



# GREAT YARMOUTH BOROUGH COUNCIL

## Development Control Committee

**Date:** Wednesday, 18 January 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 - 13**

To Confirm Minutes of the meeting held on 7 December 2022.

## **4 APPLICATION 06 21 0857 F - Land between Alpha Road & Common Road, Gorleston, Great Yarmouth**

**14 - 35**

Report attached.

## **5 APPLICATION 06 22 0884 VCF - Former Waterworks storage and Pipeyard, (land north of 25 St Peters Plain), St Peter's Plain, Great Yarmouth NR30 2LN**

**36 - 53**

Report attached.

## **6 APPLICATION 06 22 0946 CU - 25 to 26 Hall Quay Great Yarmouth**

**54 - 68**

Report attached.

**7     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, 07 December 2022 at 18:00

**PRESENT: -**

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

Mr M Turner (Head of Planning), Mr R Parkinson (Development Manager), Ms C Whatling (Monitoring Officer), Mrs A Krout (Democratic Services Officer), Mr D Zimmerling (IT Support) and Ms T Koomson (Senior Democratic Services Officer).

**01 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor T Wright. Councillor Jeal attended as a substitute for Councillor T Wright.

**02 DECLARATIONS OF INTEREST**

There were no declarations of interests.

### **03 MINUTES**

The minutes of the meeting held on 9 November 2022 were confirmed.

### **04 APPLICATION 06-22-0845-CU 74 RODNEY ROAD GREAT YARMOUTH**

The Committee received and considered the report set out on the agenda, which was prepared by the Planning Officer and presented by the Development Manager Mr R Parkinson. The application was a retrospective change of use from C3 dwelling house to C4 House of Multiple Occupation (HMO) and was brought before the Committee because of concerns raised by the Ward Councillor T Wright and in light of public concerns raised principally concerning impacts on amenity and the local highway network.

The Development Manager further reported that having considered the details provided, the application is considered to comply with policies CS01, CS02, CS03, CS09, CS11 and CS16 from the adopted Core Strategy, and policies GSP1, H12 and A1 from the adopted Local Plan Part 2 and that there were no other material considerations to suggest the application should not be recommended for approval. It was therefore recommended that application 06/22/0845/CU should be approved subject to the conditions as set out in the agenda report.

The Chair invited the ward Councillor T Wright to address the Committee.

Cllr T Wright confirmed he had submitted a written objection to this application. He outlined his main concern to be that the area is already crowded with number of properties many of which are flats. He accepted that there might not be an applicable planning law to refuse the application, but highlighted the need to consider policy H12 and specifically the impact for both the future occupants of the property and already existing residents in the neighbourhood. He confirmed that the area already has some anti-social behaviour issues and there is a concern that having a HMO in the already crowded neighbourhood will increase such nuisance. He gave an example of the bins facility and confirmed that when he has visited the location, the bins were already misused and had warning signs placed on them by the environmental services due to improper use. He further highlighted that the property is overlooking other properties in the area and a HMO will further decrease the privacy for the residents at the immediate vicinity. Finally Cllr Wright highlighted the concerns over the restricted limited parking facilities in the area (Zone A) and the potential negative impact a HMO would have for available parking.

There were no additional questions put to the objector ward Cllr Wright.

Cllr Myers asked for clarity why this was a retrospective application. The Development Manager explained that the change of use of a property from C3

residential use to C4 HMO use is usually considered to be permitted development under Schedule 2, Part 3, Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015(as amended). However, this permitted development right is removed as there is a Borough-wide Article 4 direction in place preventing the change from C3 to C4 being possible as permitted development. As such, this requires express planning permission. The property has already been previously used as a HMO, hence the application is retrospective following the implementation of Article 4 direction.

Cllr Jeal commented that the area is indeed crowded and there are two further properties at the back overlooking the property in question. He also emphasised that Nelson is one of the most deprived wards in the country. He further confirmed that although he is not generally against well run HMOs, considerations should be given to the concerns raised including the parking in the area.

Cllr Freeman asked if there were any restrictions to number of people that could be occupying the property if it was used as C3 residential property by one household instead of proposed C4 HMO limited to five people. The Head of Planning confirmed that there are no such restrictions and that in theory a C3 property could have a very large single household (more than five people) in occupation.

Cllr Freeman proposed that the officer recommendation together with the conditions as laid out in the agenda report be approved. This was seconded by Cllr G Carpenter.

Following a vote, it was RESOLVED:-

That the application number 06/22/0845/CU 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 application form and the following plans received by the Local Planning Authority on the 22nd September 2022:

- Site Location Plan

- Floor Plan

The reason for the condition is:-

For the avoidance of doubt.

3. Notwithstanding the provisions of the Town and Country Planning (Use

Classes) Order 1987, or any order revoking or re-enacting that Order, the premises shall only be used as a House of Multiple Occupation (Class C4) with a maximum of five bedrooms only. Only the rooms labelled as Bedrooms 1, 2, 3, 4, and 5 on the approved floor plan (labelled as 74 Rodney Road) shall be used for bedroom accommodation, and all other rooms shall remain available for use as communal facilities.

The reason for the condition is:-

In accordance with what was applied for and to ensure suitable living accommodation for all occupiers.

4. The House of Multiple Occupation hereby approved shall not be permanently occupied by any more than 5 people at any one time.

The reason for the condition is:-

To mitigate the impact on neighbours and parking pressures resulting from any intensification of the use.

And any other conditions considered appropriate by the Development Manager.

## **05 APPLICATION 06-22-0863-TRE HOLLY FARM LOW ROAD ROLLESBY GREAT YARMOUTH**

The Committee received and considered the report set out on the agenda, prepared by the Strategic Planner and presented by the Development Manager Mr R Parkinson. This was a connected application where by the Council was both the landowner and the applicant. The proposal was works to tree - T1 Oak: and involve the reduction of over-extended lower lateral branches by a maximum of 2m to reduce end weight and minimise failure; the removal of a lateral branch with a large split/hazard beam; and the reduction and reshaping of lateral branches over-hanging the neighbouring property by a maximum of 2m.

The Development Manager reported that having considered the proposal, the application is considered to comply with Core Strategy policies CS9 and CS11, and Local Plan Part 2 policy E4 and there are no material considerations to suggest the development should not be approved where it is consistent with these policies. It is therefore recommended that application 06/22/0863/TRE should be approved, subject to the conditions and informative notes set out in the agenda report.

Cllr Jeal noted that the oaks are very valuable and raised a concern of unrepairable damage to the tree if the tree works did not go as planned. Development Manager confirmed that there is always a possibility but the work would be carried out by GY Borough Services.

Cllr P Hammond proposed that the officer recommendations together with the conditions as laid out in the agenda report be approved. This was seconded by Cllr Flaxman-Taylor.

Following a vote, it was RESOLVED: -



That application number 06/22/0863/TRE be approved subject to following conditions and informative notes:

1. The work must be carried out within two years of the date of this consent notice and may only be carried out once.

The reason for the condition is: -

The time limit condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2. The work is to be carried out in accordance with British Standard 3998:2010 (Recommendations for Tree Work).

The reason for the condition is: -

To ensure an acceptable standard of work, thereby minimising possible damage and decay/disease in the future.

Informative Notes:

1. Standard of work: Tree work should be carried out by trained, competent and appropriately insured arborists, to a good standard to comply with BS 3998 Recommendations for Tree Work

2. Photos of work: Photos of the tree after the consented works have taken place are required. Please forward these via email or post.

3. Protected Species: The applicant should note that under the terms of the Wildlife and Countryside Act 1981, it is an offence to disturb nesting birds, bats their roosts and other protected species. You should note that work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that nesting birds, bats and other species will be disturbed.

4. Property Rights: The applicant should note that this consent does not affect any private property rights and therefore does not authorise the carrying out of any work on land or entering land outside his/her control. If such works are required, it will be necessary for the applicant to obtain the landowners consent before the work starts.

## **06 APPLICATION 06-22-0868-TRE 66 BECCLES ROAD BRADWELL GREAT YARMOUTH**

The Committee received and considered the report set out on the agenda, prepared by the Strategic Planner and presented by the Development Manager Mr R Parkinson. This was a connected application where by the Council was both the landowner and the applicant. The proposal was Tree Works - T1 Sycamore and involve the crown lifting of lower branches by a maximum of 3m and to reduce and shape the southern canopy by a maximum of 1m.

The Development Manager reported that having considered the proposal, the application is considered to comply with Core Strategy policies CS9 and CS11, and Local Plan Part 2 policy E4 and there are no material considerations to suggest the development should not be approved where it is consistent with

these policies. It was therefore recommended that application 06/22/0868/TRE should be approved, subject to the conditions and informative notes as set out in the agenda report.

Cllr Wainwright proposed that the officer recommendations together with the conditions as laid out in the agenda report be approved. This was seconded by Cllr Williamson.

Following a vote, it was RESOLVED: -

That application number 06/22/0868/TRE be approved subject to following conditions and informative notes:

1. The work must be carried out within two years of the date of this consent notice and may only be carried out once.

The reason for the condition is: -

The time limit condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2. The work is to be carried out in accordance with British Standard 3998:2010 (Recommendations for Tree Work).

The reason for the condition is: -

To ensure an acceptable standard of work, thereby minimising possible damage and decay/disease in the future.

Informative Notes:

1. Standard of work: Tree work should be carried out by trained, competent and appropriately insured arborists, to a good standard to comply with BS 3998 Recommendations for Tree Work

2. Photos of work: Photos of the tree after the consented works have taken place are required. Please forward these via email or post.

3. Protected Species: The applicant should note that under the terms of the Wildlife and Countryside Act 1981, it is an offence to disturb nesting birds, bats their roosts and other protected species. You should note that work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that nesting birds, bats and other species will be disturbed.

4. Property Rights: The applicant should note that this consent does not affect any private property rights and therefore does not authorise the carrying out of any work on land or entering land outside his/her control. If such works are required, it will be necessary for the applicant to obtain the landowners consent before the work starts.

## **07 REQUEST FOR DELEGATED AUTHORITY**

The Head of Planning, Mr M Turner, presented a report to the Committee

requesting for delegated authority to be granted to the Director of Planning & Growth and Head of Planning on 'connected applications' for tree works.

The Head of Planning reported that applications must be made to the Local Planning Authority (LPA) for consent to undertake prohibited works to trees protected by a Tree Preservation Order in accordance with the Town and Country Planning Act 1990, as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Similarly, written notice must be given to the LPA when works are proposed to trees in a Conservation Area (pursuant to Section 211 of the Town and Country Planning Act 1990 ['section 211 notices']). Ordinarily, these applications are determined at Officer level by the Head of Planning under authority delegated to the Director of Planning & Growth by the Development Control Committee.

However, such applications are referred to the Development Control Committee if they are considered a "connected application", namely when they are submitted by Great Yarmouth Borough Council (GYBC), Great Yarmouth Borough Services (GYBS), or Great Yarmouth Norse (GY Norse), or when the works affect trees on land owned by GYBC or its subsidiaries e.g. Equinox. Whilst most applications can be considered 'straightforward', some delays do occur given the need to fit into the DC Committee timetable schedules, for example some 'section 211 notices' require decisions to be made within 6 weeks which is not easily achieved without applicant's express agreement.

Officers therefore request authority from the Development Control Committee to determine 'connected' tree applications at Officer level. If authority is granted, applications will continue to be overseen by the Head of Planning. The Director of Planning & Growth will still retain the ability to defer applications to the Committee at their discretion, such as if an application or notice leads to significant levels of public interest or concern, or if the application proposes works that are not considered appropriate by LPA officers.

The Head of Planning confirmed that this procedure can be introduced with immediate effect and with the following impacts:

- minimal detriment to the scrutiny given to applications, as all applications would be overseen by the Head of Planning in the same way in which recommendations are currently made to the Committee;
- significant benefit from expedient determination of tree works applications;
- small but noticeable benefit for other applications by requiring fewer demands on officer time and resource;
- noticeable benefits from making fewer demands on Councillor's time;
- avoids a risk of works to trees in conservation areas being 'automatically approved' if a Committee decision cannot be made within 6 weeks of receipt.

As such, the Head of Planning reported that it was recommended that the Committee approves a proposed changes to the procedure relating to the tree works on 'connected applications'.

Cllr Freeman agreed that general tree works are good for the trees however would still want applications that involve a complete removal of a tree to be brought to the Committee.

Cllr Jeal noted that residents do get upset about some tree works that take place and asked for clarity how they would know if there are tree works due to take place. The Development Manager confirmed that all applications for proposed tree works are advertised by displaying a public site notice at the location for 21 days and, in the case of applications submitted by neighbours, by writing to the property where the tree is sited.

Cllr Flaxman-Taylor noted that the ward councillors should be made aware of all tree works planned on their wards. The Development Manager confirmed this should already be the adopted procedure.

Cllrs Hammond also considered that there needs to be clear difference between beneficial tree works and a complete removal of a tree unless the tree was deceased or poses a danger.

Cllr Mogford added that he also had concerns over tree removals and highlighted the importance of re-planting of trees.

Following the concerns raised by the Councillors, the Head of Planning suggested a condition to be added to the proposed request for delegated authority; that any connected applications for tree removals that were contrary to the Arboricultural Officer recommendations would continue to be reported to the Committee.

Cllr Myers asked for clarity that the proposal is indeed in relation to tree maintenance only on 'connected applications'. Both Head of Planning and Development Manager confirmed this to be the case.

Cllr P Hammond proposed that, the officer recommendations laid out in the agenda report be approved with an added condition that any connected applications for tree removals that were contrary to the Arboricultural Officer recommendations would continue to be reported to the Committee. This was seconded by Cllr Flaxman-Taylor.

Following a unanimous vote, it was RESOLVED: -

That 'connected applications' to be determined by the Head of Planning and the Director of Planning & Growth under authority delegated by the Development Control Committee, when an application is made:

- by Great Yarmouth Borough Services; or,
- by Great Yarmouth Borough Council; or,
- by Great Yarmouth Norse; or,

- on land or to trees owned by Great Yarmouth Borough Council,

when applications seek consent for prohibited works to trees protected by a Tree Preservation Order; or,

when the submission is a notice of intent to undertake works to trees within a Conservation Area.

And with an added condition that:

Any connected applications for tree removals that were contrary to the Arboricultural Officer recommendations would continue to be reported to the Committee.

**08 ANY OTHER BUSINESS**

None.

The meeting ended at: 18:30

## **Schedule of Planning Applications**

**Committee Date: 18 January 2023**

Application Number:	<b>06/21/0857/F</b> - <a href="#">Click here to see application webpage</a>
Site Location:	Land between Alpha Road & Common Road, Gorleston, Great Yarmouth
Site Location Plan:	See Appendix 1
Proposal:	Residential development of 8no. dwellings with associated open space, highway works and landscaping
Applicant:	Craig Atkinson
Case Officer:	Robert Parkinson
Parish & Ward:	Claydon Ward
Date Valid:	11 October 2021
Expiry / EOT date:	Extension of time requested (not yet confirmed at time of writing)
Committee referral:	At the request of Cllrs R. Price and C. Borg in response to the public concerns raised.

### **RECOMMENDATION:**

**APPROVE subject to first completion of a Section 106 Agreement and subject to proposed conditions.**

### **REPORT**

#### **1. The Site**

- 1.1 The site is located on the south side of Alpha Road between 33 and 38 Alpha Road, and the north side of Common Road between 4 and 4a Common Road. It is currently a vacant site, previously a former warehouse premises accessed from Common Road, and before that was a builder's yard with two-storey workshop building across the frontage of Alpha Road.
- 1.2 The site measures 0.07 hectares (700 square meters). It is located within Northern Gorleston and is in a residential area which is characterised by 2 storey semi-detached and terraced dwellings with pitched roofs along both Alpha Road and Common Road. There are also a number of flats which are located to the south of Common Road which are 3 storeys in height.
- 1.3 The proposal would 'infill' an area which was previously occupied by a 3 storey warehouse which burned down and has since been demolished. There is currently one single storey height brick wall which used to be part of the building but which now forms part of the western boundary of the site, and which is understood to be intended to be demolished as part of the proposal.
- 1.4 Except for a small landing or bathroom window on the gable end elevations of each of No.4 Common Road and 33 Alpha Road there are no first floor windows in the gable ends of the adjoining dwellings. There are two larger side windows facing towards the site from the two-storey outshot of 33 Alpha Road, but these are set back from the

boundary by approximately 2.5m and these are not primary habitable rooms, most likely bedrooms or a linking passage to a rear bedroom. All primary elevations and windows on the adjoining dwellings front to the north on Alpha Road and the south on Common Road. The proposed dwellings are oriented to match this existing layout.

## **2. The Proposal**

- 2.1 The proposed development of 8 homes is proposed in a layout which will create two terraces each of 4no. three storey houses on each street, with private gardens to their rear. Pedestrian access is provided each side of the terraces, giving access to the gardens and for bicycle parking (10 spaces) and refuse/recycling bins. The gardens are to be enclosed by 1800mm vertical board fences. The gardens will have a small patio area with French doors to kitchen diners at ground floor.
- 2.2 The Common Road terrace is set back 6m from the back of the footpath with 4no. off street car spaces provided in front of the terrace (1 per dwelling). The Alpha Road dwellings are set on the existing Alpha Road building line with no provision for off street parking. The width of the site frontage is 18m so there is space for 3 cars to park on the street.
- 2.3 The accommodation proposed is a kitchen/diner, wc and storage at ground floor, a living room, store and bathroom on the first floor and 2 double bedrooms on the second floor. The elevations show a mid-eaves level dormer window on the front elevation to the bedroom and a roof light on the rear elevation. The floor area of the units is 92m<sup>2</sup>, this exceeds the nationally described space standard of 79m<sup>2</sup> for a 2 bedroom 3 storey dwelling.
- 2.4 The proposed external materials are red facing brickwork with rubbed brick arches and a black smut pantile roof.
- 2.4 The application is accompanied by a Planning Statement, a Design and Access Statement and a Flood Risk Assessment (FRA) and evidence to address the sequential and exceptions test for housing development located in a flood risk area.

## **3. Site Constraints**

- 3.1 The site is located in Flood Zone 3 (tidal and river flooding) where residential use on non-allocated sites is usually not supported.
- 3.2 Both Alpha Road and Common Road are at identified risk of Surface Water Flooding (both 1 in 100 year, and 1 in 1000 year, risk events).
- 3.3 Both Alpha Road and Common Road are unclassified but adopted highway.
- 3.4 Although a brownfield site and previously developed land, this is not a formally-recognised area of contamination concern.
- 3.5 The site is within the development limits of Gorleston-on-Sea.
- 3.6 The site is within the Orange 400m to 2.5km zone Indicative Habitats Impact Zone.

#### 4. Relevant Planning History

4.1 The relevant Planning History at the property is:

06/98/0781/F – Convert builders workshop to 4 starter homes (Alpha Road) – Approved 18th February 1999.

- If there was any implementation of this permission it is no longer extant as the buildings to which it related have since been demolished.

06/08/0305/F - Demolition of existing buildings and erection of eight residential dwellings - Withdrawn.

The proposal was also subject of successful pre-application discussions with officers.

#### 5. Consultations

<b>Local Highway Authority (Norfolk County Council)</b>	<b>Response: No Objection</b>
Raise no objection subject to the closure of the existing access on Common Road and the laying out of the proposed accesses to the dwellings as shown on the revised layout plan Drawing No. 1420/20 Rev. E, and also that parking areas shown thereon are laid out and maintained thereafter for such use.	
<b>Officer comment / response:</b>	These requirements are proposed to be secured by conditions.
Any relevant Condition / Informative note?	See proposed conditions.

<b>Environmental Health Officer</b>	<b>Response: No Objection</b>
During consideration of the application the applicant has undertaken an intrusive investigation which has been submitted to the EHO. The EHO raises no objection subject to the following conditions: - requiring the replacement of top soil within the site, - a standard condition which requires the LPA to be notified if any contamination not previously identified is encountered during the development along with details to be provided of mitigation, and - a standard condition limiting the hours of construction with power tools and a standard informative re maintaining air quality during construction.	
<b>Officer comment / response:</b>	These requirements are proposed to be secured by conditions and are appropriate given the adjacent neighbouring dwellings.
Any relevant Condition / Informative note?	See proposed conditions.



<b>Norfolk Constabulary Designing out crime team</b>	<b>Response: No objection - advice provided</b>
The Norfolk Constabulary Designing Out Crime Officer has provided lengthy detailed generic advice which has been provided to the applicant for consideration. The submitted layout was subsequently revised to include a shared access gate to the rear gardens of each terrace.	
<b>Officer comment / response:</b>	The designs have responded to the proposals as much as it is able to do so, with additional measures to be secured by conditions.
Any relevant Condition / Informative note?	See revised layout and proposed conditions.

<b>GYBC Enabling and Empty Homes Officer</b>	<b>Response: Support application</b>
The proposal will provide in-demand affordable homes and the proposed terms of the section 106 agreement are suitable for securing homes to meet the known demand.	
<b>Officer comment / response:</b>	The development is suitable for approval in the form of the ready-prepared draft section 106 agreement.
Any relevant Condition / Informative note?	The draft section 106 agreement has been agreed by all parties.

## 6. Publicity & Representations received

Consultations undertaken: Site notice and letters written to adjoining dwellings.

### 6.1. Ward Member – Cllr(s) C. Borg; R. Price; B. Williamson

Representation	Officer Comment	Relevant Condition/Informative
<p>Cllr Robert Price MBE –</p> <p>I have considered the implications and on the face of it seems a needed scheme.</p> <p>My advice taking into account the amount of objections is that this goes to Committee for approval so it gives the applicant and objectors full transparency and indeed on this</p>	<p>The need for affordable housing is a fundamental aspect of the principle of development in the face of the greatest level of flood risk – see section 10.</p> <p>Public concerns are raised at section 6.2, with responses in the following paragraph, and throughout this report.</p>	n/a

occasion protects the officers from any undue criticism.		
Cllr Carol Borg – This application should be assessed by Committee please.	n/a	n/a
Cllr Bernard Williamson – No comments received.	n/a	n/a

## 6.2. Public Representations

9 representations have been received objecting to the proposals.

### **Matters of concern raised include:**

- there is sufficient affordable housing being provided elsewhere in the borough.
- the number of houses is excessive.
- not enough facilities & services in the area.
- impacts on and from car parking.
- 3 two storey houses with larger gardens and off street parking would be better than 8x 2beds.
- noise and disturbance during construction and potential damage to their property.
- the dwellings are 3 storey, tall, with small gardens.
- impact on sunlight.
- impacts on party wall.

### **Officer Response to these points -**

There is a recorded shortage of affordable housing provision in the borough. The proposed development comprises 100% affordable housing. There is currently an acute and urgent need for affordable housing to be consented and delivered within the Great Yarmouth plan area. This need has been established in detail in the Council's Annual Monitoring Report (AMR) which identifies there is an estimated annual requirement of 400 units.

In term of density and height of the dwellings, the area is one characterised by 19th and 20th century two and three bed terraced dwellings that front Alpha Road and Common Road backing onto each other. The units on Alpha Road are proposed to be on the same line as other dwellings on the road, the units on Common Road are set back. The units have a small footprint and the back to back distances will be similar to those already existing on adjoining plots. The height is a consequence of the proposed small building footprint which provides living accommodation on the first and second floors above potential worst case flood levels. Having pitched roofs it is not considered that the dwellings would have a significantly worse impact on the sunlight and daylight enjoyed by the adjoining dwellings than when the site was occupied by a three storey warehouse.

Off street parking has been provided off Common Road, providing off street parking from Alpha Road would have reduced the back to back distances between the terraces to a lesser amount than the adjoining houses and reduced the size of the proposed private gardens. The absence of off street parking is the same parking situation along each road. The location does benefit from being alongside a frequent bus service with a stop at the end of Common Road/Alpha Rd. Space for secure bicycle parking is provided with each dwelling.

Disturbance during construction is inevitable during working hours. A standard condition is recommended to limit the working hours with powered equipment weekdays and weekends.

Any damage of adjoining property during construction would be a civil matter between the parties concerned.

## **7. Relevant Planning Policies**

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

- 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 or coastal change
- 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 GSP5: National site network designated habitat sites and species impact avoidance and mitigation
- 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 E1: Flood risk
- Policy E4: Landscape and trees
- 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**

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

- Achieving sustainable development - Para 7-14
- Decision Making - Para 38-59
- Delivering a sufficient supply of homes - Para 60-80
- Promoting healthy and safe communities – Para 92-103
- Promoting sustainable transport Para – 104-113
- Making effective use of land - Para 119-125
- Achieving well designed places – Para 126-136
- Meeting the challenge of climate change, flooding and coastal change – Para 152-173

## **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 linked to flood risk
- Flood risk and flood safety
- Character and appearance of the area
- Residential amenity
- Access and highways
- Other matters: eg. biodiversity, contamination, public open space, habitats

### **Assessment:**

**Proposal summary:** Proposed change of use of first floor for a temporary period of six years to hostel and ancillary office space

## **10. Principle of Development**

- 10.1 This is an infill site within development limits which is considered an accessible location where windfall residential development would ordinarily be supported, especially if it returns a brownfield site into beneficial use.

- 10.2 However, the key consideration on this site is that it is located in Flood Zone 3 where residential use on non-allocated sites is usually not supported in principle. In such locations, development of housing has to pass both a Sequential Test and a separate Exceptions Test. The Sequential Test is a process required to identify if there are any sites elsewhere in the Borough which are at less risk of flooding than this site. If there are not, the application must address the Exceptions Test, whereby the development must demonstrate its safety despite the risk of flooding, and must demonstrate clear 'wider sustainability benefits to the community which outweigh the flood risk'.
- 10.3 If there are alternative sites available at lower risk of flooding, the development will be contrary to the NPPF and Local Plan Part 2 policy E1. Nevertheless, the development may still be allowed despite being contrary to the plan where there is a sustainable benefit sufficient to justify the conflict with the adopted policy.
- 10.4 Flooding is addressed under policy E1 of the Local Plan Part 2. Policy E1 of the Local Plan Part 2 sets out the requirements for where a sequential test must look for alternative sites:
- “For the purposes of the operation of the sequential test as set out in paragraph a) of Policy CS13 of the Core Strategy, where development is proposed in an area of flood risk....the following will apply for residential development:*
- (c). For sites within Great Yarmouth Town the area of search for alternative sites can be limited to Great Yarmouth Town.*
- (d). For sites outside of Great Yarmouth Town the area of search for alternative sites will need to cover the entire Borough and be considered against the overall supply of housing in the Borough.*
- (e). For sites comprising 100% affordable housing to meet local needs or exception sites under Policy CS4 the area of search for alternative sites will need to cover the area the specific need is arising from.”*
- 10.5 In this case, the development is proposing residential dwellings outside of Great Yarmouth Town. As the LPA can demonstrate a housing land supply of 7.24 years, the local plan is considered up to date and there is no overriding requirement to consider accepting residential development in otherwise-inappropriate or unsustainable locations. In this case the flood risk zone 3 constraint makes the site location undesirable for residential development and the sequential test must be undertaken to consider if alternative locations at lower flood risk can be used instead. Being outside Great Yarmouth Town the sequential test would need to consider the entire Borough where there are known to be sites available that can accommodate up to 8 dwellings; such a sequential test is unlikely to be able to be passed so the development would not be acceptable as open-market housing in this location.
- 10.6 As such the applicant is proposing the development to be for affordable housing which requires a Sequential Test assessment of potential development sites within just the Gorleston area. Should that Sequential Test be passed (ie other development sites not be available), the development of affordable housing in principle would be considered more favourably, but the provision of affordable housing in itself is not

sufficient, it must be affordable housing which is able to address the specific affordable-housing housing-need in Gorleston-on-sea. To meet the tests of the NPPF the development must be appropriately flood resilient and resistant such that it can be put back into use without significant refurbishment, so the development must also demonstrate it will be safe in the event of flooding.

### **Sequential Test**

- 10.7 The applicant therefore has undertaken a sequential assessment of the available sites for residential development in Gorleston. There are 3 larger sites at a lower risk of flooding that would accommodate a larger number of dwellings than proposed in this application. Whilst the 8 dwellings could be accommodated on those sites, the land is not available for development as they are subject to applications in their own right and/or already have permission and are already implemented. Therefore the Sequential Test is agreed with and satisfied.
- 10.8 The NPPF is clear that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, which there are not considered to be for this scale of development.
- 10.9 Even though the sequential test is satisfied because the development cannot be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the Exception Test must still be applied.

### **Exceptions Test**

- 10.10 The Exceptions test must be passed if development is to be allowed. The Exception Test requires a clear demonstration of the advantages of the development which present benefits that outweigh the flood risk and the conflict with the sequential-test orientated aspect of the local plan. For the development to pass the Exception Test it should be demonstrated that:
- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk;
- and,
- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 10.11 In respect of Test criteria (a) - the wider sustainability benefits: the applicant has put the site forward to provide all 8no. dwellings as Affordable Rent tenure affordable housing which is providing a direct benefit through boosting the overall supply of the most in-demand version of affordable housing needed in the Borough. Any development approved will be the subject of a Section 106 planning agreement to ensure the provision of affordable housing in this case. The applicant has a provisional agreement with Orwell Housing Association Ltd to take possession of the dwellings once built, and the section 106 agreement is sufficiently well advanced to provide confidence that the development will proceed as affordable housing which is available to the residents of Gorleston on Sea. Any permission granted will be subject to the s106 agreement, so will satisfy Exceptions Test criteria (a) on that basis.

- 10.12 This is considered a significant public benefit and an acceptable exception providing a sustainable benefit. Officers consider this will be a significant benefit that outweighs the flood risk by boosting affordable housing supply significantly on a site which would not otherwise be required to provide affordable housing had there not been the flood risk constraint.
- 10.13 In addition, the proposal makes beneficial use of an eyesore and possibly dangerous brownfield site in an accessible location close to shops and services.
- 10.14 In respect of Exception Test criteria (b) - the safety of the development: the proposed design includes a water entry strategy and construction would include flood resilience techniques, to help reduce flood risk overall (or at least avoid spreading the risk elsewhere). This is details further under 'flood risk and flood safety' below.
- 10.15 It is therefore considered that the application has satisfactorily addressed the sequential and exceptions requirements of the NPPF and policy E1, and can therefore be considered acceptable in principle.

## **11. Flood risk and flood safety**

- 11.1 The submitted Flood Risk Assessment (FRA) details the flood levels and escape procedures in the event of flooding. The FRA draws the following conclusions:
- 11.2 The site is located with NPPF flood zone 3a from a tidal surge event within the River Yare. The "actual risk" to the site from overtopping is high.
- 11.3 Applying the Upper End Climate change of 0.32m results in a defended 200yrCC flood level of 3.04m AOD and 1000yrCC flood level of 3.57m AOD.
- 11.4 The proposed ground floor level will be set at 1.80m AOD and will comprise non-habitable uses with habitable areas across upper floors. The first floor level will be set at 4.50m AOD.
- 11.5 A Water Entry Strategy should be adopted across the ground floor area of the building to reduce the differential depth to safe limits during the design and extreme event and to protect property.
- 11.6 A warning and evacuation strategy has been developed with the assessment. It is proposed that the occupants should register with the Agency's Flood Warnings Direct and prepare a Family Flood Plan.
- 11.7 Safe Access/Egress cannot be achieved during the peak of the design event and extreme event, however, it is recommended that the occupants evacuate the site during the early warning stages. Safe refuge is available during the peak of the flood across the upper floors if necessary.
- 11.8 It is considered that there is a low risk of groundwater flooding at the site from underlying deposits. There is a very low surface water flooding risk.
- 11.9 Planning Conditions can therefore be used to secure these flood risk protection measures prior to occupation. It is noted that the dwellings do have kitchen diners on the ground floor. However, safe refuge is available during the peak of the flood across

the upper floors. These measures, if secured by condition, ensures the development satisfies the NPPF and policy E1.

## **12. Design, character and appearance of the area**

- 12.1 The area is a terraced street with properties fronting the highway with no residential parking off-street and small garden residential amenity spaces to the front.
- 12.2 The proposal seeks terraced properties which are similar to those in the area. The proposal also seeks 3 stories in height of which there are others in the vicinity if not those immediately adjacent. Whilst the height of properties is dictated by the need to address flood risk concerns, it is nevertheless considered that the height to the roof eaves of 6.8m and height to the ridge of 10.25m would not be wholly out of place and is considered to be in general conformity with policy CS9 of the core strategy and policy A2 of the LPP2. The materials propose using facing brick and tile which are consistent with the local area and the proposals include two chimneys per terrace which is in keeping with the street scene, so the proposed development has been designed to ensure that the street scene and character of the area are maintained in accordance with policy CS9.

## **13. Residential amenity**

- 13.1 In terms of amenity of existing neighbours in the immediate locality the proposal is assessed against the criteria in relation to Policy A1. It is noted that the proposed back-to-back distances are tight, but these are similar to those of the adjoining dwellings, and the approach is accepted as a minimum level of amenity provision in the interest of securing affordable housing. The adjoining properties do have small rear gardens with a short back-to-back distance; in one case 10 m and 12m and 13m in others. The back-to-back distance of the development will be 11m, so is not out-of-character to the area and is suitable in the interests of achieving optimum levels of affordable housing and a design which addresses both street scenes and minimises the need for on-street parking. During construction, suitable protections can be put in place through condition.
- 13.2 In terms of amenity of the proposed occupiers, again Policy A1 applies. The proposal includes a small amount of residential amenity space including bin storage to the rear of the dwellings. Access is provided at the end of each terrace to the gardens, but the accesses will be secured with locked gates as requested by the Designing Out Crime Officer.
- 13.3 A condition is recommended if approved, which removes permitted development rights for extensions in order to safeguard the future level of privacy and amenity, given the gardens are on the small size and, in the case of properties on Common Road, likely to be overshadowed being on the north side of the 3-storey dwellings.
- 13.4 Given the above constraints and the anticipated use of the development for affordable housing it is considered that the standard of accommodation proposed is considered acceptable on balance, and the proposal can be considered compliant with Policy A1.



#### **14. Access and highways impacts**

- 14.1 The proposal provides a limited amount of car parking spaces on site: 4 spaces, being one space per two bedroomed dwelling for 4 of the dwellings which face Common Road. This falls short of the Norfolk Parking Standards (2007) which would require two spaces per dwelling. However, there is also room for 3 cars to park on Alpha Road outside the 4 dwellings addressing Alpha Road. In addition, there is a bus stop at the end of Common Road/Alpha Road and the proposal includes 10 secure bicycle parking spaces (including some for visitors). The Highways Authority raises no objection.
- 14.2 Overall, given the sustainable and accessible location and the efforts to provide some on-street parking, the potential for highways safety impacts are considered to be low, and to not result in severe harm to highways safety or detriment to the surrounding highway network. The proposal is considered to accord with policy CS16, notwithstanding being slightly below the expectations of policy I1 which expects development to address NCC parking standards.

#### **15. Dwelling access and adaptability**

- 15.1 Policy A2 expects all new dwellings to reach M4(2) standards, where practicable, which includes adaptability, some of which is also required to achieve appropriate affordable housing standards.
- 15.2 As per the Design and Access Statement submitted with the application, the finished floor levels of the new dwellings will be set at a height to allow safe entry into the dwelling to accord with part M of the building regulations. Any ramps will have a maximum gradient of 1:12 and a level access threshold. A landing area of a minimum of 1200mm x 1200mm will be provided to comply with the Building Regulations and the relevant criteria for access for the disabled. All doors will have a minimum width of 775mm and comply with part M of the building regulations.
- 15.3 The applicant has stated an intent to include such features and has proposed to provide an indication in advance of the committee meeting. The final assessment and demonstration can be required by condition.

#### **16. Contamination**

- 16.1 The submitted contamination report and risk assessment concludes that further investigations are needed to fully establish an appropriate remediation strategy.
- 16.2 The Environmental Health Officer has stated that both: "In accordance with the contaminated land desk study recommendations, the developer should undertake an intrusive site investigation and quantitative risk assessment as described by Section 6 of the report. The findings of the intrusive investigations must be presented to the local planning authority for review.", and that topsoils need providing, certifying and applying in a certain manner.
- 16.3 These shall be secured by planning condition requiring a site investigation, risk assessment, mitigation and remediation strategy and verification report.

#### **17. Biodiversity enhancement**

- 17.1 The development avoids a harmful impact on existing ecology, but should make an enhancement towards biodiversity, so planning conditions are proposed to secure bird and bat boxes and other ecology enhancement measures.

**18. Habitats Regulations Assessment (HRA)**

- 18.1 The site is located within the Orange 400m to 2.5km zone Indicative Habitats Impact Zone and is for the net increase of 8 new dwellings; a template HRA has been provided and there is a requirement for HMMS payment of £185.93 per dwelling (£1,487.44 total). This can be collected as a provision of the S106 agreement. The payment is required to ensure that there will be no adverse in-combination effects on the designated sites within the Borough and to guarantee that the appropriate monitoring and mitigation strategies can be secured, to comply with policy GSP5.

**19. Foul drainage and nutrient impacts**

- 19.1 Policy 13 Foul drainage sets out that new development will need to demonstrate that foul water treatment and infrastructure already exists. In this case the site is located in an established urban area which drains to the public sewer outside of a nutrient pollution concern area, so the infrastructure exists and the application proposes discharge of foul water to the sewer. Surface water will be discharged to soakaways. Both are to be conditioned.

**20. Public Open Space**

- 20.1 In accordance with LPP2 Policy H4: Open space provision for new housing development - new residential development must make provision for publicly accessible recreational open space where there is an identified deficit in local provision (defined by ward). As the development is under 20 dwellings, such provision will only feasibly be met off-site. Based on assessment of the current surplus/deficit of each type of open space and an allowance for maintenance in the Claydon Ward, the Borough Council would expect a financial contribution of £14,172.48 (8 x £1,771.56 per dwelling).

- 20.2 As in this case any approval would be subject of a S106 agreement to ensure the provision of affordable housing the required open space payment can be made a separate part of that agreement to secure the payment before first occupation of the dwellings.

**21. Water conservation**

- 21.1 Policy E7 Water conservation in new dwellings states that new development will only be supported where it meets the higher water efficiency standard requirement of 110 litres per person per day. A condition requiring that the development be designed to meet this standard is proposed.

**22. Electric vehicle charging**

- 22.1 Policy I1 encourages the provision of electric car charging points on new developments. This is a small urban infill development, and a condition can secure

their provision. A note to the applicant encouraging provision has been included with this decision, and it is hoped to be provided where practicable by assessment through condition.

### **23. Affordable housing**

- 23.1 The proposal provides 8no. 2-bed affordable houses. The applicant has confirmed they will enter into a section 106 agreement between themselves, Orwell Housing and the Council to ensure that the houses would be delivered as affordable rent tenure. This is necessary to ensure the needs of the flood risk sequential test will be met and provide the appropriate level of public benefit to justify development in this location.

### **24. The Planning Balance**

- 24.1 Taking all of the material planning considerations into account the proposal is considered to comply with the objectives of policy in the adopted Great Yarmouth Core Strategy and Local Plan Part 2, as an exceptions case has been substantiated to develop the site for affordable housing in this area at most significant risk of flood. Design will mitigate flood risk, and living accommodation on the upper floors provides safe refuge in the worse case flood situation.
- 24.2 This is a tight urban site, but the size, siting and design of the dwellings and their material finish is compatible with the local character. A proportionate amount of parking can be accommodated and the location has good access to public transport.
- 24.3 A Section 106 agreement is to be made to secure the provision of affordable housing to meet a local need, also to secure the payment of funds to mitigate impact on international sites of nature conservation in the vicinity and finally to provide access to quality open space.
- 24.4 In all other regards the proposal is considered acceptable as assessed in the sections above and is considered to be compliant in relation to development plan policy and other material considerations.

### **25. Conclusion and Recommendation**

- 25.1 Having considered the details provided, the application proposal is considered to meet the requirements for new residential development as an exception in a flood risk area and, once the section 106 agreement is completed and subject to the conditions proposed, will comply with Core Strategy Policies CS2, CS4, CS9, CS11, CS13, CS16 and policies GSP1, GSP5, GSP8, A1, A2, H3, H4, E1, E4, E6, E7 and I3 of the 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 06/21/0857/F should be APPROVED, subject to:

- (i) prior completion of a section 106 to secure: all 8no dwellings as affordable housing to be let as affordable rent tenure; £1,487.44 towards habitat site impacts

mitigation; and £14,172.48 towards off-site open space provision in the Claydon Ward; and,

(ii) the following conditions:

### **Proposed Conditions**

1. Time limit -

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. Approved plans –

The development shall be carried out in accordance with the following approved plans, drawings and details:

1420/01 - Site location plan

1420/10 Rev E - Common Road - Ground, first and second floor plans

1420/11 Rev C - Common Road - Proposed elevations

1420/12 Rev B - Alpha Road - Ground, first and second floor plans

1420/13 Rev B - Alpha Road - Proposed elevations

1420/20 Rev F - Site layout plan

1420/21 Rev C - Street elevations

1420/22 Rev A - Street view elevations

Contamination Desk Study & Risk Assessment ref 101278 dated December 2020

Site Investigation including Quantitative Risk Assessment, dated January 2022

Flood Risk Assessment report ref: 2649/RE/02-21/01, dated July 2021.

The external material finishes shall be red facing brickwork with rubbed brick arches and a black smut pantile roof as proposed in the submitted details.

The reason for the condition is :-

For the avoidance of doubt.

3. No Permitted Development extensions –

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amendment revoking or re-enacting that Order) the dwellings hereby permitted shall not be further extended in any way, and nor shall outbuildings be constructed, without first obtaining the express written permission of the Local Planning Authority.

The reason for the condition is:-

To enable the Local Planning Authority to retain control over any further extensions or additions to the dwellings in the interests of protecting the residential amenity of neighbouring dwellings and future occupants.

**Pre-Commencement Conditions:**

4. Contamination Investigation and Mitigation Report -

Notwithstanding the Site Investigation report dated January 2022, there shall be no commencement of the development hereby permitted until the details of a Contamination Investigation and Mitigation Report have first been submitted to and approved in writing by the Local Planning Authority. The report shall contain the following:

- 1) A Site Investigation and Quantitative Risk Assessment prepared in accordance with the recommendations described at Section 6 of the report: "Contamination Desk Study & Risk Assessment" ref 101278 dated December 2020; and,
- 2) A Mitigation and Remediation Strategy, based on the findings of (1) above, sufficient to prepare the site for residential use; and,
- 3) A Remediation Strategy Verification Report, based on the proposals at (2) above, sufficient to be able to demonstrate that the remediation measures will have been completed and to demonstrate that the site is safe for residential use upon completion of the measures proposed.

The reason for the condition is :-

In the interests of residential amenity.  
See also Condition 17 of this permission re topsoil.

5. Construction parking & traffic management plan -

There shall be no commencement of the development hereby permitted until the details of a Construction Environment and Traffic Management Plan including Construction Workers Parking Strategy for the development have first been submitted to and approved in writing by the Local Planning Authority.

The Plan shall detail:

- measures to be used throughout the construction stage of the development to ensure that residential amenity is protected during construction,
- shall show that parking shall be contained within the site wherever practicable, and
- shall demonstrate how delivery vehicles, supplies, plant and machinery shall be managed within the site and in the vicinity of the site during construction.

The development shall thereafter be carried out incorporating the measures presented within the approved details, which shall be provided and made operational prior to the first residential occupation of the development.

The reason for the condition is :-

In the interests of preserving local residential amenity, minimising pressures on already-limited on-street parking and maintaining highways safety.

6. Water Entry Strategy details -

There shall be no commencement of the development hereby permitted until the details of a Water Entry Strategy for the development have first been submitted to and approved in writing by the Local Planning Authority. The Strategy shall detail precautions to be used in the construction of the development in readiness for a 1 in 1000 year + 45% climate change flood event (wherein water levels would reach 3.57m AOD) and shall be provided in accordance with the DEFRA and Environment Agency guidance "Improving the Flood Performance of New Buildings" 2007. The development shall thereafter be carried out incorporating the measures presented within the approved details, which shall be provided and made operational prior to the first residential occupation of the development.

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.

7. Accessible & adaptable homes -

There shall be no commencement of the development hereby permitted until a scheme that demonstrates how the dwellings will be built to meet requirement M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings, where practicable, has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in strict accordance with the details so approved.

The reason for the condition is :-

To ensure that the dwellings are designed to be adaptable and efficient for lifetime occupation and to provide appropriate long term residential amenity.

**Construction requirements conditions:**

8. Flood protection measures and evacuation plan -

Part (A) -

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: 2649/RE/02-21/01 dated July 2021, and shall specifically include:

- the ground floor level of the development shall be constructed at 1.80m AOD;
- the first floor of the development shall be constructed at 4.50m AOD;
- implementing and adopting the Water Entry Strategy across the ground floor area of the building; and,
- registering the premises with the Environment Agency's Flood Warnings Direct service; and,
- preparing a Family Flood Plan.

Part (B) -

There shall be no residential occupation of any dwelling hereby permitted until:-

- the Water Entry Strategy and flood risk mitigation measures for that dwelling have first been installed and made operational; and,
- the premises have first been enrolled within the Flood Warning Direct Service; and,
- a 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.

9. Hours of work -

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

07:30 to 18:30 Mondays to Fridays inclusive;

08:30 to 13:30 Saturdays;

and no work shall take place on Sundays, Bank or Public Holidays.

(These hours shall only apply to work generating noise that is audible at the boundary of the nearest noise sensitive property)

The reason for the condition is :-

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

10. Contamination precautions -

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.

### **Pre-foundations DPC / slab level conditions:**

#### 11. Water conservation measures -

There shall be no construction of the development hereby permitted beyond foundations / DPC / slab level until a statement demonstrating how the dwellings will be designed and built to achieve a water consumption rate of no more than 110 litres/person/day has first been submitted to and approved in writing by the Local Planning Authority. All required water conservation measures within the approved details shall thereafter be installed and made available for use prior to the first occupation of the dwelling, and thereafter shall be maintained to achieve this rate to ensure the required water consumption is not exceeded for the lifetime of the development.

The reason for the condition is: -

In the interests of promoting and securing water efficiency improvements to a higher standard than Building Regulations minimum standards require, to accord with adopted Local Plan Part 2 policy E7.

#### 12. EV Charging details -

There shall be no construction of the development hereby permitted beyond foundations / DPC / slab level until details in written and drawn form of the means by which electric vehicle charging shall be made available for the development have first been submitted to and approved in writing by the Local Planning Authority. The charging provision shall be provided and made available for use prior to the first occupation of each dwelling in accordance with the approved details and shall be retained as such thereafter.

The reason for the condition is: -

To ensure provision for the demand for electric vehicle charging within the development.



### 13. Ecology Enhancement Measures -

There shall be no construction of the development hereby permitted beyond foundations / DPC / slab level until details in written and drawn form of how Ecology Enhancement Measures shall be provided within the development have first been submitted to and approved in writing by the Local Planning Authority. The details shall include those proposed in the Planning Statement paragraph 9.56 (page 22) and no less than 8no. bird boxes. The development shall be carried out in accordance with the approved details, and such measures shall be installed and made available for use prior to the first residential occupation of each dwelling, and shall be retained in perpetuity thereafter.

The reason for the condition is :-

To secure biodiversity enhancements in line with the NPPF and Core Strategy policy CS11.

#### **Pre-occupation conditions:**

### 14. New access details -

Prior to the first occupation of the development hereby permitted the vehicular accesses crossing over the footway on Common Road shall be constructed in accordance with a detailed scheme to be first submitted to and approved in writing by the Local Planning Authority in accordance with an appropriate highways specification, and thereafter shall be retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

The reason for the condition is:-

To ensure construction of a satisfactory accesses and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.

### 15. Existing access closure -

Vehicular access into and egress from the adjoining highway shall be limited to the access points shown on Drawing No. 1420/20 Revision E only. Any other access or egress shall be permanently closed, and the footway shall be reinstated in accordance with a detailed scheme to be first submitted to and approved in writing by the Local Planning Authority concurrently with the bringing into use of the new access (no later than prior to the first occupation of any dwelling).

The reason for the condition is:-

In the interests of highway safety.

16. Demarcation of access & parking & cycle parking -

There shall be no residential occupation of the development hereby permitted until the proposed accesses, on-site car and cycle parking, including visitor cycle parking, have first been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan Drawing No. 1420/20 Revision E, and shall be retained thereafter available for that specific use.

The reason for the condition is:-

To ensure the permanent availability of the parking in the interests of satisfactory development and highway safety.

17. Top soil - contamination remediation -

Part (A) -

There shall be no residential occupation of the development hereby permitted until the appropriate provision of gardens and landscaped areas has first been completed and made available for use for that dwelling in accordance with the details of an approved contamination remediation method strategy to be first submitted to and approved in writing by the Local Planning Authority in the form of a contamination remediation mitigation report. Notwithstanding the proposed mitigation scheme, in respect of the use of topsoils, the topsoil to be imported to the site for the gardens and landscaped areas should be certified contaminant free and transported under a conveyance note system. The garden areas should be reduced to 300mm below finished ground level and then be replenished with a minimum of 300mm of topsoil.

Part (B) -

There shall be no occupation of any dwelling until a Validation Report confirming that the works have been carried out for that dwelling has first been submitted to and approved in writing by the Local Planning Authority pursuant to that dwelling.

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.

**Appendices:**

1. Site Location Plan

NOTES:

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**John Jenkins**

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CLIENT Mr. C. Atkinson

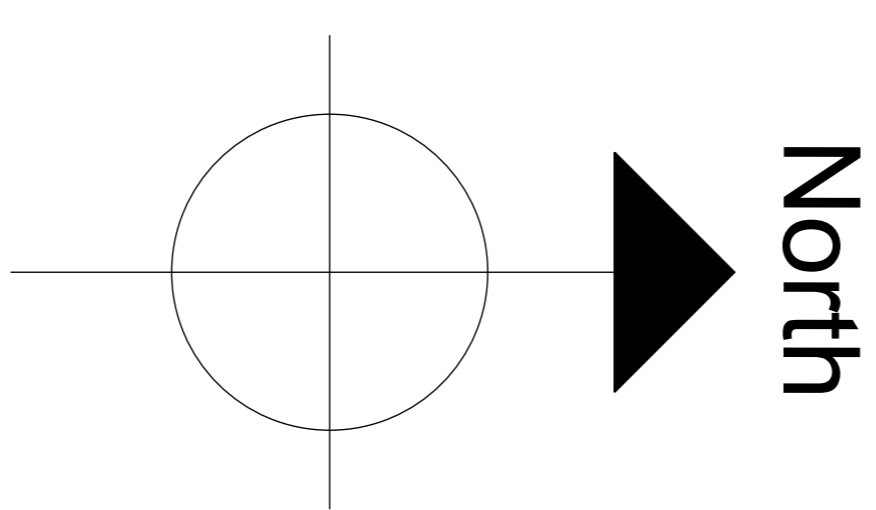
JOB Land to the east of 33 Alpha road Goleston  
TITLE New dwellings  
Ordnance survey map

DATE 4.2.21

DRAWING NO. **1420/01**  
Scale: 1:200 @ A1

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## **Schedule of Planning Applications**

**Committee Date: 18<sup>th</sup> January 2023**

Application Number: 06/22/0884/VCF- [Click here to see application webpage](#)

Site Location: Former Waterworks storage and Pipeyard, (land north of 25 St Peters Plain), St Peter's Plain, Great Yarmouth NR30 2LN

Site Location Plan: See Appendix 1

Proposal: Removal of condition 1 of pp. 06/15/0733/F (conversion of existing garage to kitchen and toilets; siting of modular building for use as community workshops) - to allow permanent use/siting of modular building

Applicant: Dr C Winter

Case Officer: Mr R Tate

Parish & Ward: Nelson Ward

Date Valid: 06-10-22

Expiry / EOT date: 06-12-22 (extension requested but no reply received at time of writing)

Committee referral: As requested by Councillor T Wright and Councillor G Plant, noting the community services and heritage officer concerns.

### **RECOMMENDATION:**

#### **REFUSE**

### **REPORT**

#### **1. The Site and Context.**

1.1 The site is the former waterworks storage yard located to the west of St Peters Plain in Great Yarmouth, adjacent the north side of 25 St Peters Plain. The site is located within the No 4 King Street Conservation Area, within 6 metres of the Town Wall (a Scheduled Ancient Monument) and within the setting of the Wood Hall Hotel (Grade II Listed) - both located to the west on the narrow alley / service road which runs to the rear (west) of the site, and from which the site is separated by a 1.8m red brick wall. Moreover, the site is also adjacent the location of the one of the first places in England to suffer aerial bombardment in World War I.

1.2 Prior to the installation of the existing modular building on the site, and conversion of the former garage, both for community workshop use (pursuant to approval of application 06/15/0733/F), the former waterworks storage yard laid empty. Permission to create a terrace of 3 dwellings on the site had been approved in June 2014 (ref: 06/14/0057/F) but that permission was never implemented and has since lapsed.

- 1.3 Permission was granted for the existing modular building and conversion of the former garage, to create the Willow Tree Works community facility, in February 2016 (ref: 06/15/0733/F - *Conversion of existing garage to kitchen and toilets. Siting of modular building for workshops for general community resource*). The building appears to have been erected by October 2018 (as seen on Google Streetview).
- 1.4 Permission for the siting of the modular portacabin building was granted only on a temporary basis (ref: 06/15/0733/F). The permission was accepted as a medium-term improvement to the vacant site that lay empty in the conservation area, but was restricted to a 10-year temporary permission because the modular building was "not a high quality structure" and it would "degrade over time" (as quoted from the delegated officer report at the time). The Conservation Officer at the time considered the building should only be suitable for 5 years use, but the LPA considered that would be too restrictive and the building was considered likely to be able to last longer just 5 years, but needed a balance to not be seen as a permanent feature when it was otherwise inappropriate in its design, as a permanent addition to the conservation area.
- 1.5 Ultimately, a temporary permission that allowed the building to be sited there for 10 years was considered appropriate in 2016. There were two reasons for the building to be granted only a temporary permission: firstly, the building is built in materials that at the time were expected to be short-lived and could degrade over time, contrasting poorly with the heritage setting of the area; secondly, those concerns were in addition to the overall concerns raised that the form, appearance and positioning of the building would be inappropriate for the site and its heritage context on a permanent or indefinite basis. By allowing a temporary permission at the time, officers were content that the proposed modular building would facilitate a suitable 'meanwhile use' which would provide benefits over and above the empty vacant site whilst it might reasonably be expected to be developed in a more appropriate form for the conservation area and heritage setting.
- 1.6 The modular building is currently used by the Willow Tree Works charity as a centre for people with additional needs, providing a valued benefit to the community. Little additional information was submitted with the application originally to demonstrate what service Willow Tree Works provides, but some information was provided in December to illustrate recent activities. In addition, according to the charity's website, the site is described as: "*WTW is an educational and recreational centre for people with disabilities and additional needs. Family members are welcome. A carer is required at all times*". According to the website they also run a fitness class on a Wednesday with their website stating "*At Willow Tree Works we run non-judgemental fitness class for all levels of ability, disability and energy. Strength, Balance & Endurance - Wednesday 9.15 - 10am*". It is noted that the charity also has the benefit of other centres for activities in the Borough.
- 1.7 It should be noted that the existing permission is for a workshop for "general community resource" so could be multi-purposed and not necessarily limited to sole use by Willow Tree Works, nor limited to servicing people with additional needs.

## **2. The Proposal**

- 2.1 The application seeks to remove condition 1 of planning permission 06/15/0733/F. Condition 1 states:

*"This permission expires on 11 February 2026 and unless on or before this date application has been made for an extension to the period of permission and such application is approved by the Local Planning Authority, the modular building shall be removed from the site.*

*The reason for the condition is:-*

*In order to retain control over the building which is constructed of short lived materials and in the interests of the visual amenities of the locality."*

- 2.2 No other conditions have been requested to be changed or removed. By removing condition 1 it would have the effect of making the permission permanent, and allow use and retention of the building indefinitely.
- 2.3 To justify the proposed removal of the condition, the submitted application form states that there *"is no reason for it not to be permanent"*. The applicant has also explained in an email received on the 1st December that they consider the application necessary because: *"without permanent planning we cannot obtain the funds and so we would have no alternative to close Willow Tree Works"*.
- 2.4 Members will be aware that planning permissions concern the use and development of the land only, and unless permissions are made 'personal' to the applicant (which is only possible in very special exceptional circumstances and which must always relate to the operation of the facility) the individual financial circumstances of an applicant or users of a development are not material planning considerations and must not be taken into account in the decision making process.

## **3. Site Constraints**

- 3.1 The site is located within the development limits as defined by GSP1.
- 3.2 The site is located within the No 4 King Street Conservation Area.
- 3.3 The site is located within the setting of the Town Wall (a Scheduled Ancient Monument).
- 3.4 The site is located within the setting of a Grade II Listed Building (Wood Hall Hotel).

#### 4. Relevant Planning History

- 06/15/0733/F - Conversion of existing garage to kitchen and toilets. Siting of modular building for workshops for general community resource.
  - Application was approved in February 2016 subject to a temporary 10 year permission before the modular building must be removed.
- 06/14/0057/F and 06/14/0059/CC - Demolition of commercial building to allow the erection of a terrace of three 3-bedroomed houses.
  - Approved June 2014 – consent never implemented.
- 06/12/0169/F - Erection of a terrace of four, three bedroomed houses.
  - The application was refused in May 2012, and the refused decision was subsequently appealed.

The application was refused by the LPA for the following reasons:

- Design of the building would obscure view of the Town Wall and create a significant and detrimental visual impact on the monument;
- Over development of the plot;
- Loss of the wall to the front of the site would harm surrounding area;
- Inadequate Parking / Cycle Facilities.

The Appeal was subsequently Dismissed by the Planning Inspectorate; in doing so the Inspector concluded that the development would not preserve the importance of the setting of the Town Wall, in part due to its cramped and overdeveloped form, but did note that only glimpses of the wall are viewable from St Peters Plain and therefore cannot properly be appreciated and should not in itself preclude development on this site.

- 06/12/0238/CC - Demolition of commercial building and erection of a terrace of four, three bedroomed houses. Refused in May 2012 as the associated Full application (06/12/0169/F) had been refused and the demolition of the building was considered premature. The appeal decision (dismissed) is the same as the dismissed appeal for 06/12/0169/F.
- 06/06/0122/F - 2 Detached Houses.
  - Approved May 2006. Consent never implemented.
- 06/92/0928/CU - Temporary use of open enclosed yard for car parking. Approved December 1992.
- 06/91/0211/F - Erection of 3 no. town houses with car parking below. Refused April 1991.
- 06/90/0445/F - 4 one-bedroom flats. Refused May 1990.

#### 5. Consultations

### Statutory Consultees

<b>Local Highways Authority (Norfolk County Council)</b>	No objection.
Suggested Conditions	n/a
Officer comment	n/a

<b>Historic England</b>	No comments.
Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.	
Suggested Conditions	n/a
Officer comment	n/a

### Internal Consultees

<b>Conservation Officer</b>	<b>OBJECTS</b>
<p>The existing modular portacabin is located within the immediate setting of a Scheduled Ancient Monument (The Mediaeval Town Wall), a Grade II listed building (Wood Hall Hotel) and within the boundaries of King Street Conservation area (No.4).</p> <p>The modular building causes a negative impact on the setting of the heritage assets and in its current form, materials and design is not appropriate as a permanent structure due to the adverse effect on the character and appearance of the historic environment. As a material intervention within the Conservation area, the building does not represent a complementing architectural solution which is in keeping with the area's characteristics.</p> <p>Whilst not physically intervening with the historic fabric, the unit impacts significant views within the historic setting and changes the way the area is experienced. Furthermore the unit is add odds with the predominant architectural language of the area and affects character thus causing less than substantial harm to the significances of designated heritage assets.</p> <p>Views towards the medieval Town Wall and the late 18<sup>th</sup> century building constructed on the base of a medieval tower could be seen from St Peter's Plain providing visual references to the historic layers of the area and its intrinsic contribution to the local distinctiveness. A permanent intervention in this location should be reflecting and further enhancing the architectural and historic values of the area, contributing to the special sense of place. However, the structure detracts from the existing environment with its materials and form and fails to make a positive contribution to the local character and distinctiveness. (Reference to NPPF, Paragraph 197c)</p>	



The building's temporary characteristics define its impact which was accepted on a temporary basis. However, in its form and design, the unit does not reflect an appropriate permanent solution for this historic environment.

Paragraph 199 of the NPPF (July 2021) states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

NPPF's Paragraph 206 says that *'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'*

Based on the above analysis the Conservation section cannot support the application for a permanent positioning of this unit in this location. This is not to say that the conservation section opposes development of this site but would expect to see any proposal to have undertaken a contextual analysis to ensure that development is appropriate for the setting.

Suggested Conditions	n/a
Officer comment	The harm caused to the surrounding designated heritage assets needs to be balanced against any public benefits of the proposal as required by NPPF paragraph 202. This will be assessed in the report in a later section.

<b>Environmental Services</b>		No objection.
Suggested Conditions	n/a	
Officer comment	n/a	

### Public Consultation

A site notice was displayed, expiring on the 25-11-22. Being located within the Conservation Area the proposal was also advertised in the Great Yarmouth Mercury.

Three public comments were received - although it should be noted that one was from the Willow Tree charity voicing how they feel aggrieved that the Conservation Section objected to their proposal. The other comments voice general support for the charity.

## 6. Relevant Planning Policies

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

Policy CS9: Encouraging well-designed, distinctive places.

Policy CS10: Safeguarding local heritage assets.

Policy CS15: Providing and protecting community assets and green infrastructure.

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

Policy A1: Amenity.

Policy E5: Historic environment and heritage.

Policy C1: Community facilities.

### **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 12: Achieving well designed places

Section 16: Conserving and enhancing the Historic environment

## **7. Planning Analysis**

- a. 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.
- b. 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.

- c. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on Local Planning Authorities when exercising any of its functions in regards to a Listed Building or its setting, to: *“pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.
- d. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty on Local Planning Authorities when exercising any of its functions in a Conservation Area to: *“pay special attention to the desirability of preserving or enhancing the character or appearance of that area”*.

### Main Issues

The main planning issues for consideration include:

- Principle of development
- Amenity
- Parking and Highway Safety

### **Assessment:**

**Removal of condition 1 of pp. 06/15/0733/F (conversion of existing garage to kitchen and toilets; siting of modular building for use as community workshops) - to allow permanent use/siting of modular building**

## **8. Principle of Development**

- 8.1 As a proposal to vary the conditions of an existing permission, any grant of approval will result in a new permission and the existing permission would remain extent until such time as the development remains unaltered. Case law has established that the proposed development should be assessed only in respect of the amendments proposed, and any subsequent changes in planning policy, national guidance of other material considerations which have come into play since the original permission was granted. In this case, the principle of the use at this location remains supported, as was the case in 2016; the only matter requiring reappraisal now is the question of whether the effects of granting a permanent permission should be considered acceptable.
- 8.2 The Local Plan 2021 continues to be supportive of community facilities and recognises the important role that the voluntary sector plays in the Borough. From a national and local planning policy level, there is a presumption in favour of enhanced community facilities.

Core Policy CS15 recognises this and supports the retention of community facilities. Local Plan Part 2 Policy C1 supports the approach of Core Strategy Policy CS15 and states: *"The retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth, will be encouraged"*.

- 8.3 As such, the principle of the continued use of the site for a community facility is acceptable, subject to compliance with the other relevant development plan policies.

## **9. Heritage and Historic Environment**

- 9.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on Local Planning Authorities when exercising any of its functions in regards to a Listed Building or its setting, to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on Local Planning Authorities when exercising any of its functions in a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 9.3 The site is located within a part of the Borough of noteworthy historic importance, not only due to the quality of the surrounding built environment but also due to the cultural events which have occurred in the near area, for example the first civilian fatalities during an aerial bombardment in the UK happened adjacent the site in 1915.
- 9.4 The immediate area around and alongside the application site is fairly varied, with materials of both rendered terraces and original lighter façade brickwork along St Peters Street all contrasting with the dark red blended brickwork of the application site's 2.4m high detailed perimeter wall. However, the west side of St Peters Plain forms the edge of the Conservation Area and it is that which includes the application site, and which comprises the fine detail brick buildings and buildings of principal historic interest, rather than the smooth rendered post-war buildings of the east side of St Peters Plain.
- 9.5 In the absence of the modular building the interior of the western perimeter wall would be visible from the east, which adds some interest and link to the St Peters Plain frontage, but more pertinently the scheduled ancient monument town wall would previously have been visible from St Peters Plain, had the modular building not been in situ. However, the LPA has previously approved a development of three terraced houses in the same location which would largely also prevent views of the town wall, and to a lesser extent screen part of the Grade II listed Wood Hall Hotel and its double-breasted gable, from St Peters Plain. It is noted that the reasons given for granting only a temporary permission in 2016 were relating to wider impacts on visual amenity, ie not being appropriate as a permanent feature, as well as the quality of materials and appropriateness of the longevity of the structure causing a detrimental impact over the medium term.

- 9.6 The southern part of the building projects forward of 25 St Peters Plain to create an uncomfortable appearance in the streetscene, but this is the converted garage which was in poor repair in 2016 even if the rendered finish arguably makes the structure more prominent. As such, there is no recourse to reconsider the effects of that aspect.
- 9.7 The red brick boundary wall is required by Condition 3 of permission 06/15/0733/F to remain unaltered and not be removed. This adds significant interest and any permission granted should retain this condition.
- 9.8 The design and materials of the existing modular building portacabin detracts from the character of the Conservation Area and this significant historic setting. Because the modular building is sited in the foreground of the setting of the Town Wall, being visible from both St Peters Plain and the access road York Road, it is considered that a form of construction that is temporary in appearance will cause further harm to the setting of the scheduled ancient monument town wall and the Grade II listed building, to the west, as well being uncomplimentary to the setting and character and appearance of the conservation area.
- 9.9 It is considered that the temporary nature and already-unsympathetic and uncomplimentary form of the building in this heritage setting would become especially notable were the building to deteriorate significantly over time, but the nature of modular buildings in current construction practices is that many such buildings can retain a positive appearance for many years even if intending to be temporary; indeed government guidance accepts some temporary buildings have long term lifespans and could be granted successive temporary permissions, such as with classrooms. However, in this instance, no evidence has been provided to suggest how long the modular building might be capable of maintaining a suitable appearance and useful lifespan.
- 9.10 Notwithstanding abilities to retain a suitable outward appearance, the fundamental elements of the development are not considered appropriate to the Conservation Area. The materials used and the roof form are at odds to the general prevalence of brickwork on principal facades, with recessed (ideally timber) windows of sash designs under a varied roofscape. The proposal also has an awkward relationship with the red brick boundary wall to the front of the site and appears crammed in the site.
- 9.11 Although the applicant has recently stated that *"the modular build cannot be seen, because it is set back from the Victorian Wall"*, it is considered a misunderstood position; the modular building portacabin can clearly be seen from outside of the site, rising above all perimeter walls and being clearly visible through the wide central entrance. Furthermore, national guidance and case law has shown that public visibility is not the determining factor when assessing heritage impacts – it is only a part of the range of considerations that need to be taken into account in assessing heritage impacts, and the appropriateness of architectural form as well as the relationship it creates with other buildings and the street scene are all equally, if not more, important than visibility of permanent developments.

- 9.12 In this case, the site is a prominent part of the Conservation Area and will have direct impacts on the character and appearance of the Conservation Area designated heritage asset, as well as indirect impacts through affecting the setting of the Grade II listed building and base of the Scheduled Ancient Monument town wall. Not only is the building visible and considered incongruous, the shape, positioning, materials, scale and articulation are all considered inappropriate for occupying a long term presence in a prominent heritage setting such as this.
- 9.13 The Conservation Section have been consulted on the application and raised an objection to the removal of Condition 1 of 06/15/0733/F. As expressed by the Conservation Officer, the modular building is considered to cause a negative impact on the setting of the heritage assets and in its current form, materials and design is not appropriate as a permanent structure due to the adverse effect on the character and appearance of the historic environment. As a material intervention within the Conservation area, the building does not represent a complementing architectural solution which is in keeping with the area's characteristics.
- 9.14 Conservation Officers accepted that the use of the land for the temporary stationing of the modular building could be supported in light of the public benefits of the proposal as a temporary use, but are clear that this is not an appropriate form of development on a permanent basis, stating:
- 9.15 Officers consider that the use of land to site the modular building on a permanent basis would cause a significant level of 'less-than-substantial harm' to the heritage setting of the site. The nature of that harm has been described in part as:

*"The building's temporary characteristics define its impact which was accepted on a temporary basis. However, in its form and design, the unit does not reflect an appropriate permanent solution for this historic environment."*

*"Whilst not physically intervening with the historic fabric, the unit impacts significant views within the historic setting and changes the way the area is experienced. Furthermore the unit is add odds with the predominant architectural language of the area and affects character thus causing less than substantial harm to the significances of designated heritage assets."*

*Views towards the medieval Town Wall and the late 18<sup>th</sup> century building constructed on the base of a medieval tower could be seen from St Peter's Plain providing visual references to the historic layers of the area and its intrinsic contribution to the local distinctiveness. A permanent intervention in this location should be reflecting and further enhancing the architectural and historic values of the area, contributing to the special sense of place. However, the structure detracts from the existing environment with its materials and form and fails to make a positive contribution to the local character and distinctiveness. (Reference to NPPF, Paragraph 197c)."*

If it becomes a permanent addition to the conservation area, it is considered to cause harm to the surrounding historic environment due to the appearance of the unit, its visual impact

on the setting of the designated heritage assets and the effect it has on views of the Conservation Area.

- 9.16 Paragraph 194 of the NPPF requires the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. This approach is expanded upon by policy E5 which requires "Development proposals which have the potential to impact on Heritage Assets or their settings should be supported by a Heritage Impact Assessment prepared by an individual with relevant expertise." No supporting information assessing the impact of the proposal on the surrounding built environment has been submitted.
- 9.17 Paragraph 199 of the NPPF requires that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.18 Paragraph 200 of the NPPF requires that where any harm to, or loss of, the significance of a designated heritage asset is proposed (from its alteration or destruction, or from development within its setting), it should require clear and convincing justification. The proposal does generate harm to the character and appearance of the Conservation Area and to the setting of the nearby Listed Building and Town Wall (a Scheduled Ancient Monument). Whilst this harm may have been considered acceptable on a temporary basis, the proposal is considered to generate a level of harm towards the higher end of less than substantial harm due to the temporary appearance of the portacabin and the low quality design and use of materials which are at odds with the character and appearance of the surrounding historic context. The application is not supported by any information to justify why the continued stationing of the portacabin is necessary or why this harm on a permanent basis would be suitable, on planning grounds.
- 9.19 The building is not of a sympathetic or complimentary form which preserves the setting of the nationally designated heritage assets, nor would it preserve or enhance the character of the Conservation Area, so the development would amount to a significant level of less-than-substantial harm caused to those heritage assets. To make the permission permanent by removing condition 1 would therefore be contrary to adopted local development plan policy, and be contrary to the expectations of the National Planning Policy Framework, and would fail to uphold the Council's duty under the legal responsibilities of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, unless there were special circumstances to justify the proposal.
- 9.17 In terms of weighing-up any other material considerations, Paragraph 202 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. If the application is refused it would involve the removal of the community facility in 2026, although, from the information available on the charity's website it would appear that the portacabin is not in use daily and no evidence has been submitted to dispute this.

Moreover, it has not been demonstrated that the modular building portacabin's function could not be carried out at one of the charity's alternative locations or another site. Given the level of harm that the permanent stationing of the portacabin would generate to the surrounding historic environment, it is not considered that the proposal would offer sufficient public benefit to outweigh the level of harm caused.

- 9.18 As a result, it is considered that the proposal would fail to comply with Core Policy CS10 because it would not conserve or enhance the significance of the Borough's heritage assets and their settings, and would not meet the requirements of Sections 66 and 72. The proposal does not therefore provide sufficient public benefits to outweigh the high level of 'less than substantial' harm and therefore the scheme is considered contrary to paragraph 202 of the NPPF (2021).

## **10. Amenity**

- 10.1 Adopted Policy A1 expands on CS09 F to ensure that no significantly harmful amenity issues occur, including overlooking and loss of privacy; loss of light and overshadowing and flickering shadow; building and structures which are overbearing; nuisance, disturbance and loss of tranquillity from waste and clutter, intrusive lighting, visual movement, noise, poor air quality (including odours and dust); and vibration.
- 10.2 The site does not currently appear to generate any of the above concerns. On this basis, it is unlikely that these would be generated if the proposal were to be allowed on a permanent basis, although the absence of any justification cannot rule this out. This is notwithstanding the Council's Environmental Services team raising no objection to the proposal.

## **11. Highways**

- 11.1 The Local Highways Authority (Norfolk County Council) raised no objection to the proposal.

## **12. Other material planning considerations**

- 12.1 As a temporary use of the site the modular building was originally considered to reduce the negative impacts of retaining an unused vacant site in a prominent location in the Conservation Area. However, as a permanent feature, the development is not considered to be architecturally appropriate for the location, and the form, siting, lack of articulation and materials palette only serve to exacerbate the temporary nature and appearance of the building.



- 12.2 In considering whether the temporary use of land should be allowed to continue indefinitely, it is notable that the national planning policy guidance includes the following relevant commentary:

*“Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.*

*A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a ‘meanwhile use’).*

*It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.”*

- 12.3 It is therefore clear that the original permission was consistent with guidance in allowing a short-term use on a site where more appropriate longer-term uses would likely come forward. Following the same, it is clear that another temporary permission would not ordinarily be consistent with the same guidance.

- 12.4 In response to the concerns raised, the applicant has noted the condition of some of the surrounding buildings and the benefits of the facility to a section of the community, but these are maintenance concerns, and the community use has not been demonstrated as likely to be unavailable elsewhere from 2026. The predominant concerns of the applicant appear to be financially-linked relating to the need to pay another planning application fee in 2026 and to attract grants for the facility; it is noted that charities have exemption from / discounts on planning application fees, and the ability to secure grant is not a material planning consideration.

- 12.5 Officers have a great deal of sympathy with the applicant and their position in respect of wanting to secure long term use of the site for the community. However, the Local Planning Authority has clear legal responsibilities that it (i) must determine applications in accordance with the development plan unless material considerations dictate otherwise, and (ii) must have special regard and pay special attention to maintaining, preserving and enhancing the setting, character and appearance of designated heritage assets. Ultimately, it is considered that the reasons for requesting a permanent permission do not provide adequate material considerations to justify departing from policy nor leaving the duty unfulfilled.

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

- 13.1 As identified by the Conservation Officer, the development causes detriment impact on significant views within the historic setting and changes the way the area is experienced.

Furthermore, the building is at odds with the predominant architectural language of the area and affects the character of the area, thus causing less than substantial harm to the significances of designated heritage assets. In the opinion of Officers, the the modular building is considered to cause a significant degree of 'less than substantial' harm from its presence on the site, detrimentally affecting the character and appearance of the Conservation Area and the significance of the setting of the nearby Grade II listed building and Ancient Schedule Monument due to the uncomplimentary form, and the temporary and low-quality appearance of the building.

- 13.2 In accordance with paragraph 202 of the NPPF (2021), these harms should be weighed against any public benefits that the proposal would generate. As outlined at paragraph 1.6 – 1.7 above, as a principle use facilitated by the temporary building the development enables community group activities to take place from the site, albeit perhaps infrequently used at present. The public benefits of a community resource are undoubtedly important, but the use as a community facility is not considered to be only possible to be provided from this location or from this form of temporary modular building.
- 13.3 This proposal is recognised as a finely balanced consideration, but on balance and in this particular instance, it is considered that the proposal offers some public benefit but they are benefits which are not exclusive to this location and which have not been demonstrated to only be possible from this location using this form of building which has an inappropriate design. As such these benefits are not considered sufficient to outweigh the high level of permanent harm which would be caused by retaining the modular building in this sensitive location.
- 13.4 Further to the principle concerns regarding the nature of development in this context, it is regrettable that limited information has been provided to demonstrate the range of activities undertaken at the site, the need for the activity to continue solely in this location, or the opportunities that might or might not exist for the works to be relocated (contrary to NPPF paragraph 200). Nor has a heritage impact assessment been undertaken (as required by NPPF paragraph 194 and policy E5) which would help provide greater understanding of the heritage constraints and opportunities for limiting some of the harm caused for a permanent alternative development to be successful.

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

- 14.1 The public benefits of the permanent siting of the existing modular building in this location do not outweigh the long-term harms that would be caused to the surrounding designated heritage assets by granting permanent permission. The proposal would fail to comply with Core Policy CS10 because it would not conserve or enhance the significance of the borough's heritage assets and their settings and would not meet the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal does not provide sufficient public benefits to outweigh the high level of 'less than substantial' harm and therefore the scheme is contrary to paragraph 202 of the NPPF (2021). As such, it is the Officers' recommendation that the application should be refused.

## **RECOMMENDATION:**

It is recommended that application 06/22/0884/VCF should be REFUSED for the following reasons:

1. The proposal would be for the permanent stationing of a low quality, temporary, in appearance, portacabin within the King Street Conservation Area (No4) and within the setting of the adjacent Grade II Listed Building (Wood Hall Hotel) and Scheduled Ancient Monument (Town Wall). The appearance, form, character, design and materials of the existing portacabin detracts from the character and appearance and setting of designated heritage assets. The development would cause harm to the visual amenity of the area and have a detrimental impact on the character of the Conservation Area and the significant historic setting, including the adjacent Grade II Listed Building (Wood Hall Hotel) and Scheduled Ancient Monument (Town Wall). The portacabin blocks views of the Town Wall from St Peters Plain and its construction is one that is temporary in appearance and would cause further harm as the building deteriorates. It is also has an awkward relationship with the red brick boundary wall to the front of the site and appears crammed in the site, further detracting from the character and appearance of the significant historic setting. As a permanent feature, the development is not considered to be architecturally appropriate for the location, and the form, siting, lack of articulation and materials palette only serve to exacerbate the temporary nature and appearance of the building and are all considered to be inappropriate for the long term presence in a prominent heritage setting. The permanent stationing of the portacabin would generate a high level of less than substantial harm to the character and historic appearance of the Conservation Area and the setting of the adjacent designated heritage assets, including Grade II listed building and Scheduled Ancient Monument. The proposal does not provide sufficient public benefits which would outweigh the level of harm that would be generated by the permanent siting or indefinite retention of the modular building. The application would fail to comply with Policy CS10 of the adopted Great Yarmouth Core Strategy (2015) and Policy E5 of the adopted Great Yarmouth Local Plan Part 2 (2021), together with Paragraph 202 of the NPPF (2021) and to approve the proposal would not be consistent with the expectations of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The site is located within the King Street Conservation Area (No4), a designated Heritage Asset. Proposals are required to demonstrate that there are clear and convincing justifications for any harm to the significance of a heritage asset to be outweighed by public benefits derived from the development. The application has not been supported by an appropriate level of adequate supporting information to justify the permanent harm to be caused to the character and historic appearance of the Conservation Area and the setting of the adjacent designated heritage assets (Grade II Listed Building (Wood Hall Hotel) and Scheduled Ancient Monument (Town Wall)). As a result, insufficient information has been submitted and the proposal is contrary to Paragraph 200 of the NPPF (2021) and Policy CS10 of the adopted Great Yarmouth Core Strategy (2015) and Policy E5 of the adopted Great Yarmouth Local Plan Part 2 (2021), together with Paragraph 202 of the NPPF

(2021), having regard to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. The site is located within the King Street Conservation Area (No4), a designated Heritage Asset. Proposals that have the potential to impact on Heritage Assets or their settings (such as in a Conservation Area) should be supported by a Heritage Impact Assessment. Such an assessment has not been submitted with the application. As a result, insufficient information has been submitted to demonstrate how the proposal is able to address and respond to the heritage constraints or be modified to reduce its impact, and as such the application fails to comply with Policy E5 of the adopted Great Yarmouth Local Plan Part 2 (2021) and Paragraph 194 of the National Planning Policy Framework (2021).

**Appendices:**

1. Site Location Plan



## **Schedule of Planning Applications**

**Committee Date: 18 January 2023**

Application Number:	<b>06/22/0946/CU</b> - <a href="#">Click here to see application webpage</a>
Site Location:	25-26 Hall Quay, Great Yarmouth, NR30 1HG
Site Location Plan:	See Appendix 1
Proposal:	Proposed change of use of first floor for a temporary period of six years to hostel for up to 16 Adults and ancillary office space (sui generis use)
Applicant:	Great Yarmouth BC, Town Hall, Hall Plain, Great Yarmouth, NR30 2QF
Case Officer:	Nigel Harriss
Parish & Ward:	Great Yarmouth, Central/Northgate Ward
Date Valid:	22 November 2022
Expiry / EOT date:	20 January 2023
Committee referral:	This is a 'connected application', where the Borough Council is applicant.
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 10 <sup>th</sup> January 2023 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 imposed conditions**

### **REPORT**

#### **1. The Site**

- 1.1 The site is located on the north-east side of Hall Quay close to the Hall Quay, Regent Street, Hall Plain junction and relates to the former telephone exchange premises.
- 1.2 The building is four-storeys in height with its principal elevation fronting onto Hall Quay and at the rear a part four and three-storey element with undercroft parking which backs onto Howard Street South where there is vehicular access and car parking shared with other on site and adjoining users.
- 1.3 Adjoining to the north-west is the vacant former Star Hotel [Grade II listed building] and to the south-east [former Post Office] are offices and flats. Church's Row – Row 62 is located between the site and the former Star Hotel linking to Hall Quay and Howard Street South. Pedestrian access can be taken from both the front and rear of the premises.

- 1.4 Historically, the building housed the main telephone exchange for the Town. A temporary change of use to the first floor to a hostel facility has been granted twice previously [see section 4 below] and has been the main use of the site over the more recent years, firstly operated by the Herring House Trust from 2010 and more recently by the YMCA. When those temporary permissions expired the lawful planning use reverted back to being an office, but in practice the former hostel area has not been used since the YMCA left.
- 1.5 25-26 Hall Quay is currently arranged over 4 floors with the ground floor office to the front occupied by an Estate Agent and it is understood a new business occupier due to commence a lease to the rear office sometime soon. The first floor has been converted to provide hostel accommodation consisting of 21 bedrooms, shared showers and kitchen facilities and provision of storage and laundry areas. The second and third floor are currently vacant and unconverted.

## **2. The Proposal**

- 2.1 The submitted proposal is described in the Design & Access Statement as “*a full planning application for a temporary change of use for a period of six years of the first floor only to a hostel providing up to maximum of 16 bed spaces for individuals who have been or who are at risk of rough sleeping and for use as office space for support staff connected to the use as a hostel/supporting rough sleepers.*”
- 2.2 There are no works proposed to the exterior of the building and it is unlikely that any internal structural changes are needed. The first floor of the property is already fully converted to provide the type of accommodation required. The rear yard will be accessible for emergency access and refuse provision. The site benefits from mains water, drainage, and sewerage with electric panel heating.
- 2.3 The proposal is for temporary change of use of the first floor to a hostel providing a minimum of 9 rooms [bedrooms 6 – 11 and 19 – 21] on a temporary short stay basis to those who are rough sleeping or at risk of rough sleeping. It is expected that individuals will stay for up to 2 weeks, but some may be less. Described as a ‘Somewhere Safe to Stay Hub’ (a place for those found to be rough sleeping to have a short stay for assessment, get warm, fed and try and establish a pathway and support into more secure housing).
- 2.4 Great Yarmouth Borough Council will lease the building and manage the premises through provision of staff from 6am to 11pm with an overnight concierge service. No physical changes to the building are proposed. All existing 21 bedrooms are single-person/bed sized. Existing Bedrooms 1 - 5 are proposed to be used as office space for the Rough Sleeping Team and staff employed by external partners who provide support to rough sleepers. Bedrooms 12 - 18 will only be used as additional emergency provision at times when the service suffers increased pressure such as at times of severe cold weather, increasing the potential capacity from 9 to 16.
- 2.4 Two parking spaces will be provided as part of the lease, for overnight staff. Those staff who drive to work will be expected to continue with their existing arrangements on nearby Council staff car parks.
- 2.5 Other background information:
- Great Yarmouth Borough Council has been successful in obtaining funding to provide 9 bed spaces of temporary emergency accommodation, a need

identified by routine counts of those rough sleeping and other works that have been carried out to identify those who fall within the 'rough sleeping' cohort.

- The scheme is part of a wider strategy to address rough sleeping within the Town and Borough as it will be the first step for those in the greatest of need to be assessed and supported into settled accommodation.
- The strategy is supported more widely by other funding that has been awarded to increase provision of dedicated mental health, drug and alcohol support alongside a County wide joint bid with the ICB (NHS Integrated Care Board) and NSFT (Norfolk and Suffolk NHS Foundation Trust) for clinical support to sit within GYBC's already established Rough Sleeper Team.
- The scheme is intended at this time to be temporary as the dedicated work being carried out is a proactive approach to addressing homelessness with the aspiration of significantly decreasing and over the longer term ending rough sleeping entirely.
- Currently individuals from this cohort are being placed in B&B accommodation. A dedicated hostel will allow those with higher needs to receive appropriate housing and support.

### **3. Site Constraints**

- 3.1 The site is within Conservation Area No.3 – Hall Quay / South Quay.
- 3.3 The site is within the setting of three nearby listed buildings – former Star Hotel and National Westminster Bank both Grade II, and the Grade II\* Town Hall.
- 3.4 The site is outside the flood risk zones from rivers and sea and is not at risk of surface water flooding.

### **4. Relevant Planning History**

- 4.1 06/12/0535/F – Temporary change of use (ground floor and first floor) to youth hostel with ancillary office accommodation. Approved Oct 2012 expired Oct 2018.
- 4.2 06/12/0256/CU – Change of use to form offices. Approved Jun 2012.
- 4.3 06/10/0349/F – Temporary change of use of two floors (part ground floor and first floor) to hostel with ancillary office accommodation. Approved Aug 2010 expired 31 July 2012.
- 4.4 06/00/0950/F - Conversion of former telephone exchange to offices. Approved Feb 2001.

### **5. Consultations**

#### **5.1. Statutory Consultees**



<b>Norfolk County Council Highways</b>	<b>Response: No Objection</b>
The Highway Authority raise no objection.	
<b>Officer comment / response:</b>	N/A
Any relevant Condition / Informative note?	N/A

<b>Historic England</b>	<b>Response: We are not offering advice</b>
Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.	
We suggest that you seek the views of your specialist conservation and archaeological advisers	
<b>Officer comment / response:</b>	N/A
Any relevant Condition / Informative note?	N/A

<b>Norfolk Constabulary Designing out crime team</b>	<b>Response: No comments received</b>
<b>Officer comment / response:</b>	N/A
Any relevant Condition / Informative note?	N/A

## 5.2. Internal Consultees

<b>GYBC Conservation Section</b>	<b>Response: No objections</b>
The Conservation section does not raise objections to the proposed change of use.	
<b>Officer comment / response:</b>	N/A
Any relevant Condition / Informative note?	N/A

<b>GYBC Environmental Services</b>	<b>Response: No objections</b>
The Environmental Protection Team have no comments to make in relation to this application.	
<b>Officer comment / response:</b>	N/A
Any relevant Condition / Informative note?	N/A

<b>GYBC Coastal Partnership East</b>	<b>Response: No objection</b>
This planning application is located more than 30 metres landwards of the Coastal Change Management Area, as detailed in Policy GSP4 of the Great Yarmouth Local Plan Part 2. Therefore, Coastal Partnership East has no comment to make on this application.	
<b>Officer comment / response:</b>	N/A
Any relevant Condition / Informative note?	N/A

<b>GYBC Enabling and Empty Homes Officer</b>	<b>Response: Support application</b>
This location has been used as a hostel since 2010, this is a further extension request of a hostel provision. The hostel will be manned 24 hours a day, therefore ensuring, should any issues arise, they are addressed promptly. The provision of the hostel will support the Council's aspirations to create a pathway to independence.	
<b>Officer comment / response:</b>	N/A
Any relevant Condition / Informative note?	N/A

<b>GYBC Strategic Planning</b>	<b>Response: No objections</b>
<p>The site falls within the Great Yarmouth Hall Quay Development Area (Policy GY3) and is situated towards the end (at the corner of Regent Street) of a stretch of buildings, in predominantly commercial (ground floor) and commercial/private residential (upper floor) use. The ground floor of the building is currently in use for commercial purposes whilst the upper floors are vacant, however the 1st floor, which forms the current application has been in a previous temporary hostel use.</p> <p>Policy GY3 principally encourages uses which seek to bolster the towns centre's food, drink and leisure offer, in order to help implement the Council's future ambitions in this area laid down in the Great Yarmouth Town Centre Regeneration Framework and Masterplan. The policy encourages hotel uses, food and drink and upper floor residential uses, to help deliver this aspiration. Whilst a proposed hostel use is not specifically encouraged through the policy, it is not prohibited and to some extent bridges the uses between hotelier (C1) and private residential (C3).</p> <p>As proposed, the hostel use is unlikely to materially conflict with the aspirations for the area, given that the use will not occupy any active frontage or ground-floor activity where future food &amp; beverage and leisure proposals would be the preferentially encouraged use.</p> <p>The temporary nature of the proposal also provides an element of mitigation when assessed against the long-term aspiration of the area, and on balance would provide for an appropriate meanwhile use for part of an existing building that would otherwise remain vacant in a conservation area.</p>	

The proposal would also help to provide accommodation to meet a specific housing need in the town and borough, as evidenced by the Council's annual count of 'rough sleepers'. In this regard, the proposal would also be supported under Policy CS3(e).

The proposed temporary change of use to a hostel is not considered to materially conflict with the overarching long-term aspirations of Policy GY3 and is supported under Policy CS3(e).

<b>Officer comment / response:</b>	Noted and agreed
Any relevant Condition / Informative note?	Suggest hostel use is conditioned as temporary for six years and for rough sleepers only up to a max of 16

## 6. Publicity & Representations received

Consultations undertaken: Site notice

The proposal was not advertised in the Press as the application does not affect the character or appearance or a conservation area nor relate to a listed building or affect the setting of a listed building.

### 6.1. Ward Member – Cllr(s) C Talbot; J Martin; and M Smith-Clare

Representation	Officer Comment	Relevant Condition/Informative
No comments received	N/A	N/A

### 6.2. Public Representations

At the time of writing no public comments have been received.

## 7. Relevant Planning Policies

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

- Policy CS3: Addressing the borough's housing need
- Policy CS7: Strengthening our centres
- Policy CS9: Encouraging well-designed, distinctive places
- Policy CS10: Safeguarding local heritage assets
- Policy CS11: Enhancing the natural environment
- Policy CS16: Improving accessibility and transport

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

- Policy GSP1: Development Limits
- Policy GSP5: National site network designated habitat sites and species impact avoidance and mitigation
- Policy GY1: Great Yarmouth Town Centre area
- Policy GY3: Hall Quay Development Area
- Policy A1: Amenity

- Policy E5: Historic environment and heritage
- Policy I1: vehicle parking for developments

## 8. Other Material Planning Considerations

### Supplementary Planning Documents

- Hall Quay Planning Brief adopted July 2019 - This supplementary planning document supports and interprets policy CS7 of the adopted Local Plan Part 1 Core Strategy

### National Planning Policy Framework (July 2021)

- Section 4: Decision Making
- Section 16: Conserving and enhancing the historic environment

### Housing Act 1985 Section 326 – The space standard:

- Min of 6.5m<sup>2</sup> – 8.4m<sup>2</sup> (70 - 90 sqft) floor area for 1 adult person bedroom

### Sections 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990:

- Section 66 requires in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA 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.
- Section 72 requires with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of 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
- Character and appearance and heritage assets
- Amenity
- Other matters

**Assessment:**

**Proposal summary:** Proposed change of use of first floor for a temporary period of six years to hostel and ancillary office space

**10. Principle of Development**

10.1 The site is within the development limits in accordance with Policy GSP1 where development will be supported in principle subject to compliance with other relevant policies in the development plan and material considerations.

10.2 In terms of the site location, this falls within both the Great Yarmouth Town Centre area Policy GY1 and Hall Quay Development Area Policy GY3. The area is also covered by the Hall Quay Planning Brief adopted July 2019 - this supplementary planning document supports and interprets Policy CS7 relating to strengthening our centres.

10.3 These policies seek amongst other things to:

- encourage diversity of uses – Policy CS7d;
- increase residential uses within the town centre through the re-purposing of vacant buildings and/or upper floors – Policy GY1a; and,
- hotel and residential uses on upper floors will be focused within buildings which provide principal frontage to Hall Quay – Policy GY3.

The Hall Quay Planning Brief also indicates that residential uses will be generally supported and within those buildings fronting Hall Quay such uses will be preferred on upper floors only.

The planning history in terms of previous hostel use permitted by 06/10/0349/F and 06/12/0535/F – the latter permission restricted to YMCA only, is also a material consideration that can be given a degree of weight.

10.4 Although a hostel is somewhere where people will sleep, it is a *sui generis* use (a use which does not fall within the specified Use Classes [for example Use Class C relates to ‘sleep’ uses in the form of: C1 Hotels; C2 Residential Institutions / C2A Secure Residential Institutions; C3 Dwellinghouses; and C4 Houses in Multiple Occupation], including those specifically identified in Article 3(6) of The Town and Country Planning (Use Classes) Order 1987). In this regard the comments of GYBC Strategic Planning are of particular importance as set out in section 5.2 above.

10.5 The most relevant comments of Strategic Planning are reproduced below:

*Policy GY3 principally encourages uses which seek to bolster the towns centre’s food, drink and leisure offer, in order to help implement the Council’s future ambitions in this area laid down in the Great Yarmouth Town Centre Regeneration Framework and Masterplan. The policy encourages hotel uses,*

*food and drink and upper floor residential uses, to help deliver this aspiration. Whilst a proposed hostel use is not specifically encouraged through the policy, it is not prohibited and to some extent bridges the uses between hotelier (C1) and private residential (C3).*

*As proposed, the hostel use is unlikely to materially conflict with the aspirations for the area, given that the use will not occupy any active frontage or ground-floor activity where future food & beverage and leisure proposals would be the preferentially encouraged use.*

*The temporary nature of the proposal also provides an element of mitigation when assessed against the long-term aspiration of the area, and on balance would provide for an appropriate meanwhile use for part of an existing building that would otherwise remain vacant in a conservation area.*

*The proposal would also help to provide accommodation to meet a specific housing need in the town and borough, as evidenced by the Council's annual count of 'rough sleepers'. In this regard, the proposal would also be supported under Policy CS3(e – supporting the provision of housing for vulnerable people....).*

*The proposed temporary change of use to a hostel is not considered to materially conflict with the overarching long-term aspirations of Policy GY3 and is supported under Policy CS3(e).*

- 10.6 Therefore on balance the proposed use is not considered contrary to the development plan subject to the application of conditions making the proposal temporary; limiting the number of occupants; and restricting use to rough sleepers only and their support workers.

## **11. Impact on Character and Appearance of the Area including Heritage Assets**

- 11.1 The character of the area is contributed to by the divergence of uses, public realm, conservation area and listed buildings amongst others. It is important to note that the proposal requires no alterations to the external appearance of the building or the existing means of access/egress and so in this regard there is unlikely to be any discernible change that would impact on existing character and appearance of the area.
- 11.2 Furthermore, the proposal has been assessed against sections 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this regard it is important to note that Historic England have not offered advice on the proposal [see section 5.1] considering it is for the Councils own conservation adviser to provide views on the proposal and in this regard GYBC Conservation have raised no objections [see section 5.2].
- 11.3 In relation to section 66 this requires in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA 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. The proposal does not relate to a listed building and there is no harm to the setting of nearby listed buildings.

- 11.4 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. Again, the proposal is not considered to cause harm to the character and appearance of the conservation area including Row 62.
- 11.5 Of further consideration is that the proposal will provide for active and viable re-use of a vacant part of the building within the conservation area and setting of listed buildings. In this respect there are likely public benefits arising from the proposal both in terms of building maintenance and providing accommodation for those in need. Given there is no identified harm to the significance of designated heritage assets, as assessed above, there does not need to be further weighing up of harm against public benefit [section 16 NPPF].
- 11.6 As such the proposal is considered to comply with Policies CS9, CS10 and E5 of the development plan.

## **12. Amenity**

- 12.1 In terms of amenity of existing occupiers in the immediate locality the proposal is assessed against the criteria in relation to Policy A1. It is to be noted that the premises are in a mixed-use area including both commercial and residential. The proposal is utilising existing first floor accommodation that has previously been used for hostel purposes and it is not considered that the proposed use will lead to an unacceptable impact on the amenities of occupiers of existing properties/premises. Of further consideration is that the premises will be staffed 24 hours a day, therefore ensuring, should any issues arise, they are addressed promptly.
- 12.2 In terms of amenity of the proposed occupiers, again Policy A1 applies. The first-floor proposal has a primary access/egress via stairs to a stepped entrance direct from Hall Quay. There is a secondary stairwell to the rear providing access to the car park, refuse bins, and alternative means of escape.
- 12.3 The bedrooms proposed for the hostel are all served by external windows and have a floor area ranging from a minimum of 6.5 m<sup>2</sup> to a maximum of 11.5 m<sup>2</sup>, and all will fit a single bed, bedside cabinet and wardrobe. In terms of space standards for bedrooms as a hostel, there are no nationally described space standards. However, under the 1985 Housing Act (sections 325 and 326), and as for HMOs, there are space standards for floor areas of room for 1 adult person per room: a minimum of 6.5m<sup>2</sup> – 8.4m<sup>2</sup> (70-90 sqft) floor area for a 1-adult person room. Therefore all 16 rooms for sleepers meet the minimum requirement.
- 12.4 There are 4 kitchens serving the accommodation as well as six combined shower/WCs and a laundry room. Rooms 1 to 5 fronting Hall Quay will be used as office space for the Rough Sleeping Team and staff employed by external partners who provide support to rough sleepers.
- 12.5 Given the above and the anticipated short-term occupation of the accommodation by an individual on their pathway to independence it is considered that the proposal is compliant with Policy A1.

### **13 Access, Traffic and Highways impacts**

- 13.1 The use will have on site staff that will either continue with existing arrangements of using nearby Council staff car parking facilities and the overnight concierge team will have access to two on-site parking spaces being leased as part of the proposal.
- 13.2 The location of the building is within easy walking distance of the Town Centre and main central bus station, providing bus routes throughout the Borough and the support services that this cohort require such as the job centre and medical facilities.
- 13.3 The residents are highly unlikely to have access to or ownership of a vehicle therefore there is unlikely to be any additional parking pressures because of the proposal.
- 13.4 It is noted that the highway authority has no objections to the proposal and as such complies with Policies CS16 and I1 of the development plan.

### **14 Habitats Regulations Assessment (HRA)**

- 14.1 In this instance as the proposal is a further continuation of a former (temporary) hostel use which goes back to 2010, it does not represent a 'net increase' in recreational pressure. In effect the existing recreational pressure from the previously consented [albeit temporary permissions] accommodation has already been factored into the Local Plan level HRA. As such, a financial contribution for mitigation is not required in order to comply with Policies CS11 and GSP5 and the proposal can be screened out as the effects of the accommodation on increased recreational visitor pressure have already been taken into account.
- 14.2 Nutrient Neutrality – Site is within water recycling centre network draining outside of nutrient neutrality catchment so no new impacts arise.

### **15**

### **16 Social and Economic impacts**

- 16.1 The following is a summary of both social and economic factors which are considered material to the determination of the application:
- This proposal makes good use of the first floor within a very large property of which three quarters is currently stood empty
  - The temporary permission will make use of part of the building whilst allowing adequate time for other uses to be considered as part of the wider regeneration of the Hall Quay area.
  - The development will provide a use that is beneficial to a vulnerable group of people as part of a wider strategy to end homelessness and make use of that part of the building which has an established history of providing hostel accommodation and which otherwise is likely to remain empty.
  - Currently individuals from this cohort are being placed in B&B accommodation. A dedicated hostel will allow those with higher needs to receive appropriate housing and support.



- The scheme is intended at this time to be temporary as the dedicated work being carried out is a proactive approach to addressing homelessness with the aspiration of significantly decreasing and over the longer term ending rough sleeping entirely.

## **16 The Planning Balance**

- 16.1 Policy GY3 principally encourages uses which seek to bolster the towns centre's food, drink and leisure offer, in order to help implement the Council's future ambitions in this area laid down in the Great Yarmouth Town Centre Regeneration Framework and Masterplan. The policy encourages hotel uses, food and drink and upper floor residential uses, to help deliver this aspiration. Whilst a proposed hostel use is not specifically encouraged through the policy, it is not prohibited and to some extent bridges the uses between hotelier (C1) and private residential (C3) and provides an additional use for which there is an evidenced need.
- 16.2 As proposed, the hostel use is unlikely to materially conflict with the aspirations for the area, given that the use will not occupy any active frontage or ground-floor activity where future food & beverage and leisure proposals would be the preferentially encouraged use.
- 16.3 The temporary nature of the proposal also provides an element of mitigation when assessed against the long-term aspiration of the area, and on balance would provide for an appropriate meanwhile use for part of an existing building that would otherwise remain vacant in a conservation area.
- 16.4 The proposal would also help to provide accommodation to meet a specific housing need in the town and borough, as evidenced by the Council's annual count of 'rough sleepers'. In this regard, the proposal would also be supported under Policy CS3(e – supporting the provision of housing for vulnerable people....).
- 16.5 The proposed temporary change of use to a hostel is not considered to materially conflict with the overarching long-term aspirations of Policy GY3 and is supported under Policy CS3(e).
- 16.6 Therefore on balance the proposed use is not considered contrary to the development plan subject to the application of conditions making the proposal temporary; limiting the number of occupants; and restricting use to rough sleepers only and their support workers.
- 16.7 In all other regards the proposal is considered acceptable as assessed in the sections above in relation to development plan policy and other material considerations.

## **17 Conclusion and Recommendation**

- 17.1 Having considered the details provided, the application is considered to comply with policies CS3, CS7, CS9, CS10, CS11 and CS16 from the adopted Core Strategy, and policies GSP1, GSP5, GY1, GY3, A1, E5 and I1 from the adopted 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 06/22/0946/CU should be APPROVED, subject to the following conditions

### **Proposed Conditions**

- (i) This permission expires on [insert date six years from date permission issued] and unless on or before this date application has been made for an extension to the period of permission and such application is approved by the Local Planning Authority the use shall be discontinued.

The reason for the condition is:-

In order to retain control over the use of the site and in the interest of the amenities of the locality and in order to help implement the Council's future ambitions in this area laid down in the Great Yarmouth Town Centre Regeneration Framework and Masterplan.

- (ii) The development shall be carried out in accordance with the application form and the following plans:

- . Site Location Plan
- . First Floor Plan
- . Parking, Bin Location and Fire Escape Route Plan

The reason for the condition is:-

For the avoidance of doubt.

- (iii) The occupation of the hostel use hereby permitted shall be limited to 'rough sleepers' and support staff connected with that use only.

The reason for the condition is :-

In order to retain control over the use of the site and in the interest of the amenities of the locality and in order to help implement the Council's future ambitions in this area laid down in the Great Yarmouth Town Centre Regeneration Framework and Masterplan.

- (iv) Only the sixteen rooms labelled as Bed 6 - 21 (inclusive) on the approved first floor plan shall be used by rough sleepers and no more than 1 adult shall occupy any of these rooms at any one time.

The reason for the condition is :-

In accordance with what was applied for and to ensure suitable accommodation for all occupiers in terms of space standards.

- (v) The office space hereby permitted within the rooms labelled as Bed 1 - 5 (inclusive) on the approved floor plan shall be ancillary to the hostel use for

'rough sleepers' only and shall not be occupied as a separate and unassociated office use.

The reason for the condition is :-

In order to retain control over the use of the site and in the interest of the amenities of the locality and in order to help implement the Council's future ambitions in this area laid down in the Great Yarmouth Town Centre Regeneration Framework and Masterplan.

**Appendices:**

1. Site Location Plan

**Appendix 1: Site Location Plan**

