

Development Control Committee

Minutes

Wednesday, 13 November 2019 at 18:30

PRESENT:

Councillor Annison (in the Chair); Councillors Bird, Fairhead, Freeman, P Hammond, Mogford, Myers, A Wright & B Wright.

Councillor P Carpenter attended as a substitute for Councillor Flaxman-Taylor.

Councillor G Carpenter attended as a substitute for Councillor Lawn.

Councillor Borg attended as a substitute for Councillor Wainwright.

Councillor C Walker attended as a substitute for Item 1 for Councillor Williamson.

Mr D Minns (Planning Manager), Mrs G Manthorpe (Senior Planning Officer), Mrs S Wintle (Corporate Services Manager), Mr G Bolan (Technical Officer), Mrs J Linley (Solicitor, nplaw) & Mrs C Webb (Executive Services Officer).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Borg, Flaxman-Taylor, Lawn & Williamson.

2 DECLARATIONS OF INTEREST

Councillors Annison, Fairhead & B Wright declared a personal interest in item number 6.

Councillor A Wright declared a personal interest in item number 7.

However, in accordance with the Council's Constitution, they were allowed to both speak and vote on the matter.

3 MINUTES

The minutes of the meeting held on 16 October 2019 were confirmed.

4 PLANNING APPLICATIONS

5 APPLICATION 06-19-0471-f - MARINA CENTRE, MARINE PARADE, GREAT YARMOUTH, NR30 2ER

The Committee received and considered the report from the Planning Manager.

The Planning Manager reported that the redevelopment of the Marina Leisure Centre involved demolition of the existing Leisure Centre building, erection of a new two storey health & fitness centre comprising; 6 lane competition pool, attendant teaching pool and leisure water with associated water flumes and changing facilities, 4 court sports hall, fitness suite, exercise and spinning studios together with attendant changing facilities, clip and climb wall, soft play area, cafe & party room, office and tourist information facility together with ancillary accommodation, hard and soft landscaping including cycle and car parking for staff and visitors, service yard waste and recycling facilities.

The Planning Manager reported that the site was to be developed for a mix of leisure and community uses within the public realm comprising Use Class D2 (Assembly & Leisure) according to the Town & Country (Use Classes) Order 1987.

The Planning Manager reported that the proposal as described in the accompanying Design & Access Statement and Planning Statement stated that the proposed new building (which will be open from 0500 to 2300, 7 days a week) would comprise of a 6 lane x 25m main pool with the focus on meeting the requirements for as many different users as possible. It was proposed that the pool would have a level deck along both long sides and the short ends fitted with removable starting blocks and turning boards for competitions. Disabled users were catered for with pool pods, ambulant stairs and platform lift for enhanced pool access. A Learner pool with a moveable floor to maximise flexibility for the community. A new leisure pool with two water flumes and other play equipment.

The Planning Manager reported that external activity space was accessible from the gym, for aerobic exercise classes, yoga or martial arts. First floor multi-purpose studio for aerobics, dance or martial arts, as well as a separate dedicated fixed bicycle spinning room. Flexible space and consultation rooms for use by the community. Dedicated changing facilities to cater for gym users. Spectator seating on the south side of the main pool. A small 'relaxation area', comprising steam room and sauna. Basement level plant room accommodating pool filtration plant and pool balance tanks. Access to the café, accessible WCs, 'changing places' facility and accessible baby change was directly from the lobby, or through the café, whereas access to the other parts of the building were through turnstiles.

The Planning Manager reported that pedestrian and cycle access would also be improved with better access between the replacement building and the beach (a new beach access ramp was to be provided for specially designed for beach wheelchairs). There would also be cycles stands which will allow 110 cycles to be parked. The smaller footprint of the building released space at ground floor which was to be used to provide 184 new car parking spaces, of which 6% (equating to 11 spaces) were to be to accessible standard.

The Planning Manager reported that the landscape improvements proposed were the use of a variety of coloured block pavements to the parking bays, shrub planting to the edges of the car park and the creation of a planted 'beachfront boulevard' running east west between the new building and the new parking areas. There was also a structured scheme of soft planting to be introduced around the new service yard and existing north car park. The service yard was to be enclosed by a 3 metre high, 'green screen' fence and this enclosure also served to screen the sub-station, bin and recycling store.

The Planning Manager reported that photovoltaic panels were to be located on the roof above the sports hall (the sports hall relied on a mixture of mechanical and natural ventilation, such as roof mounted wind catchers). It was proposed to incorporate air source heat pumps within the current design and, in addition, there was flexibility within the design to enable further measures to be added in the future. A seagull deterrent system of iridescent coatings/'fire pots' was to

be installed on the roof but this will not be visible from the Conservation Area.

In summary the proposed uses could be described as :

Wet activities

- Six-lane 25m pool with full disabled access
- Pool suitable for galas and competitions, with seating for 120 spectators
- Confidence water area and learner pool with moveable floor
- Leisure water with fun play features, two water flumes and a splash pad
- Accessible changing village
- Communal changing area with both individual and family changing

Dry activities

- Health suite with sauna, steam and spa
- 100-station health and fitness gym
- External first floor terrace with views to the sea
- Four-court multi-purpose sports hall
- Indoor climbing zone for all ages
- Fitness and spin studios
- Soft play area
- Café with views to the beach
- Fully accessible changing area

The Planning Manager reported that the proposal had been subject to pre-application public consultation in accordance with good practice advocated by Government and had engaged a wide range of users and interest groups. The applicants stated that a total of 294 completed responses were received, of which 73% were from Marina Centre users. Public feedback had since been evaluated and had helped to shape the look and feel of the final design. On 16 May 2019, Full Council considered the feedback and the Council's responses, which had helped to shape the look and feel of the final design.

The Planning Manager reported that the aspiration was for the type of facility now proposed to make a major contribution to sporting participation and health improvement, by allowing the community to access affordable high quality facilities. Many of the local facilities were ageing and the improvement of the facilities at the Marina Centre and one of the main objectives of the proposal was to address this. Various options for the existing buildings, such as the Marina Centre, were considered in the SPLS including its refurbishment; partial or complete redevelopment; or total relocation to another site. At paragraph 3.17 the SPLS stated that "given needs and evidence, the need to maintain levels of waterspace, the importance of the Marina to deliver against the wider tourism agenda and the view of consultees towards the Marina, the strategy process has concluded that" the Marina Centre should remain in its current location for the long-term.

The Planning Manager reported that this fall in quality due to age, also related

to the indoor bowls provision at the Marina Centre which would have needed considerable investment. However, over recent years the overall trend in participation in indoor bowls had been one of decline and when considering the facilities mix for the new centre, the Council has had to plan carefully to accommodate as many sports as possible, whilst also balancing the financial business case for the scheme.

The Planning Manager reported that the main body of the building was 18.5 m at its highest point and 9m at its lowest above existing ground levels. The development finish floor levels would be set at 4.15 AOD. By comparison the existing ground level was 3.5 to 3.74 AOD. Raising the level would help mitigate against flood risk in comparison with the existing building whilst enabling safe accessible access to the building. The plans showed the varied finished building height ranging between 21.5 AOD and 12.560 AOD which illustrated the way the mass of the building was broken up.

The Planning Manager reported that the Design and Access Statement stated that feedback from both public consultation and design team workshops suggested the existing centre was perceived as dark and hulking with large blank facades. In terms of the new centre, comments included that the centre should be appropriate to its wider setting on the Golden Mile, have a more lightweight appearance and be more visually accessible, offering views of the interior functions as well as views out over the beach/sea and Golden Mile. The design team appraised the consultation feedback and undertook a review of various external materials both on the existing centre and of the wider environment within the Conservation Area which included:

- Stucco
- Brick
- Glass Stucco or rendered facades

These were common to a number of buildings in Great Yarmouth and along Marine Parade. Render was an economic material, however, it was felt that render was less suited to the necessarily large volumes inherent in a Leisure Complex. A rendered wall had been integrated at low level as a substrate for a graphic feature wall. Brickwork was common to Great Yarmouth, suitably robust and, when well detailed, aesthetically pleasing. A sandy coloured brick had been selected for both high and low levels to gently break up the overall scale.

The Planning Manager reported that the final selection of materials was made to ensure a balance between construction and long term maintenance costs, with the visual impact that should be associated with a civic building of this nature, in a conservation area, and an exposed seaside setting. To this end, we were generally proposing materials and construction methods that were appropriate to the specific use and location, impact on the environment and potential for re-use when the building reached the end of its useful life. The materials were selected for durability, longevity and quality and integration

within the overall design.

The Planning Manager reported that a balance has been struck with curtain walling between the need for natural light and the views in and out of the centre, with the need to control solar heat gain and deliver high level thermal performance. Low emissivity (LE) glass to the pool hall would minimise the risk of surface water glare which was important for lifeguarding. The leisure water façade would have a combination of 30% opaque and clear glazing panels.

The Planning Manager reported that lightweight aluminium cladding panels consisting of aluminium covered sheets with a fire rated core were proposed to be used. The cladding was low maintenance that was suitable for a marine environment, robust and non- combustible with a colour range and panel sizes that allowed for different configurations. At this stage, blue and sand coloured rain screen panels had been specified with the final colours to be determined at the next design stage.

The Planning Manager reported that sandy coloured brickwork, to compliment the sandy-coloured cladding, had been selected at ground floor level to the sports hall. The feature graphic wall fronting Marine Parade comprised of rendered blockwork. A graphic would be developed at the design stage. A lightweight corrosion resistant metal roof panel cladding system with raised or 'standing' seams was specified for the visible curved roof to the main pool hall.

The Planning Manager reported that the water flumes were strong and lightweight. They were made of a fibre-reinforced plastic that could easily be moulded to any shape and available in any colour. The final colour /colours would be decided at the design stage. In addition to the plans the following documents supported the application:

- Planning Statement
- Design and Access Statement
- Transport Assessment and Car Parking Strategy
- Outline Traffic Construction Management Plan
- Flood Risk Assessment
- Ecological Assessment
- Draft Demolition Report
- Heritage Area Appraisal (revised)
- Utilities Statement
- Solar Glare Study
- Accessibility Report
- Energy Report
- Fire Strategy

The Planning Manager reported that there were areas of car parking to the immediate north (which includes the area for staff) and south of the building amounting to some 110 spaces. There were 6 parking spaces to disability standard. There were 7 cycle parking stands, giving the facility to park 14 cycles. Servicing access to the building was also from the northern car parking area.

The Planning Manager reported that the surrounding area was in mixed use, with considerable commercial activity, particularly at ground floor, with amusement centres, restaurants, cafes, hotels, theaters and leisure attractions, being represented in the vicinity. These developments were on both sides of Marine Parade, the main road which runs on a north-south axis along this part of the coast. The part of the town on the western side of Marine Parade, immediately opposite the development site, was on a grid-iron pattern with some of these roads having a view of the sea, but others were blocked by modern development including the existing Leisure Centre. The railway station was located approximately 1.7 km to the west of the site with services between Great Yarmouth and Norwich. There were northbound and southbound bus stops on Marine Parade, directly adjacent to the site frontage. The bus stops were currently served by one service, the Seaside 3, which runs along Marine Parade, between Haven Seashore Holiday Park and Pleasure Beach. Other bus stops were situated at the Market Gates Shopping. From here, 13 services were available which ran around Great Yarmouth and the surrounding area. Further detail concerning the bus and train services was detailed within the Transportation Assessment submitted with this application.

The Planning Manager reported that there were residential properties close by, these were all separated by Marine Parade and there were no such properties either upon, or adjoining, the development site. The site was within the scope of the Seafront Conservation Area No. 16 and whilst there were no designated Heritage Assets (eg Listed Buildings) on the site nearby, on the opposite side of Marine Parade was the Grade II listed former Maritime Museum now used as a Tourist Information Centre. Nearby there were other listed buildings, such as the Hippodrome Theatre. The Marina leisure and fitness centre facilities were operated by Sentinel Leisure Trust. Retroskate operated the rollerskating venue and two independent retailers operated Perry's ice cream parlour and Mama Cita's respectively. The site encompassed two pay and display public car parks comprising; Marina Centre South Car Park (58 parking spaces of which 3 are accessible spaces) and Marina Centre North Car Park (47 parking spaces of which 3 are accessible spaces).

The Planning Manager reported that planning permission was granted for the current Marina Centre in November 1978 (ref: 06/78/0789/F) the application description included a public toilet, block of five lock up shops and construction of car park. Since then, there had been numerous planning applications over the past years on the site related to its use and alterations to the building together with various applications for advert consent. In addition, there had been applications for various temporary uses. Planning records showed a total

of 52 applications in varying forms and outcomes since the original application was approved, details of which are documented on the planning file. The existing planning use of the various sports and ancillary facilities upon the site was considered to fall within the Class D2 ("Assembly & Leisure") category. There was an existing café on site and two Class A1 retail concessions. The current proposals under consideration did not involve the introduction of any new Use Classes.

The Planning Manager reported that this had included press and site notices along with direct Neighbour consultation. The application has been advertised as a departure from the Local Plan, a major application and an application within Conservation Area No.16 in accordance the legislative requirements. The owners of Pirates Cove noted the plan showed a narrowing of the entry to the southern access ramp which would make it impossible to reverse a vehicle. If the kerb and verge were to be reduced in length, the access could be maintained. Access to the site had been eroded over a number of years and the loss of access to the ramp would result in the loss of the vehicular access point. The Planning Manager reported that another issue was the proposed location of a new kiosk at the top of the entrance ramp. There was likely to be conflict here when it was required to be used for a vehicle or for trade waste.

The Planning Manager reported that the owners of Pirates Cove had noted loss of the public toilets was a concern as there would no longer be a public convenience servicing 1km of central beach. It would be perfectly feasible to install a temporary, trailer mounted toilet block for the duration of the build. The Planning Manager reported that the Anchor Café objected to the planning application because of insufficient public toilets in the area of the Leisure Centre.

The Planning Manager reported that Peel Ports Group raised no objection to the redevelopment of the leisure centre. Norwich Airport noted that the development lied below or beyond the volume of protected airspace that surrounded Norwich Airport and that it did not lay within the bird circle shown on the aerodrome safeguarding map. Therefore, from a safeguarding point of view, this development would not provide a significant risk to aircraft operating in the vicinity of Norwich Airport or interfere with our surveillance systems. They did not need to be a statutory consultee for any future applications on this particular site unless wind turbines become part of the design.

The Planning Manager reported that the Highway Authority has been in consultation with the applicant and the parking management strategy had been altered from Pay on Foot (with barrier access) to Pay and Display with no barrier. In addition, the removal of the parking bays along the frontage of the

development would not take place. The applicant was to submit revised plans detailing the changes which were to be included and conditioned as approved plans. In light of the revised parking management strategy, the highway authority recommended no objection subject to the conditions.

The Planning Manager reported that Norfolk Fire and Rescue Service did not propose to raise any objections providing the proposal met the necessary requirements of the current Building Regulations. Historic Environment Service Strategy commented that on currently available information, redevelopment of the site would not have any significant implications for the historic environment in terms of below- ground archaeology and they would not make any recommendations for archaeological work. The Heritage Statement submitted with the application dealt mostly with matters relating to built heritage. Consideration of this Heritage Statement was a matter for the Great Yarmouth Borough Council conservation officers.

The Planning Manager reported that Historic England had responded that the application sought consent for the redevelopment of the Marina Leisure Centre involving the demolition of the existing leisure centre and the erection of a new two storey health and fitness centre. The site lied between the seafront and Marine Parade and within the Seafront Conservation Area. This encompassed much of the historic seafront and a variety of historic buildings built, as the town developed, as a thriving resort, including terraced houses and distinctive resort buildings such as the Empire and Marine Arcades. The survival of a number of these buildings made this a highly significant area. The Marine Leisure centre occupied a large site between Marine Parade and the beach. The building itself was a substantial building, two storeys in height with a large footprint. The building dated from the 1980s and its demolition offered an opportunity to reconsider how this large site was used and to enhance the conservation area.

The Planning Manager reported that historically, development was concentrated along the landward side of Marine Parade allowing views out to sea. There was some resort development on the seaward side, notably around the piers and winter gardens and prior to the construction of the existing leisure centre, a lido. The siting and scale of the existing leisure centre was at odds with this, blocking views out to sea and detracting from the historic buildings on the seafront. The proposed replacement of the Marina Centre with a building of a much smaller footprint and lower in height would open up more of the sea views. To the south, it would allow sea views from Maritime House. In terms of materials, whilst the use of render and glass might create a lighter appearance than that of the existing building, the large expanse of unrelieved walls at a higher level added to the bulky nature of these parts of the structure. The development included parking areas to the north and south, the latter being particularly large. The treatment of the public realm including car parking on the sea front was particularly important and consideration should be given to the appearance of this area both when it was occupied and

when it was empty.

The Planning Manager reported that National Planning Policy Framework required that local planning authorities took account of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets could make to sustainable communities including their economic vitality and the desirability that new development made a positive contribution to local character and distinctiveness. The redevelopment of the leisure centre offered potential to enhance the significance of this important conservation area which celebrated the heritage of the seaside resort. The proposals sought to reduce the presence, and therefore impact, of a building on this location which was to be supported.

The Planning Manager reported that Historic England was supportive of the proposal to redevelop the site but had some concerns that the proposals did not secure a sufficient level of enhancement in terms of the historic environment and advised us that further information should be provided, and more consideration be given to this.

The Planning Manager reported that the Local Lead Flood Authority (Norfolk County Council) had not initially commented as it was below their threshold to comment. Given the local concern raised in the consultation response the LLFA were requested to review the application again which they had agreed to do. The Planning Manager reported that this proposal did not have a safe means of access in the event of flooding from all new buildings in the area wholly outside the flood plain (up to a 0.5% (1 in 200) annual probability including climate change flood event). There were no objections to the proposed development on flood risk assess safety grounds because an Emergency Flood Plan had been submitted by the applicants but the application should be determined on its adequacy to ensure the safety of occupants; compensatory storage was not required; A Flood Evacuation Plan had been proposed and was necessary to ensure the safety of the development in the absence of safe access with internal flooding in the 0.1% (1 in 1000) annual probability flood level including climate change event.

The Planning Manager reported that Anglian Water had reported that the foul drainage from this development was in the catchment of Caister Pump Lane Water Recycling Centre that would have available capacity for these flows. The Local Planning Authority should seek the advice of the Local Lead Flood Authority (LLFA). They had requested a condition requiring a drainage strategy covering the issue(s) to be agreed. "No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority to prevent environmental and amenity problems arising from flooding."

The Planning Manager reported that Natural England had no comments to make on this application. Natural England had not assessed this application for impacts upon protected species. The Royal Society for the Protection of Birds (RSPB) reported that given the location of the development, the RSPB had no comments to make, but would expect the Council to deliver net gains for biodiversity and ensure that impacts on the Great Yarmouth North Denes Special Protection Area and Site of Special Interest had been fully considered in this application.

The Planning Manager reported that in planning terms, the use of the site will remain the same (Use Class D2 – Assembly and Leisure) but the design and quality of the facility will be a significant improvement on the existing facility.

The Planning Manager reported that any redevelopment of an existing site will result in short term loss of facilities, but the long term benefits of new fit for purpose facilities for the 21st century outweigh the short term impact. The primary purpose of this development is to deliver community sport and as such Sport England is satisfied that it will fulfil the benefits to community sport identified above. The application has identified the potential for this facility to be used for community sport, and this is reflected in its design, location and intended hours of operation

The Planning Manager reported that this being the case, Sport England offered its support for this application, as it is considered to meet Objectives 2 and 3 as set out above, in that it provides new enhanced facilities for local residents and visitors to Great Yarmouth, and Paragraph 97 of the NPPF which sought to ensure that any lost facilities were replaced by equivalent or better provision in terms of quantity and quality, and in a suitable location.

The Planning Manager reported that Building Control had stated that the proposal has been assessed for building regulation compliance purpose at some length and the building appeared to be compliant.

Local Plan Part 1 – Core Strategy policies of relevance to the proposal:-

CS8 – Promoting tourism, leisure and culture

The Council aims to support and encourage a year round tourism offering, supporting proposals which meet changes in consumer demands.

CS6 – Supporting the Local Economy

The Council will work to ensure that the conditions are right for new and existing business to thrive and grow, and to make the local economy less seasonally dependent

CS9 – Encouraging well-designed, distinctive places

The Council will ensure that new developments are of a high quality and both draw inspiration from and respect the location

CS10 – Safeguarding local heritage assets

The Council will promote the conservation, enhancement and enjoyment of the historic environment.

CS11 – Enhancing the natural environment

The Council will support the improvement of the borough's natural environment and work to avoid any harmful impacts of development on biodiversity, geodiversity, landscape assets, priority habitats and species

CS13 – Protecting areas at risk of flooding or coastal change

The Council will ensure a sustainable and practicable approach to flood risk and coastal change and ensure development does not increase the risk of flooding elsewhere.

CS15 – Providing and protecting community assets and green infrastructure

The Council will resist the loss of important community facilities and/or green assets unless appropriate alternatives are provided; support will be given to the development of community facilities, including mixed community uses in the same building. Furthermore the Council will promote healthy lifestyles by ensuring the continued access to sports facilities and will safeguard the natural beauty, openness and recreational value of the borough's beaches and coastal hinterland.

CS16 – Improving accessibility and public transport

The Council will work together with partners to make the best use of and improve existing transport infrastructure, with a focus on better management and the provision of sustainable transport options.

CS14 – Securing appropriate contributions from new development

The Council will ensure that all new development militates against any extra pressure placed on existing infrastructure.

CS1 – Focusing on a Sustainable Future

When considering development proposals, the Council will take a positive

approach, working positively with applicants and other partners to jointly find solutions so that proposals that improve the economic, social and environmental conditions of the borough can be approved wherever possible.

Remaining 'Saved' Policies from the former 2001 Great Yarmouth Borough-Wide Local Plan of relevance to the proposal

Policy TR4: states that proposals to change the use of tourist facilities, attractions or accommodations to non-tourist-related uses in Primary Holiday Accommodation and Primary Holiday Attraction areas will not be permitted

TR21 – Great Yarmouth Seafront

The whole site is situated within the Great Yarmouth Seafront Area which aims to enhance and protect the Golden Mile as the main focus of the borough's traditional tourist industry.

TCM20 – Urban public parking improvement

The whole site is also situated within the Urban public parking improvement area where the council will work towards improving the public parking provision through the identification of new parking sites, potential park and ride and temporary parking areas

SHP14 – Retail and food and drink uses in prime commercial holiday areas

Subject to size, within the prime commercial holiday areas the conversion or redevelopment of properties to provide class A1 or A3 uses will be permitted.

TR5 – Character of holiday areas

The Council will ensure that existing holiday areas are not spoilt by over development. Proposals for uses that are likely to generate significant levels of noise or disturbance or operate at unsocial hours will only be permitted in the prime commercial holiday areas.

TR7 – New visitor facilities in Prime Commercial Holiday Areas

Proposals for new visitor attractions may be permitted in the prime commercial holiday areas of Great Yarmouth and will be assessed with particular regard to scale, design, and relationship to other uses, landscape, traffic and residential amenity.

REC11 – Protection of community and street scene

The Council will refuse proposals which would erode the provision of land which contributes positively to the community or street scene, particularly in areas identified on the proposals map.

INF16 – New development within coastal areas

The Planning Manager reported that when considering applications for areas which may be susceptible to marine erosion and associated land instability the council will require evidence that the proposal would not be adversely affected by marine erosion or land stability and that the proposal would be capable of withstanding any anticipated erosion/instability.

Draft Local Part 2 - Seafront Policy This policy option has no real status at present, but provides an indication of the Council's developing thinking about the future of the area.

Great Yarmouth's 'Golden Mile' and seafront area, as defined on the Policies Map, will be sustained in its role as the heart of one of the country's most popular holiday resorts. Investment will be encouraged to maintain and improve this area, with a focus on:

- a) Maintaining vibrant and visually active ground floor frontages in tourism and related uses
- b) Promoting high quality design
- c) Conserving the seafront's heritage assets
- d) Encouraging the active use of upper floors
- e) Encouraging investment in major new facilities
- f) Maintaining and improving the public realm and the area's open spaces
- g) Resisting uses and designs which would detract from the above
- h) Managing access and traffic

Policy TR21 is a policy which seeks to conserve the Great Yarmouth Seafront Area and refers to the Golden Mile as the seafront between Euston Road and the Pleasure Beach. It is only the Policy text which is saved and not the explanatory text).

Policy CS8 concerns the promotion of tourism, leisure and culture.

The reduced building footprint offers the potential to improve access to the facility with more cycle stands (for up to 110 cycles) and increased vehicle parking (a net gain of 91 parking spaces). This will greatly improve accessibility in accordance with Policy CS16. The proposed surface car park area was quite large. Tree planting on the northern section will help to break up this area, but the southern section would greatly benefit from further planting to reduce its visual impact along the beach front. The aims of the Great Yarmouth Borough Council 'Sport, Play and Leisure Strategy' (2015), a key evidence document setting out the Borough's sport and leisure requirements, are broadly met by this proposal, particularly in terms of improved quality and accessibility of facilities.

The site was brownfield with the proposal providing a replacement leisure facility, albeit that the scale of the new building is notably smaller. As part of this transition there will be a resulting loss of some uses and users of the existing facility, such as indoor bowls. The new facility offers improved

accessibility for visitors with families and disabilities with new toilets and changing rooms. Overall this facility meets the aims of Policy CS8 in promoting tourism, leisure and culture.

In strategic planning terms, the proposal was considered to be broadly policy compliant. While the replacement facility does not match the existing building in size and will lead to the loss of some activities such as indoor bowls, it does generally seek to improve the quality, variety and accessibility to meet the latest sport and leisure needs. There was no local planning policy which considers the potential redevelopment of the Marina Centre. The site was essentially a brownfield site and the redevelopment for a similar use. The developer was committed to using energy efficient measures as part of the development, which included the potential use of air/ground source pumps but the details have not been finalised. So if approved, it was suggested that this is conditioned as part of the consent.

The Planning Manager reported that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test along with the site-specific flood risk assessment addresses the development. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. As the proposal is for the redevelopment of an existing site by replacing the existing building the Sequential Test will not be required. The Exception Test, as set out in paragraph 160 of the Framework, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. There are two requirements to meet for the Exception Tests.

The planning Manager reported that the flood risk assessment provided with the planning application, takes account of climate change implications and more modern data sets which were not available at the time the original Marina site was developed. The development taking into account the proposed finished floor levels will make the proposal far more resilient in a flood event than the existing building. If the application is approved – it is recommended that the recommendations in the flood risk assessment to manage flood risk in the event of a flood event which including finished floor levels; flood resilience measures and a flood management plan are conditioned as part of the grant of planning permission highlighted in the Environment Agency consultation response. On this basis the exception test is considered to be met.

The Planning Manager reported that in terms of the site area shown for kiosk “this was in an allocation site for a kiosk rather than a kiosk that the Council intended to install. The design for any kiosk in this location would be put forward by any prospective tenant and consideration would then be given to any operating requirements. We were aware of the position with the ramp and the location of any kiosk will be mindful of this” In reply to the proposed use the intention is for a A1 Use for the example the sale of ice cream.

The Planning Manager reported that concern over potential surface water flooding was a planning matter. The surface water drainage plan and details submitted with the application showed that there was an existing surface water pipe running through and from the Pirates Cove on to the application site. The application form stated that the surface water as with the foul drainage would discharge via the mains drainage system. The drainage report stated that surface water drainage would be improved by the implementation of appropriate Suds measures and that the strategy will be developed at the next phase of development.

The Planning Manager reported that the applicants had submitted an outline draft construction highways management plan which included suggested routes that vehicles would take to and from the site. Research had also been undertaken into local traffic movement to ascertain peak periods of traffic movement along the suggested routes with the aim of restricting vehicles associated delivering to the site to certain times of the day and outside of those identified peak periods. Alongside this it was suggested that a condition restricting the hours of construction work to 07:00 to 18.30 Monday to Friday and 8:00 to 13:00 Saturdays with no working on Sundays in accordance with the working hours suggested by the applicant.

The Planning Manager reported that Under Section 70(2) of the Town and Country Planning Act 1990, the Council was required, when determining planning applications, to have regard to any local finance considerations, so far as material to the application. Local finance considerations were defined as a government grant, such as new homes bonus or the Community Infrastructure Levy. It was noted that the Borough of Great Yarmouth did not have a Community Infrastructure Levy. Whether or not a local finance consideration was material to a particular decision, it would 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. It was assessed that financial gain does not play a part in the recommendation for the determination of this application.

The Planning Manager reported that the decision as to whether the proposal conflicted with policies of the Development Plan would be a matter of planning judgment for officers and the committee. The weight that the Committee gives to the policies as material considerations in the decision making process would be for Members to decide.

The Planning Manager reported that comparison with the pre-application consultation undertaken by Council and its agents, there had been few real objections to the principle of a new sport and leisure facility. It would appear that the pre-application engagement with interest groups, particularly in terms of the facilities and accessibility, had been successful and this was borne out in the response from Sport England who was supportive of the proposal and welcomed by the various interest groups they represented. In conclusion, the new facility and building was considered a welcomed addition to the seafront and community benefit. The Planning Manager reported that the application was recommended for approval.

The Senior Planning Officer read out an objector statement which was not included in the agenda report.

Mr Cadenet, agent, Space & Place, reiterated the salient parts of the application to the Committee and asked that they approve the application.

Members reported that they were in favour of the application but had reservations that there was not a sloped access into the main pool for disabled users and asked that this be re-looked at by the design team.

The Ward Councillors reported that they did not wish to speak on the application.

RESOLVED:-

That application number 06/19/0471/F be approved. The application was considered to be compliant with Core Strategy Policy CS8 and CS15 for the reasons stated above; in addition, the demolition of the existing building and the erection of the new building was considered to enhance and preserve the character of the Conservation Area nor harm the setting of the nearby Listed Buildings. It was recommended that planning permission was subject to conditions to provide a satisfactory development, many of which were referred to in the above report/minutes.

The application would be subject to referral to the Secretary of State in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 because of the scale of the development (over 5,000sqm) and its location before a decision can be issued on the application.

The Committee received and considered the report from the Planning Manager.

The Senior Planning Officer reported that the proposal sought the replacement of current sports field & tennis courts with a new artificial grass pitch with associated flood lights, ball stop fencing, hard standing areas and a new pavilion. The site was currently part of East Norfolk Sixth Form College and this proposal would represent a shared community facility. The proposal for new community facilities such as this would represent an improved facility compared to Emerald Park, Gorleston FC's current football ground; and supported the aim of this NPPF policy, with this being a shared facility between the football club and East Norfolk Sixth Form College.

The Senior Planning Officer reported that the application details stated that the pitch would provide facilities for curriculum use, match play and training at East Norfolk Sixth Form College, in addition to becoming the new home for Gorleston Football Club and local junior and youth football clubs. The use of the facilities, as a shared community use, was in accordance with the National Planning Policy Framework and was supported by local policy with specific reference to policies CS8 and CS15 of the Core Strategy.

The Senior Planning Officer reported that the scale of the development was detailed within the design and access statement and submitted plans, the statement listed the sizes as follows:

Artificial grass play – 7420 m² Hardstanding – 1605 m² Pavilion building 327 m².

Total = 9352 m²

The hardstanding area included additional parking following consultation with Highways.

Open Steel mesh ball stop fencing and gates around entire perimeter – 4.5m
Open steel mesh fencing and entrance gate connecting AGP to the pavilion – 2m
Perimeter barrier and entrance gates within fenced enclosure 1.2-2m
Acoustic barrier at southern and eastern AGP perimeter – 3.5m
Height of floodlights 15m
Equipment store height 2.59m
Covered spectator grandstand typically 3.08m.

The Senior Planning Officer reported that there had been objections to the application primarily on the grounds of parking and the pressure that would be placed upon the local road network by the facility. Local knowledge suggested that there had been previous contention between the Sixth Form College students and the local residents which had resulted in a parking limitation being in place at Spencer Avenue restricting parking between set times. Local residents had stated that the use proposed would exacerbate an existing

problem with parking, cause anti-social behaviour and be prejudicial to highway safety.

The Senior Planning Officer reported that the Highway Authority required that the red line plan be changed to demonstrate that parking would be available on site and to ensure that this could be conditioned as such. The amended red line plan included the parking spaces at the College and stated that there would be 144 spaces with an additional 5 accessible spaces. Following the receipt of the amended plans, Highway commented as follows:

As my earlier response indicated, the parking does accord with current parking standards and whilst noting that the applicant states that the on-site parking provision will be made available exclusively for Gorleston FC on match days and supervised by match day stewards, no evidence of any formal agreement in this respect has been provided, nor what element of parking will be available for the Community Football and football training use of the proposals. I appreciate that at this stage, a formal agreement may not have been secured, but I am of the opinion that such a formal agreement needs to be secured and conditioned in any consent that may be granted. Whether this needs to be formalised under a Section 106 Agreement for example, I will leave for the LPA to determine the appropriate mechanism.

In accepting that the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, I am of the opinion that this development would not give rise to such factors and therefore could not sustain an objection on highway grounds. However, whilst raising no objection, this is subject to the on-site parking provision shown and referred to in the application being solely available for Gorleston FC's home fixtures and an appropriate parking provision for Community Football use and football training.

Accordingly I would recommend that conditions be attached to any grant of permission your Authority is minded to make, and I would suggest the following:-

The above consultation response demonstrated that the Highway Authority, subject to the conditions listed at paragraph 2.2 of this report, are satisfied that there is no reason to refuse the application on highways grounds. The required conditions can be secured by planning condition to ensure that parking is available at the required times. As noted by the Highway Authority the site is well served by public transport and is a sustainable location. While it is understood that there may be concerns that the application will create additional parking and disruption within the locality the Highway Authority have stated that the parking provision is sufficient given the location that a recommendation for refusal on highway grounds would not be in accordance with the National Planning Policy Framework Paragraph 109.

Sport England had come back with a comprehensive comment in support of the application. Their comments detail the involvement that had been

undertaken to secure a multipurpose site which would provide enhanced replacement facilities which were required owing to the future loss of the facilities at Emerald Park. Sport England noted within their response that they were not commenting on or supporting the loss of the existing facilities which was subject to a separate application. The application that this report was making recommendation on was a stand-alone application and should be decided on merit.

The Senior Planning Officer reported that the proximity of the site to residential dwellings had been a source of objection from some local residents. The application had received four consultation responses from Great Yarmouth Borough Councils Environmental Health Officers and there were no objections to the application. All of the responses looked at the light that will be produced by the floodlights which were required to illuminate the pitch and all responses came back with no objection. Additional comments went into detail regarding the lighting, stating that the levels of light spillage were within the levels of tolerance and were acceptable in Environmental Health terms.

The Senior Planning Officer reported that two of the response from Environmental Health required the attendance to be limited to no more than 250 spectators, although one response was simply reiterating the first, as a curtesy. The number of spectators was put to Environmental Health as a specific query and the consultation that came back did not require a limitation on numbers of spectators. The information submitted in support of the application stated that the normal numbers of spectators were 150-250 and occurred during the first team games. It was acknowledged that there were derby matches and matches against Norwich City Football Club which could attract up to 800 spectators. However, the application acknowledged that these were special events as opposed to the norm. Given that the officer that was required to comment on this aspect specifically came back without requiring the limitation on numbers, this is the response that was deemed most relevant for the purpose of determining the application. It was noted and accepted that the development would cause noise and that a noise management plan, in addition to the fencing, should be conditioned as per the response from Environmental Health.

The Senior Planning Officer reported that in addition to the noise management plan, a condition should be placed upon any grant of planning permission that members were minded to make, stating that no loudspeaker, amplifier, relay or other audio equipment including musical instruments (whether acoustic or amplified) should be installed or used on the sports pitch site outside the pavilion building. It was noted that the applicant would like limited amplification for the calling of scores and players names with additional information provided as follows:

When Gorleston FC play league fixtures at the new facility, a public-address system is required to satisfy non-league football stadium requirements; which should be clearly audible in all those areas of the ground which can be occupied by spectators. However, this public-address system is only required during league and cup fixtures and will therefore only be used on Saturday

afternoons and on Tuesday and Thursday evenings. The use of the public address system for league requirements would appear crucial to the club staying in their designated league. When assessing the application the balance between the benefits of the application and the impact on local residents must be carefully assessed. It is noted that the use of amplified sound will be limited in duration and days and Environmental Health have been asked with specific reference this aspect to provide an expert opinion which is not available at the time of writing. Should the application be approved with this limited amplified sound use it is accepted that Environmental Health have powers to take action against noise nuisance if required at a later date. The noise management condition above would also be placed upon any grant of permission to enable early action to be taken by the club if required. When assessing the impact of the amplified sound the applicant has stated by way of additional information that:

Roughly 80% of fixtures will be scheduled for Saturday's (with a 3pm kick off) and the remaining matches will be scheduled for either a Tuesday and Thursday evening. The statement that the vast majority of the matches are played on a Saturday afternoon further mitigates the impact of the announcement system which will be audible externally. The Senior Planning Officer reported that the use of the site shall also be limited to that shown on the application form to reduce noise outside of these hours. The hours proposed are as follows:

Monday to Friday – 09:00 – 22:00 Saturday – 10:00 – 20:00
Sunday and Bank Holidays – 10:00 – 20:00

The Senior Planning Officer reported that in addition to the sporting uses, the application also included a pavilion which will be utilised as the clubhouse for Gorleston Football club. The applicant had also helpfully confirmed the restricted uses that will occur at the site as follows:

'We are pleased to confirm there is no intention to use the football pitch for any activities other than football training and matches and any non-football events will be run in the clubhouse as an essential income stream for Gorleston FC, any these events will always be indoors within the pavilion.' The statement confirms that while the pavilion shall be made available as a revenue stream this use shall be limited to the pavilion only and shall be conditioned, in accordance with the amplified noise condition, to remain within the building only.

The Senior Planning Officer reported that the application site was a sustainable location and would offer community benefits to the area and an improved facility for the use of the College, the club and associated users which was in accordance with local and national planning policy. The application was recommended for approval.

Councillor Fairhead, Ward Councillor, reported that she had not been contacted by many local residents regarding the proposal. She, herself, had concerns regarding lighting, noise pollution and parking, but if these were

monitored carefully, the proposal would be a big win for the community.

RESOLVED:-

That application number 06/18/0533/F be approved as the development will impact the character of the area and have an effect on the living conditions of existing residents by additional highway use and parking, noise and movement of persons. When assessed on balance the benefits of the development to the wider community by the provision of an upgraded sporting facility outweigh the harms that look to occur. To approve in accordance with conditions as requested by statutory consultees and those to ensure an adequate form of development. The application complies with policy CS8 and CS15 of the Core Strategy.

7 APPLICATION 06-18-0436-O - NEW HOUSE (LAND ADJ) OFF ROLLESBY ROAD, FLEGGBURGH

The Committee received and considered the report from the Planning Manager.

The Senior Planning Officer reported that the application was an outline application with some matters reserved, access, scale and layout formed part of the application with landscaping and appearance to be decided by reserved matters application. Appearance would need to be carefully considered should the application be approved in order to promote an attractive form of development which did not adversely affect the character of the area giving special consideration to the proximity of the Broads Authority Executive Area. When assessing the application, the impact on the Broads Authority was a material consideration that holds substantial weight. The scale of the development was appropriate and respected the setting, with specific reference the retention of all trees on site which provided natural screening between the development and the Broads Authority Executive Area.

The Senior Planning Officer reported that according to the draft Local Plan Part 2, Fleggburgh was one of the largest and best-served secondary village in the Borough, with facilities including a primary school, GP surgery and sports club/gym. The settlement was located along the A1064, inland 6 miles north-west of Caister-on-Sea. The village was adjacent to Filby Broad which further encouraged its attraction as a tourist destination, with a wide range of holiday cottages, and a camping and caravan park.

The Senior Planning Officer reported that the application site was bounded on three sides by low density housing, separated to the south and east by a narrow road way. To the north of the application site, were open fields utilised as agricultural land. The application site was designated as Grade 1 agricultural land and partly comprised a bowling green. The design and access statement had noted that the bowling green was no longer in use but does not

identify how long it had been redundant for. The land was within private ownership and had no designation within the Local Plan. Part of the site was located within Flood Zone 2 and as such, a flood risk assessment had been submitted in support of the application. The flood risk assessment concluded that:

- The site is located within Flood Zone 1 and 2.
- There is a low risk to the site from fluvial sources.
- As a precaution a warning and evacuation strategy has been developed within this assessment. It is proposed that the occupants register with the Agency's Flood Warnings Direct and prepare a Family Flood Plan.
- Safe (dry) refuge at the site is available during the flood event.
- Safe access/egress can be achieved via Rollesby Road.
- It is considered that there is a low risk of groundwater flooding at the site from underlying deposits and a very low risk of surface water flooding and artificial sources.

The Senior Planning Officer reported that only a section of the development site was within Flood Zone 2, the remainder of the site was located within Flood Zone 1, so the discussion on the flood risk was in relation to the section of the site within Flood Zone 2. The Core Strategy, at CS13; a), sought to direct development away from areas identified as being at high risk of flooding. There had been no comment from the Environment Agency, who were consulted with regard to their assessment of flood risk. They assessed the consultation as 'returning without comment'. The lack of response from the Environment Agency does not automatically allow for the assumption that the site was safe and should be developed. The Local Authority were still required to assess the site for suitability for development.

The Senior Planning Officer reported that there have been a number of applications and approvals for development within the village of Fleggburgh, so when assessing the site sequentially against other available sites, the extended area should be considered. Great Yarmouth had a housing land supply of 2.55 years, it could be reasonably assessed that there were limited development sites available that were not within flood areas given the limited availability of development sites. Whilst development should be situated away from flood zones, the development in this instance, was not all within a flood zone and had been assessed within the submitted Flood Risk Assessment as having a dry route to land not within the flood zone. The submitted Flood Risk Assessment did not recommend the raising of finished floor levels to avoid the flood risk and had found that the houses that were located within flood zone 2 had safe land within the dwelling.

The Senior Planning Officer reported that objectors had stated that the development as proposed would disturb bats within the area. The land as existing, was agricultural land with no trees proposed to be removed. The absence of loss of any areas for roosting made the potential for disturbance minimal, although it would be of benefit to restrict external lighting to ensure that the development does not cause excessive light pollution. In addition to the restriction of external lights, should the development be approved,

measures to ensure that protected species were not disturbed should be investigated and adopted.

The Senior Planning Officer reported that although, not in relation to the application, information cited as 'Tretts Lane' survey had been submitted detailing the results of a Bat Survey. The survey demonstrated that there were bats in the locality by number of sightings; however, it was not verified or put forward with any context of disturbance or impact. While it was valuable to acknowledge that the area had bats foraging, in the absence of context, it was difficult to assess that the application would have an adverse impact on the bats within the area. As per the above paragraph, planting, restrictions on lighting and biodiversity improvements should be included within the scheme.

The Senior Planning Officer reported that the development gave the opportunity for biodiversity enhancements which could come through at reserved matters stage. Enhancements included planting which could include trees that had a long-life span and could provide future roosting locations, bat and bird boxes erected on the dwellings to encourage protected species to the area and, with specific regard to bats, planting of night smelling flowers as part of the landscaping scheme. In addition, the fences should have gaps or holes provided to allow for the free movement of hedgehogs to mitigate the loss of open habitat.

The Senior Planning Officer reported that the application site was within 400m of a designated site and as such, the applicant had been required to submit details of drainage methods to ensure that the application site would not have an adverse impact on the designated site through hydrological links. The information submitted had been assessed internally and by Norfolk County Council, to ensure that there would be no significant impact through the hydrological links. In addition, a bespoke Habitat Regulation Assessment had been submitted and accepted by the Local Authority as Competent Authority (as detailed above in the report).

The Senior Planning Officer reported that there had been objections to the application on the grounds of highway safety with reference to the access and the resulting increase in traffic from the development. Norfolk Highways were satisfied, following the submission of additional drawings, that the visibility splay could be provided and that the access and internal layout was acceptable. There were no highways objections to the application from Norfolk County Council subject to conditions being applied to any grant of planning permission.

The Senior Planning Officer reported that the NHS had stated that they had concerns over the development's impact on their local surgery and asked for more time within which to carry out consultation on the impacts. There had been further comment from the NHS in May 2019 stating that they had nothing further to add to their previous comment. While it was understood that development puts increased pressure on service providers, in the absence of any additional information regarding the concerns or additional information, the

weight that could be placed upon the objection was limited. Although it was unusual to comment on separate applications during an assessment, given that they were decided on merit, in this instance it was noted that the NHS was consulted on an application for 33 dwellings within very near proximity and, with a response having been due at the end of August, there had at the time of writing, been no comments received.

The Senior Planning Officer reported that the application was an outline application. Having discussed this with the agent for the application, they had confirmed that there were developers interested in bringing the site forward and they envisaged an early start date. Whilst there can be no certainty of eventual delivery, the asserted developer interest was useful to know and this went towards demonstrating that the site could be delivered. It was recommended that should the application be approved, there was a condition placed on the permission requiring that reserved matters were submitted within 12 months of the decision being issued.

The Senior Planning Officer reported that an important factor when determining applications is whether a Local Authority has the ability to demonstrate a five-year housing land supply. If a Local Planning Authority cannot show that they are meeting this requirement, their policies with regards to residential development would be considered to be "out of date". There was currently a housing land supply of 2.55 years (as at the end of year 2017/2018) which was a substantial shortfall. In addition, the publication of the first Housing Delivery Test figures in February 2019 showed that the Borough had not seen delivery of 75% of the housing requirement over the previous three-year period. Although this does not mean that all residential developments must be approved, the presumption in favour of sustainable development must be applied.

The Senior Planning officer reported that in weighing the material considerations in this application considerable weight must be given to Paragraph 11 (d) of the National Planning Policy Framework stated that where the policies which were most important for determining the application were out- of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits. Footnote 7 stated that "this included, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicated that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years." In the case of *Wavendon Properties Ltd v SoS for Housing, Communities & Local Government* plus Another (June 2019, reference [2019] EWHC 1524 (Admin)), Mr Justice Dove made an important judgement on the correct interpretation of paragraph 11(d) of the National Planning Policy Framework (February 2019). Paragraph 11 (d) stated:

"Plans and decisions should apply a presumption in favour of sustainable development..."

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁽⁶⁾; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Senior Planning Officer reported that the implication of the Wavendon judgement was that there must: firstly be an assessment as to which policies of the Development Plan are most important for determining this planning application; secondly, an assessment as to whether each of these policies are, or are not, “out of date”; and thirdly, a conclusion as to whether, taken as whole, these most important policies are to be regarded as “out-of-date”. If, taken as whole, they are regarded as “out-of-date”, then the “tilted balance” of NPPF paragraph 11 applies (for a refusal to be justified, the harms must “significantly and demonstrably outweigh the benefits...”). If, taken as a whole, they are not regarded as out-of-date, then the tilted balance does not apply.

The Senior Planning Officer reported that the application site was a sustainable one being within a village with facilities, albeit limited facilities, and adjacent to existing residences, it cannot therefore be assessed as being isolated. There was a conflict with an in date policy of the Core Strategy, policy CS13 with reference to the site having an area of flood risk within. However, as per the information submitted and the assessment above, in this particular instance and taking into account the limited amount of space that was included within the flood zone, when looking at the site as a whole, it was assessed that the harms do not demonstrably outweigh the benefits of providing housing. There were also harms associated with the loss of Grade 1 agricultural land and the impact on biodiversity within the local area. Being farmed land, the biodiversity present on the site, in the absence of a policy requiring detailed information to be submitted, could be assessed as no harms occurring through loss of the land that would outweigh the need for housing. However, this was caveated by the need for additional enhancements that could be secured by way of condition.

The Senior Planning Officer reported that whilst various policies were of importance for determining the application (and these were highlighted above), the most important policy for the determination of the application was, Saved Local Plan Policy HOU 10, New Dwellings in the Countryside. This policy, which essentially dealt with settlement boundaries was clearly out-of-date and this confirmed that the “tilted balance” therefore applied.

The Senior Planning Officer reported that the application was not one that could be assessed without balancing the material considerations carefully. The lack of a 5 year housing land supply and the need to provide housing provided a material reason for approval in favour of the development and, it was assessed on marginal balance, that the harms identified do not significantly and demonstrably outweigh the benefits of providing housing.

The Senior Planning Officer reported that the application was recommended for approval subject to the conditions to ensure an adequate form of development including those requested by consultees and a one year condition for the submission of reserved matters and a s106 agreement securing Local Authority requirements of children's recreation, public open space, affordable housing and Natura 2000 payment. The proposal complied with the aims of Policies CS2, CS3, CS9, CS11 and CS14 of the Great Yarmouth Core Strategy.

Councillor P Carpenter raised concerns that part of the application site was within a Flood Zone 2. Councillor P Hammond asked for clarification of the width of the access road. Councillor A Wright highlighted that Fleggburgh Parish Council was in the process of working up a Neighbourhood Plan to give planning control back to the villagers.

Mr Duffield, applicant's agent, reiterated the salient areas of the application and urged the Committee to approve the application.

Mrs Docherty, objector, reported that she represented the concerns of thirty residents of Tretts Lane and she outlined their concerns and objections to the application and asked the Committee to respectfully refuse the application.

Councillor A Wright asked that a site visit be undertaken prior to the application being determined by Committee following the concerns raised by Mrs Docherty on behalf of the residents of Tretts Lane.

RESOLVED:-

That application number 06/18/0436/O be deferred pending a site visit.

8 APPLICATION 06-17-0697-F - WELLINGTON ROAD, PAMELA'S RESTAURANT, GREAT YARMOUTH, NR30 3JJ

The Committee received and considered the report from the Planning Manager.

It was noted that Councillors Annison, Fairhead, Freeman, P Hammond, Myers, A Wright & B Wright were present to determine this application as they had attended the site visit.

The Senior Planning Officer reported that this application had been deferred at the last meeting to enable a site visit to take place.

The Senior Planning Officer reported that this was a full application to demolish an existing garage and erect a pair of dwellings to the frontage of the site and a block of nine flats to the rear of the site. The development had undergone changes in design and the number of dwellings had been reduced to seek to overcome the concerns and incorporate the ideas of the Conservation Officer. The site was located within a conservation area and as such the benefit of the existing building to the amenity of the area must be assessed. The appearance of the building as existing did not provide an attractive addition to the area and could be said to detract from nearby buildings visual appeal. The existing building took up all of the floor area of the site and was a garage building which does not have any architectural value. There was no heritage reason for the retention of the existing building. The loss of the building and replacement with an attractive alternative could be supported when assessed under the Planning (Listed Buildings and Conservation Areas) Act 1990 s72 which stated that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The Senior Planning Officer reported that the two dwellings at the Wellington Road frontage were attractively designed and would enhance not only the conservation area but also the listed building to the north of the application site. The dwellings were three storeys and had a central arch to access the flats to the rear. The distance from the dwellings to the residential property to the south varied from approximately 2.24m – 2.44m (measured from scaled plans online). The neighbour at the southern boundary objected to the application in the original format owing to loss of light. The existing building was roughly the same distance away from the proposed development, although was not as tall, so there would be an additional loss of light through the proposed development owing to the increase in height. The loss of light was mitigated by the location of the proposed dwellings being to the north of the neighbouring dwelling. The loss of light was not assessed as so significant to warrant refusal of the application.

The Senior Planning Officer reported that there were objections to the flats owing to the proposed proximity to neighbouring properties. Through the applications process, the flats had been revised several times which has resulted in the current design. The design had been amended to reduce the number of dwellings and reconfigured to reduce the scale and massing. Owing to the locational proximity to the listed buildings and being situated within a conservation area, the design had been carefully considered to take inspiration from surrounding heritage assets, such as the nearby arch. The flats, in conjunction with the flats had a decorative arch defined by materials which would offer an attractive view through the entrance arch and add to the setting of the listed building. The materials would need to be of high quality to

ensure that the setting of the listed building, Pamela's, was enhanced. The design would improve the setting of the nearby and adjacent listed building and it was in accordance with s66 of the Planning (Listed Buildings and Conservation Areas) Act.

The Senior Planning Officer reported that the reduction in the height of the flats offering a central third floor comprising a single flat gives an attractive design which keeps the bulk of the development to a central point which reduced any impact on the adjoining properties. There were objections to the proximity of the development to the existing buildings, however, the reduction in scale and massing had reduced this to an acceptable level. The windows which were proposed would affect the privacy of the occupants of the properties to the north and south. However, given the built-up character of the area and the existing degree of overlooking this was not a significant adverse impact on the enjoyment of the buildings. The distance to the majority of the windows was increased as many of the buildings to the north and south were 'L' shaped and had windows to the east or west, with the main windows on the inset on the north or south elevations.

The Senior Planning officer reported that there have been concerns raised about parking for the proposed development from a neighbour. The comments from the Highways Officer stated that there was an internal configuration to provide four parking spaces to the two dwelling houses and adequate cycle storage for the flats. The Highways Officer was satisfied that this could be accommodated on site and that the flats do not require designated parking on site. The location of the development was a sustainable one and as such it was assessed that parking was not required to be provided on site.

The Senior Planning Officer reported that an important factor when determining applications was whether a Local Authority had the ability to demonstrate a five-year housing land supply. If a Local Planning Authority cannot show that they were meeting this requirement, their policies in regard to residential development would be considered to be "out of date". There was currently a housing land supply of 2.55 years. Although this did not mean that all residential developments had to be approved, the presumption in favour of sustainable development must be applied.

The Senior Planning Officer reported that the location of the development was a sustainable one and the land proposed to be developed was brownfield. Development on brownfield land was supported by paragraph 117 of the National Planning Policy Framework as being land that could be best used for the redevelopment of land for residential purposes. The application was a full application that demonstrated that the development was deliverable and could positively contribute to the Local Authority's Housing land supply.

The Senior Planning Officer reported that this application was recommended for approval.

Councillor A Wright reported that he had reservations regarding the frontage of the proposed development which was out of character with the streetscene. Councillor Myers noted the differences in the height of buildings in the immediate neighbourhood and felt that there was insufficient parking provided.

Councillor P Carpenter asked how the immediate neighbour would have access to make repairs to his property during the demolition of the garage and the disturbance he would endure during the build process.

RESOLVED:-

That the Committee approved application number 06/17/0697/F, subject to conditions to ensure an adequate form of development. The proposal complied with the aims of Policies CS2, CS9, CS11 and CS14 of the Great Yarmouth Core Strategy.

9 PLANNING DECISIONS MADE BY OFFICERS UNDER DELEGATED AUTHORITY AND BY THE DEVELOPMENT CONTROL COMMITTEE FROM 1 - 31 OCTOBER 2019.

The Committee received and noted the planning decisions made by officers under delegated authority and by the Development Control Committee from 1 to 31 October 2019.

10 OMBUDSMAN AND APPEAL DECISIONS

The Planning Manager gave an update on the East Anglian Way application which had gone to appeal. The Planning Inspector had dismissed the appeal on highways grounds and had not awarded costs.

Councillor Myers reported that Belton with Browston Parish Council were unhappy that planning application 06/19/0485/F had been approved by delegated officer decision. The Planning Manager agreed to look into this matter and respond directly to Councillor Myers.

11 ANY OTHER BUSINESS

The Chairman reported that there was no other business being of sufficient urgency to warrant consideration at the meeting.

12 EXCLUSION OF PUBLIC

The meeting ended at: 22:40