i) & (m) remain currently contested, therefore in terms of paragraph 216 of the NPPF, they are allowed only limited weight in relation to the other emerging policies which have little or no standing objections.

Policy CS2 – Achieving Sustainable Growth:

This policy underpins CS18 by linking the delivery of new development to a settlement hierarchy. The settlement hierarchy proposed approximately 30% of all new development to take place in the Key Service Centres of Bradwell and Caister. Further reference is made between Policy CS2 and Policy CS18 to the promotion of the area to the south of Bradwell as one of two key strategic mixed-use development sites.

Policy CS3 – Addressing the borough's housing need:

This policy underpins CS18 by seeking to deliver 1,000 of the 7,140 new additional homes required during the plan period to the land south of Bradwell. The policy seeks to ensure that new housing addresses local housing need by incorporating a range of different tenures, sizes and types of homes to create mixed and balanced communities. This will be negotiated on a site-by-site basis, having regard to the Strategic Housing Market Assessment (SHMA).

Policy CS4 – Delivering affordable housing:

This policy seeks to maximise the provision of additional affordable housing within the overall provision of new developments. Whilst the policy seeks to negotiate the amount of affordable housing on each proposed site according to each housing sub-market areas, the policy states that affordable housing provision for the key strategic site will be considered separately in accordance with policy CS18.

Policy CS9 – Encouraging well designed and distinctive places

This policy seeks to encourage high quality and distinctive places which should respond and draw inspiration from the surrounding areas, incorporate key features such as landmark buildings, green infrastructure and public art, promoting positive relationships between proposed buildings streets and creating active frontages. Criteria a) of Policy CS18 is largely underpinned by Policy CS9, and should be fully taken into account in the determination of the planning application.

3. National Planning Policy Framework (NPPF)

The National Planning Policy Framework is a material consideration of significant weight in the determination of planning applications. Whilst the adopted plan contains policies where are consistent with the NPPF and are therefore given due weight, where policies are silent or absent, policies in the NPPF takes precedence.

Paragraph 216 of the NPPF states that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging Local Plan (the more advanced the preparation, the greater the weight that may be given);
- 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,
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 38: For larger scale residential development in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

Paragraph 52: The supply of new homes can sometimes by best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities.

Paragraph 61: Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and place and the integration of new development into the natural, built and historic environment.

Paragraph 62: Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for a national design review. In general, early engagement on design produces the greatest benefits. In assessing applications, local planning authorities should have regard to the recommendations of the design review panel.

Paragraph 75: Planning policies should protect and enhance public right of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Paragraph 112: Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant

development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Other Material Considerations

The site was submitted as an expression of interest site during the preparation of the Great Yarmouth Strategic Housing Land Availability Assessment (SHLAA) in 2009. The site was assessed according to the approved SHLAA methodology, in consultation with major stakeholders including Natural England, the Environment Agency and the Highways Authority and was considered to be deliverable and developable site over the plan period, with 200 units included within the Great Yarmouth Borough Interim 5 Year Housing Supply Statement (2013

6. **Assessment :-**

- 6.1 The application amounts to an extension of the existing residential development in Bradwell. Although the site is outside any area allocated for development in the 2001 Local Plan the principle of development in this location considered to be in accordance with aims of the Core Strategy as set out above and the Interim Housing Supply doc.
- 6.2 It is clear from the objections received to the proposal that there is strong concern that the local roads cannot cope with the development and the number of dwellings proposed.
- 6.3 Both Norfolk County and the Highway Agency (Highways England) have no objections to the proposal. The County Council have highlighted the fact that the link road(currently under construction) and associated works is a mitigating factor in reaching this conclusion and that a financial contribution to the link road and associated works should be made on a pro rata basis. These work include improvements to the signalisation on Beccles Road.
- 6.4 The link road is considered a factor that will reduce the traffic on Beccles Road. There is still the factor that the development will produce additional traffic over and above the present traffic using the road network along with the associated any additional disturbance it for Members to determine what weight accorded to this factor.
- 6.5 The SHLAA highlighted potential drainage problems in the area and recent discussions regarding foul capacity sewerage with Anglian Water have demonstrated that there is an issue to be addressed particularly regarding the capacity of Morton Crescent to accept increased flows without further mitigation measures in place. In this instance the applicants have agreed that foul water will be discharged via Oriel Avenue and it is recommended that any approval should conditioned so and this will accord will the pre application advice of Anglian Water on the matter.

- 6.6 The Parish Council has raised concerns over surface water drainage and the Environment Agency (EA) is also concerned that the development should not increase the risk of flooding elsewhere. The EA has asked for a condition that development should not begin until a surface water drainage scheme has been submitted and approved and subject to this condition there is no objection to the development.
- 6.7 If Members are minded to approved the application it should be subject to the a Planning Obligation under Section 106 of the Town and Country Planning Act requiring the provision of affordable housing on the site, education contribution as set out above, financial contribution on a pro rata basis towards the link road, open space play equipment contribution and the further requirements of the County Council in terms of the footpath/ bridleways
- 6.9 In addition to the conditions referred to in the report all outstanding details matters should be reserved including landscaping, scale and layout along with those requested by the highway authority.
- 6.5 Although the site is outside the existing Village Development Limit for Bradwell and is therefore contrary to the current Local Plan, it is identified in the draft Core Strategy as a site that is potentially deliverable and there is no objection to development going ahead prior to the formal adoption of the Core Strategy.

7. RECOMMENDATION :-

- 7.1 Approve – subject to conditions and planning obligations set out above.

To PLANNING & DEVELOPMENT DEPT.
TOWN HALL
HALL PLAIN
ST YARMOUTH, NORFOLK



2 Snowdrop Close

Bradwell

St Yarmouth
NR31 8W

1st February 2014

PROPOSED HOUSING DEVELOPMENT - 06/13/0703/10

DM KISS LTD

Having viewed the above proposal I am very concerned and disappointed to note that access/egress for the development is still planned to be via meadowland Drive and via an unnamed road ~~to~~ past Caraway Drive.

I attended the public meeting when these concerns were strongly voiced by myself and others and I was personally assured that the access/egress via our estates onto the A143 Bealby Road would be made as difficult as possible and when the bypass is built traffic would be diverted onto the bypass and not via Primrose Way/Burness Road onto the A143, by virtue of design.

I cannot see any provision for diversion onto the bypass on the plan marked Scheme design layout amended 4.11.13. In fact meadowland Drive and the unnamed road past Caraway Drive are actually identified as Type 2 and 3 Feeder roads serving 80 and 50 new dwellings.

The roads on this estate, particularly meadowland Drive which I use several times daily, are not designed to take additional traffic. Visibility is already poor when leaving/entering meadowland Drive from/to Jangle Drive.

In addition access from Primrose Way onto the A143 Bealby Road at Peak times is difficult and reliant on the goodwill of motorists already queuing on the A143 and their own time constraints. Often drivers, when able, turn left out of Primrose Way and right into Sun Lane to travel through the deer Bradwell estates in an effort to reach their destination. These areas are already congested by school traffic.

This new development brings with it at best 130 extra vehicles not taking account of various services using cars, vans, lorries, etc. all using the 2 feeder roads onto meadowland Drive.

You may consider that you haven't received enough valid objections to take our concerns into consideration. However, I am aware of several people who have chosen not to live on this estate as it currently stands due to poor access onto the A143 at peak times.

Additionally others are moving or have already moved due to their concerns not being taken into consideration.

Some of us do not have a choice but to stay on this estate and obviously suffer the consequences of this development with little confidence that anyone has listened to our concerns or taken them on board.

I would also like to draw your attention to the fact that the Agents representing the further proposed Persimmon Development are also of the opinion that this current Estate previously built by Persimmon Homes is not adequately equipped to take the additional traffic from the Kings Development and who better to comment than representatives of Persimmon Homes?

Please take my comments seriously before yet another planning error is made which will be irreversible.

An acknowledgement of my comments would be appreciated.

[REDACTED]

Jill K. Smith

From: Janette Coward ~~[redacted]~~
 Sent: 26 January 2014 21:43
 To: plan
 Subject: Planning Application: 06/13/0703/O

Planning Application 06/13/0703/O

The plan identifying the site of the proposed 130 new dwellings to the land south of and accessible only by Meadowland Drive has been known of. I attended the initial briefing/planned proposal for the plot of land at the Leo Coles Pavilion in Bradwell where only 50 houses were being proposed but it was also made known at the meeting that further 80 houses were then to be proposed and would, in the builder's agents view, gain planning permission as the initial 50 would then enable the remainder to be voted through.

We have many points:

- No detailed drawings only a plan identifying the site? At the initial meeting, the drawings of the initial proposal of 50 houses appeared detailed to me.
- Two separate builders were identified at that time is this still the case?
- How can planning permission be granted without any conception of the type of housing being put forth?

We are fully aware of the 1000 houses proposed by Persimmon Builders further into the site.

Therefore we have the following points:

- In essence, we have no objection to the houses being built as there is a need for more housing stock throughout the county and indeed across the country.

HOWEVER

We do have objections regarding the access both during the building and post building when the houses are occupied.

- Primrose Way and Meadowland Drive are access roads not through roads.
- parking on the roads is a hazard now and driveways are often blocked as cars park on the road opposite, or opposite junctions and too close to junctions- building traffic will only exacerbate this issue.

The main objection is that if Meadowland Drive is opened up as access road then when the extra 1000+ houses are built it will become nothing more than a rat -run from the A12. As there is a link road being opened from one end at the A12 from near James Paget Hospital and the other end from the Beccles Road A143 (New Road junction area) which will give direct access to the site.

Elaine Helsdon

From: Andy Dye (east@great-yarmouth.gov.uk)
Sent: 02 February 2014 12:46
To: plan
Subject: Ref. Planning application 06/13/0703/0

I would like to raise my objection to planning application 06/13/0703/0. While I fully understand the need for new housing in the area and do not object in principle to the location of the new site, I am very concerned to the proposed road access via Meadowland and Caraway Drive which themselves feed back onto Beebles Road.

Already without the increase of approximately 130 new homes bringing with them a similar quantity of cars, the junctions onto Beebles Road from Primrose and Burnet Road at peak times are already heavily congested. As no doubt you are aware these junctions are also the natural point where school children cross on their way to the Bradwell schools. I fear the increased pressure on these junctions resulting from passing this application, would only lead to further frustration and increased danger to both drivers and pedestrians alike.

May I suggest that access should come via the planned new road, south of the site spanning from the hospital to the current Beebles Road turn off to Belton. The building of any adjoining roads / junctions would then be planned to take the relevant volume of traffic and not impacting further on the Beebles Road junctions.

Regards

Andrew Dye
 3 Snowdrop Close
 Bradwell
 GT, Yarmouth
 NR31 8UX

Elaine Helsdon

From: mark gray [mailto:m.gray80@ntlworld.com]
Sent: 31 January 2014 16:00
To: plan
Subject: Re: Planning Application Ref 06/13/0703/O

30 Meadowland Drive , Bradwell , NR31 6TA

----- Original Message -----

From: plan
To: mark gray
Sent: Thursday, January 30, 2014 2:32 PM
Subject: RE: Planning Application Ref 06/13/0703/O

Please would you provide an address so your comments may be registered.

From: mark gray [mailto:m.gray80@ntlworld.com]
Sent: 30 January 2014 14:11
To: plan
Subject: Planning Application Ref 06/13/0703/O

Reference: Planning Application 06/13/0703/O (Meadowland Drive, Bradwell)

Firstly I think it was wrong to give this limited amount of time to raise any objections which we may have. This is a very emotive subject and one which the residents of Bradwell feel very strongly against. I feel very strongly opposed to this development in Bradwell especially as there is already a plan in for 800 homes by Persimmon, I think enough is enough. It is very difficult to accept the justification in the approval of this planning application considering the amount of brown field sites that are a constant eyesore in Great Yarmouth and will never be developed as they are in your words "not financially viable". These will never be financially viable compared to green field sites and so you will retain these sites that only adversely affect the image of the town and instead take the easy, cheaper option of building on green fields, losing valuable, high grade agricultural land forever.

My greatest concern, also shared by the majority of people at the first consultation in June 2013, is that the future development on the land next to my house on Meadowland Drive would have a detrimental effect on the increased traffic through the existing estate. It is therefore vitally important that the Persimmon plan has the roads in place to route this traffic (from Mr Kings proposed development) out onto the new bypass road to fully utilise this expensive road project. Any additional traffic through Meadowland Drive and Carraway Drive will cause misery for people trying to get off the estate on a daily basis. An extra 130 homes could easily equate to an extra 200 cars. It is presently a very bad situation that no amount of "traffic modelling" can put right. Your Local Plan Core Strategy 2013 para 6.2.7 states "It is important that development contributes to improving the quality of life for the existing communities". This certainly would not be the case if traffic was allowed through the existing estate. However this could be achievable by ensuring that a road is included in the Persimmon planning application so any future development on the land next to Meadowland Drive is routed out to the new bypass, an option that I know has been put forward by Persimmon homes. It would be ludicrous to do anything but this, it utilises the new road and encourages people to head towards Yarmouth via Beacon Park rather than through Bradwell, encourages people to walk into Bradwell and most importantly lessens the negative impact on the existing community both with increased traffic congestion and also the financial implications of property devaluation especially on the perimeter dwellings.

The people most affected are the existing dwellings next to the future development such as ours on Meadowland Drive and your priority should be to minimise the impact of this development. I have been told we will not be financially compensated for the devaluation of our property so it is your responsibility to "soften the blow" as much as you can. Simply leave this land out of the equation (130 homes). It will create a natural break between new and old development, the farmer will be still able to utilise this land, no increase in traffic congestion and most importantly no impact on existing dwellings both financially and visually. It will be as you first described it "an extension of Beacon Park" rather than an extension of Bradwell. However if this development on Meadowland Drive does get planning permission it should be the last phase to be built i.e. after Persimmon have finished to enable it to use the road through the Persimmon development onto the new A143/A12 road.

Elaine Helsdon

From: Sam Brewer
Sent: 05 February 2014 16:13
To: plan
Subject: Application No: 06/13/0703/0 - Meadowland Drive Bradwell

Mr & Mrs Brewer
 18 Meadowland Drive
 Bradwell
 Great Yarmouth
 Norfolk
 NR31 8TA

Application No: 06/13/0703/0

To whom this may concern,

I am emailing in connection with the above Planning Application. I have examined the Plans and wish to object strongly to the development of the proposed houses in this location.

Having lived in Meadowland Drive for eight years, I feel that to now make this into a main road would not only be dangerous due to the increased traffic, it will also incur more parking issues, of which we already have a problem and is hazardous.

Had I wished to live on a main road I would have purchased a property on one. Sadly I feel there has been very little thought given to the residents of Meadowland Drive or the welfare and safety of the children or the people visiting.

I ask that you consider the views and opinions of the people of Meadowland Drive; we are the people that live there after all.

Kind Regards,

Mrs S Brewer.

Offshore Design Engineering Ltd (ode)



PS Save a tree - please don't print this e-mail unless you really need to



Oil & Gas Development Projects

www.ode-ltd.co.uk

Brownfield Projects

Windfarms & Renewable Energy

ode

Energy Solutions by Design

Operations Support



Head Office: Offshore Design Engineering Ltd
 10-14 Princeton Mews, 167-169 London Road,



2nd Floor

Jill K. Smith

From: Janette Coward [mailto:janette.coward@great-yarmouth.gov.uk]
 Sent: 28 January 2014 21:43
 To: plan
 Subject: Planning Application 06/13/0703/O

Planning Application 06/13/0703/O

The plan identifying the site of the proposed 130 new dwellings to the land south of and accessible only by Meadowland Drive has been known of. I attended the initial briefing/planned proposal for the plot of land at the Leo Coles Pavilion in Bradwell where only 50 houses were being proposed but it was also made known at the meeting that further 80 houses were then to be proposed and would, in the builder's agents view, gain planning permission as the initial 50 would then enable the remainder to be voted through.

We have many points:

- No detailed drawings only a plan identifying the site? At the initial meeting, the drawings of the initial proposal of 50 houses appeared detailed to me.
- Two separate builders were identified at that time is this still the case?
- How can planning permission be granted without any conception of the type of housing being put forth?

We are fully aware of the 1000 houses proposed by Persimmon Builders further into the site.

Therefore we have the following points:

- In essence, we have no objection to the houses being built as there is a need for more housing stock throughout the county and indeed across the country.

HOWEVER

We do have objections regarding the access both during the building and post building when the houses are occupied.

- Primrose Way and Meadowland Drive are access roads not through roads.
- parking on the roads is a hazard now and driveways are often blocked as cars park on the road opposite, or opposite junctions and too close to junctions- building traffic will only exacerbate this issue.

The main objection is that if Meadowland Drive is opened up as access road then when the extra 1000+ houses are built it will become nothing more than a rat-run from the A12. As there is a link road being opened from one end at the A12 from near James Paget Hospital and the other end from the Beccles Road A143 (New Road junction area) which will give direct access to the site.

Jill K. Smith

From: Jason Stamp, [mailto:jstamp@bradwell.co.uk]
Sent: 04 February 2014 15:58
To: plan
Subject: dm king 06/13/0703/0

Having just seen the planning application for d.m king ref application 06/13/0703/0. I live on foxglove drive and the traffic at peak times for me to get on to the beccles road at the moment is a nightmare, it can take me 10mins or more trying to get out as the traffic is backed up to the single carriageway heading towards fritton. the road simply cant take all these extra houses that dm king want to build. I object to this road lay out, it would be better if there was another exit out for these proposed new houses towards the A12 near james paget hospital.

Mr J Stamp
2 Foxglove Dr
Bradwell
Nr31 8uu

Jill K. Smith

From: sandra Ellis-~~[REDACTED]~~
Sent: 05 February 2014 20:43
To: plan
Subject: Meadowland Drive - Great Yarmouth Borough Council

<http://www.great-yarmouth.gov.uk/planning/major-planning-applications/meadowland-drive/index.htm>

Dear Sir/Madam

We are writing today to give our opinion on the proposed new development ref: 06/13/0703/0

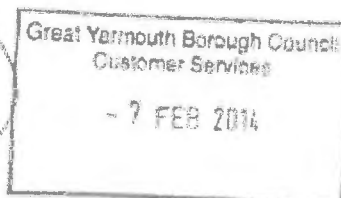
Although we understand the need for more affordable homes, and we are not against the new development being built on the plots of land identified, we are against the proposed access routes for the development.

We previously voiced our opinion at the planning meeting held at the Leo Coles Pavilion, Green Lane, Bradwell and later we were led to believe that the development application had been either rejected or withdrawn, so we were surprised to see green stickers on the lampposts on Meadowland Way (No-where else had been notified to my knowledge). This proposed development affects the whole of the existing Primrose/Faikland/Clover community and we would have thought that we should all have been given the opportunity to voice our opinions.

Our primary concern is safety. Meadowland Drive and Caraway Drive are small roads unsuitable for heavy construction traffic, due to cars parking on both sides of the road at all times of the day and evening. We are also concerned about the increased number of vehicles that would potentially be wanting to use the Burnet Road/Primrose Way/Beccles Road Junctions to get to work/school etc. There is already a long line of traffic queuing to get out onto Beccles Road at whatever time we decide to leave for work in the morning and a queue of traffic to get home in the evening. These new developments could potentially increase the number of cars using the junction by at least 260 cars based on the fact that most households now have 2 cars. There is also a childrens crossing just to the right of the junction between Primrose Way and Beccles Road. With increased traffic comes the risk of increased accidents. On the Primrose Way/Burnet Road Crescent there are two large childrens play areas, the more traffic using the crescent the higher the risk to children crossing the road.

We are also aware that there is also a planning application in for a further development on a site beyond the development proposed by Mr King, which will include a new road connecting the A12 to the Browston junction on Beccles Road. We were told at the planning meeting for that development that Mr King would be given the chance to use the new Road for access to his development, therefore no access would then be required through Meadowland Drive or Caraway Drive something we would urge Mr King to seriously consider-before progressing any further with this idea of using these small roads which are unsuitable for the level of traffic his 130 houses would bring. Another suggestion to Mr King would be for him to consider using Kings Drive for access to the new development. A road he already owns!!

Yours faithfully,

4th FEB 2014

9 SHONDROP CLOSE

BRADWELL

GT YARMOUTH

NORFOLK


NR31 8UX

To whom it may concern, I would like to make representation concerning Planning reference 06/13/0703/0 applied for by Mr D.M King Ltd, this is in the form of an objection in the using of both Meadowland Drive and Camway Drive as an access to this Residential Development, there is already a problem to exit both Primrose Way and Burnett Road junctions with delays up to 5 mins, the extra traffic caused by these accesses would make the problem even worse.

I believe that there is an opportunity to gain access from the New Road which I understand now has the funding to start, through the Perimeter Proposed Planning.

The second point which I do find strange is that the provided notification of this Outline Planning permission which I assume was provided by you was put on Electric Light Post on Meadowland Drive, none on Camway Drive and a very small amount of letters to interested parties.

I feel that all parties who use the exits both at Promise Way and Burnell Rd and as far as I know, like myself were not informed, is this normal practice as this does not give a true picture of all peoples views affected by this application. due to restricted information, perhaps you could clarify the above concern.

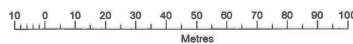
Yours Sincerely


06/13/0703/O



GREAT YARMOUTH
BOROUGH COUNCIL

Planning and Business Services,
Town Hall, Great Yarmouth,
Norfolk. NR30 2QF



Scale = 1:2500 @ A4



Reference: 06/15/0371/O

Parish: Bradwell

Officer: Mr G Clarke

Expiry Date: 24-07-2015

Applicant: Ms L Roll

Proposal: Construction of two detached bungalows, double garage and associated works with access from Harpers Lane

Site: 11 Fell Way
Bradwell

REPORT

1. Background / History :-

- 1.1 The application site is part of the garden of 11 Fell Way which is a two-storey dwelling, the vehicular access to the property is from a private drive which leads off the turning circle at the end of Fell Way. There are two houses on the east side of the private drive and two bungalows on the west side. There is residential development to the north, east and south boundaries of the site and a private road, Harpers Lane, running along the western boundary.
- 1.2 Permission was granted in 1987 for the nine dwellings around the turning head and private drive at the end of Fell Way (06/87/1134/F), a separate consent was granted in the same year for the individual dwelling at no. 11 Fell Way (06/87/1252/F).
- 1.3 The current proposal is to build two detached bungalows on the garden area to the west of the site with vehicular access off Harpers Lane. A planning application for a similar proposal (06/14/0422/O) was refused in November 2014 on the grounds that the increased use of Harpers Lane, which is also a bridleway, would result in conflict between users which would be detrimental to the safe use of the bridleway.

2 Consultations :-

- 2.1 Highways – No objections subject to conditions (full copy of Highways response is attached)

- 2.2 Parish – A very similar application was made on 1/7/14, ref: 06/14/0422/O, which was refused on the basis that the proposed access onto the bridleway would encourage increased vehicular movements and conflict between users to the detriment of the safe use of the bridleway and that the proposal therefore represents an unsustainable form of development that is conflict with the aims of the National Planning Policy Framework which seeks to create safe and accessible developments and is also contrary to Policy HOU15 and criterion (C) of Policy HOU7 which seek to ensure suitable and safe access and service provision for new developments.

This Council would submit that the above objections are equally applicable to the current application which should accordingly be refused and would further submit that no such additional use of the bridleway should be allowed until the landowners of the marshes at the end of the bridleway have given their consent.

- 2.3 Building Control – Can confirm that the proposal would appear to satisfy the requirements of Approved Document B (B5).
- 2.4 Norfolk Constabulary – Makes comments and suggestions regarding the security of the development.
- 2.5 Norfolk Fire & Rescue Service – I do not propose to raise any objections providing the proposal meets the necessary requirements of the current Building Regulations 2000 – Approved Document B (volume 1, 2006 edition, amended 2007) as administered by the Building Control Authority.
- 2.6 Neighbours – letters of objection have been received from the occupiers of two dwellings which have vehicular access from Harpers Lane, copies of which are attached. The main reason for objection is the use of Harpers Lane for vehicular access.

3 Policy :-

3.1 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.

3.2 POLICY HOU15

ALL HOUSING DEVELOPMENT PROPOSALS INCLUDING REPLACEMENT DWELLINGS AND CHANGES OF USE WILL BE ASSESSED ACCORDING TO THEIR EFFECT ON RESIDENTIAL AMENITY, THE CHARACTER OF THE ENVIRONMENT, TRAFFIC GENERATION AND SERVICES. THEY WILL ALSO BE ASSESSED ACCORDING TO THE QUALITY OF THE ENVIRONMENT TO BE CREATED, INCLUDING APPROPRIATE CAR PARKING AND SERVICING PROVISION.

(Objective: To provide for a higher quality housing environment.)

3.3 POLICY HOU17

IN ASSESSING PROPOSALS FOR DEVELOPMENT THE BOROUGH COUNCIL WILL HAVE REGARD TO THE DENSITY OF THE SURROUNDING AREA. SUB-DIVISION OF PLOTS WILL BE RESISTED WHERE IT WOULD BE LIKELY TO LEAD TO DEVELOPMENT OUT OF CHARACTER AND SCALE WITH THE SURROUNDINGS.

(Objective: To safeguard the character of existing settlements.)

4 Assessment :-

- 4.1 The submitted proposal is in outline form with access, layout and scale included as part of the application, the drawing shows two detached bungalows with hipped roofs sited to the west of the existing dwelling. A pair of garages will be built between the two bungalows with vehicular access from Harpers Lane.
- 4.2 The two bungalows will be on similar size plots to the surrounding development and will not have any adverse effects on neighbouring properties. The only controversial aspect of the development is the proposed vehicular access onto Harpers Lane.
- 4.3 Harpers Lane is a single track road which has the status of also being a bridleway, it is surfaced up to and beyond the application site although the surface is not in good condition. The lane serves three dwellings, Highway Lodge and Breydon House which are near to the junction with Market Road and New House which is approximately 60 metres beyond the application site. The lane is also used by farm vehicles.
- 4.4 The objections from the neighbours and the Parish Council are on the basis that Harpers Lane is unsuitable to serve further dwellings and that vehicular access should be from Fell Way. Queries have also been raised as to whether the applicant has a right to form an access on to Harpers Lane and the potential obstruction of the bridleway by delivery vehicles and construction traffic.
- 4.5 The County Council's Highways Officer does not object to the proposal subject to the imposition of extensive conditions as listed on the attached letter. These conditions include the requirement to carry out a pre and post construction survey of the surface condition of the right of way and to rectify any damage, the submission of a construction traffic management plan and the provision of on-site parking for construction workers.
- 4.6 The Highways Officer also explains that "the outline application is for the development of two houses which do not abut a public vehicular road, but seeks to achieve vehicular and pedestrian access from a Bridleway (BR4) which appears to have some private rights of vehicle access over it. The bridleway status exists over land in private ownership and it is for the landowner to grant any private rights of vehicular access along it or access off of a bridleway. Norfolk County Council cannot grant such rights. It is the responsibility of the applicant to take all appropriate measures to secure a legal right of access and you may wish to bear this in mind in your consideration of the application."
- 4.7 The submitted site plan shows a section of Harpers Lane from the site boundary to Market Road/Burgh Road within the red line boundary, which demonstrates that access to the site can be obtained from the public highway. Whether the applicant has a legal right of access to Harpers Lane is not a planning matter, it is the applicant's responsibility to try to ascertain the

ownership of the lane and to take the necessary steps to ensure that access will not be denied. The development itself will not cause any obstruction to the right of way but during the course of construction there may be temporary blockages while deliveries are taking place. The Highways Officer has requested a condition requiring the submission of a construction traffic management plan and the provision of on-site parking for construction workers in order to minimise any potential obstruction of the bridleway.

- 4.8 It also has to be taken into account that the owners of 11 Fell Way could form a vehicular access from Harpers Lane to their existing dwelling as permitted development without the need for planning permission.
- 4.9 There will be space within the site for the parking of two cars for each dwelling and as the garages have been sited further back from Harpers Lane than on the previous application there will be some space for turning within the site. However as Harpers Lane is not a busy road the Highways Officer does not consider that it is essential that turning is provided within the site.
- 4.10 The development could be served by the access off Fell Way but this is narrow and the additional traffic would have to pass close to the front elevations of the dwellings which face the private drive. Whilst this may be acceptable in highway terms an access off Harpers Lane would have less impact on the occupiers of existing dwellings.
- 4.11 The proposed bungalows themselves will not have any significant effect on neighbours or the street scene, Highways have no objection to the use of Harpers Lane for vehicular access to the development and therefore it would be difficult to justify refusal of the application on highways grounds alone.

5 RECOMMENDATION :-

- 5.1 Approve – the proposal complies with Policies HOU7, HOU15 and HOU17 of the Great Yarmouth Borough-Wide Local Plan.

Approval should be subject to the conditions requested by Highways and removal of permitted development rights for extensions and windows in the roof space.

Graham Clarke
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
Norfolk
NR30 2QF

Your Ref: 06/15/0371/O
Date: 31 July 2015

My Ref: 9/6/15/0371
Tel No.: 01603 638070
Email: stuart.french@norfolk.gov.uk

Dear Graham

**Bradwell: Construction of 2 detached bungalows, double garage and associated works with access from harpers lane
11 Fell Way Bradwell Great Yarmouth Norfolk NR31 9UF**

Thank you for your recent consultation with respect to the above.

It is noted that the application is an amended submission to an earlier application (ref:06/14/0422/O) to which the Highway Authority raised no objections to subject to conditions being appended to any grant of permission.

It is noted that amendments have been made to demonstrate that there is space provided to allow a small delivery vehicle to turn and manoeuvre, which remains in the ownership of the applicant and is therefore considered as a means to facilitate manoeuvring and turning as opposed to formal turning provision. However, as with the previous application the turning provision is not considered as requisite to the Highway Authority. The turning head for the northern property is also noted.

Given this is a new application I will reiterate comments raised on the earlier application which are still relevant to this application.

The outline application is for the development of two houses which do not abut a public vehicular road, but seeks to achieve vehicular and pedestrian access from a Bridleway (BR4) which appears to have some private rights of vehicle access over it. The bridleway status exists over land in private ownership and it is for the landowner to grant any private rights of vehicular access along it or access off of a bridleway. Norfolk County Council can not grant such rights. It is the responsibility of the applicant to take all appropriate measures to secure a legal right of access and you may wish to bear this in mind in your consideration of the application.

Continued.../

It is the responsibility of Norfolk County Council as Highway Authority to assert and protect public rights of way in Norfolk and usually a right of way is maintained at public expense with its surface being vested in the highway authority and the underlying land probably owned by the adjoining landowner. Rights of way are generally maintained to a standard appropriate to their location and public use.

There is concern, especially due to construction traffic that damage to the surface or obstruction of the right of way could occur. Any damage would need to be reinstated in agreement with the PROW Officer and any obstruction to the right of passage should not be permitted. The applicant may need to consider whether it would be appropriate to have a temporary closure order, with diversion route, in place.

I am satisfied that the application includes sufficient parking within the development boundary in accordance with current parking standards, and that in terms of the direct access with the public highway appropriate visibility is achieved. Whilst accepting that traffic movements will be generated as a result of this proposal, I do not consider that this will have a material effect on the highway network.

I am aware that the junction of Harper's Lane is on a bend on Market Road/Burgh Road and that there is a lack of road markings to define this junction and the edge of the actual carriageway. I consider it appropriate that the development should provide appropriate edge line markings to define both the junction and edge of carriageway, in a scheme to be agreed with the Highway Authority, which can be carried out under a Small Highway Works Agreement (SHWA).

However, in light of the above comments I do not consider that I could sustain an objection to the proposal as outlined, however, I would recommend that the following conditions be appended to any grant of permission your Authority is minded to make.

SHC 14 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

SHC 24 Prior to the first occupation of the development hereby permitted the proposed access and on-site car parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

Continued.../

- SHC 28 Development not to commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority, including having a temporary closure order in place if required. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety and so as not to cause obstruction to a Public Right of Way

- SHC 29A Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway (including the Public Right of Way, Bridleway BR4), maintaining rights of access, and the nature and timing of deliveries and for maintaining rights of access and/or for any temporary closure order, shall be submitted to and approved in writing with the Local Planning Authority in consultation with Norfolk County Council Highway Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic

Reason: In the interests of maintaining highway efficiency and safety

- SHC 29B For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of maintaining highway efficiency and safety.

- SHC 39A Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works, namely edge of carriageway/centre line markings, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

- SHC 39B Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.

Continued.../

Reason: To ensure that the highway network is adequate to cater for the development proposed.

SHC 50 A pre and post construction survey of the surface condition of the right of way (Bridleway BR4) shall be undertaken in conjunction with the Public Rights of Way Officer and any damage that occurs shall be duly rectified commensurate to the use of the bridleway in agreement with the PROW Officer

Reason: To ensure and maintain the surface condition of the Bridleway commensurate with its use in the interest of highway safety

Inf.1 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 for SHWA only and typically this can take between 3 and 4 months). Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Please contact Stuart French on 0344 800 8020.

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 Applicant's own expense.

Yours sincerely

Stuart French

Highways Development Management & Licensing Officer
for Executive Director for Community and Environmental Services

ACK 10/8/15

S

Breydon House
Harpers Lane
Bradwell
Great Yarmouth
NR31 9EL

8 August 2015

Development Control
Planning Services
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
NR30 2QF



Dear Sirs

Re: Planning Application 06/15/0371/0 – 11 Fell Way Bradwell

The applicant is seeking to secure approval for vehicular and pedestrian access to a Bridleway which there currently is no evidence that she has a legal right to do so.

This matter was considered by Councillors at the Development Control Committee in November 2014 under planning ref: 06/14/0422/0 and refused. The reasons for that refusal were:

In determining this application The Local Planning Authority has taken the effect of the proposed development on a public Bridleway into consideration and considers that the proposed access onto the Bridleway would encourage increased vehicular movements and conflict between users to the detriment of the safe use of the Bridleway. The proposal therefore represents an unsustainable form of development that is in conflict with the aims of the National Planning Policy Framework which seeks to create safe and accessible developments. In addition the proposal is contrary to Policy HOU15 and criterion (C) of Policy HOU7 of the Great Yarmouth Borough-Wide Local Plan 2001 which seek to ensure suitable and safe access and service provision for new developments.

Neither the current applicant Ms Roll, nor her husband Mr P Gaskin the previous applicant submitted any appeal against that decision and nothing appears to have changed in the eight months since that time. We therefore urge refusal once again.

The legal definition as to what a Bridleway is reads as follows:

“Bridleway” means a highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway;

An inspection of the Land Registry records for 11 Fell Way shows no material changes and Land Registry confirm that Harpers Lane remains unregistered. This situation is not unusual it is estimated by Government that some 40,000 lanes and paths are unregistered and covering a distance of 4,000 miles. It should be further understood that there is little benefit to be secured by any owner. Existing rights are enshrined in law with little or no financial benefit and once ownership is established the Highway Authority are able to claim back the costs from the owner for any work they carry out. Any owner will also have to consider the public liability implications resulting from registration for which he (or she) will be liable.

In the submissions made by the applicants no legal proof of right of access to the Harpers Lane Bridleway has been provided either by map or deed. It is a concern at the precedent that may be created if outline permission is granted without this being tested.

Parliament has recognised that on occasion more information is required.

Authorities have powers to require further particulars or evidence under section 62(3) of the **Town and Country Planning Act 1990**. Under regulation 4 of the **Town and Country Planning (Applications) Regulations 1988** they can direct applicants to:

(b) provide one of their officers with any evidence in respect of the application as is reasonable for them to call for to verify any particulars of information given to them.

The issue was further clarified recently when planners were provided with the authority to request further details in relation to reserved matters under **article 5(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015**.

If a local planning authority considers that an outline application ought to include details of the reserved matters it must notify the applicant no more than one month after the application is received, specifying which further details are required.

Given the refusal by Councillors to the original application on the grounds of "access" this seems to be an entirely reasonable way to proceed.

Permission if not as a result of historic right is to be found on the deed or covenant relating to the property in question. The deed at this time does not show any grant of permission.

The placing of adverts in order to trace ownership will appear to indicate that currently no such legal authority currently exists.

Compulsory land registration came into being in 1997. Land owned before that time may be registered voluntarily if the owner wishes, but there is no compulsion.

It is a significant thing for officers of GYBC to assume that vehicular rights may be granted over the Bridleway by the owner of Harpers Lane.

It is an even larger and further step to assume that permission will be granted for Construction Traffic.

There is absolutely no reason for any owner to come forward should they choose not to. Unless he (or she) does, the assumption has to be that no vehicular rights are in place. Should the owner sell the land then there is a requirement to register it.

The NERC 2006 was specifically passed by Parliament to extinguish most vehicular rights not in operation except for "Boats" (Byways open to all traffic). Regulations were put in place to ensure that properties (of which there are many across the UK) adjacent to Bridleways and the Paths network cannot gain an access just because it is "convenient"

Government further advises:

The grant of planning permission does not entitle developers to obstruct a public right of way. It cannot be assumed that because planning permission has been granted that an order under section 247 or 257 of the 1990 Act, for the diversion or extinguishment of the right of way, will invariably be made or confirmed. Development, in so far as it affects a right of way, should not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect.

The requirement to keep a public right of way open for public use will preclude the developer from using the existing footpath, Bridleway or restricted byway as a vehicular access to the site unless there are existing additional private rights.

Planning authorities must ensure that applicants whose proposals may affect public rights of way are made aware of the limitations to their entitlement to start work at the time planning permission is granted.

Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.

Councils who value their paths and Bridleway network apply this policy. A considerable number also publish the above statement "online" as a guide for applicants.

It also requires once again the owner of the lane to consent to a stopping up order or diversion. Once again there is no compulsion for him (or her) to do so.

In the interests of transparency and the protection of the wider public that the Council serves, these rights of access should be "tested" at this outline stage.

If any outline permission is granted without clarifying the issue and legality of access the Council places a significant burden on themselves or any purchaser of the site and in addition those at the Council who deal with property searches. It will be unfortunate for any applicant to have to resolve this matter at the "full" planning stage and be unable to prove "lawful authority".

There is a perception by the public that Planning permission ensures that important legal issues such as access have been "rubber stamped." In a case such as this it clearly is not.

Any deed for the new properties will need to provide a covenant from the landowner providing a Harpers Lane access clause.

To provide further insight into how a lack of "clarification" can cause problems I detail the following:

On the 10th of October 2014 the applicants placed a crane and associated vehicles on the Bridleway to lift a residential caravan from their property. The effect of this was to block the Bridleway completely for a period of three and a half hours and prevent the existing users from exercising their rights to the use and enjoyment of the Bridleway including any roadside waste (the verges) which forms part of it. This is contrary to Section 130 of the Highways Act 1980. Visitors to and the occupants of New House were unable to enter or leave their property as a result.

In the absence of a legal right of vehicular access the Contractors concerned could have faced significant charges resulting from this. Parliament over the years has gone the "extra mile" to protect the paths network and rights of way. Following the passing of the Natural Environment and Rural Communities Act 2006 further changes came into place.

Amongst these were amendments to Section 34 of the Road Traffic Act 1988 which reads as follows:

Section 34 RTA 1988

Prohibition of driving mechanically propelled vehicles elsewhere than on roads.

(1) Subject to the provisions of this section, if without lawful authority a person drives a mechanically propelled vehicle—

(a) on to or upon any common land, moorland or land of any other description, not being land forming part of a road, or

(b) on any road being a footpath, Bridleway or restricted byway, he is guilty of an offence.

(2) For the purposes of subsection (1)(b) above, a way shown in a definitive map and statement as a footpath, Bridleway or restricted byway is, without prejudice to section 56(1) of the Wildlife and Countryside Act 1981, to be taken to be a way of the kind shown, unless the contrary is proved.

The principle now is that any vehicle found on a Bridleway is there illegally and it is for the driver to prove that he(or she) has "legal authority" to be there. It is not for the prosecution to prove otherwise.

In addition Section 137 of the Highways Act 1980 provides that:

137 Penalty for wilful obstruction.

(1) If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence and liable to a fine not exceeding (£1000)

If on the day that the Caravan was lifted and a member of the Public had attempted to “squeeze” past these vehicles and injured themselves a further charge under Section 22 of the Road Traffic Act 1988 could have applied:

22) Leaving vehicles in dangerous positions.

If a person in charge of a vehicle causes or permits the vehicle or a trailer drawn by it to remain at rest on a road in such a position or in such condition or in such circumstances as to (involve a danger of injury) to other persons using the road, he is guilty of an offence.

In these cases prosecution would normally be a matter for the local authority or the police.

Appendix A attach lists a “raft” of legislation that Parliament has placed in statute to ensure that the public is protected. It may not be exhaustive but is provided as a guide. The legal team available to GYBC will no doubt correct any errors contained within it.

Following the loading of the Caravan our own drive was “blocked” for some 40 minutes whilst the driver attempted to secure the Caravan to his trailer. Due to the narrowness of the lane at the loading point it was impossible for him to do it there.

It is surely reasonable that drivers delivering along a Bridleway should be confident that they do so legally and not face prosecution for unwittingly delivering to a site which has no vehicle rights.

The applicant’s site does not require the Bridleway for access. It is accessible from Fell Way and numbers 13 & 15 have already been reserved by GYBC. In terms of revenue generation in the form of community charge neither GYBC nor NCC will suffer detriment if the bungalows are built and accessed via Fell Way. The idea that a fully designed estate road, properly constructed and drained, with the ability for vehicles to turn is less suitable than a poor unmade up, not drained, unlit and with no ability to segregate vehicles from pedestrian and animals, lane provides a better access is somewhat surprising.

Much has been made of the Fell Way access. Officers referred to a development proposed for New House where there is capacity for receiving and handling vehicles off the Bridleway and with legal authority.

What is interesting in respect of Fell Way is the development at number 9 Fell Way covered by planning Ref. 06/05/0238/F.

This was achieved with vehicles being handled using the existing access. In the case of 11 Fell Way vehicles would be able to fully access the site in order not to inconvenience any of the neighbours. It is surprising that no application has been sought for access via Fell Way and one can only speculate as to the reasons why.

Norfolk County Council in their development guidance say:

G2.11 Vehicular access to new development should not unacceptably interfere with the use of Bridleways, public footpaths, on-road cycle routes, cycleways, and restricted byways or bus priority measures. It is considered that the conflict between pedestrians, cyclists, horse riders and motor vehicles would produce unacceptable highway dangers, and would work against other policies that seek to give priority.

G3.3 Development with vehicular access onto a public highway with the characteristic of a "Road" (see G2.3) shall provide a turning space within the curtilage of the site of sufficient size to enable vehicles to leave and re-enter the public highway in a forward gear after no more than two gear changes.

It is important that vehicles enter the highway in a safe manner. Reversing onto busy roads is not considered safe. Sites must be laid out so as to provide adequate space to easily turn round a vehicle.

It should be noted that a turning area must be separate to the dedicated parking provision. It should be designed such that emerging vehicles meet the highway at right angles to the flow of traffic to optimise the driver's visibility and ease of manoeuvring.

There are some issues contained within Highways guidance which are of concern however senior officers and politicians at Norfolk County Council continually tell us that they are consultees only and any decisions are the responsibility of Great Yarmouth Borough Council.

Within the advice provided under Sections SHC 28, SHC 29A, SHC 29B Norfolk refer to parking provision for construction workers and also the route for construction traffic. Officers clearly have significant options in determining outcomes in this regard.

An option is for all construction traffic be it for workers or vehicles carrying materials to enter and access on Fell Way which has the benefit of having adopted roads built to a standard and without impacting on the existing users of the Bridleway with all its attendant safety issues particularly in Autumn and Winter months. The development at 9 Fell Way clearly shows this is achievable.

We attach to this letter pictures illustrating the "Blind Spots" of large vehicles in proximity to people, animals etc. (Appendix B) The Metropolitan Police are so concerned with this problem of HGVs that they have set up a special team and have special events in prominent locations such as the V & A, the American Embassy, the BBC and John Lewis in order to educate the public of the dangers.

The choice of this route will also provide “good reason” for GYBC not seeking implementation of Sections 247 and 257 of the 1990 Planning Act mentioned above and will demonstrate concerns for the safety of the wider public.

It is reasonable to assume that the three elected Councillors for Bradwell North will take a keen interest in how officers arrive at a determination of this issue. It will be they after all who will be contacted should there be any injury or accident to existing users as a result of a decision to put construction vehicles on the Bridleway without proper safeguards.

Should it be determined that the Bridleway is the “best option” it will appear to fly in the face of all reason and is contrary to Norfolk Guidance G2.11
Stated above and repeated here:

G2.11 Vehicular access to new development should not unacceptably interfere with the use of Bridleways, public footpaths, on-road cycle routes, cycleways, and restricted byways or bus priority measures. It is considered that the conflict between pedestrians, cyclists, horse riders and motor vehicles would produce unacceptable highway dangers, and would work against other policies that seek to give priority.

This effectively accords with the views of Councillors who refused the original application in November 2014.

Should officers determine that this application should be approved we will be grateful for the specifics issues making Harpers Lane the pre-eminent Construction route be specified along with the appropriate policy. In the absence of the “specific and definitive” agreement of the landowner will officers further advise how they intend to ensure that drivers have “lawful authority” to drive vehicles on Harpers Lane without committing offences under the Highway Act 1980 and the Road Traffic Act (Section 34.) 1988 and the powers Parliament have provided for this purpose. Norfolk Highways have confirmed they have no powers to grant access and it is for the applicant to secure rights from the landowner.

In the further interests of Road Safety and to protect existing users will they further advise the measures they will propose to ensure all vehicles entering or leaving the Bridleway and development site will do so in a forward gear.

In view of the speculative nature of this application and without additional proof of a legal authority to access the Bridleway this application should be refused with Harpers Lane being specified as the access entry point. We are also further concerned that a grant of permission will create a precedent for the other residents of Fell Way to apply for vehicular access to the Bridleway which GYBC will find difficult in refusing if this application without establishing “lawful authority” succeeds.

The Bridleway should remain as Parliament intended and not developed because it is convenient.

Yours faithfully

A large, irregular black rectangular redaction mark covering the signature area.

A J Carter J D Carter

encs

Response to Statement prepared by MDPC. Planning Consultant

We wish to make the following observations in respect of the Statement supporting the application.

- 1.3(1) In 1986 the creation of Gapton and the Housing Estate on which Fell Way sits was in its planning stage. As a result of no development there just being fields, traffic on Harpers Lane was minimal. However its Bridleway Status was protected by the Highways Act 1980 and the Countryside Act of 1981.
- 1.3(2) The appearance of the site could equally have been achieved by Fencing around the site or developing with an access via Fell Way.
- 1.4 It does not require permission to access Harpers Lane to deal with this issue. Tubbys as part of their arrangements with the applicants husband would have dealt with this at the time of construction of 11, Fell Way if requested..
- 1.6 Officers have no objection if "Private Rights" exist for the site and the permissions are legally in place. Other than that they have no powers to vary or change Acts of Parliament. Acknowledgment of this was secured from Ms Price the PROW officer when it appeared she had exceeded her powers.
- 1.7 When the planners were contacted in respect of this they advised that it had no significance other than to put the location into context.
- 1.8 Norfolk Fire and Rescue have no problem if it complies with Building Regulations. It will appear that the carriageway width and turning circle required does not comply. Blocking the Lane at this point and preventing access or entry from points beyond is not desirable.
- 1.10 Planning permission for Breydon House was not secured improperly. The Alwyn House site on which Breydon House was built had an existing long standing vehicle access to Harpers Lane and is clearly shown on plans prepared by Olley and Haward in 1991 and submitted to GYBC. Other than the existing provision Section 34 of the Road Traffic Act 1988 provides for access should it have been required as Alwyn House fronted Burgh Road and could access the Lane within 15 yards of the Highway.

An Issue of the New House development was raised by the case officer Mr Clarke in respect that it had not been objected to. It is quite simple as to why there were no objections from us. New House has established vehicle rights. The site is large and can easily accommodate a substantial number of vehicles if required. In addition it has turning provision for vehicles to enter and leave in a forward gear. Indeed GYB Services use this facility to enable its refuse vehicle to service the properties in a forward gear.

It is somewhat disappointing for the owners of New House that their freehold property only accessed from Harpers Lane and built in the midst of fields well before the development of the Industrial Estate has been designated within a "buffer" zone.

This prevented what most people would regard as a reasonable and non controversial application to provide housing for a member of their family but nevertheless the application to build was refused planning permission.

1.11 From the documentation we hold there is no evidence of the Nursery Site on which Fell Way sits having a vehicle access to the lane. The property deeds for Alwyn House and New House clearly show the vehicle access as being between Weismain and Alwyn House onto Burgh Road. The deed for the sale of the Nursery to Mrs Matthews the Aunt of the applicants husband did not show or provide a vehicle access to the lane.

Neither Mrs Matthews or Mr Hall the previous owners claimed this access when seeking planning permission from Suffolk County Council. Any applications for Harpers Lane were refused as it was considered "unsuitable". The only permission granted was for "New House" which occupies the site of a derelict bungalow demolished to make way for it.

1.12 The procedures for the application in Jews Lane are not for us to question.

3.1 We find the statements contained within this to be surprising. It might be suitable for a LGV type vehicle but not a bulk tipper or Ready Mix Concrete vehicle. If the applicant had provided a "swept path analysis" to support his contention then it might be more meaningful.

We attach to this statement a schematic of vehicles.(Appendix C) Perhaps officers will wish to task Norfolk Highways to produce swept paths for them. We know their technicians have the software. Our belief is that most HGVs used for removing spoil and delivering aggregate,ready mixed concrete will be wider than the carriageway at the development point. Most of these vehicles discharge from the rear and will need therefore to reverse onto the site as there is insufficient space even with the "new" layout to enter turn,discharge and then return in a forward gear. We refer to the Construction and Use Regulations 1986 that apply for all vehicles but particularly HGVs of all types which states under Section 106. *No person shall drive, or cause or permit to be driven, a motor vehicle backwards on a road further than may be requisite for the safety or reasonable convenience of the occupants of the vehicle or other traffic, unless it is a road roller or is engaged in the construction, maintenance or repair of the road.* Elimination of a turning provision particularly on a narrow Bridleway where ordinarily vehicles are not permitted could well cause the very thing to happen that Parliament has proscribed and place the public at risk. The Council does have powers to pursue a path closure in order to protect the public from interaction with HGVs.

3.3The Initial Statement from Norfolk Highways to the application was fair and balanced. The amendment removing the turning provision and apparently requested by officers in our view did prejudice Highway Safety. Reversing HGVs for over 40 yards along the bridleway is dangerous for the public who use the bridleway and unreasonable for the driver.We draw attention to Sections 200 – 203 of the Highway Code. The HSE have clear guidance to Managers to eliminate reversing where possible. GYB services we are sure as part of their risk assessments will not permit any of their vehicles to reverse this distance and in such a confined space. The refusal of planning by Councillors prevented this "nightmare" occurring. C & U Regulation specified above applies.

4.1 Councillor Graham Plant in his submission to the development committee confirmed that the access in Fell Way had been reduced but still provided a better alternative than Harpers Lane.

The deeds for 11,Fell Way show that the driveway extends beyond the gateway and indeed only ends midway down the widths of 9 & 17 Fell Way.(Appendix B) From the existing entrance it is a distance of some 12metres from the turning head and even today the width would no doubt be regarded as suitable by planners.

We draw officers and Councillors attention to planning application 06/05/0238/F which relates to 9,Fell Way,Bradwell

This was for a 2 storey side extension immediately adjacent to number 11,Fell Way. It is to be assumed that all the spoil and rubble removal, sand ballast and concrete deliveries were achieved from the same access point as considered "unsuitable" by the applicant. In addition Bricks,Blocks,Timber,Roof Trusses and Roof Tiles plus all first and second fix material also arrived outside the entrance to 11,Fell Way.

For a development via Fell Way all vehicles will only "pass" the properties on Fell Way and not remain stationary as was the case for number 9 before being handled on site. .(Appendix B)

5.0 The contention that HGVs will be able to arrive and depart the site in a forward gear is we believe unrealistic. It should be recognised that the "verges" of the Bridleway are protected under the Highways Act and are not part of the development site. The carriageway width is barely 2.4 metres at the development site. Approaching the site from Burgh Road the verge on the left hand side abuts a 2 metre high concrete wall which separates Highway Lodge from the Lane. Any attempt to reverse and put the vehicles wheels in a turning mode on this verge will no doubt either damage the wall, vehicle or both.

A swept path analysis will clearly clarify these matters.(Appendix C) Once footings are created the problem will only get worse as the site "shrinks" and construction workers vehicles are also required to be parked on site and not on the Bridleway.

The significant issue still remains securing approval from the owner of the lane for a vehicle access, getting the lane registered to enable works to be carried out and the appropriate permissions incorporated into the deeds for the new properties to avoid "legal" challenges and prosecution of drivers for driving unlawfully on the bridleway.

A J & J D Carter
Breydon House
Harpers Lane
Bradwell
NR31 9EL

Appendix A: without prejudice.

Legislation laid down by Parliament as applying to Harpers Lane to the best of our knowledge and belief.

1)Highways Act 1980

1980 c. 66Part IX Protection of public rights. Section 130

130 Protection of public rights.

(1)It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority, including any roadside waste which forms part of it.

(2)Any council may assert and protect the rights of the public to the use and enjoyment of any highway in their area for which they are not the highway authority, including any roadside waste which forms part of it.

(3)Without prejudice to subsections (1) and (2) above, it is the duty of a council who are a highway authority to prevent, as far as possible, the stopping up or obstruction of—

(a)the highways for which they are the highway authority, and

(b)any highway for which they are not the highway authority, if, in their opinion, the stopping up or obstruction of that highway would be prejudicial to the interests of their area.

(4)Without prejudice to the foregoing provisions of this section, it is the duty of a local highway authority to prevent any unlawful encroachment on any roadside waste comprised in a highway for which they are the highway authority.

2)Highways Act 1980

1980 c. 66Part XIV InterpretationSection 329

“bridleway” means a highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway;

3)Wildlife and Countryside Act 1981

1981 c. 69 Part III Miscellaneous and supplemental
Section 66

66 Interpretation of Part III.

(1)In this Part—

“bridleway” means a highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway.

4) Road Traffic Act 1988

1988 c. 52 Part I Use of motor vehicles away from roads Section 34

34 Prohibition of driving motor vehicles elsewhere than on roads

(1) Subject to the provisions of this section, if without lawful authority a person drives a motor vehicle—

(a) on to or upon any common land, moorland or land of any other description, not being land forming part of a road, or

(b) on any road being a footpath or bridleway,

he is guilty of an offence.

(2) It is not an offence under this section to drive a motor vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.

(3) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court that it was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.

5) Countryside and Rights of Way Act 2000

2000 c. 37 Part II Public rights of way and definitive maps and statements Section 55

55 Bridleway rights over ways shown as bridleways.

(1) Subject to subsections (2) and (3), the public shall, as from the day after the cut-off date, have a right of way on horseback or leading a horse over any way which—

(a) was immediately before 1st January 1949 either a footpath or a bridleway, and

(b) is, throughout the period beginning with the commencement of this section and ending with the cut-off date,

a footpath which is shown in a definitive map and statement as a bridleway.

NB: Harpers Lane is shown on the definitive map as a bridleway and is signposted accordingly.

The Act also enshrined parts from the Road Traffic Act 1988 as

6)Police Reform Act 2002

2002 c. 30 Part 4 Chapter 2 Seizure of motor vehicles.

59 Vehicles used in manner causing alarm, distress or annoyance

(1)Where a constable in uniform has reasonable grounds for believing that a motor vehicle is being used on any occasion in a manner which—

(a)contravenes section 3 or 34 of the Road Traffic Act 1988 (c. 52) (careless and inconsiderate driving and prohibition of off-road driving), and

(b)is causing, or is likely to cause, alarm, distress or annoyance to members of the public,

he shall have the powers set out in subsection (3).

(2)A constable in uniform shall also have the powers set out in subsection (3) where he has reasonable grounds for believing that a motor vehicle has been used on any occasion in a manner falling within subsection (1).

(3)Those powers are—

(a)power, if the motor vehicle is moving, to order the person driving it to stop the vehicle;

(b)power to seize and remove the motor vehicle;

(6)A person who fails to comply with an order under subsection (3)(a) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.(max £1000)

7)Natural Environment and Rural Communities Act 2006

70Supplementary

(2)Amend section 34 of the Road Traffic Act 1988 (c. 52) (prohibition of driving mechanically propelled vehicles elsewhere than on roads) as follows.(3)In subsection (2), omit “(subject to section 34A of this Act)”.

(4)After subsection (2) insert—

“(2A)It is not an offence under this section for a person with an interest in land, or a visitor to any land, to drive a mechanically propelled vehicle on a road if, immediately before the commencement of section 47(2) of the Countryside and Rights of Way Act 2000, the road was—(a)shown in a definitive map and statement as a road used as a public path, and

(b)in use for obtaining access to the land by the driving of mechanically propelled vehicles by a person with an interest in the land or by visitors to the land.”

In the case of 11 Fell Way vehicular access is via Fell Way and not Harpers Lane and has been since 1987.

No evidence of a vehicle access to this site from Harpers Lane can be established.

SCHEDULE 7 Driving of mechanically propelled vehicles elsewhere than on roads.

5For section 34 of that Act there is substituted—

“34Prohibition of driving mechanically propelled vehicles elsewhere than on roads

(1)Subject to the provisions of this section, if without lawful authority a person drives a mechanically propelled vehicle—

(a)on to or upon any common land, moorland or land of any other description, not being land forming part of a road, or

(b)on any road being a footpath, bridleway or restricted byway, he is guilty of an offence.

(2)For the purposes of subsection (1)(b) above, a way shown in a definitive map and statement as a footpath, bridleway or restricted byway is, without prejudice to section 56(1) of the [1981 c. 69.] Wildlife and Countryside Act 1981, to be taken to be a way of the kind shown, unless (subject to section 34A of this Act) the contrary is proved.

(3)It is not an offence under this section to drive a mechanically propelled vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.

(4)A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court that it was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.

(7)In this section—

“definitive map and statement” has the same meaning as in Part III of the [1981 c. 69.] Wildlife and Countryside Act 1981;

On 2 May 2006 the Countryside and Rights of Way Act 2000 reclassified all remaining Roads Used as Public Paths as restricted byways. The public's rights along a restricted byway are to travel:

- on foot
- on horseback or leading a horse
- by vehicle **other than mechanically propelled vehicles** (thus permitting e.g. bicycles, horse-drawn carriages, to travel along restricted byways), except in certain circumstances.

A number of legal challenges to aspects of the CROW Act were clarified and resolved by Parliament and are contained in the The Natural Environment and Rural Communities Act 2006 and the Police Reform Act 2002.

8)Highways Act 1980

1980 c. 66Part IX MiscellaneousSection 184

7)(3)Where any land is being, or is to be, developed in accordance with a planning permission granted, or deemed to have been granted, under [F1the Town and Country Planning Act 1990], and it appears to the highway authority for a highway maintainable at the public expense that the development makes it necessary—

(a) to construct a crossing over a kerbed footway or a verge in the highway so as to provide an access for mechanically propelled vehicles to or from the carriageway of the highway from or to premises adjoining or having access to the highway.

To obtain access over the verge requires the consent of the “owner” of the land on whose land the bridleway and verge pass over. At this date Harpers Lane continues to be unregistered although its “Bridleway” status is enshrined in law with all the protections that Parliament has put in place.

It is not in the “gift” of Norfolk County Council or Great Yarmouth Borough Council as we understand to grant vehicle access to Harpers Lane from the Fell Way site. Great Yarmouth Borough Council may grant planning permission to the Boundary of the development site and no further. Advertising to establish who the owner is and not obtaining any reply cannot be regarded as “consent.”

Following the Natural Environment and Rural Communities Act 2006 The only minor route on which the public may drive using a motor vehicle is a “BOAT” which is a byway open to all traffic.

Harpers Lane with its “Bridleway” status is not a “BOAT”.

9)The Road Vehicles (Construction and Use) Regulations 1986

1986 No. 1078 PART IV F Regulation 106

Reversing

106. No person shall drive, or cause or permit to be driven, a motor vehicle backwards on a road further than may be requisite for the safety or reasonable convenience of the occupants of the vehicle or other traffic, unless it is a road roller or is engaged in the construction, maintenance or repair of the road.

Town and Country Planning Act 1990

1990 c. 8Part X Orders by other authorities Section 257 & 259

257 Footpaths and bridleways affected by development: orders by other authorities.

(1) Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to enable development to be carried out—

(a) in accordance with planning permission granted under Part III [Flor section 293A] , or

(b) by a government department.

(2) An order under this section may, if the competent authority are satisfied that it should do so, provide—

(a) for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;

(b) for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement provision is made by the order;

(c) for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;

(d) for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.

(3) An order may be made under this section authorising the stopping up or diversion of a footpath or bridleway which is temporarily stopped up or diverted under any other enactment.

(4) In this section “competent authority” means—

(a) in the case of development authorised by a planning permission, the local planning authority who granted the permission or, in the case of a permission granted by the Secretary of State, who would have had power to grant it; and

(b) in the case of development carried out by a government department, the local planning authority who would have had power to grant planning permission on an application in respect of the development in question if such an application had fallen to be made.

259 Confirmation of orders made by other authorities.

(1) An order made under section 257 or 258 shall not take effect unless confirmed by the Secretary of State or unless confirmed, as an unopposed order, by the authority who made it.

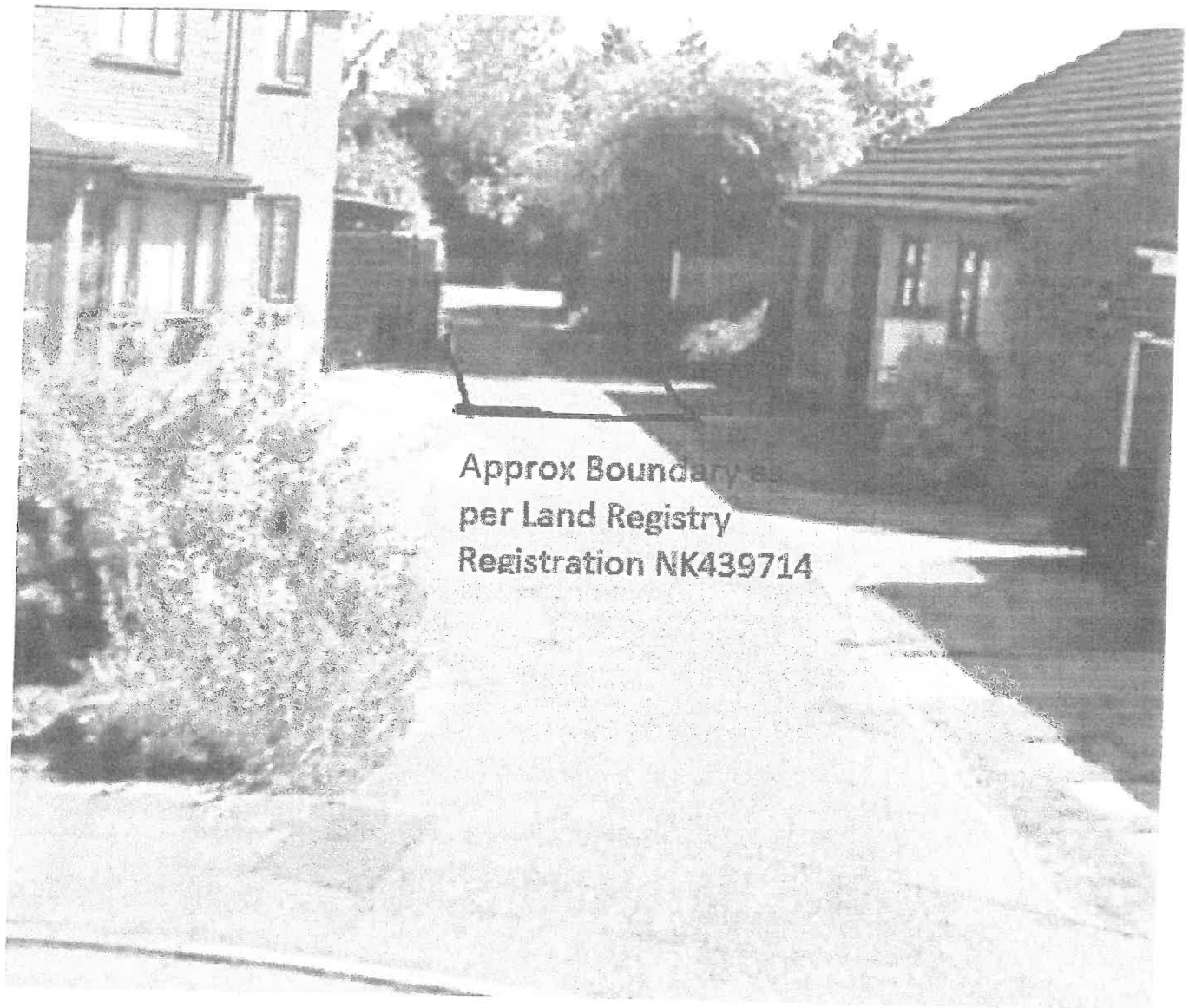
(2) The Secretary of State shall not confirm any such order unless satisfied as to every matter as to which the authority making the order are required under section 257 or, as the case may be, section 258 to be satisfied.

(3) The time specified—

(a) in an order under section 257 as the time from which a footpath or bridleway is to be stopped up or diverted; or

(b) in an order under section 258 as the time from which a right of way is to be extinguished, shall not be earlier than confirmation of the order.

(4) Schedule 14 shall have effect with respect to the confirmation of orders under section 257 or 258 and the publicity for such orders after they are confirmed.



Two Storey development for 9 Fell Way is adjacent to the driveway into 11 Fell Way.

Land Registry Current title plan

Title number NK439714
Ordnance Survey map reference TG5005SE
Scale 1:1250 enlarged from 1:2500
Administrative area Norfolk : Great Yarmouth



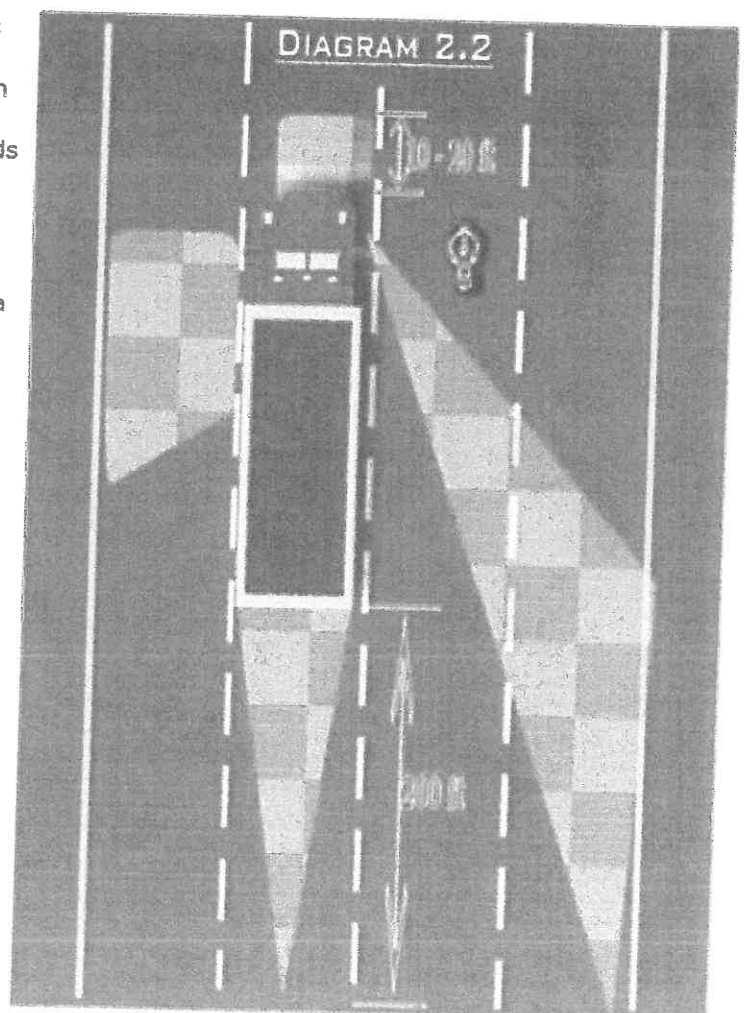
© Crown copyright and database rights 2014 Ordnance Survey 100076316. You are not permitted to copy, re-broadcast, distribute or sell any of this data in third party form on any form.





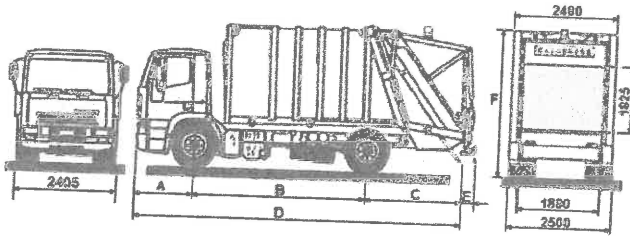
Pedestrians located in any of the yellow zones cannot be seen by the driver from his cab or in his mirrors.

Diagram 2.2 shows where the blind spots are located on a large truck. Note that the blind spots on a truck are much larger than that of a car, especially the spot located directly behind the trailer. This area extends approximately 200 feet. You can imagine how easy it would be for something as small as a motorcycle to get lost back there. The best thing for a rider to do is to keep his/ her distance when riding behind a truck. Also if a rider is following too closely behind a truck, how far ahead in traffic can he/ she see? The answer is obviously not very far!



Without pedestrian segregation the risks to the public and animals on this Bridleway should vehicles be permitted to reverse along its length is considerable. In the absence of street lighting the problems worsen in Autumn and Winter.

Appendix C



TECHNICAL DATA SHEET

IVECO ML 150E21H EURO CARGO (4X2) Wheelbase 3690 mm.

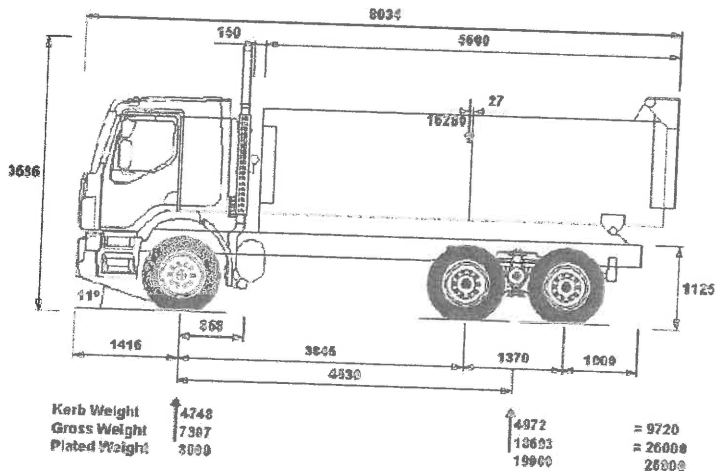
CAPACITY & DIMENSIONS

Net Container's capacity (loading hopper excluded)		15	Cu. m.
Loading hopper capacity		1.8	Cu. m.
Equipped vehicle's overall dimensions			
	D	Length	7.975 mtrs. (approx.)
	B	Width	2.560 mtrs. (approx.)
Vehicle wheel base	H	Height	3.660 mtrs. (approx.)
Equipped vehicle's overhang	B		3.690 mtrs.
	A	Front	1.315 mtrs.
	C+E	Rear	2.570 mtrs. (approx.)

WEIGHTS

WEIGHTS		C+8	Rear	2.570	mn. (approx.)
Chassis cab weight (with fuel and driver).....					
Equipment weight				4.945	Kg. (approx.)
Additional weight of 240/1100 tire bias lifting device.....				4.150	Kg. (approx.)
Weight of the empty equipped vehicle ready for use				450	Kg. (approx.)
Payload, legally permitted according to the chassis cab features.....				9.545	Kg. (approx.)
Gross vehicle's weight				5.455	Kg. (approx.)
				13.800	Kg.

WEIGHTS & DIMENSIONS



Vehicle specification inc:

- Medium comfort cab
- Wheelbase 3850mm
- 8.0tonne front axle
- Fuel 315 litres
- Aluminium wheels
- 40 litre AdBlue tank

Total **7690kg**

Body Equipment

- | | |
|------------------------|---------------|
| • Insulated alloy body | 1350kg |
| • Tipper gear | 430kg |
| • Sheet system | 250kg |
| Total | 2030kg |

Complete Vehicle

- Vehicle weight 9720kg
- Actual payload without driver 16280kg

These two vehicles being relatively small in HGV terms still occupy the full width and more of the carriageway of Harpers Lane.

The front overhang of the cab and the front wheels will cause the vehicle to access the verge adjacent to Highway Lodge (the property on the left hand side of Harpers Lane) when viewed from the Burgh Road junction.) on which is a 2 metre high block wall separating Highway Lodge from Harpers Lane when reversing onto the development site for loading or discharge.

Any swept path analysis will clearly illustrate the problem.

Obstructing the lane and causing damage to the verge are both offences under the Highways Act 1980.

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

New House
Harpers Lane
Bradwell
Great Yarmouth
NR31 9E1

7th August 2015



Dear Sir/Madam

Planning application

Application: 06/15/0371

Proposal: Construction of 2 detached bungalows and associated works with access
from Harpers Lane

Location: 11 Fell Way Bradwell Great Yarmouth NR31 9UF

We are writing to you to lodge our objection to the above planning primarily in respect of the proposed access from Harpers Lane. This application does not significantly differ from the last application which was refused last year.

Harpers lane is a bridleway unmade track used not only by ourselves but by pedestrians, cyclists, horses, tractors and general farm vehicles.

The bridleway is only wide enough for one vehicle at a time and in fact there is barely room for pedestrians to pass vehicles in the lane.

Any illegal parking outside the proposed site entrance would entirely block the bridleway and our access to and from New House. Indeed last October the applicant allowed a large crane to park in the lane to remove a caravan from their property and whilst they advised us it would only be an hour it blocked the lane for over 3 hours to all traffic including the many pedestrians from the industrial estate who use the lane at lunchtimes to go to the Coop store for their lunches.

Had we had an emergency in this time no one could have got to us.

There is already a more suitable paved roadway to the development from Fell Way. This access roadway is actually wider than Harpers Lane, is adopted and provides a turning area and a smaller distance to the development.

It does not seem likely that the turning sweep for vehicles to turn into the property from Harpers lane is achievable as the track is only 2.4 metres wide with an embankment opposite the proposed entrance. Large vehicles would find this almost impossible to enter and leave the site and in any case they would have to blind reverse either in or out of the site. New House for example has the main gateway set 3 metres away from the lane in order that large vehicles such as the council refuse truck can achieve a turning sweep from the lane to property, there is also a turning area located within the site so that vehicles can enter and leave in a forward gear thus alleviating the need to back out onto a public bridleway with the obvious dangers to persons and animals using it. The current application does not allow for this.

In fact on the 1986 site plan of this development Fell way is shown as the only access to the site and the two outlined properties are actually numbered as being on Fell Way. It also shows room for a proper turning circle enabling vehicles to enter and leave the site in a forward gear.

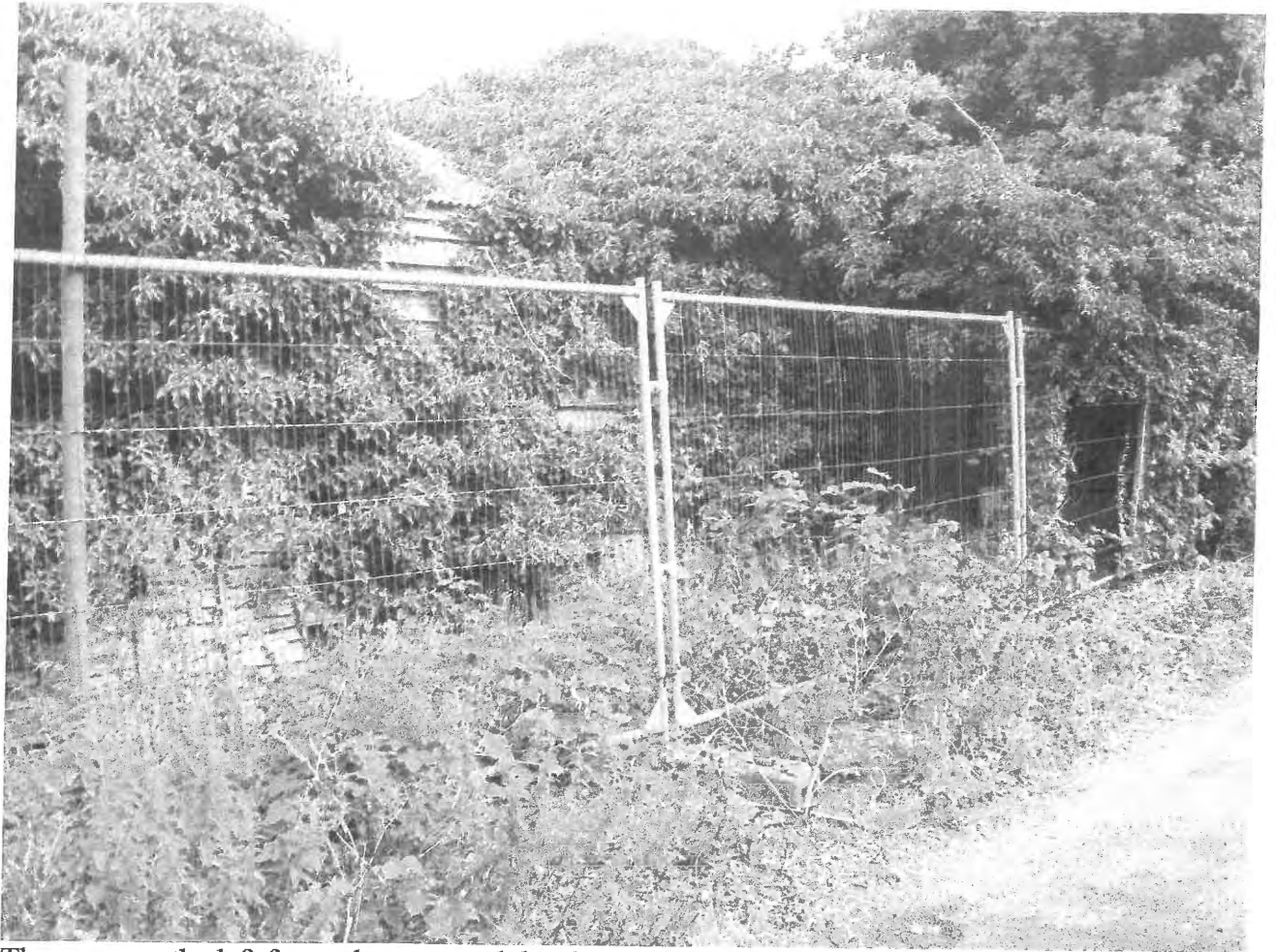
There has never been an access for vehicles in respect of this particular site into Harpers lane.

We have contacted the Fire Service for their advice they directed us to the 2000 Building regulations and a set of tables in respect of fire engine access, the tables indicate a minimum width of 3.7 metres access is required as Harpers lane is only 2.4 metres it appears that the proposed development does not meet this requirement. The verges on either side are not part of the carriageway and HGVs using Harpers Lane would have to reverse in or out along the length of the bridleway to the development as there is no turning point for heavy vehicles.

The Highways Department have advised us the access cannot be granted by them on to Harpers lane without the applicant first obtaining permission from the owner of the Lane. As the owner is not known and the lane unregistered the applicant cannot obtain this permission and therefore is not able legally to create an access over the verge to the site or put vehicles onto the bridleway.



The above picture shows the single track towards the main road from the applicants proposed access to the development. The lane is 2.4 metres wide at this point and of similar width for the whole length, clearly two vehicles cannot pass except at the junction of the lane and the main road.



The verge on the left fronts the proposed development. In order for the crane to lift the Caravan from their premises the fencing was removed as the width of the crane exceeded the width of the bridleway. This has revealed old sheds on the site referred to in the application. Replacement fence panels will obscure them.

This Verge running from New House to the Junction of Harpers Lane with the main Road also carries the electricity and water services to New House in addition there is another high voltage electricity cable all of which would be the responsibility of the applicant to create protection in the event of a crossing being made.



The above picture shows the track width looking down the bridleway from the applicants proposed access to the development.

Note: the verge to the left is in fact an embankment and immediately behind is a 2 metre high concrete block wall which screens Highway Lodge from the bridleway. It is clear that any vehicle stopping or parking on the bridleway completely blocks it.

On the basis of the forgoing we would ask that planning be refused because this is a bridleway and the applicant currently has no private rights. We will have no objection to a development which is accessed via Fell Way.

R & J Bradley





Supporting Statement
Second Outline Planning Application for
Construction of 2 Detached Bungalows, A Double Garage and
Associated Works inc. Access from Harpers Lane
At 11 Fell Way Bradwell
On behalf of
L. Roll



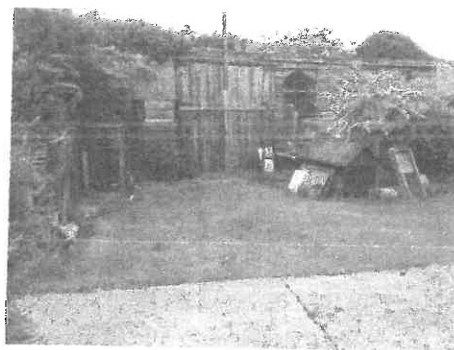
Prepared by Malcolm Dixon May 2015

Supporting Statement

Construction of two dwellings with Access from Harpers Way, Part of garden at 11 Fell Way, Bradwell

1.0 BACKGROUND

- 1.1 In 1986 a planning appeal was dismissed for the construction of a detached two storey dwelling in the vicinity of the present appeal site (DoE ref: T/APP/U2615/A/86044253/P4).
- 1.2 The appeal was dismissed because at that time the site was considered to be in open countryside. This situation has changed significantly in the intervening years and the site is no longer considered to be in open countryside.
- 1.3 Notwithstanding the appeal decision itself, in considering the matter, the Inspector made two telling remarks:-
- (1) *"(Harpers Lane)(HL) carries very little traffic and serves one house to the north of the site and found that it is just wide enough for two cars to pass. It appears to be well consolidated and in better condition than many comparable access ways ... (therefore) I would not have regarded the condition of HL as being sufficient reason to refuse planning permission for a house"*
 - (2) *"(the appellant) urges that the development of this land would enhance the appearance of the immediate vicinity ... this contention would carry more weight if (it was intended) to remove the unsightly sheds and outbuildings which were part of a former nursery"*



Existing sheds at 11 Fell Way

- 1.4 Both assertions provide context to the present position. Firstly acknowledging the capacity of the access road (and bridleway) to absorb development, and secondly the fact that the development will indeed result in the removal of the "unsightly" buildings referred to in (2) above.
- 1.5 Planning permission was refused last November (11th Nov) when the Planning Committee overturned the officer's recommendation to approve the development.
- 1.6 The Report and minutes also make it clear that neither Norfolk County Council Highways Service, nor its Rights of Way Team (with reference to the PROW/Bridleway position) raised any objections.
- 1.7 In response to the Highway comments referred to concerning the bridleway the last application was amended to include within the red line the total extent of Harpers Lane between the original curtilage and the public highway (Burgh and Market Rds.) to the south.
- 1.8 When consulted about that application, the response from the Council's Building Control Service also makes it clear that the Fire Service raised no objections to the development from an access point of view.
- 1.9 When the last application was presented to the Committee, Ms Roll exercised her right to speak on behalf and in support of the project.
- 1.10 In researching the background to the case she made the following points:
- Breydon House to the immediate south, a large two storey 3 bed detached house with direct vehicular access from HL was granted permission in July 2007 (LPA ref: 06/07/0441).
 - The policies given in the report offer support for the proposal.
 - The owners of "New House" on HL to the north were refused planning permission (LPA ref: 06/07/0287) on 30th April 2007 for a new bungalow within the curtilage. However, this was refused on the basis of being in the "Zone of Separation" between identified residential and industrial areas and not because of any impact on Harpers Lane.
- 1.11 Ms Roll's presentation to Committee revealed several facts pertinent to the proposal:
- In 1979 Harpers Lane provided access for 6 dwellings-- New house, Highway Lodge and 4 terraced houses (now demolished)
 - In addition a former Nursery (including the application site) had the benefit of vehicular access over Harpers Lane.
 - Presently there are only 3 properties with vehicular access onto HL (New House, Highway Lodge and Breydon House)

- 1.12 In addition to the above, the minutes to the meeting offer another useful insight:
- The planning committee were reminded that a planning application at Jews Lane (LPA ref: 06/06.0609 or 06/07/0504) in similar circumstances to this proposal, was granted permission.
 - The minute does not specify any reasons for refusal other than reference to the two policies (HOU7 (c) & HOU15), which were used to support the Officers recommendation to approve the scheme in the first place.

2.0 Relevant Planning Policy

2.1 NPPF

- | | |
|-----------------|--|
| Paragraph 7 | - Economic, Social and Environmental Role – Sustainability |
| Paragraph 9 | - Widening Choice of Housing |
| Paragraph 11/14 | - Development Plan unless Material Considerations Indicate otherwise |
| Paragraph 17 | - (Principles) – not simply about scrutiny |
| Paragraph 32 | - Safe and suitable access |

2.2 Local Planning Policy

- | | |
|------------|---|
| HOU 7 (c) | - Suitable Access arrangements can be made |
| HOU 15 | - All housing assessed according to effect on (inter alia): Residential Amenity, Character of area, Traffic generation, appropriate car parking and service provision |

3.0 Present Scheme

- 3.1 The layout has been amended to maximise use of the proposed site and to overcome any perceived concerns. The submitted plans demonstrate the fact that there is sufficient room on site to allow a 6 m. delivery vehicle to access the site and to manoeuvre and turn to ensure that egress from Harpers Lane can be carried out in a forward gear. In addition a turning head for the northern unit has also been included.
- 3.2 Unlike the properties nearer to the junction The scheme has been modified to provide sufficient room for a refuse truck to pull up leaving the lane unobstructed, in the highly unlikely event that this would actually be required. A refuse vehicle could then carry on along Harpers Lane to New House, as at

present. To further reinforce the adequacy and veracity of the existing highway, the afore mentioned correspondence from GYBC Building Control Service in liaising with NC Fire Service has indicated that the latter does not have any objections to the proposal.



*View looking south along
Harpers Lane*

- 3.3 In addition there were no highway based objections to the previous scheme and nor were there any highway based grounds for refusal, as reinforced by the views expressed by NC Highway Service. It can therefore be concluded that highway safety is not an issue, further reinforced by the fact that the Highway Service has not advised that any turning head arrangement within the proposed curtilages is necessary. Furthermore, the fact that Harpers Lane is a bridleway has not given rise to any concerns from Norfolk County Council Rights of Way Officer.
- 3.4 It is also the case that a vehicular access onto Harpers Lane could be carried out without requiring planning permission as confirmed within the previous Planning Committee report at Para 4. 8 where it states:
- " It also has to be taken into account that the owners of 11 Fell Way could form a vehicular access from Harpers Lane to their existing dwelling as permitted development without the need for planning permission".*
- 3.5 Furthermore, the publicity given to the previous scheme revealed no ownership issues over the Lane which would prevent Ms Roll from using it for vehicular access; and in any event this was not a material planning consideration, as confirmed in the approved Minute of the previous Planning Committee where it was stated by the Committee Chairman:
- " -----legal access was not a planning consideration -----"*
- 3.6 The site is in a sustainable location and fully accords with both planning policy and the NPPF aims and objectives as referred to above.

4.0 OTHER CONSIDERATIONS

- 4.1 The occupiers of Breydon House objected to the last scheme and suggested that access be gained from Fell Way. However, access is actually more restricted in many ways by the proximity of the existing 4 dwellings alongside the private drive at the head of the cul de sac; and therefore additional traffic movement in this location is likely to have much greater impact on residential amenities than the use of Harpers Lane.



*View from driveway
towards Fell Way*



*View towards No. 11
from Fell Way*

- 4.2 Indeed it is reasonable to assume that the proposed layout offers a much better solution particularly for manoeuvrability of delivery vehicles etc. than Fell Way which is a very restricted and long cul de sac serving a significant number of existing dwellings.
- 4.3 Previously, the occupiers of New House also raised concerns regarding additional traffic and this issue has been addressed above.
- 4.4 In addition to the above the Councils Emerging Core Strategy (Policy CS2 Sustainable Growth) identifies Bradwell as a Key Service Centre where additional housing is encouraged to assist in achieving the Councils 5 year housing land supply requirements. Albeit this is a small development in the greater scheme of things, nonetheless, it can contribute in its own small way in helping to achieve this target.

5.0 CONCLUSION

- Given all the above it is considered that the limited scale of development, the support of the Highway Service and the fact that H.G.V s will be able to park off road or within the curtilage and turn to exit onto the main road in a forward gear then the scheme fully complies with policies HOU 7 and HOU 15, as previously endorsed by the Councils officers in the recommendation to the Councils Planning Committee last November. Furthermore the proposed development conforms to the overall relevant aims and objectives contained in the NPPF (as referred to above) and therefore provide a sustainable form of development in accordance with the Councils emerging Core Strategy Policy CS2 Sustainable Growth.
- On this basis the support of the LPA is requested.

06/15/0371/O



GREAT YARMOUTH
BOROUGH COUNCIL

Planning and Business Services,
Town Hall, Great Yarmouth,
Norfolk. NR30 2QF

10 0 10 20 30 40 50 60 70 80 90 100
Metres

Scale = 1:1250 @ A4



Page 143 of 222

© Crown copyright and database rights [2015]
Ordnance Survey [100018547]

Reference: 06/15/0363/F

Ward: Great Yarmouth

Officer: Miss G Manthorpe

Expiry Date: 16-07-2015

Applicant: Herring House Trust

Proposal: Proposed change of use from shop to 4 self-contained flats, rebuild and extension of rear part of building. Revised submission.

Site: 1 Beaconsfield Road Great Yarmouth.

REPORT

1. Background / History :-

- 1.1 1 Beaconsfield Road is currently an unused shop with residential accommodation at the first floor level.
- 1.2 The application is for the change of use of the building to residential units, through discussions with the agents the number of units has been reduced from four to three self-contained residential units. The application also seeks to extend the existing building.
- 1.3 A similar application was submitted and subsequently withdrawn on the 9th April 2015, there have been six other applications on the site between 1949 and 1970 although none of these are relevant to the current application. All previous applications are listed within the application file.

2 Consultations :-

- 2.1 Neighbours – There have been five letters of objection from four neighbours and a petition signed by 96 individuals. The neighbour concerns are summarised below:
 - The extension is overdevelopment, out of keeping with the character of the area and existing building and un-neighbourly.
 - The extension will have an adverse effect on the visual amenity of the area.
 - Loss of car parking.
 - The development proposed is near a junction.
 - There are already houses in multiple occupancy in the vicinity.

- Self-contained flats are not in keeping with the area.
- Likely to result in noise and disturbance to the detriment of the local residential amenity.
- Anti-social behaviour.

The petition, signed by 96 people reads as follows:

'We, the undersigned, are concerned residents who oppose the change of use to 4 self-contained flats by reason of a detrimental effect on the neighbourhood, difficulties with parking and access of traffic. Safety to pedestrians, unacceptable loss of privacy and overdevelopment of such a confined area.'

Individual comments such as over development, not suitable, no, wrong area, not suitable for this area and not a chance were also added to some signatures.

2.4 Highways – No objection.

2.5 Police Architectural Liaison officer – Thorough response received offering crime prevention advice.

3 Local Policy :-

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, HOPTONON-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.

POLICY HOU16

A HIGH STANDARD OF LAYOUT AND DESIGN WILL BE REQUIRED FOR ALL HOUSING PROPOSALS. A SITE SURVEY AND LANDSCAPING SCHEME WILL BE REQUIRED WITH ALL REQUIRED WITH ALL DETAILED APPLICATIONS FOR MORE THAN 10 DWELLINGS THESE SHOULD INCLUDE MEASURES TO RETAIN AND SAFEGUARD SIGNIFICANT EXISTING LANDSCAPE FEATURES AND GIVE DETAILS OF, EXISTING AND PROPOSED SITE LEVELS PLANTING AND AFTERCARE ARRANGEMENTS. (Objective: To provide for a high quality of new housing development.)

POLICY HOU17

IN ASSESSING PROPOSALS FOR DEVELOPMENT THE BOROUGH COUNCIL WILL HAVE REGARD TO THE DENSITY OF THE SURROUNDING AREA. SUB-DIVISION OF PLOTS WILL BE RESISTED WHERE IT WOULD BE LIKELY TO LEAD TO DEVELOPMENT OUT OF CHARACTER AND SCALE WITH THE SURROUNDINGS. (Objective: To safeguard the character of existing settlements.)

3.2 National Planning Policy:-

Paragraph 17 of the National Planning Policy Framework contains the following:

'17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both

plan-making and decision-taking. These 12 principles are that planning should:

support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)

4 Assessment :-

- 4.1 The application is a resubmission from a previous application that had been withdrawn. The current application differs from the previous application as all ground floor sleeping accommodation has been removed. The current application was amended during the application process to remove one of the proposed units reducing the number applied for to three.
- 4.2 The property is currently an unused shop with a residential flat to the first floor; the site is currently vacant. It is noted that under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) at Class M there are permitted rights for the conversion of a retail unit to a C3 residential unit. One of the conditions regarding this change relates to an assessment of flood risk however the GPDO is a material consideration.
- 4.3 The reduction in number of residential units proposed has provided a less intense use of the site and allows for each of the bedrooms to be an adequate size, the smallest bedroom is 11.75 square metres. All of the residential accommodation proposed is self-contained with no shared facilities.
- 4.4 The extension to the property is two storey to the northern elevation and single storey to the south and west elevation. The current two storey section of the building is 1.35m from the eastern boundary. The proposed extension will extend towards the western boundary of the property an additional 3.25m giving a total two storey northern face of 4.6m. There are no windows proposed for the northern elevation. An objection is that the extension of the building is an overdevelopment of the site however given the large curtilage and the existence of the service road to the north of the site any adverse effect by the extension is mitigated. The extension as proposed would bring the western wall in line with 96 Harley Road. There is sufficient remaining curtilage at the frontage to the western boundary that the development as proposed, looked at in conjunction with the single storey extension, is not an overdevelopment of the site.
- 4.5 It is accepted that the development of the site to facilitate three dwellings would leave little usable open space however in the absence of any private open space standards this is not sufficient to refuse the application. The sustainable location of the site gives access to public open space and amenities and public transport links. Although there has been no consultation response received from GYB Services regarding bin collection there is adequate bin storage on the site. The proposed wall to the boundary of the

site to a height of 0.6m will mitigate any visual impact that is caused by the presence of bins.

- 4.6 The extensions to the existing property will alter the character although the property as it stands is not in keeping with the character of the area. The commercial appearance of the site with the single storey projection is not similar to those in the immediate vicinity. The two storey extension benefits from a parapet roof which will mitigate the impact providing a more interesting roof line than a simple flat roof. The rebuilt single storey extension removes the commercial appearance and gives a residential outlook. Neither of the extensions proposed have an adverse effect on the character of the area or the street scene. The detailing over the front doors provides a degree of interest to the fascia which is lacking in its current form.
- 4.7 Some objections have noted that the properties may result in disturbance. The three dwellings will be located within an existing housing area and any additional disturbance is not envisaged. An objector has noted that the application will house individuals through Herring House Trust, the applicants, and there may be issues associated with this. A planning decision cannot be based, in cases such as this, on who may or may not reside in a residence. The application is for the conversion and extension to an existing building which comprises a residential unit and a retail unit to three residential units of accommodation and shall be assessed as such.
- 4.8 The flood response plan submitted as part of the withdrawn application 06/14/0806/F has been read in conjunction with the current application. The environment agency did not object to the original application which included sleeping accommodation on the ground floor with no first floor access. The Local Authority did not consider the previous configuration acceptable given the risk of flooding at the site. The current application does not require sleeping accommodation on the ground floor and as such the risk has been mitigated to an acceptable standard.
- 4.9 The application site is within the urban area of Great Yarmouth, a sustainable location for residential development. Given the location the subdivision of the site to form three dwellings is not out of character with the density of the area and as such is in accordance with policy HOU17. The internal layout of the properties sufficiently mitigates the flood risk for future occupants by all properties having first floor sleeping accommodation.

5 Recommendation :-

- 5.1 Approve – The application site is within a sustainable location and the development as proposed in the amended plans is in accordance with local and national planning policy.
- 5.2 Approval should be subject to conditions that the development is built in accordance with the approved plans and the boundary walls have been constructed in accordance with the details submitted.

1 Beaconsfield Road



UPRN:



GREAT YARMOUTH
BOROUGH COUNCIL
Planning and Business Services
Enforcement

Town Hall, Hall Plain, Great Yarmouth NR30 2QF
01493 856100 enquires@great-yarmouth.gov.uk

Page 150 of 222

Date: 16:09:15

© Crown copyright and database rights [2011]
Ordnance Survey [100018547]

Gemma Manthorpe
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
Norfolk
NR30 2QF

Your Ref: 06/15/0363/F
Date: 17 August 2015

My Ref: 9/6/15/0363
Tel No.: 01603 638070
Email: stuart.french@norfolk.gov.uk

Dear Gemma

**Great Yarmouth: Proposed change of use from shop to 4 self contained flats,
rebuild and extension of rear part of building. Revised submission.
1 Beaconsfield Road GREAT YARMOUTH Norfolk NR30 4JR**

Thank you for your recent consultation with respect to the above, and please accept my
apologies for the delay in responding.

Given the site's location the Highway Authority have no objection to the proposals as
outlined in the application, nor do they wish to restrict the grant of permisison.

Yours sincerely

Stuart French

Highways Development Management & Licensing Officer
for Executive Director for Community and Environmental Services

Jill K. Smith

From: nick stacey
Sent: 03 September 2015 12:09
To: plan
Subject: Planning Application 06/15/0363/F

ACIC'D
3/9/15

Dear Miss Manthorpe , we are responding to your correspondence of 27/8/15 which appears to be a revision. We have studied the plans and can see no overall change to our concerns. We have written twice now and would like to know if this process will just keep continuing. Further to our correspondence of 27/7/15 we hope it is worth noting that the 3 proposed entrances for the building are all on Harley Road and since the address is 1 Beaconsfield Road this would also seem inappropriate and only gives us greater concern regarding the unsuitability and over development of such a small area. Can you inform us if this is the start of a new process or a continuation of the existing application. Do we need to re submit new objections as we are asking this on behalf of our neighbours?

Yours Sincerely

Nicholas & Paula Stacey, 3, Harley Road Great Yarmouth Norfolk NR30 4JS

Planning Services
Development Control
Town Hall
Hall Plain
Great Yarmouth
Norfolk
NR30 2QF

COMMENTS
ALREADY
MADE VIA
EMAIL -
5/8/15

Dear Sir/Madam,

Application Ref 06/15/0363/F

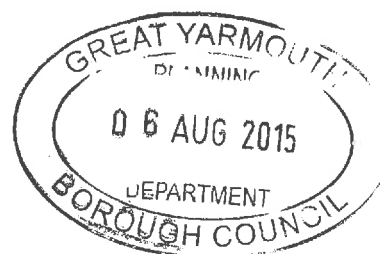
I'm writing to object to the Planning Application for 1 Beaconsfield Road, Great Yarmouth to be turned into 4 self contained flats. I really think this isn't a good idea at all as the road we live on and surrounding area has become a lovely friendly neighbourhood and the rows of town terrace houses make it a great area to live and bring up children in, I think the flats will look out of place, a complete eyesore and I feel it will represent an un-neighbourly form of development, detrimental to the amenities of the occupiers of adjoining residential property, particularly by reason of the overbearing effect. Also the property has character and would, if changed affect the visual amenity of the area as a whole. The old Northgate hospital grounds are being developed into affordable housing and a play area for children, I feel this will be enough for the area and flats will result in over development. I feel the layout and sitting, both in itself and relation to adjoining buildings, spaces and views, is inappropriate and unsympathetic to the appearance and character of the local environment.

Also I have recently been made aware that the people residing in these flats will be ex-criminals, although I am fully aware that they have a right to rehabilitation and to live a normal life in normal surroundings, I too have a right having lived in this lovely friendly neighbourhood for several years not to feel vulnerable and intimidated around my property which I feel will be the case. There is a junior school and nursery only a few hundred yards away and due to the volatile personalities of some of these people I really don't think it would be ideal for this particular area.

Please as a resident in this area and having to face this property everyday I'm urging you to reject this application.

Yours faithfully

Miss Fie
6 Harley Road
Great Yarmouth



ACK'D
28/7/15

3 Harley Road
Great Yarmouth
Norfolk
NR30 4JS

email: :

July 26th 2015

Miss J Smith
Great Yarmouth Borough Council
Planning Services
Development Control
Town all, Hall Plain
Great Yarmouth
Norfolk, NR30 2QF

Dear Miss J Smith

PLANNING APPLICATION

APPLICATION: 06/15/0363/F
PROPOSAL: Proposed change of use from shop to four self-contained flats, rebuild and extension of rear part of building. Revised submission.
LOCATION: 1 Beaconsfield Road, GREAT YARMOUTH, NR30 4JR.

Once again we wish to strongly object to the proposed planning application of 1 Beaconsfield Road Great Yarmouth NR30 4JR from its existing shop and living accommodation in to four self contained individual flats. The main reasons for our objection are as follows.

- 1) The proposed extension by reason of its size depth with & height massing would have an unacceptable adverse impact on the amenities of the properties immediately adjacent to the site and surrounding area by reason of loss of privacy and visually overbearing impact.
- 2) It would represent an unneighbourly form of development and would have an adverse impact on the neighbouring properties by reason of over development in a residential area.
- 3) The proposed development would be out of keeping with the design and character of the existing dwelling and would adversely affect the visual amenity of the area as a whole.
- 4) The proposal reduces the amount of legitimate car parking in the area to an unacceptable level and could lead to vehicles overhanging the road to the detriment of other road users and pedestrians. It is situated near a busy junction on a bus route with a bus stop nearby.
- 5) The immediate area already accommodates a high level of multi occupancy dwellings and any further increase of buildings of this type will have an adverse effect on the area and neighbourhood as a whole and would result in overdevelopment within a confined area.

This is the second application for planning permission and there has been no significant alteration to the proposed plan.

Yours Faithfully

Nicholas & Paula Stacey

Application

06/5/0363/F



Mark Lewis

4cc's

41 8115

96 Harley Rd.

Great Yarmouth.

Dear sir. I am writing this letter to you. to again voice my objection to the crazy. Idea. of converting a small dwelling into 4 flats. For ex. prisoners.

I have lived in my house with my family. For thirty years. and over this time have seen this area and road go from being one of the best roads to live on in the town - to one of the worst. one of the main reasons for this downfall is 'buy to let' landlords who do not care who they rent to. as long as they get paid. This development with its obvious dangers will only add to the problems with anti social behaviour, car parking, wheelie bin problems, not to mention the problems associated with the First school on Northgate street. Allowing such a crazy development could be the final straw for Harley Road.

11 Hardy Road
Norwich
Norfolk
NR1 1JL

ACK'D
30/7/15

29th July 2015

Dear Sir/Madam

Ref: 06/15/0363/F

1 Beaconsfield Road GREAT YARMOUTH Norfolk
Proposed change of use from shop to 4 self contained flats, rebuild and
extension of rear part of building. Revised submission.

I am writing to object to the above planning proposal for the following
reasons:

- 1) Self contained flats would not be in keeping with area
- 2) The proposed development by reason of its size would have an
unacceptably adverse impact on the amenities of the properties
immediately adjacent to the site and the surrounding area by
reason of overlooking, loss of privacy and visually overbearing
impact
- 3) Parking is already problematic in the area and so additional cars
from residents/visitors to the flats would add to this and cause
possible safety issues
- 4) The site is located in a predominantly residential area where
occupiers could reasonably expect a level of amenity concurrent
with the property. The use of the property as four self contained
flats introduces a diverse element that by reason of use is likely to
result in noise, disturbance and nuisance to the detriment of
neighbors residential amenity.

Yours faithfully

Elizabeth Taylor



Reference: 06/15/0205/O

Ward: Southtown/Cobholm

Officer: Miss G Manthorpe

Expiry Date: 15-09-2015

Applicant: J W Muninnings Ltd

Proposal: Demolition of existing buildings and the construction of 24 dwellings, associated works including parking and open spaces.

Site: Horatio House, Southtown Road, Great Yarmouth.

REPORT

1. Background / History :-

- 1.1 Horatio House is a two storey building currently in use as a training centre located on the western side of Southtown Road. To the north of the application site is a residential property which has been divided into flats and further north the residential properties continue with frontages onto Southtown Road. To the south of the site there is a residential development which is accessed off Southtown Road comprising approximately 29 dwellings. To the western boundary of the site is Great Yarmouth College.
- 1.2 Southtown Road as a whole comprises predominately residential properties on the western side with industrial uses on the eastern side of the road becoming mixed use residential and commercial as you travel from south to north.
- 1.3 There have been numerous planning applications on the site since the 1970's comprising change of use to retail in 1970 and several applications for advertisement consent. The application to change the use to a training centre (use class D1) was approved in 2003.

2 Consultations :-

- 2.1 Highways – No objection following submission of amended plans, condition recommended with full comments attached to this report.
- 2.2 Norfolk County Council (Surface Water Drainage) – Application fell below the threshold so standing advice given.

- 2.3 Neighbours – One letter of support received stating that the houses adjacent the court (Anchor Court) can improve the area.
- 2.4 Conservation Officer – Comments that the building has historical significance and could be capable of conversion.
- 2.5 Police Architectural Liaison Officer – Recommendations made for security measures and security improvements, agreement with proposed fencing and the principle of iron railings to the frontage.
- 2.6 Environment Agency – No objection to the application, one condition requesting that the finished floor levels are set no lower than 4.1m above Ordnance Datum (AOD).
- 2.7 Anglian Water – There is capacity for the additional flows (waste water), surface water strategy as submitted is acceptable and agreed strategy should be reflected in an approval and a condition regarding the construction of hard standing is requested.
- 2.8 GYB Services – Domestic bins would need to be presented to Southtown Road.

3 Policy :-

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, HOPTONON-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.

POLICY HOU15

ALL HOUSING DEVELOPMENT PROPOSALS INCLUDING REPLACEMENT DWELLINGS AND CHANGES OF USE WILL BE ASSESSED ACCORDING TO THEIR EFFECT ON RESIDENTIAL AMENITY, THE CHARACTER OF THE ENVIRONMENT, TRAFFIC GENERATION AND SERVICES. THEY WILL ALSO BE ASSESSED ACCORDING TO THE QUALITY OF THE ENVIRONMENT TO BE CREATED, INCLUDING APPROPRIATE CAR PARKING AND SERVICING PROVISION.

(Objective: To provide for a higher quality housing environment.)

POLICY HOU16

A HIGH STANDARD OF LAYOUT AND DESIGN WILL BE REQUIRED FOR ALL HOUSING PROPOSALS. A SITE SURVEY AND LANDSCAPING SCHEME WILL BE REQUIRED WITH ALL REQUIRED WITH ALL DETAILED APPLICATIONS FOR MORE THAN 10 DWELLINGS THESE SHOULD INCLUDE MEASURES TO RETAIN AND SAFEGUARD SIGNIFICANT EXISTING LANDSCAPE FEATURES AND GIVE DETAILS OF, EXISTING AND PROPOSED

SITE LEVELS PLANTING AND AFTERCARE ARRANGEMENTS.
(Objective: To provide for a high quality of new housing development.)

POLICY HOU17

IN ASSESSING PROPOSALS FOR DEVELOPMENT THE BOROUGH COUNCIL WILL HAVE REGARD TO THE DENSITY OF THE SURROUNDING AREA. SUB-DIVISION OF PLOTS WILL BE RESISTED WHERE IT WOULD BE LIKELY TO LEAD TO DEVELOPMENT OUT OF CHARACTER AND SCALE WITH THE SURROUNDINGS. (Objective: To safeguard the character of existing settlements.)

4 Assessment :-

- 4.1 The application is an outline application with appearance and landscaping reserved and therefore if approved these matters will form a separate application. The layout, access and scale are part of this application and shall therefore be determined.
- 4.2 The site is 0.50 hectares in area, the training centre which is proposed to be demolished is 1050 square metres in internal floor area. The development will comprise of 24 houses set around an access drive with an area (approx. 435 square metres) of open space set to the north east of the site. There are adequate parking spaces proposed with visitor parking proposed to the far north west corner of the site. The drawings indicate soft landscaping and the planning statement at 9.5.1 states that a landscaping condition would be accepted.
- 4.3 The site, although a non-residential use, is located within the area defined within the adopted Borough Wide Local Plan as the urban area and as such is within the area designated for housing. Southtown Road is a busy main road with good access to public transport which supports the sustainable location of the land. The National Planning Policy Framework encourages the re-use of previously developed sites which, such as this site, are not of high environmental value. Sustainable development is within the core principles of the National Planning Policy Framework and as such a residential development in a previously developed sustainable location is in accordance with these national policies.
- 4.4 The comments received from the Environment Agency and the designation of the site within flood zone three will require that the buildings are elevated in accordance with the Environment Agencies condition to ensure that the occupiers of the development are safe in the event of a flood. The layout as proposed will accommodate the elevated properties by being orientated so as to prevent overlooking to the nearby residential dwellings. The detailing of fenestration and windows will be submitted as part of a reserved matters application should this outline application be approved and therefore should and windows require obscure glazing this can be dealt with at this stage.

- 4.5 The planning statement and submitted plans offer 10% affordable housing which equates to two dwellings. This is in accordance with the upcoming Core Strategy which sets the figure at 10% for this area. There is open space provided within the site although this area does not fully comply with the open space requirements and as such a financial contribution will be sought by way of a section 106 agreement.
- 4.6 The application as submitted complies with the current local and national planning policy.

5 RECOMMENDATION :-

- 5.1 Approve – The application site is within the urban area, a sustainable location on a previously developed site.
- 5.2 Approval should be subject to condition requiring reserved matters to be submitted, the recommended conditions from consulted agencies and a legal agreement under s106 to be drawn up securing the affordable housing provision and the required monies for appropriate levels open space and children's play space.

Horatio House



UPRN:



GREAT YARMOUTH
BOROUGH COUNCIL
Planning and Business Services
Enforcement

Town Hall, Hall Plain, Great Yarmouth NR30 2QF
01493 856100 enquires@great-yarmouth.gov.uk

Page 162 of 222



Date: 16:09:15

© Crown copyright and database rights [2011]
Ordnance Survey [100018547]

Gemma Manthorpe
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
Norfolk
NR30 2QF

Your Ref: 06/15/0348/O
Date: 12 August 2015

My Ref: 9/6/15/0348
Tel No.: 01603 223274
Email: graham.worsfold@norfolk.gov.uk

Dear Gemma Manthorpe

Great Yarmouth: Demolition of existing buildings and the construction of 24 dwellings, associated works including parking and open space. Horatio House, Southtown Road, NR31 0JR

I write in reference to the above planning application and further to receipt of revised drawing 021214-RevB direct from the agent via e-mail on 10 August.

The Highway Authority are satisfied that drawing 021214-RevB addresses the points raised in the original letter of 04 August. Should your Authority support the application it is recommended the following conditions and informatives be appended to the consent notice:

SHC 00

No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

SHC 01 (Variation)

No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans.

Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

SHC 02 (Variation)

No works shall be carried out on roads, footways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.

SHC 03A (Variation)

Before any dwelling is first occupied the road(s) and footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure satisfactory development of the site.

SHC 50 (Variation)

Prior to the first occupation of the development hereby permitted a comprehensive scheme to permanently close the existing vehicular access, construct the proposed vehicular accesses and re-surface the whole of the site frontage footway should be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of highway safety.

Inf.1

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 (insert for SHWP only and typically this can take between 3 and 4 months). Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich.

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.

Inf. 7

Street lighting is a concurrent power of the County, District and Parish Councils. However, it is the County Council after consultation with the Local Lighting Authority (District or Parish Council) who decides whether street lighting is required on proposed public highways. Norfolk County Council will challenge any automatic assumption that street lighting needs to be provided on part or all of the new development.

INF. 9

The applicant is advised that to discharge condition SHC 00 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Yours sincerely

Graham Worsfold

Assistant Engineer Estate Development
for Executive Director for Community and Environmental Services

Reference: 06/15/0448/F

Parish: Hemsby

Officer: Mr J Beck

Expiry Date: 04-09-2015

Applicant: Ms Gillett

Proposal: 16 static holiday caravans with associated parking, internal roads and play area.

Site: Sundowner Holiday Park
Hemsby

REPORT

1 Background/History:-

1.1 The application site is to the west of Sundowner Holiday Park measuring approximately 1 hectare. The site is currently a disused golf course which is part of the existing holiday park. The golf course is predominantly formed of grassland with sparse coverage of trees. The site is close to a number of operating holiday parks including Newport Holiday Park, Sunningdale Holiday Park and Sea Breeze Holiday Park. To the south, beyond the golf course is open farm land and to the west of the site is an equestrian park and farmland.

1.2 The application is for the installation of 16 static caravans to the west of Sundowner Holiday Park laid out in a circular pattern with landscaping enclosing the proposal site. The proposal includes a children's play area and amenity space south of the proposed caravans. The application also includes alterations to the entrance of the site and a new access to facilitate the new caravans.

1.3 A similar application has been refused at this site before under planning application 06/14/0276/F although the refused application did not include the children's play park and amenity space.

1.4 Planning History:

06/98/0885/F- Extension to form function room, bar and toilet facilities. Approved 20-01-1999

06/99/1043/F- Renewal of planning permission for existing use as a touring caravan and tenting site. Approved 11-02-2000

06/00/0298/F- Change of use of land to form touring caravan site for 20 caravans with permanent toilet/shower block. Approved 01-06-2000

06/00/0419/CU- Use of caravan as sales office, use of part of land as caravan display. Approved 17-07-2000

06/02/0659/F- Renew 06/00/0419/CU for use of caravan as sales office. Approved 09-09-2002.

06/03/0085/F- Demolish swimming pool building, formation of new roads and 21 caravan bases. Refused 07-07-2003

06/07/0979/F- Retention of 2.4 high paling fences. Approved 04-01-2008

06/08/0737/F- Proposed extension to holiday park incorporating 155 caravans and landscape enhancements. Withdrawn 09-12-2008

06/11/0191/CU- Retrospective application for change of use from golf course car park to caravan sales. Approve 26-05-2011

06/13/0310/F- Renewal of planning permission 06/11/0191/CU, use of golf course car park to caravan sales. Approved 11-07-2013

06/14/0276/F- 16 Static Holiday Caravans and associated parking and internal roadway. Refused 10-07-2014

2 Consultations:-

2.1 Highways – No objection

2.2 Parish Council – No objection

2.3 Public Consultation – No comments

2.4 Strategic Planning – No comments

2.5 Environmental Health – No comments

3 Local Policy:-

POLICY TR1

The borough council's strategy is to seek to maintain the present level of tourism and fulfill any potential for growth giving due regard to the need to conserve and enhance the natural and built environment and safeguard community interests.

(Objective: To ensure the tourist industry's future prosperity whilst protecting environmental and community interests.)

POLICY TR14

Extensions beyond the existing boundaries of prime holiday sites as identified on the proposals map that would result in the development of facilities on the edge of or outside existing settlements may be permitted where:-

(A) They do not involve built development;

- (B) They are essential to justify or facilitate the provision of visitor facilities for the site as a whole;
- (C) Such facilities cannot be accommodated within the existing site boundaries;
- (D) They are of an appropriate scale;
- (E) They do not intrude into the landscape;
- (F) There are no significant adverse environmental effects;
- (G) The existing highway network can cope with any increased traffic movements arising therefrom.

(Objective: to encourage and ensure the improvement of holiday accommodation sites whilst safeguarding the character of the countryside and open coast.)

POLICY TR15

Development proposals for the comprehensive upgrading of existing holiday accommodation on chalet and caravan parks will be required to be of a high standard of layout and design and will be considered against the following criteria:-

- (A) Inclusion of a landscaping scheme that would integrate the development into the countryside, minimise intrusion and create a high quality environment throughout the site;
- (B) Sympathetic design which would relate to the site, and where applicable retain any existing natural features;
- (C) Provision of an informal layout with residential units arranged in small groups as part of an integrated design, allowing for reasonable privacy and spatial separation between units, and with open space to cater for the recreational needs of occupiers;
- (D) Provision of a variety of types of accommodation and densities, with no structure more than 2 storeys high;
- (E) Integration of any on-site commercial, recreation or entertainment activities in a manner which would not cause inconvenience or disturbance to the occupiers of neighbouring lands;
- (F) Provision of car parking in accordance with the council's parking and servicing standards set out at appendix (a) to chapter 3 of the plan.

(Objectives: To achieve an improvement in the quality of provision and prevent visual intrusion on the countryside.)

POLICY NNV3

In the areas shown on the proposals map as 'landscape important to the coastal scene' the council will only permit development that would not significantly detract from the essential open character of the areas.

(Objective: To protect the remaining open coast.)

POLICY NNV5

In the areas around settlements shown on the proposals map as 'landscape important to the setting of settlements' the council will permit development provided a developer can demonstrate essential need or that the development would not impinge on the physical separation between settlements particularly between Great Yarmouth and Caister and Gorleston and Hopton which are major gateways to the town, or give rise to any other significant adverse impact.

(Objectives: To protect the setting of settlements and prevent urban sprawl.)

4 National Policy:- National Planning Policy Framework (NPPF)

Paragraph 28 - 28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- Promote the development and diversification of agricultural and other land-based rural businesses;
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

5 Emerging Local Plan:- Draft Core Strategy (Regulation 19, 2013)

Policy CS8 Promoting, Leisure, Tourism and Culture

Criteria A states: Encourage and support the upgrading and enhancement of existing visitor accommodation and attractions to meet changes in consumer demands and encourage year-round tourism

Criteria D states: Maximise the potential of existing coastal holiday centres by ensuring that there are adequate facilities for residents and visitors and enhancing the public realm where appropriate

Criteria E states: Support the development of new high quality tourist, leisure and cultural facilities and accommodation that are designed to a high standard, easily accessed and have good connectivity with existing attractions.

Policy CS11 Enhancing the Natural Environment

Criteria D states: Safeguarding and where possible enhancing the borough's wider landscape character in accordance with the findings of the borough's Landscape Character Assessment.

Criteria G states: Ensuring that all new development appropriately contributes to the creation of biodiversity and/or geodiversity features through the use of landscaping, building and construction features, sustainable drainage systems and geological exposures.

6 Assessment:-

The application site is situated west of the Sundowner Holiday Park on a disused Golf Course attached to the site. The land is largely open and flat formed of tall grasses with a few small trees. A row of trees/hedgerows can be found at both the east and west boundaries. The line of vegetation will need to be broken to allow for an access road into the site.

Sundowner Holiday Park comprises of a large area of land south of Newport Road. It is largely composed of small chalets laid out in open courtyard patterns, but the park also contains significant numbers of static caravans. The Holiday Park is within a designated holiday area with several other holiday parks situated to the north and east and with small clusters of tourism supporting businesses along the road. There are also several residential properties, along with residential properties on Newport Road. To the south is a large open area of land mainly arable in nature. The east is predominantly agricultural and equestrian land.

The majority of the Sundowner Holiday Park is within an area marked for prime holiday accommodation under policies TR4 and TR14 of the Borough Wide Local Plan whilst the proposed extended caravan park is within an area marked as landscape important to the setting of a settlement under policy NNV5. Part of the Holiday Park currently utilised for caravan sales is already situated outside of the Prime Holiday Accommodation area and which this proposal will largely enclose. The criteria for expanding a Holiday Park outside the boundaries marked as Holiday Accommodation on the Borough Wide Local Plan is outlined in Policy TR14.

Policy TR14 states that the extension of a Holiday Park outside of its boundaries may be permitted subject to a set criteria. This report will address each criterion. Criterion A states that the development should not involve built development. The proposal will involve the placement of 16 static caravans and the insertion of a play area. Although it is recognised that the structures are caravans they could still constitute a built development. However this criteria needs to be assessed against policies TR1 and TR2 of the Borough Wide Local Plan and Policy CS8 of the emerging Core Strategy. Policy TR1 of the Borough Wide Local plan seeks to maintain the current level of tourism and to fulfil any potential growth whilst Policy TR2 seeks to ensure a wide range of holiday accommodation is available.

Policy TR14 also states that the development should facilitate the provision of visitor facilities for the site as a whole. A previous application at this site was refused; one reason given for the refusal was the lack of additional facilities to benefit the park as a whole. In this instance a play area has been included so that the development does improve the wider park rather than providing additional

accommodation without facilities. The application is considered to have improved upon the previously refused application and conforms to criterion B. In addition improvements are proposed to the entrance of the park.

Criterion C of Policy TR14 attempts to keep development internal to the caravan park. It is recognised that there are constraints in providing the additional accommodation within the existing holiday park boundaries such as the limited space available. A significant increase in the density of units could jeopardise the open courtyard layout currently utilised. On this basis it is likely that the facilities could not be accommodated within the existing layout of the park.

The proposed circular layout with landscaping is atypical for Sundowner Holiday Park, but is not considered out of scale or character within its surroundings. The layout broadly complies with criterion C of Policy TR15 which states 'Provision of an informal layout with residential units arranged in small groups as part of an integrated design, allowing for reasonable privacy and spatial separation between units, and with open space to cater for the recreational needs of occupiers'.

Criterion E of Policy TR14 states that the development should not intrude into the landscape. The proposal site is currently designated as important to the separation of the settlements under Policy NNV5 and within the Landscape Character Assessment it is designated as G3, 'Ormesby and Filby Settled Farmland'. Essentially it is defined as sparsely settled and rural in nature. Much of the G3 landscape is defined as arable with enclosing hedgerows with the landscape increasingly open in character whilst moving towards the coast. The insertion of the caravans and play park in this location may be considered contrary to Policy NNV5 as it impinges on the open land. However the proposal can conform to other relevant landscape policies. Criterion E of Policy TR14 states that the development should not intrude onto the landscape, however in this instance the proposal is not considered to represent an intrusion as the associated landscape reduces the visual impact the proposal will have. The inclusion of landscaping means the proposal would then conform to criterion A of Policy TR15 which is included below:

'Inclusion of a landscaping scheme that would integrate the development into the countryside, minimise intrusion and create a high quality environment throughout the site';

The plan shows a significant level of landscaping although it does not provide full details of the landscaping. The Design and Access Statement alludes to new hedgerows on the site, the retention of the existing trees and the supplementary planting of vegetation elsewhere on site. Subject to sufficient landscaping it is considered that the proposal conforms to criterion A and B of Policy TR15 and criterion E and F of Policy TR14; although it is recognised that the proposal is largely contrary to the aims of Policy NNV5 the landscaping could help mitigate the impact. Additionally in this instance the overall benefit to the tourism offer of Newport could be considered to outweigh this policy subject to the landscape scheme being implemented.

Highways have not objected or raised concerns regarding the development.

7 Recommendation:-

Approval subject to conditions. Although it is recognised that the proposal does intrude into the open character of the landscape and is a piecemeal approach to expansion; the proposal is recommended for approval due to the overall benefits to the wider tourism appeal of Newport and the proposed landscaping which is considered sufficient enough to mitigate the loss of open land. Should the application be approved a condition should be included to ensure that the caravan pitches are used for holiday purposes only and given appropriate time restrictions and that a full landscaping scheme is submitted prior to the development commencing for the approval of the Local Planning Authority.

Jason Beck
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
Norfolk
NR30 2QF

Your Ref: 06/15/0448/F
Date: 7 September 2015

My Ref: 9/6/15/0448
Tel No.: 01603 638070
Email: stuart.french@norfolk.gov.uk

Dear Jason

Hemsby: 16 no. static holiday caravans with associated parking, internal roads and play area
Sundowner Holiday Park Newport Road Hemsby GREAT YARMOUTH NR29 4NW

Thank you for your recent consultation with respect to the above.

In highway terms only I have no objection to the proposals as outlined nor do I wish to restrict the grant of permission.

Yours sincerely

Stuart French

Highways Development Management & Licensing Officer
for Executive Director for Community and Environmental Services

Jill K. Smith

06/15/0448/F

From: Shirley Weymouth <shirleyweymouth@tiscali.co.uk>
Sent: 28 August 2015 11:11
To: plan
Subject: RE: 06/09/0448/F

It should be 06/15

From: Jill K. Smith [mailto:js@great-yarmouth.gov.uk] **On Behalf Of** plan
Sent: 28 August 2015 10:18
To: Shirley Weymouth
Subject: RE: 06/09/0448/F

Hi Shirley

Please could you confirm the reference number – this is for an application in Gorleston.

Best regards
Jill

From: Shirley Weymouth [mailto:shirleyweymouth@tiscali.co.uk]
Sent: 28 August 2015 08:32
To: plan
Subject: 06/09/0448/F

Hemsby PC no objections

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2015.0.6086 / Virus Database: 4409/10528 - Release Date: 08/28/15

06/14/0276/F

NEWPORT ROAD

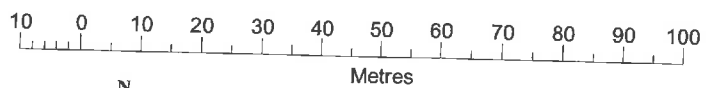
Id Equestrian
Centre

LB
TCB

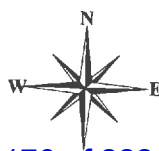


GREAT YARMOUTH
BOROUGH COUNCIL

Planning and Business Services,
Town Hall, Great Yarmouth,
Norfolk. NR30 2QF



Scale = 1:1250 @ A4



Reference: 06/15/0308/F

Parish: Filby

Officer: Mr G Clarke

Expiry Date: 27-08-2015

Applicant: Charles Wharton Limited

Proposal: Erection of 8 dwellings, garaging and improved vehicular access

Site: Main Road
Filby

REPORT

1. Background / History :-

- 1.1 The site involved in the application is part of a field on the north side of Main Road opposite Church Lane, there are dwellings adjoining the east and west boundaries of the site and open farmland to the north. There are mature hedges and trees along the east, west and south boundaries of the site, the trees adjoining the south west corner of the site are subject to a Tree Preservation Order. There is an existing vehicular access to the field from Main Road which will be upgraded as part of this proposal.
- 1.2 The proposal is for the erection of eight dwellings, there will be two pairs of semi-detached houses facing Main Road on either side of the access and four detached houses to the rear of the site. Two of the houses on the road frontage will be 'affordable dwellings'.
- 1.3 The site is existing agricultural land and has not been subject to any previous planning applications.

2 Consultations :-

- 2.1 Highways – No objections subject to conditions regarding improvements to the access, minimum width of the drive and provision of visibility splays.
- 2.2 Parish Council – Subject to the following conditions the Parish Council offers no objection to the proposal:- 1) The active drainage ditch along the frontage of the site shall be piped to allow for the continuous discharge of the surface water system in Church Lane. The route of this ditch system which continues along the western boundary shall be cleared and left in an active state to allow for a continued flow to the system outfalling into the broad; 2) To prevent further

development to the north a condition should be applied restricting further development via a 'ransom strip' along the northern boundary

- 2.3 Building Control – No comments.
- 2.4 Environmental Health – No objections, a condition regarding hours of work should be imposed.
- 2.5 Norfolk Fire and Rescue Service – I do not propose to raise any objections providing the proposal meets the necessary requirements of the current Building Regulations 2000 – Approved Document B (volume 1, 2006 edition, amended 2007) as administered by the Building Control Authority..
- 2.6 Natural England – No objections in principle, suggests that consideration should be given to enhance the biodiversity of the site.
- 2.7 Norfolk County Council Flood & Water Management – Would advise that the LPA requests additional information in the form of a drainage strategy prior to any approval of planning permission.
- 2.8 Neighbours - Three objections have been received, five people have supported the application and one person has made comment regarding the existing mirror opposite the Church Lane junction. The main objections are increased traffic requiring access to Main Road causing a danger to road users and pedestrians, loss of farmland and harm to the rural character of the village. Copies of the comments are attached.
- 2.9 Strategic Planning - The site is situated outside the village development limits of Filby, as such residential development in this location would only be deemed acceptable if the applicant has sufficiently demonstrated that the requirements of Saved Policy HOU10 have been met or where other material considerations such as the adopted Interim Housing Land Supply Policy or the NPPF indicate that new development in this location would fulfil local need and help to create sustainable, inclusive and mixed communities.
- 2.10 Saved Policy HOU10 states that dwellings in the countryside should only be permitted in connection with agriculture, forestry, organised recreation or expansion of existing institutions, the proposed scheme of 10 dwellings is not in accordance with Saved Policy HOU10. The proposal is also not in accordance with Para 54 or 55 of the NPPF as the scheme does not address rural worker housing needs, is not a brownfield site and there is no evidence to suggest that the proposed dwellings will be of exceptional quality or of an innovative design.
- 2.11 If the applicant can satisfactorily demonstrate that the criteria within the Interim Policy have been met then the principle of residential development in this location may be acceptable providing that the application also complies with the following more generalised policies, which include:

Ensuring that the scheme is well designed and takes account of its surroundings, with careful consideration given to the scale and massing of the buildings in accordance with Saved Local Plan Policies HOU16, BNV20 Emerging Core Strategy Policy CS9. If it is viewed that the development is of poor design and fails

to take the opportunities available for improving the character and quality of an area and the way it functions or if the proposal would cause harm to the existing character of the local area then permission should be refused.

Ensuring that the development does not cause a significant adverse impact on the amenities of occupiers or neighbouring residents and does not have a negative impact on the character of the area in accordance with Saved Local Plan Policies HOU15 and Emerging Policy CS9, this includes ensuring that the development provides an appropriate amount of car parking and adequate storage for bins and bicycles.

Ensuring that appropriate consideration has been to ensure that new development takes measures to avoid or reduce negative impacts on biodiversity and appropriately contributes to the creation of biodiversity in accordance with Emerging Policy CS11.

- 2.12 The application site is located in an area designated as Grade 1 Agricultural Land. The National Planning Policy Framework (NPPF) states that where development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The majority of open land around Filby is classified as Grade 1 Agricultural Land, with adjacent land not designated as Grade 1 or 2 Agricultural Land located in close proximity to the Broads and designated nature conservation sites. As such, while the loss of agricultural land in this location is regrettable it would on balance appear to be sequentially favourable when considering other potential sites in and around Filby

3 Policy :-

3.1 POLICY HOU10

PERMISSION FOR NEW DWELLINGS IN THE COUNTRYSIDE WILL ONLY BE GIVEN IF REQUIRED IN CONNECTION WITH AGRICULTURE, FORESTRY, ORGANISED RECREATION, OR THE EXPANSION OF EXISTING INSTITUTIONS.

THE COUNCIL WILL NEED TO BE SATISFIED IN RELATION TO EACH OF THE FOLLOWING CRITERIA:

- (i) THE DWELLING MUST BE REQUIRED FOR THE PURPOSE STATED
- (ii) IT WILL NEED TO BE DEMONSTRATED THAT IT IS ESSENTIAL IN THE INTERESTS OF GOOD AGRICULTURE OR MANAGEMENT THAT AN EMPLOYEE SHOULD LIVE ON THE HOLDING OR SITE RATHER THAN IN A TOWN OR VILLAGE NEARBY
- (iii) THERE IS NO APPROPRIATE ALTERNATIVE ACCOMMODATION EXISTING OR WITH PLANNING PERMISSION AVAILABLE EITHER ON THE HOLDING OR SITE OR IN THE NEAR VICINITY

- (iv) THE NEED FOR THE DWELLING HAS RECEIVED THE UNEQUIVOCAL SUPPORT OF A SUITABLY QUALIFIED INDEPENDENT APPRAISOR
- (v) THE HOLDING OR OPERATION IS REASONABLY LIKELY TO MATERIALISE AND IS CAPABLE OF BEING SUSTAINED FOR A REASONABLE PERIOD OF TIME. (IN APPROPRIATE CASES EVIDENCE MAY BE REQUIRED THAT THE UNDERTAKING HAS A SOUND FINANCIAL BASIS)
- (vi) THE DWELLING SHOULD NORMALLY BE NO LARGER THAN 120 SQUARE METRES IN SIZE AND SITED IN CLOSE PROXIMITY TO EXISTING GROUPS OF BUILDINGS ON THE HOLDING OR SITE
- (vii) A CONDITION WILL BE IMPOSED ON ALL DWELLINGS PERMITTED ON THE BASIS OF A JUSTIFIED NEED TO ENSURE THAT THE OCCUPATION OF THE DWELLINGS SHALL BE LIMITED TO PERSONS SOLELY OR MAINLY WORKING OR LAST EMPLOYED IN AGRICULTURE, FORESTRY, ORGANISED RECREATION OR AN EXISTING INSTITUTION IN THE LOCALITY INCLUDING ANY DEPENDANTS OF SUCH A PERSON RESIDING WITH THEM, OR A WIDOW OR WIDOWER OR SUCH A PERSON
- (viii) WHERE THERE ARE EXISTING DWELLINGS ON THE HOLDING OR SITE THAT ARE NOT SUBJECT TO AN OCCUPANCY CONDITION AND THE INDEPENDENT APPRAISOR HAS INDICATED THAT A FURTHER DWELLING IS ESSENTIAL, AN OCCUPANCY CONDITION WILL BE IMPOSED ON THE EXISTING DWELLING ON THE HOLDING OR SITE
- (ix) APPLICANTS SEEKING THE REMOVAL OF ANY OCCUPANCY CONDITION WILL BE REQUIRED TO PROVIDE EVIDENCE THAT THE DWELLING HAS BEEN ACTIVELY AND WIDELY ADVERTISED FOR A PERIOD OF NOT LESS THAN TWELVE MONTHS AT A PRICE WHICH REFLECTS THE OCCUPANCY CONDITIONS*
- (x) IN ASSESSING THE MERITS OF AGRICULTURAL OR FORESTRY RELATED APPLICATIONS, THE FOLLOWING ADDITIONAL SAFEGUARD MAY BE APPLIED:
- (xi) WHERE THE NEED FOR A DWELLING RELATES TO A NEWLY ESTABLISHED OR PROPOSED AGRICULTURAL ENTERPRISE, PERMISSION IS LIKELY TO BE GRANTED INITIALLY ONLY FOR TEMPORARY ACCOMMODATION FOR TWO OR THREE YEARS IN ORDER TO ENABLE THE APPLICANT TO FULLY ESTABLISH THE SUSTAINABILITY OF AND HIS COMMITMENT TO THE AGRICULTURAL ENTERPRISE

- (xii) WHERE THE AGRICULTURAL NEED FOR A NEW DWELLING ARISES FROM AN INTENSIVE TYPE OF AGRICULTURE ON A SMALL ACREAGE OF LAND, OR WHERE FARM LAND AND A FARM DWELLING (WHICH FORMERLY SERVED THE LAND) HAVE RECENTLY BEEN SOLD OFF SEPARATELY FROM EACH OTHER, A SECTION 106 AGREEMENT WILL BE SOUGHT TO TIE THE NEW DWELLING AND THE LAND ON WHICH THE AGRICULTURAL NEED ARISES TO EACH OTHER.

NOTE: - THIS WOULD NORMALLY BE AT LEAST 30% BELOW THE OPEN MARKET VALUE OF THE PROPERTY.

3.2 POLICY HOU15

ALL HOUSING DEVELOPMENT PROPOSALS INCLUDING REPLACEMENT DWELLINGS AND CHANGES OF USE WILL BE ASSESSED ACCORDING TO THEIR EFFECT ON RESIDENTIAL AMENITY, THE CHARACTER OF THE ENVIRONMENT, TRAFFIC GENERATION AND SERVICES. THEY WILL ALSO BE ASSESSED ACCORDING TO THE QUALITY OF THE ENVIRONMENT TO BE CREATED, INCLUDING APPROPRIATE CAR PARKING AND SERVICING PROVISION.

(Objective: To provide for a higher quality housing environment.)

3.3 POLICY HOU16

A HIGH STANDARD OF LAYOUT AND DESIGN WILL BE REQUIRED FOR ALL HOUSING PROPOSALS. A SITE SURVEY AND LANDSCAPING SCHEME WILL BE REQUIRED WITH ALL REQUIRED WITH ALL DETAILED APPLICATIONS FOR MORE THAN 10 DWELLINGS THESE SHOULD INCLUDE MEASURES TO RETAIN AND SAFEGUARD SIGNIFICANT EXISTING LANDSCAPE FEATURES AND GIVE DETAILS OF, EXISTING AND PROPOSED SITE LEVELS PLANTING AND AFTERCARE ARRANGEMENTS.

(Objective: To provide for a high quality of new housing development.)

3.4 POLICY NNV2

IN AREAS IDENTIFIED ON THE PROPOSAL MAP AS 'LANDSCAPE IMPORTANT TO THE BROADLAND SCENE' THE COUNCIL WILL ONLY PERMIT DEVELOPMENT THAT WOULD NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE LANDSCAPE CHARACTER AND TRADITIONAL BUILT FORM OF THE AREA, OR DESTROY OR DAMAGE FEATURES OF LANDSCAPE IMPORTANCE WHICH CONTRIBUTE TO THE CHARACTER OF THE AREA.

(Objective: To safeguard the varied character and features of the landscape within and adjoining the Plan Area.)

3.5 Emerging Policies in the Local Plan Core Strategy

- 3.6 Policy CS1: supports the NPPF's presumption in favour of sustainable development, ensuring that the Council will take a positive approach working positively with applicants and other partners. In addition the policy encourages proposals that comply with Policy CS1 and other policies within the Local Plan to be approved without delay unless other material considerations indicate otherwise
- 3.7 Policy CS2: states that approximately 5% of all new residential development should be located throughout the Secondary and Tertiary Villages which include Filby.
- 3.8 Policy CS3: sets out criteria for ensuring a suitable mix of new homes. This includes ensuring that designed layout and density of new housing reflects the site and surrounding area. Policy CS3 also encourages all dwellings including small dwellings, to be designed with accessibility in mind providing flexible accommodation.
- 3.9 Policy CS9: - sets out the broad design criteria used by the Council to assess applications. Points a), c) f), and h) should be specifically considered in relation to this application to ensure that the proposed design reinforces local character, promotes positive relationships between existing and new buildings and fulfils the day to day needs of residents including the incorporation of appropriate parking facilities, cycle storage and storage for waste and recycling in the final scheme.
- 3.10 Policy CS11: sets out the Council's approach to enhancing the natural environment. Consideration should still be given as to how the design of the scheme has sought to avoid or reduce negative impacts on biodiversity and appropriately contributes to the creation of biodiversity in accordance with points f) and g). The impact upon the character of the Broads and the wider areas landscape character should also be considered in accordance with points c) and d).

3.11 Interim Housing Land Supply Policy

This policy only applies when the Council's Five Year Housing Land Supply utilises sites identified in the Strategic Housing Land Availability Assessment (SHLAA)

New Housing development may be deemed acceptable outside, but adjacent to existing Urban Areas of Village Development Limits providing criteria (a) to (n), where relevant to development, have been satisfactorily addressed.

3.12 National Planning Policy Framework (NPPF)

The core planning principles set out in the NPPF (Para 17) encourage local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants. Para 64 goes on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Para 50 states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and

Para 54 states that in rural areas... local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs. In addition, Para 55 states that to promote sustainable development in rural areas new housing should be located where it will enhance or maintain the vitality of rural communities.

4 Assessment :-

- 4.1 The application site is part of a field that is currently in use for agricultural purposes, there is an irrigation pipe running along the western boundary and a 5m wide access strip has been left between the application site and the boundary with the neighbour to the west to allow for future maintenance of the pipe. This strip of land will provide a gap between the development site and the trees covered by a Tree Preservation Order so the proposal will not cause any harm to those trees. There are mature hedges and trees along both the eastern and western boundaries of the site which will screen the proposed development from the adjoining dwellings and help to prevent any overlooking or loss of privacy to those properties.
- 4.2 The hedge and trees along the road frontage will be retained except for where removal is necessary to widen the access and improve visibility. Providing the hedge is maintained the development will be screened from the road and will have a minimal impact on the street scene and character of the area.
- 4.3 The position of the access and width of the access road have been considered by the Highways Officer and he has no objections subject to the access being upgraded to Norfolk County Council residential access construction specification and the private drive being maintained at a minimum width of 5m for a minimum length of 10m. The access and the private drive conform with

the County Council standards and therefore it would be difficult to justify refusal of the application on the grounds of highway danger or the increase in traffic.

- 4.4 The main aspect to be considered regarding this proposal is that the site is outside the village development limit as shown on the proposals map of the Borough-Wide Local Plan. Whilst the Borough-Wide Local Plan is still the adopted local plan the Core Strategy of the emerging Great Yarmouth Local Plan is going through the adoption process and in the meantime the Council has adopted the Interim Housing Land Supply Policy. The relevant paragraphs of the National Planning Policy Framework also have to be taken into consideration when deciding the application.
- 4.5 As the site is a potentially deliverable SHLAA site, the criteria of the Interim Housing Land Supply Policy (*a to n*) should be given appropriate weight as a material consideration, in addition to, appropriate weight being given under Paragraph 216 of the NPPF for emerging Core Policy CS2 in respect to potential development in Filby. It is considered that the proposal complies with the relevant criteria within the Interim Housing Land Supply Policy in that the site is in a gap between existing residential development and adjoins the Village Development Limit, the scale of the development is appropriate to the size, character and role of the settlement and the density is appropriate for the area.
- 4.6 The statement which accompanies the application indicates that the applicant will provide two affordable dwellings and that discussions have already taken place with a registered provider that has expressed an interest in taking on the houses.
- 4.7 The response from Norfolk County Council's Flood & Water Management Team suggests that the Council should request a drainage strategy prior to approval as no supporting information has been submitted to show that soakaways would work in this location. Although such information has not been submitted it can be made a condition of any consent that such information must be submitted and approved prior to any work commencing on site.
- 4.8 Taking the above into account it is felt that it would be difficult to justify refusal of the application and the recommendation is to approve.

5 RECOMMENDATION :-

- 5.1 Approve – the proposal complies with the Interim Housing Land Supply Policy.
- 5.2 Approval should be subject to the conditions regarding drainage, protection of existing hedges and a section 106 Agreement to ensure that the affordable houses are provided. These conditions are in addition to the standard planning and highways conditions.

Barnside
Church Lane
Filby
NR29 3HW

5.8.2015

Dear Sirs

RE planning application 06/15/0308/F. 8 Dwellings and Improved Vehicular Access

We object to this planning application basically on health and safety grounds. The application would involve further increased access to the A1064, which would cause increased risks with further traffic requiring access to the main road.

Please note the following:

- 1) There is evidence of increased vehicular traffic through Filby in avoidance of the single lane Acle Straight .
- 2) During the applicable season, the A1064 is used increasingly by large sugar beet transporters which park on the road waiting for access to Church Lane in order to store by the bullock barn. Therefore additional vehicular could pose a further safety risk.
- 3) Should the proposal go ahead there is more risk to persons utilising the A1064 from construction traffic accessing the construction site.
- 4) When the Acle Straight is closed (which happens) all traffic is generally diverted through Filby so an increase in traffic trying to utilise the A1064 creates a further hazard.
- 5) We have lived on Church Lane many years. Church Lane has existed hundreds of years, but we understand the issues of accessing the A1064. An increase in traffic attempting to access A1064 from any development together with the church car park from Church Lane increases the risk.
- 6) Farm traffic continuously accesses Church Lane. Again further risk would be caused by more traffic trying to access the A1064.

It is therefore obvious this planned development will create further risk to the local residents and anyone accessing the said road. We suggest that having made these points should there be an unfortunate incident involving access to or from the proposed site anyone approving this development will be highly under scrutiny.

Yours faithfully

Mr & Mrs Ellis

Application Reference 06/15/03087

Attachments

Auk 14/7/15

S

Invalid Consultee Comment? ☐Copy to existing Consultee? ☐

Name Brian Price and Wendy Langstone

Address Spanners

Main Road

Filby

Post Code NR29 3HN

Telephone

Email Address

For or Against

OBJ

Object

Speak at Committee

The objection that I have regarding the creation of 8 properties on Main Road Filby relates to road safety. Main Road Filby has become very busy with a recent increase in the volume of traffic passing through the village, caused in part by the scaremongering in the Great Yarmouth Mercury about the Acle Straight. Additionally speed limits are frequently not adhered to thus making exiting onto the road quite dangerous at times.

There are 3 specific areas of concern:

- Such a development will potentially lead to an additional 16+ cars exiting onto an already very busy road and will further impede exiting our own property (Spanners) safely
- The proposal plans to place the exit from the development almost opposite Church Lane, thereby almost creating a staggered crossroads. Entry and exit to Church Lane on foot or by car is currently a perilous task.
- The development exit is also partially obscured by bends in Main Road when travelling either from or to Great Yarmouth. Entering and exiting the new development and Church Lane would create an unacceptable level of risk to the wellbeing of all concerned.

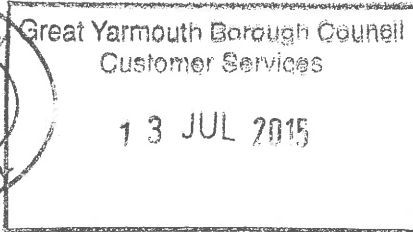
Historically homeowners near to Church Lane have moved the exit to their property to try to increase road safety on this stretch of Main Road Filby.

We therefore respectfully request that the proposal be refused on the grounds of the increased danger created by the development to pedestrians and road users.

Date Entered 13-07-2015

Internet Reference OWPC427

ACK 13/7/15



MISS K NEWNHAM
THE BUNGALOW
MAIN ROAD
FILBY
91 YARMOUTH
NR29 3HN

10th July 2015

Dear Sirs,
RE: PLANNING APPLICATION No. 06/15/0308/F
8 DWELLINGS, GARAGING & IMPROVED
VEHICULAR ACCESS ON A1064 FILBY

I read with great dismay the above application for development on farmland in Filby as per "Mercury" Newspaper. I have viewed the plans in the council offices & wish to make known my opposition to this development on Charles Wharton FARMLAND via agent Mr A IRVING of Postwick. Charles Wharton have only just received planning permission & subsequent alteration on GRANGE FARM, despite opposition from local residents. It appears that the views of those living in the village do not matter, priority given to the applicant - who does not live in the village.

My family moved from Barnett 10 years ago. We had had enough of the destruction of our town "LEAFY BARNET" & all the noise & pollution. Victorian houses in the road to the rear of our property were knocked down & in the beautiful gardens they put up a BLOCK OF FLATS, 36 garages & 3 terraced houses. Then the developer followed on, further houses went & he built a HOUSING ESTATE! At that time the local Councillor viewed the development & informed us that "although they did not agree with the buildings & the density it would be allowed anyway".

I would ask that you refuse this & any other further applications for development in our village. The photograph of "nearby building" was not totally true - they used the development of Mulberry Tree going & the building allowed in recent years on Thingby Road. What is actually on site area are "The Pannier", the farmland in question & opposite is church lane & Filby Hall not a lot of housing which is how the selective photographs make it

appear. We specifically chose our home in Filby because it was in a village with FARMLAND VIEWS You pay the relevant premium on your property for a "nice view"! We also wanted a quiet lifestyle not urban living.

Mr Wharton is asking to develop "part of a field" (opposite Church Lane). We all know that it will be followed by a few more houses & then more until the field is totally built on & no longer farmland but a residential area. Vehicle access to the field will be removed & then they will advise that they cannot "farm it" the road through being residential & unsuitable for tractor etc. In the current situation no farmland is safe from development it should be made VERY DIFFICULT to 'change the use of,' yet it appears to be easier than building on 'brown sites'.

Whilst this country is trying to house "the rest of the world" it is ignoring our wild life & the importance Norfolk has to resident wildlife, overwintering birds & our summer visitors. At present the house martins are a delight to watch with local nesting & soaring above fields looking for food. I love to have the pheasants & the red legged partridges in our garden, the hedge hogs, rabbits & hares have disappeared!! I am a member of the Norfolk Wildlife Trust because I CARE what happens to our animals, flora & fauna & you should too!!

Mr Wharton appears to be single handedly wanting to change the face of our village. By the time he & other developers have finished this beautiful area will be concrete or concrete with the relevant "infrastructure" & not an area tourists will want to holiday in (why pay to look at housing estates when you have got them at home!!) I do recognise some of the developers asking for planning permission to ruin our neighborhood as some of those who ruined Barnet. Other villagers are struggling to fight this onslaught of urbanisation & you should help them to do this regardless of government policy you have a duty to the countryside under your care

(3)

to stop this land grabbing building programme. You are custodians for future generations who want to farm & live in peace & quiet in the countryside. You should care about the wildlife & habitats here in this area.

I entreat you to not allow these developments on our FARMLAND for all our sakes, & if Mr Wharton no longer wishes to farm he should pass it on to somebody who does. I object to a farmer taking advantage of the "social housing" umbrella to make money at the expense of land which is farmland to become a property developer. It is disgusting that he can do it.

With this type of planning application I think all village residents should receive notification of intent - I doubt that many will see the small yellow notice attached to the lamppost. I walk most residents drive past & will not have seen it.

Yours faithfully



ACK 3/7/15

The Bungalows
Main Road

Ref: 06/15/0308

Great Yarmouth Borough Council
Customer Services

- 3 JUL 2015

Filby
Gr. Yarmouth
NR29 3HN

Dear Sirs,

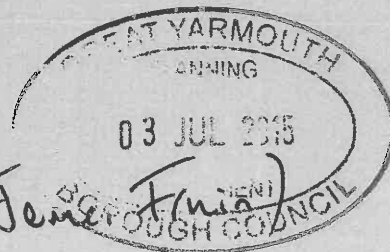
I am writing to support the application for the development of the land opposite Church Lane, Filby. I have lived in the village for some time now and am fed up with mud continuously being pulled out onto the road. This is dangerous for cars, cyclists and pedestrians.

With so much building having taken place in Filby over the past few years this area seems the most natural place for the next development.

Yours

[Redacted Signature]

(James F. [Redacted])
Great Yarmouth Borough Council



ACK 3/7/15

S

Baltimore,
Main Road,
Filby,
Gt.Yarmouth
Norfolk NR29 3HN

Gt Yarmouth Borough Council
Planning Dept
Town Hall
Hall Plain
Gt Yarmouth
NR30 2QF

29th June 2015



Dear Sirs

Re: Proposed residential Development of 8 no dwellings, Main Road, Filby Ref
06/15/0308/F

As a Filby resident of 12 years I would like to support the above application.

I was most encouraged to note that the application contains an element of social housing, Filby is a vibrant local village with facilities and an excellent school. However, it is difficult for young people who wish to remain in the village to afford property of their own, the social housing proposed within this application goes some way to address this problem.

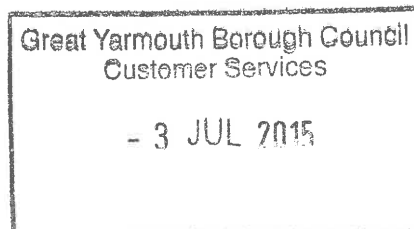
I also understand the application site has been identified as a "preferred site" suitable for development.

This application identifies the need for additional homes in the area and will compliment this community.

Yours sincerely

A black rectangular redaction mark covering the signature of Heather Brown.

Heather Brown



06/15/0308/F

CK 30/6/15

Keepers bungalow
land lane
Filby
nr29 34b.

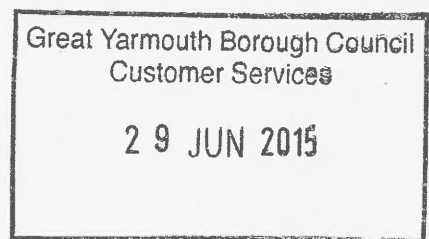
To whom it may concern

I would support the proposed development as long as the scheme is built in accordance with the plans submitted. A sympathetic development can only enhance this area of the village.

Yours sincerely

~~[Redacted Signature]~~

(B. Avenue)



Re - Development Opposite Church Lane, Filby.

ACK 17/7/15

S

16th July, 2015

New Bungalow
Main Road
Filby
Great Yarmouth
Norfolk
NR29 3HN

Great Yarmouth Borough Council
Planning Department
Town Hall
Hall Plain
Great Yarmouth
NR30 2QF

Dear Planning Department,

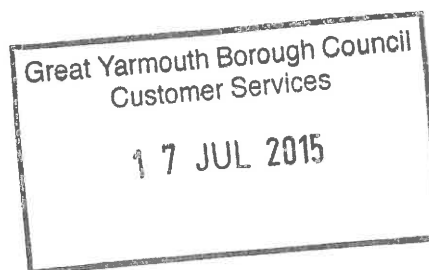
Ref: 06/15/0308/F – Land to North of A1064 in Filby

I am aware of the above housing development scheme being proposed for Filby. I live very close to this site and have no objections to this. The proposal is for 8 dwellings which seems a density more in keeping with the traditional village as opposed to Mulberry Tree Close which was given consent a few years ago and is nothing more than a housing estate.

Yours faithfully

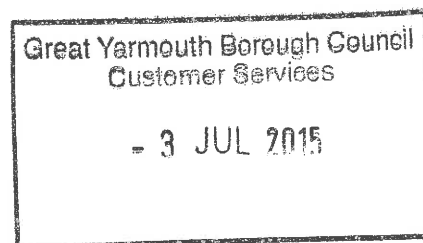


Barry Wortley



ACK 15/7/15

Winsford Hall
Stokesby
Great Yarmouth
Norfolk NR29 3DG
(01493) 369343



2nd July, 2015

Mr. G. Clarke
Planning Department
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
Norfolk
NR30 2QF



Proposed Development at Church Lane, Main Road, Filby
06/15/0308/F

Dear Mr. Clarke,

In accordance with Filby's growth policy, I believe that the proposed development is delivering houses which are both badly needed and identified within this area as being required. This will have a positive effect on not only Great Yarmouth Borough Council through the new homes bonus, but also a financial contribution will be made to Filby. These additional funds, will allow further investment to greater improve services in the area.

It is widely publicised that new houses are required to satisfy the growing population. As an employer of young people from this area I know how hard it is for them to get a foot on the property ladder and in my opinion affordable housing is a necessity. These people are the future and without them the village will suffer long term damage. This scheme will also benefit the economy through new jobs in construction. With such pressure on both national and local government to continue growth, this is a scheme which can be delivered, therefore relieving some pressure on these departments to deliver more housing.

Yours sincerely,

A large, dark, irregular redacted area covering the signature of Edward Wharton.

Edward Wharton

Internet Consultees

Application Reference 06/15/0308/F

Attachments

ACK 23/7/15

S

Invalid Consultee Comment? ☐Copy to existing Consultee? ☐

Name Mr R Weston

Address Dapple House

Church Lane

Filby

Post Code NR29 3HW

Telephone

Email Address

For or Against NOS Subject to Condition

Speak at Committee

Exit from Church Lane to Main Road is currently assisted by a safety mirror positioned on opposite pavement. Any loss of this mirror would increase risk of accidents due to the extra volume of traffic passing through the Village. An improvement to the vision angles at the junction would lessen this risk.

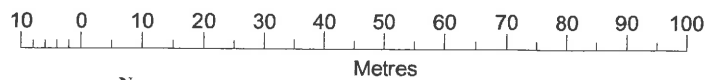
Date Entered 22-07-2015

Internet Reference OWPC435

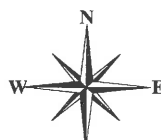


GREAT YARMOUTH
BOROUGH COUNCIL

Planning and Business Services,
Town Hall, Great Yarmouth,
Norfolk. NR30 2QF



Scale = 1:1250 @ A4



Reference: 06/15/0168/F

Parish: Great Yarmouth
Officer: Gemma Manthorpe
Expiry date: 24/06/15

Applicant: Mr D Carter

Proposal: Change of use from single residential unit to 5 No. (4 extra) residential flat units

Site: 30 Wellesley Road, Norfolk Lodge Hotel, GREAT YARMOUTH, NR30 1EU

REPORT

1. Background/History:-

- 1.1 The site is located to the western side of Wellesley Road and within the secondary holiday accommodation area as defined under the adopted Borough Wide Local Plan.
- 1.2 The use of the site as a residential dwelling was deemed lawful by Great Yarmouth Borough Council in August 2015. The planning history is below:

06/78/0845/A – Projecting sign – Refused 17/01/79.

06/78/1039/F – Bedroom extension and car park – Approved with conditions 12/12/78.

06/88/0528/F – Formation of staircase and balcony entrance – Approved with conditions 01/06/88.

06/07/0711/SU – Reinstatement of former victorian dwarf walls and iron railings approx 1.4m in height & various improvement works – Approved with conditions (Deemed Approval) 09/10/2007.

06/15/0400/EU – Application for a certificate of lawfulness for existing use as a residential dwelling – Established Lawful Use 28/08/2015.

2 Consultations:-

- 2.1 Four letters of support have been received in relation to the application, which are attached to this report. The main points are given below:
- The property has not been used as a guest house for many years.
 - Decreasing requirement for holiday flats in Great Yarmouth.

- The development will provide much needed low cost accommodation for residents of Great Yarmouth and will be an asset to the community.
- Many coastal towns are allowing such changes of use as they appreciate the need for residential accommodation.
- The property is in great need of repair.
- Having such properties go into disrepair is a waste as there is a high demand for permanent quality accommodation.
- The proposal will not be detrimental to the area.

2.2 Highways – No objection due to “town centre location.”

2.3 Environmental Health –

Comments provided stating requirements regarding ventilation, heating, local air quality and construction times.

2.4 Strategic Planning – The proposed development accords with Policy HOU7 and the sustainability requirements of the NPPF. However, the area is also a secondary holiday accommodation area, in which holiday accommodation is protected. In order to accord with Policies TR4 and TR12, as well as emerging Policy CS8, it would need to be demonstrated that use of the property for holiday accommodation purposes is not currently viable.

2.5 Conservation – No concerns as it is an internal rearrangement.

2.6 GYB Services – Have stated that bins would need to be taken out of the bin store and presented for collection at a designated collection point to be arranged, once residents move in, possibly to the front of the property on Wellesley Road.

2.7 Building Control – No adverse comments.

3 Local Policy:-

3.1 POLICY HOU23

THE CONVERSION OR CHANGE OF USE OF PROPERTIES TO BEDSITS AND OTHER TYPES OF MULTI-OCCUPIED UNITS OF RESIDENTIAL ACCOMMODATION WILL BE PERMITTED WHERE:

(A) THE SITE IS OUTSIDE AN AREA SHOWN AS ‘PRIME HOLIDAY ACCOMMODATION’ ON THE PROPOSALS MAP;

(B) THE CHARACTER AND AMENITIES OF THE LOCALITY WOULD NOT BE SIGNIFICANTLY ADVERSELY AFFECTED;

(C) THE SITE IS NOT IN AN AREA PREDOMINANTLY COMPRISING PROPERTIES IN SINGLE FAMILY OCCUPANCY;

(D) CLUSTERING OF PROPERTIES IN MULTIPLE OCCUPATION WOULD NOT OCCUR; *

(E) THERE IS NO PROPERTY USED AS A SINGLE UNIT OF FAMILY ACCOMMODATION DIRECTLY ADJOINING THE PROPOSED DEVELOPMENT;

(F) THE PROPOSED DEVELOPMENT AND ASSOCIATED FACILITIES COULD BE PROVIDED WITHOUT SIGNIFICANT DETRIMENT TO THE OCCUPIERS OF ADJOINING OR NEIGHBOURING BUILDINGS;

(G) THERE IS ADEQUATE ON-STREET CAR PARKING AND THE ON-STREET CAR PARKING REQUIREMENTS OF THE PROPOSAL WOULD NOT RESULT IN MORE THAN 70% OF THE AVAILABLE 'OVERNIGHT' ON-STREET RESIDENTIAL PARKING PROVISION BEING EXCEEDED UNLESS ADEQUATE ALTERNATIVE PROVISION IS MADE; AND,

(H) THE BUILDING IS 3 OR MORE STOREYS HIGH OR MORE THAN 95SQ M FLOOR AREA.

(Objective: To retain prime holiday accommodation, protect residential amenity and ensure adequate standards of accommodation.)

3.2 POLICY TR12

SUBJECT TO OTHER POLICIES IN THE PLAN, WITHIN SECONDARY HOLIDAY ACCOMMODATION AREAS, AS SHOWN ON THE PROPOSALS MAP, PROPOSALS FOR CHANGE OF USE TO A SINGLE DWELLING, SELF CONTAINED RESIDENTIAL FLATS, RESIDENTIAL HOMES OR NURSING HOMES MAY BE PERMITTED IF THE APPLICANT CAN DEMONSTRATE THAT:

(A)THE PROPOSED DEVELOPMENT WOULD NOT HAVE A SIGNIFICANT ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY ON THE CHARACTER OF THE AREA;

(B)THE PROPOSED DEVELOPMENT WOULD NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON THE RESIDENTIAL AMENITY OF THOSE LIVING IN THE AREA OR TO THE USERS OF ADJOINING PROPERTY OR LAND;

(C)PARKING AND SERVICING ARRANGEMENTS CAN BE PROVIDED IN ACCORDANCE WITH THE COUNCIL'S STANDARDS SET OUT AT APPENDIX (A) TO CHAPTER 3 OF THE PLAN; AND

(D) IN THE CASE OF AN ACCEPTABLE PROPOSAL FOR A CHANGE OF USE OF PART OF A PROPERTY, THE PROPOSED DEVELOPMENT WOULD RESULT IN AN IMPROVEMENT TO THE REMAINDER OF THE HOTEL, GUEST HOUSE OR PROPERTY.

3.3 POLICY HOU17

IN ASSESSING PROPOSALS FOR DEVELOPMENT THE BOROUGH COUNCIL WILL HAVE REGARD TO THE DENSITY OF THE SURROUNDING AREA. SUB-DIVISION OF PLOTS WILL BE RESISTED WHERE IT WOULD BE LIKELY TO LEAD TO DEVELOPMENT OUT OF CHARACTER AND SCALE WITH THE SURROUNDINGS.

(Objective: To safeguard the character of existing settlements.)

3.4 POLICY HOU18

EXTENSIONS AND ALTERATIONS TO DWELLINGS WILL BE PERMITTED WHERE THE PROPOSAL: (i) IS IN KEEPING WITH THE DESIGN OF THE EXISTING DWELLING AND THE CHARACTER OF THE AREA; (ii) WOULD NOT SIGNIFICANTLY AFFECT THE AMENITIES OF ANY NEIGHBOURING DWELLING; AND, (iii) WOULD NOT RESULT IN OVER-DEVELOPMENT OF THE SITE.

4 National Policy:- National Planning Policy Framework (NPPF)

4.1 Paragraph 49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

4.2 Paragraph 50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and

5 Emerging Local Plan: Draft Core Strategy (Regulation 19, 2013)

5.1 Policy CS1

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 location that compliments the character and supports the function of individual settlements.
- b) Mixed adaptable neighbourhoods that provide choices and effectively meet the needs and aspirations of the local community.

5.2 Policy CS3

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

- d) Ensure that new housing addresses local housing need by incorporating a range of different tenures, sizes and types of homes to create mixed and balanced communities. The precise requirements for tenure, size and type of housing units will be negotiated on a site-by-site basis, having regard to the Strategic Housing Market Assessment, Policy CS4 and the viability of individual sites.

6 Assessment:-

- 6.1 The application site is currently a single residential unit, previously used as a guesthouse. The use of the site as a residential dwelling was deemed lawful by Great Yarmouth Borough Council in August 2015 as it was considered on the balance of probability that the guest house had been used as a single residential unit for a continuous period in excess of 4 years, beyond which planning enforcement action cannot be taken. Due to the sites lawful use as a residential dwelling, the application will not result in the loss of any holiday accommodation.
- 6.2 Three letters of support have been received in relation to the proposal. No objections have been received.
- 6.3 The site is located in an area designated as secondary holiday accommodation area by the adopted Borough Wide Local Plan. The effect of the proposal on the surrounding area, particularly its impact on the nearby holiday accommodation still in existence, should be considered. The use of the property as five separate dwellings will increase the intensity of the use as opposed to the use as a single dwelling. The increase in the intensity of the use does not however appear to give rise to any significant detrimental impact on the adjoining properties or the area as a whole. Although the area is designated as a secondary holiday area there have been other approvals for conversions to self-contained flats, including a recent approval at 112 Wellesley Road under planning application 06/15/0030/F. Previous conversions of guest houses to flats and single dwellings have changed the nature of Wellesley Road and, as such, the road now comprises mixed uses. Due to the property's lawful use as a residential dwelling and not a guesthouse, the change of use of this dwelling would not result in the loss of holiday accommodation and therefore shall not result in the erosion of the holiday industry or create a significantly detrimental impact upon the nature of the area.

- 6.4 The applicant has provided an area to the rear of the property for bin storage which is accessible via Wellesley Road and therefore accessible for all occupants of the proposed units. If approved a condition could be placed upon the grant of planning permission requiring this area to be retained for this specific use. The provision and retention of a bin area of appropriate size should alleviate the risk of bins or rubbish being stored at the property frontage which would be damaging to the amenity of the area and have a significantly detrimental effect on the street scene.
- 6.5 Additional noise would be created by the development both by the increase in persons residing at the property and the construction works to facilitate the change of use. In accordance with the comments received from the environmental health officer the construction times can be controlled and therefore limited to set hours to minimise any disturbance to the neighbouring properties. The dwellings constructed would need to comply with building regulations and this should reduce any noise created by the occupancy of the dwellings.
- 6.6 There is no existing parking provided at the property and none is proposed. The Highways Officer has raised no objections to the proposal on the grounds that the site is well located with good access to public transport and other services. The highways officer further explains that although there is limited availability for on street parking this is likely to vary throughout the day. The limited parking, in the absence of an objection from the Highway Officer is not a sufficient reason for refusal of the application.
- 6.7 The building is an adequate size to accommodate the proposed level of accommodation and thus the site is not being overdeveloped to the detriment of living standards. There have been no adverse comments from Environmental Health in relation to any of the room sizes and as such they meet the requirements for quality habitation in accordance with the National Planning Policy Framework. The National Planning Policy Framework promotes good quality living standards and a variety of accommodation being offered. The development as proposed offers sustainable development located within easy walking distance of the town centre and local transport links.

7 Recommendation:-

- 7.1 Approve - The proposal complies with Policies HOU17, HOU18, HOU23 and TR12 of the Great Yarmouth Borough-Wide Local Plan.

Approval should be subject to the condition requested by Environmental Health regarding hours of construction and a condition requiring the provision and retention of a bin storage area to the rear of the property.

MEMORANDUM

From Environmental Health

To: Planning & Development Department
Attention: Miss G Manthorpe
cc: Building Control

Date: 20 May 2015

Our ref: SRU/062223 Your ref: 06/15/0168/F

Please ask for: Aidan Bailey-Lewis Extension No: 616

APPLICATION FOR CONVERSION OF FORMER GUEST HOUSE IN TO 5x SELF-CONTAINED FLATS AT 30 WELLESLEY ROAD GREAT YARMOUTH

The above planning proposal has been considered and the following comments are made:-

Ventilation:

The bathrooms and kitchen areas in each proposed flat are to be equipped with mechanical ventilation that vents moisture-laden air directly to the outside at an extraction rate that meets or exceeds current Building Regulations.

Heating:

The chosen heating system in each flat must be a whole dwelling system capable of heating the individual units of accommodation to an average temperature of 21°C and maintaining that temperature when the outside temperature is -1°C.

Any heating system installed must be of an energy efficient design and economical to operate.

Local Air Quality:

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

Hours of Work:

Due to the close proximity of other residential dwellings and businesses, the hours of any noisy construction work should be restricted to:

- 0800 hours to 1800 hours Monday to Friday
- 0830 hours to 1330 hours Saturdays
- No work on Sundays or Bank Holidays.

Advisory Note

The applicant is strongly recommended to advise neighbouring businesses and residential occupiers of the proposals, together with contact details in the event of problems during the renovation phase.

Aidan Bailey-Lewis MSc MCIEH
Environmental Health Officer

ACK'D
29/5/15

Elaine Helsdon

From: Kemuri Couzens
Sent: 28 May 2015 15:59
To: plan
Subject: Planning App: 06/15/0168/F, 30 Wellesley Road, Great Yarmouth, NR30 1EU

To whomever it may concern,

I am writing this E-Mail in support of the planning Application for 30 Wellesley Road, NR30 1EU, Conversion of Norfolk Lodge onto 5 Flats.

I believe that the addition of the new flats within the area of Great Yarmouth is much needed in the area as housing has been an issue in the area for a fair few years now without fast enough options coming forward to help alleviate the long waiting list and/or affordable housing for the local people of Great Yarmouth.

I hereby give my full support for the housing application

Mr J Barnes
31 Wellesley Road
Great Yarmouth
Norfolk
NR30 1EU

Thank You

Elaine Helsdon

From: Richard Wombwell
Sent: 30 May 2015 10:16
To: plan
Subject: 06/15/0168/F

ACK'D
11/6/15

Dear Sir,

30 Wellesley Road, Great Yarmouth, NR30

My name is Richard Wombwell. I work for Glennrich Properties Ltd, the company that owns The Chatsworth Hotel, 32 Wellesley Road, Great Yarmouth.

On behalf of Glennrich I write in support of Mr David Carter's planning application to convert 30 Wellesley Road, a former guest house, into five self-contained residential flats.

It is the opinion of our company that this development will provide much needed low cost accommodation for residents of Great Yarmouth and will be an asset to the community.

We do not believe this will be detrimental to the area.

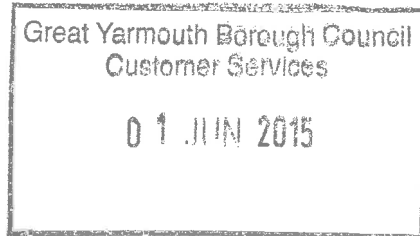
--

Yours sincerely

Richard Wombwell

Chester House
81-83 Fulham High Street
London
SW6 3JA

1. This e-mail and any files or documents transmitted with it are confidential and intended solely for the use of the intended recipient. Unauthorised use, disclosure or copying is strictly prohibited and may be unlawful. If you have received this e-mail in error, please notify the sender at the above address and then delete the e-mail from your system.
2. If you suspect that this e-mail may have been intercepted or amended, please notify the sender
3. Please note that this e-mail and any attachments have been created in the knowledge that internet e-mail is not a 100% secure communications medium. It is your responsibility to ensure that they are actually virus free. No responsibility is accepted by Richard Wombwell for any loss or damage arising from the receipt of this e-mail or its contents.
4. Nothing in this email is intended to, or shall be deemed to, establish any partnership or joint venture between the sender and the recipient



ACK'D
21/6/15

Silverstone House
29 Wellesley Rd
Great Yarmouth
Norfolk
NR301EU

Planning Services
Development Control
Town Hall, Hall plain
Great Yarmouth
Norfolk
NR302QF



28th May 2015

Ref: Planning application 06/15/0168/F for 30 Wellesley Rd Great Yarmouth

Dear Sir/Madame,

In reference to the above proposed planning application for 30 Wellesley Road Great Yarmouth.

We would like to state that, we personally have no objection to the application, we have met with the owner on several occasions and he has been very sympathetic to any fears we have had especially about noise during the renovation stage.

I can understand you not wanting to loose tourist accommodation but we have run this guest house for 9 years now and Norfolk lodge was only running as a functioning guest house for the first year, after that it was only really a commercial property by name.

Yours sincerely,
Trevor Williamson

29TH MAY 2015.

ACK'D
21/6/15

MR PHILLIP COUZENS
FLAT 7

THE FLORENCE
31 WELLESLEY RD
GT YARMOUTH
NR30 1EU.

REF: APPLICATION 06/15/0168F
30 WELLESLEY RD.



To whom it may Concern,

with reference to the
above property and proposed change of use,

The property is in great need for repair,
and has like many holiday lets been unused
and ended up as single residency properties
it is very practical to turn No 30 Wellesley
Rd into self contained flats as the need for,
and people willing to require holiday flats
in GT Yarmouth is getting less and less.
Many coastal towns are allowing such
changes of use as they appreciate the need
for residential accommodation and having such
properties go into dis-repair is a waste and

very Sad as there is a high demand for
permanent quality accommodation, of which
this change of use will be.

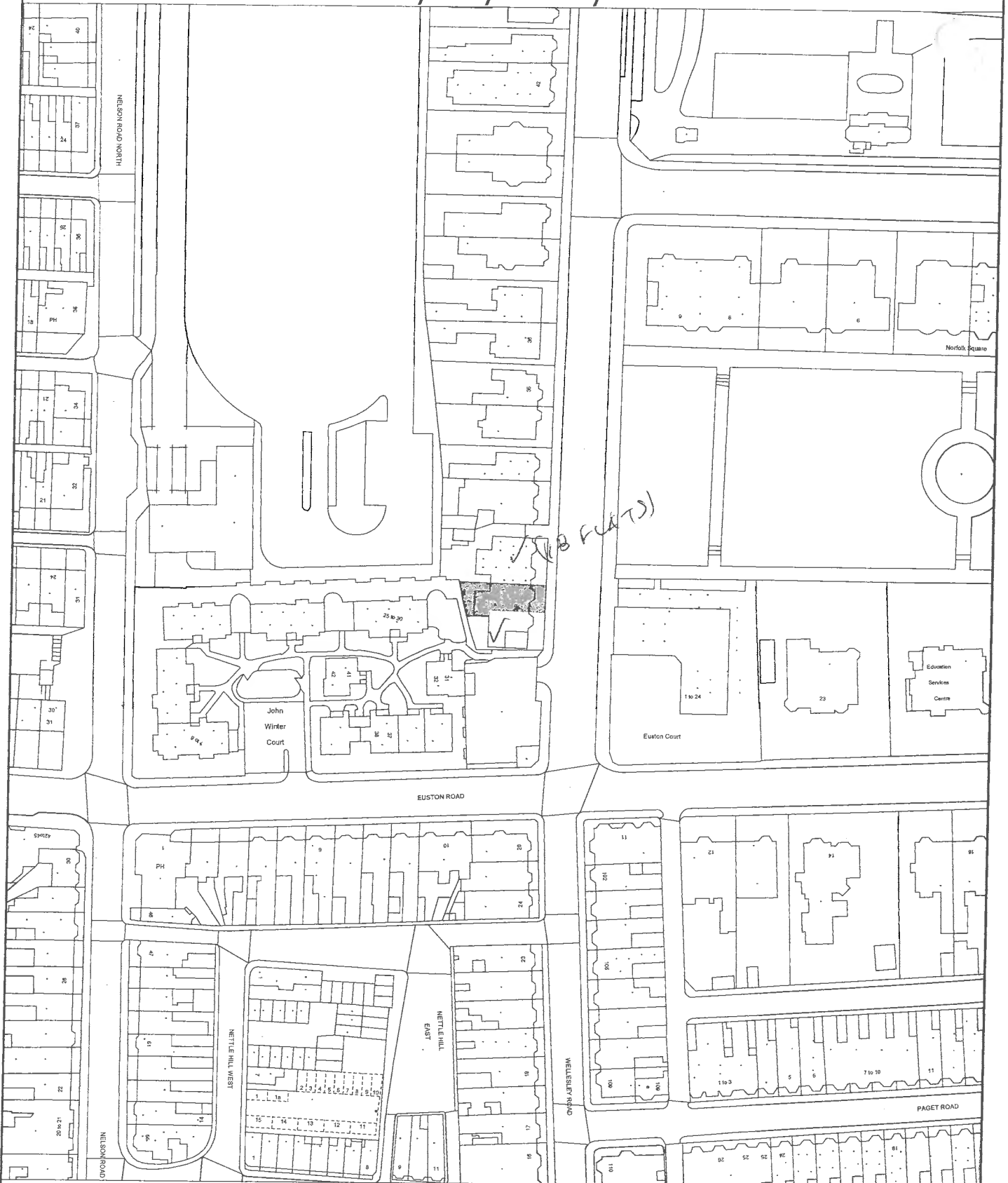
Yours Sincerely

Philip Cousins

Great Yarmouth Borough Council
Customer Services

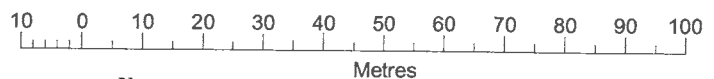
02 JUN 2015

06/15/0168/F

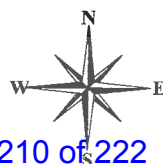


GREAT YARMOUTH
BOROUGH COUNCIL

Planning and Business Services,
Town Hall, Great Yarmouth,
Norfolk. NR30 2QF



Scale = 1:1250 @ A4



PLANNING APPLICATIONS CLEARED BETWEEN 01-AUG-15 AND 31-AUG-15 FOLLOWING DETERMINATION BY THE GROUP MANAGER (PLANNING) UNDER DELEGATED POWERS

REFERENCE	06/15/0140/F
PARISH	Belton & Browston 10
PROPOSAL	Stable block, two stables, feed/tackroom, wetroom/farrier shelter and first floor store
SITE	Lochinvar Short Road Browston GREAT YARMOUTH NR31 9DS
APPLICANT	Mrs L Bell
DECISION	APPROVE

REFERENCE	06/15/0380/F
PARISH	Belton & Browston 10
PROPOSAL	Single storey front extension to form WC
SITE	10 Amhurst Gardens Belton GREAT YARMOUTH NR31 9PH
APPLICANT	Mr B Manthorpe
DECISION	APPROVE

REFERENCE	06/15/0405/F
PARISH	Belton & Browston 10
PROPOSAL	Demolition of existing bungalow and erection of new 2 storey dwelling
SITE	Holmside St Johns Road Belton GREAT YARMOUTH NR31 9JT
APPLICANT	Mr M Appleton
DECISION	APPROVE

REFERENCE	06/14/0273/CD
PARISH	Bradwell N 1
PROPOSAL	Proposed new chalet bungalow to front of Cedar Croft - Discharge of conditions 6 and 9 of PP: 06/11/0123/F
SITE	Cedar Croft (Land to front of) Mill Lane Bradwell Great Yarmouth
APPLICANT	Mr R Claxton
DECISION	APPROVE (CONDITIONS)

REFERENCE	06/15/0374/F
PARISH	Bradwell N 1
PROPOSAL	Proposed front extension
SITE	6 Sycamore Avenue Bradwell GREAT YARMOUTH NR31 8NE
APPLICANT	Mr D Snell
DECISION	APPROVE

PLANNING APPLICATIONS CLEARED BETWEEN 01-AUG-15 AND 31-AUG-15 FOLLOWING DETERMINATION BY THE GROUP MANAGER (PLANNING) UNDER DELEGATED POWERS

REFERENCE **06/15/0376/F**
 PARISH Bradwell N 1
 PROPOSAL Raise front garden wall from 900mm to 1.8m

SITE 8 Beccles Road Bradwell
 GREAT YARMOUTH NR31 8DF

APPLICANT Miss R George
 DECISION **APPROVE**

REFERENCE **06/15/0377/F**
 PARISH Bradwell N 1
 PROPOSAL Demolition of conservatory and erection of single storey family room

SITE 1 Robin Close Bradwell
 GREAT YARMOUTH NR31 8JL

APPLICANT Mr G Crickmore
 DECISION **APPROVE**

REFERENCE **06/15/0379/F**
 PARISH Bradwell S 2
 PROPOSAL Proposed first floor side extension & alterations

SITE 11 Church Walk Bradwell
 GREAT YARMOUTH NR31 8QQ

APPLICANT Mr S Duffield
 DECISION **APPROVE**

REFERENCE **06/15/0407/F**
 PARISH Bradwell S 2
 PROPOSAL Front and rear extension. Garage conversion.

SITE 46 Clover Way Bradwell
 GREAT YARMOUTH NR31 8RN

APPLICANT Mr A Reynolds
 DECISION **APPROVE**

REFERENCE **06/15/0370/F**
 PARISH Caister On Sea 3
 PROPOSAL Roadside kerbs to be lowered to enable front driveway

SITE 29 Ormesby Road Caister on Sea
 GREAT YARMOUTH NR30 5QT

APPLICANT Mr G Miller
 DECISION **APPROVE**

REFERENCE **06/15/0297/F**
 PARISH Caister On Sea 4
 PROPOSAL First floor alterations to Coach House to self-contained annexe with Juliet balcony

SITE Rectory Close Coach House Caister
 GREAT YARMOUTH NR30 5EG

APPLICANT Mr R Woodrow
 DECISION **APPROVE**

PLANNING APPLICATIONS CLEARED BETWEEN 01-AUG-15 AND 31-AUG-15 FOLLOWING DETERMINATION BY THE GROUP MANAGER (PLANNING) UNDER DELEGATED POWERS

REFERENCE **06/15/0341/F**
 PARISH Caister On Sea 4
 PROPOSAL Proposed single storey side extension

SITE 29 Belstead Avenue Caister-on-Sea
 GREAT YARMOUTH NR30 5BB

APPLICANT Mr & Mrs A Eagle
 DECISION **APPROVE**

REFERENCE **06/15/0343/F**
 PARISH Fleggburgh 6
 PROPOSAL Single storey rear extension

SITE 24 Orchard Way Fleggburgh, GREAT YARMOUTH
 NR29 3AY

APPLICANT Miss A Clarke
 DECISION **APPROVE**

REFERENCE **06/15/0362/F**
 PARISH Fleggburgh 6
 PROPOSAL Single storey replacement rear extension

SITE Letcombe Bowers Rollesby Road Fleggburgh
 GREAT YARMOUTH NR29 3AQ

APPLICANT Mr A Clarke
 DECISION **APPROVE**

REFERENCE **06/15/0378/F**
 PARISH Fritton/St Olaves 10
 PROPOSAL Change of use of already approved "art studio and office" annex to "self-contained living accommodation" annex.

SITE Tiptree New Road
 Fritton GREAT YARMOUTH NR31 9HR

APPLICANT Mr & Mrs N Doncaster
 DECISION **APPROVE**

REFERENCE **06/15/0292/F**
 PARISH Great Yarmouth 5
 PROPOSAL Demolition of garages and construction of two storey building comprising one ground floor and one first floor flat

SITE Danby Road Gorleston
 GREAT YARMOUTH NR31 8BP

APPLICANT R.L.L Construction
 DECISION **APPROVE**

REFERENCE **06/15/0397/F**
 PARISH Great Yarmouth 5
 PROPOSAL Proposed granny annexe at land to rear of 28 Garnham Road

SITE 28 Garnham Road (rear of) Gorleston
 GREAT YARMOUTH NR31 6PB

APPLICANT Ms G Brown
 DECISION **APPROVE**

PLANNING APPLICATIONS CLEARED BETWEEN 01-AUG-15 AND 31-AUG-15 FOLLOWING DETERMINATION BY THE GROUP MANAGER (PLANNING) UNDER DELEGATED POWERS

REFERENCE **06/15/0346/F**
 PARISH Great Yarmouth 7
 PROPOSAL Single storey extension to rear - revised application

SITE 1A Marine Parade Gorleston
 GREAT YARMOUTH NR31 6DP
 APPLICANT Miss A Nagpal
 DECISION **REFUSED**

REFERENCE **06/15/0391/F**
 PARISH Great Yarmouth 7
 PROPOSAL Extension to form beer cellar/store.

SITE 14-18 Lower Esplanade Gorleston
 GREAT YARMOUTH NR31 6BT
 APPLICANT G C Hotels
 DECISION **APPROVE**

REFERENCE **06/15/0318/CU**
 PARISH Great Yarmouth 9
 PROPOSAL Retrospective application for use of semi-detached house as house in multiple occupation
 SITE 75 Albany Road GREAT YARMOUTH Norfolk NR31 0EE
 APPLICANT Mr K Amis
 DECISION **APPROVE**

REFERENCE **06/15/0334/CD**
 PARISH Great Yarmouth 9
 PROPOSAL Redevelop lock up garages - construct 8 no. 2 storey town houses - DoC 10 & 11 13/0551/O & cond 2 06/15/0076/D
 SITE 20 Lichfield Road (Rear of) GREAT YARMOUTH NR31 1RL
 APPLICANT Mr P Chen
 DECISION **APPROVE (CONDITIONS)**

REFERENCE **06/15/0395/A**
 PARISH Great Yarmouth 9
 PROPOSAL 4 internally illuminated fascia signs and one, non-illuminated menu service board
 SITE Cobholm and Lichfield Healthcare Centre Pasteur Road GREAT YARMOUTH NR31 0DW
 APPLICANT Bestway Group
 DECISION **ADV. CONSENT**

REFERENCE **06/15/0174/F**
 PARISH Great Yarmouth 14
 PROPOSAL Retrospective application for change of use from cafe (A3) to take-away restaurant (A5)
 SITE 39 St Peters Road GREAT YARMOUTH Norfolk NR30 3AA
 APPLICANT Mr D Salah
 DECISION **APPROVE**

PLANNING APPLICATIONS CLEARED BETWEEN 01-AUG-15 AND 31-AUG-15 FOLLOWING DETERMINATION BY THE GROUP MANAGER (PLANNING) UNDER DELEGATED POWERS

REFERENCE	06/15/0239/CD
PARISH	Great Yarmouth 15
PROPOSAL	Change of use from public house garden to fencing business - Discharge of Condition 8 re: 06/14/0340/CU
SITE	5 Caister Road GREAT YARMOUTH Norfolk NR30 4DA
APPLICANT	Miss V Patterson
DECISION	APPROVE (CONDITIONS)

REFERENCE	06/15/0250/F
PARISH	Great Yarmouth 15
PROPOSAL	Change of use to vehicle rental and erection of portable office unit and car wash screen
SITE	North Quay (Land at) GREAT YARMOUTH Norfolk
APPLICANT	Europcar Group (UK) Ltd
DECISION	APPROVE

REFERENCE	06/15/0252/LB
PARISH	Great Yarmouth 15
PROPOSAL	Closing off 3 no. internal openings at ground floor
SITE	6-8 George Street GREAT YARMOUTH Norfolk
APPLICANT	Iceni Partnership
DECISION	LIST.BLD.APP

REFERENCE	06/15/0304/F
PARISH	Great Yarmouth 15
PROPOSAL	Replacement of ATM, new cladding and internal alterations
SITE	11 Market Place GREAT YARMOUTH Norfolk NR30 1YT
APPLICANT	Mr A Finlayson
DECISION	APPROVE

REFERENCE	06/15/0305/A
PARISH	Great Yarmouth 15
PROPOSAL	2 fascia signs, 3 projecting signs and 5 other signs
SITE	11 Market Place GREAT YARMOUTH Norfolk NR30 1YT
APPLICANT	Mr A Finlayson
DECISION	ADV. CONSENT

REFERENCE	06/15/0319/F
PARISH	Great Yarmouth 15
PROPOSAL	Change of use of pharmacy to Canine Hydrotherapy Centre
SITE	45 Caister Road GREAT YARMOUTH Norfolk
APPLICANT	Miss K Cole
DECISION	APPROVE

PLANNING APPLICATIONS CLEARED BETWEEN 01-AUG-15 AND 31-AUG-15 FOLLOWING DETERMINATION BY THE GROUP MANAGER (PLANNING) UNDER DELEGATED POWERS

REFERENCE PARISH PROPOSAL SITE APPLICANT DECISION	06/15/0323/CD Great Yarmouth 15 Seven town houses with garages - discharge of condition 4 re: PP 06/05/0073/D 1-7 Breydon Mews School Road GREAT YARMOUTH NR30 1LA Mr J Hilton APPROVE (CONDITIONS)
REFERENCE PARISH PROPOSAL SITE APPLICANT DECISION	06/15/0332/F Great Yarmouth 15 External Insulation and render to side and rear elevations 31 Wellesley Road GREAT YARMOUTH Norfolk NR30 1EU Mr D Carter APPROVE
REFERENCE PARISH PROPOSAL SITE APPLICANT DECISION	06/15/0358/EU Great Yarmouth 15 Certificate of proposed lawful use for office to residential 22 Church Plain GREAT YARMOUTH Norfolk NR30 1NE Mr D Girdleston EST/LAW USE CER.
REFERENCE PARISH PROPOSAL SITE APPLICANT DECISION	06/15/0368/F Great Yarmouth 15 Creation of two pedestrian footpaths from public footpath on north quay into the site Havenbridge House North Quay GREAT YARMOUTH NR30 1HZ Mr I Reid APPROVE
REFERENCE PARISH PROPOSAL SITE APPLICANT DECISION	06/15/0400/EU Great Yarmouth 15 Application for a certificate of lawfulness for existing use as a residential dwelling 30 Wellesley Road GREAT YARMOUTH Norfolk NR30 1EU Mr D Carter EST/LAW USE CER.
REFERENCE PARISH PROPOSAL SITE APPLICANT DECISION	06/15/0286/F Great Yarmouth 19 Proposed first floor extension to form 4 new double bedrooms with improved facilities - Revised submission Gresham Nursing Home 49 John Road Gorleston GREAT YARMOUTH Mr N Ruhomatally APPROVE

PLANNING APPLICATIONS CLEARED BETWEEN 01-AUG-15 AND 31-AUG-15 FOLLOWING DETERMINATION BY THE GROUP MANAGER (PLANNING) UNDER DELEGATED POWERS

REFERENCE	06/15/0328/F
PARISH	Great Yarmouth 19
PROPOSAL	Vary or remove condition 3 of PP 06/08/0691/CU - to allow to allow operation of A3 use by another person
SITE	175 High Street Gorleston GREAT YARMOUTH NR31 6RG
APPLICANT	Ms B Plane
DECISION	APPROVE

REFERENCE	06/15/0350/A
PARISH	Great Yarmouth 19
PROPOSAL	New signage
SITE	The Tramway 1 Lowestoft Road Gorleston GREAT YARMOUTH
APPLICANT	Enterprise Inns Plc
DECISION	ADV. CONSENT

REFERENCE	06/15/0253/F
PARISH	Hemsby 8
PROPOSAL	Proposed new shop front and installation of extraction equipment and flue
SITE	Village Pizza The Street Hemsby GREAT YARMOUTH NR29 4EU
APPLICANT	Mr I Kaykusuz
DECISION	APPROVE

REFERENCE	06/15/0366/F
PARISH	Hemsby 8
PROPOSAL	Single storey extension to existing laundry room
SITE	Coach House Residential Home Yarmouth Road Hemsby GREAT YARMOUTH NR29 4NJ
APPLICANT	Coach House Residential Home
DECISION	APPROVE

REFERENCE	06/15/0369/F
PARISH	Hemsby 8
PROPOSAL	Proposed first floor side extension
SITE	62 Common Road Hemsby GREAT YARMOUTH NR29 4NA
APPLICANT	Mr & Mrs Janusz
DECISION	APPROVE

REFERENCE	06/15/0010/F
PARISH	Hopton On Sea 2
PROPOSAL	Vary condition 2 of PP:06/14/0 184/D - To allow refinement of site layout,bungalow design and drainage strategy
SITE	Lowestoft Road Hopton GREAT YARMOUTH Norfolk
APPLICANT	Mr D Cripps
DECISION	APPROVE

PLANNING APPLICATIONS CLEARED BETWEEN 01-AUG-15 AND 31-AUG-15 FOLLOWING DETERMINATION BY THE GROUP MANAGER (PLANNING) UNDER DELEGATED POWERS

REFERENCE	06/15/0337/F
PARISH	Hopton On Sea 2
PROPOSAL	Variation of condition 7 of P.P. 06/14/0404/F- to remove on-site parking
SITE	Station Road Old Newsagent/Cafe Site Hopton GREAT YARMOUTH
APPLICANT	Mr D Broughton
DECISION	APPROVE
<hr/>	
REFERENCE	06/15/0359/PDE
PARISH	Hopton On Sea 2
PROPOSAL	Notification of larger home extension - Proposed conservatory
SITE	46 Station Road Hopton GREAT YARMOUTH NR31 9BH
APPLICANT	Mrs R Fuller
DECISION	PERMITTED DEV.
<hr/>	
REFERENCE	06/15/0372/F
PARISH	Hopton On Sea 2
PROPOSAL	Two storey extension to rear
SITE	2 Brotherton Way Hopton GREAT YARMOUTH NR31 9UY
APPLICANT	Mr A Laws
DECISION	REFUSED
<hr/>	
REFERENCE	06/15/0373/F
PARISH	Hopton On Sea 2
PROPOSAL	Renewal of PP 06/12/0234/F - for car parking and link roads Outdoor terrace and vehicle passenger set down
SITE	Zest Function Suite Potters Leisure Resort Coast Road Hopton GREAT YARMOUTH NR31 9BX
APPLICANT	Mr J Potter
DECISION	APPROVE
<hr/>	
REFERENCE	06/15/0375/F
PARISH	Hopton On Sea 2
PROPOSAL	Renewal of P.P. 06/12/0232/F for use of field to south for go karts beyond 28 days a year
SITE	Coast Road (Field to south of Potters Resort) Hopton GREAT YARMOUTH NR31 9BX
APPLICANT	Mr J Potter
DECISION	APPROVE
<hr/>	
REFERENCE	06/15/0394/F
PARISH	Hopton On Sea 2
PROPOSAL	Proposed conservatory
SITE	Lowestoft Road (Plot 29) Hopton GREAT YARMOUTH NR31 9AH
APPLICANT	Mr & Mrs J Marshall
DECISION	APPROVE
<hr/>	

PLANNING APPLICATIONS CLEARED BETWEEN 01-AUG-15 AND 31-AUG-15 FOLLOWING DETERMINATION BY THE GROUP MANAGER (PLANNING) UNDER DELEGATED POWERS

REFERENCE	06/15/0283/A
PARISH	Martham 13
PROPOSAL	Remove existing signage and two new fascia signs and one wall mounted information panel
SITE	2 The Green East of England Co-op Martham GREAT YARMOUTH NR29 4PA
APPLICANT	East of England Co-op
DECISION	ADV. CONSENT

REFERENCE	06/15/0312/CD
PARISH	Martham 13
PROPOSAL	Discharge condition 1 of PP 06/15/0032/F (Barn to dwelling) in respect of curtilage details
SITE	58A The Green The Barn Martham GREAT YARMOUTH NR29 4PA
APPLICANT	Mrs D Allen
DECISION	APPROVE (CONDITIONS)

REFERENCE	06/15/0330/F
PARISH	Martham 13
PROPOSAL	Flue for biomass boiler on garage and various other alterations to listed building
SITE	68 Black Street Martham GREAT YARMOUTH NR29 4PR
APPLICANT	Professor P Lavender
DECISION	APPROVE

REFERENCE	06/15/0331/LB
PARISH	Martham 13
PROPOSAL	Replace front door, remove tiled fireplaces in two main living rooms. biomass boiler in garage with flue
SITE	68 Black Street Martham GREAT YARMOUTH NR29 4PR
APPLICANT	Professor P Lavender
DECISION	LIST.BLD.APP

REFERENCE	06/15/0352/A
PARISH	Martham 13
PROPOSAL	Removal of existing signage and replacement with new
SITE	88 Repps Road Martham GREAT YARMOUTH
APPLICANT	East of England Co-op
DECISION	ADV. CONSENT

REFERENCE	06/15/0393/F
PARISH	Mautby 6
PROPOSAL	Erection of a cart lodge to provide undercover parking
SITE	21 Thrigby Road Runham GREAT YARMOUTH NR29 3EA
APPLICANT	Mr Shipp
DECISION	APPROVE

PLANNING APPLICATIONS CLEARED BETWEEN 01-AUG-15 AND 31-AUG-15 FOLLOWING DETERMINATION BY THE GROUP MANAGER (PLANNING) UNDER DELEGATED POWERS

REFERENCE **06/15/0382/F**
 PARISH Ormesby St.Marg 16
 PROPOSAL To erect a new one bedroomed single storey dwelling

SITE 21 California Avenue (rear of) Scratby
 GREAT YARMOUTH NR29 3PE

APPLICANT Ms J Gray
 DECISION **APPROVE**

REFERENCE **06/15/0361/CD**
 PARISH Ormesby St.Michael16
 PROPOSAL Discharge of condition 3 of Planning Permission
 06/15/0151/LB (conservatory) re: timber profiles
 SITE Ormesby Manor Main Road Ormesby St Michael
 GREAT YARMOUTH NR29 3LN
 APPLICANT Mr J Thurston
 DECISION **APPROVE (CONDITIONS)**

REFERENCE **06/15/0364/F**
 PARISH Ormesby St.Michael16
 PROPOSAL Proposed single storey extension to the front of the
 dwelling
 SITE 9 Main Road Ormesby St Michael
 GREAT YARMOUTH NR29 3LN
 APPLICANT Mr G Cannon
 DECISION **APPROVE**

REFERENCE **06/15/0365/F**
 PARISH Ormesby St.Michael16
 PROPOSAL Proposed extensions at ground floor level to form new
 entrance and kitchen/dayroom
 SITE Ormesby Cottage Main Road Ormesby St Michael
 GREAT YARMOUTH NR29 3LN
 APPLICANT Mr S Franklin
 DECISION **APPROVE**

REFERENCE **06/15/0245/CD**
 PARISH Rollesby 13
 PROPOSAL DOC 3, 4 and 11 of PP 06/14/0632/F (convert to res)
 in respect of contamination/ sewage disposal/bat boxes
 SITE Heath Road Rollesby
 GREAT YARMOUTH NR29 5HN
 APPLICANT Wright Properties Ltd
 DECISION **APPROVE (CONDITIONS)**

REFERENCE **06/15/0327/M**
 PARISH Rollesby 13
 PROPOSAL Agricultural determination - nissen hut and timber pole
 barn
 SITE Jubilee Farm Fleggburgh Road Rollesby
 GREAT YARMOUTH NR29 5HH
 APPLICANT Mrs C Moore
 DECISION **DETAILS NOT REQ'D**

**PLANNING APPLICATIONS CLEARED BETWEEN 01-AUG-15 AND 31-AUG-15 FOLLOWING
DETERMINATION BY THE GROUP MANAGER (PLANNING) UNDER DELEGATED POWERS**

REFERENCE	06/15/0354/F
PARISH	Winterton 8
PROPOSAL	Single storey front extension and porch
SITE	8 Rowan Court North Market Road Winterton GREAT YARMOUTH NR29 4BN
APPLICANT	Mrs J Towne
DECISION	APPROVE

REFERENCE	06/15/0356/F
PARISH	Winterton 8
PROPOSAL	New porch
SITE	41 Bulmer Lane Winterton GREAT YARMOUTH NR29 4AF
APPLICANT	Mr A Clantar
DECISION	APPROVE

* * * * End of Report * * * *

**PLANNING APPLICATIONS CLEARED BETWEEN 01-AUG-15 AND 31-AUG-15 FOLLOWING
DETERMINATION BY THE DEVELOPMENT CONTROL COMMITTEE**

REFERENCE	06/15/0277/F
PARISH	Great Yarmouth 9
PROPOSAL	Variation of condition 4 of 06/04/0317/F to permit deliveries on Sundays & Bank Holidays 12 midday - 6pm
SITE	Lidl Pasteur Road Great Yarmouth Norfolk
APPLICANT	Mr M Devine
DECISION	APPROVE

REFERENCE	06/15/0205/O
PARISH	Winterton 8
PROPOSAL	Erection of 3 no.bungalows and garages/carport
SITE	30 Bulmer Lane Winterton GREAT YARMOUTH
APPLICANT	MDJC Limited
DECISION	REFUSED

* * * * End of Report * * * *