

Schedule of Planning Applications

Committee Date: 05 October 2022

Application Number: **06/20/0278/F** - [Click here to see application webpage : 06/20/0278/F](#)

Site Location: The former First and Last Public House,
Yarmouth Road,
Ormesby St Margaret
Great Yarmouth, NR29 3QG

Site Location Plan: See Appendix 1

Proposal: **Conversion of former First and Last Public House into 1no. 4-bed dwelling; Construction of 2no. 4-bed detached houses and 2no. 3-bed semi-detached houses, with associated parking and infrastructure [revised description]**

Applicant: Mr D. Needham

Case Officer: Mr Robert Parkinson

Parish & Ward: Ormesby St Margaret with Scratby Parish; Ormesby Ward

Date Valid: 29/10/2020

Expiry / EOT date: Extension of time to be agreed

Committee referral: At the discretion of the Head of Planning in light of the public concern and interest in the proposals and the conflict with adopted plan policy.

RECOMMENDATION:

APPROVE subject to first receiving outstanding financial contributions or s106 legal agreement, minor clarification and adjustment of plans, and proposed conditions.

REPORT

1. The Site and its surroundings

- 1.1 The site lies 90m north-west of the roundabout at Jack Chase Way and Ormesby Road, pincerred between the route of the original Caister-to-Ormesby road (the 'old' Yarmouth Road) to the south, and the 'new' Yarmouth Road to the north. The old Yarmouth Road is closed to traffic at the northwest end, so has become a residential access road only, tapering from a wide carriageway at the east to a single track at the west. The existing public house lies north-south facing east to the junction of the old and new Yarmouth Roads and the roundabout beyond.
- 1.2 The site comprises a sizeable and open sided car park at the front (east), abandoned pub beer garden behind (west) and behind that a triangle-shaped area of informally used parking land. The site area of the pub, the car park and the rear beer garden and triangle is 0.19ha.
- 1.3 To the north-west lies Tarn House a modern two-storey dwelling angle north-south and accessed from the old Yarmouth Road. The garden curtilage of Tarn House is

triangular and its boundary is angled south-west to north-east with a tall native hedge alongside the application site.

- 1.4 Opposite and south of Tarn House lies Willowmead, a two-storey dwelling set back and screened from the old Yarmouth Road. Further west at the end of the vehicle access on the old Yarmouth Road is the bungalow of Highbury. To the north are two-storey detached dwellings set back from Yarmouth Road and the junction with Scratby Road, creating a sense of open space in combination with the pub beer garden (although the garden is secured with herras fencing currently).
- 1.5 To the south of the application site lie the cluster of dwellings around The Grange, including the historic Wood Barn House, its Annex, and a row of five historic terraced dwellings known as 8-12 The Grange Cottages, all fronting the old Yarmouth Road, with the Grange Hotel behind.
- 1.6 There is a public right of way access through the site from adjacent the garden with Tarn House on Yarmouth Road, to the old Yarmouth Road. The old Yarmouth Road has been blocked to traffic at the northwest end, allowing only cyclists and pedestrians to and from Yarmouth Road.
- 1.7 The First and Last public house was first constructed in the late 18th Century as a two-storey building and was run initially as a wet-led pub (i.e. not food-focussed). Over time, the pub was extended to the rear with single storey extension which allowed the public house to have a kitchen and allow dining to take place, and the premises benefited from a large outdoor area to the north (rear) which allowed outdoor seating and operated as a beer garden for the building. To the south is a large frontage area which provided a car park for the pub.
- 1.8 The pub closed for the final time in 2012. An application was made to designate the property as an Asset of Community Value in 2015 but that was refused. Most recently there was a fire in December 2019 and the building was sold at auction to the current applicant in Spring 2020. During 2020 the car park to the front of the Public House was briefly used by the Yankee Traveller burger van for takeaways. The current applicant has maintained the building to a presentable and safe standard and has bordered up the windows and painted the exterior of the property.

2. The Proposal

- 2.1 The application has been revised three times since its original submission as a result of ongoing discussions with planning officers.
- 2.2 The application was originally submitted in June 2020 as a proposal to renew or extend the life of the previous permission 06/16/0128/F (conversion of the First and Last Public House to a dwelling and 3no. new build dwellings at the rear) but there was no legal mechanism to do so.
- 2.3 That proposal was replaced in October 2020 with a new proposal for the demolition of the Public House and its replacement with a two-storey rectangular building on a similar footprint as the pub, comprising 2no. small commercial units located on the ground floor, with 2no. 1-bed residential flats above, and 5no. new-build dwellings were proposed at the rear (2no. 4-bed detached and a terrace of 3no. 2-bed houses).
- 2.4 In September/October 2021 the proposal was reduced to contain only 4no. new-build dwellings at the rear (2no. four bed roomed detached houses and 2no. three

bedroomed semi-detached houses) and amending the layout and designs of the commercial unit / flats block.

- 2.5 Most recently in August 2022 the proposal was amended to the current version, largely in response to the building's identification as a non-designated heritage asset, removing the proposed demolition of the public house and provision of commercial units and instead reverting to the conversion of the public house into a single four-bedroom detached dwelling as was previously approved in 2017.
- 2.6 In addition to the public house conversion and 4no. new-build dwellings with garages, the development will create a landscaped public footpath through-route from Yarmouth Road to the old Yarmouth Road service road along the line of the water mains easement, and provide a semi-circular turning head available for public use.
- 2.7 At each revision the application has been subject to full public consultation to neighbours by letters and site notices.
- 2.8 The application is supported by the following plans and documents:
 - Location plan, layout plan, floor plans and elevations
 - Design and Access Statement
 - Noise Impact Assessment report dated 11/10/21
 - Contamination Phase I Environmental Report (Parts 1-3) dated 25/06/21
 - Contamination investigation and risk assessment Phase II Environmental Report dated November 2021
 - Bat Roost Assessment undertaken December 2020
 - Demolition justification statement
 - Archaeological Trenching and Investigation report dated January 2022

3. Site Constraints

- 3.1 As a building whose last use was as a former drinking establishment (sui generis use) there are no permitted development rights available for changes to other uses, and demolition without planning permission is no longer permitted development.
- 3.2 Within local development plan policy, as a building whose last use was as a public house, the building is considered a community facility in general terms by Core Strategy policy CS15 and more specifically by Local Plan Part 2 policy C1 (see policy supporting paragraph 11.1). The loss of the use as a public house is therefore required to be explained and assessed.
- 3.3 The application site is also within the broad and general area described as a 'strategic gap' for protection from certain forms of development, as set out within Local Plan Part 2 policy GSP3.
- 3.4 The former public house building has also been identified in the opinion of Officers to be a 'non-designated heritage assets' (a non-statutory definition used for the purposes of NPPF and local planning policy).
- 3.5 Historic England advice note 'Local Heritage Listing: Identifying and Conserving Local Heritage Historic England Advice Note 7 (Second Edition)' outlines that a non-designated heritage assets can be identified in a number of ways, including through

either: Local heritage lists; Local and Neighbourhood Plans; Conservation area appraisals and reviews; and, Decision-making on planning applications. The Advice Note paragraph 27 states that: "non-designated heritage assets may also be identified by the local planning authority during the decision-making process on planning applications, as evidence emerges. Any such decisions to identify non-designated heritage assets need to be made in a way that is consistent with the identification of non-designated heritage assets for inclusion in a local heritage list, properly recorded, and made publicly available, for instance through an addition to a local heritage list, and through recording in the Historic Environment Record (HER)." Notwithstanding the absence of a formal or adopted 'local list', GYBC Conservation Officers have provided evidence and justification for their assessment and have notified the Historic Environment Service for the building's inclusion in the Historic Environment Record, which is considered adequate to establish its status alongside the discussion in this public report and the planning application's determination.

- 3.6 In the north-east corner of the garden at Tarn House is a protected TPO-designated cherry tree (ref No.1 2022) the root protection area of which may extend into the application site.
- 3.7 There are nearby heritage assets adjoining the site. To the north, on the opposite side of Yarmouth Road, is the two-storey Boarded Barn Farmhouse, a Grade II listed building. To the south, the Grange Hotel is a Grade II listed building, situated some 64m southeast, behind the row of non-listed but distinct and historic terraced cottages fronting the south side of the old Yarmouth Road. There is not a conservation area designation in the vicinity.
- 3.8 The area around and to the south of The Grange Hotel is a designated Holiday Accommodation Area defined by LPP2 policy L1. Whilst that area may present implications for residential use at this site there are unlikely to be any impacts on the holiday accommodation area from the development proposed in this application.
- 3.9 The site does not fall within the 'Nutrient Neutrality' catchment area of the Trinity Broads Special Area of Conservation. The site is in Flood Risk Zone 1.

4. Relevant Planning History

- 4.1 The following table shows the relevant history for the First and Last public house site.

06/79/0725/F	Alterations & extensions	Approved with conditions – 22/08/1979
06/14/0730/O	Demolition of the First and Last and construction of 10 houses	Refused – 30/01/2015
06/15/0280/O	Demolition of the First and Last and construction of 4no. houses	Refused – 26/06/2015
06/16/0128/F	Change of use from public house to dwelling house. Construction of three no. dwellings. Construction of garaging	Approved with conditions – 10/08/2017

- 4.2 It should be noted that previous permission 06/16/0128/F was granted in part due to the lack of a 5 year land supply at the time of its determination, amongst other reasons including the benefit of restoring the historic building to beneficial use. At that time, the pub and its car park were inside the 2001 Local Plan development limits so the pub's conversion to a dwelling was acceptable in principle, but the new houses were outside the development limits and would ordinarily have not been supported.
- 4.3 It is not clear whether the development would have been able to be provided in its entirety because no allowance was made for the water main route and wayleave and public footpath at the time, as at least one of 3 large detached dwellings was build across the route now incorporated into the current scheme. That however is to a degree speculation and should not affect the determination of this application.
- 4.4 The permission 06/16/0128/F was initially required to be commenced before 10th August 2020, which was extended to 1st May 2021 by legislation introduced to address the Covid-19 pandemic, but schemes would only benefit from the extension legislation if they had first submitted to the Council an 'Additional Environmental Approval' and had that granted before 1st January 2021. No such request was submitted.
- 4.5 Notwithstanding this, some initial works did take place in an attempt to commence that permission including digging a trench for foundations. However the works were not demonstrably related to the approved development, and the landowner/developer(s) had not addressed the permission's fundamental pre-commencement condition requirements (archaeology, drainage, site levels and proposed levels, and contamination) so the works were not a lawful commencement of the permission.
- 4.6 As such, the site does not benefit from an extant planning permission because but permission 06/16/0128/F was not implemented successfully within the necessary timescales, and there is no fallback position for the applicant to rely on or for the decision maker to have regard to.

5. Consultations

Statutory Consultees

Highways Authority – Concerns have been addressed, requires conditions.

- Objected to the proposed retail units and the under-supply of residential parking initially.
- The garages for the 3-bed dwellings must meet the minimum internal dimensions of 3m x 7m, which would be required for them to be considered in the parking assessment for the development; this would be able to be achieved with minor modification.
- Various technical matter planning conditions are required on any permission.

Officer response: concerns have been addressed, and conditions are proposed.

Environmental Health Officer – Initial objection removed, requires conditions

- Residential uses required a Phase 1 contamination assessment which was missing. The contamination reports provided include remediation measures which should be required by conditions.
- The Grange could create noise nuisance and requires assessment by noise report.
- Noise report required for possible impacts of commercial uses alongside residential.
- Should demonstrate compliance with the 'Technical housing standards - nationally described space standard' for the new dwellings.
- Noise conditions are required for acoustic protection in glazing.
- Hours of work should be controlled by conditions.

Officer response: concerns have been addressed, and conditions are proposed.

Norfolk Fire Service – No objection

- The development will need to meet relevant Building Regulations standards.

Officer response: concerns will be addressed though building regulations. No conditions.

NCC Historic Environment Service – No objection as the expected archaeological conditions have been resolved.

- The site and surrounding area is noted for its potential medieval or post-medieval interest and the site had a form of building of that period in tithe maps.
- Initial comments - Any permission should be subject to conditions requiring investigation, assessment, site monitoring and recording, as expected in the previously approved 06/16/0128/F.
- **Updated comments – the** applicant has conducted the first phase of archaeological mitigation, to our satisfaction, with negative results, and the trenching report into the investigation has been received. I would like to withdraw our previous advice - Archaeological mitigation is now not required and there should not be a planning condition requiring it.

Officer response: concerns have been addressed, no conditions are proposed.

Essex and Suffolk Water / Anglian Water – No comments received.

NCC Public Rights of Way – No objection.

NCC Ecologist – No objection subject to conditions

- There is no impact on designated SSSI site despite being within the 2km risk zone.
- The pub building has been the subject of a Preliminary Roost Assessment for bats (Dec 2020), and no evidence of bat use was noted.
- The natural environment needs improving through native species landscaping.
- Conditions are required for biodiversity enhancement - hedgehog gaps between fences (2 per dwelling), bird and bat boxes being integrated within the dwellings (at least 1 per dwelling).

Officer response: concerns have been addressed, and conditions are proposed.

Internal Consultees

Conservation Officer – Objected to the proposed demolition. Advocates retention.

- SUMMARY: Conservation Officers consider the building is a heritage asset with a range of significances which include architectural, cultural, historic and community value, as well as making a positive contribution to sense of place and local distinctiveness. It is a key gateway into the village and strongly supports the character of the village and the unique rural vernacular of the area.
- Conservation Officers do not accept that the building is beyond repair or too far eroded to be repaired and that it should be redeveloped as part of a wider scheme.
- The building should be reused and restored.

Officer response: Conservation Officers have provided a valuable and comprehensive assessment of the buildings' historic and cultural role to the village and the local area, to support the identification of the building as a non-designated heritage asset. The initial concerns have been addressed and conditions are proposed to retain and restore key aspects.

Strategic Planning Officer – No objection but concerns raised

- As the site is in the Countryside it is questionable whether 3no. 4-bed properties are needed in this location.
- The homes should be confirmed to be accessible and adaptable.
- The application should provide a heritage impact assessment to address Policy E5.
- Consideration could be given to a softer form of garden boundary (rather than a 1m tall close boarded fence) along Yarmouth Road.
- More natural and open landscaping would be preferable.
- The loss of the pub should be considered only if marketing evidence is provided to establish if the use as a public house is no longer viable. The marketing evidence will need to demonstrate that the building has been marketed at a reasonable price for at least a 12-month period as a public house.
- Public open space policy H4 requires a full off-site financial contribution of at least £7,824.25 (5 x £1,564.85 per dwelling).

Officer response: most concerns have been addressed, some conditions are proposed to satisfy the outstanding issues, though some elements are considered unnecessary to pursue, and these are discussed in the report.

GYBC Property Services

- The property services team surveyors were asked to provide advice on (i) the feasibility of reusing the building and (ii) the viability of its retention as a pub, having regard to the applicant's building condition survey and demolition justification statement. No comments were received.

Officer response: the indications provided in officer opinion suggest the building should be retained and could be reused, as evidenced by the previous permission, so the assessment was not affected by the absence of comments.

6. Publicity & Representations received

Consultations undertaken: Letters to neighbours and Site notices have been used for each set of the amended plans.

6.1. Ward Member – Cllr Freeman

Speaking in partnership with the Parish Council:

- The area is seen as a residential area.
- Retail units at the front could become a problem as has been shown in the past by the use of the site by a takeaway food business.
- The two semi-detached properties would better serve the parish or a terrace of three homes would be suitable for single people or couples who wish for just a small home and garden.

6.2. Ormesby Parish Council - No objection to the revised plans

- Initial objection to the demolition of the public house, due to its historic importance.
- Objected to the additional dwelling proposed above that allowed previously.
- Previous versions were overdevelopment, too crowded with over-supply of parking.
- Previous retail uses could have caused litter, noise and traffic – now resolved.
- Supports residential development of the site, but not a residential & commercial mixed use development.
- Windows and balconies should be minimised to avoid overlooking and appearing out of character with the surroundings.
- The historic and cultural importance of the name of the pub and the original owners Lacons being from Ormesby needs acknowledgement and preservation.
- Objection removed 22/08/22.

6.3. Public Representations

At the time of writing 47 public comments have been received. A range of concerns have been aired as below:

Current proposals:

- Highways safety concerns, including requirement to retain the bollards to the west.
- Inadequate parking for dwellings.
- Objection to loss of the former pub garden as open space and seating areas.
- Overlooking of neighbours to the south and west.
- Overshadowing / blocking light to neighbour to west.
- Inadequate local facilities available.
- Loss of the gap between villages of Caister and Ormesby St Margaret.
- No need for the new houses.
- Implied support for the retention of the public house building.
- No objection to conversion of the pub, acknowledging this was previously approved.
- The building should be made available to purchase again at realistic prices.

- The designs are not appropriate to the village.
- More traffic and more pollution.
- The building should be used for a community coffee shop/café.
- Even 4 new-build dwellings is too many - the previous permission of 3 new-build dwellings should be followed.
- The water main wayleave makes the development too cramped for 4 new build homes.
- The Stopping Up Order for the through-route has not yet been confirmed.
- Activities at the Grange cause congestion in the road already – this will be exacerbated.
- Visitor parking is lacking – NCC standards require an on-site communal visitor parking space for every 5 dwellings proposed.
- Dwelling parking is insufficient – the application relies on parking in garages and only 1 open parking space, but the garages should not be relied on – as per current NCC parking standards.
- The detached dwellings should be required to be no higher than the height of the pub, and should be ‘cottage style’.
- Windows in the elevations and floor plans for the pub show a discrepancy and any windows on the side of the building would cause overlooking.

Matters that have been resolved by the amended proposals:

- Significant objection to the demolition – the building should be retained.
- Significant objection to the retail uses – parking, litter, disturbance, traffic, deliveries, impact on businesses in more appropriate locations, poor design at village entrance.
- Significant objection due to overdevelopment from 7 houses and 2 retail units.
- Objection to any inclusion of the burger van - impacts from access, parking, odour, noise, disturbance.

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 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 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 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 GSP7: Potential strategic cycling and pedestrian routes
- Policy GSP8: Planning obligations
- Policy A1: Amenity
- Policy A2: Housing design principles
- Policy H3: Housing density
- Policy H4: Open space provision for new housing development
- Policy H7: Conversion of rural buildings to residential uses
- Policy E4: Trees and landscape
- Policy E5: Historic environment and heritage
- Policy E6: Pollution and hazards in development
- Policy E7: Water conservation in new dwellings and holiday accommodation
- Policy C1: Community facilities
- 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 5: Delivering a sufficient supply of homes
- 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
- paragraphs 124 d) and 130 f) – requirement to provide a high standard of amenity for existing and future users / neighbours / residents.

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,*
(a) 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.

- 9.3 In determining this application the Council must also ensure it satisfy the following legal duty within Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of listed buildings in the exercise of planning functions:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Main Issues

The main planning issues for consideration are:

- Principle of development – loss of the public house use
- Principle of development – new dwellings outside development limits
- Principle of development – other material considerations
- Impact on heritage assets
- Design
- Impacts on character of the area
- Impacts on neighbouring amenity (commercial and residential)
- Highways safety
- Parking, cycle parking and accessibility
- Ecology and biodiversity
- Drainage
- Habitats Regulations Assessment
- Public Open Space
- Other material considerations

Assessment:

The application proposes:

Conversion of former First and Last Public House into 1no. 4-bed dwelling; Construction of 2no. 4-bed detached houses and 2no. 3-bed semi-detached houses, with associated parking and infrastructure

10. Principle of Development – loss of the public house use

- 10.1 Core Strategy policy CS15 seeks to retain community facilities and uses, and Local Plan Part 2 policy C1 specifically requires certain criteria to be addressed if development proposals are likely to remove a community facility from use, including public houses regardless of their period of vacancy.
- 10.2 Officers have sought clarification about the feasibility of the public house use as a going concern and have asked for surveys or evidence that the pub couldn't be brought back into use, and whether it has been marketed for reuse as a pub.
- 10.3 The application has not provided any evidence of a lack of viability of the public house use, nor evidence of whether or how the pub was marketed prior to or since its closure

before it was disposed of. The applicant has provided a building conditions survey of January 2022 which highlights the deterioration of the building, and had provided a 'Statement to justify demolition' (Jan 2022), which includes their opinion on why the pub use has not continued:

"Initially the First and Last was licensed in 1854 in the name of William Woolston who ran the pub for 10 years. It has been licensed continually since then up until 1995 when Alan Cheatle ran the pub until its demise in 2013.

The First & Last trade and any trading operation has failed subsequently due in part to the Pontins Holiday Camp closing and the need for a small isolated local pub diminishing. This is evident by similar pubs just outside the towns and villages having to close as there is no foot traffic to service them and the need for people to use a car to visit them.

The lack of trade has been evident by the failure of the last 2 tenants who sadly each ran into financial difficulty and bankruptcy. The property has been actively marketed since 2012 but no suitable tenants have been found in this time. The nearby Grange provides good support for the village and surrounding areas, as a public house, eatery and hotel style accommodation, which the First and Last is unable to offer or compete. Since the property has been vacant it has suffered from break-ins and criminal damage culminating in a serious fire in December 2019. Fire crews saved the building at the cost of its ultimate structural failure and demise.

The building therefore is not suitable for a public house and so its future use in questionable."

And in terms of whether the building could be reused for any other type of community use, the applicant states:

"It was designed as a pub and so to utilise the floor layout and convert to a shop would involve gutting the ground floor and replacing windows with larger panes to at least make it look like a shop [or other use]. Nobody will visit it if it does not at least resemble a commercial unit."

- 10.3 Strategic Planning Officers highlight that the pub could benefit from the local tourism accommodation parks but it is unlikely in practice following the loss of Pontins and the presence of the facilities actually within The Grange park. Further, in referring to Policy C1, it is requested that the policy should be addressed further: *"Marketing evidence is required to establish if the use as a public house is no longer viable. The marketing evidence will need to demonstrate that the building has been marketed at a reasonable price for at least a 12-month period as a public house, reflecting market value for a public house and on competitive terms and conditions over the open market. The marketing should include advertisements in the local press and online as well as targeted approaches. Marketing evidence should include a full record of enquiries together with reasons as to why a sale/lease did not progress."*

Policy C1 states:

"Development leading to the loss of an existing community facility will only be permitted where it is demonstrated that either:

*a) it is to be replaced by a facility of equal or greater quality in a suitable location to meet the day-to-day needs of existing users; or
b) the area currently served by it would remain suitably provided following the loss; or
c) it is no longer viable or feasible to retain the premises in a community facility use as demonstrated by a marketing evidence which covers at least a 12-month period of marketing.”*

- 10.4 Planning Officers therefore consider that it would be unreasonable and unnecessary to refuse the application on the basis of policy C1 or require any further marketing as the policy C1 criteria requires only replacement of the use, or evidence of viability and marketing, or the appropriate continued provision of alternative facilities in the near area, and Officers consider there to be adequate alternatives and a suitable timeline of attempts to make the building available for new tenants / owners.
- 10.5 Core Strategy policy CS15 has not been addressed by the application. The policy expects the loss of important community facilities to be resisted, unless appropriate equivalent provision is made elsewhere in a location accessible to users, or a detailed assessment has been submitted which clearly demonstrates there is no longer a need for the provision of a facility in the area.
- 10.6 No alternative public house outlet facility has been proposed, and no assessment of the need for a pub, or lack of need, has been provided.
- 10.7 However, there are considered to be relevant material considerations to weigh up against the lack of compliance with policy CS15:
- Firstly, the Council has already relatively recently accepted the loss of the public house through conversion to a dwelling under the previous permission. That was in part because there was no 5 year land supply in place so the provision of 4 new dwellings housing was of greater importance in 2016-17, but it was not the determining factor as 4 dwellings could have been provided in other more sustainable locations had the application been refused; instead some additional and notable weight was given to the importance of securing the retention of the historic building despite the loss of the public house use.
 - Secondly, the public house has not operated since 2013 and has been available to purchase or lease either as a pub or for alternative uses but was not pursued.
 - Finally, there may not have been an assessment of demand for a public house, or proposed replacement in the scheme, but the Grange Hotel and touring park does include a clubhouse and restaurant which can provide some of the facilities that a pub would. This was accepted as a suitable alternative during the previous application’s consideration.
- 10.8 Having regard to the long period of the pubs closure, the building’s vacancy and attempts to dispose of the property, the presence of other such venues at The Grange, and the previous grant of permission after a much shorter period of closure, it is the considered opinion of Officers that the application should not be refused on the basis of not specifically addressing policies CS15 and C1.

11. Principle of Development – new dwellings outside the development limits

- 11.1 Core Strategy policies CS1, CS2 and CS3, and Local Plan Part 2 policy GSP1 expects new residential development to be directed to sites within the defined development limits, which in this case is to the south of the Caister bypass roundabout. The reasons for doing so are to ensure there is improved connectivity for all communities, to be close to and have convenient access to services and facilities, and to minimise loss of agricultural land and other less appropriate uses, whilst promoting efficient use of land with higher densities in appropriate locations.
- 11.2 Exceptions to these policies apply only when dwellings are proposed as replacements for existing dwellings, or as agricultural workers dwellings, or as conversions of culturally or historically important vacant buildings, or when other material considerations exist, such as being housing to meet specifically-identified local housing needs including self-build homes. None of these criteria have been proposed for the new dwellings.
- 11.3 The beneficial reuse of the historic building is considered to accord with the aims of LPP2 policies H7 and E5 and is accepted in principle.
- 11.4 However, being well outside development limits, the proposed new-build housing is contrary to the aforementioned policies. The site is not as accessible as would ordinarily be required of a scheme for creating 4 new-build dwellings. Whilst there are bus routes along Yarmouth Road and a disconnected series of off-road cycle paths into Caister, the site still feels detached and remote from services and in large part dependent on the private car for day-to-day needs. These factors weigh against the principle of development.
- 11.4 As there are less than 10 dwellings proposed, affordable housing is not sought from the development in order to accord with adopted development plan policy.
- 11.5 Officers note the conflict with in-principle planning policy for the location of new homes in the Borough, but it is considered that other material considerations are relevant to the development and the principle of 4no. new-build dwellings being proposed in this location. Those factors are discussed throughout this report.

12. Principle of Development – development within the strategic settlement gap

- 12.1 Local Plan Part 2 policy GSP3 ‘Strategic gaps between settlements’ has been introduced to act as an extra layer of protection intended to maintain the distinction between certain villages. As this part of Ormesby St Margaret is close to the boundary of Caister-on-Sea, this is one of five specific areas named in policy GSP3. No specific areas are defined on a map as the protection is to be applied in broad terms and when the following circumstances arise:

“The gaps between the [...] built up areas, will be protected from development which individually or cumulatively, significantly reduces either the physical size of the gaps themselves, their general openness or, where relevant, their rural character.”

- 12.2 When the application was submitted some considerable time before the Local Plan Part 2 (LPP2) was adopted in December 2021, the site did actually fall partially inside the development limits at that time and partially outside the limits. The site was only fully removed from the development limits when the strategic gap between Ormesby St Margaret and Caister was created in the LPP2 and significantly contracted to now extend only as far as the area immediately around the area at Meadowcroft and Heacham Road south of the roundabout.
- 12.3 Although this represents new development within the general area described within LPP2 policy GSP3 as a 'strategic gap', it is considered that the development does not change the physical size of the strategic gap, because this is an 'infill' development in the rear curtilage of the public house and enclosed by existing developments.
- 12.4 For the same reason, it is considered that development in this location has only a minimal effect on the general openness of the strategic gap and its rural character, because it is partly developing land that was used as the beer garden encircled by other development, or replacing extensions and ancillary buildings of the pub itself.
- 12.5 It is considered that the character of the surrounding area is already predominately residential, and the proposal will allow a natural infill of sorts on the land between the First and Last building and the residential property Tarn House, an area that could otherwise be subject to ancillary development and use as a beer garden anyway. As the proposal will not extend any further east than the retained public house the physical size of the strategic gap will be retained.
- 12.6 It is therefore considered that the intent and ongoing protection of policy GSP3 is not adversely harmed by the proposals within this application.

13. Impacts on Heritage Assets

Impact on the non-designated heritage asset

- 13.1 Whilst the public house is not nationally listed, it has been assessed by Conservation and Planning Officers to be a non-designated heritage asset. Policy CS10 aims to safeguard local heritage assets, and LPP2 policy E5 confirms that demolition or loss of non-designated heritage assets will not be supported.
- 13.2 As the public house is considered a 'non-designated heritage asset', LPP2 policy E5 states that demolition would be prohibited unless evidence is provided that:
- a. the building/structure is structurally unsound and beyond feasible and viable repair for reasons other than deliberate damage or neglect; or
 - b. all measures to sustain the existing use or find an alternative use/user have been exhausted and the building risks falling into dereliction.
- 13.3 The applicant's building condition survey has identified some disrepair but Planning Officers and Conservation Officers consider it to be largely superficial and not fundamentally structurally compromised. The applicant initially sought permission to demolish the building but the adoption of LPP2 policy E5 changed the emphasis of the principle of development, precluding demolition and expecting retention, a position

strengthened by the absence of a fallback position as the previous permission fell away and due to the changes in permitted development rights in respect of use and demolition.

- 13.4 There was no adequate evidence provided in the application to address LPP2 policy E5 and remove the conflict with the development plan, so the application was latterly revised to propose retention and conversion of the building instead. The conflict with policy E5 is removed but the building remains a non-designated heritage asset.
- 13.5 Preserving the building through its retention is strongly supported in principle. Removing the unsympathetic modern additions at the southern end of the rear elevation are considered a significant improvement and beneficial in providing space for amenity, garden and garage similar to the proposal approved by 06/16/0128/F.
- 13.6 The discrepancy between elevations and floor plans and positioning of windows will be clarified before the meeting but the potential for overlooking from the pub to the south are not likely to be irresolvable by amended plans or conditions on any permission.
- 13.7 The two historic 'Lacons' pub signs on each of the north and south gables, and the raised First and Last lettering on the front elevation, should where possible be retained or re-provided, and details can be agreed by conditions to secure this.

Impact on designated heritage assets (listed buildings)

- 13.8 Although the area is not within a conservation area, the cluster of listed and historic buildings along the old Yarmouth Road, new Yarmouth Road and the junction with Scratby Road means there is a distinctive character to the area with heritage interest that creates an important local gateway and identity to the village, especially in travelling north along Yarmouth Road or south on Scratby Road. The preservation of the public house building and the removal of unsympathetic and utilitarian ancillary buildings and extensions will be of benefit in restoring and reinforcing this sense of historic character and local identity.
- 13.9 The new dwellings will need to be sensitive to this location and they are considered to be recessive, respecting both the settlement gap designation and the historic influences. The two dwellings along Yarmouth Road have been set-back into the site, have low eaves to the north provide parking to the south, which avoids creating distraction within the setting of the more prominent and distinctive heritage buildings. These are slightly varied from the form previous approved in permission 06/16/0218/F by addressing the road more, but are considered to remain acceptable.
- 13.10 A significant improvement is the addition of new landscaping boundaries along the north / Yarmouth Road frontage, which helps retain and replace the existing vegetation of the pub beer garden, but also provides an improved sense of rural setting which is found on this part of Yarmouth Road. The design and landscaping together help achieve the aim of maintaining a sense of village separation as intended by the settlement gap policy, even if being part of development taking place within that gap.
- 13.11 The proposal to build the two dwellings along the north of the site are considered to represent a minor and low level of 'less than significant' harm to the setting of the Grade II listed Boarded Barn Farmhouse, but this is considered to be outweighed by the

positive benefits brought to the setting of the listed building, specifically the conversion of the pub and removal of the extensions which had hitherto detracted from the gateway and setting of the listed building especially when looking north from the south side. The combined effect is therefore to have a neutral impact on the designated heritage assets to the north.

- 13.12 The new dwellings on the south side of the site, fronting the old Yarmouth Road, are modern and not particularly distinctive but are set back sufficiently far from the row of terraced dwellings at Grange Cottages, and separated by the landscaped footpath area, so will not detract from the appreciation of the terraces or the listed Grange Farm Hotel. These assets will also be enhanced by the restoration of the car park frontage, some additional planting and the removal of the unsympathetic pub extensions which detract from the views of the heritage assets when seen from the north and west.
- 13.13 A heritage impact assessment became a formal requirement on adoption of policy E5 and the LPA's local validation checklist. It is not considered necessary to require one at a late juncture in the application as the impacts are well understood. The exercise of weighing the balance of harm vs public benefits can be seen in the concluding planning balance.
- 13.14 In light of the importance of the building locally, and the need to drive forward its retention and conversion, and avoid the construction of dwellings that would be in a less appropriate location if the pub is not delivered, it is considered necessary and reasonable to require the pub conversion to be undertaken first before construction of the dwellings. Phasing conditions should be required and should expect (i) no development of the new-build units until the unsympathetic pub extensions are removed, and (ii) no occupation of the new-build developments until the former public house has been converted and made available for residential occupation.

Archaeological interest

- 13.15 The applicant has undertaken investigations at the site in accordance with the expectations set out in permission 06/16/0128/F to pre-empt the need for any conditions on a permission for this development. As might be expected the trenching unearthed a collection of stoneware beer bottles but the Historic Environment Service confirm there was no substantive archaeological interest from the trenching and other site investigations and there is no need for further works by condition.

14. Design

- 14.1 The initial submission proposed 5no. new dwellings in the rear of the site but was considered to be overdevelopment to try and fit a terrace of three dwellings in the space between the west boundary and the public footpath. The revised scheme as considered by Members proposes only 2no. three-bedroom semi detached dwellings with garages where previously three were proposed.

The two semi-detached homes -

- 14.2 The surrounding area is mixed in its character of housing, with large detached properties smaller terraced properties and cottages. There are not many semi-

detached dwellings but this is a site set back from the main road so the difference will not be noticeable. The two new semi-detached properties are proposed as two storey heights, with front porches and lean-to style monopitch roof single garages either side of the semi-detached properties.

- 14.3 These semi-detached dwellings provide consistency with the surrounding dwellings as the roofs are pitched with two gable ends to the west and east of the sides and being of a similar scale and orientation to those found at Willowmead and The Grange Cottages. The gable ends are proposed to have no openings, whilst all openings will be to the front and rear of the properties, and the pitched roofs have a level of symmetry with the various slopes having the same pitched angles. The use of chimneys provides welcome relief, roofline interest, and articulation to improve the overall appearance and provide a design reference to the First and Last pub. Overall, this aspect is considered to reflect the terraced and smaller properties within the area, to sit well within the site area available, and as the properties face onto the service road it is consistent with the surrounding area.
- 14.4 The properties have an adequate size rear amenity space, though Plot 2 is compromised by the requirement for the wayleave, its northerly orientation and its squeezed shape but this is considered acceptable on balance. As a result these dwellings will not represent overdevelopment of the plots, and by avoiding flank wall windows will not cause overlooking to neighbouring gardens.

The two detached homes –

- 14.5 Fronting Yarmouth Road, 2no. two-storey detached houses are proposed of full height but lower eaves lines and catslide roof elements to provide height but the illusion of lower profiles. Being at the back of the pavement this is necessary to avoid dominating the streetscene, whilst also providing interest architecturally. These are in the centre of the line of development; as dwellings in the immediate area are generally detached properties that occupy large plots and face onto the road, the proposals for these plots are able to reflect this character. Both designs are unique and as no one house looks the same along Yarmouth Road it is considered the design approach taken is appropriate.
- 14.6 Detached house type A is at the east end closest to the First and Last, with porch centrally located and lean to elements either side and two dormer windows above those to serve front bedrooms, and two centrally located roof lights which are above the proposed stairway.
- 14.7 The west side elevation will have a ground floor access door and side window relating to the kitchen, but no further openings proposed on either side of the property at ground or first floor level to help protect the privacy of the house in the converted pub to the east or at House Type B to the west.
- 14.8 To the west, detached house Type B differs in respect of the front elevation and roof line but the footprint, internal layout and general windows and openings are the same. The front elevation has a separated projecting front porch with pitched roof over with a second element behind between porch and roofslope. This creates a busy or cluttered appearance in combination with the dormers above when viewed in side profile, but it would not be too visible due to the retained trees and new hedging along Yarmouth Road. The use of brick arches to windows and vertical cladding to the porch provides design interest to the road.

- 14.9 The rear of both dwellings is the same and the ground floor has bi-fold doors to both living and dining areas, either side of a double casement window for the proposed study. At first floor level there are three dormer windows proposed partially within the roof slope of the dwellings. Both have large rear gardens to the south and a large detached double garage and single parking space accessed from the old Yarmouth Road. The garages proposed are of a standard design with a pitched roof and two gable walls, a side access door and a remotely controlled roller shutter door, which is not entirely to the Highway Officer's satisfaction but is accepted on balance because there is not expected to be much traffic using the road, and there is an open parking space to allow vehicles to pull off the road if needs be.
- 14.10 Both detached dwellings are accessible and adaptable as both have a level threshold access, hardsurfaced route from parking to door, and a porch area with downstairs WC, a large entrance hall, living room and kitchen diner allowing future adaptation, and the central staircase serves all four bedrooms and bathroom. These features help ensure the scheme addresses LPP2 policy A2(f) and (g) and should be able to meet the requirements of M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings.
- 14.11 The requirement to provide water conservation measures in the dwellings (required by LPP2 policy E7) and of electric car charging capability (policy I1) are able to be required by planning conditions.
- 14.12 All dwellings have sufficient separation to avoid an unacceptable level of overlooking and the angles between windows in neighbouring dwellings are oblique so does not cause a loss of privacy to either future or existing properties.
- 14.13 Whilst the design of the site and the dwellings should avoid an unacceptable impact on amenity it will be necessary to ensure the proposed and finished site levels are compatible with the retained public house and neighbouring dwellings in terms of both design and amenity and overshadowing for example. As with the 2017 permission, conditions can be used to confirm site level details and finished floor levels.
- 14.14 As the development is fairly constrained in its amenity space for dwellings and the relationship with neighbouring dwellings it is considered appropriate to protect future and existing amenity by removing permitted development rights by condition.

15. Impact on Character of the Area

- 15.1 The design of the proposed new dwellings is considered to draw inspiration from the surrounding area, such as the dormer windows being set partially into the roof slope consistent with the terrace of Grange Cottages and the distinctiveness of design and uniqueness to the front elevation being in keeping with the mixed character of the larger dwellings along Yarmouth Road. Both detached properties have pedestrian access from Yarmouth Road so although they may function from the rear they do not entirely turn their back to the road which is a positive attribute.
- 15.2 It is felt that the density of dwellings in this site is not out of character with the density and pattern of development of the surrounding area. The building heights are not considered to compete with the appearance or setting of the pub and can be confirmed before the meeting, with site levels confirmed by conditions.

- 15.3 The use of 2m high close board fencing along the extensive north boundary would not be appropriate so a condition is required to design and install appropriate boundary treatments, and should reflect the hedging and open character along Yarmouth Road.

16. Landscape and Trees

- 16.1 Landscaping is an important feature within this proposal to help address policy GSP3 (Strategic gaps between settlements). The beer garden is currently screened by some well established vegetation and trees, and as the proposal is to locate two large, detached dwellings on the frontage of Yarmouth Road, policy GSP3 could be compromised if landscaping were disregarded.
- 16.2 The development will retain some elements of the existing screening (existing trees T1-T5 on the submitted layout plan – including 2no. Category B sycamores) but some hedging will need to be removed to allow for the pedestrian access. To compensate, and provide an improved boundary frontage to Yarmouth Road, the application proposes continuous hedging and shrubs along the road frontage to provide a screen and front boundary for the properties, as well as planting 6no. new trees including within the car park which along with hedging and creation of a garden area helps to break up and soften the existing harsh appearance at the front of the pub. These features are considered an important element of the application as by retaining a level of screening and planting the site will retain the impression of the strategic gap.
- 16.3 The application has provided a Tree Report with indicative Tree Constraints and Protection Plan for the existing trees on site, and has proposed some method statement protection measures, which can be required through conditions.
- 16.4 Unfortunately the tree report did not assess the potential for impact on the TPO-protected cherry at Tarn House; the tree root protection area and canopy likely extend across the boundary and into the site and the proposed north end of the re-provided public footpath corridor. However, it is considered that the roots would already be used to the impacts and ground conditions of the footpath / track and there should be no need for vehicle access along here so the tree should not require any intervention works. A condition shall be used to secure appropriate protections during construction, such as fencing and use of geotextile matting as with the on-site trees.

17. Contamination

- 17.1 There have been no contamination issues identified in the application and the site is not thought to contain potential contamination. The Environmental Health Officer has requested a condition requiring that any unknown contamination discovered is reported in writing to the Local Planning Authority.
- 17.2 The developer should follow the requirements of the contaminated land reports dated November 2021, specifically:
- As no Topsoil is present within the site that is suitable for reuse in the residential garden areas. With regards to the creation of the new soft garden areas there are two proposed options that would be suitable.

- a) Reduce soft garden areas to 600mm below proposed finished ground level. Backfill with 300mm of certified clean subsoil and capped with 300mm certified clean and fit for residential purpose topsoil.
 - b) Reduce soft garden areas to 300mm below proposed finished ground level. A competent person should then inspect this formation level for any signs of contamination. A sample should be taken from this formation level in each garden and analysed for contaminants of concern. The results should be considered, and if suitable this formation level will be capped with 300mm of imported certified clean and fit for residential purpose Topsoil. If the formation is not suitable the level should be reduced by 100mm and the process repeated.
- All garden areas will need validating during and at the completion of the works and the findings submitted for approval to the local planning authority.

17.3 The above recommendations can be required by planning conditions.

18. **Noise**

- 18.1 Noise levels were assessed because of the proximity of the new dwellings to the activities of the Grange Hotel and touring park. The noise survey found that the levels of noise expected from The Grange and touring park activities are adequately contained within the site and were masked by the higher levels of road noise. The nearby commercial activities should not present an issue requiring planning to provide further protection.
- 18.2 The permission in 2017 did not impose requirements for road traffic noise protection, which is important to bear in mind, but in this application the week-long noise survey during September 2021 did identify high ambient / background noise levels associated with the road traffic noise which remained the dominant noise source.
- 18.3 Noise levels at external facades should not exceed a certain level for a continuous period during the daytime and at night, even accounting for windows and walls reducing noise levels. However, the submitted noise survey results showed consistent noise levels in excess of those limits, and the Environmental Health Officer has concluded that acoustic glazing and ventilation measures are required to protect against the consistent road noise. It is notable that the detached dwellings are closer to the road than in 2017.
- 18.4 A planning condition can achieve this mitigation requiring an appropriate level of acoustic glazing protection, as recommended below:

All residential units shall be constructed so as to provide sound attenuation against external noise and ensure internal sound levels no greater than:

a) 35dB LAeq(16 hour) in the main living rooms of the dwelling(s) (for daytime and evening use); and

b) 30dB LAeq(8 hour)/45dB LAmx(fast) in the bedrooms of the dwelling(s) (for night-time use) in line with World Health Organisation guidance, with windows shut and other means of ventilation provided.

Reason:

To ensure adequate living conditions for future occupiers and to World Health Organisation guidance levels.

- 18.5 The Environmental Health Officer has also requested restrictions on noisy construction work hours which can be imposed by condition.

19. Access, Traffic and Highways impacts

- 19.1 The volume of traffic anticipated to use the old Yarmouth Road (service road) from these 5 dwellings has been considered by the highway authority to be less or very similar to the volumes that would have been able to use the public house (given the amount of parking available) and not dissimilar to the previous permission for 4no. dwellings on the site. No objection is raised as there would not be a likely highways safety concern.
- 19.2 A strip of land is to be provided through the site above the area required as a wayleave for the water mains route that passes across the site. This is also a public footpath. The proposals introduce planting to make the route more attractive and it provides the opportunity to enhance the setting of the development overall.
- 19.3 A turning head area is also proposed within the development to assist with access and circulation, something which is lacking at present. By designing the turning area as part of the landscaping and entrance to the footpath link the scheme will provide an improved public realm and turning facility for visitors and delivery drivers serving existing and future occupants, which is beneficial aspect not necessarily required by policy had the application only sought to address its own immediate impacts.
- 19.4 For the avoidance of doubt and public comfort, it is confirmed that there is no intention on the developer's part, nor requirement from the Highway Authority, to remove the bollards at the west of the service road. Vehicle access will continue to remain solely from the east.

20. Parking & Cycling Provision

- 20.1 Until the Highway Authority issued its revised guidance in July 2022, the car parking proposals met the necessary previous standards because the parking for all units comprises both a space located to the side of the garages, and a space(s) within the garages as a parking space so each property is considered to have 2-3 parking spaces per dwelling as was necessary when the plans were discussed with officers, relating for these sizes of properties.
- 20.2 The latest NCC guidance discounts garages based on experience of their non-use, but it was considered unreasonable to require the guidelines to be followed at such a late stage when the site has been accepted to be unlikely to cause highway safety concerns when using the previous standards. The Highway Officer has no objection and has been content with the parking provision. A condition to secure internal garage sizes will at least enable the development to function as has been presented for determination and improve the likelihood of the garages being used.
- 20.3 However, the designs may not be completely effective in avoiding all highway safety concerns because the large garages propose roller shutter doors with no space to pull

off the highway in front of the garage, so on a busier road would not be appropriate, but on this minor road with the small scale of development proposed there would not be an unacceptable highway impact.

20.4 Cycle storage is accounted for by the provision of garages to each dwelling.

21. Public Open Space

21.1 The requirement to address open space demands for future residents and mitigate impacts from the new development has been assessed on a ward-area basis. This development is expected to provide mitigation by making a financial contribution for improvements to offsite public open space in accordance with LPP2 policy H4.

21.2 To comply with Policy H4 a financial contribution should be paid or committed to by legal agreement, before any permission is issued should the application be considered favourably. The necessary contribution is £1,564.85p per dwelling, amounting to £7,824.25p in total for this 5-dwelling development.

21.3 The applicant has not yet paid the financial contribution but is willing to do so before any permission is issued, should the application be considered favourably.

22. Ecology and Biodiversity

22.1 There is no impact on designated ecological sites other than the Borough-wide recreation impact protections required by the HRA GIRAMS process described below.

22.2 The pub building has been subject to an assessment for roosting bats potential. A survey in December 2020 considered there to be negligible to very low potential for bats to be roosting there as the building retains a sound breathable roof membrane and the 2019 fire would have deterred bats due to the acrid odour. These assessments are only valid for 2 years however, and the advent of that period is likely to occur before conversion works begin. As the pub is to be retained it should be possible to provide an updated survey and if necessary include appropriate mitigations within the conversion without significantly affecting the proposed design and layout of the new dwelling. Conditions will require an update to the bat roost assessment prior to any works being undertaken and mitigations where necessary, and a watching brief during the demolition of extensions and any roof replacement.

22.3 The natural environment within the site needs improving to demonstrate biodiversity enhancement required by policy. The proposed privet hedge is species-poor, so landscaping will require improved native species landscaping plans.

22.4 Hedgehog gaps in boundaries, and bird and bat boxes on the buildings will all be required by conditions incorporated into a permission.

23. Habitats Regulations Assessment (HRA)

- 23.1 Policies CS11 and GSP5 require all new residential developments to address their recreational impacts by passing the Habitats Regulations Assessment and providing appropriate mitigation. The mitigation necessary for a scheme of this scale in this location is to contribute to the Norfolk wide Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS) which entails a financial contribution of £185.93p per dwelling, amounting to £929.65p for this 5-dwelling development.
- 23.2 Although £770 was paid on 29/10/20 (under the previous regime for HMMS payments, which has been replaced by the GIRAMS scheme), the outstanding balance of £229.65p is required before any permission can be granted.
- 23.3 The applicant has not yet paid the financial contribution but is willing to do so before any permission is issued, should the application be considered favourably.
- 23.4 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 the local European sites in the vicinity of the project, but confirms that the financial contribution is the only mitigation required to pass the HRA test and enable permission.

Nutrient Neutrality

- 23.5 The site is not within the nutrient neutrality catchment area for the Trinity Broads Special Area of Conservation so does not need to demonstrate that it can achieve mains connection and discharge to Caister water treatment works to confirm it is likely to avoid a detrimental impact on the Broads SAC water quality.

24. Drainage and flood risk

Foul Drainage

- 24.1 No details have been provided but mains sewer connections are expected to exist at the site. A foul drainage scheme should still be provided by conditions as the development would not necessarily be acceptable if it could not provide mains connections.

Surface Water Drainage

- 24.2 The site is not in a critical drainage area and it is not considered likely to increase flood risk elsewhere given the existing hardstanding condition of the land as the development will likely improve site drainage overall by virtue of removing some hardstanding areas and increasing garden space and natural infiltration. Nevertheless, there are no details proposed in the application so conditions will be required to confirm the surface water management strategy and maintenance arrangements, as was required in 2017.

25. Any Other Material Considerations

A brownfield site

- 25.1 The site has become derelict and overgrown in the absence of an active use for over a decade. The site is considered to be 'previously developed land' in accordance with the definition used by the NPPF and is therefore considered a brownfield site which would benefit from development as an efficient use of land and as a means to clear up the site to benefit the visual amenity of the area.

Relevance of previous permission and pre-development activity –

- 25.2 The site benefitted from an extant planning permission for a very similar form of public house conversion and redevelopment of the cleared land, until as recently as May 2021 (permission 06/16/0128/F). The applicant tried to implement the permission but did not address the pre-commencement requirements in the required timescale, so a lawful implementation did not prove possible to keep the permission alive.
- 25.3 In the opinion of some consultees who would help determine pre-commencement conditions, whom the applicant has already approached with pre-development surveys, some of the necessary works have been undertaken satisfactorily to the extent that, had these been undertaken in time, some important aspects of the previous permission's pre-commencement conditions would have been considered acceptable. It is a matter for the decision maker to take a view on the relevance of those works to this proposal, but Officers consider there are no clear obstacles to prevent a development taking place in a similar vein to that which was previously approved. As such there can be some confidence that the development should be able to be delivered quickly.

Local Finance Considerations

- 25.4 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.

26. The Planning Balance

- 26.1 The Council can demonstrate a healthy 5 year land supply and the adopted policies have drawn the development limits much further away from the site than was previously the case, to exclude this area altogether. As there is no extant permission in place, and there are no realistic fallback options for demolition of the pub or its conversion to a dwelling without full planning permission, the application must be able to justify being contrary to policy principles and demonstrate adequate public benefits or present other material considerations that outweigh the conflict with policy in order for the application to be considered favourably.

- 26.2 The scheme proposes an acceptable standard of design which responds to the site constraints and respects the local character of the area and heritage assets. The landscaping, planting and green infrastructure is beneficial, as is the public realm improvements of the footpath link and turning area, all of which attract moderate positive weight.
- 26.3 Demolition of the modern extensions to the rear of the First and Last is beneficial as the structure is currently detrimental to the setting of the area including the setting of the listed buildings either side of Yarmouth Road, and the site currently causes harm to the character and appearance of the area and the street scene. The setting of heritage assets will also be improved overall by bringing a site back into use which has been left to deteriorate and fall into disrepair over many years.
- 26.4 In providing new dwellings this development provides a mix of housing sizes and styles (unlike the previous permission), which will help improve the housing stock in the village.
- 26.5 It should be noted that very little positive weight is given to the provision of 4no. new-build dwellings in principle at this point in time when the Council has an adequate 5 year housing land supply, and the proposal has not sought to address specific identified housing need; it is recognised that there will be other locations within development limits where four dwellings could be provided with better and more appropriate accessibility. The demand for housing is understood but supply is not so constrained that four dwellings could not be delivered elsewhere in a policy-compliant location.
- 26.6 However, some positive weight is afforded to the beneficial and efficient use of a brownfield site and previously developed land, and it is doubtful whether other uses would come forward that are appropriate in the same location.
- 26.7 Significant positive weight is given to the benefits of securing the re-use of a vacant and deteriorating non-designated heritage asset in a visually prominent location at the entrance to the village. This benefit is considered to weigh in great favour of the proposal, outweighing the significant conflict in policy terms of both the proposed inclusion of market dwellings outside of the development limits and the loss of the use of the building as a public house. The level of positive weight is increased by the beneficial removal of unsympathetic extensions that detract from its character.

27. Conclusion and Recommendation

- 27.1 Determining the planning application must be in accordance with adopted policies unless other material planning considerations suggest otherwise. The application has evolved to address policies and concerns raised by the public and consultees, and on each occasion has reduced the areas of conflict with policy.
- 27.2 However, two significant areas of policy conflict remain – development of new build dwellings in the countryside, and loss of the community facility public house use. However, there are material considerations to suggest that concerns over the conflict with policy should be tempered, and there are positive aspects of the proposals too, despite the policy conflict.

- 27.3 Overall, the planning balance exercise has demonstrated that the application is a finely balanced assessment, but there are merits to the development which Planning Officers consider are sufficiently positive to justify recommending the application for approval.
- 27.4 Having considered the details provided, the revised form of this application, when subject to conditions, is considered to comply with policies CS3, CS9, CS10, CS11 and CS13 from the adopted Core Strategy (2015), and policies GSP3, GSP5, GSP6, GSP8, A1, A2, H3, H4, H7, E4, E5, E6, E7, C1 and I3 from the adopted Local Plan Part 2 (2021), and there are no other material planning considerations to suggest the application should not be recommended for approval.

RECOMMENDATION:

- (i) **It is recommended that application 06/20/0278/F should be APPROVED, subject to:**

(A) Receipt of appropriate outstanding financial contributions for both the GIRAMS and Public Open Space mitigation strategies (as detailed in the report) (or appropriate alternative section 106 legal agreement for later payment);

And;

(B) Minor adjustments and clarifications to the plans to confirm window positions and potential overlooking from the converted pub, and internal dimensions of the garages;

And;

(C) Inclusion of the Proposed Conditions listed below.

- (ii) **If the contributions are not received, or the amendments to plans are not satisfactory, to refer the application back to the Development Control Committee for re-consideration of the application, on the grounds of failing to secure planning obligations or suitable neighbouring residential amenity, or parking provision, as required by policies CS11, GSP5, GSP8, H4 (obligations), CS9, A1 (amenity), or CS16, I1 (parking).**

Proposed Conditions

(This is summarised list. Full details will be provided to the committee meeting)

1. Standard time limit – commence within 3 years;
2. In accordance with approved plans and relevant supporting documents;
3. Phasing –
 - a. No work on the new build dwellings until the pub extensions are removed;
 - b. No occupation of the new-build developments until the former public house has been converted and made available for residential occupation.

General operating conditions e.g. use restriction

4. Limitation on vehicle access points to be as per the approved plans, with closure of other accesses and reinstatement of the verges as necessary – details to be agreed.
5. Removal of permitted development rights to extend or alter the development.

Pre-commencement:

6. Update to the Bat Roost Assessment, with appropriate mitigation measures as necessary (and no works to the public house without this).
7. Bat watching brief during the demolition of pub extensions and during any roof replacement during the conversion works.
8. Site levels survey and proposed finished floor levels to be confirmed.
9. Tree protection fencing and geotextile membrane measures to be installed in the areas shown in the Tree Report, and retained throughout construction.
10. Tree protection measure details required for the TPO cherry tree at Tarn House, and implement.
11. Foul drainage strategy to be agreed.
12. Surface water drainage scheme and maintenance to be agreed.
13. No works to the pub conversion until details agreed for retaining and restoring the two historic 'Lacons' pub signs on each of the north and south gables, and the raised lettering on the front elevation – details needed.
14. Any unidentified contamination to be reported to the LPA and mitigated before works recommence.
15. A Stopping Up Order shall be progressed for the highway land affected by the development.

Prior to foundations / slab levels:

16. Materials to be agreed, with samples – roofs, walls, windows and doors, chimneys.
17. Acoustic glazing / mitigation requirements to be agreed / details to follow requirements of the Environmental Health Officer's comments.
18. Bird and bat boxes on each dwelling and the public house – details needed.
19. Boundary treatments.
 - a. Requires amended plan – lower heights into the footpath route, required hedging on the north; requires change to hedging to vary the privet (centre).
 - b. Change landscape planting labels – privet broken up with other species.
 - c. Not just fencing, introduce low boundary wall or alternative - details needed.
 - d. Hedgehog gaps required in boundaries – details needed.
20. Soft Landscaping scheme details, specification, and provision.
21. Hard landscaping – materials etc required for the footpath link, turning circle etc.

Prior to first occupation:

22. Contamination measures for safe use of topsoil.
23. Verification of garden creation re contamination.
24. Soft landscaping and planting to be provided for each dwelling.
25. Electric car charging connection points provision.
26. Water saving and efficiency measures.
27. Visibility splays to be provided and maintained – details to be agreed.
28. Accesses, parking, turning areas and turning head to be provided and retained.

Other precautions:

29. All landscaping to be maintained and replaced where fails for the first 10 years
30. No parts of the development shall overhang the highway boundary.
31. Noisy construction works to be restricted to 08:00–18:00 Mon-Fri; 08:30–13:30 Sat.

And any other conditions considered appropriate by the Development Manager.

Informative Notes:

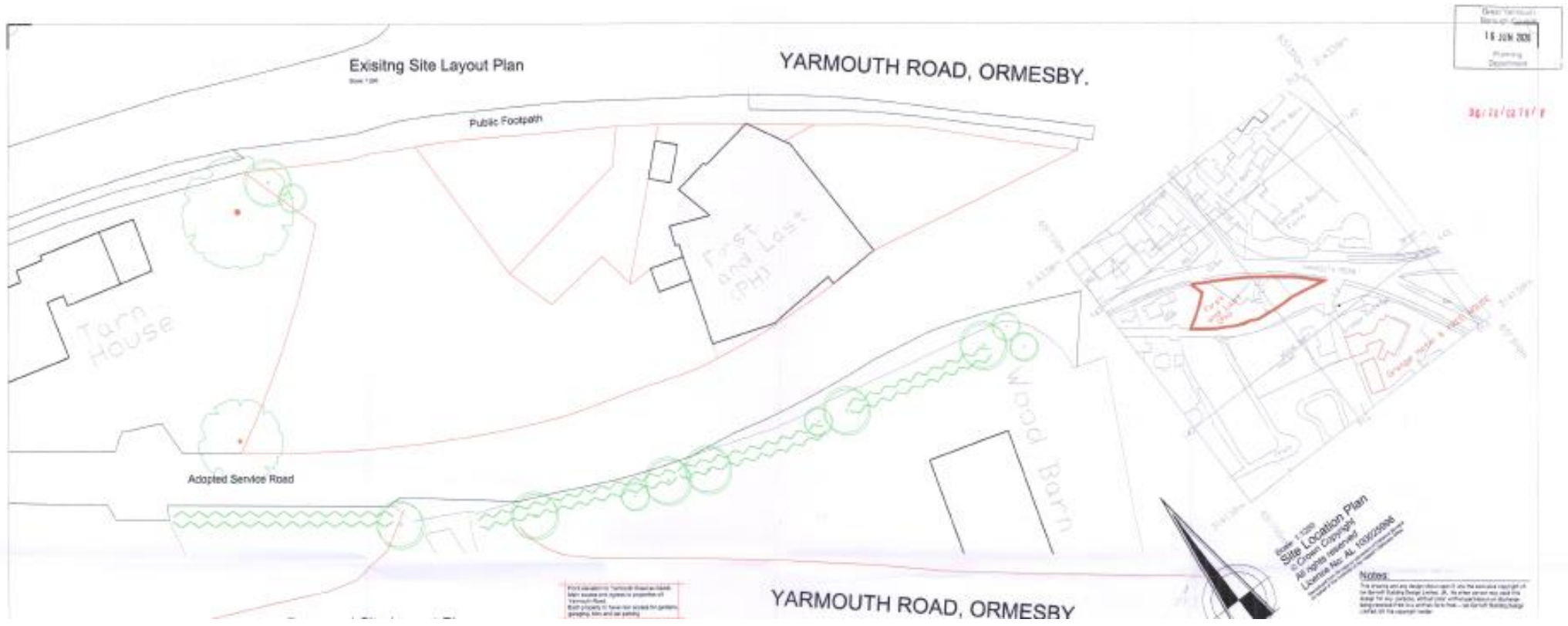
1. Statement of positive engagement.
2. Highways – office to carry out works in a public highway.
3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority 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.)
4. Highways – clarify boundary of highway.
5. Highways – stopping up order note.
6. Essex & Suffolk Water advice from 10 July 2017, re working in vicinity of water main.
7. Contamination advice.
8. Construction noise advice.
9. Asbestos advice.
10. Air quality during construction advice.

And any other informatives considered appropriate by the Development Manager.

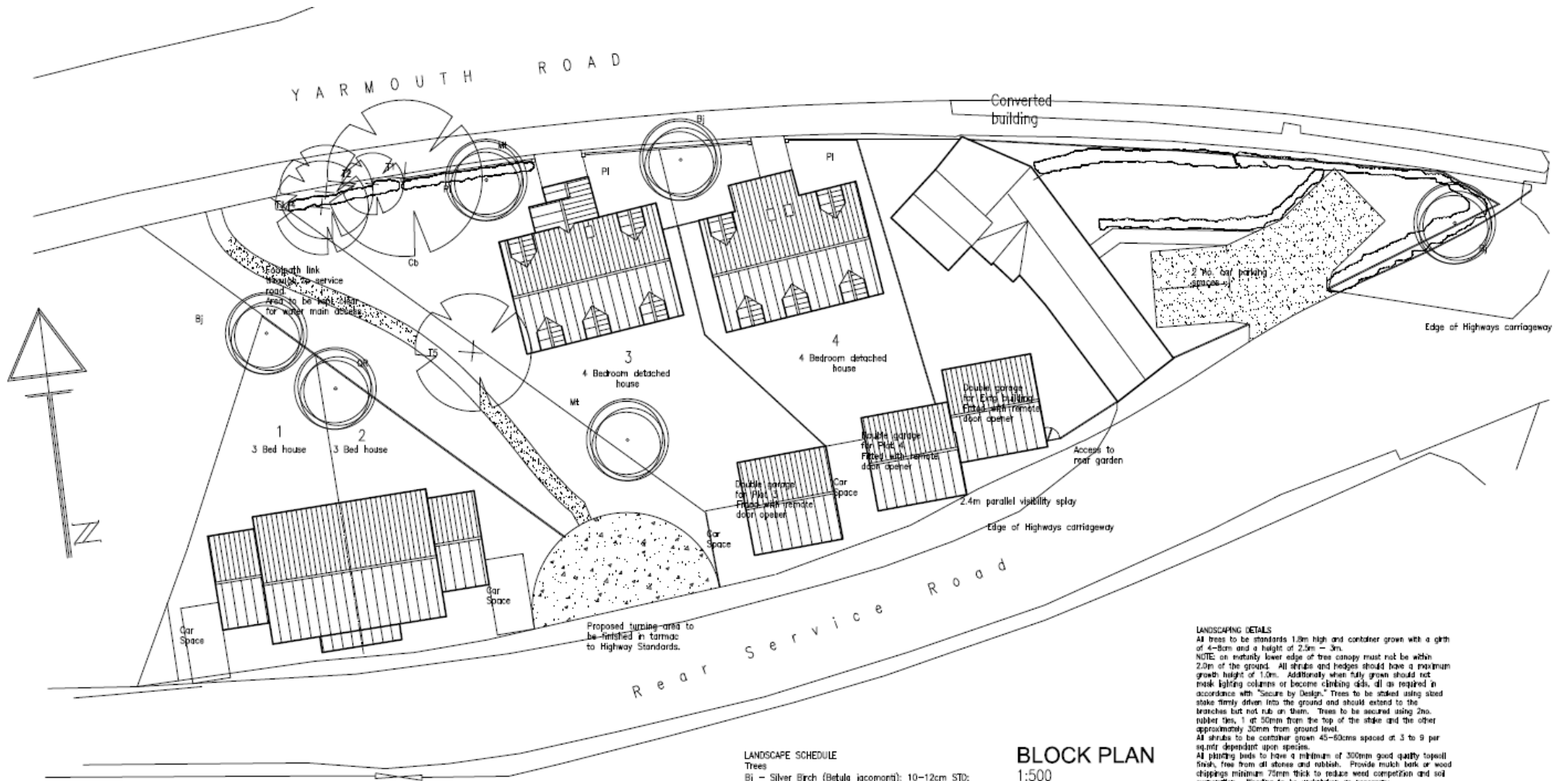
Appendices:

1. Site Location Plan and Proposed Revised Site Layout Plan (August 2022)

Location Plan for application 06/20/0278/F



Revised Site Layout Plan for application 06/20/0278/F – August 2022



LANDSCAPE SCHEDULE
 Trees
 Bj – Silver Birch (*Betula jacomonti*): 10–12cm STD;
 Mt – Crab (*Malus tschonoskii*): 1–12cm STD;

BLOCK PLAN
 1:500

LANDSCAPING DETAILS
 All trees to be standards 1.8m high and container grown with a girth of 4–6cm and a height of 2.5m – 3m.
 NOTE: on mature lower edge of tree canopy must not be within 2.0m of the ground. All shrubs and hedges should have a maximum growth height of 1.5m. Additionally when fully grown should not mask lighting columns or become climbing aids, all as required in accordance with "Secure by Design." Trees to be staked using steel stakes firmly driven into the ground and should extend to the branches but not rub on them. Trees to be secured using 2m rubber ties, 1 at 50mm from the top of the stake and the other approximately 30mm from ground level.
 All shrubs to be container grown 45–60cm spaced at 3 to 9 per square depending upon species.
 All planting beds to have a minimum of 300mm good quality topsoil free from all stones and rubbish. Provide mulch bank or wood chippings minimum 75mm thick to reduce weed competition and soil evaporation. Weeding to be undertaken as necessary.
 All stressed areas to be well watered and finished with 300mm of