



GREAT YARMOUTH BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 19 April 2023
Time: 18:00
Venue: Council Chamber
Address: Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

AGENDA

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

Agenda Contents

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

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

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

Conduct

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

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

DEVELOPMENT CONTROL COMMITTEE

PUBLIC CONSULTATION PROCEDURE

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

Protocol

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

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

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

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

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

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

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

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

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

3 MINUTES 5 - 18

To confirm minutes of the meeting held 22 March 2023.

4 06-22-0546-F - Land north of Scratby Road, Scratby 19 - 66

Report attached.

Appendix: Development Control Committee Update Report - 22 March 2023 67 - 75

Addendum report 22.03.2023.

5 06-21-0657-F - Land adjacent Raynscourt Lodge 16 Euston Road Great Yarmouth 76 - 109

Report attached.

6 ANY OTHER BUSINESS

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



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Minutes

Wednesday, 22 March 2023 at 18:00

PRESENT:-

Councillor Annison (in the Chair), Councillors G Carpenter, Fairhead, Flaxman-Taylor, P Hammond, Hanton, Myers, Wainwright, Williamson, A Wright and B Wright.
Councillor Candon attended as a substitute for Cllr Freeman.

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

01 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Freeman who was substituted by Cllr Candon.

02 DECLARATIONS OF INTEREST

Cllr Hammond declared a pecuniary interest in the agenda item 7. and informed the Committee that he would not participate in debate or vote on the item.

Cllr G Carpenter declared a personal non-pecuniary interest on agenda item 7. informing the Committee that he has known the applicant over sixteen year as a neighbour. He was able to debate and vote on the item.

03 MINUTES

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

04 06-22-0546-F - Land north of Scratby Road, Scratby

The Head of Planning Mr M Turner gave the Committee procedural guidance on the implications of deferring the consideration of the application to allow for a site visit.

Cllr Flaxman-Taylor proposed that the consideration of the application would be referred until a site visit can be organised. This was seconded by Cllr P Hammond.

Following a vote, it was RESOLVED:-

That the consideration of the application will be deferred until after the site visit.

05 06-22-0762-VCU - Cliff Top Car Park, East of 70 to 75 Marine Parade, Gorleston

The Committee received and considered the report set out on the agenda pack, which was prepared and presented by the Principal Planning Officer, Ms N Levett. The application was brought before the Committee as it was a connected application where the applicant was the Borough Council and the owner of the application site. The application was proposed variation of Conditions 4 and 8 of planning permission 06/21/1018/CU (use of car park for stationing of up to 3 concession units), to amend restrictions on trading periods and (1) allow the unlimited use for hot drink sales to take place between 1st March and 31st January (rather than for only 190 days and only between 01 March and 30 September), and (2) allow hot drink concession use to commence from 07:30hrs on any day rather than from 08:00hrs on any day). The Committee were reminded that case law has ruled that an application to remove or vary conditions on a planning permission has the effect of creating a new planning permission altogether, and the determination of this proposal must have regard to the permission already granted and the intended variations, and any material considerations relevant to the development since the previous permission was granted.

The Principal Planning Officer reported that having considered the details provided, the proposal is considered to be acceptable and the conditions will be amended accordingly together with the remaining conditions imposed (and amended where appropriate, for example to reflect that the development commenced under the previous permission). It was therefore recommended that the application

06/22/0762/VCU be approved, subject to conditions as set out on the agenda report.

There were no technical questions by the Committee to the Principal Planning Officer.

The Chair invited applicant Mr Hollowell to speak.

Mr Hollowell confirmed that the coffee concession is very popular and that the demand for hot drinks has increased over time. The early morning sales (7 a.m. - 9 a.m.) are often a lot better than several hours of trading during the afternoon. He advised the Committee that there have been a lot of customer requests to extend the service hours as well as to provide hot drinks concession around the year including the winter months.

Cllr Flaxman-Taylor asked Mr Hollwell how would he know that the sales before 8 a.m. would be good if they have not been able to trade before those hours.

Mr Hollowell confirmed that there was a period when the trader did start trading before permitted hours; but once made aware of this, this was stopped.

The Chair invited ward Cllr Wells to speak.

Cllr Wells noted that the whole premise of the application appears to be that when agreed trade conditions have been unenforceable, then let's just change the conditions. He accepted that there is a need to support traders, but this needs to be balanced out with the needs of the residents in close proximity. He advised the Committee that the current conditions have worked well with only a few isolated problems reported. He confirmed that he has no objection to extending trading during the proposed eleven months period, but that the 8 a.m. start of the trading coincides with the opening of the car park (also at 8 a.m.) hence it is in his view logical not to allow trading to start any earlier. Although one may think that that thirty minutes is a small difference, for the local residents who get inconvenienced by the dog barking and other associated noise relating to the early morning trade, the difference is noticeable.

Cllr Myers noted that there has been a mention of a breach of the current trading conditions a few times, and asked for clarity as to how it is even possible if the car park is locked and opens at 8 a.m.

Cllr Wells confirmed this is as several car parks need to be opened at 8 a.m. so the car park operator has to plan the maintenance round ensuring that all car parks are opened by 8 a.m. This usually means that they start the round in Gorleston and hence the car park is opened ahead of the scheduled time.

Cllr Wainwright noted that the inconvenience of a dog barking and the concession trading hours are not necessarily the same. He did not believe that most people would purposely go there for a coffee at 7.30 a.m., but rather that runners and dog walkers have their established routines and schedules in place regardless if the hot drinks concession is open or not. He further noted that 7.30 a.m. is not exceptionally 'early' in any event.

Cllr Wells disagreed and confirmed that for the local residents within a proximity of the concession, the thirty minutes does make a notable difference.

Cllr Wainwright moved to propose that the application together with the conditions as laid out in the agenda report be approved. This was seconded by Cllr Williamson.

Following a vote, it was RESOLVED:-

That the application 06/22/0762/VCU be approved, subject to the following conditions:-

Proposed Conditions:

- 1) The development shall be carried out in accordance with the application form and following approved plans as approved under 06/21/1018/CU:
 - a) Unreferenced Drawing entitled Application Plan & Concession Zones (submitted as the Location Plan and zones for the concession units), (undated);
 - b) Drawing Number MH/10023464346/001, entitled Block Plan (submitted to illustrate individual stall site layout example, with dimensions of stall areas), dated December 2021;
 - c) Sample Barrier Image (unreferenced, untitled and undated).

The reason for the condition is:-
For the avoidance of doubt.

- 2) There shall be no more than three (3 no.) mobile concession units stationed within and operating from the application site shown on approved plan ref: Application Plan and Concession Zones (as submitted and approved under 06/21/1018/CU), at any one time. The concession units shall not be stationed outside the three areas identified as the Concession Zones shown on the approved 'Application Plan & Concession Zones' plan. For the avoidance of doubt, this does not prejudice the continued parking of a single ice cream van selling ice-cream to the public all year round, between 10am and 6pm on any day, in accordance with the terms of planning permission 06/10/0616/F.

The reason for the condition is:-
In order to ensure satisfactory off-street parking facilities are retained, and to minimise the impact up on the conservation area (No.17 Gorleston Seafront), and to minimise the impact on local residential amenity in accordance with Policies R7, A1 and E5 of the adopted Great Yarmouth Local Plan Part 2 (2021).

- 3) (A) This permission shall enure for the stationing of up to three (3 no.) mobile concession units only, at any one time.
(B) The car park shall not be used for the stationing of hot food takeaway mobile concession units or retailing (other than the sales of hot drinks from a single concession unit in accordance with part C of this condition) for any more than 190 days per year, and these uses shall not take place at any time between 30th

September and 01st March the following year.

(C) Hot food takeaway mobile concession units shall not be stationed at, operated from, or undertake sales to the public from the site outside the hours of:

- 08:00 to 18:00 Monday to Saturday, between 01 March - 30th April inclusive;
- 08:00 - 20:00 Monday to Saturday, between 01 May - 30th September inclusive;

and,

- 08:00 - 16:00 on any Sunday, and Bank or Public Holiday in any year during these months.

(D) There shall no use of the car park for the stationing of hot drinks sales concession units between 01st February and 28th February inclusive in any year.

(E) Hot drink sales mobile concession units shall not be stationed at, operated from, or undertake sales to the public from the site outside the hours of:

- 07:30 to 18:00 Monday to Saturday, between 01 March - 30th April inclusive;
- 07:30 - 20:00 Monday to Saturday, between 01 May – 31st January inclusive; and,
- 07:30 - 16:00 on any Sunday, and Bank or Public Holiday in any year during these months when the hot drink sales use is permitted by this condition.

(F) At no time between 30th September and 31st January the following year shall the car park be used for the stationing of any more than a single concession unit selling hot drinks.

(G) A log of all occasions of use by all mobile concession units operating within the car park shall be retained by the applicant and shall be made permanently available for inspection at any time by the Local Planning Authority.

The reason for the condition is :-

To enable the Local Planning Authority to retain control over the use of the site because the main town centre retailing uses proposed should ordinarily be directed to defined local centres unless evidence justifies their location elsewhere, but in this instance the limited retail offer is considered appropriate to enhance a tourism offer and provide a visitor attraction in line with Local Plan Part 2 policy L2, whilst being necessary to avoid a detrimental impact on local centres sites, and in the interests of minimising the impact on the residential amenities of occupiers of nearby dwellings in accordance with Policies R7 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

4) Mobile concession units providing hot food takeaway use (sui generis use) (note, this does not include hot drinks) shall be located only in the 2no. Concession Zones on the eastern side of the car park. Hot food takeaway concession units shall not at any time be located within the Concession Zone on the western side of the car park, as shown within the approved plan reference 'Application Plan & Concession Zones'.

The reason for the condition is :-

In the interests of protecting the residential amenities of the occupiers of nearby dwellings in accordance with Policies R7 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

5) The mobile concession units hereby approved shall not be larger in area than one demarcated parking space measured at 2.5m wide by 5.5m length as shown on approved plan reference MH/10023464346. Concession units shall occupy only one parking space at any one time and shall only be sited within a single parking space.

The reason for the condition is :-

In order to minimise the loss of available parking spaces, to avoid a detrimental impact on the local traffic network, and to ensure satisfactory offstreet parking facilities remain in place for visitor parking in accordance with Policies R7 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

6) The mobile concession units utilising the concession zones operating pursuant to this permission shall not exceed 3m in height at any time.

The reason for the condition is :-

To protect the visual impacts of the setting of the historic environment within Conservation Area No. 17 Gorleston Seafront in accordance with Policy E5 of the adopted Great Yarmouth Local Plan Part 2 (2021).

7) All mobile concession units shall be removed from the Gorleston Cliff Top Car Park when not in use. No mobile concession units shall be parked anywhere within the car park application site nor the adjoining car park outside the application site outside the permitted hours of use. All concession units shall be removed from the car park within 30 minutes of the end of the permitted hours of trading use set out within the Conditions of this permission.

The reason for the condition is :-

In the interest of the visual impacts of the setting of the historic environment within Conservation Area No. 17 Gorleston Seafront in accordance with Policy E5 of the adopted Great Yarmouth Local Plan Part 2 (2021).

8) No mobile concession units operating pursuant to this permission shall include or use any externally located generators.

The reason for the condition is :-

In the interest of protecting the amenity of nearby dwellings and minimising noise and air pollution in accordance with Policies R7 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

9) Each individual mobile concession unit parking area, as shown in approved plan reference MH/10023464346, shall at all times be demarcated with appropriate division between adjoining parking spaces, in accordance with the intention proposed within the approved 'sample barrier image' detail approved under 06/21/1018/CU. The barriers shall be installed and retained for the full duration of the period that the mobile concession unit(s) is in use.

The site management / car park operators shall ensure that these are installed before the commencement of the use on each occasion of a concession unit being stationed within the site, and shall ensure that these are removed by site management at the cessation of each concession unit's parking within the site.

The reason for the condition is :-

To allow suitable separation between the users of the mobile concessions and the moving traffic and to ensure there is minimal disruption to the availability of parking spaces within the site in accordance with Policies R7 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

10) Each mobile concession unit operating pursuant to this permission shall be responsible for providing a refuse bin for use by its customers during its hours of operation, and shall be responsible for removing the waste from the site after each use for appropriate disposal.

The reason for the condition is :-

In the interests of the amenity of local residents and businesses and to protect the visual attraction and amenity of the area, to ensure a satisfactory form of development, and to ensure the development is accountable for its own waste and to not increase pressure on existing facilities in and around the application site in accordance with Policies R7 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

11) With the exception of a single temporary sandwich board / 'A'-frame board per concession unit, there shall be no signage, banners, separate stalls, picnic benches, tables or chairs installed associated with the use without first gaining the express written permission from the Local Planning Authority.

The reason for the condition is :-

In the interest of protecting the visual quality of the setting of the historic environment within Conservation Area No. 17 Gorleston Seafront, to avoid creating a sense of permanent retailing activity, and to protect the visual amenities of the adjacent residential properties in accordance with Policies R7 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

12) There shall be no use of amplified music or amplified loudspeaker/tannoy/audio systems associated with the use or as part of any mobile concession unit operating pursuant to this permission.

The reason for the condition is :-

In the interests of the residential amenities of the occupiers of nearby dwellings in accordance with Policies R7 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

06 06-23-0096-F - Leisure Site at South Beach Gardens, Marine Parade, Great Yarmouth

The Committee received and considered the report set out on the agenda pack prepared by Planning Officer Mr R Tate and presented by Principal Planning Officer Ms N Lovett. The application was brought before the Committee as it was a connected application where the Borough Council is the landowner. The application was for Proposed Temporary permission (3 years) for the erection and operation of a 52m tall star flyer attraction (ride).

The Principal Planning officer reported that the proposal complies with the aims of Policies CS1, CS6, CS8, CS9, CS10, CS13 and CS16 of the Great Yarmouth Core Strategy, and Policies GY6, A1, E1 and E5 of the Local Plan Part 2. It was therefore recommended that the application 06/23/0096/F be approved, subject to conditions set out on the agenda report and as amended on the addendum report.

Cllr Carpenter asked to confirm what was in place on the location previously. The Principal Planning Officer confirmed it was a "Slingshot" attraction.

Cllr Williamson asked to clarify if the height of the previous "Slingshot" attraction was much different to the new proposed "Star Flyer" attraction. The Principal Planning Officer confirmed that the height is roughly the same as before (within 2 metre difference).

Cllr T Wright confirmed that it is good to see something different on the site as the "Slingshot" had been there for several years and had become outdated.

Cllr Wainwright proposed that the application together with the conditions as laid out in the agenda pack and as amended in the addendum report be approved. This was seconded by Cllr Flaxman-Taylor.

Following an unanimous vote, it was RESOLVED:-

That the application 06/23/0096/F be approved, subject to the following conditions:-

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

The reason for the condition is :-

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

2. Before the attraction or any related installations hereby permitted are first brought on to the site, a photographic record of the site and its condition of landscaping prior to the installation shall be undertaken. The results of the photographic survey shall be submitted to the Local Planning Authority prior to the first use of the ride hereby permitted.

The reason for the condition is:-

To provide a suitable record to assist in site reparation, to ensure that the detrimental impact on heritage assets is temporary and repairable, and in the interest of the amenities of the locality.

3. This permission shall expire on 01 March 2026. By this date, the use shall cease and the structure and its associated equipment and infrastructure shall be removed from the site and the site and public land shall be returned to its previous state and restored with replacement landscaping as necessary, sufficient to match the condition and landscaping of the site seen within the photographic record required by Part (a) of Condition 1 to this permission.

The reason for the condition is :-

The time limited restriction is imposed in order to retain control over the use of the site, to ensure that the detrimental impact on heritage assets is temporary and repairable, and in the interest of the amenities of the locality and that the site is left in a satisfactory condition.

4. The development shall be carried out in accordance with the following revised plans received by the Local Planning Authority on the 6th February 2023:

Site Location Plan: AL-00-001

Proposed Site Plan: AL-20-001

Proposed 3D Artists Impressions: AV-20-001

Proposed Elevations (east/west): AE-20-002

Proposed Elevations (north/south): AE-20-001

General Drawing: 04/04

Generator Data Sheets: Model C110 D5 (6B)

High Tide Water Front Scenario and Action Plan: LTR_236001_C2_230202

The reason for the condition is:-

For the avoidance of doubt.

5. There shall be no use of the development hereby permitted until all staff and operatives have first been made aware of the requirements to comply with the measures set out in the submitted High Tide Action Plan (reference (LTR_236001_C2_230202), and have first received training to implement the Flood Evacuation Plan. The High Tide Action Plan and Evacuation Plan shall thereafter be maintained and retained in accordance with those submitted details for the duration of the development.

The reason for the condition is :-

In the interests of the safety of the public and site operatives in the event of extreme weather and/or flooding.

6. There shall be no use nor installation of any flashing or strobe lighting, or advertisements added within the development hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

The reason for the condition is :

In the interests of the visual amenities of the area and to ensure any lighting does not compromise navigational safety for vessels at sea and to maintain residential and neighbouring amenity.

7. There shall be no use nor installation of any amplified sound systems within the development hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

The reason for the condition is :-

In the interests of maintaining residential and neighbouring amenity.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no fencing of any type or height shall be installed or erected or used in association with the development hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

The reason for the condition is :-

In the interests of highway safety and pedestrian movement and visual amenity.

9. The Star Flyer ride the subject of this permission shall not be operational outside the following times:-

11:00 - 21:00 Monday – Friday

11:00 – 22:00 Saturdays

11:00 – 21:00 Sundays, Bank and Public Holidays

The reason for the condition is :-

In the interests of neighbouring amenity and in accordance with the application form.

10. There shall be no use of the development hereby permitted until the applicant has first notified the Defence Estates Safeguarding service, and the National Air Traffic Control Service (Norwich Airport) of the following information:-

- precise location of development
- dates of intended use period and decommissioning
- the height above ground level of the tallest structure
- the maximum extension height of any construction equipment
- details of any illumination of the site

The reason for the condition is :-

To ensure that aeronautical charts and mapping records can be updated.
(Note - Defence Estates Safeguarding can be contacted at Kingston Road, Sutton Coldfield, West Midlands B75 7RL; and National Air Traffic Control is based at

Norwich Airport).

07 06-21-0657-F - Land adjacent Raynscourt Lodge 16 Euston Road Great Yarmouth

Cllr P Hammond exited the Committee and did not participate in the debate or a vote on this item.

The Committee received and considered the report set out on the agenda pack, prepared and presented by the Principal Planning Officer Mr N Harriss. The application was brought before the Committee as per Constitution (25+ dwellings) and as it is a connected application submitted by a relative of a Councillor, as applicant, for determination by the Borough Council as Local Planning Authority. The application was for redevelopment of site (Land adjacent Raynscourt Lodge, 16 Euston Road, Great Yarmouth) to create 28 self-contained flats.

The Principal Planning officer referred the Committee to consider planning balance and considerations outlined in the agenda report. He further confirmed that one additional public representation was received as outlined in the addendum report pages 8 - 9, this did not however raise new issues that had not already been addressed in the agenda report. Therefore, having considered the details provided, the application is considered to comply with policies CS2, CS9, CS10, CS11, CS13, CS16 and Policies GSP1, GSP4, GSP5, A1, A2, E1, E5, E6, E7, H3, and I3 of Local Plan Part 2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval. It was therefore recommended that application 06/21/0657/F should be delegated to the Head of Planning to Approve.

Cllr Myers asked about the car parking across the area and the possible impact on seasonal as well as residential car parking as the development did not provide any parking for the proposed 28 dwellings. The Principal Planning Officer confirmed that there are some possible parking solutions surrounding the development site, including residential parking permits, but no detailed planning consideration has been given to it as it is not something that the applicant can control.

Cllr T Wright noted that some unrestricted parking areas might be impacted as the development does not provide any additional parking. He further enquired about the arrangements for bin collections and if this has been planned as communal or individual. He specifically wanted clarity on considerations given to environmental impact and a potential environmental hazard if these arrangements are not properly considered for the development of this size. The Principal Planning Officer showed the enclosed bin area next to the lift shaft.

The Head of Planning, Mr M Turner added that Environmental Health has been consulted about the plans and that they had not raised any issues or concerns. Ultimately, the detailed arrangements for bin collections is outside the development management remit and not something for the planning to consider in minute detail. However, he further referred to section 11.8 on the agenda report and the consultation that has taken place with the Council's Waste and Recycling Service.

Cllr T Wright noted that something about the bin collection arrangements could and should be added to the conditions.

The Chair invited Mr J Clarke (objector) to speak.

Mr J Clarke confirmed that he lives next door to the proposed development. He advised the Committee that he was shocked that this development was even given any consideration. He felt strongly that the development is not in keeping with the style of housing and other buildings in the area and would therefore not enhance the area. He explained his concerns how it would be overpowering building that would enclose the area and impact the visibility. He raised concerns about these flats (that include Juliet balconies) overlooking the other residential buildings in the area. He also highlighted concerns about the viability of businesses currently operating in the location not least due to the loss of car parking facility. He further noted his concerns about the future impact to the environment and envisaged rubbish and cigarette buds being thrown out from the balconies and outdoor areas of this development. He further felt there was no consistency in planning and the requirements terms of use of a land. There was evidence needed to demolish a hotel, but appears none needed to get rid of the car park. Yet on another site, a bowling ring was lost for the benefit of a car park. Finally he highlighted the lack of s.106 contributions and affordable housing provision in this development.

Cllr Hanton asked a clarifying question about the boundary of the development and how it may impact the road and the visibility. Mr J Clarke clarified what he meant and the Principal Planning Officer demonstrated the photos of the development boundary to the Committee.

The Chair thanked Mr J Clarke for his contributions.

Cllr Myers requested the Principal Planning Officer for further clarity of the development boundary. He further questioned how much more 'overlooking' to the surrounding properties would this development be in comparison to the three story building that was on the site previously (especially noting that the design plan includes Juliet balconies). He further wanted clarity on how much of a material consideration it would be. The Principal Planning Officer confirmed that there would be more overlooking both back to back and side to back. However, not to the significance of harm to warrant a refusal of the application.

Cllr Candon confirmed that based on what he has read on the agenda report and the subsequent presentations to the Committee, he considers there to be no reasons to object to officer recommendations. He did note the point made reference to lack of affordable housing, but concluded that this development would still provide homes for someone and would contribute to the viability of the seafront.

Cllr Hanton considered that there are sufficient car parking available in the area therefore any adverse impact of additional car parking requirements would be tolerable; even if residential car parking permits were to be allocated for future occupants on this development.

Cllr Williamson confirmed that despite the design changes, the development would still dominate the site and would have a negative impact on the area and

'overshadow' the grade II listed building, former Aquarium. It was confirmed that the proposal followed discussions that had taken place between the applicant, Historic England and the Council's.

Cllr Wright further maintained that bin collection arrangements should be added on as a planning condition. He further considered the development of 28 flats on this site to be overdevelopment. He appreciated the concerns about viability, but was still concerned about the development of this size with no affordable housing provision. He did not object to redevelopment on this site on principal, but felt this particular proposal was still overdeveloped.

Cllr Flaxman-Taylor proposed that the officer recommendation, to delegate application 06/21/0657/F to the Head of Planning to approve subject to receipt of the balance of £2126.04 Habitat Mitigation Payment and subject to the conditions as set out on the agenda report, be approved. This was seconded by Cllr Candon.

Following the vote; the motion was lost.

The Chair asked those Members who voted against the motion to outline their reasons why.

Cllr Wright confirmed that it was overdevelopment on this site.

Cllr Myers agreed it was overdevelopment especially as it did not include any affordable (or social) housing provision.

Cllr Williamson agreed it was overdevelopment and despite the design changes, still considered it would have an adverse impact on conserving the sea front area and especially the grade II listed building, the former Aquarium (now cinema and a nightclub).

The Head of Development addressed the concerns raised by the Members and confirmed that affordable housing provision is only a requirement if it is viable to do so. He reconfirmed that the viability assessment was carried out for this development, but especially considering the current inflationary costs, this development becomes unviable if affordable housing is included. He further added that density of development is a consideration but also noted that this was desirable development on the brownfield land that would provide much needed housing provision; both which are encouraged by the National and Local planning policies.

Cllr Myers confirmed his considerations of National Planning Policy Framework (NPPF) recommendations in relation to density of development and referred to an example of converting spaces above existing shops. He agreed with the importance of housing development and especially a use of brownfield land and understood the considerations around viability and cost implications with inflation. However, he confirmed that there is a need for social and affordable housing and perhaps in the large development plans such as this, the cost charged on the private dwellings needs to increase or otherwise no social (or affordable) housing is ever built.

UNRESOLVED:-

08 ANY OTHER BUSINESS

The Chair confirmed he has not been notified of any other business as being of sufficient urgency to warrant consideration.

The meeting ended at: 19:30

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

Site Location: Land north of Scratby Road, Scratby

Site Location Plan: See Appendix 1

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

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

Case Officer: Mr Robert Parkinson

Parish & Ward: xxx Parish, xxx Ward

Date Valid: 20 June 2022

Expiry / EOT date: 31st January 2023

Committee referral: Constitution (25+ dwellings).

Procedural note 1: Whilst some areas of the development still need clarification and/or adjustment in line with officer recommendation, this item is referred to the Development Control Committee now to confirm whether it is appropriate to proceed in the recommended direction of travel in the terms described in this report through authority delegated to officers.

RECOMMENDATION:

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

REPORT

1. The Site

- 1.1 The site is towards the south-west corner of Scratby village, on land to the south of properties on Beach Road, and east of properties on Woodlands Close. The site has a gentle rise from Scratby Road north and east-wards, and is flat throughout. levels to the north-west corner are recorded as c.17.0m AOD. Along the south-east boundary, levels are generally uniform in the order of 15.6 to 15.7m AOD.
- 1.2 This is agricultural land last used for commercial fruit and vegetable growing, and frequent but temporary use for the circus 'Fantasialand'. The applicant also notes there were agricultural auctions and other uses in times past.
- 1.3 Surrounding uses are residential bungalows to the west (Woodlands Close) and north (Abels Close), with some residential curtilages from homes on Beach Road extending south to adjoin the north boundary. The east and south sides are generally open landscapes used for agriculture, with the low-rise holiday accommodation at California

to the east. Some trees adjoin the site and some are within the site, all on the north, west and east boundaries. Hedging runs along the east boundary. Adjoining the east boundary is a north-south electric pylon route, the easement for which extends into the application site. On the south side lies Scratby Road, and an informal layby sited opposite the proposed site access.

2. The Proposal

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

3. Site Constraints

- 3.1 The site is partially within and partially outside the adopted village development limits for Scratby.
- 3.2 Scratby is identified as a 'Secondary Village' under Policy CS2 of the Core Strategy. In general, Secondary Villages contain fewer services and facilities against their Primary Village, Key Service Centre or Main Towns counterparts, with limited access to public transport and very few employment opportunities. Accordingly, the development plan only seeks to distribute a very small proportion of future growth (5%) towards them, and their Tertiary Villages, combined.
- 3.3 The site is within close proximity to designated international wildlife sites.

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

4. Relevant Planning History

4.1 There has been significant planning history at this site and on adjoining land over recent years.

4.2 This area of the village on the south side of Beach Road has expanded fairly significantly in recently years, as below:

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

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

4.3 The application site itself has been subject to the following applications:

4.4 **06/19/0313/CU** – Page's Farm (The Strawberry Field), Scratby Road – this is area sometimes seen to be used by a travelling circus, 'Fantasialand'.

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

Reasons for refusal were:

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

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

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

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

Reasons for refusal were:

- 1) *This proposal is located on land outside current development limits and some distance from local schools. It is considered contrary to Great Yarmouth Borough Council saved policy HOU10 where permission for dwellings in the Countryside will only be given where required in connection with agriculture, forestry or other listed criteria and Adopted Core Strategy policy CS1 where growth is required to be sustainable by ensuring that new development is of a scale and in a location that complements the character and supports the function of individual settlements; and policy CS2 where in the countryside, development will be limited to conversions/replacement dwellings/buildings and schemes that help to meet rural needs; and the NPPF, as being outside the development limits and unsustainable location for this scale of development, notwithstanding the "tilted balance" where the numerical assumptions underlying this apparent shortfall in housing supply relate to a local method of calculation that is almost five years old and where the newer national methodology set out in the NPPF indicates a lower demand and where recent supply levels and approvals in advance of the emergent local plan provide comfort that this unallocated land need not be given up to development contrary to the aspirations of the local community.*
- 2) *The proposal site expands the village of Scratby away from the Beach Road and onto the Scratby Road, which has functioned to by pass the village to date and the proposal creates an intrusion into open countryside south of the village where development on Scratby Road will further the coalescence of Scratby with Caister contrary to the aims of the Landscape Character Assessment, where open views towards the coast are considered to have value and Policy CS11 (L) where strategic gaps help retain the separate identity and character of settlements in close proximity to each other.*
- 3) *The proposal is sited within the area categorised by DEFRA as high quality Grade 1 agricultural land (best and most versatile), and therefore contrary to Great Yarmouth Borough Council Core Strategy policy CS6(j), CS11(j) where the protection and where possible enhancement of high quality agricultural land is cited and Policy CS12 (g) Recognising the need to protect the best and most versatile agricultural land as a valuable resource for future generations and NPPF paragraph 170(b).*

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

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

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

- 4.8 This unresolved application is in outline form, but with full details of access, layout and scale forming part of the application, with matters of landscaping and building appearance being reserved for future determination. The layout had clearly shown an east-west linear form of large-footprint bungalows either side of a hammerhead road, so the density and positions / scale of development were fixed at that point.
- 4.9 The Development Control Committee considered the application and were informed that the 19 dwellings proposed were surrounded by housing on almost all of three sides of the rectangular application site, so was considered to be “within an existing residential area” despite being outside the development limits at the time.
- 4.10 There are some important features of that development, which is still technically pending approval, which are material considerations to this 41-dwelling application currently before Members:
- 1) Firstly, the 19-dwelling development was proposed with it’s access taken off Beach Road along what is now called Abels Court;
 - 2) Providing the access would require removal of at least two of the TPO-protected poplar trees in the north-west corner, but it was recognised that the trees’ lifespans would be compromised by disease;
 - 3) There was no requirement to provide public open space on-site and within the development, so instead there was an expectation that this be secured as a commuted sum for provision and enhancement elsewhere in the vicinity;
 - 4) As a result, the density of development in the 19-dwelling scheme (1ha site) was just 19 dwellings per hectare.
- 4.11 However, that application’s resolution to approve has not been able to be advanced because the Local Planning Authority has not been able to secure terms on the section 106 agreement with the landowner. It is understood that the applicant behind this current application has an opportunity to buy the land the subject of this current application and has served Article 13 notice on the landowner, but it is unclear who else may have a legal interest in the site of that particular pending application; if it was submitted by a person(s) who does not have a legal interest in the site that applicant may not have the authority to progress a section 106 legal agreement for that development.
- 4.12 Ultimately if permission is granted to this application the outstanding pending application 06/18/0475/O may be withdrawn or concluded in another manner, but for now the resolution to approve that application remains an important material consideration in the determination of this application.

5. Consultations

5.1. External Consultees

Local Highway Authority (Norfolk County Council)	Initial Objection. Updated position - No objection subject to conditions
<p>The Highway Authority agreed to remove its holding objection to the principle of the proposed development, following submission of the revised plan showing additional footway provision from the site access to Melton lane, including construction of a pedestrian refuge in Scratby Road. This is subject to agreeing appropriate detailed design & Safety Audit standards of construction.</p> <p>Traffic volumes and network capacity –</p> <p>It is accepted that the previous use as a PYO fruit farm generated a certain amount of traffic, but no evidence of the volume generated has been provided, which would have been limited to a relatively short period in the summer months and would be a significantly different character of impact if compared to a development of 41 dwellings that will result in the creation of a new permanent junction onto this route throughout the year.</p> <p>Off-site highways works -</p> <p>A Transport Statement was lacking originally but has been provided subsequently. The Transport Statement would have been important for assessing routes to schools and other services in Ormesby and whether any mitigation was required.</p> <p>The application should consider whether at least a TROD form of footpath could be provided along Melton Road and Station Road to connect with the sealed footpath on Station Road at Ormesby village. Limiting off-site highways works to just a short section on Scratby Road would not be sufficient.</p> <p>Accessibility –</p> <p>The limited access to village services and employment in Scratby itself creates an over-reliance on the private car and means this unallocated site is not considered suitable at the scale of development proposed, although their objection on highway safety grounds has fallen away.</p> <p>The physical and legal ability to provide a 1.8m wide footpath for the full length of Scratby Road should be thoroughly investigated as there appears to be encroachment into the highway preventing this.</p> <p>Scheme layout -</p> <p>The layout should avoid connecting a highway to the site boundary on the east of the site – as further development to the east would not be supported by the Highway Authority, and yet this layout would not prevent further development on the remainder of the field that was subject to the previous planning application.</p>	

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

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

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

Officer comment / response: These requirements are proposed to be secured by conditions.

Any relevant Condition / Informative note?
 Highway Officers have not yet provided a set of proposed planning conditions for use in the event that permission is granted.
 Conditions will be discussed with the highway authority and imposed after the Committee meeting if not beforehand.

Lead Local Flood Authority **No comment – the application falls below their consultation threshold for providing detailed assessment.**

The LLFA have only provided their “Standing Advice for Major Development below LLFA thresholds.”

To ensure that development is undertaken in line with Paragraph 167 and 169 of the NPPF the LLFA recommends that LPAs satisfy themselves of the following considerations prior to granting permission for major development below LLFA thresholds:

1. Is the development site currently at risk of flooding?
2. How does the site currently drain?
3. How will the site drain?
4. What sustainable drainage measures have been incorporated into the design?
5. How many SuDS pillars (Water Quantity (flooding), Water Quality (pollution), Amenity and Biodiversity) are included?

At a high level, the evidence should be provided by applicants for review by the LPA to demonstrate compliance with Paragraph 169 of the NPPF.

Officer comment / response: The general principles of the surface water drainage scheme have been laid out and discussed in the Flood Risk Assessment and Drainage Strategy report.

Officers are content that there is very low risk of flooding, the site’s existing greenfield infiltration rate of drainage can be closely replicated by the proposed suds features, and there is unlikely to be unusual contaminant threats to water quality which couldn’t be treated by existing technologies.

However, the LLFA standing advice cautions that pollution interceptors may be required and it is not clear if these are proposed, so it must be

	<p>shown that appropriate measures are being taken to address water quality and maintenance thereof.</p> <p>Biodiversity cannot be enhanced in the drainage proposal but harm thereto should be avoided. The scheme is discussed in the report below.</p>
Any relevant Condition / Informative note?	The final surface water drainage scheme details can be secured by condition to ensure it is suitable re pollution and practical as clarification is also required to ensure the intended highways drainage features can be adopted, otherwise it may require a revised approach to surface water drainage.

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

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

NETI (NCC Ecology)	No Objection
<p>On initial assessment of the proposals, NETI identified the Ecology Survey and Shadow Habitat Regulations Assessment to be significantly out of date, undertaken in 2020, and relating to previous proposals over a much wider area, so updated reports were requested.</p>	

The September 2022 Shadows Habitats Regulations Assessment report is acceptable to ensure the application can pass the Habitats Regulations Assessment's Appropriate Assessment stage by fulfilling the GIRAMS financial contribution mitigation (41 x £185.93) rather than requiring any additional bespoke mitigation measures.

The subsequent site walkover survey of August 2022 and validation report of December 2022 were considered acceptable.

If approval is granted, conditions would be required for:

- a Biodiversity Method Statement which will collate the various enhancements and mitigation measures proposed for flora, Birds, Bats, and Hedgehogs within the development, and should be prepared using the information in section 5 and 6 of the Ecology report.
- A Lighting design strategy (focussing on ecology mitigation)

Officer comment / response:	The mains water supply runs along the west side of Scratby Road and should be unaffected although care is required during highway works and making foul sewer connections.
Any relevant Condition / Informative note?	Conditions are requested and hereby proposed for: <ul style="list-style-type: none"> • A Biodiversity Method Statement

Natural England	No objection subject to mitigation
<p>The application can only be considered acceptable and able to pass the Habitats Regulations Assessment if:</p> <ul style="list-style-type: none"> • it provides the GIRAMS financial contribution mitigation (41 x £185.93); and, • it provides appropriate (improved) quality of public open space / on-site green infrastructure. <p>If approval is granted, conditions and/or planning obligations need to be used to secure these.</p> <p>Green infrastructure –</p> <p>Natural England advise that, if effectively designed, the provision and promotion of 'on-site' measures is important in minimising any predicted increase in visits to the designated sites and the associated disturbance this causes. The provision of quality on site green infrastructure has a wide range of benefits which are crucial for people and nature while also being beneficial for developers looking to deliver quality homes. Natural England advises that the overall quantity of green infrastructure proposed is sufficient that the quality could be improved.</p> <p>There are areas where further improvements are required to lessen the recreational impact on designated sites:</p>	

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

Officer comment / response:

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

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

Any relevant Condition / Informative note?

Conditions are requested and hereby proposed for:

- A Public Open Space scheme, with regard to multifunctionality.
- Recreational Avoidance Strategy details, for improved provision of on-site facilities and increased awareness of links to offsite public rights of way networks and recreational sites of lesser vulnerability.
- Improved landscaping and tree planting details.

Norfolk Fire Service

No objection subject to conditions

The development will require at least two fire hydrants, connected to the potable water supply, dependent on site layout, and hydrant(s) shall conform to BS750 and be fitted on no less than a 90mm main.

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

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

<p>No dwelling shall be occupied until the hydrant(s) serving the property or group of properties has been provided to the satisfaction of the Council in consultation with Norfolk Fire and Rescue Service.</p> <p>Please note that the onus will be on the developer to install the hydrants, during construction, to the satisfaction of Norfolk Fire and Rescue Service at the developer's cost. Given that the works involved will be on-site, it is felt that the hydrants could be delivered through a planning condition.</p>	
<p>Officer comment / response:</p>	<p>Fire hydrants can be required by conditions, so the provision is linked to final designs of highways construction and drainage.</p>
<p>Any relevant Condition / Informative note?</p>	<p>Condition – A scheme for suitable fire hydrants provision to be agreed prior to commencement & provided prior to occupation.</p>

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

5.2. Internal Consultees

Environmental Health Officer	No objection subject to conditions
<p>Noise –</p> <p>Conditions are requested to ensure that dwellings are constructed to a standard which achieves certain minimum sound protection, presumably to defend against noise from traffic on Scratby Road. The request is to provide:</p> <p><i>Sound attenuation against external noise and ensure internal sound levels no greater than:</i></p> <p><i>a) 35dB LAeq(16 hour) in the main living rooms of the dwelling(s) (for daytime and evening use); and</i></p> <p><i>b) 30dB LAeq(8 hour)/45dB LAmx(fast) in the bedrooms of the dwelling(s) (for nighttime use) in line with World Health Organisation guidance, with windows shut and other means of ventilation provided.</i></p> <p>Contamination –</p> <p>Precautions should be taken to ensure any unexpected contamination is dealt with appropriately.</p> <p>Air Quality during construction –</p> <p>The site will potentially generate a significant amount of dust during the construction process; therefore, the following measures should be employed:</p> <ul style="list-style-type: none"> - An adequate supply of water shall be available for suppressing dust; - Mechanical cutting equipment with integral dust suppression should be used; - There shall be no burning of any materials on site, or burial of asbestos, which should instead be removed by an EA licenced waste carrier, and the waste transfer notes retained as evidence <p>Noise during construction –</p> <p>The applicant is strongly recommended to advise neighbouring businesses and residential occupiers of the proposals, including any periods of potentially significant disturbance e.g. demolition or piling, together with contact details in the event of problems.</p> <p>Hours of Work -</p> <p>Due to the close proximity of other residential dwellings and businesses, the hours of any construction or refurbishment works should be restricted to:</p> <p>0730 hours to 1830 hours Monday to Friday 0830 hours to 1330 hours Saturdays No work on Sundays or Bank Holidays.</p>	
Officer comment / response:	<p>It is unnecessary to require specific noise protection standards for this development with no unusual prevailing background noise circumstances, especially so if the standards are no more exacting than those within building regulations anyway.</p> <p>Contamination is not expected given former uses but requiring suitable precautions shall be a condition as proposed.</p>

	<p>Dust measures can be required by conditions and a Construction Management Plan which shall include some general measures for noise minimisation and advertising contact details for a responsible site operative(s), and establishing appropriate working hours.</p> <p>Construction noise could be significant for dwellings closest to the residents on Woodlands Close. Officers have concerns that to impose any specific restrictions through planning could be unduly restrictive to construction of this development, and instead the impacts are better assessed through Environmental Health monitoring and responses to complaints.</p>
Any relevant Condition / Informative note?	<p>See proposed conditions and informatives:</p> <p>Conditions:</p> <ul style="list-style-type: none"> • Contamination precautions • Construction management plan: dust, noise, hours <p>Informatives:</p> <ul style="list-style-type: none"> • Building fabric noise standards • Construction noise notification • Hours of work

Strategic Housing and Enabling Officer	No objection subject to securing appropriate affordable housing by s106
<p>The site is within the Northern Rural Sub-Market Area and is therefore required to make a 20% affordable housing contribution with a starting point for tenure split of 90% Affordable Rent Tenure (ART) / 10% Affordable Home Ownership (AHO).</p> <p>This site is providing 14 affordable units which is above the policy requirement, and meets the guidance of the pre-app discussions which required, 3 units on the allocated site and 10 on the area considered an “exception site”.</p> <p>The affordable rent 2 bed properties meet NDSS for 4 persons, bungalows and houses which is acceptable, the 3 bed houses however are for 5 persons (93m²) and we would request this is increased to meet the size for 6 persons (102m²).</p> <p>Alternatively a need for 1 bed 2 person properties does exist and therefore top and bottom flats would be acceptable in this location, I note under the Local Validation Checklist all affordable housing will need to meet M4(2), so the bungalow and any ground floor accommodation must provide level access showers.</p> <p>I note the developer is working with Saffron Housing Association, this organisation would be able to provide a housing needs survey to support the requirement and affordability of the affordable home ownership product, as my understanding is, although there are several applicants registered for AHO on the Help to Buy register, their affordability for 3 bed properties would be stretched, this evidence would be needed to ensure the properties are affordable for local people.</p>	

As the site is being brought forward as a whole, the S106 will need to detail, which plots are the policy contribution and which are the exception contribution. This is needed to ensure the local connection cascade is applied correctly. Exception properties are also required through Homes England funding to be capped at 80% sale.

Officer comment / response:

It is unnecessary to require specific noise protection standards for this development with no unusual prevailing background noise circumstances, especially so if the standards are no more exacting than those within building regulations anyway.

Contamination is not expected given former uses but requiring suitable precautions shall be a condition as proposed.

Dust measures can be required by conditions and a Construction Management Plan which shall include some general measures for noise minimisation and advertising contact details for a responsible site operative(s), and establishing appropriate working hours.

Construction noise could be significant for dwellings closest to the residents on Woodlands Close. Officers have concerns that to impose any specific restrictions through planning could be unduly restrictive to construction of this development, and instead the impacts are better assessed through Environmental Health monitoring and responses to complaints.

Any relevant Condition / Informative note?

See proposed conditions and informatives:

Conditions:

- Contamination precautions
- Construction management plan: dust, noise, hours

Informatives:

- Building fabric noise standards
- Construction noise notification
- Hours of work

- 5.3 **Arboricultural Officer** – The Tree Officer has submitted a representation that they have no objection to the proposals, but for the avoidance of doubt some detailed comments have been requested ahead of the Committee meeting.
- 5.4 **Strategic Planning Officer** – where relevant and agreed with, the comments are integrated into the planning assessment throughout his report.
- 5.5 **Coastal Protection Officer** – no comments as the site is inland of the coastal erosion vulnerability area.
- 5.6 **Norfolk Constabulary – Designing out crime officer** – No comments received.

6. Publicity & Representations received

Consultations undertaken:

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

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

Reasons for consultation: Major development.

6.1. Ward Member(s) -

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

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

Representation	Officer Comment
This is not within (an allocation of) the GYBC Local Plan	The site is largely within the adopted development boundary limit of the village. - see Section 10 of this report.
The position of the development is uncharacteristic for the area	Impacts on the setting and appearance of the village are discussed at Section 15.
There are no links to Scratby village	A proposed safe walking route will be available albeit further than is desirable. Some links to off-site recreation areas are also improved. – see Section 12.
Scratby is a tertiary village	This is correct but does not exclude Scratby from new housing growth at an appropriate scale. – see Section 10.
There are highway safety issues – dangerous for pedestrians walking along Scratby Road into Scratby village.	Some highways safety works are proposed to improve links with the village. – see Section 12.
This development sets a precedent – with the prospect of the rest of the filed being developed at a later date.	The development is considered on its own merits and is largely within the adopted village envelope so further growth would be contrary to policy. – see Section 24.

No access to villages other than use of motor vehicles will put a burden on surrounding roads	Highways capacity is adequate and no highways safety concerns remain. – see Section 12.
No direct link to Hemsby/Ormesby	This is the same for the existing Scratby village but it has still been identified for additional growth in the local plan and in this site in particular. – see Section 12.
Strain on doctor and dentist surgeries.	The scale of development falls below the threshold for Integrated Care Services (PCT/NHS) comment or subsequent infrastructure payments.
Affordable homes but no infrastructure – such as bus and transport links	This is the same for the existing Scratby village but it has still been identified for additional growth in the local plan and in this site in particular. – see Section 11.
Pathfinder Report questions the financial viability of this development	The report confirms in the applicant's opinion this is a viable development with the policy-based provision of affordable housing. Some independent viability analysis will be provided to the Committee meeting. – see Section 23.
Proposed crossing to the garden centre would put pedestrians in danger due to the bend in the road along Beach Road.	The Highways Authority is satisfied that the crossing will be a suitable location and benefit to existing residents. No specific pedestrian refuge was requested in this location. – see Section 12.
This is agricultural land.	The loss of agricultural land and its quality is an important consideration but half the site is already in the development boundary and the remainder is said by the applicant to be a 'de minimis' loss. - see Section 10.
There are seven objections on the planning portal	The number of objections raised is not material, only the content. See paragraphs 6.4-6.10
Loss of countryside views	Loss of a view is not a material planning consideration and impacts on outlook are not considered detrimental. – see also Amenity discussion at Section 17.

6.3. Public Representations

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

Objections / Concerns:

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

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

6.5 Cumulative developments – See Report sections 10 & 24.

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

6.6 Highways concerns – See Report section 12.

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

6.7 Design – See Report section 15.

- The Woodlands Close development adjacent this site is an unimaginative eyesore
- The greenbelt between Ormesby and Caister now amounts to the Caister bypass, and this proposal will herald the beginning of joining Scratby to Ormesby.
- The design of the houses do not blend in with existing houses in this area.

- The designs are charmless and non-coastal in appearance which detracts from the diverse and characterful homes in Scratby.
- The row of 4no. two-storey terraced houses in the north-west corner (plots 8-11) have the potential to cause overlooking of the new bungalow approved and under construction behind Woodlands Close.
- This is not connected to / related to the village.
- Scratby is a small village with very little green space left and this should not be lost.

6.8 Local services and infrastructure – See Report section 10.

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

6.9 Amenity – See Report section 17.

- The build will take approximately two years to complete. This will ensure major noise, safety, travel and service disruption to Scratby and surrounding villages.
- Building activities and construction vehicle noise.
- Council Tax will need to be spent to improve and maintain village facilities.
- Loss of outlook to adjoining properties.
- Increased sense of enclosure at homes adjoining the site.
- The housing will overlook properties at Woodlands Close.

Support:

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

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

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

The Great Yarmouth Local Plan Part 2 (adopted 2021)

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

8. Other Material Planning Considerations

Supplementary Planning Documents

Draft Open Space and Recreational Needs Supplementary Planning Document

National Planning Policy Framework (July 2021)

Section 4: Decision Making
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well designed places, including paragraphs 124 d) and 130 f) of the NPPF – requirement to provide a high standard of amenity for existing and future users / neighbours / residents
Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

National Planning Practice Guidance

The National Planning Practice Guidance sets out the key principles in understanding viability in plan making and decision taking. Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value landowner premium, and developer return.

To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to fully comply with policy requirements.

In terms of developer return this is the level of return a developer will need to bring the site forward. Planning Practice Guidance suggests a profit return range of between 15% and 20% is appropriate and reasonable.

The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.

9. Planning Analysis

- 9.1. Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to–*
- (a) the provisions of the development plan, so far as material to the application,*
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,*
 - (b) any local finance considerations, so far as material to the application, and*
 - (c) any other material considerations.*

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

Main Issues

The main planning issues for consideration include:

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

- Neighbouring amenity

Assessment:

Proposal summary: to provide 41 dwellings and public open space

10. Principle of Development

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

Housing supply and needs –

- 10.3 Scratby has grown from a small linear settlement along Beach Road and most of what is known as Scratby has been entirely built since post-war with access to the railway line. The village has contributed significantly to housing in secondary and tertiary villages in recent years largely due to housing windfall sites.
- 10.4 Scratby provides an appropriate and proportionate contribution to housing provision without the need for specifically-allocated residential sites.
- 10.5 The development plan must make provision to accommodate at least 5,303 dwellings within the plan period (2013-2030). A 5% share would equate to a combined total of 265 dwellings shared between the secondary and tertiary villages.
- 10.6 To date (April 2022), 181 dwellings have been developed across all the secondary and tertiary villages. Of this total, 164 (90%) have been built within the secondary villages – which reflects the relative unsustainability of tertiary villages given their complete lack of services, facilities and access to public transport. It is therefore assumed that the overriding majority of the secondary & tertiary village 'balance' (approx. 84 dwellings) would likely need to be provided within the secondary villages, or further 'up' the settlement hierarchy (e.g. primary villages).
- 10.7 That said, each individual Secondary village does have varying levels of sustainability. Scratby does not have any primary school provision and safe routes to Ormesby St Margaret (where provision does lie) is very poor. This is in contrast to other secondary villages such as Filby, Fleggburgh or Rollesby which do include provision of primary schools. This must be taken into account notwithstanding the village's designation in the local plan. and therefore needs to be taken into the planning balance with respect

to the amount of potential affordable homes which could be provided through this scheme

Location of development -

- 10.8 The development falls partly within, but also partly outside, the development limits.
- 10.9 The Development Limit for this part of the village was amended in the Local Plan Part 2 update to the Proposals Maps. The village boundary was expanded in 2021 to include the area where application 06/18/0475/O was resolved to be approved by Development Control Committee in June 2019, despite the lack of progress made in being able to actually issue permission for that 19-dwelling development.
- 10.10 The development area within that 2019-resolution amounted to an area of 1ha.
- 10.11 Unfortunately, in practice the extent of the development limit drawn and approved by the Planning Inspectorate was actually slightly shy of the area actually covered by the previous 'resolution to approve': the adopted development limit is actually 0.8ha whereas it should have been 1.0ha, a difference of 2,000sqm area and extending approximately 15m further south than the adopted formal designation.
- 10.12 Nevertheless, Officers accept the intended development limit should have included the full area covered by application 06/18/0475/O as a significant material consideration which would have extended the "intended development limit" to cover an area of 1ha.
- 10.13 For purposes of comparison, the refused application for 67 dwellings ref. 06/20/0313/F amounted to approximately 3.1ha compared to this proposed development's 2.1ha.
- 10.14 This current planning application proposes all the public open space and the access road, pumping station and electricity substation outside even the line of the "intended Development Limits"; ordinarily these would be expected to be located within the development limits were possible and practicable as features to serve the needs or address the impact of the development.
- 10.15 In terms of quantum of housing development, some 36 dwellings are considered 'within' the 'intended Development Limits', with 5 dwellings lying just outside the southern boundary (Plots 28, 29, 30, 21 and 27).
- 10.16 This is only useful as a guide however; in practice the error in drafting the local plan boundary means that 22 dwellings are proposed in the legal adopted development boundary and 19 dwellings are proposed outside the adopted boundary, in 'countryside' land.
- 10.17 The principle of development therefore concerns:
- whether the access, enabling features, public open space and 5no. dwellings should be located outside the development limit;
 - whether the loss of agricultural land is acceptable; and,
 - whether the quantum of development is acceptable in the location proposed.

Principle of development outside defined village limits

Public open space –

- 10.18 The public open space should be provided on site in accordance with adopted policy H4. The 4,223sqm amount proposed significantly exceeds the amount required for 41 dwellings: the expected minimum provision would ordinarily amount to 971 sqm so there is a technical over-provision of 3,473sqm in this development.
- 10.19 The increased provision of open space is considered a benefit to the development, especially in regards the difficult and in some respects dangerous route to recreational space at Station Road, Ormesby. However it does extend the perceived extent of the village envelope significantly further south than what was anticipated by the development limit. On the other hand, trying to provide even the minimum necessary public open space quota within the development limit boundary would push new housing further south and make those dwellings more prominent in the landscape. As proposed, the development remains tucked behind the new bungalows along Woodland Close, and will be slightly more recessive, which is discussed further in the design and landscape impacts section of this report.
- 10.20 The public open space and the access road will create a more formal setting and appearance to the village than the existing agricultural fields. This would extend the appearance of urban development approximately 130m further south-east along Scratby Road from the rear boundary of the new dwellings on Woodlands Close.
- 10.21 It is noted the site rises very slightly from west to east but the rise is not dramatic. It is considered the sense of urbanisation will increase somewhat but the impact should be lessened by the use of trees and native hedging around the edges of public open space and both sides of the new access road. Other than creating a backdrop of housing, pumping station and electric substation, it is anticipated that the screening proposed will minimise the sense of creating a more formal approach to the village by hiding the public open space.

New access road -

- 10.22 The Local Plan development boundary was drawn on the basis of the 'approved' housing scheme in application 06/18/0475/O extending the village by adding 1ha of bungalow development, accessed from the northwest and Beach Road / Abel Court. To do the same has not proven possible in this instance, possibly due to landowners failing to reach agreement for rights of access and possibly due to being unable to create a road to suitable standard for the quantum of development proposed. Attempting to re-route access through to Beach Road, however, would require a revised layout and likely reduce the numbers of dwellings that might be provided within the development limits, or increase the spread of development further south, with possible consequences for the proposed number of affordable dwellings to be provided.
- 10.23 It is noted that the refused application 06/20/0313/F included the reason for refusal that discussed the 'urban creep' of development towards Caister and erosion of the strategic gap, as below:

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

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

Additional dwellings -

- 10.27 The Local Plan has already anticipated urban development to infill the 0.8ha area at the north of the application site. The proposed development extends further south than the local plan development limit. Had the previous scheme been realised, that development would have created a low-profile but featureless development line of the rear of bungalows with little softening, albeit slightly further away. This proposal may be more prominent but it offers greater visual interest to the approach to the village.
- 10.28 The pumping station is likely to be enclosed by a brick wall and the electric substation is of utilitarian design but can be mitigated and the impact lessened by screening through conditions and/or amended details. By aiming to consolidate the built development together, these features are proposed in their only feasible location necessary due to the topography of the site. With the soft landscaping proposed along the current application site edges, the overall visual impact of this larger urban environment will be lessened, despite the development now being south-facing and

outwardly orientated, rather than the former scheme's proposals which offered only a hard edge to the village and an inward-looking design.

- 10.29 As a principle, new dwellings outside of the development limits are considered to be in the countryside regardless of their proximity to other dwellings or the development limit boundary. As such they are not supported in principle unless they meet specific criteria set out in policy or provide suitable alternative public benefit; this is discussed later in the report.
- 10.30 This proposal includes 5 dwellings located outside the 'intended development boundary', but 19 outside the 'adopted development limit'. None meet those 'exception criteria' in policy. To be considered favourably there must be very strong reasons presented to justify why even only a fairly small part of the overall development should depart from these adopted policies; this application presents such a material consideration and is discussed later in this report. If the decision maker is satisfied the development provides sufficient public benefit to justify development in the countryside, the material considerations would override the principle of development being contrary to adopted policy.

Loss of agricultural land

- 10.31 The application site is referred to as 'The Strawberry Field' and is agricultural land. The Council's and Natural England's data records this is Grade 1 quality land in the Agricultural Land Classification. One of the reasons for refusal of application 06/20/0313/F was that the land was deemed Grade 1 quality.
- 10.32 The applicant has provided their own detailed assessment dated January 2021, produced after the Development Control Committee considered the application 06/20/0313/F. This survey included soil quality assessment and contends that it is more appropriate to be considered Grade 2 ALC, due to having a compromised moisture balance and a undesirable soil droughtiness.
- 10.33 The area of development outside the 'intended development limit' amounts to approximately 0.75ha of classified Grade 1 – 2 Agricultural land, either way land of the greatest value. It is not intended to interrogate the quality of soil assessment, given that the majority of housing land falls within land either in the development limit or previously expected to be developed and the balance is a relatively small area. If it is accepted that the development quantum is acceptable (and in turn the affordable housing provision) and if it is accepted the development should provide the additional public open space on site and position that 'outside' the housing area, then the loss of 0.75ha agricultural land is a consequence of achieving that amount of development.
- 10.34 The presence and shape of the road and pumping station makes the field more awkward to farm productively for approximately a c.50m-long part of the field but they are consequences of the highways design safety standard. On balance it is considered the inconvenience to agriculture is relatively small and should not compromise the field's wider beneficial use.

Quantum and density of development

- 10.35 The planning application site amounts to 2.1ha or 21,000sqm. The 41 dwellings are complemented by 4,223sqm of public open space, which makes the 'built development area' in this application scheme approximately 1.67ha. Ordinarily, density of development would be calculated with any on-site public open space included within the area which would amount to 19.5 dwellings per hectare, the same as that 'approved' in the former development of 19 large-plan bungalows.
- 10.36 It is considered important to also assess the consequences of removing public open space from the calculation of density, in order to provide a more balanced comparison against the 'approved' 19 dwelling scheme. Doing so means this application would achieve a comparable density of 24.6 dwellings per hectare, much more in line with the expectations of policy H3 which seeks 20 dwellings per hectare.
- 10.37 By locating the public open space outside of the proposed built-development area it causes the density of the built environment within the scheme to be notably higher, at 24.6 dwellings per hectare. However, this is not considered unacceptable when noting that Local Plan Part 2 policy seeks a density of at least 20dph (albeit 30dph would be too dense). The development is therefore considered an efficient use of land acceptable in principle, subject to other local plan policies being satisfied.
- 10.38 It is necessary to also draw comparison to the density already considered favourable through the application 06/18/0475/O. At 19 dwellings, the extant (resolution to approve) outline application has a density of 23 dwellings to the hectare and was granted prior to the adoption of Policy H3 which sets a minimum density of 20 dwellings per hectare. If that site were to be approved under policies currently adopted, that scheme would now be expected to generate a minimum of approximately 16 dwellings (a 0.85ha site at 20 dwellings per hectare and with no on-site open space provision, as not of a level to be required by Policy H4).
- 10.39 If this application proposed 23-24 dph it should be considered favourably in respect of density because it is comparable to the previous form of development considered acceptable – but doing so would only be acceptable now if long views of the scheme when seen looking towards the village were carefully considered and impacts appropriately mitigated: this is discussed in more detail at Section 15.
- 10.40 Taking into account the above, the principle of development within the northern portion of the site would likely be generally acceptable for between 16 – 22 dwellings, as reasonably tested through the current resolution to approve and expectations of this part of the site through the currently adopted policies GSP1, H3 and H4. The scheme accordingly proposes 22 dwellings within the adopted development limit area.
- 10.41 Any development outside the development limit area is however contrary to policy by principle and must demonstrate suitable public benefits to justify that conflict with policy.

Accessibility

- 10.42 The 19-bungalow development was considered acceptable as it provided accessibility to Beach Road, which was deemed sufficient to access the small village shop on

Beach Road. There is no such direct access in this proposal which is a significant barrier to its integration with Scratby village and means residents will have to take the convoluted route down the access road, along Scratby Road and along Beach Road to the store and beyond. In all, the shop becomes approximately a 475 – 500m walk / cycle.

- 10.43 The lack of direct pedestrian and cycle access closer to the middle of Scratby village is a justifiable concern but providing such a link has not been considered by the applicant and is likely to be undeliverable due to land ownership constraints (Abel Close is not an adopted highway). Unfortunately, the Local Plan Part 2 did not see the need to specifically allocate this land for a specific form of development other than expand the development limits around the site of the area with a resolution to approve development; consequently there are no associated policies which dictate the layout or quantum of development, nor where vehicle access or non-car links should be provided.
- 10.44 The Highway Authority has identified that the site is not an officially-adopted allocation for a specific quantum of housing growth in the Local Plan; as a result, the Highway Authority would have had little opportunity to respond to such an anticipated scale of growth at the time of the Local Plan's adoption. Notwithstanding this concern, if the development addresses the density expectations of policy, a development on this windfall site largely within development limits does feasibly have the potential to be a similar scale of growth as is currently proposed within the development boundary (22 dwellings); the additional homes (19no) would have to demonstrate suitable public benefits to be justified.
- 10.45 Nevertheless, the Highway Authority does have significant concerns that the number of dwellings is too significant to be sustainable in this location, representing an unsustainable development due to its lack of access to services and facilities.
- 10.46 The Highway Authority is satisfied that a minimum level of sufficiently safe access can be achieved for pedestrians to Beach Road and towards Ormesby. Policy guidance would expect links to be no more than a 400m walk to services unless unavoidable.
- 10.47 In terms of cyclists it has not been possible for the applicant to provide a suitable width of shared cycle/path route along the east side of Scratby Road; to do so may require widening the carriageway elsewhere which has not been explored. Presumably the Highway Authority considers the short distance for cyclists using Scratby Road and turning right into Beach Road to be of acceptable low risk despite the 40mph speed limit and excessive vehicle speeds anecdotally witnessed on Scratby Road as the road curves away from Beach Road.
- 10.48 There is no objection from the Highway Authority on highways safety grounds. In the absence of such an objection there are not considered sufficient grounds to refuse the application on the basis of highways safety concerns as per paragraph 109 of the National Planning Policy Framework.
- 10.49 Furthermore, in the absence of local plan policies to the contrary, it is not considered reasonable to refuse residential development of the scale proposed, in this location mostly within development limit boundary, solely on the basis of there being otherwise-inadequate accessibility for pedestrians and cyclists.

11. Affordable housing provision

11.1 Some 5no. dwellings are proposed on the south side of the site in the designated 'countryside' area where new housing is not normally permitted. Acknowledging this, the application has offered some 9no. dwellings positioned outside the adopted development limit (19no total) to be provided as "Affordable Housing for Local Needs" and proposes this element of the development as what might be termed a "rural exception site". These would be in addition to the expected number of affordable dwellings required by planning policy (4no. / 20%) from the dwellings within the development limit (22no).

11.2 Therefore, Officers consider it appropriate to assess the application as a 'hybrid' proposal whereby:

- an appropriate number of 'general needs' affordable homes should be provided as a proportionate number of affordable homes within the development limits in accordance with adopted policy – which has been achieved; and,
- an additional number should be provided from those dwellings proposed on land outside the development limits, in accordance with the principles set out for 'rural exception site' schemes in the National Planning Policy Framework paragraph 78.

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

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

11.4 The applicant has presented the additional dwellings for local need affordable housing as "a substantial provision of affordable housing in such short supply in the area, [which is especially important with] Scratby being the only village in the Borough with no affordable/council housing at all."

11.5 Paragraph 78 of the NPPF states:

"In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this."

11.6 The intent of Paragraph 78 is clear: 'rural exception sites' can be allowed if they help address an existing local housing need, and if to do so requires some cross-subsidy from market-housing this should not be prevented; however, the level of market housing proposed should not be any more than the minimum needed to deliver those 'local needs' affordable dwellings.

11.7 As such, the applicant has presented a viability appraisal of the development to demonstrate how the proposal would cross-subsidise the affordable dwellings. Officers have therefore commissioned the advice of independent assessors to confirm whether this is accurate.

11.8 The applicant has proposed 14 affordable housing dwellings, comprising 11 no. affordable rent and 3 no. intermediate tenure.

The proposed 14no. affordable housing mix is:

- 2no. 2 bedroom 4-person bungalows – Affordable rent
- 6no. 2 bedroom 4-person houses – Affordable rent
- 3no. 3 bedroom 5-person houses – Affordable rent
- 3no. 3 bedroom 5-person houses – Intermediate tenure
(the applicant's layout proposes the Intermediate Tenure homes as Shared Equity housing rather than the expected and preferred Shared Ownership model)

11.9 Of the overall development the 14 dwellings amounts to 34% of the 41 proposed, with 79% of that as affordable rent and 21% as intermediate tenure.

11.10 However, the provision outwith the development limit has not yet been satisfactorily demonstrated to be an appropriate level which is NPPF-compliant (ie the maximum that can be achieved as affordable housing) in accordance with the NPPG procedure. The LPA has commissioned an external viability assessment and further advise will be provided ahead of the Committee meeting.

11.11 The Council's Strategic Housing Officer is generally satisfied with the proposed mix of affordable housing in the application because it provides the necessary amount of affordable housing: 4no properties within the development limits for 'general needs' housing, being 20% of the part of the development seen to fall within the formally adopted development limits.

11.12 In addition, the 10no. affordable dwellings proposed for specifically identified 'local needs' housing is welcomed (though the minimum of 10 is subject to review through viability appraisal).

11.13 The Strategic Housing Officer has stated that the mix proposed is not ideal, for the following reasons:

- there is a recognised need for the 2-bedroom affordable rent properties sized for 4 persons; but,
- the proposed 3-bedroom terrace houses are too small for currently-identified affordable housing demands, being sized for 5 persons (93sqm) rather than up to 6 persons (102sqm) – ie to accommodate 2 parents and 4 children, 2 per room; or,

- the same houses could be changed into multiple flats to address the need for 1-bedroom 2-person properties.

11.14 Housing officers have asked that the 3 bed premises be increased in size to a 6 person unit, but the applicant is concerned there is not enough room on site to increase the footprint of those terraces and they do not have a readily-available design of house to do so. Planning Officers caution that there could be significant additional impacts from increasing the number of dwellings were the houses to be replaced with flats. However, the applicant believes there will be a demand for the 3-bed 5-person types, when working with their Registered Provider.

11.15 The Strategic Housing Officer has also stated that they have concerns that proposed tenures of the affordable housing are not appropriate. Their concerns are predominantly that the cost of an 'affordable ownership tenure' is not achievable, neither to local residents nor those on the 'general needs' housing register, and the affordability of a 3-bedroom dwelling will be challenging. The applicant has expressed a willingness to review this as part of section 106 discussions.

11.16 As such, the precise tenure allocation of each type of the 14no. affordable dwellings still needs to be confirmed. This can also be agreed through delegated authority as part of viability discussions.

11.17 Officers have significant concerns that the purported benefits of this development are an increased affordable housing provision above and beyond that expected by local policy. This is not inaccurate, given that a scheme of 41 dwellings with 21% provision would provide only 8 dwellings, before considering that a lesser number of units would be expected from development just within the development boundary. In this case, the provision of at least 14 dwellings (34%) of the overall amount is indeed a significant benefit.

11.18 However, to be of genuine benefit the (minimum) 10no. affordable units considered "exception housing" must be affordable and achievable to the local community. The terminology used in the submitted application documents varies so without clarification the tenures put forward could suggest this is challenging:

- 'affordable home ownership' is a product that government dictates is still 80% of the prevailing market value which is a significant costs to local residents especially for larger (3 bed) homes;
- 'shared ownership' offers more flexibility, and can be capped at anything by agreement between 50-90% of the value, if the applicant didn't agree these would also be unattainable;
- 'shared equity' is also not generally encouraged as there is little demand.

11.19 Furthermore, the viability of the development is being tested to ensure that the 10no. dwellings proposed from the 19 'outside' the adopted development limit is the minimum needed to deliver this part of the site as 'exception housing'. If there are differences in the appraisal findings, the number of 'exception site' affordable dwellings for local use may in fact increase.

11.20 Permission should not be granted before the following matters have been agreed:

- Is there a realistic demand and true need for 3-bed 5-person housing;
- Which units will be proposed for general needs housing; and,

- How many, and which units will be used for 'local needs' housing.
- This may be clarified by the applicant presenting a 'Local Needs Housing Survey' to Officers for consideration as evidence to support their proposal.

11.21 In any case, such discussions are fundamental to the terms of the section 106 agreement and would be finalised following the committee meeting and before permission is granted.

11.22 If the development were considered acceptable as proposed, any approval would need to be subject to a section 106 agreement to secure the affordable housing types and tenures. The initial proposed allocation of units is shown on the applicant's affordable housing schedule and has been drafted with the input of a registered provider so there is confidence the scheme will come forward with at least 14 affordable homes.

11.23 In drafting the terms of the section 106 agreement, the 'Local needs housing' would need to be limited to occupation by those people in housing needs with a direct and longer-term connection to the parish or adjoining parishes and a more demonstrable need to reside in the village, which is secured by a local lettings policy to be set out in the section 106 agreement. 'General needs' affordable housing is available to all residents in housing need across the Borough and wider housing market area with no additional priority given to 'local connection', also subject to the section 106 albeit under differing terms.

12. Access, Traffic and Highways

Traffic volumes and character:

12.1 The Highway Authority initially expressed concern over the difference in impacts between the previous 'Pick Your Own' fruit growing use and a residential development, citing volumes, seasonality and frequency differences. The applicant has contended there were various uses throughout the year which created some impacts and movements to the site.

12.2 In any case, the applicant has suggested that the difference of 22 additional dwellings over the 19 bungalows previously resolved to be approved should not be considered as too significant an increase for the highway network capacity.

12.3 Vehicle tracking has been provided and visibility splays are appropriate for safety standards.

Accessibility to off-site facilities:

12.4 Concerns have been raised that the scheme does not provide suitable accessibility for future residents and in particular the lack of access along Melton Lane is a concern.

12.5 There is a connection proposed to the small village shop and garden centre on Beach Road opposite Woodland Close; though the route is circuitous this is acceptable and will help provide some day to day provisions for those in need without access to the car. Unfortunately, in all other respects Officers accept that the scale of development will lead to an increased dependency on private motor vehicles.

- 12.6 To some extent, the scale of development is to be expected if proposals are to achieve suitable densities on such windfall sites inside development limits, with the remainder to be determined on the basis of the public benefits it might provide.
- 12.7 The applicant has also identified that Scratby is not entirely without facilities of its own, including some employment opportunities. By providing the circuitous connection to Beach Road residents can use the highways-approved crossing point to the small convenience shop, post office, cafe, garden and pet centre. Further along Beach Road and perhaps beyond usual walking distance, but accessible by footpaths, lie the village hall, some restaurants, take aways, bakery with café. There are expected to be some employment opportunities from holiday parks and the 'business estate' which could be accessible to new residents.
- 12.8 On Beach Road there are also some a regular bus services linking Hemsby, Caistor with its medical centres, and Great Yarmouth.
- 12.9 In practice the development requires much more than the desired 400m walking distance to visit any of these facilities, but the constraints of site access for non-car modes appear to preclude making such connections so a view must be taken on whether the minimum 475-500m distance is acceptable in this instance.

Off-site highways works proposed:

- 12.10 North of the proposed access road the development proposes a new 1.8m wide public footpath in existing highway land along the length of the east side of Scratby Road, extending to a point just north of the access to Woodlands Close on Beach Road where a new dropped kerb pram crossing will be creating, completing the existing footpath which stops short of Woodlands Close.
- 12.11 South of the new access, the footpath will continue to a point approximately 40m north of Melton Lane, where the carriageway will be widened slightly to provide a new pedestrian refuge island crossing point in Scratby Road to allow pedestrian access to the west side of the road, as the new footpath will continue to and around the corner of the junction of Melton Lane. The new path works terminate at, and not extend into, Melton Lane, providing a safe route for its residents to access the 30mph quieter roads, footpath network, houses and businesses beyond.
- 12.12 There appears to be an obvious paucity of footpath and public rights of way routes in the area; the closest is Ormesby St Margaret with Scratby footpath FP1 some 110m to the north of Beach Road which lacks footpath connections with the village. Whilst this development may only create a connection with Melton Lane it at least facilitates safer access from there to Station Road and the Edgar Tennant Recreation Ground, sports pitches and playground, from where there is a footpath, and beyond to the possible future connection with the old rail line aspirational route designated for safeguarding and enhancement by Local plan Part 2 policy GSP7.
- 12.13 In the refused application 06/20/0313/F there were 3 TROD footpaths proposed for accessing Station Road, two of which were in the same ownership as the current site owner. It is not clear why these have not been proposed in this application and is a significant material consideration which the decision maker must take into account as there appears to be no difference in material circumstances over the intervening period.

Suitability of off-site connections:

- 12.14 Officers of both the LPA and Highway Authority share the concern that providing safe pedestrian (and no bespoke cycle) access only to Melton Lane is not ordinarily be an adequate solution for this scale of development.
- 12.15 It is notable that the proposed development of 67 dwellings on the larger site including this site was refused partly due to the lack of highways accessibility by non-car modes – though that proposal was for 63% more housing than this proposal.
- 12.16 However, in Officers' opinion, there are material planning reasons why the proposed path to Melton Lane cannot be extended reasonably through this application:
- 12.17 First and foremost amongst these is that the development of new housing in Scratby over recent years, and in particular in the same close vicinity, has been approved without any requirement to provide off-site highways works – this has led to at least 15no. houses on and adjacent Woodlands Close being allowed without safe pedestrian access to facilities, and of significant concern is the fact that the 19 bungalows (which were large enough to have been used for family housing) also did not have requirements to provide links to Station Road either (though it is acknowledged the extent of works would have been similar, the scale would have been more disproportionate in that instance).
- 12.18 Some 34 dwellings have therefore benefitted from incremental provision through recent permissions granted when there was insufficient housing supply - with no recourse for collective provision of highways infrastructure. There was no substantive difference to the local development plan policy requirements at the time, compared to now, other than this site is now in the development limits which only affects the principle of development. At the time of those former approvals the NPPF and case law was clear that a scheme still needed to be suitable in terms of highways safety and general sustainability before it could be approved, even without a five year housing supply, so to have investigated or required off-site highway infrastructure should have been prominent in the decision making process.
- 12.19 With this background, it is considered unreasonable to insist on further extensions to the highways works beyond those proposed. It is right that the proposed 67 dwellings were refused for inadequate connections, as that is a vastly different scale to the application before Committee, but this proposition results in only an additional 7 dwellings compared to previous schemes adjacent which were not required to provide infrastructure. Arguably this proposal helps to right some of the wrongs of times past.
- 12.20 Ultimately this is a matter of interpretation for the decision maker. It is the opinion of the case officer that if the application were refused on the basis of not providing further highways works, it would be seen as disproportionate and unreasonable given prior events and the absence of a planning policy allocation setting out how the local plan envisaged development coming forward on this site.
- 12.21 Secondly, to provide a continuous connection from Scratby Road to Station Road, would require approximately 530m of new footpath. Even as a TROD (unsealed path) this would be a notable expense for the development which may affect the viability of the scheme and affordable housing provision in particular.

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

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

13. Parking & Cycling Provision

13.1 The development provides adequate parking for each dwelling in accordance with expected NCC standards, as well as 7no. additional visitor spaces at key locations in the site. It is not clear who would manage these spaces to ensure they do not become auxiliary residential spaces but this can be established as part of a section 106 agreement which would also require details of on-site drainage scheme, unadopted roads, existing and proposed landscaping, and open space management and maintenance.

13.2 Highways Officers identified how parking beneath the trees in the north west corner of the site could become problematic, but these are protected trees and not known for sapping and grow in a vertical manner.

13.3 No specific cycle storage is proposed which fails to address NCC guidance standards, and is especially important if there are such long distances to services. As all dwellings have secure rear gardens they could be provided with a garden shed or alternative store by planning conditions.

14. Public Open Space

14.1 As the development is over 20 dwellings it is expected that some provision will be provided on-site.

14.2 The amount of open space currently proposed through the scheme (0.442 hectares) has been based upon a calculation of the total number of proposed dwellings (41) multiplied by the amount of open space required per dwelling (103 sqm) in Policy H3. However, this calculation does not take into account that across the borough there will be a range of deficits and surplus' in the types of open space needed at a local level (in this case Ormesby Ward), and therefore flexibility in the total amount of open space that will need to be provided either as an on-site or off-site contribution through the proposed development.

14.3 An assessment of the current surplus/deficit of each type of open space and an allowance for maintenance in the Ormesby Ward has been carried out based on the Open Spaces Needs Assessment (2013) and Sport, Play and Leisure Strategy (2015). For developments between 20 and 49 dwellings in Ormesby, an on-site open space contribution of at least 947.1sqm (41 x 23.1sqm per dwelling) for the provision of play space and informal amenity space would be required.

14.4 As currently proposed, the total amount of open space (0.442 hectares/4,420sqm) is significantly higher than the minimum on-site provision required by Policy H4 (0.009 hectares/947.1sqm). Whilst open space contributions required by Policy H4 are not maximums, this over-supply (+3,473sqm) of open space is significant but unlikely to be of a major additional benefit to the proposed residents, owing to its potential informal amenity nature (there is no additional on-site open space need for outdoor sport, parks

& gardens, accessible natural greenspace or allotments at this scale of development and/or location); nor to the existing residents of Scratby due to its poor accessibility to the wider village community.

- 14.5 Off-site improvements would also be required for outdoor sport, parks & gardens and allotments. On this basis, the Borough Council would expect a full off-site financial contribution of at least £29,237.51 (41 x £713.11 per dwelling).
- 14.6 It is noted that the figures presented above are based upon the most recent interim open space calculations used for the emerging Open Space Supplementary Planning Document. The draft SPD was is expected to be adopted in March/April 2023. Whilst the calculations above are not expected to significant change, a revised calculation should be undertaken to feed into the overall viability assessment and section 106 agreement prior the determination of the planning application.

15. Design and landscape impacts

- 15.1 The long views offered towards the development (from the south) require a sympathetic design approach to balance the scale and density of the development in order to achieve a sensitive gateway location to Scratby.
- 15.2 The proposed 'village green' design characteristic is therefore welcomed, including placement of open space and provision of trees. However, it is felt that an improved design would have revisited the arrangement of detached homes which line the southern boundary as they do appear too cramped to be 'read' as a village green. As required by Policy A2(c)(iv) there should be more landscaping and spacing around the detached homes. This would help to provide a greater level of informality around the 'village green' as would be traditionally expected. The lowering of the density here, and increased planting would also help to provide a more sympathetic gateway to the village.
- 15.3 These are laudable aims but design policies and National Planning Policy Framework guidance expect developments to be 'in keeping' with the character of the surrounding area. In this respect, the development as proposed has little direct relationship or visual connection with the form of dwellings on Beach Road, which are a mix of bungalows to the west rising to chalets and two-storey homes to the east. In density-design / appearance terms, the proposed scheme should be considered more against the recent developments south of Beach Road. Whilst these are all bungalows, the spacing between dwellings is not dissimilar to that proposed in the current application, and the south-facing frontage / development line as proposed is similar to the character found in the recent adjoining developments.
- 15.4 The interior of the development is considered rather cramped in places, possibly borne out of a desire to keep as many dwellings as possible within the notional line of the development limit. This is most apparent at and around plots 1-5 and 41, 28-31 behind the southern frontage where the building line is forced north and the gardens are consequently tight and positioning of garages exacerbates a sense of enclosure between neighbours.
- 15.5 The proposed inclusion of a terrace of four 2-bed dwellings in the north-west corner, and two terraces of 3no. 3-bed dwellings on the east side appears slightly at odds with the character of both the original village and the modern development, but these are

positive additions to improving the housing mix and variety within the village and creating a mixed community within the site. Their positions towards the centre of the site and adjacent the trees, and being gable-on to the south, should help diffuse their impact as intervening bungalows break up the mass in views from the south, and in turn these provide important relief to the roofscape and variety of house type amongst detached dwellings.

- 15.6 The southern frontage is rather uniform being all detached dwellings of similar plot widths, but the design avoids creating a characterless form of by turning some of the bungalows to be gable-on and providing two neighbouring two-storey dwellings. These create a sense of character to the development in the more prominent locations and allow a denser form of development to follow behind.
- 15.7 The electricity sub station and foul water pumping station will be enclosed with brick and native species hedge planting to external sides. These can be determined by additional information and conditions as no details have been provided so far. The garden and building line on the eastern side have been affected by the need to accommodate the electric pylon route easement.
- 15.8 The Highway Authority has identified that the road extends almost onto the boundary of the site. If this were approved and adopted it would allow an adoptable connection in the future to land beyond, and the prospects of such additional growth would be unacceptable to the Highway Authority. However, that is a matter outside the scope of this application.
- 15.9 In response, the applicant has argued that *"[extending the road to the site boundary] is necessary for the road to be proposed adoptable to the east as shown, eg to satisfactorily deal with not just proposed dwellings but Anglian Water adoption of foul water pumping station and UKPower's access to the electricity sub station and the heavy service vehicles they require."* This is not an unreasonable argument.
- 15.10 The landscape setting to Scratby is open and flat. Unfortunately the sharp gables visible at Woodlands Close from the Old Chapel, Scratby Road are in contrast to the almost hidden low rise flat roofs of the California holiday parks to the east. It is only from Melton Lane that the rear of properties on Beach Road start to become visible.
- 15.11 The form of houses and pumping / electricity stations make the site more prominent because their visual presence has not been reduced by landscaping that will diffuse or screen the development from the south – the only trees proposed are around the public open space to the west. Adding a row of trees and some indication of substantial hedging along the east boundary would help reduce the impact on the landscape.
- 15.11 Improved landscaping to the south side of the access road would benefit the scheme by further reducing the development's prominence as well as improving resident's outlook by providing trees in front of the houses and screening the pumping station further. These are considered necessary to help the development be more recessive in the landscape and try to improve its integration into the village form, as well as minimising the developments erosion of the 'strategic gap' between settlements which is protected under policy GSP3.

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

16. Impact on Trees and Hedges

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

17. Residential Amenity

- 17.1 Conditions can be used to secure suitable construction management practices including dust control and noise protection measures, hours of work and remedial action plans in the event that unacceptable levels of disturbance are common.
- 17.2 The build programme / phasing of development suggests the west side would be completed first with construction access via east side loop road, minimising the impacts on residents as much as practical.
- 17.3 Contamination is not expected in the site but a condition should be used to require suitable precautions and remediation where necessary. Further conditions will require including use of suitable certified and clean topsoils.

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

18. Environment, Ecology and Biodiversity

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

19. Habitats Regulations Assessment (HRA)

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

Nutrient Neutrality

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

20. Heritage / archaeological impacts

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

21. Flood Risk

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

22. Drainage

Surface Water Drainage

- 22.1 The submitted Flood Risk Assessment has included a proposed Surface Water Drainage Scheme. The ground conditions around the housing area of the site are favourable for infiltration of surface water run-off.
- 22.2 Tests show drainage ability lessens the further south tests were undertaken so the open space area may be less suitable for infiltration; that area of the site should be treated carefully when the open space is prepared to avoid ground compaction leading to future flooding.
- 22.3 A Construction Management Plan shall be required by condition to avoid the open space area (a) being delayed in its provision, and (b) being compromised by the construction process.
- 22.4 The scheme proposes to drain surface water to filter margin / swales alongside the site access road and internal loop road. No such filter / swale is proposed for the public open space, so the applicant shall need to clarify if one should be provided to ensure the open space remains useable following all weathers. The scheme advises that a larger contingency soakaway crate should be provided for draining the access and loop roads, to provide extra capacity if the filter strip swales are clogged on larger storm events, for example. This is shown on the drainage scheme as being in the south-eastern corner of the public open space but is not indicated on the proposed layout as it is underground.
- 22.5 The Highway Authority also advised that a swale could be used instead of filter drains; that has not been shown on the final layout plan 2093-SL01-rev K plans specifically, so will need to be clarified by final design details by condition. The Highway Authority also requested additional soakaway drainage rate testing to confirm this is an acceptable proposal but have not confirmed if the scheme satisfies their requirements; if confirmation cannot be gained before the Committee it shall need to be determined by planning condition.
- 22.6 Individual dwellings' roof water is to be discharged to individual or shared soakaways in rear gardens. Private drives and parking spaces will be constructed of pervious surface paving for natural infiltration.
- 22.7 All the scheme has been designed with a capacity to handle a storm event of at least a 1 in 100 year / 1% chance + 45% climate change and a 10% urban creep allowance, which addresses current standards and CIRIA guidance.

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

Foul Drainage

- 22.12 Anglian Water records indicate that a foul sewer is situated at the Scratby Road / Beach Road junction north-west of the site. A pre-planning application has been made to Anglian Water proposing a connection to that sewer (point MH 5302). Anglian Water has deemed this point of connection as acceptable and has confirmed there is capacity for a larger number of dwellings than those proposed, but, due to higher ground and pipe invert levels at this location, a pumped connection will be required. The applicant proposes to route the foul water conveyance along the proposed access road and north along Scratby Road to the existing sewer.
- 22.13 The remains in-principle capacity at the Pump Lane treatment works and in the sewage system network. Subject to achieving appropriate pumping rates / velocity and including a back-up power and telemetry to inform Anglian Water in the event of power cuts, the development should be able to be discharged to mains sewer network and therefore shall be able to avoid an impact on designated habitat sites and avoid nutrient neutrality concerns by being discharged via Caister pumping station to sea.

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

Water supply

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

23. Planning obligations and viability

- 23.1 The following on-site facilities and contributions are expected from a development of this nature and scale, as described in preceding sections of this report:
- Affordable housing (at least 14no. dwellings as discussed above).
 - GIRAMS habitats mitigation contribution (41 x £185.93) = £7,623.13.
 - Public open space provision on site: minimum 947.1sqm.
 - Contributions for public open space facilities off-site (41 x £713.11 per dwelling) = £29,237.51 (which may be amended when the current draft SPD is adopted).
(unless the applicant elects to provide some additional facilities within the overprovision of public open space, such as allotments, to minimise travel elsewhere)
 - Education enhancements (depends on capacity at the time – NCC to confirm).
 - Library enhancement (at least £75 / dwelling) = £3,075 (may be updated by NCC).
 - Public Rights of Way enhancement contributions – to be confirmed by NCC.
 - NCC planning obligations monitoring fee = £500.
- 23.2 Comments from the County Council's s106 planning obligations team are yet to be received; if contributions were not addressed the scheme would not satisfy policy.
- 23.3 Education - All 41 dwellings are multi-bed dwellings so would be expected to create educational demands. In this respect the applicant has suggested there is capacity at Martham High, and both of Ormesby Junior and Infant schools. Whether that is the case remains to be seen because other permissions have to be taken into account and school rolls are updated at the beginning of each year. If the County Council identifies a shortfall in capacity then it is expected to be addressed by financial contribution. If it is not, the development will be contrary to policy GSP8 amongst others.
- 23.4 The provision of affordable housing and any other financial contributions necessary is expected to be achievable in light of the recently adopted Local Plan Part 2, and indeed policy GSP8 is clear that viability is only a constraint on brownfield development sites. Policy GSP8 does not allow for the consideration of viability on greenfield sites unless the contributions would exceed £15,000 per unit in addition to the affordable housing requirement under Policy CS4 (which would be £615,000 total for this development);

it is unlikely that the outstanding information regarding the need for education contributions would cause the development to exceed this.

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

24. Other Material Considerations

The concern over 'precedent'

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

Local Finance Considerations

- 24.4 Under Section 70(2) of the Town and Country Planning Act 1990 the Council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus, or the Community Infrastructure Levy (which is not applicable to the Borough of Great Yarmouth). Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority, for example. There do not appear to be any planning-related local finance considerations linked to this development.

25. The Planning Balance

- 25.1 In recognising the concerns raised previously which led to the refusal of the 67 dwelling scheme 06/20/0313/F, it is important to note the difference in the positioning and extent of development now proposed. The form of development (save for the access road and paths discussed above) attempts to consolidate the built environment to the north of the site to reduce the spread of housing away from the village.

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

26. Conclusion and Recommendation

- 26.1 On balance it is considered that the benefit of the additional affordable housing and the position of the development largely with development limits and an area anticipated to be developed will assist in maintaining a housing supply and addressing some need. The concerns for highway safety are not considered sufficient to justify refusal of the application in the terms expressed by the National Planning Policy Framework, whilst the impact on the character of the area is outweighed by the benefits of the scheme.
- 26.2 Having considered the details provided, the application is considered to comply with policies CS1, CS2, CS3, CS4, CS9, CS11, CS15 and CS16 of the adopted Core Strategy, and policies GSP3, GSP5, GSp6, GSP8, A1, H1, H4, E4, E6, E7, I1 and I3 of the adopted Local Plan Part 2 (and any neighbourhood plans policies?).
- 26.3 Although contrary to some adopted policies, it is considered the material considerations of additional affordable housing and open space provision combine to overcome or reduce some of the severity of conflict with policy, and it is considered that there are no other material considerations to suggest the application should not be recommended for approval.

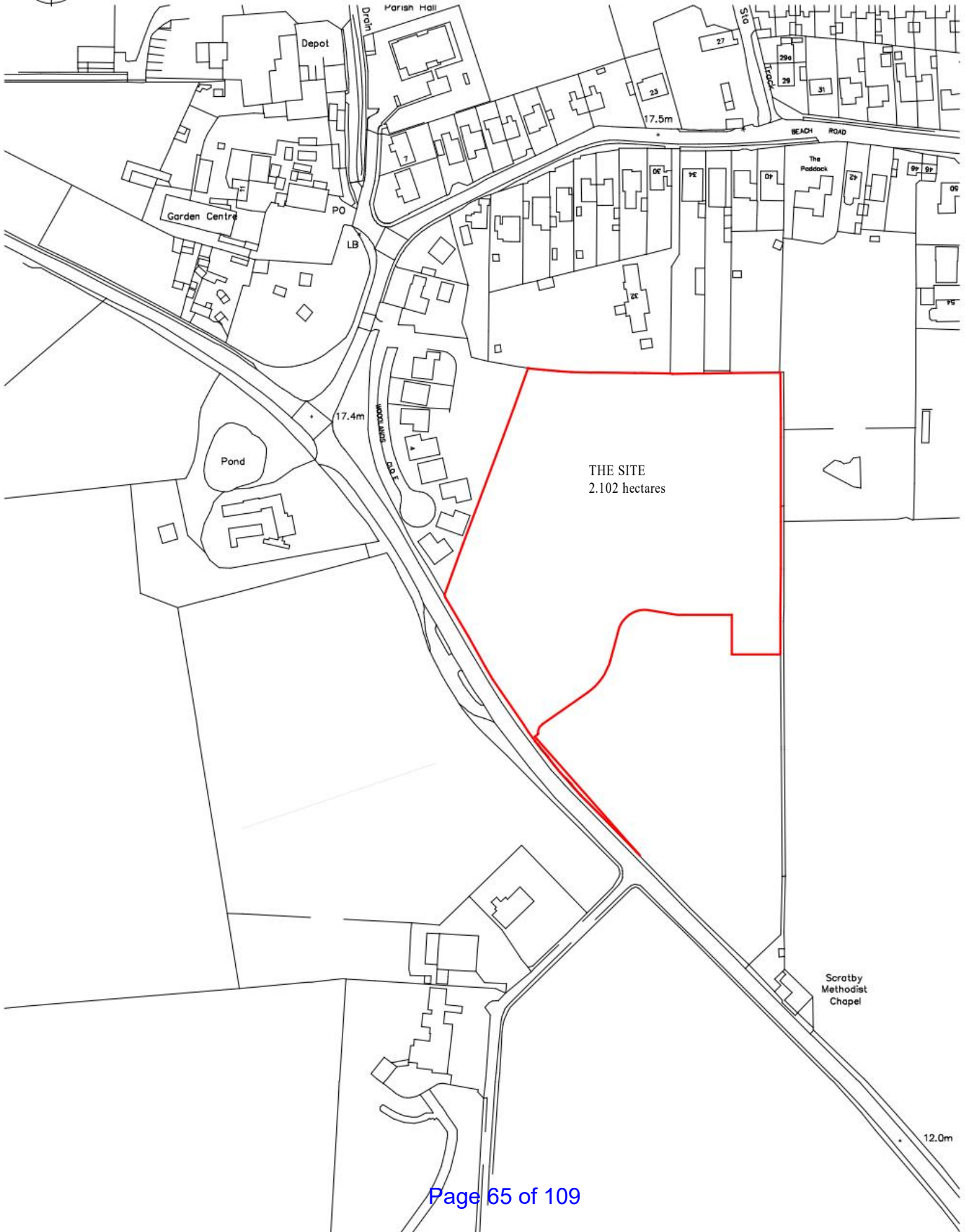
RECOMMENDATION:

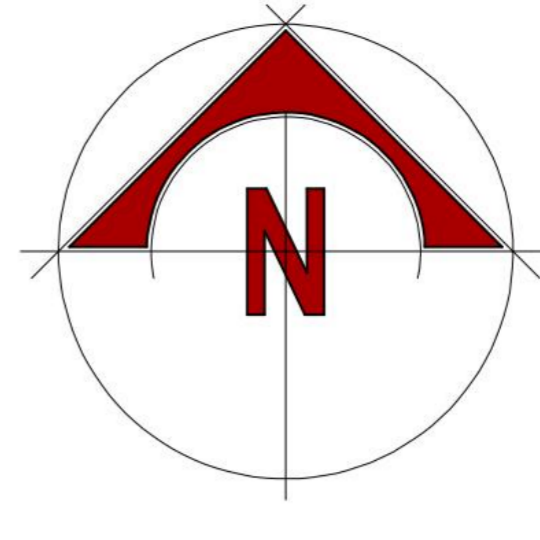
It is recommended that application 06/22/0546/F should be delegated to the Head of Planning to APPROVE, subject to:

- (i) Satisfactory minor amendments being proposed to the layout and landscaping as described above;**
- (ii) Satisfactory resolution of the assessment of affordable housing provision from amongst the 19no. dwellings considered 'rural exception site' housing located outside the adopted development boundary;**
- (iii) Following (ii), reaching agreement on the mix, type and tenure of affordable housing across the site, having regard to addressing the issues raised at section 11 of this report;**
- (iv) Completion of a Section 106 Agreement to secure at least the following:**
 - Affordable housing in line with part (iii) above;**
 - Financial sums described at section 23 of this report;**
 - Sustainable drainage, open space and landscaping management.**
- And;**
- (v) If the Section 106 Agreement is not progressing sufficiently within three months of the date of this decision, to delegate authority to the Head of Planning to (at their discretion) refer the application back to the Development Control Committee at the earliest opportunity, for re-consideration of the application, or to refuse the application directly, on the grounds of failing to secure planning obligations as outlined within this report (or the Committee's decision if the recommended content is varied);**
 - And;**
- (vi) Appropriate planning conditions to be proposed at the Committee meeting.**

Appendices:

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





NOTES

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Contractors must check all dimensions on site.

Discrepancies are to be reported to the Architects before proceeding.

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

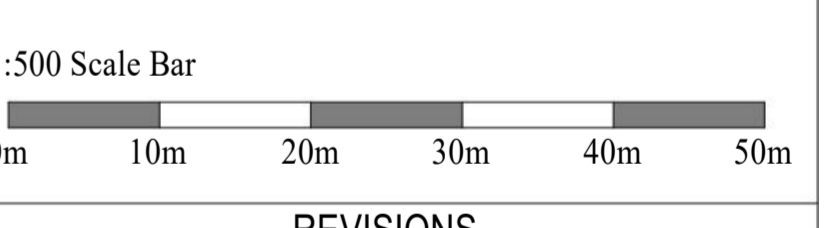
- Key**
- 27 Denotes Private Market Housing
 - 32 Denotes Intermediate Tenure' Housing
 - 12 Denotes Affordable Rented Housing

LEGEND	
	1.8M HIGH BRICK SCREEN WALL
	1.5M HIGH CHAIN BOARDED FENCE WITH CONCRETE FOOTING & CONCRETE GRAVEL BOARD
	EXISTING TREES AND SPANS
	PROPOSED TREE PLANTING
	REAR GARDEN GRASS
	FRONT GARDEN - PUBLIC OPEN SPACE GRASS
	HEDGING/BERMS - SEE LANDSCAPING PROPOSALS FOR PLANTING DETAILS
	BIN COLLECTION POINT
	2.4 X 2.5M VISIBILITY SPLAYS



Accommodation Schedule

Ref	Name	Description	Area sq.m	Area sq.ft	Total sq.ft.	No.
Private						
ST	Starston	2 Bed semi-detached/Terr house	66.3	714	2855	4
BEN	Benacre	2 Bed semi-detached bungalow	60.6	652	2609	4
FLI	Flixton	3 Bed detached bungalow	75.7	815	2445	3
WAN	Wangford	3 Bed detached bungalow	77.1	830	1660	2
HEN	Henstead	3 Bed detached Chalet Bungalow	135.4	1457	4372	3
HUL	Hulver	3 Bed semi-detached house	83.7	901	3604	4
ASH	Ashby	3 Bed detached bungalow	103.3	1112	2224	2
THU	Thurlton	3 Bed detached house	98.48	1060.00	2120	2
ELL	Ellingham	4 Bed detached house	109.9	1183	1183	1
Tho	Thorpe	4 Bed detached house	133	1432	2863	2
Intermediate Tenure						
3B5		3 Bed semi-detached house	93	1001.08	3003	3
Affordable Rented Housing						
2B84		2 Bed semi-detached bungalow	70	753	1507	2
2B4		2 Bed semi / terraced house	79	850	5102	6
3B5		3 Bed semi-detached house	93	1001.08	3003	3
					38551	41



REVISIONS

REV	DESCRIPTION	DATE
A.	Revised highway drainage.	08.04.22.
B.	Stanston and Thorpe types footprint updated.	11.04.22.
C.	Revised location of FWS, EEB Sub-station and highway soakaway.	20.04.22.
D.	Revised red line	21.04.22.
E.	Revised area of P.O.S	25.04.22.
F.	Tenure added. Garages removed for plots 17 & 18	16.05.22.
G.	Minor revisions	09.06.22.
H.	Revised to highway officers comments	17.10.22.
J.	Revised to highway officers comments	04.01.23.
K.	Revised to highway officers comments	06.01.23.

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

DRAWING TITLE:
 SITE LAYOUT

DRAWING STATUS: For Comment

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DEVELOPMENT CONTROL COMMITTEE

ADDENDUM REPORT

22nd March 2023

UPDATES TO PLANNING APPLICATIONS

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

1) Additional information from the applicant:

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

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

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

2) Corrections / clarifications to Officer Report:

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

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

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

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

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

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

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

Officers have provided their own emphasis where underlined.

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

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

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

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

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

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

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

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

These are the shared expectations of the applicant.

Officer advice:

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

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

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

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

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

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

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

3) Additional / Updated Consultee Comments:

Highway Authority officers have confirmed:

- The drainage scheme is acceptable as proposed, but would prefer to see a swale used rather than a filter strip along the east of the access road. This level of detail can be agreed by conditions.
- Highways should be able to adopt the drainage crate system proposed in the public open space area subject to agreeing a wayleave (and confirm through conditions and section 106).
- Highways would not support positioning the Scratby Road paths behind hedges.
- A selection of conditions are requested for use if this is resolved to be approved.

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

Re: value of the TPO trees:

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

And,

Re: impacts from the development:

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

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

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

4) Additional Public Representations received:

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

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

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

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

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

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

5) Recommendation:

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

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

Pre-commencement:

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

construction process/squashed and unable to drain, and include dust, noise, air quality, hours of work measures, phasing sequence

During construction

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

Prior to constructing beyond DPC / slab levels

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

Prior to occupation

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

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

Item 5 – Application 06/22/0762/VCU: Car Park to East of 70-75 Marine Parade, Gorleston

1. Press Advert

The Press Advert expired on 17th March after the report was written. However, no further representations have been received since the report was written and all matters are addressed in the officer report.

2. Recommendation:

No changes are proposed. It is recommended that application should be APPROVED, subject to the conditions outlined in the Officer Report.

Item 6 – Application 06/23/0096/F: South Beach Gardens, Marine Parade, Great Yarmouth

1. Recommendation:

It is recommended that application should be APPROVED, subject to the conditions outlined in the Officer Report, subject to the amendments below

Updated Conditions

- **Delete proposed Condition 11** (which relates to the cessation of the use and reinstatement of the land to ensure that the land is left in a satisfactory condition).

The reason for deleting this previously proposed condition is because there is an element of duplication with Condition 3 and it would be clearer to combine the two conditions. This will also be covered verbally in the meeting presentation.

- **Amend proposed Condition 3** (expiry of temporary permission) from that stated in the report, to:

This permission shall expire on 01 March 2026. By this date, the use shall cease and the structure and its associated equipment and infrastructure shall be removed from the site and the site and public land shall be returned to its previous state and restored with replacement landscaping as necessary, sufficient to match the condition and landscaping of the site seen within the photographic record required by Part (a) of Condition 1 to this permission.

The reason for the condition is :-

The time limited restriction is imposed in order to retain control over the use of the site, to ensure that the detrimental impact on heritage assets is temporary and repairable, and in the interest of the amenities of the locality and that the site is left in a satisfactory condition.

The reason for amending this previously proposed condition is to ensure that there is no duplication or conflict between conditions. This will also be covered verbally in the meeting presentation.

Item 7 06-21-0657-F - Land adjacent Raynscourt Lodge 16 Euston Road Great Yarmouth

1. Additional Public Representations received:

Mr J Skinner – 24 Cobbs Place, NR30 2EE

“Please see below my concerns over the development of the Raynscourt Hotel. I am not against the plans per se but something NEEDS to be done about the parking situation.

like many of the people in my immediate local area have severe concerns over the development of the former Raynscourt Hotel on Euston Road.

In 2020, highways recommended they remove all parking, and add 35 cycle bays on safety grounds. Great, but in the real world this just won't happen.

The area is already incredibly difficult to park in, our parking permits recently went up in price and this development has the potential to introduce another 50 odd cars.

There was some talk over allowing part of Beach Coach Station to be let out to immediate residents, for a reduced fee, but this has now been scrapped and even more affordable homes built.

Something really does need to be done. I ask you to try and park anywhere near my house on Cobbs Place on a hot summer's day, when the guest houses are full (these also receive permits). More often than not I'm actually parked up on Kitchener Road! Nearly 3/4 mile from my address.

With other large developments in the pipeline (such as the former garage planned to be turned into the Andover Hotel annexe on Middle Market Road), this parking situation will become even worse.

There are also roads in the area which have no parking bays painted, instead having double yellows which should be considered for alteration as they do not pose any hazard where the Highway Code (parking X distance from a junction etc) is concerned.

One possible thing that could be done is the alteration of seasonal pay and display parking - to residents only parking on the short stretch of Marine Parade immediately next to the cinema. Allowing residents to use these bays would at least alleviate some of the problems caused by this new development.

The under-utilised and mostly derelict garages on nettle hill west could also be flattened and turned into a permit car park. When I checked with property services a few years ago almost half of these were not in a fit state to be let. You'd also struggle to fit a modern car in them anyway.

Car usage isn't simply going to go away overnight. Public transportation simply isn't good enough yet to warrant removal of cars from our streets and I feel like the current situation is being worsened. All it takes is one large development, or a few extra HMOs and the annoying problem becomes a misery.

Two food for thought ideas here, I hope to see them considered.”

Officer Response:

Norfolk County Council as the statutory consultee on highway matters has raised no objections to the proposal as set out in their reasoned comments in section 5.1 of the report on page 101. This matter is further discussed in section 16 of the report on pages 115 and 116.

This is a sustainable location, approx. 800m walk from the Town Centre, with other closer facilities, and promotes sustainable transport modes as a consideration in development proposals as advocated in Section 9 'Promoting sustainable transport' of the National Planning Policy Framework. (NPPF)

It is also worthy of note that paragraph 111 of the NPPF states:

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

Recommendation:

No changes are proposed. It is recommended that application should be APPROVED, subject to the conditions outlined in the Officer Report.

Application Number: **06/21/0657/F** - [Click here to see application webpage](#)

Site Location: Land adjacent Rayns court Lodge, 16 Euston Road, Great Yarmouth

Site Location Plan: See Appendix 1

Proposal: Redevelopment of site to create 28 self-contained flats

Applicant: Mrs. K. Rokach

Case Officer: Mr Nigel Harriss

Parish & Ward: Great Yarmouth Town, Central and Northgate Ward

Date Valid: 02/08/2021

Expiry / EOT date: A revised extension of time is to be confirmed.

Committee referral: Constitution (25+ dwellings) and a Connected application (see note).

Procedural note 1: This application was reported to the Monitoring Officer as an application submitted by a relative of a Councillor, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 16/3/23, and the Monitoring Officer has checked the file and is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

RECOMMENDATION:

DELEGATE AUTHORITY TO HEAD OF PLANNING TO APPROVE SUBJECT TO IMPOSED CONDITIONS FOLLOWING RECEIPT OF BALANCE DUE OF HABITAT MITIGATION PAYMENT

REPORT**1. The Site**

- 1.1 This site is a piece of land 0.2 acres adjoining Rayns court Lodge on the corner of Euston Road and Marine Parade, Great Yarmouth. It is a gateway off the seafront to the town centre in a prominent position.
- 1.2 Currently used as surface level car parking (25 spaces), the land was formerly the Rayns court Hotel which was demolished in 2016.
- 1.3 The site is located in the Great Yarmouth Seafront Conservation Area designated by the local authority on 10th October, 2003.

- 1.4 In this location, Victorian and Edwardian villas are situated opposite the site on Euston Road, with elegant architectural details such as Italianate towers and turrets. Marine Parade offers a row of three storey terraced houses south and directly adjacent the site.
- 1.5 To the west is the Raynscourt Lodge Guesthouse, to the north Marine Lodge Hotel, residential apartments and the Novaturient Independent School. To the southwest is a terrace of houses and to the east is the former Aquarium now a cinema and nightclub.

2. The Proposal

- 2.1 The proposal is for the erection of 28 flats (market housing) in a four and five storey building. The building is an “L” shape turning the corner with frontages on Euston Road and Marine Parade. The layout shows 10 maisonettes and 18 flats comprising (9 x 2 bed maisonettes, 1 x 3 bed maisonette, 13 x 2 bed flats, 4 x 1 bed flats and 1 x 3 bed flat.
- 2.2 No car parking is proposed, 36 secure cycle storage spaces and outside amenity space in the form of green space to the maisonettes at ground floor and balconies to the flats on the upper levels – flats 25 and 26 having outside balconies and others having ‘Juliet’ style balconies.
- 2.3 Proposed external materials include buff brickwork, grey render, stone banding & soldier course detailing, aluminium windows & doors, and single ply membrane with standing seam profile to represent traditional zinc standing seam roofing. Dwarf brick walls are proposed along the road frontages topped with a steel bar and post rail.
- 2.4 The following documents were submitted in support of the application:
- Design and Access Statement
 - Heritage Statement
 - Flood Risk Assessment
 - Habitats Regulations Assessment
 - Viability Assessment
 - Drainage Strategy
- 2.5 The viability assessment identifies that the development would not be viable if it is subject to planning obligations to provide affordable housing contribution and contributions to other community infrastructure including open space and libraries.

3. Site Constraints

- 3.1 The site is located in Conservation Area no16 Great Yarmouth Seafront designated on 10th October, 2003.
- 3.2 There is likely underlying archaeology at the site (Town Battery 1781 and 16th century fortifications). The consultation response from the NCC Historic Environment Service refers in the consultation section of this report.
- 3.2 The site is located partly within Flood Zone 3a as designated by the Environment Agency and therefore considered as having a high probability of coastal flooding

although the larger part of the site is in Zone 2 having a medium probability of coastal flooding.

- 3.3 The site is located in the Orange Habitat Impact Zone more than 400m but less than 2.5Km from an internationally protected wildlife site and for developments greater than 10 dwellings a bespoke Shadow Habitat Regulations Assessment (HRA) is required and has been provided.
- 3.4 There are no nearby listed buildings where their setting would be a consideration.

4. Relevant Planning History

- 4.1 In November 2015 Conservation Area Consent was granted for the demolition of the Rayns court Hotel 06/15/0521/CC and in March 2016 planning permission for a change of use of the land for car parking was granted 06/15/0764/CU.
- 4.2 An application of the same description ref 06/20/0020/F was originally submitted in January 2020 and then later withdrawn on 26th November 2020. The applicant chose to withdraw the application to address the concerns raised after the committee report was published.
- 4.3 Since the application’s withdrawal the applicant’s agent has engaged with the planning service, the conservation officer, and Historic England to develop a new design proposal. The applicant has also engaged with the Lead Local Flood Authority and Anglian Water regarding the surface water drainage strategy.

5. Consultations

5.1. Statutory Consultees

Norfolk County Council Fire and Rescue	No objection
No objection provided the proposal is constructed in accordance with the Building Regulations	
Officer comment / response:	The development shall be required to be carried out in accordance with the Building Regulations as required by the Building Act
Any relevant Condition / Informative note?	None

Norfolk County Council – Highways	No objection
The Highway Authority (HA) notes that it raised concern with the previous proposal on the grounds that the on-site parking provision was both contrived and in places dangerous. “The applicant’s method of addressing the parking layout issues we raised is to remove on-site parking completely”. Given the close proximity of the flats to both the town centre and seafront, together with the fact that parking in this area is heavily controlled by legal orders, the Highway Authority does not raise an objection to the proposed development or raise issue with it.	

Officer comment / response:	Noted. The site is in a town centre location with good access to alternative modes of transport
Any relevant Condition / Informative note?	Secure by condition on-site cycle parking

Norfolk County Council – Historic Environment Service	No objection
<p>Advises that this is the location of the ‘Town Battery’ built in 1781 during the American War of Independence, along with earlier fortifications from the 16th century. Therefore, there is the potential of buried archaeological remains on the site which would be affected by the development. If permission is granted a condition is recommended for site investigation analysis and recording in accordance with an approved programme of works. In this instance the programme of archaeological mitigatory work would comprise the monitoring of groundworks for the development under archaeological supervision and control.</p>	
Officer comment / response:	Noted and as accepted as per Policy CS10 of the GYBC Core Strategy and NPPF paragraph 194
Any relevant Condition / Informative note?	Condition requiring site investigation as recommended

Norfolk County Council – Natural Environment Team (NETI)	No objection
<p>The National Planning Policy Framework (NPPF) and Policy CS11 of the Councils adopted Core Strategy states that developments should avoid harmful impacts on biodiversity, priority habitats and species, and take measures to create biodiversity features. The application site currently comprises an area of hardscaping that is used as a car park which is of limited ecological interest. However, measures to enhance the site for biodiversity should be incorporated into the proposal in accordance with CS11. Given the nature of the design and urban environ it is recommended that bird boxes are incorporated into the scheme and the height provides opportunities for swift boxes. It is therefore suggested that a condition is used to secure provision for 25 swift boxes (the equivalent of one/dwelling) to either be incorporated within the fabric of the building or mounted externally.</p>	
Officer comment / response:	The site lies in the Orange Habitat Impact Zone. A bespoke shadow Habitat Regulations Assessment has been submitted in support of the application, in accordance with the Monitoring and Mitigation Strategy, to address potential negative impacts on nationally designated sites for nature conservation caused by increased visitor pressure resulting from new development. NETI confirm that the HRA is fit for purpose and the above proposal will not have a significant adverse effect on nearby nationally protected habitat sites. A mitigation payment of £110 dwelling has been received to address the cumulative impact of new development on protected sites as required to satisfy the Boroughs mitigation strategy. This is now insufficient as the development will only satisfy the Habitat Regulations Assessment if it fulfils the full financial requirement of the

	GIRAMS recreational avoidance strategy: the balance must be paid for the scheme to be considered lawfully acceptable.
Any relevant Condition / Informative note?	<p>As of April 1, 2022, the mitigation payment per dwelling is £185.93 per dwelling. An additional sum will need to be received before issuing any planning permission.</p> <p>A plan showing the location of the boxes (informed by consultation with an ecologist) should also be provided to ensure they are sited appropriately. This can be a condition if the Committee is minded to approve the application.</p>

Norfolk County Council Lead Local Flood Authority (LLFA)	Maintains an objection in the absence of an acceptable Drainage Strategy
<p>Extensive and evolving comments from the LLFA have been received but as of the time of writing the objections have not been able to be overcome.</p> <p>The latest position of the LLFA will be described to the Committee meeting.</p>	
Officer comment / response:	A further revised Drainage Strategy has recently been submitted to the LLFA in response to their objection and their further comments are awaited.
Any relevant Condition / Informative note?	The site cannot drain via infiltration given groundwater levels and the proposal is to attenuate surface water discharge into Anglian Waters combined sewer. Whilst the LLFA have welcomed revisions to the Drainage Strategy they still consider that there are areas where supporting information/evidence is required. This matter has been ongoing for some considerable period of time between the applicant's drainage engineer and LLFA and in the circumstances it is suggested that a pre-commencement condition could be used that prevents any development until the requirements of a Surface Water Drainage Strategy including timing of compliance has been submitted and approved. The applicant has agreed with this approach.

Anglian Water	No Objection
<p>The sewerage system at present has available capacity for these flows via a gravity connection to the public combined sewer. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.</p> <p>The site falls within the catchment of Caister - Pump Lane WRC, the outfall for which is located outside of Natural England's Nutrient Neutrality boundary.</p>	

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Anglian Water has reviewed the submitted documents drainage strategy and can confirm that a maximum rate of 2l/s are acceptable to us.

We require these documents to be listed as approved plans/documents if permission is granted. Please note that the developer will have to provide the Lead Local Flood Authority letter, and confirmation that you have followed the surface water hierarchy when you apply for a formal connection under a s106.

Officer comment / response:	A pre-commencement condition could be used that prevents any development until the requirements of a Surface Water Drainage Strategy including timing of compliance has been submitted and approved.
Any relevant Condition / Informative note?	A condition is recommended that the development be carried out in accordance with the drainage strategy

Environment Agency	No objection
<p>The site is located partly within Zone 3a as such having a high probability of coastal flooding. The agency has no objection to the proposed development on flood risk access safety grounds because an Emergency Flood Plan has been submitted by the applicant.</p> <p>The agency notes the upper floor of the proposed maisonettes will provide safe refuge in the worse-case flood event. The same consideration apply in regard of the residual risk of flooding and a Flood Evacuation Plan has been proposed.</p> <p>The Agency advises consideration of the sequential and exceptions test is a matter for the local planning authority.</p>	
Officer comment / response:	<p>The sequential and exceptions test is discussed in the assessment section of the report. The EA response sets out that in relation to Actual Risk:</p> <ul style="list-style-type: none"> • The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change. • The site does benefit from the presence of defences. • Finished ground floor levels have been proposed at 3.83m AOD. This is below the 0.5% (1 in 200) annual probability flood level including climate change of 4.97m AOD and therefore at risk of flooding by 1.14m depth in this event. • Finished first floor levels of the ground and first floor maisonettes have been proposed at 6.89 m AOD and therefore

	<p>there is refuge above the 0.1% (1 in 1000) annual probability flood level of 5.48 m AOD.</p> <ul style="list-style-type: none"> • The site level is a minimum of 3.70 m AOD and therefore flood depths on site are 1.27 m in the 0.5% (1 in 200) annual probability flood event including climate change. • Therefore, assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change. • Therefore, this proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event).
Any relevant Condition / Informative note?	A condition is recommended that the development is carried out in accordance with the approved plans and the Flood Risk Assessment submitted in support of the application

Water Management Alliance (WMA)	No comment
Officer comment / response:	The WMA is primarily concerned with adequate provision of surface water drainage within its watershed management area. This is an existing urban site.
Any relevant Condition / Informative note?	None

Norfolk Constabulary – Designing out Crime	No objection
Provides various advice that has been shared with the applicant regarding secure design for communal entrances, waste facilities and lighting.	
Officer comment / response:	The advice has been shared with the applicant
Any relevant Condition / Informative note?	An informative will refer the applicant to the advice

Historic England (HE)	No objection
Raise no further comments on the proposal referring to the views of the specialist conservation and archaeological advisers, and other consultees, as relevant.	
Officer comment / response:	HE has been a key partner in reviewing the proposed design of the building
Any relevant Condition / Informative note?	None

Norfolk County Council Planning	No objection
Obligation Standards	
<u>Education</u>	
It is understood that the proposed development comprises 24 x multi-bed flats/maisonettes and 4 x 1-bed flats/maisonettes. The County Council does not seek education contributions associated with 1-bed units and only seeks 50% contributions for multi-bed flats. Therefore, in net education terms this represents the equivalent of 12 dwellings. Education do not seek contributions for developments which represent less than 20 dwellings, therefore the County	

Council Children's Services department will not be claiming Developer Contributions on this occasion.

Fire Service

Norfolk Fire Services have indicated that taking into account the location and infrastructure already in place, no additional fire hydrants are required.

Library Provision

A development of 28 dwellings would place increased pressure on the existing library service particularly in relation to library stock, such as books and information technology. This stock is required to increase the capacity of the library. It has been calculated that a development of this scale would require a total contribution of £2100 (i.e., £75 per dwelling). This contribution will be spent on increasing the capacity of the library serving the development

Officer comment / response:	A viability assessment has been submitted which states no S106 contributions
Any relevant Condition / Informative note?	None

5.2. **Internal Consultees**

Housing Service	Response:
The site is within the town centre and over the threshold of 15 units. Therefore a 10% affordable housing contribution would normally be expected, equating to 3 units.	
Previous discussions have been held regarding this site and a commuted sum in lieu of affordable housing would be sought in this instance.	
Officer comment / response:	A viability assessment has been submitted which states no S106 contributions
Any relevant Condition / Informative note?	None

Conservation Officer	Response:
The proposed development design has been discussed in association with Historic England. If minded to approve the application conditions are recommended to agree a schedule of materials and finishes to be used for external features of the proposed building prior to the start of development and the design of the proposed windows and door, materials specification, method of opening and finish and wherever the materials are to be visible the position, type and method of installation of all new services and related fixtures (including rainwater goods, communications and information technology servicing) to the exterior of the building.	
Officer comment / response:	A heritage statement was submitted with application
Any relevant Condition / Informative note?	Condition recommended as above

Environmental Health	Response
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The site is formerly the location of munitions and guns of the historic 'Town Battery' so associated risks should be considered in a contamination report. A Phase 1 Desktop contamination report and depending on the findings a Phase 2 intrusive report should be submitted to the local planning authority prior to the determination of the application.	
Officer comment / response:	A Phase 1 Desktop report has not been submitted with the application
Any relevant Condition / Informative note?	A condition is recommended requiring investigation and remediation of any contamination.

Property Services	Response
Given the extensive costs associated with developing the site to satisfy the design and materials requirements associated with its location, Property Services concur with the assessment in the submitted financial viability report.	
Officer comment / response:	Property Services was requested to review the assumptions of the financial viability assessment submitted with this application.
Any relevant Condition / Informative note?	None

6. Publicity & Representations received

The application has been advertised in the press, as this a major application and located with a Conservation Area. A site notice was posted and given the age of the application neighbouring residents were notified in writing. Since the application was submitted, revised plans have been received clarifying the extent of the site and including details of the proposed surface water drainage. The application was readvertised and relevant parties re consulted.

6.1. **Ward Member** – no comments received

6.2. **Parish Council(s)** – not applicable

6.3. **Public Representations**

At the time of writing 5 public comments have been received with concerns summarised as follows:

Objections / Concerns:

Representation
Car Parking: No car parking provision will exacerbate existing parking difficulties for residents especially in summer
Officer Comment
Comments relate to policies CS16 and I1
Relevant Condition/Informative
None

Representation
Building Size and Siting: Proposed building is too big and too tall, too many units, shouldn't be more than 3 storeys, projects beyond the Euston Road frontage, former building was set back from the corner and set in large garden with trees, out of character with surroundings. Projection on Euston Road will cause overlooking.
Officer Comment
Comments relate to policies CS9, CS10, A1, A2 and E5
Relevant Condition/Informative
None

Representation
Use: Low grade residential accommodation in a high value tourism area, doesn't support the tourism industry, site should be kept for car parking.
Officer Comment
Comments relate to policies CS8, GY6 and GY7
Relevant Condition/Informative
None

Representation
Access: concern re adequacy of proposed access for refuse collection
Officer Comment
Comments relate to policies CS9 and A2
Relevant Condition/Informative
None

Representation
Existing problem of fly tipping
Officer Comment
Not a material consideration in this case. Details of waste provision for the development have been provided on the submitted plan, with waste storage and collection.
Relevant Condition/Informative
None

Representation
Plant trees at No16 to prevent overlooking of property to west
Officer Comment
Comments relate to policies CS9 and A1
Relevant Condition/Informative
None

Representation
No affordable housing has been included
Officer Comment
Comments relate to policies CS4 and GSP8
Relevant Condition/Informative
None

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS2: Achieving sustainable growth
- Policy CS4: Delivering affordable housing
- Policy CS8: Promoting tourism, leisure and culture
- Policy CS9: Encouraging well-designed, distinctive places
- Policy CS10: Safeguarding local heritage assets
- Policy CS11: Enhancing the natural environment
- Policy CS13: Protecting areas at risk of flooding and coastal change
- Policy CS14: Securing appropriate contributions from new developments
- Policy CS16: Improving accessibility and transport

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP5: National Site Network designated habitat sites and species avoidance and mitigation
- Policy GSP8: Planning Obligations
- Policy GY6: Great Yarmouth Seafront Area
- Policy GY7: Great Yarmouth Back of Seafront Area (adjacent)
- Policy A1: Amenity
- Policy A2: Housing design principles
- Policy E1: Flood risk
- Policy E5: Historic environment and heritage
- Policy E6: Pollution and hazards in development
- Policy E7: Water Conservation
- Policy H3: Housing density
- Policy H4: Open space for new housing development
- Policy I1: Vehicle parking for developments
- Policy I3: Foul drainage

8. Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 4: Decision Making

- Section 6: Building a strong, competitive economy
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990:

- Section 72 requires with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area.

National Planning Practice Guidance

The National Planning Practice Guidance sets out the key principles in understanding viability in plan making and decision taking. Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value landowner premium, and developer return.

To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to fully comply with policy requirements.

In terms of developer return this is the level of return a developer will need to bring the site forward. Planning Practice Guidance suggests a profit return range of between 15% and 20% is appropriate and reasonable.

The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.

9. Planning Analysis

- 9.1. Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to—*
 - (a) *the provisions of the development plan, so far as material to the application,*

(aza) a post-examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

Main Issues

The main planning issues for consideration in this case include:

- Principle of development and Sustainability
- Design
- Impact on character and appearance of the area
- Tourism
- Seafront and Back of Seafront
- Amenity
- Access and Parking
- Open Space
- Ecology and Biodiversity
- Habitats Regulations
- Nutrient Neutrality
- Heritage and Cultural Impacts
- Archaeology
- Flood risk
- Foul Drainage
- Surface Water Drainage
- Affordable Housing
- Planning Obligations
- Viability

Assessment:

The proposal is for the redevelopment of the site to create twenty-eight self-contained flats

10. Principle of Development and Sustainability

- 10.1 The site is located within the development limits for the town as defined in the adopted development plan and is a brownfield site. Policy GSP1 of Local Plan Part 2 states that development will be supported in principle within the development limits.
- 10.2 Great Yarmouth Borough adopted Local Plan Policy CS2 “Achieving sustainable growth” in the Core Strategy (2015) ensures that new residential development is distributed according to the policy’s settlement hierarchy which seeks to balance the delivery of homes with creating resilient, self-contained communities and reducing the need to travel. The settlement hierarchy identifies Great Yarmouth as one of the Borough’s ‘Main Towns’ due to wide range of services, opportunities for employment, retail and education and large catchment area that it serves. Therefore, a greater proportion of the plan future housing requirement is directed to it.

- 10.3 The proposal is located towards Great Yarmouth seafront and is within a 15-minute walk of the town centre, schools and a large range of services within it. The seafront area also offers a range of local facilities in very close walking distance from the proposal and is therefore considered to be in a sustainable location.
- 10.4 Policy CS2 (e) encourages the reuse of previously developed land and existing buildings. The proposal is therefore seen to aid the delivery of the local plan in this respect.

11. Design

- 11.1 Policy A2 (Housing Design Principles) – requires dwellings to meet building regulations and be designed with regards to the local context such as local townscape and urban grain and other detailed design requirement. The design principles for the development were devised in association with Historic England.
- 11.2 The proposed building provides 28 two and three bed flats in a four and five storey building. The building is an “L” shape turning the corner with frontages on Euston Road and Marine Parade. The layout shows 10 maisonettes and 18 flats comprising (9x2 bed maisonettes, 1x3 bed maisonette, 13x2 bed flats, 4x1 bed flats and 1x3 bed flat.
- 11.3 The building graduates from 4 floors at the western and southern ends stepping up to 5 floors for most of the northern elevation and the northern half of the eastern elevation.
- 11.4 The current design proposes the use of flat and mansard roofs to create a simple form and reduced height, responding to the existing buildings on Marine Parade and to not dominate the street scene in scale and mass.
- 11.5 The building has been designed to comply with category M4(2) of the current building regulations (facilitating disabled access) by providing level approaches, suitable access and approach widths, WC’s at entry stories, lift through the building.
- 11.6 The accommodation schedule submitted with the application shows that the internal gross floorspace of each flat is above the minimum set out in the Nationally Described Space Standard (NDSS). The standard for a 1 bed 1 person dwelling is 39m², for a 2 bed 4-person dwelling is 70m² and for a 2 bed 2 storey dwelling is 79m².
- 11.7 The maisonettes will have a small amenity space, flats 24 and 25 on the western end have an outdoor balcony. The site is a short distance from the Seafront and public open spaces for informal recreation.
- 11.8 The proposed design shows an enclosed and secure refuse storage area. Refuse vehicle access via the existing street network will be unaltered by the development. It should be easily accessible to residents and refuse collectors. The applicants consulted the Council’s Waste and Recycling Service to confirm the proposal was feasible.
- 11.9 LPP2 Policy E7 (Water conservation) – requires new dwellings to meet a water efficiency standard of 110 litres per person per day. The applicant has confirmed this can be accommodated and a condition is recommended to secure this provision.
- 11.10 The design is considered to comply with the objectives of Policy A2

12. Impact on Character and Appearance of the Area

12.1 The site is located in the Seafront Conservation Area. A Heritage Statement was submitted with the application.

12.2 The supporting Design and Access statement submitted with the application states that:

“The proposal intends to compliment both of these architectural forms through our interpretation of the projecting tall bay windows of the three-storey terrace along Marine Parade, and our chamfered tower form positioned seamlessly at the corner junction of Marine Parade and Euston Road.

We believe the graduation in height of the built form accumulating at this point, creates an impressive building which makes considerable effort to contribute to local distinctiveness and to the quality of the roofscape and skyline.

The proposed windows diminish in scale as you move up the building to resemble the traditional composition of Victorian and Edwardian fenestration. The proposed bay windows and stone projections provide visual interest and modular relief to the buildings otherwise linear façade.

The diminishing nature of the proposed windows is continued in the vertical built form of the proposal by introducing a change of external finish and multiple set-backs on the upper floor levels. The mass of the building is intentionally staggered and diminishes down at either end of the building, so it doesn't dominate or negatively affect the special character of the Conservation Area. This arrangement, accompanied by the change in materials, also help create and emphasise an elegant tower form at the corner of the building.”

12.3 It is proposed to use traditional materials combined with a mixture of contemporary and traditional features to create a high-quality building which complement, enhance and support the character and appearance of the conservation area.

12.4 Policy CS9 – “Encouraging well-designed, distinctive places” and Policy CS10 “Safeguarding local heritage assets” are relevant. The site currently functions as a surface level car park, located on the corner of Euston Road and Marine Parade and within the Seafront Conservation Area. The scale and location of the proposal in the context of its prominent corner plot within the Conservation Area (which is currently contributes nothing architecturally and its relationship to other designated and non-designated assets requires a design of high quality and a clear narrative as required by Core Policies CS9 (a), (b), (g), CS10 (a), (b).

12.5 Policy E5 (Historic Environment) – in particular all replacement building, or any new use of the site should preserve or enhance the character of the area and significance of the heritage asset. The proposal has been designed in association with Historic England, its massing, graduated form, siting and proposed material finishes are considered to comply with this policy. A condition is recommended to agree details of windows and doors and materials prior to construction.

12.6 The applicant has engaged the Councils planning service, conservation officer and Historic England to develop an improved design proposal. The accompanying design and access demonstrate a reduction in the overall height of the scheme - using flat and mansard roofs to create a simpler form of development. The building character also takes into account the architectural forms of the conservation area, in particular

the Victorian and Edwardian villa style which includes Italianate towers and turrets and presence of bay windows and reimagining these in a contemporary form along Marine Parade. The vertical massing of the building is also reduced through the use of multiple set-backs on the upper floors. Historic England has provided a response to the consultation, offering no objection to the proposal. The Councils Conservation Service raises no objection and recommends a condition to agree exterior details before the start of development.

- 12.7 The proposal is considered to comply with the requirements of Policy CS9.

13. Tourism

- 13.1 Core Policy CS8(b) seeks to safeguard the existing stock of visitor holiday accommodation from potential loss with these areas and Policy GY6 c) seeks to resist the loss of key tourism uses to non-tourism uses. Conservation Area consent was given in 2015 to demolish the former Raynscourt Hotel on the site, and in 2016 planning approval was granted to change the use of the land to car parking, therefore Core Policy CS8(b) and GY6 (c) are no longer considered to be directly relevant to the determination of the application.
- 13.2 Tourism is a mainstay of the local economy. However, the current use of the site as a surface car park is not considered to be essential to support tourism. There is public parking along the seafront and 100 off street parking spaces of North Road to the north-east of the site.
- 13.3 There is considered to be no conflict with local plan policy in this regard.

14. Seafront and Back of Seafront Improvement Area

- 14.1 The site lies within the Seafront Area. Local Plan Part 2 Policy GY6 (Great Yarmouth Seafront Area) – seeks to control self-contained residential uses to upper floor only, to support active uses, that support the vibrancy of area at ground level. The proposal would be contrary to this element of the policy. However, the site immediately adjoins Back of Seafront Improvement Area. LPP2 Policy GY7 (Great Yarmouth Back of Seafront Improvement Area). In that area the policy encourages self-contained dwellings including houses and apartments to help improve the character, amenity and physical conditions of properties by encouraging existing and new uses and investment which strengthen its positive characteristics.
- 14.2 In consideration of policies GY6 and GY7 it is noted that the adjoining land to the north across Euston Road and the west is in the back of Seafront Improvement Area. The site is presently a car park which detracts from the character and appearance of the Conservation Area at this gateway to the Seafront. It is therefore considered that the principles of GY7 are material in this case and that the proposed use would help to deliver the improvement envisaged by that policy and as such is compliant.

15. Residential Amenity

- 15.1 The use to the west is the Raynscourt guest house, then a mix of guest houses, hotel, school and residential uses along Euston Road; to the east is the former Aquarium, now nightclub and cinema, then the esplanade, parking and the seafront; to the south are neighbouring residential uses including the terrace of Marine Parade and Pagent Road and the edge of the town centre.
- 15.2 Policy A1 (Amenity) – supports development that contributes positively to the general qualities and amenities of the locality; it requires new particular consideration on the form of development and its impact on the local setting in terms of scale, character and appearance; it is not supportive of development that would lead to excessive or unreasonable impact on the amenities of the occupiers of existing and anticipated development in terms of overlooking and loss of privacy, loss of light and overshadowing, buildings and structures that are overbearing.
- 15.3 The proposal has been designed to reflect the character of its location in a Conservation Area. Given the orientation of the building and its siting there should be no significant adverse impact on neighbouring property by way of loss of light, overshadowing or overbearing. A residential use is considered to be compatible with this mixed commercial residential area.
- 15.4 The windows on the west elevation will not significantly worsen the existing overlooking of property to the west which is already overlooked from dwellings at Marine Parade and Pagent Road. Given the graduated design of the building where the mass reduces on the upper floors, it is considered that there will not be an overbearing or overshadowing impact on neighbouring property.
- 15.5 As such the proposed development is considered to comply with policy A1.

16. Access and Parking

- 16.1 The National Planning Policy Framework encourages development which supports sustainable transport modes development, concentrated with access to employment and services.
- 16.2 Policy CS16 “Improving accessibility and Transport” seeks to achieve goals of sustainability b) directing new development towards the most sustainable locations in accordance with Policy CS2, thereby reducing the need to travel and maximising the use of sustainable transport modes; and c) ensuring that new development does not have an adverse impact on the safety and efficiency of the local road network and users. Policy CS9 (e) seeks to provide vehicular parking suitable for the use and location of the development reflecting the councils adopted parking standards in policy I1.
- 16.3 Each maisonette will have its own separate entrance at ground level, accessible from existing footpaths on Euston Road, Marine Parade and the access road off Pagent Road to the southwest. Flats on the upper floors are accessible via a central core with communal staircase and passenger lift extending to the top floor. The central core is to be accessed from either the primary entrance off Marine Parade or the rear access doors via Pagent Road.

- 16.4 The former proposal had an underground car park that was constrained and difficult to use, it also identified external parking spaces directly off Euston Road which raised concern for highway safety. In response to this and given the town centre location the proposal removes all carparking and instead encourages sustainable modes of transport in the form of secure cycle parking provision and public transport. The proposal includes 36 secure cycle storage spaces at ground level.
- 16.5 As stated in the consultation response the County Highways Authority, raise no objection, "Given the close proximity of the flats to both the town centre and seafront, together with the fact that parking in this area is heavily controlled by legal orders". The proposal elects to support alternate transport modes with access to public transport and provision of bicycle storage. It is considered that the development will likely result in added pressure to on-street parking. However, given the general movement for carbon reduction and the availability of alternate modes of transport it is not considered that refusal of the application on the basis of no car parking provision is sufficient to substantiate refusal".
- 16.6 On this basis the proposal is considered compliant with policies CS2, CS9 and CS16 on the basis of the sustainable location of the development and the proposed on site cycle storage to be secured by condition.

17 Public Open Space

- 17.1 Given the size of the site and the footprint of the proposed apartment block there is no scope to provide public open space with the development and very limited scope to provide private space. Small amenity areas are provided to each maisonette and balconies on upper floors.
- 17.2 LPP2 Policy H4 (Open space provision for new housing development) – requires new residential development to make provision for publicly accessible recreational open space where there is an identified deficit in local provision (defined by ward). The policy requires the provision for publicly accessible recreation open space of 103 square metres per dwelling comprising approximately: 24% for outdoor sport; 18% for informal amenity green space; 6% for suitably equipped children's play space; 2% for allotments; 10% for parks and gardens; and 40% for accessible natural green space. An assessment has been carried out of the open space proposed on site and facilities in the vicinity.
- 17.3 As the development is over 20 dwellings, provision would usually be expected to be met through a combination of on and off-site. However, given the limited space within the site there will be no remaining space to provide on-site play space or informal amenity space (this would have been 646.8m² or 23.1m² per dwelling). Therefore, based on assessment of the current surplus/deficit of each type of open space and an allowance for maintenance in the Central & Northgate Ward, the Borough Council would normally expect a full off-site financial contribution of at least £46,125.24 (28 x £1,647.33 per dwelling)
- 17.4 The applicant has provided a viability assessment that demonstrates without adding this financial requirement (developer contribution) and others referred to in this report that the development would be marginally viable, so if minded to approve this application no contribution would be provided. The marginal viability means the

requirements of this policy are set aside in the circumstances of this case in terms of the planning balance.

18 Ecology and Biodiversity

- 18.1 Core Strategy Policy CS11 “Enhancing the natural environment” seeks to improve the borough’s natural environment and avoid harmful impacts on its biodiversity. Paragraphs 170(d), 174(b) and 175(d) of the National Planning Policy Framework encourage biodiversity net gain is included in new development. Emerging national regulation following the Environment Act 2021 will require development to make a 10% biodiversity net gain from winter 2023. The site is presently a surface car park, so has negligible biodiversity. As part of its consultation response the NCC Natural Environment Team have recommended a condition for the provision of 25 swift boxes on the building. This would provide a biodiversity net gain and be policy compliant.

19 Habitats Regulations Assessment (HRA)

- 19.1 Core Strategy Policy CS11 “Enhancing the natural environment” requires the authority to assess the impacts of development on natural assets. LPP2 Policy GSP5 (Designated Habitat Sites) expands upon outlining the required assessment and mitigation.
- 19.2 The site lies within the Orange Habitat Impact Zone more than 400m but less than 2.5Km from a nationally protected wildlife site and for developments greater than 10 dwellings a bespoke Shadow Habitat Regulations Assessment (HRA) is required.
- 19.3 The application has included a bespoke HRA report for the LPA to have regard to as HRA competent authority. That report considers how the development might affect the following European sites in the vicinity of the project:
- Breydon Water SPA
 - Breydon Water Ramsar
 - The Broads SAC
 - Broadland Ramsar
 - Great Yarmouth and North Denes SPA
 - Winterton-Horsey Dunes SAC
- 19.4 The assessment has been provided and an Appropriate Assessment has been confirmed this as compliant by the NCC Natural Environment Team. The applicant has provided a contribution to the Borough Council’s Habitats Monitoring & Mitigation Strategy (£110 per dwelling at the time of submitting the application in 2021). As of April 1, 2022 the standard mitigation fee has increased to £185.93 per dwelling (updated annually or when new evidence arises). If the committee is minded to approve this application, no permission is allowed to be issued before the receipt of the difference in mitigation fee – Total of £2,126.04 (28 x £75.93).

20. Nutrient Neutrality

- 20.1 In March 2022, alongside all other local planning authorities in Norfolk, the Council has received a letter from Natural England on nutrient pollution in the protected habitats of the Broads Special Area of Conservation and Ramsar site. The letter advised that new development comprising overnight accommodation such as new housing development within the catchment of these habitats has the potential to cause adverse impacts with regard to nutrient pollution. The Conservation of Species and Habitats Regulations 2017 require local planning authorities to ensure that new development does not cause adverse impacts to protected habitats such as the Broads prior to granting planning permission. At present there are no mitigation solutions available locally to resolve these impacts.
- 20.2 Drainage from the site is not located within the watershed of the Broads Special Area of Conservation and Ramsar site as foul water is treated at Caister with discharge out to sea. Therefore, there is no restriction in this case to give planning permission.

21. Heritage and cultural impacts

- 21.1 The site is located in the Seafront Conservation Area, designated in 2003 in recognition of the architectural and townscape character of the designated area. An assessment of the impact of the proposal was provided by the Heritage Statement submitted with the application. As stated in the sections of this report relating to design and the character and appearance of the locality, the building design has been devised in consultation with Heritage England and it is considered that the development/design will enhance the character of the area as required by policies CS10 of the Core Strategy and E5 of LPP2 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 21.2 A condition is recommended to ensure the appropriate use of traditional and compatible materials and to minimise the visual impact of services attached to the public facing elevations.

22. Archaeology

- 22.1 As identified in the consultation section of this report. The site is likely within the location of the Town Battery. A condition is recommended requiring a scheme of archaeological investigation and recording prior to development as per Policy E5 of LPP2

23. Flood Risk

- 23.1 The site is located partly within Zone 3a and therefore considered as having a high probability of coastal flooding although it must be noted that most of the site is in Zone 2 having a medium probability of coastal flooding.
- 23.2 Policy CS13 "Protecting areas at risk of flooding or coastal change" (a) directs new development proposal away from areas of highest risk of flooding unless the requirements of the Sequential Test and Exception Test (where applicable) are met, and a satisfactory Flood Response Plan has been prepared.

- 23.3 LPP2 Policy E1 (Flood Risk) – expands on the above. In this case the proposal is for residential development within the town of Great Yarmouth, therefore for the purposes of the sequential test, the search for alternative sites can be limited to Great Yarmouth town.
- 23.4 The planning practice guidance expects site-specific flood risk assessments to provide the evidence for the local planning authority to apply the sequential test. The applicant provided a statement from a local surveyor that states: *"after researching current market availability and our database of landbank development sites I can see no similar sites either presently available or imminently coming to market in the local area"*. Whilst not documenting any search for alternative sites this is not especially rigorous, but it is nevertheless considered that the sequential test has been undertaken to assess whether there are any reasonable available sites appropriate for the proposed development in area with a lower risk of flooding.
- 23.5 If it is accepted that the circumstances of the location and format of the development proposed means the sequential test is satisfied in accordance with paragraphs 161 – 162 of the NPPF it is necessary for the proposal to pass the Exception Test paragraphs 163 – 165 (being a 'more vulnerable use' within Flood Risk Zones 2 and 3a).
- 23.6 For the Exception Test to be passed the development will normally need to demonstrate that the wider sustainability benefits emanating from the proposal would outweigh the flood risk. This takes into consideration relevant factors including the highly sustainable location (as indicated by its compliance with Policy CS2) and its contribution towards improving the setting of the Seafront Conservation Area at a visually prominent and underutilised brownfield location (as indicated by its compliance with Policies CS9, CS10 and E5).
- 23.7 In these circumstances it is considered that the sequential test and exceptions test are satisfied.
- 23.8 The proposal also needs to demonstrate that the development will be safe for its lifetime, taking into account the vulnerability of its users, without increasing flood risk elsewhere. It is noted that the applicant has designed the development to provide maisonettes at ground level which have internal stairs to a first floor above the level of the worse-case flood in all circumstances including coastal flood and climate change.
- 23.9 The applicant sought to engage with the Environment Agency and design the scheme to mitigate flood risk. A Flood Risk Assessment was submitted with the application. The main feature of mitigation is that the ground floor accommodation is designed as two-level maisonettes, wherein the upper floor of the maisonettes would be above the worse-case flood level and so provide safe refuge. In design and external appearance terms, within this prominent location of the Conservation Area, animation provided by windows and doors is needed at street level to preserve the character and appearance of the locality. The alternative of raising the ground floor level to avoid risk to habitable rooms on ground floor level would also have a knock-on effect to increase the height of the building disproportionately in comparison to its surroundings.
- 23.10 The building has been designed to provide safe refuge in the maisonettes in the worse-case actual flood scenario including climate change and includes flood resilience/resistance measures and a Flood Evacuation Plan has been proposed.
- 23.11 As such the proposal is considered to comply with policies CS13 and E1 of the local plan and subject to conditions regarding both Water Entry and Water Exclusion

Strategies as indicated in submitted FRA as well as a Flood Warning and Evacuation Strategy.

24. Foul Drainage

- 24.1 LPP2 Policy I3 sets out that all new development will be expected to demonstrate that adequate foul treatment and disposal infrastructure exists or can be provided to serve the development. As indicated in the response from Anglian Water connection can be made to the public main sewer in this regard under S106 consent.

25. Surface Water Drainage

- 25.1 The existing site area comprises circa 800m² of impermeable hardstanding with no drainage so surface water discharges into nearby road gullies. Investigation of on-site ground conditions and the nature of the proposed development is such that the developed drainage strategy proposes to re-use water on site (grey water), incorporate a green roof and discharge surface water to the combined sewer at a restricted rate.
- 25.2 It is considered that the principles of the drainage strategy are likely to be acceptable but at this moment in time no agreement has yet been reached with the LLFA on a detailed drainage strategy as seen in section 5.1.
- 25.3 Whilst the LLFA have welcomed revisions to the Drainage Strategy they still consider that there are areas where supporting information/evidence is required. This matter has been ongoing for some considerable period of time between the applicant's drainage engineer and LLFA and in the circumstances it is suggested that a pre-commencement condition could be used that prevents **any development** until the requirements of a Surface Water Drainage Strategy including timing of compliance has been submitted and approved. The applicant has agreed with this approach.
- 25.4 Subject to a suitable pre-commencement condition the proposed development is considered in accordance with local plan policy CS13.

26. Affordable Housing

- 26.1 Core Strategy Policy CS4 "Delivering affordable housing" (a) requires new housing developments of over 15 dwellings in the main Great Yarmouth Town area (affordable housing market sub-area 3) to contribute at least 10% affordable units – either providing 3 affordable units on site or equivalent commuted sum for use off-site.
- 26.2 The applicant has provided a viability assessment that demonstrates without adding this financial requirement (developer contribution) and others referred to in this report that the development would be marginally viable, so if minded to approve this application no contribution would be provided. The marginal viability means the requirements of this policy are set aside in the circumstances of this case in terms of the planning balance.

26.3 The Housing Service consultation response notes that the proposal excludes affordable housing.

27. Planning obligations

27.1 The following on-site facilities and contributions are expected from a development of this nature and scale in accordance with Policies CS14 and GSP8 of the local plan:

- 3 affordable dwelling units (10% of the dwellings or equivalent commuted sum)
- Library contributions
- Open Space contributions in lieu of on-site provision

27.2 The standard NCC Library contribution is £75 per dwelling. Total (£2,100). The applicant has provided a viability assessment that demonstrates without adding this financial requirement (developer contribution) and others referred to in this report that the development would be marginally viable, so if minded to approve this application no contribution would be provided. The marginal viability means the requirements of these policies are set aside in the circumstances of this case in terms of the planning balance.

28. Viability

28.1 LPP2 Policy GSP8 (K) – states that development viability with respect to planning obligations will be considered at the planning stage under limited particular circumstances where the scheme is on previously developed land.

28.2 In this case the site has been used as a hotel and latterly a car park and is previously developed land.

28.3 The planning application is accompanied with a site-specific viability assessment which concludes that a policy compliant scheme including developer contributions for affordable housing, open space and libraries would return a negative residual land value RLV significantly below the benchmark land value. Whereas a scheme of 28 open market units but without the three developer contributions referred to would generate a positive RLV which is essentially the benchmark land valuation returning a marginally economically viable scheme with reduced profit at 15% which is just within the National Planning Practice Guidance suggested profit return for developers range of between 15% and 20% as being appropriate and reasonable. Property Services have reviewed the viability assessment and agree that the proposal including the developer contributions is unlikely to be viable.

28.4 Therefore, in this case the provision of affordable housing, library contribution and open space payment would make the development non-viable and cannot in this particular case be justified if the site is to be developed as proposed. This is a material consideration of significant weight.

29. Local Finance Considerations

29.1 Under Section 70(2) of the Town and Country Planning Act 1990 the Council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus, or the Community Infrastructure Levy (which is not applicable to the Borough of Great Yarmouth). Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority, for example. There do not appear to be any planning-related local finance considerations linked to this development.

30. The Planning Balance

- 30.1 The exercise of weighing the balance of harm versus public benefits and concluding whether the balance is acceptable is provided in this section of the report.
- 30.2 The site is presently a surfaced car park at a gateway of the seafront. While this provides a private facility, public parking is available close by. The featureless lot provides view to the less elegant side and rear elevations of adjoining buildings and ancillary structures, which will become screened from public viewpoints. The space is presently like a missing tooth and detracts from the streetscene and townscape of Euston Road and Marine Parade.
- 30.3 Though a substantial building, the design provides that the height is stepped, rising towards the corner, where it will provide a visual stop and create enclosure.
- 30.4 This proposal addresses the concerns raised of the previously withdrawn design, which was considered too large, bulky and too tall compared with and viewed in the context of the neighbouring buildings.
- 30.5 The proposal does not provide on-site car parking, but is in a sustainable location with access to alternative modes of transport and will provide secure bicycle parking.
- 30.6 The proposal does not provide an affordable housing contribution or other contributions to open space and library provision. However, it will provide 28 dwellings in a sustainable location which will support the vibrancy and vitality of the town centre and support economic, social and environmental objectives.
- 30.7 As a brownfield site these are more generally expensive to develop due to existing constraints, including contamination and in this case flood risk and drainage and redevelopment reduces the pressure for greenfield development elsewhere.
- 30.8 It is considered that the redevelopment will result in a built form that will not have a significant detrimental impact on amenity, is compatible with the local character which in this case will enhance the character and appearance of the Seafront conservation area.

31. Conclusion and Recommendation

- 31.1 The development is for more than 10 dwellings in accordance with the Council's Habitats Monitoring and Mitigation Strategy a bespoke Habitats Regulations Assessment is required to be provided in order to determine the application. A bespoke assessment has been provided and assessed as compliant subject to payment of the balance for habitat mitigation.
- 31.2 The site lies within the Great Yarmouth Development Boundary wherein development will be supported in principle unless material considerations outweigh that principle. In this case those would be matters of local identity, the character and appearance of the Seafront Area and Seafront Conservation Area, amenity highway safety, and flood risk. The issue of viability is also a material consideration.
- 31.3 In consideration of the local identity, the character and appearance of the Seafront Area and the Seafront Conservation Area, while located in the Seafront Area the site adjoins the back of Seafront Improvement Area wherein the latter support the provision of uses including apartments and investment which strengthens the positive characteristic of the Seafront.
- 31.4 The impact of the proposed development on both the back of Seafront Improvement Area and the Conservation Area are considered to be linked as the local identity is derived from the characteristics that define the Conservation Area.
- 31.5 The character is derived from the architecture, design, scale and massing of buildings on Euston Road and Marine Parade which are Victorian and early Edwardian seaside leisure and residential buildings. It is considered that the development will make a positive contribution to both and more so than the current car park. It is not considered that a residential use in this case will have a harmful impact on the character of the area.
- 31.6 The applicant has worked constructively with the Council's planning service, conservation officer and Historic England to produce a design that meets policy tests. Overall, the current design proposal provides a much improved and acceptable response that draws inspiration from the surrounding area and historic character of the seafront conservation area, providing a sympathetically designed landmark building on the junction of Euston Road and Marine Parade. The design is considered to comply with Core Strategy Policies CS9 (a), (b), (g), CS10 (a) and (b), and with LLP2 Policy E5.
- 31.7 In relation to the amenity of existing occupants adjoining the property and of the future occupants of development, the maisonettes will have a small amenity space and the flats 24 and 25 on the western end have a balcony. The windows on the west elevation will not significantly worsen the existing overlooking of property to the west which is already overlooked from dwellings at Marine Parade and Paget Road. The site is a short distance from the Seafront and public open spaces for informal recreation. Given the graduated design of the building where the mass is reduced on the upper floors, it is considered that by there will not be an overbearing or overshadowing impact on neighbouring property. The proposed design shows an enclosed and secure refuse storage area. Refuse vehicle access via the existing street network will be unaltered by the development.
- 31.8 In relation to open space, Policy H4 would normally require payment for any deficit in the provision of open space both on and off site. Based on assessment of the current surplus/deficit of each type of open space and an allowance for maintenance in the Central & Northgate Ward, the Borough Council would normally expect a full off-site

financial contribution of at least £46,125.24 (28 x £1,647.33 per dwelling). However, in this case such a requirement would make the development non-viable.

- 31.9 In relation to highway and transport impact - as stated in the consultation response the County Highways Authority, raise no objection, "Given the close proximity of the flats to both the town centre and seafront, together with the fact that parking in this area is heavily controlled by legal orders". The proposal elects to support alternate transport modes with access to public transport and provision of bicycle storage. It is considered that the development will likely result in added pressure to on-street parking. However, given the general movement for carbon reduction and the availability of alternate modes of transport it is not considered that refusal of the application on the basis of car parking provision is sufficient to substantiate refusal.
- 31.10 In relation to flood risk, the site is located mainly in Zone 2 and partly within Zone 3a as such having a high probability of coastal flooding. The building has been designed to provide safe refuge in the maisonettes in the worse-case actual flood scenario including climate change. It is considered that the sequential test and exceptions test are satisfied.
- 31.11 In relation to viability of the proposed development, the accompanying viability assessment demonstrates that it is a marginally economically viable site concluding that no affordable housing provision would be provided, as normally required by Policy CS4. Further, that no open space payment would be provided as normally required by Policy H4. It is also noted that Policy GSP8 recognises the challenging nature of previously developed land in terms of viability and allows for flexibility for providing planning obligations in specific circumstances as set out in this report.
- 31.12 Having considered the details provided, the application is considered to comply with policies CS2, CS9, CS10, CS11, CS13, CS16 and Policies GSP1, GSP4, GSP5, A1, A2, E1, E5, E6, E7, H3, and I3 of Local Plan Part 2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval.

RECOMMENDATION:

It is recommended that application 06/21/0657/F should be delegated to the Head of Planning to APPROVE, subject to:

- (i) Receipt of the balance of £2126.04 Habitat Mitigation Payment and;**
- (ii) The following Conditions:**

Proposed Conditions

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

The reason for the condition is :-

Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following plans and documents:

- . Location Plan - Drawing No. P01 Rev A
 - . Block Plan - Drawing No. P03 Rev A
 - . Proposed Ground Floor & First Floor Plans - Drawing No. P04
 - . Proposed Second & Third Floor Plans - Drawing No. P05
 - . Proposed Fourth Floor Plan & Roof Plan - Drawing No. P06 Rev A
 - . Proposed North & East Elevations - Drawing No. P07
 - . Proposed South & West Elevations - Drawing No. P08
- . Flood Risk Assessment July 2021 REF: 2433/RE/01-20/01 REV A

The reason for the condition is :-

For the avoidance of doubt.

3. No development shall commence until full details of the means of surface water drainage in the form of a Surface Water Drainage and Management Strategy have first been submitted to and approved in writing by the Local Planning Authority. The details should include water efficiency and water saving devices such as rain saver systems and green roofs and a Maintenance and Management strategy for the Surface Water Drainage Strategy. The development shall be carried out in accordance with the approved details and implemented prior to the first occupation of the development and retained and maintained as such thereafter.

It should be noted that it is the applicants/developers/owner's responsibility to ensure adequate drainage of the site so as not to adversely affect the surrounding land, property or highway.

The reason for the condition is :-

To control surface water discharge and to minimise the possibilities of flooding in accordance with Core Strategy Policy CS13.

4. Development shall not progress above slab level until a schedule of materials and finishes to be used for external surfaces and features of the proposed building, including details of brick/stone work demonstrating the colour, texture, bond and mortar, have first been submitted to and agreed in writing with the Local Planning Authority and the development shall be carried out in accordance with those details as approved and retained as such thereafter.

The reason for the condition is :-

To ensure the appropriate use of materials that will preserve and enhance the character and appearance of the conservation area in accordance with Core Strategy Policies CS9 and CS10 and Local Plan Part 2 Policy E5.

5. Development shall not progress above slab level until details of the design, materials and finish of the proposed external windows and doors, including method of opening have first been submitted to and agreed in writing with the Local Planning Authority and the development shall be carried out in accordance with those details as approved and retained as such thereafter.

The reason for the condition is :-

To ensure the appropriate opening style and use of materials that will preserve and enhance the character and appearance of the conservation area in accordance with Core Strategy Policies CS9 and CS10 and Local Plan Part 2 Policy E5.

6. Development shall not progress above slab level until details of the position, type and method of installation of all new services and related fixtures (including rainwater goods, communications and information technology servicing) to the exterior of the building have first been submitted to and agreed in writing with the Local Planning Authority wherever these installations are to be visible, or where ducts or other methods of concealment are proposed and the development shall be carried out in accordance with those details as approved and retained as such thereafter.

The reason for the condition is :-

To enable the local planning authority to ensure the satisfactory appearance of the development that will preserve and enhance the character and appearance of the conservation area in accordance with Core Strategy Policies CS9 and CS10 and Local Plan Part 2 Policy E5.

7. The development hereby permitted shall be carried out incorporating the measures to mitigate the risk from flooding set out in the flood risk assessment REF: 2433/RE/01-20/01 REVISION A dated July 2021, and shall specifically include:

- implementing and adopting the Water Entry Strategy across the ground floor area of the building; and,
- implementing and adopting a Water Exclusion Strategy (including but not limited to flood barriers across doorways and air brick covers) up to the differential depth limit of 0.6m.
- registering the premises with the Environment Agency's Flood Warnings Direct service and preparing a Family Flood Plan.

There shall be no use or occupation of the dwellings hereby permitted until the mitigation measures have first been introduced and the premises is enrolled within the flood warning system and the family flood plan is introduced and made available to all occupants of the dwellings .

The reason for the condition is :-

To ensure that mitigation measures are undertaken as the property is located within an area at risk of flooding in accordance with Policies CS13 and E5 of the Local Plan.

8. With the exception of demolition, no development shall commence until a Phase 1 contamination report has first been carried out to assess whether the land is likely to be contaminated, and the results of the investigations submitted to and approved in writing by the Local Planning Authority.

The report to be submitted shall also include details of known previous uses and possible contamination arising from those uses. If contamination is suspected to exist, a Phase 2 site investigation is to be carried out to the satisfaction of the Local Planning Authority in consultation with the Environmental Health service. If the Phase 2 site investigation determines that the ground contains contaminants at unacceptable levels then the applicant is to submit a written strategy detailing how the site is to be remediated to a standard suitable for its proposed end-use. This subsequent report shall be submitted to and approved in writing by the Local Planning Authority before the commencement of construction works.

No buildings hereby permitted shall be occupied until the remediation works agreed within the scheme have first been carried out to the written satisfaction of the Local Planning Authority, following submission of a remediation verification report.

The reason for the condition is :-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Part 2 Policy E6.

9. In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All development shall cease and shall not recommence until:
 - 1) a report has been submitted and agreed in writing by the Local Planning Authority which includes results of an investigation and risk assessment together with proposed remediation scheme to deal with the risk identified and
 - 2) the agreed remediation scheme has been carried out and a validation report demonstrating its effectiveness has been approved in writing by the Local Planning Authority.

The reason for the condition is :-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property

and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Part 2 Policy E6.

10. A) No development shall take place until an archaeological written scheme of investigation has first been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- 1) The programme and methodology of site investigation and recording,
- 2) The programme for post investigation assessment,
- 3) Provision to be made for analysis of the site investigation and recording,
- 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation,
- 5) Provision to be made for archive deposition of the analysis and records of the site investigation and
- 6) Nomination of a competent person or persons/organisation to undertake the works set out within the written scheme of investigation.

and,

B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).

and,

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

Reason for condition: -

In accordance with Core Strategy Policy CS10.

11. The building shall include measures to meet a water efficiency standard of 110 litres per person per day. No development shall take place above slab level until the details of how this will be achieved have first been submitted to and approved in writing by the local planning authority. There shall be no occupation of any dwelling until those details have first been provided and made available for us in accordance with the details as approved.

The reason for the condition is :-

In the interests of water efficiency in accordance with Local Plan Part 2 Policy E7

12. Development shall not progress above slab level until a Biodiversity Enhancement Plan has first been submitted to and agreed in writing with the Local Planning Authority.

The plan shall detail the provision of a minimum of 28 swift boxes. The plan shall be prepared by a suitably qualified and experienced ecologist and include elevation drawings to show the exact location of the swift boxes to ensure they are appropriately located. Ideally the boxes should be integrated within the fabric of the building. The development shall be carried out in accordance with those details as approved and shall remain in perpetuity.

The reason for the condition is :-

To secure biodiversity enhancements in line with Core Strategy Policy CS11.

13. Prior to installation, details of the secure cycle storage building for a minimum of 36 cycle spaces as indicated on Proposed Block Plan Drawing No. P03 Rev A shall be first submitted to and approved in writing by the local planning authority and shall thereafter be carried out as approved.

The reason for the condition is :-

In the interests of the satisfactory appearance of the development in accordance with Core Strategy Policies CS9 and CS10 and Local Plan Part 2 Policy E5.

14. Prior to the first use of the development hereby permitted the secure cycle parking shall be provided in accordance with the approved plans/details and retained thereafter available for that specific use.

The reason for the condition is :-

To ensure the permanent availability of the cycle parking in the interests of satisfactory development and encouraging the use of sustainable modes of transport in accordance with Local Plan Part 2 Policy I1.

15. No foul drainage from the development hereby approved shall be discharged other than to the main sewer. The foul water disposal shall be implemented prior to the first occupation of the development and retained as such thereafter.

The reason for the condition is :-

To prevent pollution of the water environment in accordance with Local Plan Part 2 Policy I3.

16. REASON FOR APPROVAL OF THE APPLICATION :-

The proposal complies with Core Strategy Policies CS2, CS9, CS10, CS11, CS13, CS16 and Local Plan Part 2 Policies GSP1, GSP5, A1, A2, E1, E5 and E7.

17. STATEMENT OF POSITIVE ENGAGEMENT: In dealing with this application Great Yarmouth Borough Council has actively sought to work with the applicant in a positive and proactive manner.

It is confirmed that this shadow HRA submitted by the applicant was assessed at outline (the planning permission) as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017 and the required payment as currently updated has been made enabling this reserved matters decision.

It is hereby acknowledged that the application has been accompanied by the appropriate and necessary financial contributions for GIRAMS Habitat Impacts Mitigation amounting to £5,206.04 (28 dwellings x £185.93 per flat) received (to be inserted 2023).

18. NOTES - Please read the following notes carefully:-

Anglian Water public combined sewer:

Please note connection for either foul water disposal, surface water disposal or both will require notice to be served on and the consent of Anglian Water under S106 of the Water Industry Act.

Please also refer to Planning Applications - Suggested Informative Statements and Conditions Report prepared by Anglian Water Pre-Development Team dated 1 March 2023 AW Site Ref: 182096/1/017034.

Biodiversity:

In regard to the siting of the bird boxes these should be sited below the cornices on the 3rd, 4th and 5 floors, to the side of, not directly above windows.

Archaeology:

In this instance the programme of archaeological mitigatory work will comprise the monitoring of groundworks for the development under archaeological supervision and control.

A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service. Please note that we now charge for our services. If you have any questions or would like to discuss NCC recommendations, please contact Steve Hickling, Historic Environment Officer Community and Environment Services Tel: 01362 869285 | Dept: 01362 869278 | Mobile: 07775687817

Secure by Design: Your attention is drawn to the advice provided by the Norfolk Constabulary in its letter dated 18th August 2021

Construction work shall not take place outside the following hours:-

08:00 to 18:00 Mondays

08:00 to 18:00 Tuesdays

08:00 to 18:00 Wednesdays

08:00 to 18:00 Thursdays

08:00 to 18:00 Fridays

08:30 to 13:30 Saturdays

and no work shall take place on Sundays or Bank Holidays. (These hours shall only apply to work generating noise that is audible at the boundary of the nearest noise sensitive property)

The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149.)

The site will potentially generate a significant amount of dust during the conversion 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.

Appendices:

1. Site Location Plan

