

Reference: 06/21/0356/F

Parish: Great Yarmouth

Officer: Chris Green

Expiry Date: 24-9-21

Applicant: Hammond Property Developments Ltd

Proposal: 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

Site: Ex- Edward Worlledge School Site, Land West of 63-78 Lichfield Road, Great Yarmouth

REPORT

This application is brought before the Development Control Committee as the applicant 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 23th September.

This application was withdrawn from the DC Committee agenda of 10th November 2021 on the day of the meeting because additional information had been received which requires Officer appraisal. The report has been updated accordingly at paragraphs: 6.1-6.3, 6.11-6.12, 6.18, 6.54, 8.1 and 9, though Members are requested to consider the whole report afresh to gain a comprehensive overview.

1. The site

- 1.1 This site is on land formerly occupied by the Edward Worlledge school building, a late 19th or early 20th century single storey school building. The original parts of the school which formed this application site have been demolished and the site largely cleared. Although the original school building has been removed there remains a large 1/1.5-storey flat-roofed brick and corrugated sheet building at the rear of the application site, and a part-demolished wing attached to the remaining in-tact building. The western half of the site is undisturbed tarmac and the eastern half has been left as loose bare ground following demolition and clearance.

- 1.2 Although technically single storey, the former school building featured the typical high ceiling rooms of the traditional school and featured a slate roof with terracotta parapet and lintels and other architectural embellishments.
- 1.3 The remnant two bays of this school, adjoining this application site to the north, remain and 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 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 nor the red-lined site, however.
- 1.4 This adjoining land to the north is however also part of what an area shown as blue-lined land and is within the applicant's ownership and by extent also their control. Since the lodging of this application with the Council a separate application reference 06/21/0796/F has been made for the part of the old school as yet undemolished to be demolished and to be the site of 5 x three storey townhouses. That new application has been made by a different agent by a different applicant, though the submitted certificate shows it to be in the ownership of Hammond Property Development Ltd at the time of submission.
- 1.5 As the adjoining land is within the ownership of the applicant of the application currently before Development Control Committee the land and the recently submitted 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. The applicant has supplied a letter from an agent stating that no other sites of similar capacity within the Great Yarmouth urban area in a lower flood risk area, are currently available.

3. Proposal

- 3.1 The proposal for 9 dwellings on the site includes a row of six three-storey town houses terraced together to the east side of the site fronting Lichfield Road.

These have garaging and utility rooms to the ground floor and living accommodation at first and second floor surmounted by a hipped roof over the whole terrace. An amended plan has revised the application to show the end properties gabled to break up the form and attempt to reduce the sense of mass of the proposal, but the overall rectangular block remains.

- 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 Behind the terrace, ten lock up garages with three flats set above are proposed to the rear (west) side of the site. This allows a separation of 16.5m from the garage block and the flats above to the rear elevation of the town houses. There are nine outside parking bays shown behind the remaining part of the school / nursery, which are proposed for use as 'nursery parking' although as mentioned above the nursery use appears to have finished.
- 3.4 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.
- 3.5 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
 - A letter assessing lack of sequentially preferable site availability
 - Habitat Regulations Assessment

4. Relevant Planning History

Within this site there is no relevant history.

The former school was demolished without first providing prior notification to demolish the buildings to the Local Planning Authority. Building Control were correctly notified.

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

06/21/0796/F: Proposed demolition of remainder of former school buildings and construction of a terrace of 5 houses with garages. [Pending consideration].

5. **Consultations:-**

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

Neighbour comments have been received (summarised):

- Demolition was carried out without a prior notification of demolition application although Building Control received a demolition notice in November 2020.
- Demolition was carried out unprofessionally with disregard to health and safety. Heavy vehicles caused vibration and road subsidence.
- The proposal provides each house with a driveway and one garage, the garages are too small for modern cars and will lead to garage conversions if a condition is not applied to stop this from happening.
- As each house has 3 bedrooms two cars spaces are needed per property. If the garage is used for other purposes, there will be unsafe over-spill roadside parking. The drives associated with the development will reduce parking opportunities to their frontage.
- There is no turning head provision to the end of Lichfield Road. Parking on Gordon Road displaces to Lichfield Road.
- Neighbours mention of various parking restrictions and object to the changes suggested.
- Loss of existing parking spaces. The revised parking in front of the existing terrace would cause light loss when larger vehicles are parked on that side.
- The garages to the rear are referred to as "lock ups". Existing residents should not be forced to rent these when the development forces them to park away from their properties! If rented for storage, this will create further unwanted traffic.
- Access for refuse and emergency services will be difficult.
- The design has a large footprint, height, massing and built form across the full width of the plot and a poorly proportioned nondescript design with no contextual links to the Victorian terrace street setting.
- The development will harm the amenity of the nearest neighbouring properties by design, height and distance from common boundaries.
- The proposed development would be overbearing and cause a loss of light and outlook.
- The three-storey design will dominate the street scene and creates overlooking from a higher level.
- The design is unbalancing to the adjacent two storey dwellings.
- There is no room for soft landscaping.

- There is the common law right to light, which entitles neighbours to receive light passing through window apertures. There are no daylight and sunlight assessments with the application.
- There will be increased noise and disturbance as a result of the development.
- Concern over possible loss of parking for 90-93 Lichfield Road

Further neighbour comments have been received in respect of revised plans received 16 August 2021 (summarised).

- Parking for new residents is improved but not for existing residents.
- Not everyone can pay to rent a lockup garage.
- There will still be a loss of sun light, daylight and residents' common law right to light, and a loss of outlook.
- The 3-storey scale of development is not in keeping with the street or the adjoining streets.
- The nursery has ceased using the building as it was left in such a dangerous condition and unfit for purpose, they decided it was the best option, so allowing for parking becomes irrelevant.
- The new flood defences should make it unnecessary to build to 3 storeys.
- No soft landscaping has been added.
- A poor design, of overbearing bulk and mass, the character of the street is not enhanced.
- The building has already been demolished without any permission being granted, myself and the neighbours have had to look out at the unsightly land for nearly a year.

Consultations – External

5.1 Norfolk County Council – Local Highways Authority – Initial Objection.

Garages on all the plots 1-6 are too small. Garages for flats plots 7-9 are inadequate unless two are allocated to each as no outside parking spaces shown. (Note this aspect was addressed in the revised plans, as the garages were increased in size and additional frontage parking provided)

5.2 Norfolk County Council – Ecology Service: No objection.

The HRA form is fit for purpose. Subject to the payment towards the Council's Habitats Monitoring and Mitigation Strategy, no adverse impacts resulting from increased recreation are anticipated.

The application site is located within a SSSI IRZ but does not meet the criteria requiring consultation with Natural England.

It is not clear from the documents submitted if the original buildings remain. If they have not been demolished it is recommended that, due to their age, a Preliminary Roost Assessment (PRA) for bats is submitted in support of the planning application. The NPPF and Policy CS11 states that developments should avoid harmful impacts on biodiversity, priority habitats and species, and take measures to create biodiversity features.

It is recommended that the development include enhancements such as externally mounted bird and bat boxes. It is recommended that a minimum of 9 house sparrow terraces (e.g. Vivara Pro WoodStone House Sparrow Nest Box) or a minimum of 9 swift boxes are incorporated into the design. These should be installed according to the instructions, and in groups. Details can be submitted in support of the application or conditioned.

5.3 Norfolk Historic Environment Team (Archaeology) – Objects to the demolition having taken place without historic appraisal.

The building is a fine example of Edwardian Architecture that should be recorded before demolition.

5.4 Internal Drainage Board: Comments - The Board's Byelaws apply.

The applicant intends to discharge surface water to a sewer. We recommend that you satisfy yourselves that this proposal is in line with the drainage hierarchy and is viable in this location. We are not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary. This should be confirmed by the applicant. Whilst the consenting process as set out under the Land Drainage Act 1991 and separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents.

5.5 Environment Agency: (precised) – 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.

Consultation - Internal to GYBC

- 5.6 Environmental Health – (contaminated land, noise, air quality)**
No comments provided.
- 5.7 Conservation officer** - comments are included within the report body.
- 5.8 Resilience officer:** As there is safe refuge on upper floors, no objection.

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 flat-roof structure in this site is accepted despite the loss of the former educational use if it helps realise improved designs and site potential.

6.5 Principle of residential development –

The development within this application proposal offers new housing on an unused now vacant 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 an important 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 is 118 square metres each and the new town houses are 108 square metres each so there is little difference in plot footprint size. In this location new housing should be at least 50 dwellings per hectare (dph); this site is 0.19ha in area so the 9 dwellings proposed represents a development of 47 dph, so this development is less than the minimum density expectation of 50 dwellings per hectare suggested by policy H3. The under-supply of dwellings on the site may be in part due to the awkward application site shape but the lower density has not been justified.

Notwithstanding, the number of dwellings is not atypical, therefore, of the density and 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 lock-up garages –

- 6.9** Garages not directly associated with residential use have in past case law been identified as sui generis or storage within use class B8. The proposals map does not support B8 in this location and could give rise to amenity and highways concerns. No firm details on the use of the proposed garages has been supplied, nor mechanisms offered on operation.

Principle of excess parking –

- 6.10** 9no. unrelated additional parking spaces are shown within the red lined area as being dedicated to the educational use but there is no legal agreement or condition requested to secure this. If otherwise minded to approve this would need addressing. While the nursery use appears to have finished in planning terms the use endures until a further permission arises.

Principle of Development – Affordable housing

- 6.11** Although this application is for 9 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 is proposed in this and the other received application 06/21/0796/F. The adjoining land in the applicant's ownership and the application for that site are significant material considerations (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 for 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.
- 6.12** A viability appraisal was provided for this application on 08th November, and Officers are content that there are adequate grounds to use the same information for the application proposing 5 dwellings at the adjoining land (ref. 06/21/0796/F). The appraisal is up-to-date and relevant for use in both applications because the viability appraisal proposes reasonable estimations

and values for the development finance of all 14 dwellings across both sites. Unfortunately, it has not been possible to gain external assessors' feedback in time to draw definitive conclusions on the viability assessment at the time of writing this report so the viability appraisal remains under review and the Officer's assessment of that will be reported verbally to the DC Committee meeting.

- 6.13** 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."*

- 6.14** 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.

- 6.15 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.
- 6.16 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, this further indicates that the site itself and in combination with the adjoining land may have capacity to provide affordable housing or be considered to fall within the affordable housing threshold.
- 6.17 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.”*
- 6.18 The requirement could be set aside only if the development of both the individual site and the combined site are considered to be unviable to provide affordable housing within the sites or as an off-site contribution. Following independent examination, if the affordable housing expectation is to be waived, Officers would need to be satisfied that the appraisal of both sites demonstrates that affordable housing contributions would render the land incapable of development.

Principle of development – loss of community facilities

- 6.19 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 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.
- 6.20 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. Given the emergent policy GSP1 which does

not specifically protect the site any longer, little weight is accorded to adopted policy CS15 or emerging policy C1 in this particular instance.

Design and amenity

- 6.21** 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.
- 6.22** 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).
- 6.23** 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.
- 6.24** Adopted Policy CS9 - "Encouraging well-designed, distinctive places" also considers matters of amenity both for existing and future residents. This proposed development creates problems both in regard to privacy for neighbours and for residents within the scheme. Furthermore, the design aesthetically is inferior to the building that has been lost and is not in keeping with the character of the local area.
- 6.25** The three-storey terrace will be dominant in relation to its neighbours, because of the overall bulk (for example it could make use of design features such as attic rooms to reduce this). The introduction in the revised designs of slight forward stepped end gabled elements actually increases the bulk in comparison to the first proposal and barely offers articulation to the form that otherwise might help break up the bulk.
- 6.26** As a result the development is severe and imposing and rather utilitarian, lacking interest, relief or sense of identity between units or across the site. The unbroken roof form and building line also make the scale and appearance unacceptable and out of keeping with the character of the surrounding local residential area. These concerns for visual amenity and quality of design apply across the site and not just to the façade facing Lichfield Road as the rear courtyard and flats are also prominent and visible from various perspectives.
- 6.27** 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 streetscene 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.

- 6.28** The windows on the first and second floor all face directly across the street, though the stepping back to allow forecourt parking does mean that the privacy would be better than in many terraced streets in terms of the relationship at first floor level. However the second floor, necessary to achieve some reasonable exploitation of the site, does create overlooking from a higher vantage point, that again might be addressed by using roof windows rather than conventional windows within the façade. It is noted that the school was a tall but single storey building, with no overlooking, but nevertheless the impact from this relative change in privacy proposed, affecting the neighbours, is considered a materially more harmful proposal and unacceptable, and does not exploit the site opportunities to provide an improved relationship between existing and future residents.
- 6.29** To the rear the direct overlooking relationship is only 16.5m between proposed terraces and flats which is substantially less than that which would allow an appropriate sense of privacy for future occupants. This is exacerbated by the raised height of the flats and the very limited garden spaces available to the terraced houses, which is very small and considered unacceptable for a family dwelling in terms of both space available and quality thereof.
- 6.30** A suggested means to lower the terrace row's roof and add projecting bays with lateral facing windows in a modern idiom, suggested by Officers, was rejected as too expensive to realise given low housing values in Southtown, but no evidence was supplied to support that statement.
- 6.31** 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.

Highways and access

- 6.32** The objection received from County Highways was made before the revised scheme was provided. The revised scheme now shows larger garages and sufficient space for additional vehicles on the paved forecourt. Refusal on highway related grounds is not suggested on those grounds alone, and the updated response from County Highways shows they do not object to the proposals.
- 6.33** However, it must be recognised that many elements of a scheme's design and layout must come together to create a suitable form of development that will avoid an unacceptable highways impact. In this development it is considered unacceptable that there is such a dominance of parking, with restricted access into the site, and no means for non-car access and safe manoeuvring within the site. Taken together the scheme represents over-development that is considered likely to lead to a detrimental impact on the local amenities and hindrance to safe and free flow of traffic and parking provision in the vicinity.
- 6.34** The garages for the town houses, in the revised scheme measure 2.8 x 6m which falls short of the 3 x 7m in the County Council's Parking Standards, but with two frontage parking spaces this is not a critical failing. The other lock up garages exceed the standard at 3 x 8m.
- 6.35** The space between the terraced rear gardens and the lock-up garages appears able to park a car in front of a garage and still turn into / from other garages, effectively allowing a parking space in front of each lock-up. If the 10 garages, the spaces in front of those, and the 9 nursery parking spaces are all used this could result in up to 29 cars parking behind the terraces all accessed from Lichfield Road, in addition to the 12-18 spaces (2 spaces & garage per terrace) available in front of the terraces.
- 6.36** There are no dedicated proposed cycle storage areas nor convenient access from the rear terrace yards which rely on gated passage to the rear parking courtyard. The access into the courtyard does not offer any safe or dedicated pedestrian route to the rear parking area and flats above the lock-up garages.
- 6.37** There are no proposals offered for either the management of the nursery spaces, nor the hours of use or management of the lock-up garages. There are no proposals to justify non-ancillary storage (residential or otherwise) in this site where the highways capacity and proximity of residential (existing and proposed) is unlikely to make a compatible neighbour. It would be difficult to monitor use of the garages through planning condition to ensure they were used for non-commercial means, and it would be unreasonable to require use only by residents of this scheme or existing local residents. As a non-ancillary B8 storage use unrelated to this development of housing, this part of the scheme is considered unacceptable in both principle and highways and amenity terms.
- 6.38** 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 not mentioned this specifically but 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

- 6.39** The demolished school was not listed and not in a conservation area, however the building was 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 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 assets' 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.
- 6.40** Policy CS10 Conservation of the Historic Built Environment expects applications to preserve or enhance heritage assets. Because the original building has been demolished, preservation of an undesignated asset has not occurred and the proposal by way of its plain form and excessive bulk is considered not to offer enhancement in comparison to the building that had occupied the site.

Ecology and landscaping

- 6.41** The development should have been subject to a prior notification application being submitted to the local planning authority for their approval of the method of demolition and proposals for site restoration. That did not take place and it is not clear if the developers undertook any pre-demolition bat surveys, which should have been done given the age and uninhabited condition of the building. As the Council's ecological consultant states, had they not been demolished the development should be subject to a Preliminary Roost Assessment (PRA) for bats. It is not known if the development has caused a loss of habitat or protected species, and nothing has been proposed in mitigation / remediation, nor biodiversity enhancement.
- 6.42** Notwithstanding past events, the development could be rendered acceptable in ecology terms by providing enhancement measures. Nothing is proposed but could potentially be required by conditions requiring a Biodiversity and Ecology Enhancement Plan, for example.
- 6.43** 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.

- 6.44** 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.”*
- 6.45** 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

- 6.46** 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.
- 6.47** In attempting to demonstrate that the scheme addresses the Sequential Test requirements, the applicant has supplied a letter from an agent stating that no other sites are currently available in a lower flood risk area which have similar capacity for 12 dwellings and 10 private garages within the Great Yarmouth urban area. The statement provided is considered realistic when assessing the extent of flood zone 3 across the town's urban area and the limited number of underused / vacant sites where permissions, applications or policy allocations don't already apply.
- 6.48** If it is accepted that the developments cannot be accommodated in a lower flood risk area, applications require a Flood Warning and Evacuation Plan and this has been provided and covers this and proposes construction methods to mitigate impact. A compliance condition could be applied, to establish floor levels, escape routes and emergency access / refuge etc, were approval recommended.

Surface water drainage

- 6.49** 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.

- 6.50** 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.
- 6.51** The former site was already covered by hardstanding so the run-off and contribution to surface water flood risk is not increased by this proposal, and a requirement to provide sustainable drainage schemes only applies to developments of 10 or more dwellings, in order to reduce flood risk elsewhere.
- 6.52** No sustainable drainage scheme has been proposed and 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

- 6.53** 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.

Habitats Regulation Assessment

- 6.54** 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, and the necessary mitigation has been provided by a contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per dwelling).

7. The Planning Balance

- 7.1** It is considered that the site is appropriate for some degree of residential dwelling development in principle, given the emergent policy background.
- 7.2** However, as presented the development does not make best use of the potential capacity within the application site area as represented by the under-provision of homes in comparison to minimum density expectations.

- 7.3** The potential for detrimental impacts to be caused by comings and goings and use of garages unrelated to this site, for which there is no demonstrable need or justification, is unacceptable in principle of use of land and in practical design.
- 7.4** The proposal fails to provide a design appropriate to the site as a result of overbearing scale, poor resultant privacy for existing and future residents, and a failure to provide a building to enhance the area when compared to the lost undesignated heritage asset.
- 7.5** The layout constraints, designs and competing uses 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 inviting access by means other than the private car. This is exacerbated by the absence of proposed management of the space and lack of clarity about the use of parking for the nursery building area.
- 7.6** The minimal amenity space offered to future residents, 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.
- 7.7** In combination with the application for the adjoining site (06/21/0796/F) the division of the wider site into two parts is considered to create a situation where policy requires an affordable housing contribution. If this development independently is considered to be viable, or if development of this site in combination with the adjoining site is deemed to be viable, with some degree of affordable housing provision or contribution, this application 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.
- 7.8** 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.
- 7.9** 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.
- 7.10** 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, uses and possibly density, whether or not in combination with the adjoining site, but presently only a slightly revised scheme has been offered, a timely refusal is suggested in order that a further application might be submitted with substantial improvements required.

8. Conclusion

8.1 The application is recommended for refusal on the following grounds:

- Inappropriate provision of B8/sui generis lock up garage storage uses.
- Design.
- Amenity.
- Overdevelopment, including compromised accessibility and safety of non-car users and absence of landscaping.
- Non-compliance with emergent policy on density and under-supply of housing in the application site.

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, the findings of which will be reported verbally to Development Committee at the meeting.

9. RECOMMENDATION: -

Refuse the application on the following grounds of:

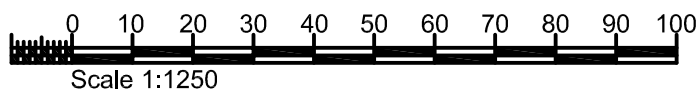
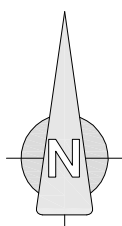
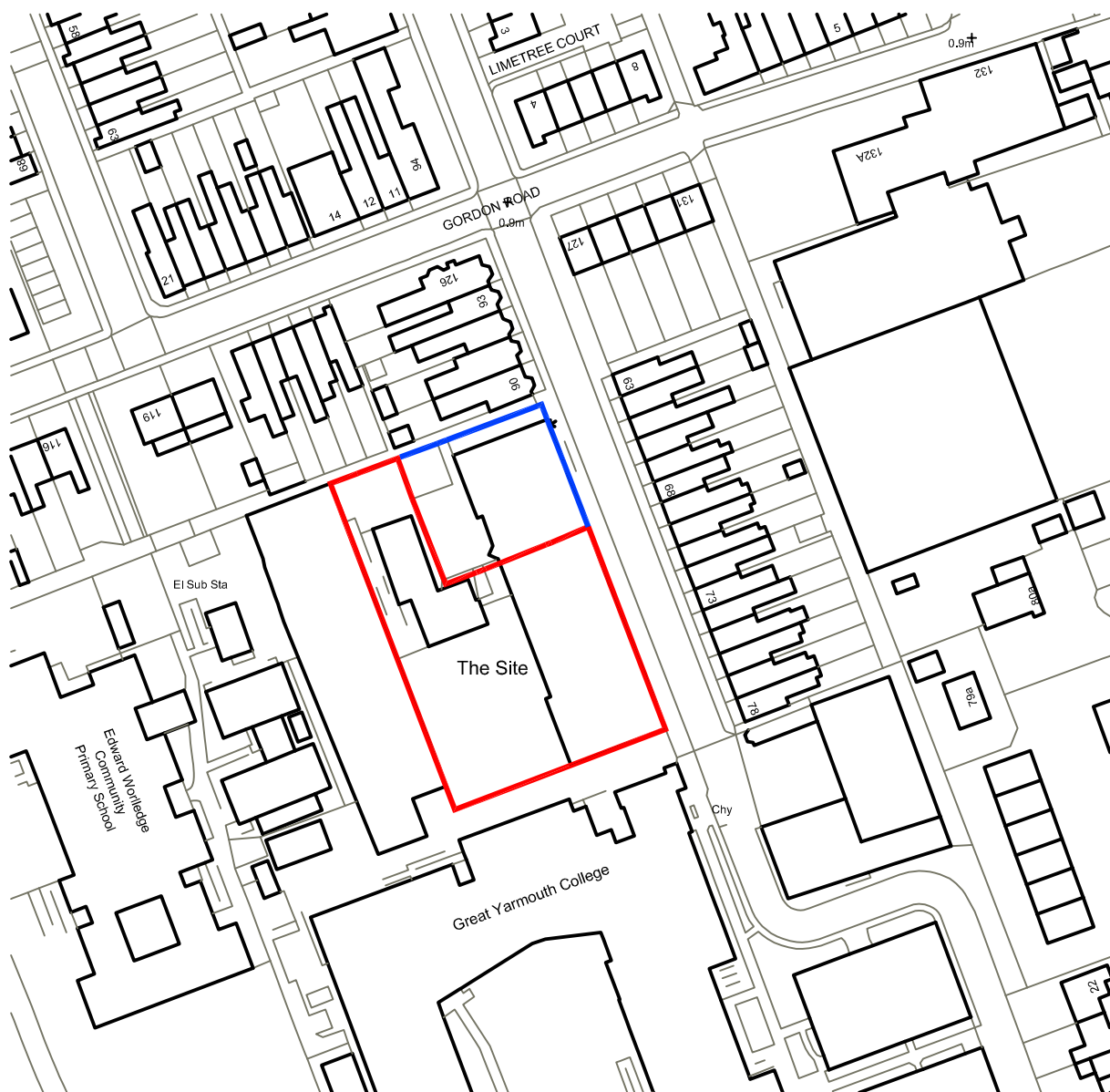
1. Provision of mixed uses without reasoning and management proposals;
2. Poor design;
3. Unsuitable and inadequate amenity for future residents;
4. Unacceptable detrimental impact on amenity for neighbours;
5. Overdevelopment of the site that does not enhance local character nor include landscaping provision, and no other forms of biodiversity enhancement;
6. The unjustified under-supply of housing in this application site; and,

[possibly – with final recommendation to be confirmed at the Committee meeting]

7. Non-compliance with policy on affordable housing provision in combination with the adjoining site.

Appendices:

- Appendix 1 Location plan
- Appendix 2 Site layout plan
- Appendix 3 Proposed floor plans and elevations – terrace row houses 1-6
- Appendix 4 Proposed floor plans and elevations – flats 7-9 and garages
- Appendix 5 Site Aerial View



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Planning

client:

**Hammond Property
Developments**

location:

**Lichfield Road
Great Yarmouth**

title:

Site Location Plan

scale @ A4:

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date:

March 2021

project no:

8284

drawn by:

CS

approved:

BH

dwg no:


P05

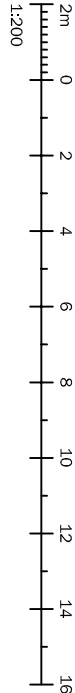
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A

A	04.08.21	Red and blue lines adjusted.	KC
rev:	date:	description:	by:

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KEY:  SNB - Vivara pro woodstone house, sparrow nest box (9 NO) between 2 and 4 metres up.



rev	date	description	by
D	05.08.21	Bike lockers added to gardens. Nine woodstone house sparrow nest boxes added between two and four metres up.	KC
C	04.08.21	Red and blue lines adjusted. Garage on to Lichfield Road omitted. Plots 1 & 6 windows omitted.	KC
B	28.07.21	Main house plans adjusted. Garage/flat/KC positions adjusted. Rear house gardens to improve vehicle access to gardens.	KC
A	27.04.21	Note added regarding double yellow	CS



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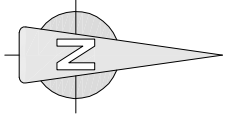
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location: **Lichfield Road Great Yarmouth**
title: **Proposed Site Layout**

scale @ A1: **1:200** drawn by: **CS**
date: **March 2021** approved: **BH**
project no: **8284** dwg no: **P01** revision: **D**

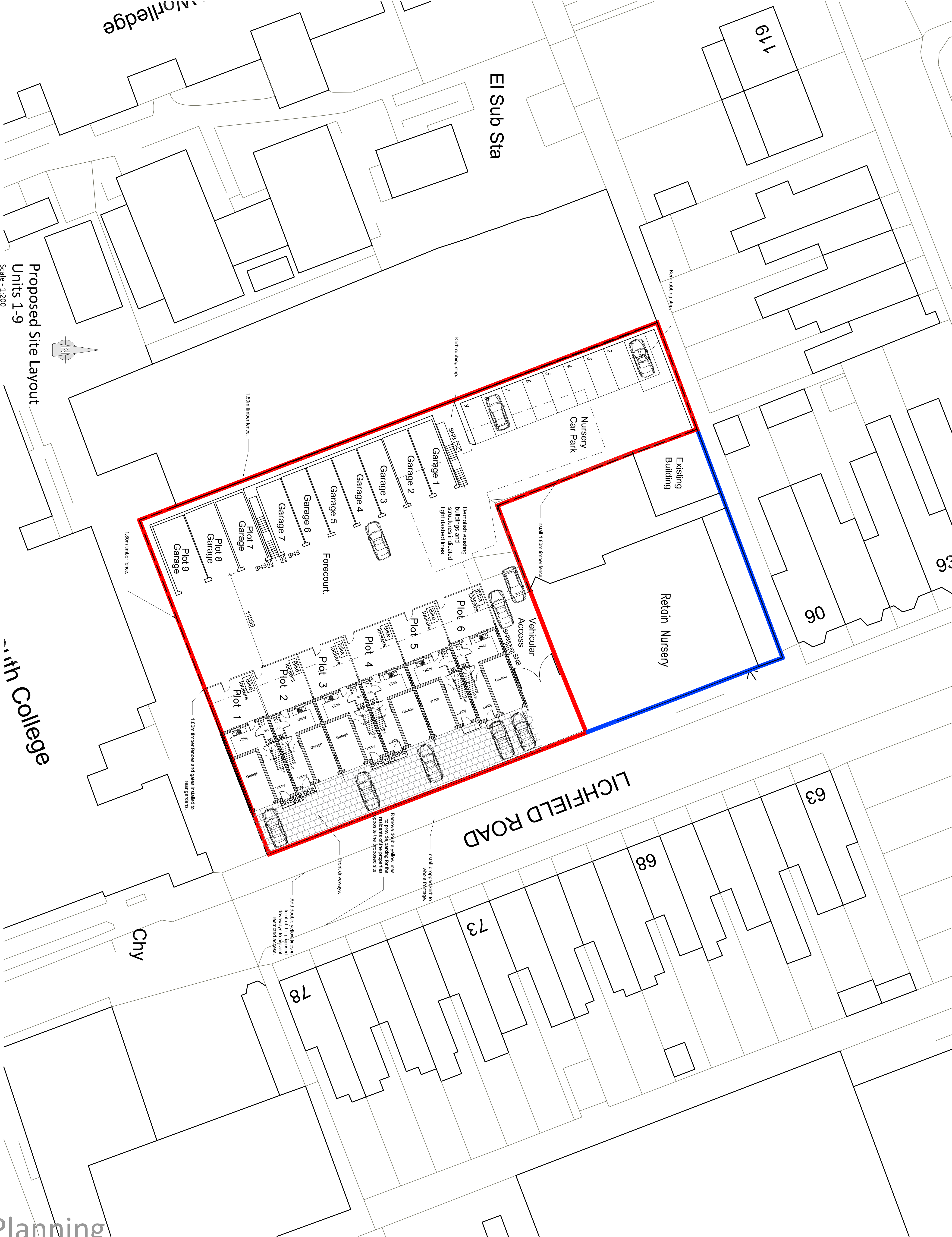
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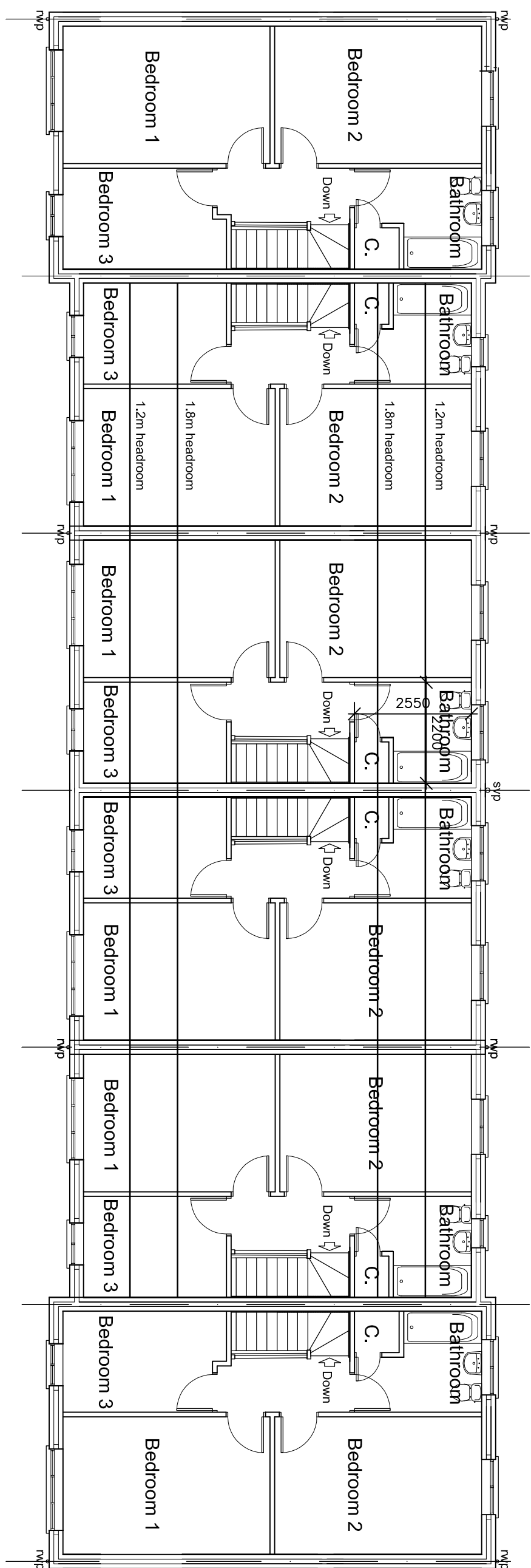
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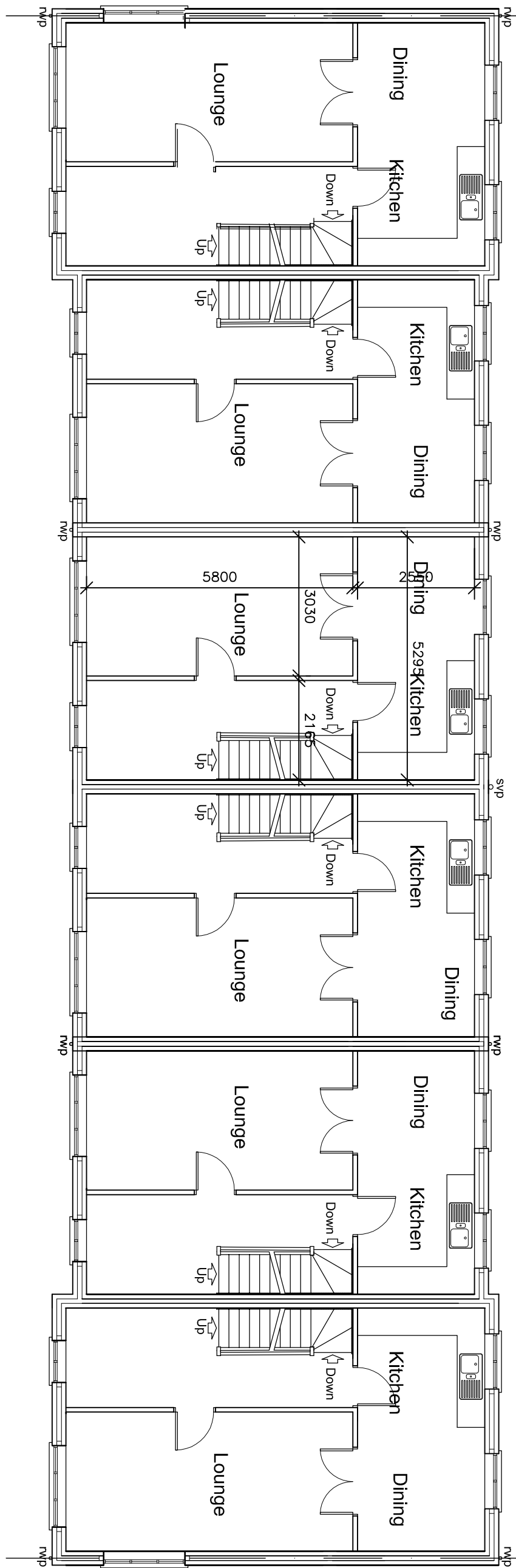
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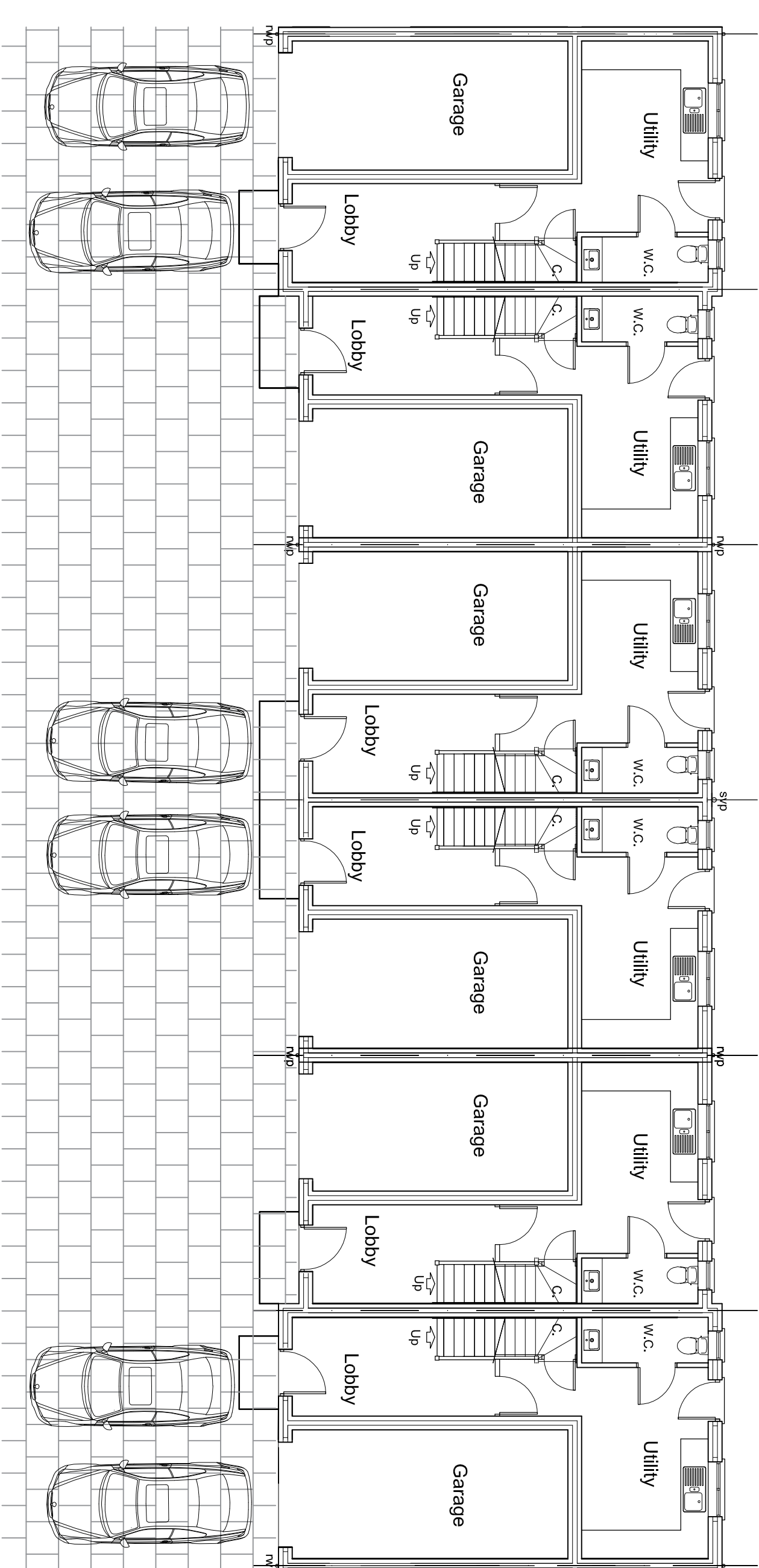
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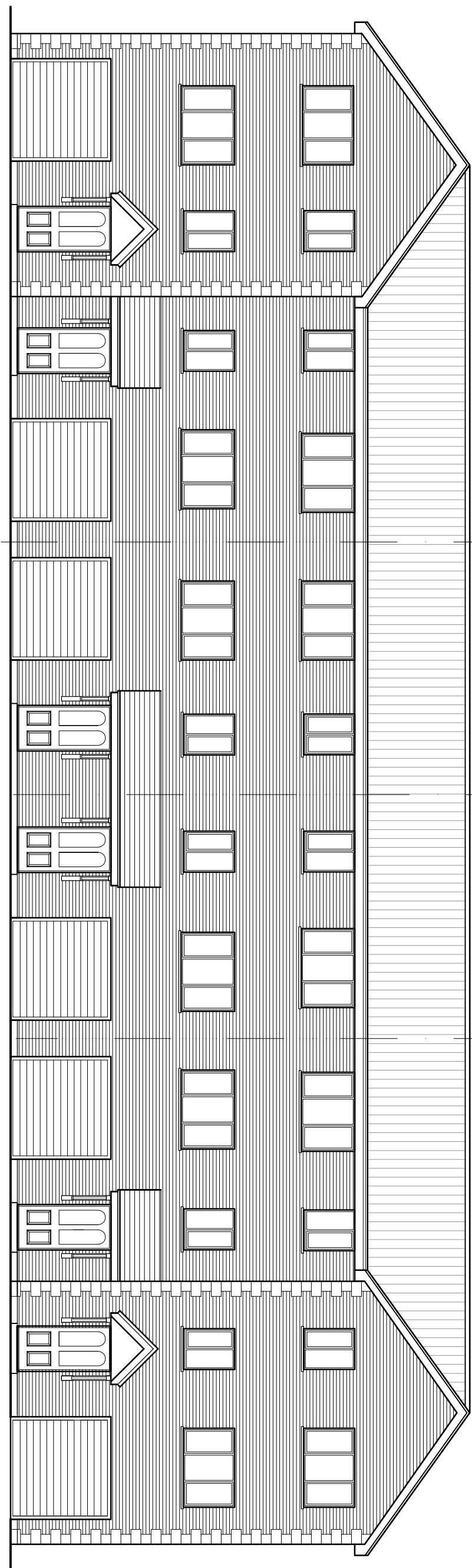
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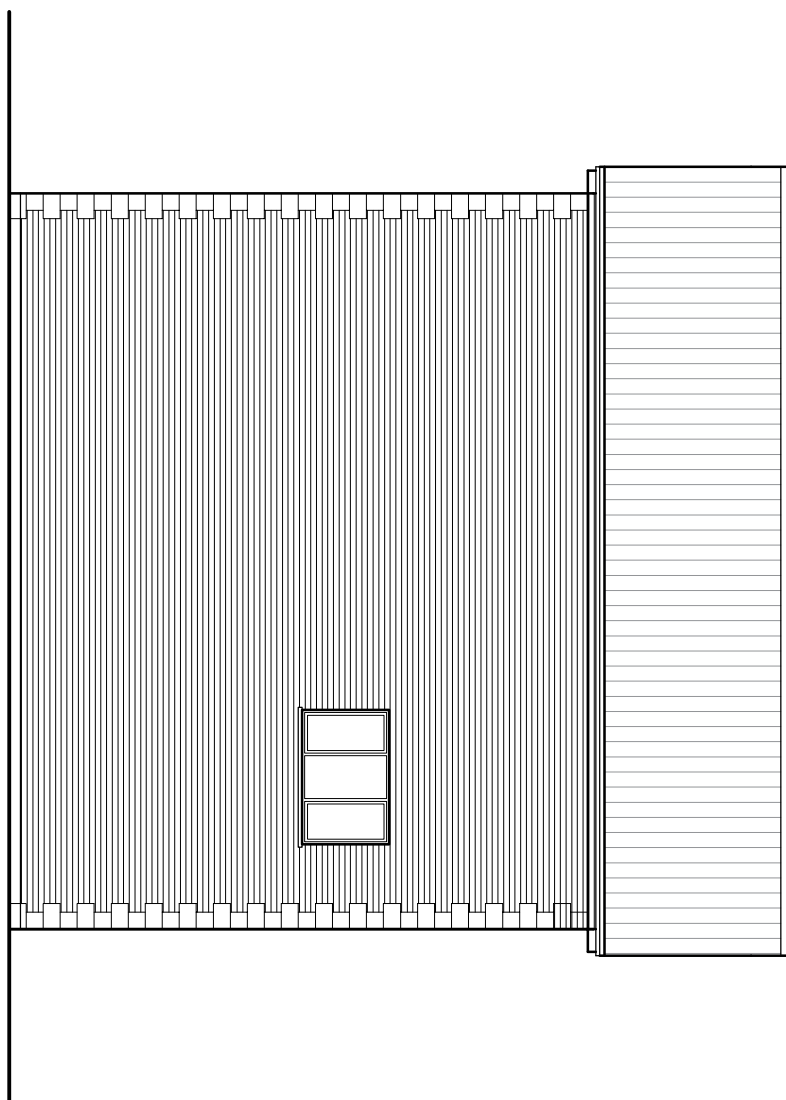
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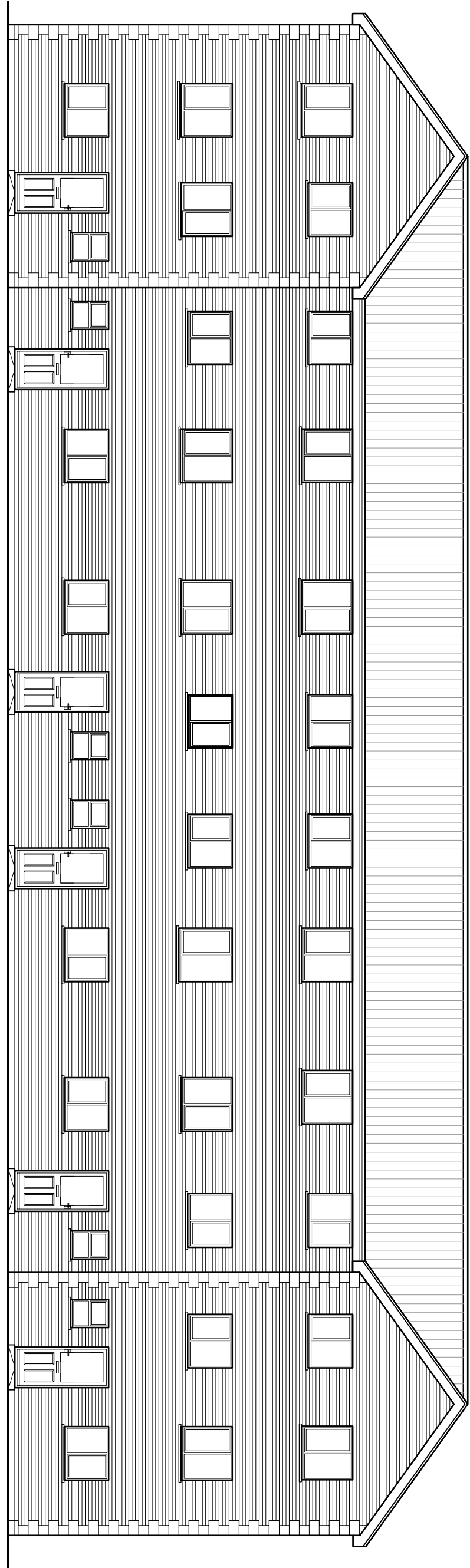
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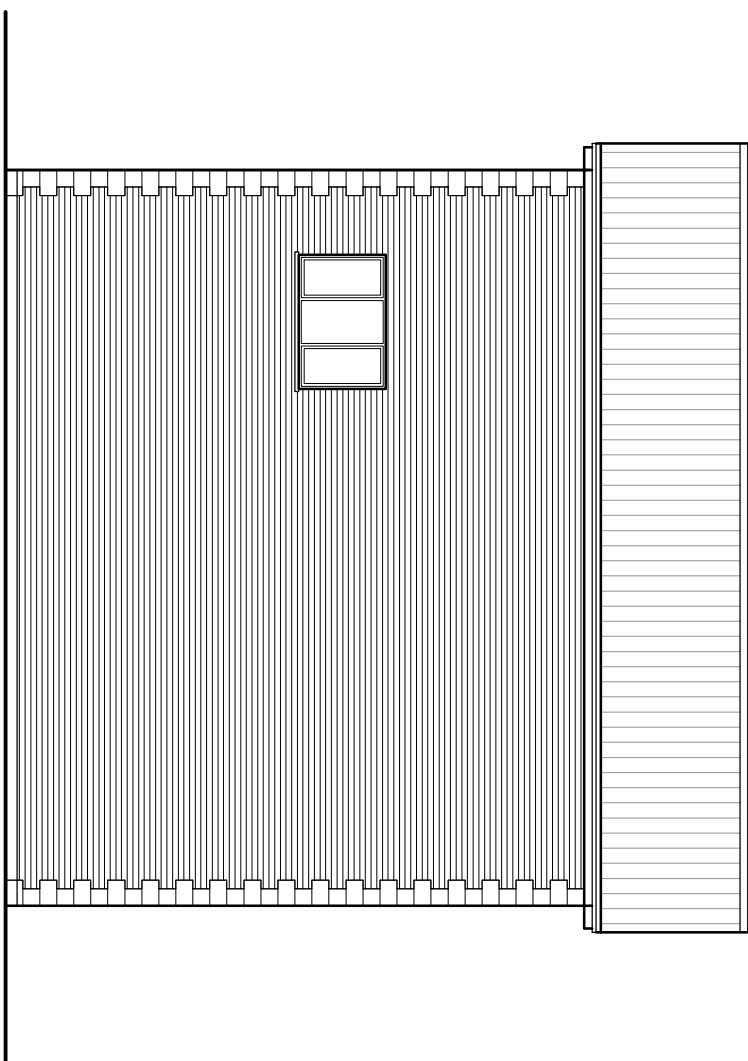
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Proposed Rear Elevation
Plots 1-6

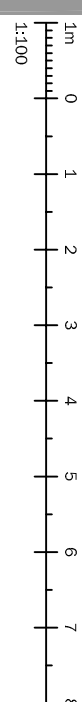
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Proposed Side Elevation
Units 1-6

Scale - 1:100

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rev.	date	description	by
D	05.08.21	First floor side elevation windows moved to the front elevation to bedroom one.	KC
C	04.08.21	Windows and garages omitted.	KC
B	27.07.21	Adjusted to incorporate gabled end units.	KC
A	29.04.21	First floor height increased by 150mm.	CS



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location:
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Great Yarmouth

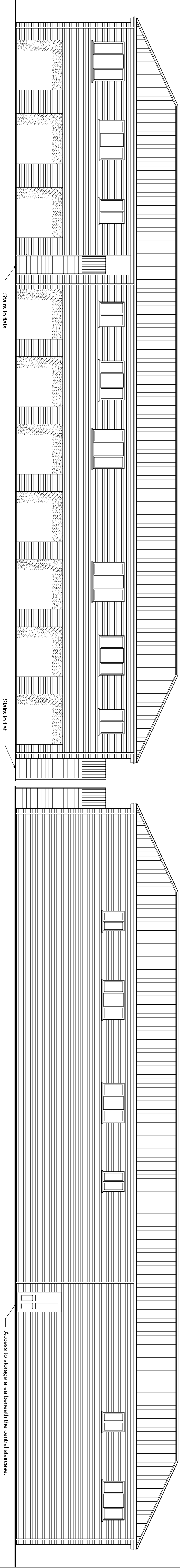
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Proposed Floor Plans
and Elevations
Plots 1-6

drawn by:
CS
date:
March 2021
approved:
BH
project no:
8284

revision:
D

Planning

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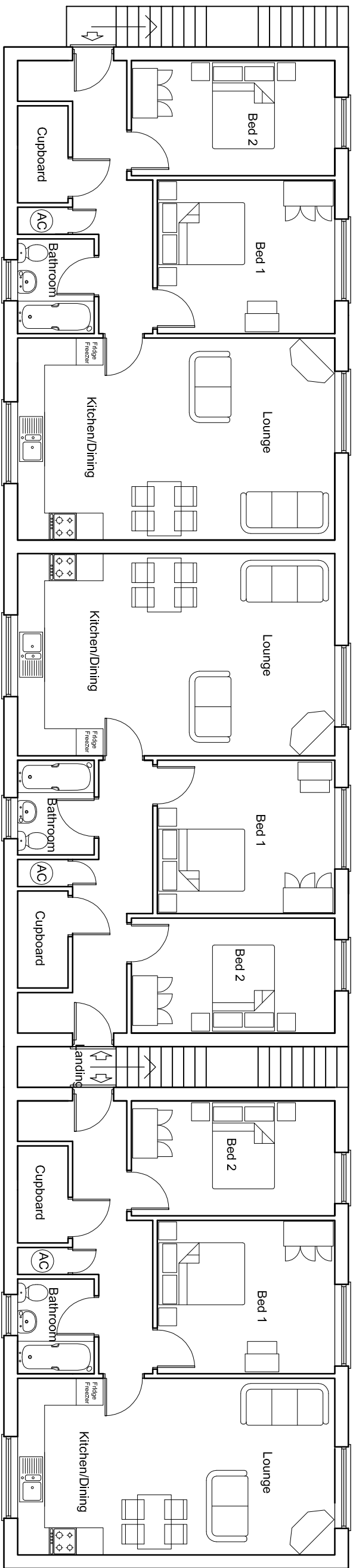


Proposed Front Elevation Plots 7-9

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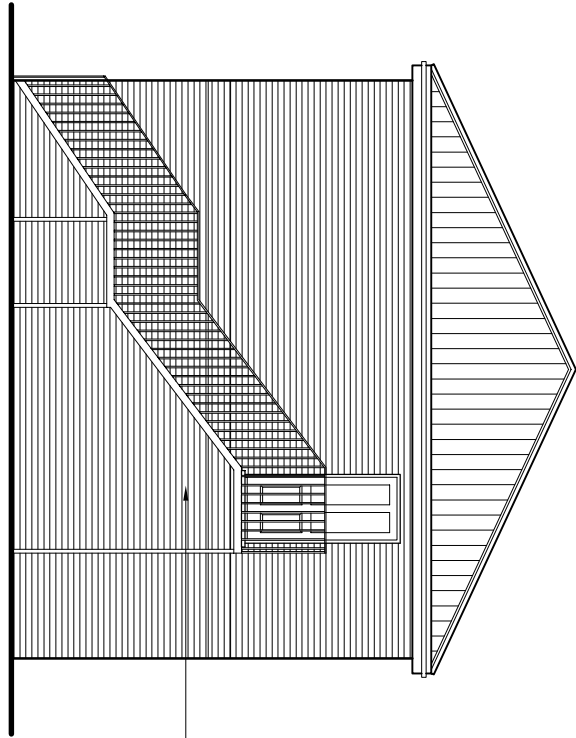
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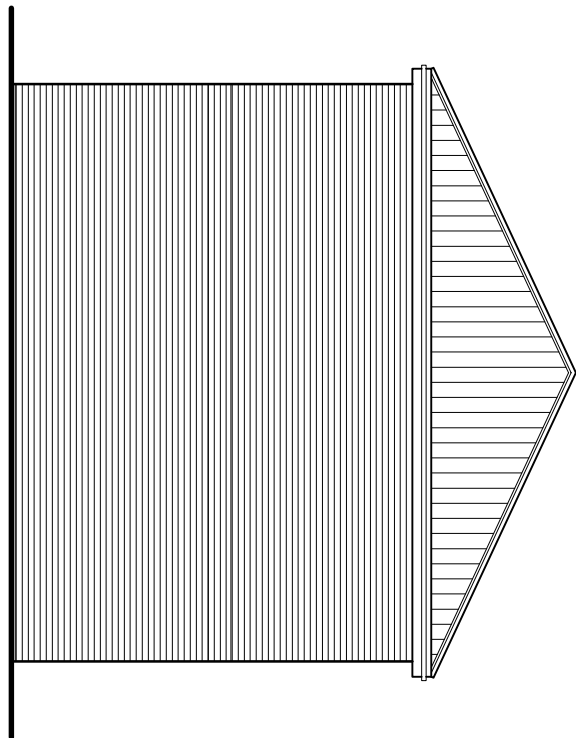
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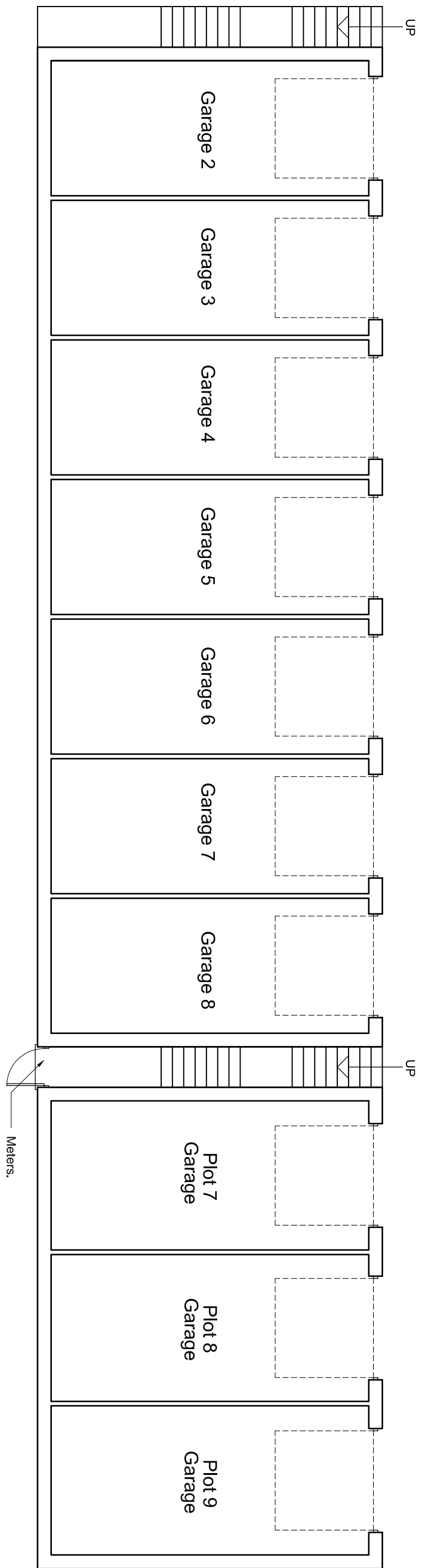
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Proposed Side Elevation Plots 7-9

Scale - 1:100




Proposed Ground Floor Plan Plots 7-9

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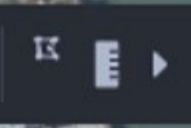
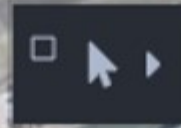
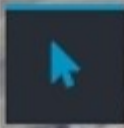
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scale @ A1:	1:100
drawn by:	CS
date:	March 2021
approved:	BH
project no:	8284
draw no:	P03
revision:	A



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LB