



**GREAT YARMOUTH**  
BOROUGH COUNCIL

# Development Control Committee

**Date: Wednesday, 22 March 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 - 16**

To confirm Minutes of the meeting held on 22 February 2023.

## **4 06-22-0546-F - Land north of Scratby Road, Scratby**

**17 - 64**

Report attached.

## **5 06-22-0762-VCU - Cliff Top Car Park, East of 70 to 75 Marine Parade, Gorleston**

**65 - 83**

Report attached.

## **6 06-23-0096-F - Leisure Site at South Beach Gardens, Marine Parade, Great Yarmouth**

**84 - 98**

Report attached.

- 7     **06-21-0657-F - Land adjacent Rayns court Lodge 16 Euston**     99 - 132  
       **Road Great Yarmouth**

Report attached.

8     **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 February 2023 at 18:00

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

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

### **01 APOLOGIES FOR ABSENCE**

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

Councillor Galer attended as a substitute for Councillor G Carpenter.

### **02 DECLARATIONS OF INTEREST**

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

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

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

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

### **03 MINUTES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

Following a vote, it was RESOLVED:-

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

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

Proposed conditions

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

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

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

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

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

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

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

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

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

gallery in the current plan but considered that the planned design offers potential to hold 'pop-up' art exhibitions.

Cllr Wainwright confirmed his support for the application and thought it was a fantastic project.

Cllr Flaxman-Taylor agreed and confirmed her support for the application, stating that the project was excellent and was pleased to know that the heritage, including the lift, is preserved.

Cllr Myers also confirmed his support for the application. He felt that the proposal was excellent and offered something for everybody. As well as providing a library in the town centre and facilities for other educational aspects, it also restored and preserved heritage.

Cllr Wright agreed and also confirmed his support for the application and agreed that it was a fantastic proposal for the town centre and this together with the market refurbishment may act as a catalyst to encourage more retailers into the town centre.

Cllr Williamson agreed and thanked the Project Manger Ms Van der Colft for the excellent work done.

Cllr Wainwright moved to propose that the application together with the conditions as laid out in the addendum report be approved. This was seconded by Cllr Flaxman-Taylor.

Following a unanimous vote, it was RESOLVED:-

That the application 06/22/0955/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. The development shall be carried out in accordance with the following drawings and documents:

Location Plan Drawing No. 0003 Rev P1 Received 16 November 2022  
Proposed Site Plan Drawing No. 6386-CF-ZZ-XX-DR-A-0002 Rev P6 Received 16 November 2022  
Proposed Basement Plan Drawing No GYLH-CF-ZZ-B1-DR-A-0030 Rev P11 Received 16 November 2022  
Proposed Ground Floor Plan Drawing No. GYLH-CF-ZZ-B1-DR-A-0031 Rev P21 Received 16 November 2022  
Proposed First Floor Plan Drawing No. GYLH-CF-ZZ-B1-DR-A-0032 Rev P19 Received 16 November 2022  
Proposed Second Floor Plan Drawing No. GYLH-CF-ZZ-B1-DR-A-0033 Rev P11 Received 16 November 2022  
Proposed Third Floor Plan Drawing No. GYLH-CF-ZZ-B1-DR-A-0034 Rev P11 Received 16 November 2022  
Proposed Roof Plan Drawing No. GYLH-CF-ZZ-B1-DR-A-0035 Rev P.1 Received 16 November 2022  
Proposed Elevations - 1 Drawing No. GYLH-CF-ZZ-XX-DR-A-0210 Rev P4 Received 21 February 2023  
Proposed Elevations - 2 Drawing No. GYLH-CF-ZZ-XX-DR-A-0211 Rev P3 Received 21 February 2023  
Proposed Elevations - 3 Drawing No. GYLH-CF-ZZ-XX-DR-A-0212 Rev P3 Received 21 February 2023  
Proposed Elevations - 4 Drawing No. GYLH-CF-ZZ-XX-DR-A-0213 Rev P3 Received 21 February 2023  
Travel Plan Project Ref: 218178 Rev P3 dated 3 November 2022 and received 16 November 2022  
The reason for the condition is:-  
For the avoidance of doubt.

3. Unless otherwise agreed in writing with the Local Planning Authority no works shall commence until a scheme for the preservation and restoration of the buildings internal and external features of heritage interest (as informed by the submitted Heritage Impact Assessment) has been first submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the scheme as approved unless subsequent variation is agreed in writing with the Local Planning Authority.

The reason for the condition is :-

To ensure the features of historic interest are preserved and enhanced in accordance with Core Strategy Policy CS10 and Local Plan Part 2 Policy E5.

4. Development shall not begin on external areas of the site until details of a hard/soft landscaping scheme has been first submitted to and approved in writing by the Local Planning Authority, the scheme shall include:

1) the species, number, size and position of new trees and shrubs and the time of their planting

2) specification of materials for fences, walls and hard surfaces, to include means of enclosure, design and appearance of new of sub-station.

The scheme as approved shall be carried out prior to first use of the development hereby permitted or in accordance with planting timetable if later than first use.

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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order (2015, as amended), the ground floor of the

premises shall be used for a mix of uses within Classes E, F1 (a) and (d) only, within which uses within Class E and Class F1 (d) shall form the largest use in terms of the net floor space area, and for no other purpose (including any other purpose in Class F1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

The reason for the condition is:-

To enable the Local Planning Authority to retain control over any future changes of use of the application site in the interests of the vitality and viability of the Town Centre as set out in Local Plan Part 2 Policies GY1 and CS7 and in terms of maintaining active ground floor uses in accordance with Local Plan Part 2 Policy R2.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order (2015, as amended), the first floor of the premises and those above shall be used for the provision of education (Use Class F1 a) only, and for no other purpose (including any other purpose in Class F1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

The reason for the condition is:-

To enable the Local Planning Authority to retain control over any future changes of use of the application site in the interests of the vitality and viability of the Town Centre as set out in Local Plan Part 2 Policies GY1 and CS7.

7. Prior to installation, details of the cycle stands/shelter as indicated on Proposed Site Plan Drawing No. 6386-CF-ZZ-XX-DR-A-0002 Rev P6 shall be first submitted to and approved in writing by the local planning authority and shall 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.

8. Prior to the first use of the development hereby permitted the proposed cycle parking [stands and shelter] 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 Policy I1 of Local Plan Part 2.

9. The Travel Plan Project Ref: 218178 Rev P3 dated 3 November 2022 shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is in use subject to approved modifications agreed by the Local Planning Authority as part of the annual review.

The reason for the condition is :-

To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with Core Strategy Policy CS16.

10. No part of the works hereby approved (to include fascia board/rainwater guttering) shall overhang or encroach upon highway land and no gate/door/ground floor window shall open outwards over the highway (except for use in an emergency).

The reason for the condition is :-

In the interests of highway safety.

11. Prior to installation of any plant; machinery; ventilation; air conditioning; heating; extraction equipment, including any replacements of such, full details including location, acoustic specifications, and specific measures to control noise and odour from the equipment, shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed, used and retained in full working order thereafter in full accordance with the approved details.

The reason for the condition is: -

In the interests of protecting nearby residential amenity for the occupants of neighbouring premises, and to protect the character and appearance of the surrounding area including the conservation area and setting of listed buildings in accordance with Core Strategy Policies CS9, CS10 and Local Plan Part 2 Policies A1 and E5.

12. Informatives:

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.

NOTES - Please read the following notes carefully:-

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)

NOTES - Please read the following notes carefully:-

Your attention is drawn to the comments of Norfolk Police Designing Our Crime Officer

NOTES - Please read the following notes carefully:-

Your attention is drawn to the comments of Norfolk Fire & Rescue Service

## **06 APPLICATION 06-21-0594-F – Land adjacent South east corner of Venetian Waterways, Great Yarmouth**

Cllr Hanton here by left the meeting.

The Committee received and considered the report set out on the agenda, which was prepared and presented by the Development Manager Mr R Parkinson. The application was brought before the Committee as it was a connected application where the applicant was the Borough Council. The proposal was for installation of 1no. galvanised steel column up to 8m tall to support CCTV camera.

The Development Manager reported that having considered the proposal, the application is considered to comply with policies CS9, CS10, CS15 and CS16 from the adopted Core Strategy, and policies A1 and E5 from the adopted Local Plan Part2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval.

The Development Manager further summarised that the proposed pole is not out of character to the street infrastructure and will ensure greater security coverage, deterring anti-social behaviour and improving public safety. Small 'less than significant harm' caused to heritage setting is therefore outweighed by public benefits and reduced risk to the heritage asset. It was therefore recommended that the application 06/21/0594/F be approved, subject to conditions as listed on the addendum report.

Cllr Wright asked if the installed camera will be rotatable. The Development Manager confirmed this was not specified but is presumed to be.

Cllr Wainwright proposed that the application together with conditions laid out in the addendum report be approved. This was seconded by Cllr P Hammond.

Following a unanimous vote, it was RESOLVED:-

That application 06/21/0594/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. The development hereby permitted shall be carried out in accordance with the following plans and details:

- Location Plan for Waterways SE CCTV Column (1 of 2) received by the Local Planning Authority on 16<sup>th</sup> February 2023;
- Location Plan for Waterways SE CCTV Column (2 of 2, with notation) received on 16/02/23;
- Applicant statement: 'Waterways SE CCTV Column', received 16/02/23;
- CCTV unit specification data sheet: RVX2 Combat Camera, received 04/02/22;
- Dwg: 28350-1 – Column elevation, received 18/02/22;

The reason for the condition is:-

For the avoidance of doubt and in the interests of preserving the character and setting of designated heritage assets.

3. The CCTV unit to be used on the column shall colour-match the column pole.

The reason for the condition is :-

In the interests of preserving the setting of designated heritage assets.

4. Any damage caused to the historic fabric or appearance of the Waterways park, structures or enclosures when undertaking this development shall be repaired and restored on a like-for-like basis within two months of the damage occurring.

The reason for the condition is :-

In the interests of visual amenity and protecting the character of designated heritage assets.

**07 ANY OTHER BUSINESS**

None.

The meeting ended at: 19:20



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

Site Location: Land north of Scratby Road, Scratby

Site Location Plan: See Appendix 1

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

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

Case Officer: Mr Robert Parkinson

Parish & Ward: xxx Parish, xxx Ward

Date Valid: 20 June 2022

Expiry / EOT date: 31<sup>st</sup> 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 (14<sup>th</sup> 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 16<sup>th</sup> September 2020 and subsequently on 14<sup>th</sup> October 2020 and 11<sup>th</sup> 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 12<sup>th</sup> 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

<b>Local Highway Authority (Norfolk County Council)</b>	<b>Initial Objection.</b>  <b>Updated position - No objection subject to conditions</b>
<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 &amp; Safety Audit standards of construction.</p> <p><b>Traffic volumes and network capacity –</b></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><b>Off-site highways works -</b></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><b>Accessibility –</b></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><b>Scheme layout -</b></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.

<b>Anglian Water Services</b>	<b>No Objection</b>
<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>	
<b>Officer comment / response:</b>	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.

<b>Essex and Suffolk Water</b>	<b>No Objection</b>
<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 <b>approximate</b> 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>	
<b>Officer comment / response:</b>	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.

<b>NETI (NCC Ecology)</b>	<b>No Objection</b>
<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)

<b>Officer comment / response:</b>	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"> <li>• A Biodiversity Method Statement</li> </ul>

<b>Natural England</b>	<b>No objection subject to mitigation</b>
<p>The application can only be considered acceptable and able to pass the Habitats Regulations Assessment if:</p> <ul style="list-style-type: none"> <li>• it provides the GIRAMS financial contribution mitigation (41 x £185.93); and,</li> <li>• it provides appropriate (improved) quality of public open space / on-site green infrastructure.</li> </ul> <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><b>Officer comment / response:</b></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 &amp; provided prior to occupation.</p>

<p><b>Historic Environment Service</b></p>	<p><b>No objection subject to conditions</b></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><b>Officer comment / response:</b></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"> <li>• Written Scheme of Investigation,</li> <li>• Site investigation by trial trenching,</li> <li>• Reporting and publication of results</li> </ul>

**5.2. Internal Consultees**

<b>Environmental Health Officer</b>	<b>No objection subject to conditions</b>
<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"> <li>- An adequate supply of water shall be available for suppressing dust;</li> <li>- Mechanical cutting equipment with integral dust suppression should be used;</li> <li>- 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</li> </ul> <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:  0730 hours to 1830 hours Monday to Friday  0830 hours to 1330 hours Saturdays  No work on Sundays or Bank Holidays.</p>	
<b>Officer comment / response:</b>	<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"> <li>• Contamination precautions</li> <li>• Construction management plan: dust, noise, hours</li> </ul> <p>Informatives:</p> <ul style="list-style-type: none"> <li>• Building fabric noise standards</li> <li>• Construction noise notification</li> <li>• Hours of work</li> </ul>

<b>Strategic Housing and Enabling Officer</b>	<b>No objection subject to securing appropriate affordable housing by s106</b>
<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 (93m<sup>2</sup>) and we would request this is increased to meet the size for 6 persons (102m<sup>2</sup>).</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 or make their presence felt to oncoming cars.
- 12.26 In mitigation, the application does also provide significantly increased levels of public open space to those minimum requirements of planning policy; this will reduce the need to visit Station Road recreation ground, if not for play facilities then for informal recreation. Conditions should be used to ensure the highest quality open space possible, suitable for its position, to minimise the need for residents to travel off site for access to suitable recreation.
- 12.27 Finally, some regard should be given to the visual and landscape impacts of any additional footpaths alongside lesser single lane roads. Scratby lacks connections to Ormesby but at the question has to be asked at what point does the character of the area change too much by providing such facilities and encouraging further development on the basis of there being any such connections. In the opinion of Officers the infrastructure around the site entrance and alongside Woodlands Close is acceptable given the backdrop of new development but to add features off the main carriageway would also start to create an urbanising effect, particularly when looking at the practicalities and the likelihood of this route being used extensively by future residents.

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

### **13. Parking & Cycling Provision**

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

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

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

### **14. Public Open Space**

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

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

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

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

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

- 14.5 Off-site improvements would also be required for outdoor sport, parks & gardens and allotments. On this basis, the Borough Council would expect a full off-site financial contribution of at least £29,237.51 (41 x £713.11 per dwelling).
- 14.6 It is noted that the figures presented above are based upon the most recent interim open space calculations used for the emerging Open Space Supplementary Planning Document. The draft SPD was 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 (14<sup>th</sup> 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.

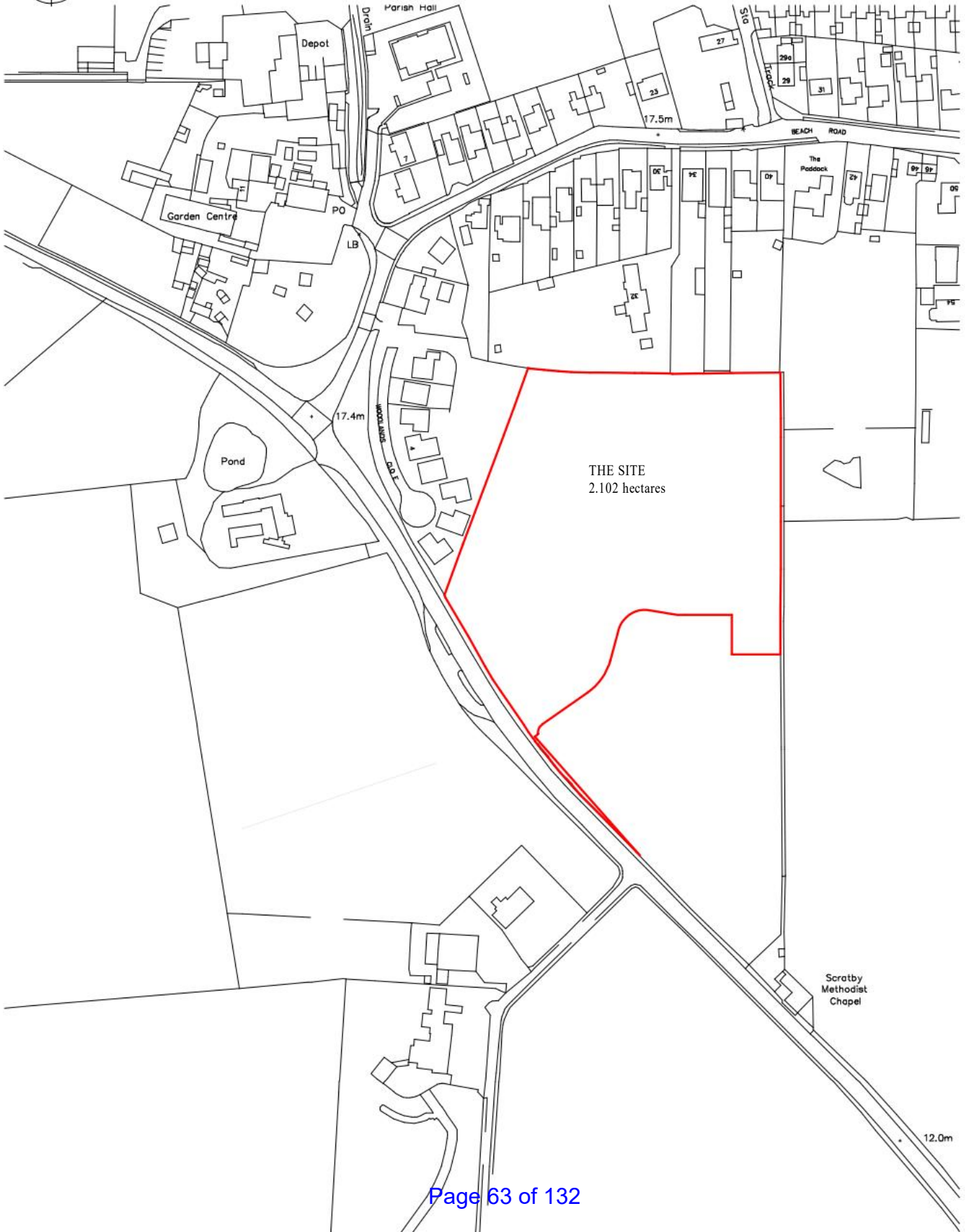
## **RECOMMENDATION:**

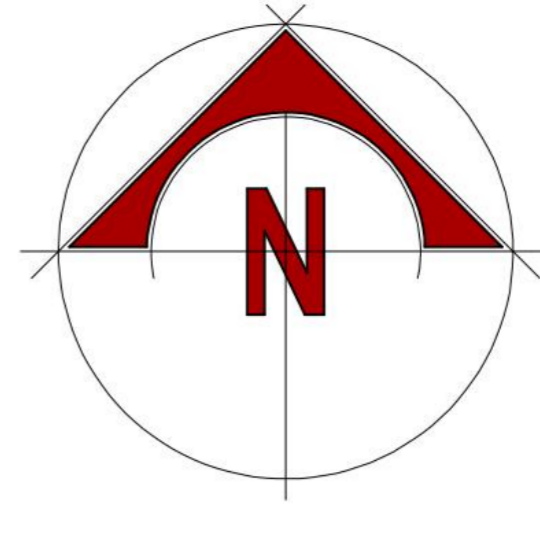
It is recommended that application 06/22/0546/F should be delegated to the Head of Planning to APPROVE, subject to:

- (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**  
 The Copyright of this design remains with Architects and may not be reproduced in any form without their prior written consent.  
 Written dimensions must be used in preference to scaled.  
 Contractors must check all dimensions on site.  
 Discrepancies are to be reported to the Architects before proceeding.  
**SPECIAL WARNING**  
 Relating to links or electronic data containing computer files of drawings prepared by Eastern Design Architects Ltd.  
 Drawings issued by Eastern Design Architects Ltd on paper, disk or e-mail are considered to ensure that the changes can be accepted and traced.  
 Eastern Design Architects Ltd are not responsible for unauthorised changes made to their drawings or the consequences thereof.  
 It is not possible to prevent, prevent or rectify lock computer generated drawings, and there are consequential risks.  
 Requests of electronic copies of this drawing must not make amendments without the written consent of Eastern Design Architects Ltd.

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

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

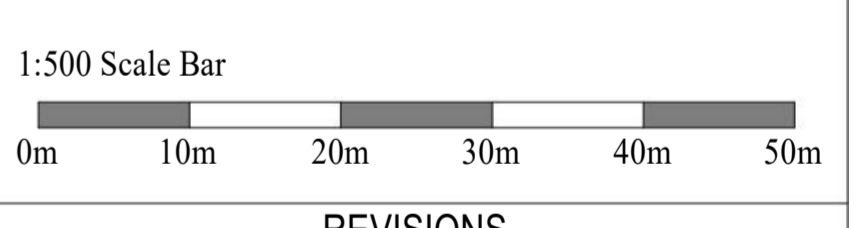
LEGEND	
	1.8M HIGH BRICK SCREEN WALL
	1.5M HIGH CLOSE BOARDED FENCE WITH CONCRETE FOOTING & CONCRETE GRAVEL BOARDS
	EXISTING TREES AND SPANS
	PROPOSED TREE PLANTING
	REAR GARDEN GRASS
	FRONT GARDEN - PUBLIC OPEN SPACE GRASS
	HEDGING/BERMS - SEE LANDSCAPING PROPOSALS FOR PLANTING DETAILS
	BIN COLLECTION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



**Accommodation Schedule**

Ref	Name	Description	Area sq.m	Area sq.ft	Total sq.ft.	No.
<b>Private</b>						
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
<b>Intermediate Tenure</b>						
3B5		3 Bed semi-detached house	93	1001.08	3003	3
<b>Affordable Rented Housing</b>						
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
				<b>38551</b>		<b>41</b>

NB.  
 See Rossi-Long drawing no 201067 RLC-00-00-DR C-100 latest revision for highway details



**REVISIONS**

REV	DESCRIPTION	DATE
A.	Revised highway drainage.	08.04.22.
B.	Starston 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.

**BADGER**  
*setting the standards*

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

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

DRAWING TITLE:  
**SITE LAYOUT**

DRAWING STATUS: **For Comment**

SCALES - 1:500 @ A0 DATE - MARCH 2022

**EOD** EASTERN DESIGN ARCHITECTURE LTD  
 info@easterndesignarchitecture.co.uk

JOB NO. 2093 DWG NO. SL01 REV. K.



- Application Number: **06/22/0762/VCU** - [Click here to see application webpage](#)
- Site Location: Cliff Top Car Park, East of 70 to 75 Marine Parade, Gorleston, Great Yarmouth, NR31 6EZ
- Site Location Plan: See Appendix 1
- Proposal: 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)
- Applicant: Great Yarmouth Borough Council
- Case Officer: Natalie Levett
- Parish & Ward: Gorleston Ward
- Date Valid: 26<sup>th</sup> August 2022
- Expiry / EOT date: 31<sup>st</sup> March 2023
- Committee referral: Connected application – Great Yarmouth Borough Council is the applicant and owner of the application site.
- Procedural note 1: This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 15/03/23, 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:**

**APPROVE, subject to conditions.**

**REPORT**

**1. Assessment**

**Note to the Committee:**

Members are 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 Site/Background:**

- 1.1 Application 06/21/1018/CU was considered and approved by the Development Control Committee on 2<sup>nd</sup> March 2022. The application was for the change of use of part of the area used for car parking, to allow the stationing of up to three mobile concession units for the purpose of retail and for hot food takeaway at land to the east of 70-75 Marine Parade.
- 1.2 The site has been utilised as a public car park from at least 1988 and is located at the southern end of the Gorleston seafront and Marine Parade.
- 1.3 The car park has often included an ice cream van located in the car park as approved under 06/10/0616/F (*Renewal of P.P. 06/09/0655/CU - Parking of ice-cream van to sell ice-cream to the public all year round*).
- 1.4 During the summer, autumn, and winter of 2021 the Council, as landowner, rented part of the car park to a mobile coffee vendor concession unit. This began as a use permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended). The Government, under their coronavirus provisions, temporarily extended the ability to use the land for up to 56 days in a year.
- 1.5 Application 06/21/1018/CU was submitted because the mobile coffee sales unit proved so successful that the use exceeded that allowed under Permitted Development Rights and thus the applicant sought permission for the mobile coffee concession to continue on a permanent basis, for an unlimited number of occasions; at the same time the applicant proposed the opportunity to include other types of retail and food and drink sales, including hot food takeaways, also on a permanent basis.
- 1.6 The report to the Development Control Committee set out the reasons why a permanent permission was not appropriate and that only a temporary permission would be considered acceptable at that time. Members resolved to approve the application with an amended description to ensure that the proposal was temporary.
- 1.7 This application has arisen due to the popularity of the hot drink concession unit and the Council, as landowner, wishes to allow this unit to trade on a permanent basis. However, because the original permission was a temporary permission, the current proposal cannot be varied to be a permanent permission. As a result, a revised description of development was agreed to allow a longer operating period on a temporary basis.

## **2. The Proposal**

- 2.1 The proposal is for the Variation of Conditions 4 and 8 of planning permission 06/21/1018/CU.
- 2.2 Application 06/21/1018/CU was approved for the "*Proposed change of use of land for the mixed use purpose of car parking and temporary stationing of up to 3 no. mobile concession units for the purposes of retail (use class E1a) and/or hot food takeaway (sui generis) use*", which was subject to conditions.
- 2.3 This application relates to Condition 4 to allow the hot drink concession unit to trade for more months throughout the year, and Condition 8 to amend the trading hours to allow a hot drink concession unit to commence its use 30 minutes earlier each day.

### 3. Relevant Planning History

- 3.1 **06/21/1018/CU:** Proposed change of use of land for the mixed-use purpose of car parking and temporary stationing of up to 3 no. mobile concession units for the purposes of retail (use class E1a) and/or hot food takeaway (sui generis) use.

Permission was granted on 11<sup>th</sup> May 2022, following the meeting of the Development Control Committee on 2<sup>nd</sup> March 2022 and subsequent receipt of necessary additional information from the applicant.

The Officer report to the DC Committee Meeting on 02/03/22 and the minutes of the meeting are available via the following link:

<https://great-yarmouth.cmis.uk.com/great-yarmouth/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1503/Committee/137/Default.aspx>

- 3.2 **06/10/0616/F:** Renewal of P.P. 06/09/0655/CU - Parking of ice-cream van to sell ice-cream to the public all year round; approved 22/11/2010.

- 3.3 **06/09/0655/CU:** Proposed use of existing car park space for parking of ice-cream van to sell ice-cream to the public all year round; approved 20/11/2009.

### 2. Consultations

- 2.1 When the intention of the application and the description of the development was clarified it required additional public consultation by site notice and in the press. The resulting consultation period does not end until 17<sup>th</sup> March 2023. Any responses received between completion of this report and the Committee meeting will be included in an Addendum Report circulated before the meeting and reported verbally to the Committee meeting.

#### Statutory Consultees

<b>Highway Authority</b>	<b>Response: No objection.</b>
Comments: No highway objection.	
<b>Officer comment / response:</b>	The originally imposed highway conditions would be included on the Decision Notice if this application were to be approved.
Any relevant Condition / Informative note?	Reimpose original highway conditions if application were to be approved

### Internal Consultees

<b>Environmental Health Officer</b>	<b>Response: No objection</b>
Comments	
There is not a recorded history of noise issues from the premises' current use. As a result, the Environmental Protection Team has no reason to object to this application.	
<b>Officer comment / response:</b>	<p>The original conditions were imposed for the protection of the residential amenity of the surrounding area. No noise complaints have been received and, on this basis, there would be no environmental protection reason to prevent the amended condition.</p> <p>It is appreciated that various anecdotal complaints have been raised, including an enforcement investigation complaint, regarding the unauthorised earlier start and the noise from dogs in particular. These are either addressed in the report below, or were considered extensively in the original planning application. There has not been any previous or current formal statutory noise nuisance complaint nor investigation.</p>
Any relevant Condition/ Informative note?	Original conditions could be amended to that requested by the applicant from an amenity perspective.

<b>Conservation Officer</b>	<b>Response: No objection</b>
Comments	
There will be no comments from the Conservation Team.	
<b>Officer comment / response:</b>	The original conditions were imposed for the protection of the Conservation Area.
Any relevant Condition / Informative note?	The relevant conditions can be updated to reflect the requested amendments so that the adjacent Conservation Area is preserved.

### 3. Publicity & Representations received

Consultations undertaken: Site notices and Press Advert

Reasons for consultation: Development within a Conservation Area

#### 3.1. Ward Members – Cllr(s) Emma Flaxman-Taylor and Paul Wells

No representations made at the time of writing.

#### 3.2. Public Representations

At the time of writing 53 public comments were received to the original submission; four objections, and 49 in support and/or provided comments. Following the re-consultation period, 12 further public comments were received; 3 objections and 6 in support and 3 general comments. The representations raised are summarised below.

**Objections / Concerns:**

Representation	Officer Comment
<p><b>Noise and Disturbance:</b></p> <p>Residents are being woken up at just after 0700hrs each morning by people gathering around the coffee vendor who is consistently set up and serving by 0715hrs.</p> <p>Inappropriate start time and strongly object to 0730hrs serving time due to residential area and dogs barking.</p> <p>Signs should be erected to ask people to be respectful of the residential area.</p> <p>Seven-day use before 0800hrs is unacceptable due to barking dogs before 0800hrs.</p> <p>The amendment will mean that residents will no longer be afforded peace in the winter months due to barking dogs associated with the proposal.</p> <p>Barista Buoy has not traded since the end of September 2022, from thereon it became very noticeable the early morning noise problem disappeared, especially the barking dogs. People have spoken with Barista Buoy to address the problem, who has tried so to do without success.</p> <p>The original permission was granted on the basis that these should be seasonal plots and agreed at the planning meeting that this is what they were. Nothing has changed since then. No consideration whatsoever has been granted to the people who have lived here for many more years than the plots have been trading. As this is the only current trader, it is assumed that every other license holder will, in time, ask for their 'Special circumstances' to be considered and their license tailored to their specific needs.</p>	<p>The Environmental Protection team has confirmed that no noise complaints have been received as such they do not object to the continued use of the hot drinks concession unit.</p> <p>Due to the nature of the area, it would attract dog walkers and some dogs do bark. However, barking dogs would not be as a result of the presence of the concession unit <i>per se</i>, although it is acknowledged that the gathering of people with dogs encourages more barking. As such, this would not be a reason for refusal because a permission could not control whether or not customers' or other walkers' dogs bark and it is not the operator's responsibility to control dog barking. In addition, it would not be appropriate to erect signs asking people to be respectful of the residential area because that is a societal norm in any type of area and thus would not be reasonable in this instance.</p> <p>Although various anecdotal complaints have been raised regarding unauthorised earlier starts and the noise from dogs in particular, the issue was considered extensively in the original planning application.</p> <p>There has not been any previous or current formal statutory noise nuisance complaint nor investigation</p> <p>Each planning application is assessed on their own merits.</p>
<p><b>Opening times and car park use:</b></p>	

<p>Why is the 0800hrs start not enforced rather than vary the planning condition for just one of three potential vendors to start at 0730hrs? The car park opening hours are from 0800hrs, but never enforced.</p> <p>To change the time seems unnecessary and is a nuisance (noise) to those living nearby. This seems to be because the Council is unable to arrange the existing security firm to delay unlocking the car park barrier until 8am. If so, perhaps other such firms could be approached?</p>	<p>The applicant has advised that the concession unit holder did start earlier than the permission allowed but was advised of this and now keeps to the permitted hours. The application has been submitted due to the popularity of the unit and at the request of users. Given the distance from other properties and the nature of the proposal, together with having no complaints received by the Environmental Protection or Planning Teams, it is considered there would not be a severe adverse impact on the neighbouring amenity sufficient to justify refusal.</p> <p>Whilst the Car Park's opening hours are not a Planning matter, the applicant has advised that a number of car parks have the same opening hours so the firm has to make sure that all are open on time and a route is followed to do so which may occasionally mean this opens earlier than others.</p> <p>This is not a planning matter and discrepancies with access to the car park cannot resolved by this application.</p>
<p><b>Character of the area:</b></p> <p>This is not a commercial area and people visit it because of that.</p> <p>GYBC are encouraging the use of throw away packaging, not discouraging it like other businesses.</p> <p>GYBC does not know if the cups are recyclable and cannot know if they will be if the licensee has ceased trading.</p>	<p>The impacts on the character of the area were considered at length through the previous / original application 06/21/1018/CU.</p> <p>The applicant has advised that it is their understanding that the cups are recyclable.</p> <p>Matters of the types of cups and their ability to be recycled are more appropriately dealt with by the landowner's licensing process where such stipulations can be imposed.</p>
<p><b>Non-material issues:</b></p> <p>Barista Buoy has now passed his business to a friend. If this means the business has a new owner does this not mean a new contract is needed?</p> <p>Any new franchisee will have to win the tender for the franchise as the Council Property Services officers have confirmed to our Ward Councillor that there is no provision for the previous franchise to be assigned to another person.</p>	<p>Operation / business ownership is not a material planning consideration.</p> <p>The planning permission already granted is not specific to a company, as personal permissions are only to be in exceptional circumstances, as outlined in legislation and guidance. As a result, if Barista Bouy has been sold and/or another hot drink concession unit is provided on site, this would not be a breach of Planning permission, nor</p>

	<p>should the name or character of the operator / business owner be a reason for making any planning decisions.</p> <p>A license to operate is able to look consider the credentials of the proposed licensee but this is not a planning matter which only considers the used of the land.</p>
--	--

**Support/General Comments:**

<p>Representations:</p>
<ul style="list-style-type: none"> <li>• Support the concession owner to trade for 12 months.</li> <li>• Dog walkers will continue to use the car park and area regardless of whether the unit is present. Dogs will bark at each other regardless of the presence of the concession unit.</li> <li>• A frequent daily user of the seafront most mornings and never heard dogs barking near the Barista Buoy. It is so quiet you wouldn't know it was there.</li> <li>• Support should be given to this small business in the current environment.</li> <li>• This would be great for people's wellbeing and mental health as they have the opportunity to meet and have a drink combined with early morning walk, chill out sitting on a bench and meet people and have a chat before going back home (especially those who now work from home or who are retired).</li> <li>• The hot drinks vendor is excellent and a bonus for people visiting the cliffs. An earlier start would benefit walkers and swimmers.</li> <li>• On the days the unit is not present, people are looking for it, so a year-round license would be better. Some people travel from outside of Gorleston to have a drink on the cliff top and then stay in the area and use other local shops; this can only be good for the area.</li> <li>• Barista Buoy has been a welcome addition and has brought visitors to the area and provides a welcome service to walkers along the upper promenade. The unit serves a need in this area and is well managed and run.</li> <li>• The area is for all residents of the borough, hence being located in the car park. The current coffee vendor, Barista Bouy, has no negative impact to the area only a positive impact encouraging walkers and a positive community spirit bringing people together who might otherwise not take the walk if not rewarded by a lovely brew at the end.</li> <li>• It is great being able to buy a coffee whilst watching the waves, and it is also great for people with mobility problems who are not able to walk very far, it's a great little business and an asset to the cliffs.</li> <li>• Barista Buoy should be allowed all year-round trade. Barista Buoy has become part of the Gorleston community selling quality products at affordable prices and mostly has a queue. He is polite, courteous and keeps a clean site.</li> <li>• Many disabled people pull up into the car park to buy a coffee and sit enjoying the view.</li> </ul>

- It's such a pleasure being able to live so close to the beach. Going for a walk along the sea front doesn't stop local residents regardless of the time of year, particularly in winter when a coffee and a stroll is the perfect outing.

**OFFICER COMMENT / RESPONSE:**

The comments and support for the proposed amendments are noted. The proposal will be assessed in the main report below.

It is important to remind Committee that the application is for changing the way the land is used for a coffee vendor, and not the qualities or behaviour of the current / existing trader which is not a material planning consideration.

#### **4. Relevant Planning Policies**

##### **The Great Yarmouth Core Strategy (adopted 2015)**

- Policy CS1: Focusing on a sustainable future
- Policy CS2: Achieving sustainable growth
- Policy CS6: Supporting the local economy
- Policy CS7: Strengthening our centres
- Policy CS8: Promoting tourism, leisure and culture
- Policy CS10: Safeguarding local heritage assets
- Policy CS16: Improving accessibility and transport

##### **The Great Yarmouth Local Plan Part 2 (adopted 2021)**

- Policy GSP1: Development Limits
- Policy A1: Amenity
- Policy L2: New or expanded tourist facilities outside of Development Limits and Holiday Accommodation Areas
- Policy E5: Historic environment and heritage
- Policy E6: Pollution and hazards in development
- Policy R1: Location of retail development
- Policy R6: Kiosks and stalls
- Policy R7: Food and drink amenity
- Policy I1: Vehicle parking for developments

#### **5. Other Material Planning Considerations**

##### **National Planning Policy Framework (July 2021)**

- Section 2: Achieving sustainable development
- Section 4: Decision Making
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well designed place
- Section 16: Conserving and enhancing the historic environment

#### **6. Planning Analysis**



- 6.1. 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.
- 6.2. 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 (2021).

### **Main Issues**

The main planning issues for consideration include:

- Principle of development;
- Impact upon amenity (Conditions 4 and 8 of 06/21/1018/CU);
- Whether or not year-round use for the hot drinks concession unit is acceptable (Condition 8).

### **Assessment:**

#### **9. Principle of Development**

- 9.1 The principle of the development was established through the grant of planning permission under reference 06/21/1018/CU, which Members resolved to approve at the Development Control Committee on 2<sup>nd</sup> March 2022.

The Committee Report and meeting Minutes are available at the following link:

<https://great-yarmouth.cmis.uk.com/great-yarmouth/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1503/Committee/137/Default.aspx>

- 9.2 This application seeks a variation of Condition 4 of 06/21/1018/CU to allow for one of the three concession units (and only one, for the sale of hot drinks) to trade between 1<sup>st</sup> March and 31<sup>st</sup> January each year (rather than for any 190 days between 1<sup>st</sup> March and 30<sup>th</sup> September), and variation of Condition 8 to change the trading hours (to start at 0730hrs instead of 0800hrs) in respect of just a hot drinks sales concession unit.
- 9.3 This application is made under Section 73 of the Town and Country Planning Act 1990 (as amended), which allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission providing that the development would not require planning permission in its own right and there is no conflict with, for example, pre-commencement conditions where development

has commenced. The Local Planning Authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue. The original planning permission will continue to subsist until it is clear which application is the implemented one if the application is approved. Section 73 does not apply if the original permission was not implemented lawfully or within the in time required for commencement. This is not the case because the original permission was granted on 11<sup>th</sup> May 2022.

- 9.4 In deciding an application under Section 73 of the Town and Country Planning Act 1990, the Local Planning Authority may only consider the question of the conditions subject to which planning permission should be granted. A complete re-consideration of the proposal cannot be undertaken. As a result, only the conditions applied for can be considered providing that they do not alter the overall development as applied for (as detailed in the original description of development).
- 9.5 The proposal was initially submitted to seek a permanent use year-round for the trading of the hot drinks concession unit. If this was permitted, it would contravene the description of the original permission because it would no longer be temporary, even though the remaining two concessions units would still be temporary. The applicant was advised of this and has amended their application to instead seek permission for the use for all months except February. In planning terms, whilst this is longer than the period originally allowed, it could still fall under the definition of being temporary due to not being permitted for 12 months of the year.
- 9.6 On balance, it is considered the amended form of development still complies with the general aims of Local Plan Part 2 policies CS8 and L2 because it proposes only the hot drink sales to benefit from much extended period of use (one of the three approved units) and as such still provides a complementary offer to the tourism trade without creating a cumulative effect whereby the retailing activity would draw trade away from the retail offer in more sustainable locations including defined local centres, which would be contrary to policies CS6 and R1.

## 10. **Impact upon Amenity**

- 10.1 Policy A1 of the Great Yarmouth Local Plan Part 2 (2021) supports proposals where they protect or promote a high standard of amenity to ensure suitable living environment in the locality, and planning permission will only be granted where the development would not lead to an excessive or unacceptable impact on the amenities of the occupiers of existing and anticipated development in the locality in terms of the outlined criteria, including noise.
- 10.2 Planning permission was approved subject to the following Condition 4:

*The car park shall only be used for the stationing of the mobile concession units hereby approved, for a maximum of 190 days per year, and only between 01st March and 30th September in any calendar year.*

*Upon first use by a concession unit(s), a log of all occasions of concession unit operation within the car park shall be maintained 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 minimising the impact on neighbouring residential amenity, as required by Local Plan Part 2 policies R7 and A1.*

- 10.3 The applicant is seeking to amend this condition to allow a hot drinks concession unit to trade throughout the majority of year (with the exception of each February) but ensure any hot food takeaway units would still be covered by the same requirements as the existing condition 4 above.

- 10.4 Condition 8 of the permission 06/21/1018/CU states:

*The use of the site for mobile concession units hereby permitted shall not be undertaken nor provide for sales to the public outside the hours of:*

*- 08:00 - 18:00 Monday to Saturday, between 01 October - 30th April in any year;*

*- 08:00 - 20:00 Monday to Saturday, between 01 May - 30th September in any year;  
and,*

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

*The reason for the condition is :-*

*In the interests of protecting the residential amenities of occupiers of nearby dwellings.*

- 10.5 The applicant seeks to amend this condition to allow just one hot drinks sales unit to commence at 0730hrs each day instead of 0800hrs; the remaining two concessions units would still need to adhere to the 0800hrs start time.
- 10.6 The Environmental Protection Team reviewed the request and advised that no noise complaints have been received at the time of their response, as such, they would not be raising an objection on amenity grounds to either condition being varied.
- 10.7 At least three objections have been raised to this proposal on the grounds of dogs barking. However, the unit itself would not be the cause of the barking and permission cannot be refused on that basis. The area is a public area that attracts people with and without dogs. On the basis of no objection from the Environmental Protection Team and the distance from the residential properties, it is considered that a starting time of 0730hrs instead of 0800hrs is acceptable. It does not mean that the concession unit has to operate all of these hours, it would mean that there is the flexibility to operate for all or part of these hours.

- 10.8 In the strictest sense, the extant existing permission was granted to allow up to three retailing use units (which includes hot drinks sales), and up to three hot food takeaway units, but only up to a maximum of three units in total at any one time. In practice, the applicant has only ever considered use by one hot drink sales unit. It is noted that the application has proposed extended hours and duration of use for just one hot drink sales unit through this amended permission, so it is considered necessary and reasonable to allow the variation to apply to only one hot drinks sales unit and no more, and nor to other types of retailing units more generally. This is reflected in the conditions proposed by Officers.
- 10.9 As a result, the proposal would be considered acceptable in accordance with Policies R7 and A1 of the Great Yarmouth Local Plan Part 2 (2021).

**11. Whether or not the amended operating months for the hot drinks concession unit is acceptable**

- 11.1 This application was originally submitted with the request that the condition be varied to allow for year-round trading for the hot drinks concession unit. However, the original permission was granted with the description of "*Proposed change of use of land for the mixed use purpose of car parking and temporary stationing of up to 3 no. mobile concession units for the purposes of retail (use class E1a) and/or hot food takeaway (sui generis) use*".
- 11.2 As a result, it is not possible to allow a permanent use of the site under this proposal because it would alter the description of development because it would no longer be temporary.
- 11.3 The applicant has confirmed that, on this basis, they are now seeking permission for the hot drinks concession unit to be allowed to also operate between 1st March and 31<sup>st</sup> January the following year, with no operations in February of any year. Whilst this is longer than the original permission allows, it could still be argued as falling under the temporary definition because it is not to operate throughout the whole year.
- 11.4 The Environmental Health Team reviewed the application and confirmed no complaints have been received to date about the use and, as such, would not raise any objections to the proposal.
- 11.5 Based upon the above together with the applicant accepting that year-round use does not fall under the definition of the original description of development, it is considered that operating between March and January would be acceptable and comply with Policies R7 and A1 of the Great Yarmouth Local Plan Part 2 (2021).

**12. Local Finance Considerations**

- 12.1 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.

### **13. The Planning Balance**

- 13.1 The application submission sought to amend the trading hours and allow the permanent year-round trading of the hot drink concession unit, but, during the application process, the applicant was made aware that an application for full planning permission would be required because allowing year-round trading would alter the description of development, which a S73 application cannot do. The applicant is, therefore, seeking additional trading opportunities for only a single hot drink concession unit and only between 1<sup>st</sup> March and 31<sup>st</sup> January inclusive.
- 13.2 The proposal for extended trading hours for the hot drink sales units, commencing from 0730hrs instead of 0800hrs, is acceptable due to the small scale and generally benign nature of the operations of the one hot drinks sales concession unit proposed to be used by the applicant, to which the Environmental Protection team has raised no objection.
- 13.3 Overall, it is considered that the proposal in its amended form, on balance, is acceptable to grant planning permission, because the proposal is able to continue to offer a complementary facility for the tourism sector and maintain an appropriate character of use that does not cause unacceptable detrimental impact to neighbours.

### **14. Conclusion and Recommendation**

- 14.1 The proposal is for the variation of two conditions on a previous and still extant permission, one variation relating to amending the trading hours, the other variation relating to a change in the months one of the three concession units can trade for.
- 14.2 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).

#### **RECOMMENDATION:**

It is recommended that the application be APPROVED subject to 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 01<sup>st</sup> February and 28<sup>th</sup> 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 – 31<sup>st</sup> 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 30<sup>th</sup> September and 31<sup>st</sup> 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 off-street 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).

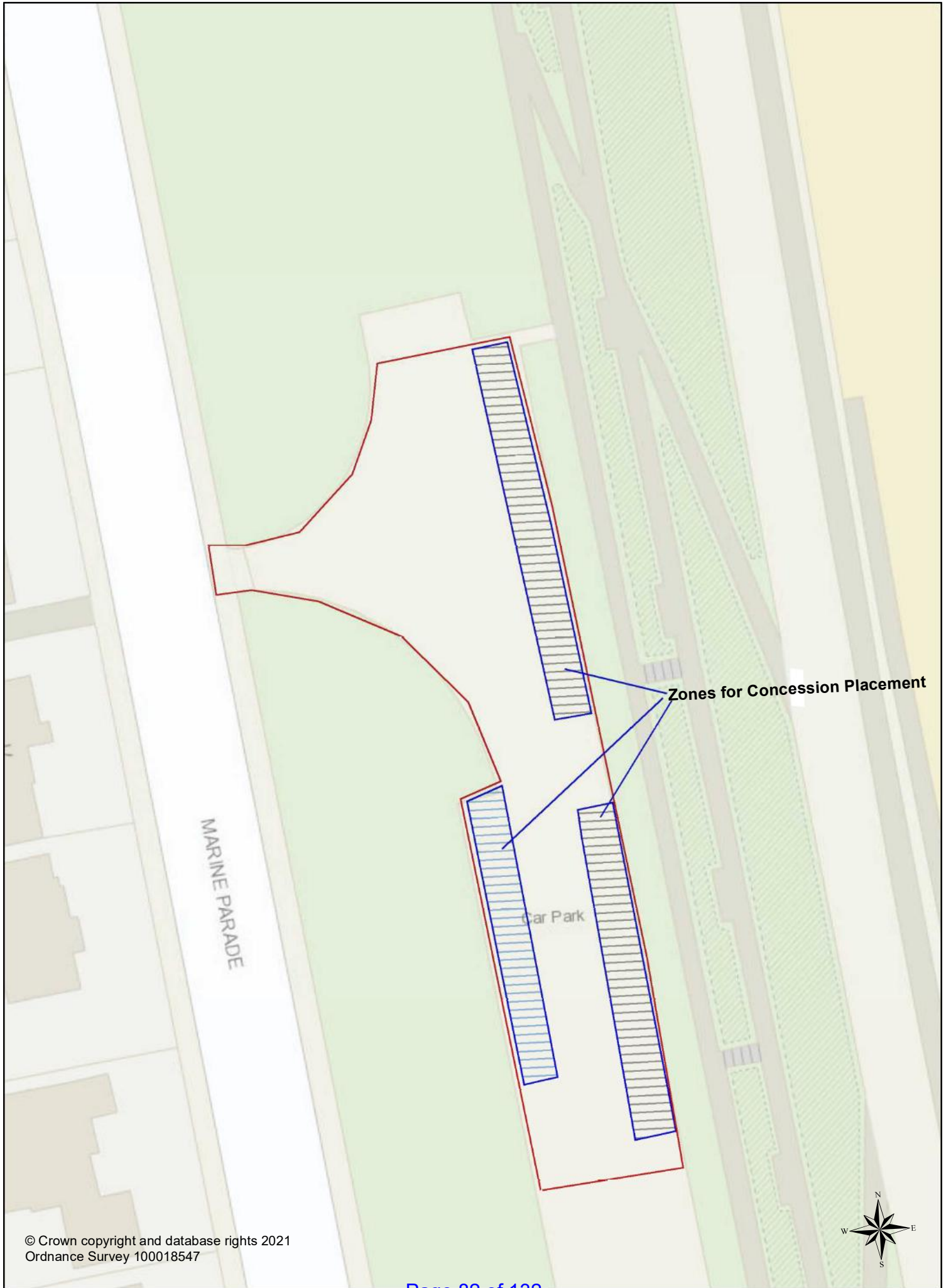
- 12) There shall be no use of amplified music or amplified loudspeaker/tannoy/audio systems associated with the use or as part of any mobile concession unit operating pursuant to this permission.

The reason for the condition is :-

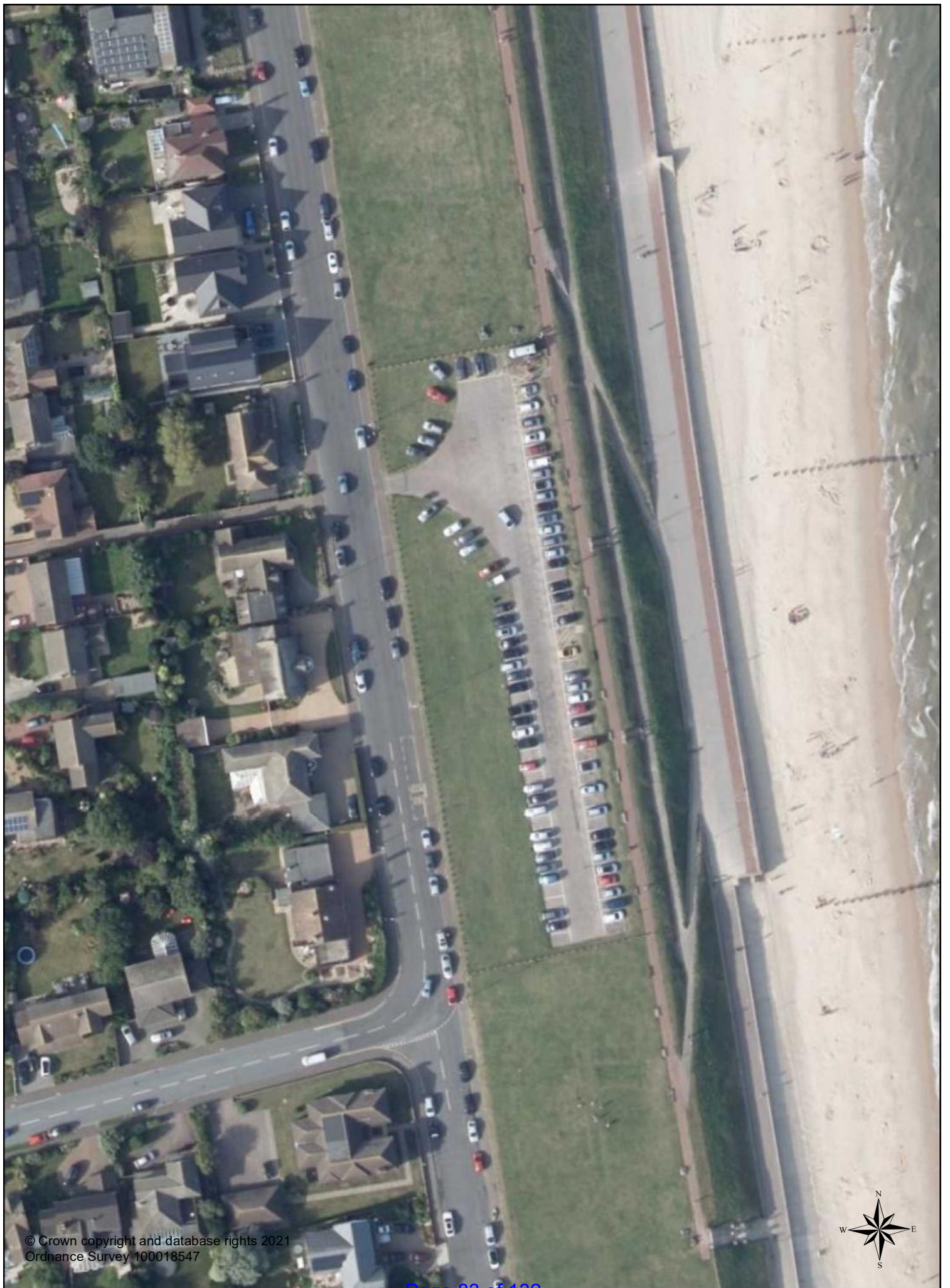
In the interests of the residential amenities of the occupiers of nearby dwellings in accordance with Policies R7 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

### **Appendices:**

1. Site Location Plan and proposed Concession Zones.
2. Aerial Photo of the car park.



© Crown copyright and database rights 2021  
Ordnance Survey 100018547



© Crown copyright and database rights 2021  
Ordnance Survey 100018547

- Application Number: **06/23/0096/F** - [Click here to see application webpage](#)
- Site Location: Leisure Site at South Beach Gardens, Marine Parade, Great Yarmouth, Norfolk, NR30 3AH
- Site Location Plan: See Appendix 1
- Proposal: Proposed Temporary permission (3 years) for the erection and operation of a 52m tall star flyer attraction (ride)
- Applicant: Mr W Abbott, 237 Liverpool Road, Great Sankey, Warrington WA5 1RD
- Case Officer: Rob Tate
- Parish & Ward: Great Yarmouth, Nelson Ward
- Date Valid: 06-02-23
- Expiry / EOT date: 03-04-23
- Committee referral: A connected application - the Borough Council is the landowner.
- Procedural note 1: This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 15/03/23, 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: APPROVE subject to conditions****REPORT****1. The Site**

- 1.1 The application site is positioned on Marine Parade which forms the main tourism destination for the town of Great Yarmouth. The site is located within and at the northern end of the South Beach Garden, and is a mixture of hard standing, pavements and grassed areas of public amenity land.
- 1.2 Neighbouring uses / buildings include the Sea Life Centre and Winter Gardens to the south, the remainder of South Beach Garden to the south (which is also the site of an approved 'Ferris Wheel' tourist attraction' [see 'planning history' below]), and the Marina Centre further to the north. Buildings to the west include the various hotels, restaurants, kiosks and business of the seafront.

**2. The Proposal**

- 2.1 The application seeks a temporary 3 year permission for the erection and operation of a 52 metre tall star flyer attraction ride.

- 2.2 The proposed star flyer is a steel structure with a height of 52.5 metres. The ride would have 16 passenger capsules which would seat 2 people each. The proposed ride is a chair swing ride which spins the capsules at a height.
- 2.3 The star flyer would have a footprint of 18 metres in diameter (21 metres when including the steps). The loading area for passengers is positioned within the base area and the stairs are movable around the base to suit conditions.
- 2.4 The structure is predominantly white in colour with aspects of red detailing and green chairs. The base is proposed to be faced in white panels, along with the ticket office.
- 2.5 The hours of operation / public use are proposed as:
- 11:00 - 21:00 Monday – Friday
  - 11:00 – 22:00 Saturdays
  - 11:00 – 21:00 Sundays, Bank and Public Holidays

These are identical to the operating hours of the adjacent Ferris Wheel.

- 2.6 The application seeks permission to operate and decommission the apparatus at any time for 3 years until the 1<sup>st</sup> March 2026. As such there is no expectation that this will be disassembled and moved off-site during the off-season.

### 3. Site Constraints

- Within the development limits as defined by GSP1
- Within the Great Yarmouth Sea Front Area defined by GY6
- Within Flood Zone 3 (tidal)
- Risk of Surface Water Flooding – 1 in 100 event
- Within No 16 Sea Front Conservation Area

### 4. Relevant Planning History

Reference Number	Decision	Decision Date	Description of Development
06/21/0984/F	Approved	23-03-22	Proposal erection of a 50m high observation wheel - including supporting structures, decking, ramp access and a ticket office - continuous permission for a period of 3 years from 1st February 2022 until 1st February 2025 - this includes provisions to install / derig the proposal
06/21/0093/F	Approved	09-04-21	Proposed construction and operation of 50m tall, 48m diameter Ferris Wheel with 36no. six person capacity gondolas, supporting platform and siting of 5no. associated temporary containers for storage and site operations; for temporary use until 14th November 2021.
06/20/0554/F	Approved	11-03-21	Removal of condition 1 of pp 06/17/0348/F - expiry of permission

06/17/0348/F	Approved	14-07-17	Change of use from vacant land to the siting of a 'Slingshot' amusement ride, along with the erection of fencing and installation of matting
--------------	----------	----------	--

## 5. Consultations

### External Consultees

#### 5.1

Local Highways Authority	No Objection
Comments: n/a	
Officer Comments	n/a

#### 5.2

Environment Agency	No Objection
<p>Comments:</p> <p>We have included brief comments in regards to Environmental Permitting Regulations and Flood Risk in our response.</p> <p>Environmental Permitting Regulations –</p> <p>In accordance with The Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2016, Schedule 25, Part 2, these works will not require a Flood Risk Activity Permit.</p> <p>Flood Risk –</p> <p>We are confident that these works will not increase flood risk and thus have no objection to the application of flood grounds. You may want the applicant to provide an emergency flood plan, showing how the risk would be managed in times of flooding. This would need approval from the emergency planners.</p>	
Officer Comments	GYBC's Resilience Officer has been consulted and raised no objection subject to conditions (included later in report).
Use of Condition / Informative notes?	A Flood Risk Emergency Action Plan will be required by conditions.

### Internal Consultees

#### 5.3

Conservation Officer	No Objection
Comments: n/a	

Officer Comments	Although no comments have been provided on this application, despite this being a significant structure and addition to the Conservation Area, it is not unreasonable to assume the same issues would apply as were recently raised with the adjoining Ferris Wheel development. These principles are assessed in the 'heritage' section of this report.
------------------	--

#### 5.4

Environmental Health Officer	No objection - Subject to conditions
<p>Comments:</p> <p>Noise: A Noise Impact Assessment is required to determine the likely impact of noise from mechanical equipment and people noise (associated with customers of the attractions).</p> <p>External Lighting: Details of external lighting should be submitted and approved by the Local Authority prior to installation.</p> <p>I also request the following Informative Comments:</p> <p>Construction noise notification: 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: Due to the close proximity of other residential dwellings and businesses, the hours of any construction or refurbishment works should be restricted to reduce the likelihood of noise disturbance to: 0730 hours to 1830 hours Monday to Friday 0830 hours, 1330 hours Saturdays and with No work on Sundays or Bank Holidays.</p>	
Officer Comments	<p>The concern for mechanical noise and audience / user noise is understandable due to the type of attraction proposed, but given the distance to the nearest residential receptors, previous attractions on the land and the noise data sheets provided, a Noise Impact Assessment is not considered to be necessary in this instance.</p> <p>As such, it is not recommended to include a requirement for a noise assessment by condition if granted permission.</p>
Use of Condition / Informative notes?	<p>Conditions should be included for:</p> <ul style="list-style-type: none"> <li>- Limiting hours of operations</li> <li>- Preventing amplified noise</li> <li>- Preventing strobe / flashing lighting</li> </ul>

## 5.5

Resilience Officer / Emergency Planner	No Objection subject to conditions
<p>Comments:</p> <p>I have reviewed the application which included High Tide Scenario Procedures. I would like to see that evidence that the action plan is operationalised as part of daily procedures once the attraction is in place (actions associated with named individuals). Would expect that this is part of health and safety documentation and risk assessment.</p>	
Officer Comments	<p>Requiring use of an Emergency Action Plan shall be required by condition.</p> <p>Further advise to liaise with the Emergency Planning should be included on the decision notice as an informative note.</p>
Use of Condition / Informative notes?	The flood action plan should be conditioned to be provided and made available prior to the first use of the ride.

## 6. Publicity & Representations received

### 6.1. Ward Member(s) – Cllr(s) K Robinson-Payne; M Jeal; and T Wright

No comments received.

### 6.2. Public Representations

Type of consultation undertaken:

- Site notice and press advert (development in / adjacent to a Conservation Area)

Representations received:

- At the time of writing two public comments of support have been received citing the benefit to the surrounding tourist uses this proposal would have.

## 7. Relevant Planning Policies

### **The Great Yarmouth Core Strategy (adopted 2015)**

- Policy CS6 – Supporting the local economy
- Policy CS8 – Promoting tourism, leisure and culture
- Policy CS9 – Encouraging well-designed, distinctive places
- Policy CS10 – Safeguarding local heritage assets
- Policy CS13 – Protecting areas at risk of flooding or coastal change
- Policy CS16 – Improving accessibility and transport



## **The Great Yarmouth Local Plan Part 2 (adopted 2021)**

Policy GY6: Great Yarmouth Seafront Area  
Policy A1: Amenity  
Policy E1: Flood Risk  
Policy E5: Historic Environment and Heritage

### **8. Other Material Planning Considerations**

#### **National Planning Policy Framework (July 2021)**

Section 9 – Promoting sustainable transport  
Section 12 – Achieving well-designed places  
Section 14 – Meeting the challenge of climate change and flooding  
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, that special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area.

### **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
- Design and Amenity
- Heritage and Historic Environment
- Flood Risk
- Economic and Tourism Impacts

## **Assessment:**

**Proposal summary:** Proposed Temporary permission (3 years) for the erection and operation of a 52m tall star flyer attraction (ride)

### **10 Principle of Development**

- 10.1 The location of the development is considered acceptable in principle as it is a commercial holiday tourist attraction / use in accordance with the designated area for such attractions (the Great Yarmouth Seafront Area) defined by the Core Strategy and Local Plan Part 2, so the proposed use in this location is deemed policy compliant.
- 10.2 Policy CS8 of the adopted Core Strategy states the potential of the holiday industry should be maximised, and new attractions of a good quality should be supported if they are of good design and with good access and connections to its surroundings.
- 10.3 Policy GY6 specifically encourages year-round, sustainable tourism and new investment in major new tourism, leisure and entertainment facilities.
- 10.4 Policy GY6 does recognise the need to conserve the seafront's heritage assets and so securing a high-quality design of facility is essential as part of this, as is the need to maintain and improve the public realm and the area's open spaces such as South Beach Gardens.
- 10.5 As such, subject to any other concerns being able to be resolved, the principle of development should be considered acceptable subject to appropriate mitigations discussed within the report.

### **11 Design**

- 11.1 The proposed star flyer would be a tall and prominent feature within the sky line of Great Yarmouth and would be visible from beyond the town due to the flat landscape of the town and The Broads beyond. The central tower of the star flyer will be a white colour which will help to mitigate this height and impact within the street scene and wider landscape / townscape.
- 11.2 The ground-level apparatus and ticket office are arranged grouped together at the base of the star flyer. The attraction, despite its height, has a relatively limited footprint and therefore will not appear dominant at street level. The red detailing on the base panels helps to break up the monotony of the white ride and will mean that this will not appear unduly dominant, especially when experienced in the context of the nearby panels of the Ferris Wheel.
- 11.3 The ride is of a design which is typical of a sea front tourist attraction. This would satisfy expectations of policies CS9, GY6 and E5 to enhance the public realm and preserve the setting of heritage assets.

### **12 Amenity**

- 12.1 The proposal is not considered to significantly and adversely affect the neighbouring uses, although a temporary use limited by condition will ensure that the impacts of the use can be assessed.
- 12.2 Whilst the comments of the Council's Environmental Services team are noted, in this instance, noise is not expected to be excessive for the seafront tourist attraction area – given the surrounding attractions. As such, requiring a Noise Impact Assessment to be submitted to demonstrate the suitability of the use in this location would be considered excessive in this instance. This is because whilst the unit does include a diesel generator, the data sheets which have been provided would indicate that at source the generator would generate 81dB of noise, with this reducing to a satisfactory rate before reaching the nearest residential receptor 73 metres away (likely to be below 20dB and lower when considering noise level reductions of the flat itself). Furthermore, the attraction is unlikely to generate noise of significantly differing levels to the previous slingshot ride which occupied the site.
- 12.3 Whilst there are no means for Planning to control the noise created by users of this open-sided adrenaline ride, other precautions can be taken to reduce the overall cumulative impact. The development can be required to prevent the playing of amplified music shall by way of condition; such a measure is necessary as noise impacts have not been assessed at this stage by the applicant, but if these features were required for the attraction there would be an opportunity to apply to include them with appropriate information.

### **13 Historic Environment**

- 13.1 The development is within the Seafront Conservation area (No 16) and the South Beach Gardens make an important contribution to the setting of the historic frontage and the appearance of the Conservation Area as well as being an important part of the public realm.
- 13.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that LPAs pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 13.3 Core Strategy Policy CS10 requires that development seeks to "Conserve and enhance the significance of the borough's heritage assets and their settings, such as Conservation Areas, Listed Buildings, Scheduled Ancient Monuments, archaeological sites, historic landscapes including historic parks and gardens, and other assets of local historic value"
- 13.4 Policy E5 expands upon this stating that in accordance with national planning policy and Policy CS10 of the Core Strategy, proposals for development should seek to conserve and enhance the significance of heritage assets, including any contribution made by their setting, by positively contributing to the character and local distinctiveness of the area.
- 13.5 Although it is noted that the ride is of a similar height to the neighbouring Ferris Wheel, in the wider context the structure is of significant and overwhelming scale far taller than the surrounding townscape. Whilst of modern, sleek appearance, the proposal is nevertheless considered significantly different from the historic character of the

surrounding area, which includes some fine examples of Victorian and Edwardian architecture, including the impressive Windmill Theatre facing the site. However, the seafront character is mixed overall, and one of the main characteristics of the area includes the modern, eclectic forms of attractions such as the rides and similar facilities at the Pleasure Beach and Joyland, elsewhere on the seafront. These all add to the vibrancy of the area, contributed to by the amusement features along Marine Parade.

- 13.6 The narrow footprint of the tower nevertheless helps to ensure that the impact of the height is somewhat mitigated at least at streetscene / street level. Furthermore, the application is for a temporary period of 3 years only which would ensure that any impact on the historic environment would not be on a permanent basis.
- 13.7 It should be noted that whilst the Conservation Section raised no comments on this application, they did caution when the Ferris Wheel was being considered that the Ferris Wheel adjacent should not be considered suitable for permanent or long-term use as it would cause a longer detrimental impact to the historic character overall, and the proposal will partly obscure some significant views such as those towards the Winter Gardens when approaching from the north. Such concerns are not dissimilar to the impacts caused on this adjoining development albeit this proposal may have a slightly lesser impact due to its slimmer profile.
- 13.8 It is also noted that the 'slingshot' development previously sited in this location was also granted a temporary permission only, which was a pre-requisite for the acceptance of that structure by both the Conservation Officer and Historic England, the principles of which would also apply to this development at the same site.
- 13.9 There has been no lighting scheme proposed for the star flyer ride. A condition can be imposed to ensure that any such proposals are agreed by the LPA, with an expectation that these will be static and not flashing, so the impact at night will be minimal and there should be no confusion with sea navigation or disturbances to neighbouring occupiers. This will further mitigate the impact of the ride on the surrounding historic context
- 13.10 Due to the temporary appearance and steel structure, the ride will clearly be read in a different context to the surrounding historic environment. When considering the harm of the proposal on the surrounding designated heritage assets this is considered to fall within "less than substantial" harm in the terms of NPPF paragraph 202.
- 13.11 The proposal is for a temporary installation of a ride. Whilst it is acknowledged that three years is still a considerable period of time, it is nevertheless considered that the structure will continue to be read separately from both the urban environment and the wider landscape of the Borough and its surroundings. As such, the proposal would preserve the character and appearance of the Conservation Area and comply with policies CS10 and E5 and address the requirements of Section 72.
- 13.12 Notwithstanding compliance with local policy, in accordance with Paragraph 202 of the National Planning Policy Framework, the development should only be considered favourably if the public benefits are considered to outweigh the level of harm identified. This is appraised in the concluding Planning Balance section of this report.

## **14 Flood Risk**

- 14.1 The site is located within Flood Zone 3. Whilst not supported by a Flood Risk Assessment *per se*, the application is supported by a statement outlining the High Tide Waterfront Scenario and a Flood Action Plan.
- 14.2 Although the site is within Flood Zone 3 it is not considered necessary to require the applicant to undergo a sequential test to explore alternative locations of lower risk for the development, given the encouragement for such uses under policy GY6.
- 14.3 The Environment Agency have replied to consultation with no objection noting that they “are confident that these works will not increase flood risk and thus have no objection to the application of flood grounds.” In respect of the Ferris Wheel, for example, the Environment Agency took the view that the vulnerability of the use to coastal flooding would not change, being a 'less vulnerable' use, and there was no objection to that proposal as long as the proposal included a Flood Response Plan to be prepared and implemented.
- 14.4 The Resilience Officer has been consulted on the application and whilst raising no objection to the scheme noted that they would wish to see evidence that the Flood Action plan is operationalised as part of daily procedures. It should be conditioned that this is provided and made available prior to the first use of the ride.

## **15 Highways and Access**

- 15.1 Although the platform structure occupies a large area of the public garden there will remain a good inter-connection of paths across and within the site to minimise the disruption to pedestrian movement or interconnectivity of shops and services with the beach.
- 15.2 There is a good availability of public car parking in the area, public transport is good and the site is easily recognisable and accessible for pedestrians so the highways impacts of this tourism attraction are not considered significant.
- 15.3 The Local Highways Authority (Norfolk County Council) have been consulted on the application and raised no objection to the scheme.

## **16 Economic and Tourist Impacts**

- 16.1 It is considered that the proposal will provide an attraction which will improve the overall visitor appeal of the town. The attraction will have good connections to the wider holiday uses. It is not considered that the proposal will reduce the wider viability of the holiday centre by undermining existing businesses or other uses in the vicinity; if anything, this attraction is likely to boost footfall and encourage more visitors to the town to the benefit of other business.
- 16.2 Access to the beach / seafront is maintained, and the development should not interrupt the busy flow of pedestrians and holiday makers in the area who are not users of the Star Flyer.

## **17 Other material considerations**

- 17.1 The previous permissions for giant observation wheels at both at South Beach Gardens and South Beach Parade considered implications for air traffic and the defence estates safeguarding service due to the height of those structures (50m and 67m respectively). The nearby wind turbines at Scroby Sands are said to be 67m tall, so there are unlikely to be significant implications other than the need to advertise the rides presence to pilots of lower-flying aircraft such as helicopters etc and temporary updates to charts and mapping records. As with the two wheels, the developer can be required by condition to notify the defence estates and National Air Traffic Control (including Norwich Airport).
- 17.2 Similarly the Port Authority sought precautions with both former wheels, and these can be replicated in this instance.
- 17.3 The 2006 permission for an 68m-tall observation wheel gave rise to concerns over television and other mobile communication signals. Whilst that concern was addressed by conditions, it is not considered necessary in this occasion due to the subsequent changeover to digital and fibre technologies for television, radio and broadband, and no such concerns have been raised through the consultation on this application, or either of the two observation wheel permissions on land adjoining this site.

## **18 The Planning Balance**

- 18.1 The nature of the development is encouraged in this location in principle. There is a minor level of heritage harm and impact on the appearance of the seafront and overall historic nature of the town, but this is considered to be limited to a 'less than substantial' scale predominantly due to being a temporary proposal. The visual impacts of the proposal are mitigated through the temporary nature of the development and its white colour and narrow footprint of the proposal. Amenity impacts and disturbance can be limited by appropriate conditions. There are also some economic benefits from the development as well as a level of importance to the benefits gained from improved social recreation.
- 18.2 Paragraph 202 of the NPPF requires that any harm to designated heritage assets needs to be assessed against the public benefits of the proposal. In this instance, the proposal would provide clear benefits to the local economy and improve the tourist provision on offer on of the main tourist areas within the Borough. This benefit is considered to outweigh the 'less than substantial' harm caused to the surrounding designated heritage assets, and as a result the development should be approved.

## **19 Conclusion and Recommendation**

- 19.1 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.

### **RECOMMENDATION:**

It is recommended that application should be APPROVED, subject to 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 :-

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 be discontinued and the structure and its associated equipment and all associated infrastructure shall be removed from the site and the site and garden land shall be returned to its previous state and restored with replacement landscaping as necessary within two months of the cessation of the use.

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.

4. The development shall be carried out in accordance with the following revised plans received by the Local Planning Authority on the 6<sup>th</sup> 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).

11. In the event of the star flyer attraction ceasing to be operational for any longer than 21 consecutive days, the use hereby permitted shall cease on the site and the structure and equipment constructed or brought onto the land in connection with the use shall be removed within 3 months of the use ceasing, and the site and public gardens 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 of this permission.

The reason for the condition is :-

To ensure in the event of the observation wheel falling out of use that the site is left in a satisfactory condition.

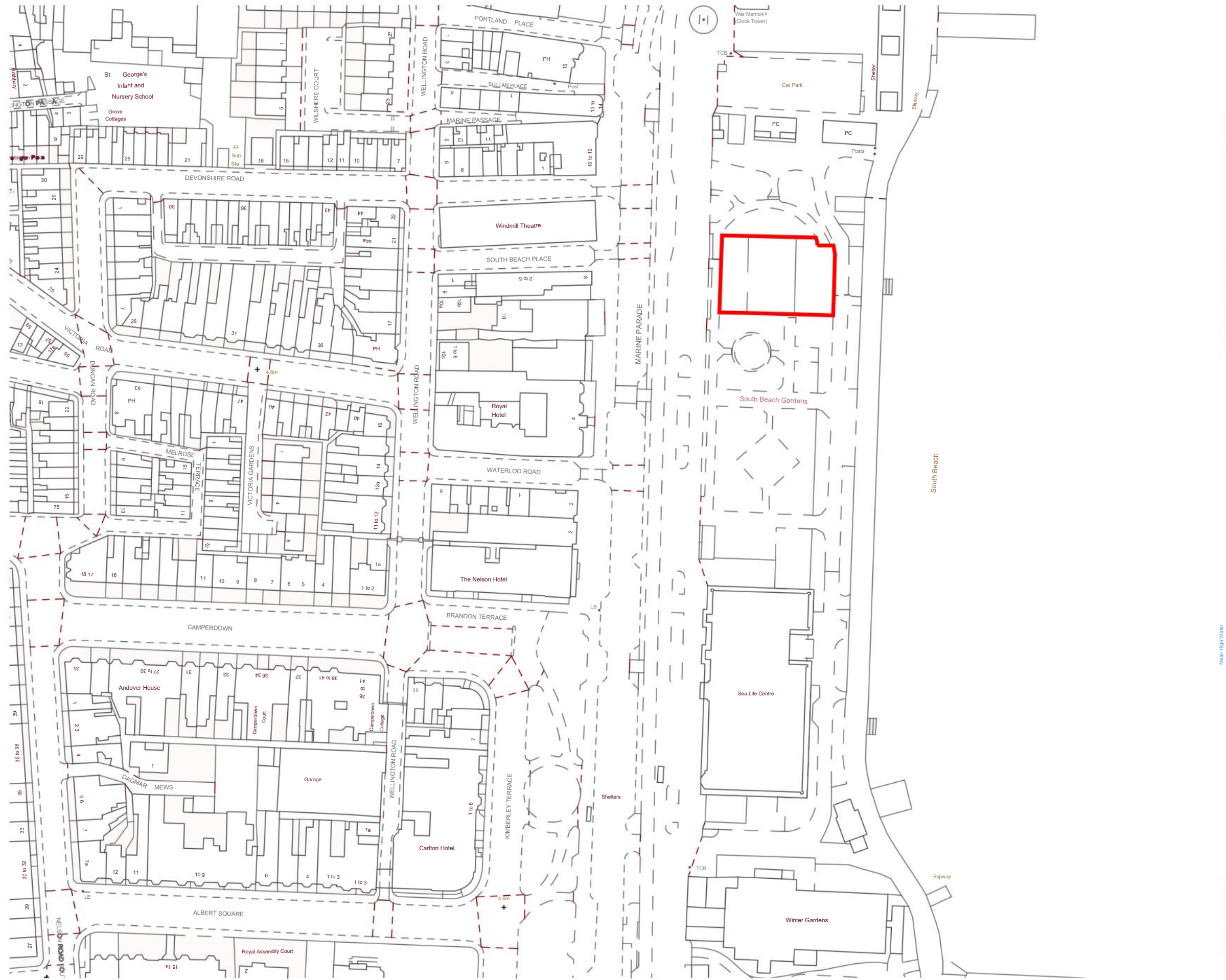
#### INFORMATIVES:

To include –

1. Advice and contact details for liaising with the Emergency Planner / Resilience Officer.

#### **Appendices:**

1. Site Location Plan



**1** SITE LOCATION PLAN  
1:1250

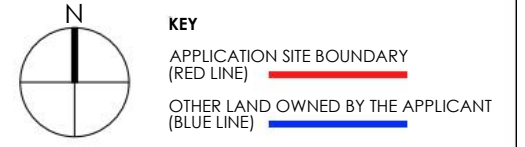
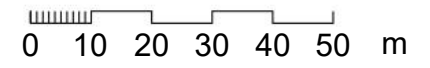
**NOTES**

ALL DIMENSIONS ARE TO BE CHECKED ON SITE  
THIS DRAWING SHALL NOT BE SCALED TO ASCERTAIN ANY DIMENSIONS WORK TO FIGURED DIMS ONLY

**RESTRICTIONS ON PUBLICATION:** NEITHER THE WHOLE OR ANY PART OF THE REPORT NOR ANY REFERENCE TO IT MAY BE INCLUDED IN ANY PUBLISHED DOCUMENT, CIRCULAR OR STATEMENT NOR PUBLISHED IN ANY WAY WITHOUT WRITTEN APPROVAL OF THE DIRECTOR OF OBSERVATION WHEEL UK.

THIS SHALL INCLUDE RESTRICTIONS ON THE FORM AND CONTEXT IN WHICH IT MIGHT APPEAR.

**CONFIDENTIALITY:** THE DRAWING WILL BE PROVIDED FOR THE STATED PURPOSE AND FOR THE SOLE USE OF THE NAMED CLIENT ONLY. IT WILL BE CONFIDENTIAL TO THE CLIENT AND THE CLIENT'S PROFESSIONAL ADVISERS.



**P1 02.02.2023 Issued for Planning**

**STATUS STAGE 3 - PLANNING**



Client: Observation Wheel UK Ltd

Proposal: Star Flyer Attraction

Location: Leisure Site  
Marine Parade  
Great Yarmouth

Drawing No: AL-00-001

Drawing Name: Site Location Plan

Revision: P1

Scale: 1:1250 @ A3

Date: February 2023

Drawn: MS Checked:MS

Sand and Shingle  
Mean High Water  
Mean Low Water

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 16<sup>th</sup> 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

<b>Norfolk County Council Fire and Rescue</b>	<b>No objection</b>
No objection provided the proposal is constructed in accordance with the Building Regulations	
<b>Officer comment / response:</b>	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

<b>Norfolk County Council – Highways</b>	<b>No objection</b>
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.	

<b>Officer comment / response:</b>	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

<b>Norfolk County Council – Historic Environment Service</b>	<b>No objection</b>
<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>	
<b>Officer comment / response:</b>	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

<b>Norfolk County Council – Natural Environment Team (NETI)</b>	<b>No objection</b>
<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>	
<b>Officer comment / response:</b>	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>

<b>Norfolk County Council Lead Local Flood Authority (LLFA)</b>	<b>Maintains an objection in the absence of an acceptable Drainage Strategy</b>
<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>	
<b>Officer comment / response:</b>	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 <b>any development</b> 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.

<b>Anglian Water</b>	<b>No Objection</b>
<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.

<b>Officer comment / response:</b>	A pre-commencement condition could be used that prevents <b>any development</b> 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

<b>Environment Agency</b>	<b>No objection</b>
<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>	
<b>Officer comment / response:</b>	<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"> <li>• The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.</li> <li>• The site does benefit from the presence of defences.</li> <li>• 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.</li> <li>• Finished first floor levels of the ground and first floor maisonettes have been proposed at 6.89 m AOD and therefore</li> </ul>



	<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"> <li>• 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.</li> <li>• 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.</li> <li>• 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).</li> </ul>
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

<b>Water Management Alliance (WMA)</b>	<b>No comment</b>
<b>Officer comment / response:</b>	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

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

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

<b>Norfolk County Council Planning</b>	<b>No objection</b>
<b>Obligation Standards</b>	
<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

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

5.2. **Internal Consultees**

<b>Housing Service</b>	<b>Response:</b>
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.	
<b>Officer comment / response:</b>	A viability assessment has been submitted which states no S106 contributions
Any relevant Condition / Informative note?	None

<b>Conservation Officer</b>	<b>Response:</b>
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.	
<b>Officer comment / response:</b>	A heritage statement was submitted with application
Any relevant Condition / Informative note?	Condition recommended as above

<b>Environmental Health</b>	<b>Response</b>
-----------------------------	-----------------

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.	
<b>Officer comment / response:</b>	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.

<b>Property Services</b>	<b>Response</b>
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.	
<b>Officer comment / response:</b>	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 (EUUV) 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 39m<sup>2</sup>, for a 2 bed 4-person dwelling is 70m<sup>2</sup> and for a 2 bed 2 storey dwelling is 79m<sup>2</sup>.
- 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 646.8m<sup>2</sup> or 23.1m<sup>2</sup> 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 800m<sup>2</sup> 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

