

Reference: 06/21/0796/F

Parish: Great Yarmouth

Officer: Chris Green

Expiry Date: 15-11-21

Applicant: Warrens Anglia Ltd

Proposal: Proposed demolition of remainder of former school buildings and construction of a terrace of 5 houses with garages

Site: Ex- Edward Worlledge School Site, Land West side of Lichfield Road, Great Yarmouth

REPORT

This application is brought before the Development Control Committee as the landowner at the time of application being submitted is a company whose owners and Directors are two serving Borough Council Councillors, Cllr Paul Hammond and Cllr Donna Hammond, and their immediate family member, Mr Lee Hammond. The land at both this application site and some adjoining land which is material to the determination of this application is also owned by the same company. As such this application was reported to the Monitoring Officer on 01 December.

1. The site

- 1.1 This site is on a smaller part of the land formerly occupied by the Edward Worlledge school building, a late 19th or early 20th century single storey school building. Parts of the school have been demolished and the larger adjacent site cleared. Although the original school building has been partly removed there remains on this smaller site two bays, initially retained for nursery use, though this use is now confirmed as not continuing, leading to this application to redevelop the site for residential purposes.
- 1.2 Although technically single storey, the remaining former school building features the typical high ceiling rooms of the traditional school and features a slate roof with terracotta parapet and lintels and other architectural embellishments.
- 1.3 The remnant two bays of the school comprising this application site were last used as a nursery facility, though it is understood that this role has now ceased. A war memorial that had been within this part is reported contractually as being required to be re-sited as part of the private sale contract with the education

authority. This is not part of the application but is only a planning consideration in that it is a non-designated cultural/ heritage asset.

- 1.5 The adjoining cleared land to the south and west forms application site 06/21/0356/F. As the adjoining land covered by application 06/21/0356/F is within the ownership of the applicant at the time of the application both become a material consideration in the determination of this current proposal. This position is established in case law.

2. Site constraints / context

- 2.1 This application site is part of land formerly dedicated to education and as such is shown as being outside the urban area on the current proposals map and therefore would ordinarily be subject to consideration under policies relating to land outside the defined development limits / urban area.
- 2.2 However, the emergent Local Plan Part 2 policy GSP1 physical limits, and associated revised proposal map, does show that this site will be within the urban area development limits once that plan is formally adopted. Given the advanced state of this (with no objections from the public or modifications asked for) this is considered to carry greater and significant weight. In practice the site is surrounded by areas of terraced housing to the east and north and has the character of an urban setting.
- 2.3 The whole site is in a high-risk flood zone (Zone 3). A site-specific flood risk assessment is included but that relates to the development proposed at the adjoining land and is the same report used for application 06/21/0356/F, which means the flood safety precautions cannot be assumed to be relevant to this fully detailed application development. The applicant has not supplied any evidence for the sequential test purposes to show that there are other available sites of similar capacity within the Great Yarmouth urban area in a lower flood risk area.

3. Proposal

- 3.1 The proposal for 5 dwellings on the site is a row of three-storey town houses terraced together and fronting Lichfield Road. These have garaging and utility rooms to the ground floor and living accommodation at first and second floor surmounted by a ridged roof with gabled dormers over each plot along the whole terrace.
- 3.2 The terrace is set back from the highway by the depth of a parking bay (scaling at just under 6m), giving a distance between the terraced housing existing opposite and the proposal of 20m.
- 3.3 Integral garaging is shown, measuring 6 x 2.9m internally. This is below the 3 x 7m standard set out in the County Highways recommended parking standard for the interior of garages, which is intended to allow a car (5m) & storage space for things like whitegoods appliances and cycles.

- 3.4 Each terrace house has a private rear garden measuring approximately 11m and 52sqm area, and being similar to the footprint of the dwelling.
- 3.5 However, it is not clear how much of the site the built development occupies and rear garden access is not shown in the plans. Bin storage may have to be located at the front but would require a suitable design solution, but if there was no rear garden access this would preclude cycle storage unless at the front and compromise use of the garden. Given there is a private access path along the north side of the site it may be intended to access gardens from there, but that would need to be clarified. The Committee will be updated verbally.
- 3.6 Behind the terrace houses and their gardens, on adjoining land, there is a flat roof single-storey shed / storage building remaining from the school. This is part of the adjoining site and in the planning application for that site there are proposed to be nine outside parking bays shown proposed for use as 'nursery parking' although the nursery use has finished the ex-nursery building would be removed if this scheme is approved and the building demolished.
- 3.7 Within the Design and Access Statement the applicant has proposed that the double-yellow line parking restrictions on the east side of Lichfield Road could be moved to the west side in front of this site.
- 3.8 Accompanying the proposal are the following documents:
- Planning Application Forms and Certificates of Ownership;
 - Application drawings as detailed on the Drawing Register;
 - Design and Access statement
 - Flood Risk Assessment and mitigation and evacuation proposals
 - Habitat Regulations Assessment

4. **Relevant Planning History**

Within this site there is no relevant history.

The site to the south is currently subject to an application for the following development:

06/21/0356/F: Erection of 9 dwellings comprising 6no. three storey, three-bedroom terrace houses with garages, and 3no. two-bedroom flats above 10no. additional garages; creation of 9no. additional parking spaces [Pending consideration].

5. Consultations:-

All consultation responses received are available online or at the Town Hall during opening hours

6 letters of objection and 0 letters of support are received.

Neighbour comments have been received as below (summarised):

- There will be overlooking from height.
- There is inadequate parking.
- Impact of previous demolition works with concrete breaking causing vibration.
- The scale, proximity and positioning of this proposed development to the existing neighbouring property at 90 Lichfield Road to the north would have a major impact on the 'right to light' from the south currently enjoyed by this property and create poor 'prison like' outlook
- The proposal should respect the current building line.
- Objection from the college that the relocation of parking restrictions will impact access into the college site for emergency vehicles
- Change in parking layout should be made before planning approval of these schemes.
- There will be conflict with garage doors, displacing parking.
- Excessive scale, two storey designs have been approved locally recently so flood zone 3 does not dictate 3 storey design.
- Property in Litchfield Road and Gordon Road will lose light.
- There will be inconsistent appearance with the other site.
- There is a sewer close by, that might be harmed by construction work.
- The ward councillor writes: Concerns regarding child safeguarding from overlooking, because it is a special school.
- Demolition was so badly conducted the remnant is unusable.
- Design is dominant and inconsiderate.
- Parking stress.

Ward Councillor Cllr Waters-Bunn: Objection.

I strongly object to this planning application. The proposed properties will block the natural light to the properties on the opposite side of the road. This proposal will also cause further parking issues on a street that is already very hard to find parking spaces in due to double yellow lines. This road is the main service road to the college for deliveries and this proposal will make this far more difficult.

These new homes will not fit in with the current street scene with all the other houses along the terrace having just a ground floor and first floor.

However, the biggest fear I have with this proposal is the safeguarding of the children in the school playground that these properties will overlook. How will the new owners / tenants of these homes be vetted? Overlooking a playground at a school that has a specialist resource base facility in it needs to be taken into account. These children are already vulnerable, and no school child should need to be worrying about who are looking at them when they are having their playtime or lunch breaks.

Consultations – External

5.1 Local Highways Authority – No Objection subject to conditions.

It is noted that the proposals include for amendments to the existing parking restrictions. Whilst the application does not detail the proposed changes, the principle is accepted as mitigation for the development and to retain on-street parking.

Clearly any amendments to the waiting restrictions would be subject to a detailed design and public consultation. Details of the access to the college may require partial retention of the existing waiting restrictions.

Unless the LPA require specific details of the proposed waiting restriction changes, given the fact that only the Highway Authority can promote the associated Traffic Regulation Orders, I am prepared to deal with this element by condition.

NCC Highways make no objection subject to conditions and informative notes:

1. The vehicular access crossing over the footway shall be constructed in accordance with a detailed scheme to be agreed.
2. A 2.4-metre-wide parallel visibility splay shall be provided across the whole of the site's roadside frontage.
3. The driveway length in front of the garages shall be at least 6 metres as measured from the garage doors to the highway boundary.
4. Prior to the first occupation the access, and on-site car parking shall be laid out, demarcated, levelled, surfaced and drained.
5. No works shall commence on the site until the Traffic Regulation Order for the amendment to existing waiting restrictions has been promoted by the Local Highway Authority.

5.2 Norfolk County Council – Ecology Service: No objection.

I would recommend that a bat survey is undertaken and submitted in support of the application due to its age.

5.3 Historic Environment Service (Archaeology) – No objection – conditions.

The proposed development affects a heritage asset; the former school opened in 1906 with imaginative arched design, and moulded terra cotta, subdivided areas of glazing and the symmetry which adds interest are a fine example of Edwardian architecture in an urban context. We note that the school buildings have already been largely demolished without a record being made, in violation of paragraph 205 of NPPF 2021. The remaining heritage asset is worthy of recording prior to its demolition. If planning permission is granted, we therefore ask that this be subject to condition for a programme of archaeological work.

5.4 Environment Agency: (précised) – No objection.

Following submission of further information that clarifies all habitable space is on the first floor and above, we have no objection providing that the LPA has taken into account the flood risk considerations which are its responsibility.

While the site lies within tidal Flood Zone 3a, it does benefit from the presence of defences. The ground floor will flood to a depth of 1.8m during 1 in 200 annual probability flood events. The depth is a “hazard to all” including emergency services. We do not object however as an Emergency Flood Plan and a Flood Evacuation Plan has been submitted by the applicant.

5.5 Internal Drainage Board notes the site is within their catchment and that while the licence regime is not part of the planning regime it can adversely affect the delivery of schemes with planning permission.

Consultation - Internal to GYBC

5.6 Environmental Health – (contaminated land, noise, air quality)

No comments received to date, but should be updated verbally to the Committee meeting.

5.7 Resilience officer: No objection.

I have reviewed the proposed design, Flood Risk Assessment and location and have no issues or concerns with the application proceeding

6. Assessment of Planning Considerations:

6.1 Planning law at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated at and paragraphs 2 and 47 of the National Planning policy Framework (NPPF).

- 6.2** At the time of this DC Committee meeting the local development plan comprises the adopted Local Plan (2001) policies and the Core Strategy (2015). The emerging Local Plan Part 2 (LPP2) has received support from the Planning Inspectorate and is due to be considered for adoption on 09th December 2021, and those policies will replace the Local Plan 2001 and modify some policies of the Core Strategy. The NPPF states at paragraph 48 that weight should be applied to emerging policies commensurate with the progress made towards adoption. As such it is considered that significant weight should be given to the policies within Local Plan Part 2 in the determination of this application.
- 6.3** Whilst the Council has an up-to-date development plan and 5-year-housing land supply the National Planning Policy Framework remains a material consideration but the development plan retains primacy.

Relevant Policies:

Borough Local Plan 2001: HOU7 (New housing within settlements)

Core Strategy 2013: policies CS9, CS10, CS15

Other material considerations:

Emerging policies of the draft Local Plan Part 2 (Final Draft) (LPP2):

- GSP1 (Development limits) *
- GSP8 (Planning obligations) *
- H3 (Housing density)
- H4 (Open space provision for new housing development) *
- A1 (Amenity)
- A2 (Design)
- E1 (Flood risk)
- E4 (Trees and landscape)
- E7 (Water conservation) *
- C1 (Community facilities)
- I1 (Vehicle parking for developments)
- I3 (Foul drainage)

The draft policies should be noted as some considerable degree of weight can be attributed to them in the planning assessment, given the stage of their preparation. Those marked * introduce new requirements should this decision be taken after adoption of the LPP2.

National Planning Policy Framework (2021):

- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenge of climate change and flooding
- Section 15 – Conserving and enhancing the natural environment

- Section 16 – Conserving and enhancing the historic environment

National Planning Practice Guidance and National design guide (2021)

Principle of development – proposed uses

- 6.4** Demolition of the remaining parts of the school / nursery buildings in this site is accepted despite the loss of the former educational use if it helps realise improved designs and site potential.
- 6.5** The development within this application proposal offers new housing on an unused brownfield site. The Council has a healthy 5-year land supply position, and the ‘windfall’ development of new housing in accessible sites makes an important contribution to the housing supply, but it is not reliant on windfall sites to maintain the supply. Nevertheless this is a contribution of housing, and is a sustainable and accessible site.
- 6.6** Emergent LPP2 policy GSP1 (development limits) is considered to carry weight and places this site within the defined urban area thus making the location one considered to be sustainable and appropriate for housing.
- 6.7** Policy LPP2 H3 – The existing plot size of the terraces opposite is 118 square metres each and the new town houses on this site have a 139.2m sq curtilage with a 10.8m deep garden of 51.8m sq. In this location new housing should be at least 50 dwellings per hectare (dph); this site is 0.07ha in area so the 5 dwellings proposed represents a development of 64 dph, (when a reasonable allowance for developments to provide an access road is fed into the equation) so this development is over the minimum density expectation in policy H3. This density is not atypical of the terraced character of the local area.
- 6.8** The principle of a level of residential development in this location is therefore accepted, subject to meeting the criteria set out in the remainder of the development plan, in respect of highways impact, sustainability, design and townscape, landscaping and residential amenity, for example.

Principle of Development – Affordable housing

- 6.9** Although this application is for 5 dwellings and therefore below the government’s threshold set out in the National Planning Policy Framework for the requirement to provide affordable homes, the original and larger site of the school in application reference 06/21/0356/F combined with this site would total 14 dwellings, over the threshold.
- 6.10** The adjoining land was in the same ownership as this site at the time of application and this is a significant material consideration (for example planning case law Rugby School Governors v SoS for Env (1975) which looked at site ‘subdivision’ or disaggregation and in doing so identified piecemeal development as a material consideration in planning assessments). Together the two applications propose 14 dwellings (9 and 5 respectively). Providing a

total of 14 homes is above the GYBC threshold for affordable housing and triggers the requirement for a 10% contribution towards affordable housing within policy CS4 of the adopted core strategy in this area "Affordable housing sub-market area 3". Rounded up, this would equate to 2 affordable homes or a financial commuted sum to be provided in lieu of off-site provision of affordable housing (or a combination of on-site and off-site provision). This should be considered to be required until proven otherwise to be unfeasible, unpracticable and unviable.

6.11 A viability appraisal has not been specifically provided for this application but Officers are content that there are adequate grounds to rely on the information provided within a viability appraisal that was submitted for the application for 9 houses at the adjoining land (ref. 06/21/0356/F). That appraisal is up-to-date and relevant for use in this application and is considered a material consideration in the determination of this application because that viability appraisal proposes reasonable estimations and values for the development finance of all 14 dwellings across both sites. At the time of writing that viability appraisal is under review and the Officer's assessment of that will be reported verbally to the DC Committee meeting.

6.12 The justification and requirement to expect affordable housing to be considered across both sites arises from Local Plan Part 2 Policy H2: "Delivering affordable housing on phased or cumulative developments":

"Where residential sites are proposed adjacent to a recently permitted scheme (within the past 3 years) and identified as phased or cumulative development, as evidenced in addition to one or more of the below criteria, the affordable housing requirement will be calculated based on the total development (i.e. the site subject to the application together with any adjacent plots meeting the criteria below), and not treated individually.

a. The application site is the same ownership as one or more adjacent plots of land.

b. There is evidence of previous applications for development of a larger site of which the application site forms a part of.

c. The site is contiguous to a development that has been either:

- under construction or completed in the years prior to the application being made; or*

- has been granted planning permission or approval of reserved matters within the last 3 years and remains capable of implementation."*

6.13 As such, where residential sites are developed separately through cumulative development, the affordable housing requirement will be calculated based on the total development (i.e. the site subject to the application together with any adjacent plots and shall not be treated individually).

- The criteria for assessing this are set out in the policy (and only one needs to apply for the policy to apply).

- This application taken with the other received do appear to meet criteria (a), when the application site is the same ownership as one or more adjacent

plots of land.

- Criterion (b) requires that there be evidence of previous applications for development of a larger site of which the application site forms a part of; given the recent submission of the other application, this criterion is regarded as met.
- Criterion (c) is also considered to apply in that the plots are adjacent, and the supplementary clauses are there to cope with developments that have occurred sometime before, but the intent of the policy remains to prevent avoidance of affordable housing requirements by repackaging sites into smaller portions.

6.14 It is considered that considerable weight can be accorded to the emergent policy (in accordance with NPPF paragraph 48) as it was subject to modifications by the Planning Inspectorate within the LPP2 examination and adoption process in a manner which strengthened the policy by clarifying its intended application but is not subject to any outstanding objections from consultations and will therefore be taken forward for adoption in December.

6.15 Furthermore, adopted Core Strategy policy CS4(a) states: *“In order to decide whether a particular site exceeds the requisite size thresholds set out above, the Council will assess not only the proposal submitted but also the potential capacity of the site.”*. Given the lower-than-minimum density proposed in the site adjoining this application, this further indicates that the whole area of both sites combined may have capacity to provide affordable housing.

6.16 Policy CS4 supporting text 4.4.4 explains further:

“Where land that is above the threshold is subdivided to create separate development schemes, all or part of which fall below the threshold, the land will be considered as a whole, and affordable housing sought on each scheme. In addition, if permission were granted for development below the threshold and a subsequent application was made on adjacent land controlled by the developer when the first permission was sought, the council would treat both sites as a single entity and expect full affordable provision to be made through the second permission.”

6.17 The requirement could be set aside only if the development of the combined site is considered to be unviable to provide affordable housing within the site or as an off-site contribution. Officers received a recent submission of a viability assessment (submitted for the adjoining site application) which looked at the viability of the two sites as one, but the accuracy of that appraisal needs to be considered and independently assessed.

Principle of development – loss of community facilities

6.18 Policy CS15 - Providing and protecting community assets and green infrastructure, identifies schools, colleges and other educational facilities as being of value and requires the Council to resist the loss of important community

facilities unless appropriate alternative provision of equivalent or better quality facilities is made in a location accessible to current and potential users, or a detailed assessment and where relevant evidence of marketing clearly demonstrates there is no longer a need for the provision of the facility in the area. This is reiterated in emerging LPP2 policy C1.

- 6.19** While no information has been provided to address these requirements, it is clear that this site was surplus to current educational needs and sold on that basis by the Education Authority; with this background in mind, little objection is raised to the loss of the former community facility.

Design and amenity

- 6.20** Retained policy HOU7 from the 2001 Local Plan is permissive of development within settlement boundaries (which this site is accepted to be), however there is a requirement that proposals should not be significantly detrimental to the form and character and setting of the settlement. This test might be deemed to be passed as “significant detriment” is likely to be considered a high benchmark, but it is noted that HOU7 has a limited remaining period of relevance due to the impending adoption of the Local Plan Part 2.
- 6.21** Of greater relevance is the more recent adopted 2015 Core Strategy policy CS9 which starts by stressing the importance of “High Quality” design, and this threshold is therefore considered to require a better design standard from the first principle, rather than assess applications against a policy which only seeks to ensure a scheme does not create “significant harm” (as HOU7 does).
- 6.22** Furthermore, emerging Local Plan Part 2 policy A2 and policy E4 set out clear expectations for design to achieve high standards, and these are consistent with the requirements of the National Planning Policy Framework. As such, the policy context and direction of travel is clear: developments must respect and positively enhance the local character of the area through design.
- 6.23** Adopted Policy CS9 - "Encouraging well-designed, distinctive places" also considers matters of amenity both for existing and future residents. This proposed development creates problems in regard to privacy, loss of daylight / overshadowing, and an overbearing presence for neighbours.
- 6.24** The three-storey terrace will be dominant in relation to the terrace opposite, but as a row this shorter terrace of five is more compact and more in keeping with the shorter rows of existing terraces found to the north and on either side of the Gordon Road / Lichfield Road junction. This makes the three-storey form less overbearing to the existing form, and more in keeping with local character, than a longer row of three-storey terraces would be. The use of the front elevation cross-gable feature does articulate each individual dwelling successfully and provides interest and articulation.
- 6.25** The upper (second floor) bedroom windows will however peer down into the bedrooms opposite which is considered uncomfortable, despite the separation distance of 20m on a horizontal plane. There are no concerns with the

development causing unacceptable overlooking to the rear/west, and angled overlooking of side-to-side terrace gardens is to be expected from such housing designs.

- 6.26** However, whilst the gables add interest and linear form they are flush with the front elevation and there is no relief to the row so whilst the overall width may be shorter the mass remains very much unrelenting, and further, lacking in interest in views from the side. The front gables are set high in relation to the second-floor ceiling, doing nothing to mitigate the bulk nor solve the overlooking problem. A suppressed upper storey eaves line with parts of the roof space being used as second-floor living accommodation could address this point, helping to reduce the scale, mass and overall dominant nature within the street.
- 6.27** Furthermore, the owners of 90 Litchfield Road are correct that material light and outlook will be lost if the new building of such mass is constructed as shown much closer to their building than the existing school is. The taller front gables reaching the ridge will also have the effect of blocking some light and increasing shadow.
- 6.28** There is also a high likelihood that all the available frontage to Lichfield Road will be occupied by parking, but nothing is designed-in to the scheme to break up the car-dominated setting. The effect will be to create a car-dominated street-scene which is unattractive and unwelcoming and may discourage and possibly also physically hinder pedestrian movement and access along Lichfield Road towards the neighbouring school to the south. This will be particularly likely if there are no suitable solutions to storing bins and cycle stores at the front in lieu of having access to the rear gardens.
- 6.29** In terms of additional policy support in this regard, emergent policy A2, design, section b. Identity, says: New homes should be architecturally locally distinctive, innovative and visually attractive through the scale and proportions, use of materials, facades and detailing. This should not prohibit contemporary architecture. This is considered to expect higher yet design standards, in line with central government's National Design Guide (January 2021).

Policy A2 goes onto state: "Planning applications will be refused for housing development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account the above criteria and the National Design Guide and any future local design guide/code."

The NPPF paragraphs 126, 130, 131 and 134 also expect a high standard of design and states that development that is not well designed should be refused.

- 6.30** It is considered that some elements of the design of this shorter terrace are broadly acceptable, such as its smaller size and use of gables and brick detailing to break up the form and identify the component parts. However, the unnecessary vertical scale and massing, the predominance of parking without frontage treatments, the lack of relief and profile articulation and the lack of solutions for post-occupation demands of refuse and storage means the

development fails to satisfy the criteria of achieving a suitable design standard and creates unacceptable amenity impacts. Consequentially, if the development is required to be this tall and this far set back from the road to accommodate frontage parking and yet creates unacceptable design and amenity impacts as it does, it is also considered to be overdevelopment.

Highways and access

- 6.31** County Highways do not object to this scheme providing conditions are attached. No comment in this case was made about garage size, and only in terms of length is it sub-standard, but that does prevent the usual area of storage being provided that would otherwise be possible from garages built to the required space standard.
- 6.32** Because the sites are 4.8m total width only 1 car space can be provided outside, however with the garage this provides the two spaces asked for in the case of three-bedroom properties. Subject to detailing of the forecourt this need not be vehicular dominance, but no design solutions are offered to give confidence in this respect.
- 6.33** Conditions would be required to ensure garages remain of a suitable size and with suitable door access for parking, given there is no scope for any more than 1 space outside the garage.
- 6.34** There are no dedicated proposed cycle storage areas nor convenient access from the rear terrace yards which rely on passage across land not in this application site nor in the applicant's control. This point will need to be addressed, and permission would only be appropriate if this were able to be confirmed.
- 6.35** The applicant has proposed that the double-yellow line parking restrictions on the east side of Lichfield Road could be moved to the west side in front of this site. The Highway Authority has said if an application were considered favourably a condition could be used to require promotion of a TRO through the local highway authority, but there is no guarantee that a TRO would be successful nor that allowing parking opposite the frontage parking on this site would be acceptable (due to the narrowing of the carriageway). It is considered that little weight should be given to this element of the scheme.

Historic Environment

- 6.36** The demolished school adjacent to this site was not listed and not in a conservation area, and the same still applies to the remaining two bays of the school within this site. However the building was/is of quality and heritage value (as evidenced by the use of architectural salvors to remove terracotta parts) and certainly within the description of being an undesignated heritage asset. Demolition does represent development, and the loss of an undesignated heritage asset is therefore a material planning consideration and should inform

decision making to some extent in raising the expectation for a replacement building of similar or better quality. This is considered in line with National Planning Policy Framework (2021) section 16 “Conserving and enhancing the historic Environment” where Paragraph 194 requires sufficient detail to be provided to describe the significance of the heritage asset proportionate to the asset’s importance and the submitted Design and Access Statement is mute on heritage matters. Paragraph 203 requires that weight should be applied to planning judgements where a non-designated heritage asset is lost.

- 6.37** Furthermore, the war memorial is to be removed. It is noted that the submitted viability appraisal provided with the adjoining site application has included a £5,000 sum for its relocation, but no other specifics have been put forward and as the original proposal was to reinstall it in the nursery this matter has some consideration in the balance.
- 6.38** Policy CS10 Conservation of the Historic Built Environment expects applications to preserve or enhance heritage assets. Because the original building is proposed to be demolished, preservation of an undesignated asset has not been considered such as through re-use. It is noted that the design of the dwellings might be trying to replicate some of the features of the former school (e.g. gables, brick soldier courses), but the proposal by way of its overall form and excessive bulk is considered not to offer enhancement in comparison to the building that currently occupies the site.

Ecology and landscaping

- 6.39** The application has not provided a bat presence / absence survey, but the remaining existing buildings can still be subject to pre-demolition bat surveys, which are considered necessary given the age and uninhabited condition of the building. However, any permission would not be appropriate until a Preliminary Roost Assessment (PRA) for bats has been undertaken and the findings understood. Until that assessment is made it is not known if the development would cause a loss of habitat or protected species, and nothing has to date been proposed in mitigation / remediation, nor biodiversity enhancement.
- 6.40** The development should also provide ecology enhancement measures. Nothing has been proposed yet but could potentially be required by conditions requiring a Biodiversity and Ecology Enhancement Plan, for example.
- 6.41** The application has not offered any landscaping which might prove a beneficial asset for breaking up and softening an otherwise hard environment. Whilst it is noted that the current site and immediate surroundings have no or little softer areas either, it is still nevertheless considered necessary to introduce some or urban landscaping planting to offer improved visual amenity and environmental enhancement and recognition of the need to help address climate change.
- 6.42** The importance of this is recognised in emerging Policy E4 to which considerable weight can be attached: *“Developments should include landscaping schemes as appropriate to the size and nature of the development*

in order to mitigate impacts on and where possible enhance the local landscape character.”

- 6.43** As proposed the application fails to address adopted policy CS11 and emerging policy E4 and fails to meet the expectations of the National Planning Policy Framework (eg. paragraph 131) and has not justified why a decision should depart from these.

Flood risk

- 6.44** Emergent Policy E1: Flood risk, directs the operation of the Sequential Test for residential development and carries weight in this case: For sites within Great Yarmouth Town (as this is) the area of search for alternative sites can be limited to Great Yarmouth Town.
- 6.45** The application has not provided any evidence to address the Sequential Test requirements, which means the Local Planning Authority cannot determine if the sequential test is able to be passed. It is acknowledged there are relatively few areas of low flood risk in Great Yarmouth, but nevertheless a scheme of 5 dwellings does not require a particularly large site to be available and deliverable (i.e. underused / vacant sites where permissions, applications or policy allocations don't already apply). The application should not be considered favourably without this issue being addressed.
- 6.46** If it were accepted that the developments cannot be accommodated in a lower flood risk area, applications require a site-specific and development-specific Flood Risk Assessment (FRA) to demonstrate the scheme can be safe in the event of a flood. Unfortunately, the FRA that has been submitted for this application actually relates to the development proposed at the adjoining land and the development proposed within application 06/21/0356/F, which means the flood safety precautions cannot be assumed to be relevant to this fully detailed application development. Whilst the report offers enough comfort that the principles can be accepted, the in-practice design details would need to be agreed by pre-commencement condition if the scheme were approvable, but without those details the flood risk and safety policies are not addressed. Further, the application would need a pre-occupation condition to agree a Flood Warning and Evacuation Plan. A compliance condition could be applied, to establish floor levels, escape routes and emergency access / refuge etc, were approval recommended.

Surface water drainage

- 6.47** There have been no recorded groundwater flood events across the area between 2000 and 2003, as indicated by the Jacobs study. Figure 5 of the Great Yarmouth Surface Water Management Plan (SWMP) dated 2014, shows that the site is not at risk of groundwater flooding. Figure 6 of the SWMP indicates that there have been no historical incidents of groundwater flooding at the site.

- 6.48** The Environment Agency's Surface Water Flood Risk Map (Figure 10) indicates that there is a very low surface water flooding risk (i.e. less than 1 in 1000 year chance). Figure GY_16 of the 2017 SFRA shows that the site would not be affected during the climate change 1 in 100 year event.
- 6.49** The site is already covered by buildings so the run-off and contribution to surface water flood risk is not increased by this proposal.
- 6.50** No sustainable drainage scheme has been proposed but the requirement to provide sustainable drainage schemes only applies to developments of 10 or more dwellings. The application expects to drain to the mains sewer network so this would not meet the tests for the drainage hierarchy, but it is no worsening of the current situation and policy would not support requiring its provision.

Local Finance Considerations:

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

7. Shadow Habitats Regulation Assessment

The site lies within the Orange Habitat Impact Zone more than 400m but less than 2.5Km from an internationally protected wildlife site and appropriate mitigation is required for addressing the legal requirements of the Habitat Regulations Assessment process (HRA) is required. The applicant has provided a HRA report which is acceptable, but the necessary mitigation is usually through providing a contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per dwelling). No contribution has yet been paid to address this requirement, though Officers would not usually request one if the application is likely to be considered unacceptable anyway. Nevertheless, this should be provided before the development can be considered favourably. Alternatively, if a section 106 agreement is required to secure affordable housing contributions, for example, the impact mitigation payment could be secured through that process.

8. The Planning Balance

- 8.1** It is considered that the site is appropriate for some degree of residential dwelling development in principle, given the emergent policy background.

- 8.2 The proposal fails to provide a design appropriate to the site as a result of vertical scale and massing, and poor resultant privacy for existing residents, and a failure to provide a building to enhance the area when compared to the undesignated heritage asset that is proposed as removed.
- 8.3 The layout constraints, designs, impact on neighbours and lack of access to private gardens within the site proposals also represent overdevelopment of the site, with questionable safety and practicality in the site circulation, and little scope for safe and secure access and storage for cycling and lack of frontage.
- 8.4 The absence of appropriate access to the private amenity space, in combination with a lack of landscaping to soften a hard environment, creates an unacceptable living environment and poor urban design, and is not supported.
- 8.5 The absence of a protected species survey, concerning bats in particular, does not allow the Local Planning Authority to sanction the amendment or removal of a building that has potential to house protected species. Furthermore, the lack of biodiversity enhancement measures fails to address local or national policy, and the absence of HRA impact mitigation payment fails to address the impacts on internationally designated wildlife sites.
- 8.6 With no evidence to demonstrate that the scheme of up to 5 houses cannot be provided anywhere else in Great Yarmouth town at a site of lower flood risk; as such there is no means to pass the flood risk sequential test and therefore it is unsafe in principle to allow new residential dwellings in this high flood risk site.
- 8.7 In combination with the application for the adjoining site (06/21/0356/F) the division of this wider school site into two parts is considered to create a situation where policy requires an affordable housing contribution. If the development in combination is deemed to be viable with some degree of affordable housing contribution, this proposal would be contrary to both emerging and adopted policy. However, the planning balance would shift if appraisal is deemed convincing by independent review and the scheme is deemed unviable with affordable housing, but the physical demerits identified would remain.
- 8.8 The only public benefit offered in this proposal is the provision of additional open-market residential units on a brownfield site, but this is not an allocated site and the Council's healthy 5-year supply position does not rely on this site to maintain an up-to-date development plan. Therefore, there are not considered to be any material considerations which weigh sufficiently in favour of this application to justify taking an opposing view to that of the development plan's requirements for a scheme of improved quality overall.
- 8.9 Refusal of this application is both consistent with the adopted local development plan, and supported by emerging policy, and is in line with the expectations of the National Planning Policy Framework and National Design Guide.
- 8.10 The decision maker should be mindful that the principle of residential development in this location is considered acceptable. However, because

these failings are considered capable of being overcome to some degree through a reappraisal of the site layout, siting and possibly density, whether or not in combination with the adjoining site, a timely refusal is suggested in order that a further application might be submitted with substantial improvements required.

9. Conclusion

9.1 For the reasons described within the report and the links to policies expressed therein, the application is recommended for refusal on the following grounds:

- Design.
- Amenity for residents.
- Amenity impacts on neighbours.
- Overdevelopment, including compromised accessibility and security for cyclists and absence of landscaping.
- No bat surveys provided.
- No biodiversity enhancements offered.
- No HRA impacts mitigation payment has been made to international sites.
- Lack of supporting evidence to suggest that the flood risk sequential test can be satisfied and therefore cannot justify new housing in this high flood risk location.
- Lack of development-specific flood risk assessment to prove flood safety.

Furthermore, Officers will need to report to the Development Committee meeting whether there is potentially an additional reason for refusal on grounds of:

- Potential non-compliance with policy on affordable housing provision in combination with the adjoining site.

However, the inclusion of this reason for refusal is subject to a review of a viability appraisal submitted for adjacent application 06/20/0356/F, the findings of which will be reported verbally to Development Committee at the meeting.

9. RECOMMENDATION: -

Refuse the application on the following grounds of:

1. Inappropriate scale, form and articulation creating inadequate design;
2. Unsuitable and inadequate amenity for residents;
3. Unacceptable detrimental impact to amenity impacts of neighbours;
4. Overdevelopment, including compromised accessibility and security for cyclists;
5. Lack of landscaping provision;
6. Lack of bat surveys to confirm no impact on protected species;

7. Lack of biodiversity enhancement proposals;
8. Lack of impact mitigation payment towards internationally designated sites;
9. Lack of supporting evidence to suggest that the flood risk sequential test can be satisfied;
10. Lack of suitable development-specific flood risk assessment to demonstrate flood risk mitigation through construction methods; and,

[possibly – with final recommendation to be confirmed at the Committee meeting]
11. Non-compliance with policy on affordable housing provision in combination with the adjoining site.

Appendices:

- Appendix 1 Location plan, Site layout plan, floor plans and elevations
- Appendix 2 Site Aerial View