



Planning Committee

**Monday, 10th August, 2020 at 9.30 am
in the Remote Meeting on Zoom and available for the
public to view on WestNorfolkBC on You Tube - Zoom
and You Tube**

Reports marked to follow on the Agenda and/or Supplementary Documents

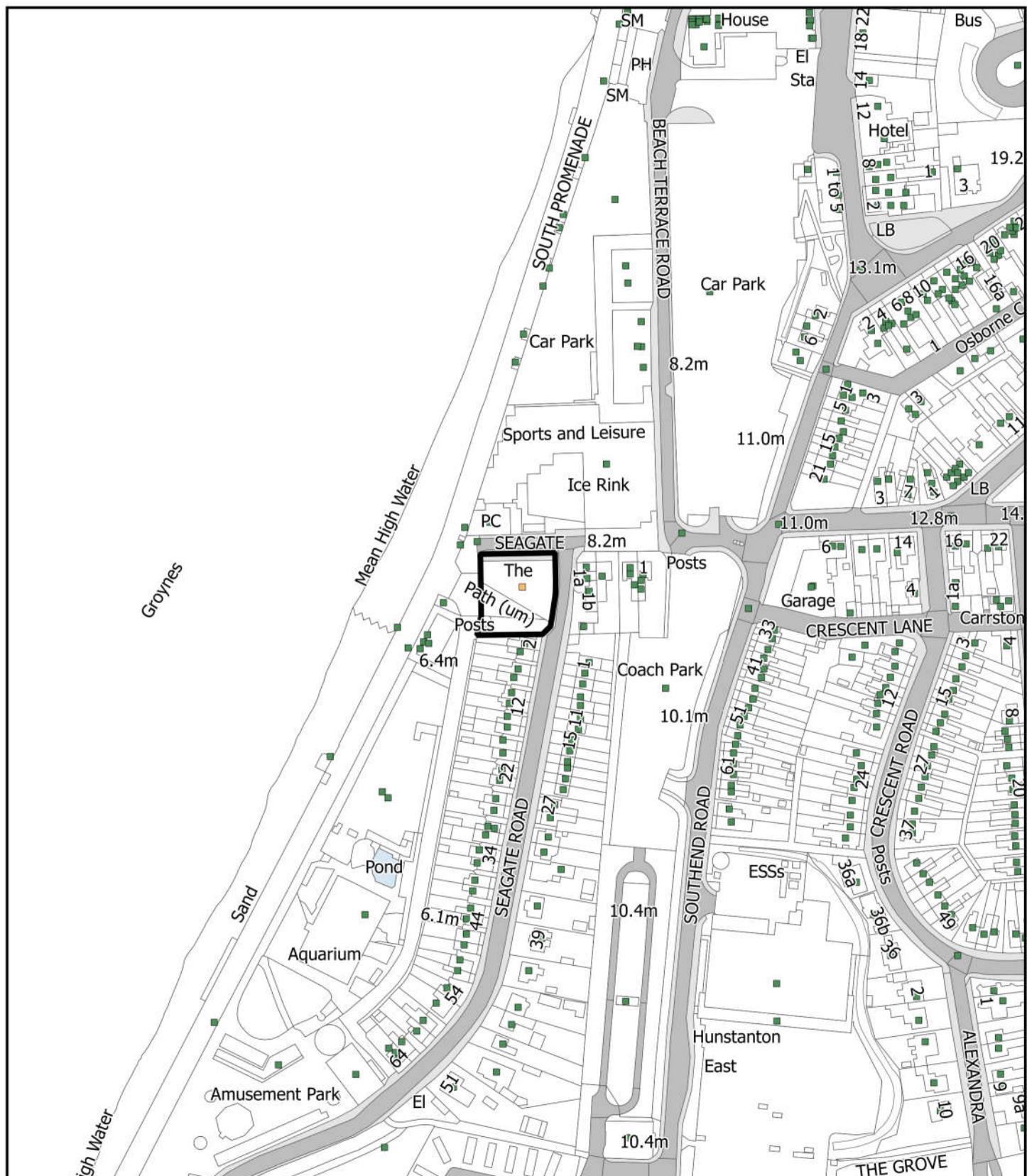
- a) Decisions on Applications (Pages 2 - 23)

To consider and determine the attached Schedule of Planning Applications submitted by the Executive Director.

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Agenda Item 8a
19/01558/FM
Land South of Seagate Hunstanton



19/01558/FM

Land South of Seagate Hunstanton



Parish:	Hunstanton	
Proposal:	Mixed use development comprising of retail at ground floor with residential accommodation at first to fifth floor	
Location:	Land South of Seagate Hunstanton Norfolk	
Applicant:	Greater Manchester Prop 1 Ltd	
Case No:	19/01558/FM (Full Application - Major Development)	
Case Officer:	Mrs N Osler	Date for Determination: 13 December 2019 Extension of Time Expiry Date: 14 August 2020

Reason for Referral to Planning Committee – Officer Recommendation is contrary to Parish Council recommendation

Case Summary

Full planning permission is sought for a mixed used development comprising 3No. retail units at ground floor level and 16No. residential units over five additional floors above. The site is located at the end of Seagate in Hunstanton, and was previously the location of the Kit Kat Club which has long since been demolished and the site cleared. Currently the site is vacant and devoid of buildings.

The proposed building graduates in height from between three storeys to the south and six storeys on the northwest corner.

A previous permission, now expired, was approved under application 10/01908/FM for one large commercial unit at ground floor with 12No. residential units over an additional four floors above.

In planning policy terms the site constitutes previously developed land within the development boundary of one of the Borough's three towns.

The vast majority of the site lies in flood zone 1 with the northeast corner at higher risk of flooding.

The site lies approximately 110m to the west of the Conservation Area, but is on a prominent site which will be very visible along the sea front.

Key Issues

Principle of Development
Form and character
Design and impact on the Conservation Area
Impact upon neighbouring occupiers
Affordable housing
Highway implications
Flood Risk and Drainage
Crime and Disorder
Other material considerations

RECOMMENDATION

A) APPROVE subject to the completion of a S106 Agreement within four months of the date of this resolution to approve.

B) REFUSE if the S106 Agreement is not agreed within four months of the date of this resolution to approve.

Neighbourhood Plan: No

THE APPLICATION

Full planning permission is sought for a mixed used development comprising 3No. retail and 16No. residential units over six floors at the end of Seagate in Hunstanton. Sixteen parking spaces (one per unit), an additional disabled bay and secure cycle and motorcycle parking are proposed along with a servicing area for the retail units which runs along the southern side of the building.

The Ground floor level would accommodate the three retail units; service areas for those units, residential bin storage, general storage and bike and motorbike storage, as well as the main entrance foyer for the residential units including stairs and lift. The entrance foyer faces east onto the residential parking area with the retail units facing west onto the promenade.

At first floor there are 5 x 2-bed units, although one of the units (unit 1.1) has its living accommodation on the first floor and its sleeping accommodation on the second floor.

Second floor = 4 x 2-bed units.

Third floor = 3 x 2-bed units and 1 x 1-bed unit, the latter of which would be an affordable unit.

Fourth floor = 2 x 2-bed units and a roof garden.

Fifth Floor = 1 x 2-bed unit.

All the units benefit from a balcony and the use of the shared roof garden on the fourth floor.

The proposed building, that is contemporary in style, graduates in height from between three and six storeys from south to north.

In planning policy terms the site constitutes previously developed land within the development boundary of one of the Borough's three towns.

The vast majority of the site lies in flood zone 1 with the northeast corner at higher risk of flooding.

The site lies approximately 110m to the west of the Conservation Area, but is on a prominent site which will be very visible along the sea front.

SUPPORTING CASE

None submitted at time of writing report.

PLANNING HISTORY

10/01908/FM: Application Permitted: 15/03/11 - Proposed development of one ground floor commercial unit with 12 residential units above (Committee Approval)

09/01764/FM: Application Withdrawn: 07/07/10 - Proposed development of ground floor commercial unit with 17 residential units above (Amended Scheme)

RESPONSE TO CONSULTATION

Town Council: OBJECT - Hunstanton Town Council, as a Statutory Consultee, Do Not Support the Planning Application. Its grounds for Objection are:

1. The proposed application does not fit in with the current residential dwellings in Seagate Road, with regards to building lines or height.
2. There are 16 dwellings in the planning application and only 16 resident spaces provided for parking, there is the potential for 58 resident vehicles for this development in an already restricted area for parking spaces. National guidelines state for assigned spaces 1 Bed apartments 1.5 spaces and 2 Bed apartments 1.75 spaces, therefore the current application is under spaced by a substantial amount of parking spaces.

Highways Authority: NO OBJECTION subject to conditions

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to condition relating to contamination.

CSNN: NO OBJECTION – subject to conditions relating to:

- Hours of delivery/collection - retail units
- Site hours - construction/site deliveries/site collections
- Construction Management Plan
- External plant / ventilation / cooking extraction - none to be installed without prior submission and approval of details

Environment Agency: We have **NO OBJECTION** to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) produced by Ark Environmental Consultancy Ltd, dated August 2019 are adhered to. In particular, the FRA states that:

* There will be no habitable ground floor accommodation.

Our Tidal Hazard Mapping shows the site could flood to depths of up to 0.25m in the event of a tidal breach with modelled velocities of up to 1m/s. As the ground floor is for retail development, and so considered less vulnerable development, we have no objection to this application however we strongly recommend the use of flood resistant and resilient measures within the development.

Housing: NO OBJECTION - A viability assessment has confirmed that it is viable to provide one affordable unit. A one-bed unit would be required and the one-bed unit shown on the third floor is suitable in this regard. The affordable unit should be secured by S106 Agreement.

Norfolk Coast Partnership: NO OBJECTION - As Natural England are the statutory consultees on landscape it is solely up to them to agree whether or not there are landscape concerns (not just for the AONB but impact to other designations and landscape character) and if an LVIA is needed.

We are happy to go with their judgement that there would be no material impact and that an LVIA is not required.

Historic England: NO OBJECTION - Does not wish to comment and is happy to leave comments to the Local Authority's Conservation Team.

Lead Local Flood Authority: NO OBJECTION subject to conditions relating to surface water drainage

Conservation Officer: NO OBJECTION - The Conservation Officers states that the proposal to redevelop the site is most welcome and makes positive comments in support of the scheme concluding that it would not have a negative impact on the setting of the Conservation Area.

Conditions are requested relating to materials and colour schemes.

Norfolk Constabulary: NO OBJECTION - Suggest anti ram bollards and the removal of door recesses alongside a number of suggestions relating to security.

Natural England: NO OBJECTION - we are satisfied that the development would not have a significant impact on protected areas including the AONB although there is concern that there could be a cumulative impact on the AONB if more high rise developments are approved. Request informatives relating to drainage be appended to any permission granted.

Arboricultural Officer: NO OBJECTION

Emergency Planning Officer: NO OBJECTION subject to conditions relating to Evacuation Procedures.

Anglian Water: NO OBJECTION - The foul drainage from this development is in the catchment of Heacham Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

Request conditions and informatives relating to drainage.

Hunstanton Civic Society: OBJECT - The Civic Society supports the development of the former Kit Kat site which is an eyesore and detracts from the Seagate piazza. However the Society cannot support the present application.

The reasons for objection are as follows:-

1. The proposed height of 19.465m to the top of the roof means that the building will be overbearing and out of character with its surroundings. Although the visualisations look quite attractive they do not relate to the buildings that are in the vicinity. The maximum height of the Oasis is only 10.5 m. When a previous application was made in 2010, I used helium filled balloons to demonstrate what a 20.1m high building would look like.
2. The Kit Kat building was 2 storeys and ideally what replaces it should be similar.
3. As Wayne Hemingway's thoughts on the re-development of the area have not yet been made public, it is not possible to determine whether this proposal will harmonise or conflict with other potential redevelopment. Ideally it should all harmonise together.
4. Although not within the Conservation Area, it is near to it and therefore its presence must not detract from the ambience of the Conservation Area.
5. Although the Environment Agency does not class the site as being of high risk of tidal flooding, the storm of 1947 did do considerable damage to the promenade and area now occupied by the Oasis Leisure Centre.
6. If the main staircase is not useable there is no obvious means of escape from the top two floors. There are only 3 fire engines in Norfolk capable of dealing with a fire or evacuation at that height.
7. The residents of Seagate Road are justifiably concerned about congestion along the cul-de-sac. The 17 parking spaces are insufficient for the 52 people who may be resident.
8. The fact that the access for delivery vehicles is alongside number 2 Seagate Road will mean the owners will be subject to significant noise when lorries are reversing.

REPRESENTATIONS NINE letters of **OBJECTION**, **ONE NEUTRAL** comment and **ONE** comment in **SUPPORT** of the proposed development have been received. The issues raised can be summarised as:

- Parking provision is not sufficient and will result in additional on-street parking
- The building is too high
- The building is out of character for its Victorian Seaside Town setting
- Overshadowing / loss of light
- Overlooking / loss of privacy
- Overbearing
- The development would ruin the promenade
- The site would be better used as a picnic / seating area
- Traffic, noise and congestion
- Construction should not take place in the summer months as it would be detrimental to tourism
- The artist impressions do not give a true reflection of neighbouring buildings
- Can emergency services access the site
- The plans are similar to plans that were rejected
- Cars turn at the end of the road
- There is an informal footpath across the site since it was cleared
- There is a Right of Way that must remain available
- Hunstanton has insufficient infrastructure to keep up with all the new development
- The retail units are likely to be seasonal and closed; seasonal premises would blight this primarily residential area
- Risks associated with flooding
- Seagate should be restricted to resident only parking

- Impact on the AONB
- The building is modern, different and far better than the previous approval.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS05 – Hunstanton

CS07 - Development in Coastal Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

CS14 - Infrastructure Provision

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM10 – Retail Development

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

NEIGHBOURHOOD PLAN POLICIES

N/A

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2019

PLANNING CONSIDERATIONS

The main issues for consideration in the determination of this application are:

- Principle of Development
- Form and Character
- Design and impact on the Conservation Area
- Impact upon neighbouring occupiers
- Affordable housing
- Highway implications
- Flood Risk and Drainage
- Crime and Disorder
- Other material considerations

Principle of Development

The site is previously developed land within the development boundary of Hunstanton and is surrounded by a mixture of residential, leisure and commercial uses. The site lies in reasonably close proximity to the Conservation Area boundary (110m).

As such the principle of development with a mixture of commercial and residential is to be supported subject to compliance with other relevant planning policy and guidance.

There is also a previous approval on the site for a similar form of development, although that scheme never commenced.

The Hunstanton Town Centre and Southern Seafront Masterplan, was endorsed by Cabinet 7th October 2008 and subsequently agreed by full Council. This document identifies this site as part of an 'opportunity site' for building upon and diversifying the established leisure uses along the seafront.

The original Hunstanton Masterplan is still relevant. However, much of it has been delivered on or feeds into the work for the Southern Seafront Masterplan which only focuses on a small area of the town from the Pier along the seafront to the power boat ramp, taking in Southend Rd. car park and those premises directly behind the sea defences including the application site.

The latter document has not made it to full council / cabinet in its finished form and remains in draft although complete and setting out the possible development options for the area. However, the southern seafront area has been identified as a priority in the Hunstanton Prosperity Coastal Community Team Prospectus, which was endorsed by Cabinet in April 2017.

Core Strategy Policy CS05 specifically refers to the Masterplan stating: '*The strategy for the town is to...enhance the local character of the town, promoting high quality design of the locale environment and public realm. In particular to: promote a new style of design for the Southern Seafront Area, creating a new identity that reflects modern and high quality architecture rather than replicating the past...*'. The Masterplan is a material consideration in the determination of this application.

The original, and still relevant, Masterplan notes that '*The urban design analysis suggests that the site would be suitable for a mixed use development with commercial use on the ground floor and housing or holiday accommodation above. Providing active uses on the ground floor will help to animate this part of the promenade...The design of any future development should*

provide an iconic landmark development to reflect the site's prominent location on the promenade'.

Form and Character

The form and character of surrounding residential development to the south and east is predominantly terraced or semi-detached properties of two storeys with accommodation in the roof. To the north are public conveniences and the Oasis Leisure Centre which is a large structure with a wide span multi-faceted roof.

To the southwest is an area used as a small funfair and due west is the promenade and beach. To the east Seagate links through to the town's main car and coach parks. There are no other buildings within the vicinity of the site of the height and proportions proposed by this scheme.

The site of the former Kit Kat Club has been identified in the Hunstanton Town Centre & Southern Seafront Masterplan as an 'opportunity site' for mixed development with commercial use on the ground floor and residential accommodation above.

The objective for the site is to provide an active destination to encourage the use of the promenade. The Masterplan states that: *'the design of development upon the site should be of high quality and reflect the site's prominent location along the promenade. Plans should respect the surrounding residential area and provide an active and coherent elevation to the seaward side'*.

The Masterplan states that: *'the site has potential for a landmark building and suggests that it should be no more than 5-stories in height'*; although it caveats this statement with the acknowledgement that visual assessments will be required to ascertain an actual acceptable height.

In this regard visual assessments have been undertaken and a detailed Impact Assessment on the Conservation Area submitted.

With regard to the height, scale and massing the Masterplan confirms that the site is suitable for a prominent landmark development that sets a design standard for the character of the southern seafront.

The Masterplan states that: *'a modern building is required on this site. Details and materials will depend to some extent on the design and it is not intended to be prescriptive. Nearby housing is a mixture of red brick and local carstone, neither of which are likely to be appropriate here. Elsewhere on the south beach, materials are eclectic to say the least. There is little architecture of merit and it is important that this site does not emulate the dull, but rather provides vibrancy.'*

With regard to amenity, to protect the amenity of residents in Seagate Road, views across gardens should be avoided. Amenity space will be required for new dwellings and provision will be required for bins and bicycles. It is visually important to avoid views into service yards and if a restaurant use is proposed, the position of flues and waste bins needs consideration'.

Design and Impact on the Conservation Area

The proposed building rises from 3-storeys to six and is contemporary in design and uses simple white coloured render as the facing material. Each property would benefit from a balcony and there is to be a shared roof-terrace on the fourth floor. Windows are proposed to be of powder coated aluminium frame and stainless steel balcony balusters and hand rails with flat toughened glass balcony fronts. Each elevation has a series of building components

including towers, balconies, and tapering height rooflines which add interest, a sense of depth and break up the mass of the render.

The highest part of the building reaches 19.5m (2.7m taller than the previously permitted scheme) with the major massing of the proposal being at 4-storey height (approx. 10.8m high). The lowest part of the building at 7.4m is to the south, adjacent to the closest residential property (No.2 Seagate). This element is 1.4m taller than the previous scheme, but is countered by being 1 metre further away.

Whilst there is some reference in building characteristic to the former art deco Kit Kat club building on the site, this structure has been specifically designed as a standalone building and is not intended to mimic or replicate existing building styles and designs. The applicant believes that the scale of the building will fit well within the surrounding context while at the same time providing a focal point and gateway onto the southern promenade and the Conservation Officer raises no objection on the grounds of its impact on the setting of the Conservation Area stating: '*The current proposal, which has similarities to the previous scheme, is for what could generally be described an Art Deco style building, quite simple in form and of varying height to a maximum of six stories. Overall I think it fits well on the site - it's an interesting design which doesn't try to be pastiche nor overtly modernistic and it has a slightly fun element which fits well into this part of Hunstanton between the Oasis and the funfair etc. It also has the added benefit over the previous proposal of having retail units on the ground floor thus providing an active frontage to the prom.*

With regard to its impact on the setting of the conservation area the main point to consider is the potential impact of the six storey element, and I've looked at it from all the three land sides. From the high point on Southend Road the new building will be hidden by the existing funfair and as such will have little or no impact on the setting of the conservation area beyond. From the east the fall of the land will again mean that it will have minimal impact looking out from the CA. Looking from the north over the older town (which forms the bulk of the CA) it will be possible to see the tallest part of the building above the roof of the Oasis however it will be viewed from a distance and I do not think that it will be over prominent. Again the fall of the land means it will be barely seen from within the heart of the CA and it must be remembered that quite a large number of the original buildings within the CA are themselves five storey so the height is not alien to the town.

With those points in mind I consider that this proposal offers benefits to the setting of the conservation area by virtue of developing a prominent vacant site and the good quality contemporary design may provide a benchmark for other new builds to the south of the 'Old Town'.

I therefore support the proposal subject to conditions requiring samples of materials and colour schemes'.

Although not in the Conservation Area, English Heritage were consulted. However, they did not wish to comment and were happy with the LPA taking advice from its Conservation Team.

Your officers consider that the proposal is a modern, contemporary building which has been specifically designed to reflect the constraints and opportunities of the site and its surroundings and to adhere to the aspirations of the Masterplan. The mass of the building is deliberately significant but not considered overbearing in scale. The building incorporates variation in width and height which adds interest. There will be views of the building from the Conservation Area but it will be seen as an intentional contrast to the traditional, Victorian and Edwardian architectural core. Your officers consider that the quality of the design will make a positive contribution to the character and local distinctiveness of the historic environment and will accord with the provisions of the NPPF and Development Plan.

Both the Town Council and Hunstanton Civic Society object to the height of the building. Likewise third party concern has been raised that the proposed scale and form of the building will dominate the other surrounding buildings.

However, the building is designed to be visible from key focal points and intended to be prominent. Notwithstanding this, the massing of the building, which graduates in height from south to north across the site, means that it is not considered to be overbearing in scale. The fact that different elements of the building vary in width and each elevation mean that the building has interest when viewed from different angles and is not just a simple, single mass.

The AONB is a considerable distance from the site on the other side of the A149. Both Natural England and the Norfolk Coast Partnership have confirmed that the development would not realistically impact on the AONB.

Impact upon neighbouring occupiers

The residential properties to the south of the site face Seagate Road and are at right angles to the proposed development. These dwellings are two storey in height. A vehicular right of way runs immediately to the north of No.2 Seagate Road and this is shown to be retained and to have a dual use as the access for delivery vehicles. This is the same scenario as the previously approved scheme.

At the southern part of the site the proposed development is 3-storeys in height. There are no windows on the southern elevation with secondary light be via glass blocks. These will be required to be opaque. A condition will also be appended to any permission granted to ensure that suitable privacy screens on the southern aspects of the eastern balconies are provided.

The relationship between the building as proposed and existing dwellings to the south has been examined. It is considered there will be no significantly detrimental impact upon the amenity of the occupants of these neighbouring properties in terms of overlooking, being overshadowed or the building being over-bearing. Whilst there would be some disamenity due to the delivery access sharing the right of way adjacent to No.2 Seagate, these impacts can be made acceptable by conditioning the hours of delivery.

Residential properties to the east of the site on Seagate are two and a half storeys in height. The ground levels rise as you move eastwards from the site so that these properties are on higher ground.

The relationship between the building and existing dwellings to the east has been examined. Windows and balconies will face the properties to the east and there will be some overshadowing to the eastern side of the building at certain times of the day. However, at approximately 24m from the closest element (the tower accommodating the stairs) the distances and orientation of the buildings are also such that there will be no significantly detrimental impact upon the amenity of the occupants of these neighbouring properties in terms of overlooking, being overshadowed or the building being over bearing.

To summarise, the relationship between the proposed building and existing dwellings to the south and east has been examined. The distances between the buildings, the orientation and the scale have been carefully considered and it is concluded that there will be no significantly detrimental impact upon the amenity of the occupants of these neighbouring properties in terms of overlooking, being overshadowed or the building being over bearing.

Affordable housing

In accordance with the policy thresholds for the Borough, the application should provide an element of affordable housing. The site should command a 20% provision which would equate to three residential units. However, in this case the applicant has provided information to demonstrate that the scheme would not be financially viable if this amount of affordable housing was provided and that only one affordable unit is viable.

The applicants originally submitted a viability appraisal stating that no affordable housing was viable. However, after review and scrutiny by the Strategic Housing Team, in accordance with current guidance, it was concluded that it is viable to provide a single affordable rented unit. This is on the basis that the proposal is for a brownfield development of flats which results in a higher than normal build cost per square meter compared to the typical development. There are also significant abnormal costs relating to the clearance of the site (foundations of the previous building remain) and flood mitigation.

It is also pertinent to note that the previously consented scheme provided no affordable housing on the grounds of viability.

The unit will be secured by S106 Agreement if permission is granted.

Highway Implications

The proposed site layout follows the principles agreed at the time of the former planning consent namely siting the proposed building to the west of the site. The site access is maintained from Seagate Road utilising an in/out arrangement for the residents' parking access.

One parking bay is provided for each residential unit with an additional disabled bay near the main entrance. Access for deliveries to the retail / commercial units is via the side entrance along the southern side. The delivery access also forms part of a right of way (as per the previously approved scheme); and as with the previous scheme, the right of way will not be completely blocked off as a result of this service access although service vehicles will be stationed in the loading area whilst deliveries are made. As such there may be occasions when the right of way cannot be accessed due to a delivery vehicle obstructing it. However, such conflict would only be for a limited time.

Secure bike provision is proposed to accommodate at least one cycle per unit; and motorcycle storage provision is also proposed.

The Highways Authority raises no objection to the proposal. The proposed number of parking places is one per residential unit and given the proximity of the residential units to the town centre, the figure of one space per residential unit is considered to be acceptable and complies with the NPPF which states at paragraph 105: '*If setting local parking standards for residential and non-residential development, policies should take into account:*

- a) *the accessibility of the development*
- b) *the type, mix and use of development*
- c) *the availability of and opportunities for public transport*
- d) *local car ownership level; and*
- e) *the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.'*

Paragraph 106 goes on to state: '*Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of*

development in city and town centres and other locations that are well served by public transport...'.

This stance is reiterated in Policy DM17 of the Local Plan which stipulates minimum standards with the caveat that '*Reductions in car parking requirements may be considered for town centres and for other urban locations where it can be shown that the location and the availability of a range of sustainable transport links is likely to lead to a reduction in car ownership and hence the need for car parking provision.'*'

Third party concerns relate to the difficulty large vehicles would have if they needed to turn in this area, including delivery vehicles and bin collection vehicles. The applicant has worked closely with the Waste and Recycling Team to ensure large vehicles such as refuse collection lorries and emergency vehicles can suitably turn within the site.

Objection has been received from the Civic Society and third parties regarding the impact this proposal will have on the local road network and parking. Third party representation states that on street parking is at a premium along Seagate Road in summer months, and this will make matters worse. However, the site is within the town of Hunstanton and within walking distance of large car parks serving the town. The Highways Authority raises no objection to the increased traffic along Seagate Road or Seagate.

In this case the level of car parking and cycle storage proposed is considered to uphold the principles of an integrated transport system. The site is well located for the town's existing car parks, the town centre and the bus station. The main promenade offers pedestrian links through to the length of the town's seafront.

The current proposal provides for both car and cycle parking and there are plenty of alternative parking spaces within a short walk. Similarly the bus station is located within the town centre.

Flood Risk and Drainage

The vast majority of the site lies within Flood Zone 1, with the northeast corner being at higher risk. If overtopping of the defences were to occur the site could flood up to a depth of 0.25m.

All statutory bodies dealing with flood risk and drainage have been consulted (the Environment Agency, Lead Local Flood Authority and Anglian Water) and none raise any objection subject to continues requiring further drainage details and flood risk mitigation being appended to any permission granted.

There is no ground floor residential accommodation as the ground floor will be commercial. This will be conditioned if permission is granted.

Crime & Disorder Act 1998 and Secured by Design

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. Comment has been received from the Architectural Liaison/ Crime Prevention Officer of Norfolk Constabulary. No objection is raised to the proposal in general although advice is offered with regard to planting, lighting, security and surveillance.

The Architectural Liaison Officer recommends anti-ram raid bollards and avoiding door recesses. Whilst anti-ram raid bollards could be conditioned if Members consider it necessary (although details would need to be submitted to ensure that such bollards did not interfere with parking or turning provision), the recesses are an important design feature of the building.

Furthermore as this is a mixed use development, primarily comprising residential, it is likely there will be personal surveillance which is likely to result in less anti-social behaviour.

Overall the proposal will not have a negative impact on crime and disorder.

Other Material Considerations

Many of the issues raised by third parties have already been covered in this report. In relation to those not specifically mentioned in the report your officers respond as follows:

- Although the visualisations look quite attractive they do not relate to the buildings that are in the vicinity – scaled plans have also been provided that show the true relationship with neighbouring properties
- As Wayne Hemingway's thoughts on the re-development of the area have not yet been made public, it is not possible to determine whether this proposal will harmonise or conflict with other potential redevelopment. Ideally it should all harmonise together – the application needs to be determined on its own merits
- The site would be better used as a picnic / seating area – a mixed use development of retail and residential on previously developed land within the development boundary of the town is considered an appropriate and efficient use of land
- Construction should not take place in the summer months as it would be detrimental to tourism – it would not be reasonable to restrict construction works on this basis
- The plans are similar to plans that were rejected – no previous plans have been rejected although a previous application was withdrawn. Notwithstanding this each application has to be taken on its own merits.
- Cars turn at the end of the road – the application does not encroach outside of the red line site boundary and the development would therefore have no material impact on this situation
- There is an informal footpath across the site since it was cleared – there is no right of way across the site
- There is a Right of Way that must remain available – the shared right of way / service area is the same scenario as the previously approved scheme and will ensure the Right of Way is available for the vast majority of the time
- The retail units are likely to be seasonal – the demand for retail units is market led
- Emergency services won't be able to reach the top of the building in the event of a fire. The issue of fire safety will be dealt with under Building Regulations. Furthermore, the Fire Service were consulted, but did not comment. It is pertinent to note that they confirmed, in relation to the previous application, that there is equipment capable of accessing the top of the building.

Full consideration has been given to emerging legislation in relation to the Use Classes Order and Permitted Development Rights relating to increasing the heights of block of flats, and no action is required in relation to this application.

CONCLUSION

The proposed scheme is considered to be of good quality design and materials and is considered to satisfy the requirements of planning policy and guidance and is in line with the overall objectives of the Masterplan.

The concept is modern and looks to the future which deliberately contrasts with the existing traditional Victorian and Edwardian architecture found within the town. The design is considered to be acceptable in terms of scale, height, massing, alignment, materials, and there will be no significant harm to the character or appearance of the nearby Conservation Area.

The site provides an acceptable level of parking provision and is close to public car parks and the services and facilities of the town.

The development is taller than the previously consented scheme; however, the Conservation Area Impact Assessment that accompanied the application took a detailed look at the visual impact of the scheme with the Conservation Officer concluded the scheme '*offers benefits to the setting of the conservation area by virtue of developing a prominent vacant site with a good quality contemporary design.*'

Detailed assessment has taken place in relation to neighbour amenity and it is considered that there would be no material overbearing, overshadowing or overlooking issues.

It is therefore recommended that the application be approved subject to the completion of a satisfactory S106 Agreement to secure the affordable unit and Habitat Mitigation Fee (£50 / unit).

RECOMMENDATION:

- A) APPROVE** subject to the completion of a S106 Agreement within four months of the date of this resolution to approve and the imposition of the following condition(s):
- 1 **Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 1 **Reason:** To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
 - 2 **Condition:** The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos: 19-2291P-01A, 19-2291P-02H, 19-2291P-03H, 19-2291P-04B, 19-2291P-05B, 19-2291P-06B and 19-2291P-07D.
 - 2 **Reason:** For the avoidance of doubt and in the interests of proper planning.
 - 3 **Condition:** Prior to commencement of development, in accordance with the submitted FRA and Drainage Strategy, (FRA & SuDS/Drainage at 9-11 Seagate, Hunstanton, PE26 5BD, Ark Environmental Consultancy, November 2019), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:
 1. Infiltration testing (BRE365 or equivalent) should be undertaken to provide sufficient evidence that infiltration drainage is either feasible or not. The lowest rate recorded should be used in any recommendations. To follow the SuDS hierarchy, infiltration testing should be undertaken at proposed infiltration feature locations and depths to show the site-specific potential.
 2. A maintenance and management plan, listing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development. To include the pipe network feeding the cellular attenuation and the pipe network connecting the vortex control device to the Anglian Water sewer system.

3. Details of how all surface water management features are to be designed in accordance with the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- 3 Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 163,165 and 170 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development. This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 4 Condition: Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include on-site parking for construction workers, layout of site regarding locations of compound, fixed plant / machinery, waste, stock, stockpiles, how deliveries/collections will be controlled in terms of access, turning etc. controls for noise, dust, lighting of site and handling of waste/control of litter, including minimising engine and reversing beeper noise, plus any other measures to protect residents from disturbance.
- 4 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan. This needs to be a pre-commencement condition as it relates to issues during construction.
- 5 Condition: Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.

For the duration of the construction period all traffic associated with (the construction of) the development will comply with the approved Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.

- 5 Reason: In the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
- 6 Condition: Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) an assessment of the potential risks to:
 - * human health,
 - * property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- * adjoining land,
- * groundwaters and surface waters,
- * ecological systems,
- * archaeological sites and ancient monuments;

(ii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- 6 **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 7 **Condition:** Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 7 **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 8 **Condition:** The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 8 **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 9 **Condition:** In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

- 9 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 10 Condition: There shall at no time be any ground floor residential accommodation.
- 10 Reason: For the avoidance of doubt and to reduce the risks associated with flooding in accordance with the NPPF and Development Plan.
- 11 Condition: Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works (footpath widening) as indicated on Drawing No. 19-2291/P/02H have been submitted to and approved in writing by the Local Planning Authority.
- 11 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with the NPPF and Development Plan.
- 12 Condition: Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in condition 11 shall be completed to the written satisfaction of the Local Planning Authority.
- 12 Reason: To ensure that the highway network is adequate to cater for the development proposed in the interests of highway safety in accordance with the NPPF and Development Plan.
- 13 Condition: Prior to the first occupation of the development hereby permitted the vehicular / pedestrian / cyclist accesses over the footway shall be constructed in accordance with the highways specification (TRAD 2) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 13 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with the NPPF and Development Plan.
- 14 Condition: Prior to the first occupation of the development hereby permitted a 2 metre wide parallel visibility splay shall be provided across the whole of the site's roadside frontage The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 14 Reason: In the interests of highway safety in accordance with the principles of the NPPF.
- 15 Condition: Prior to the first occupation of the development hereby permitted the proposed on-site access /car and cycle parking / servicing / loading / unloading / turning / waiting area to serve the development hereby permitted shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

- 15 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with the NPPF and Development Plan.
- 16 Condition: Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 16 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 17 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 17 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 18 Condition: Notwithstanding the details submitted, no development shall take place on any external surface of the development hereby permitted until samples of the materials (including colour schemes) to be used in the construction of the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 18 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 19 Condition: Prior to the installation of any external lighting, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 19 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 20 Condition: The development hereby permitted shall incorporate flood resistant and resilient measures as outlined in the amended Flood Risk Assessment and SUDS Drainage Strategy that accompanied the application (dated November 2019 by Ark Environmental Consultancy Ltd).

- 20 Reason: To reduce the risks associated with flooding in accordance with the NPPF and Development Plan.
- 21 Condition: Prior to the first occupation of the development hereby permitted a Flood Evacuation Plan (FEP) should be submitted and approved in writing by the Local Planning Authority. The FEP should include:
- * Signing up to the Environment Agency flood warning system (0345 988 1188 or www.gov.uk/flood)
 - * Actions to take on receipt of the different warning levels.
 - * Evacuation procedures e.g. isolating services and taking valuables etc.
 - * Evacuation routes - With the existing pedestrian area to the east of the site blocking off access directly by vehicle to Beach Terrace, I would recommend that any vehicles are removed from the site via Seagate Road on issue of a flood warning.
- A copy of the FEP should be located within the Residential Foyer of the development hereby permitted and a copy should be made available to each residential unit owner.
- 21 Reason: To reduce the risks associated with flooding in accordance with the NPPF and Development Plan.
- 22 Condition: Notwithstanding the provisions of Classes A to I inclusive of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no microgeneration solar PV or thermal equipment or stand-alone solar for microgeneration, ground source heat pump, water source heat pump, flue, forming part of a microgeneration biomass or combined heat and power heating system, air source heat pump, microgeneration wind turbine or stand-alone wind turbine for microgeneration shall be installed, altered or replaced on the flats or within the curtilage of the flats hereby permitted without the granting of specific planning permission.
- 22 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 23 Condition: Notwithstanding the provisions of Schedule 2, Part 16, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the installation, alteration or replacement of any microwave antenna or any structure intended for the support of a microwave antenna shall not be allowed without the granting of specific planning permission.
- 23 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 24 Condition: Prior to the first occupation of the development hereby permitted details of a signage scheme, stating that the use of the car park is for residents only, shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be installed in accordance with the approved scheme and shall thereafter be retained.
- 24 Reason: To ensure the car parking on site is not used by others and is only available for residents.

- 25 Condition: Prior to the first occupation of the flats 1.5, 2.4 and 3.4 as identified on approved plan numbers 03B and 04B details for screening of the southern side of the balconies serving these units shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be installed as approved prior to the first occupation of any of these specific units and shall thereafter be retained.
- 25 Reason: In the interests of the amenity of occupiers of neighbouring properties in accordance with the NPPF and Development Plan.
- 26 Condition: Prior to the first occupation of the development hereby permitted a sample of the glass block (that should be of obscured glass) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved glass blocks.
- 26 Reason: In the interests of the amenity of occupiers of neighbouring properties in accordance with the NPPF and Development Plan.
- 27 Condition: No deliveries shall be taken at or despatched from any of the retail / commercial units outside of the hours of 08.30 and 17.00 on weekdays and Saturdays nor at any time on Sundays, Bank or Public Holidays.
- 27 Reason: In the interests of the amenities of the locality in accordance with the NPPF and Development Plan.
- 28 Condition: Construction hours and site deliveries /collections shall not take place outside of the hours of 08.30-18.00 Monday to Friday, 09.00-13.00 on Saturdays and at no times on Sundays and Bank / Public holidays.
- 28 Reason: In the interests of the amenities of the locality in accordance with the NPPF and Development Plan.
- 29 Condition: No plant or machinery (other than that required during construction which is covered under condition 4), ventilation, cooking extraction, flues or vents shall be installed without the granting of specific planning permission.
- 29 Reason: In the interests of the amenities of the locality in accordance with the NPPF and Development Plan.
- B) **REFUSE** if the S106 Agreement is not agreed within four months of the date of this resolution to approve.