



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 22 September 2021

Time: 18:00

Venue: Assembly Room

Address: Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

AGENDA

CONTENTS OF THE COMMITTEE AGENDA PLANNING APPLICATIONS & CONDUCT OF THE MEETING

Agenda Contents

This agenda contains the Officers' reports which are to be placed before the Committee. The reports contain copies of written representations received in connection with each application. Correspondence and submissions received in time for the preparations of the agenda are included. However, it should be noted that agendas are prepared at least 10 Working Days before the meeting. Representations received after this date will either:-

- (i) be copied and distributed prior to or at the meeting – if the representations raise new issues or matters of substance or,
- (ii) be reported orally and presented in summary form by the Principal Officer of the Committee – especially where representations are similar to, or repeat, previous submissions already contained in the agenda papers.

There are occasions when the number of representations are similar in nature and repeat the objections of others. In these cases it is not always possible for these to be included within the agenda papers. These are either summarised in the report (in terms of numbers received) and the main points highlighted or reported orally at the meeting. All documents are available as 'background papers' for public inspection.

Conduct

Members of the Public should note that the conduct of the meeting and the procedures followed are controlled by the Chairman of the Committee or, if he/she so decides, the Vice Chairman. Any representations concerning Committee procedure or its conduct should be made in writing to either –

- (i) The Planning Group Manager, Town Hall, Great Yarmouth. NR30 2QF
- (ii) The Monitoring Officer, Town Hall, Great Yarmouth. NR30 2QF

DEVELOPMENT CONTROL COMMITTEE

PUBLIC CONSULTATION PROCEDURE

- (a) Thirty minutes only will be set aside at the beginning of each meeting to deal with applications where due notice has been given that the applicant, agent, supporters, objectors, and any interested party, Parish Council and other bodies (where appropriate) wish to speak.
- (b) Due notice of a request to speak shall be submitted in writing to the Planning Group Manager two days prior to the day of the Development Control Committee meeting.
- (c) In consultation with the Planning Group Manager, the Chairman will decide on which applications public speaking will be allowed.
- (d) Three minutes only (or five minutes on major applications at the discretion of the Chairman) will be allowed to (i) objectors together, (ii) an agent or applicant and (iii) supporters together, (iv) to a representative from the Parish Council and (v) Ward Councillors.
- (e) The order of presentation at Committee will be:-
 - (1) **Planning Officer presentation** with any technical questions from Members
 - (2) **Agents, applicant and supporters** with any technical questions from Members
 - (3) **Objectors and interested parties** with any technical questions from Members
 - (4) **Parish Council representatives, Ward Councillors and Others** with any technical questions from Members
 - (5) **Committee debate and decision**

Protocol

A councillor on a planning or licensing decision making body should not participate in the decision and / or vote if they have not been present for the whole item.

This is an administrative law rule particularly applicable to planning and licensing - if you haven't heard all the evidence (for example because you have been out of the room for a short time) you shouldn't participate in the decision because your judgment of the merits is potentially skewed by not having heard all the evidence and representations.

It is a real and critical rule as failure to observe this may result in legal challenge and the decision being overturned."

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest arises, so that it can be included in the minutes.

3 APPLICATION 06/21/0158/F - ALBION TAVERN PUBLIC HOUSE, 87 LOWESTOFT ROAD, GORLESTON **4 - 29**

Report attached.

4 APPLICATION 06/20/0571/F - FORMER VIRGIN MEDIA BUILDING, LOW ROAD, WINTERTON-ON-SEA **30 - 53**

Report attached.

5 ANY OTHER BUSINESS

To consider any other business as may be determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.

Reference: 06/21/0158/F

Parish: Gorleston

Officer: Mr G Bolan

Expiry Date: 21/04/2021

Applicant: Punch Partnerships (PML) Limited

Proposal: Proposed change of use from public house to convenience store, with extension, alterations to parking layout and hard landscaping.

Site: Albion Tavern Public House
87 Lowestoft Road
Gorleston

NOTE: Members should be aware that the comments and objections received to the application include submissions by a member of staff of the Council's planning applications team. The member of staff concerned has assisted with some of the administrative tasks involved in processing the application, but has had no part in the assessment or the determination of the application. This note is raised only to clarify matters should any such related enquiry be received by the Council.

REPORT

1. Background / History:-

- 1.1 Albion Tavern Public House occupies a large site on the corner of Lowestoft Road and Lower Cliff Road in Gorleston, the public house fronts onto both Lowestoft Road and Lower Cliff Road and is serviced by a large car park located to the rear, accessed from Lowestoft Road. The surrounding area is heavily residential with properties located on Lowestoft Road and Lower Cliff Road.
- 1.2 The application is for the conversion and extension of the public house to create a convenience store utilising the existing access, with associated alterations to the parking layout and hard landscaping.
- 1.3 The application relates to the current public house which has been in operation and was first licensed in 1884 and has been operated as a pub since. The pub use is proposed to be lost, partly due to the competition from an increase in similar establishments within close proximity to the Albion Tavern and being

operated as a wet-led pub when the demand for pubs has altered as the demand for operators to have operational kitchens has also increased in recent times. The Albion Tavern has recently been deemed unviable according to the Viability Study (February 2021) submitted with the application.

- 1.4 The proposal is to convert the existing public house into a convenience store with a single storey extension to the East elevation along Lower Cliff Road. The rear car parking area is proposed to be amended to provide 15 demarcated spaces with one of these spaces being allocated for disabled users. The proposal for the rear car park has been amended throughout the planning process to now include the delivery area within the car park to the rear, and sufficient space has been provided to allow deliveries to take place and for the delivery vehicles to turn and leave in a forward gear.
- 1.5 Albion Tavern is located at the southern end of Gorleston with the main town centre located 520m north of the site, it is considered that there are further establishments within close proximity to the Albion Tavern offering similar or a greater range of services, and a list has been compiled of establishments within 800m radius of the Albion Tavern, as below:
 - New Entertainer (322m)
 - Oddfellows Arms (322m)
 - Number 1 Bar & Kitchen (322m)
 - Mariners Compass (322m)
 - Cliff Hotel (483m)
 - King William IV (483m)
 - Celt (483m)
 - Feathers Inn (483m)
 - Dock Tavern (644m)
 - Green Bear (800m)
 - William Adams (800m)

2. Consultations :-

- 2.1 Norfolk County Highways – No objection subject to Conditions including:
 - Prior to the first use of the development hereby permitted visibility splays measuring 2.4 metres x 43 metres shall be provided to each side of the access where it meets the near edge of the adjacent highway carriageway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
 - Prior to the first use of the development hereby permitted the proposed access, on-site car and cycle parking, servicing/loading/unloading and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

2.2 Environmental Health – No objection subject to Conditions including:

- **Acoustic protection**

Before any air cooling or conditioning units are used on the premises, they shall be enclosed with sound-insulating material and mounted in such a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the local planning authority.

- **Store Deliveries**

No deliveries taken at or dispatched from the site outside the hours of:

7am and 7pm Monday to Friday

8am to 2pm on Saturdays

9am to 2pm on Sundays and Bank Holidays.

- **External Lighting**

No external lighting shall be erected unless full details of its design, location, orientation and level of illuminance (in Lux) provided have first been submitted to and agreed in writing with the local planning authority. Such lighting shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation. The lighting shall thereafter be implemented in accordance with the approved details and shall be retained as such thereafter.

2.3 Neighbours – 21 Objections/General Comments received – see comments attached within the Appendices.

3. Relevant Policies:

The following policies are relevant to the consideration of this application:

Core Strategy 2013 – 2030:

- CS1 – Focusing on a sustainable future
- CS7 – Strengthening our centres
- CS15 – Providing and protecting community assets and green infrastructure

Other material considerations:

National Planning Policy Framework (NPPF)

Paragraphs

- 7-14: Sustainable Development.
- 86-91: Ensuring the Vitality of Town Centres
- 124-127: Achieving appropriate densities

The following emerging Local Plan Part 2 (final draft) policies can also be noted, and these can be attributed significant weight in the decision making process

because the draft policies have been subject to formal examination and reached pre-adoption modifications stage:

- UCS7 – Amendments to Policy CS7 – Strengthening our centres
- R1 – Location of retail development
- C1 – Community facilities

The relevant parts of the adopted policy wording are provided below:

Policy CS1 – Focusing on a sustainable future

For the Borough of Great Yarmouth to be truly sustainable it has to be environmentally friendly, socially inclusive and economically vibrant not just for those who currently live, work and visit the borough, but for future generations to come. 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. To ensure the creation of sustainable communities, the Council will look favourably towards new development and investment that successfully contributes towards the delivery of:

- a) Sustainable growth, ensuring that new development is of a scale and in a location that complements the character and supports the function of individual settlements
- b) Mixed adaptable neighbourhoods, which provide choices and effectively meet the needs and aspirations of the local community
- c) Environmentally friendly neighbourhoods that are located and designed to help address and where possible mitigate the effects of climate change and minimise the risk of flooding
- d) A thriving local economy, flourishing local centres, sustainable tourism and an active port
- e) Safe, accessible places that promote healthy lifestyles and provide easy access for everyone to jobs, shops and community facilities by walking, cycling and public transport
- f) Distinctive places that embrace innovative, high quality urban design that reflects positive local characteristics and protects the borough's biodiversity, unique landscapes, built character and historic environment

Policy CS7 – Strengthening our centres

Overall, the majority of town, district and local centres within the borough are performing well, despite the national economic downturn. To enable them to continue to compete with centres outside of the borough, out-of-town retailers and the internet, the Council will:

- a) Focus future development and investment using the retail hierarchy in Table 12 below

Table 12: Retail Hierarchy

Classification	Location
Main Town Centre	Great Yarmouth
Town Centre	Gorleston-on-Sea
District Centres	Bradwell (Proposed) and Caister-on-Sea
Local Centres	Well defined groups of shops and services in the borough's villages and main towns, such as The Green, Martham; Bells Road, Gorleston and Northgate Street, Great Yarmouth

- d) Aim to improve the vitality and viability of our town and district centres by:
- Safeguarding the retail function and character of each centre. Primary, Secondary and Holiday Shopping frontages will be identified in the Development Policies and Site Allocations Local Plan Document where appropriate
 - Enhancing the appearance, safety and environmental quality of the centres
 - Encouraging a diversity of uses within each centre, enabling a wide range of retail, leisure, social, educational, arts, cultural, office, commercial and where appropriate, residential uses
 - Supporting small and independent businesses, including retaining and enhancing important local markets
 - Promoting the short and long-term reuse of vacant buildings
 - Enhancing the early evening economy
 - Improving access to the centre by sustainable modes of transport and encouraging multi-purpose trips
- e) Maintain and strengthen the role of local centres and local shops in the borough to better serve the day-to-day needs of local communities
- f) Ensure that all proposals for town centre uses outside defined centres demonstrate that there are no sequentially preferable sites available and that the proposal can be accessed by sustainable transport. Proposals over 200sqm (net) will also be required to submit a Retail Impact Assessment demonstrating that there will be no significant adverse impact on existing designated centres, including those beyond the borough boundary, such as Lowestoft

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

Everyone should have access to services and opportunities that allow them to fulfil their potential and enjoy healthier, happier lives. The effective planning and

delivery of community and green infrastructure is central to achieving this aim. As such, the Council will:

a) Resist the loss of important community facilities and/or green assets unless appropriate alternative provision of equivalent or better quality facilities is made in a location accessible to current and potential users or a detailed assessment clearly demonstrates there is no longer a need for the provision of the facility in the area

See also National Planning Policy Framework (NPPF) –

Paragraph 86 – Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation.

Paragraph 87 - Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 88 – When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Paragraph 90 - When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

(a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

(b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Paragraph 91 - Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.

For the avoidance of doubt, the following definitions are used in the NPPF:

- Town centre - Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.
- Edge of centre - For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.
- Out of centre - A location which is not in or on the edge of a centre but not necessarily outside the urban area.
- Out of town - A location out of centre that is outside the existing urban area.
- Primary shopping area - Defined area where retail development is concentrated.

Paragraph 127 - Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.

See also Emerging Local Plan Part 2 policies –

UCS7 – Amendments to CS7 – Strengthening our centres

Policy UCS7: Amendments to CS7 – Strengthening our centres

Great Yarmouth Town Centre Boundary

The Policies Map is amended by the re-alignment of the Great Yarmouth Town Centre Boundary.

Bradwell District Centre Boundary and Local Centres

Core Strategy CS7a), Table 12 is amended **as follows:**

<u>Classification</u>	<u>Location</u>
<u>Main Town Centre</u>	<u>Great Yarmouth</u>
<u>Town Centre</u>	<u>Gorleston-on-Sea</u>
<u>District Centres</u>	<u>Bradwell (Proposed), Beacon Park and Caister-on-Sea</u>
<u>Local Centres</u>	<u>Well defined groups of shops and services in the borough's villages and main towns, such as The Green, Martham; Bells Road, Gorleston and Northgate Street, Great Yarmouth</u> <ul style="list-style-type: none">• <u>In Great Yarmouth:</u><ul style="list-style-type: none">○ <u>Northgate Street</u>○ <u>St Peters Road</u>○ <u>Beresford Road</u>○ <u>Camden Terrace</u>• <u>In Gorleston-on-Sea:</u><ul style="list-style-type: none">○ <u>Bells Road</u>○ <u>Magdalen Way</u>○ <u>Lowestoft Road</u>○ <u>Church Lane</u>○ <u>Almond Road</u>

Supporting text to emerging policy UCS7 (officer emphasis added):

“1.21 On the basis of the current evidence published since the adoption of the Core Strategy, there is no longer a quantitative need for new food and non-food shopping floorspace. Consequently, there is not a requirement under national policy for the Council to specifically identify and allocate sites for new retail-led development, and therefore Policy USC7 deletes the previous existing retail requirement provided in Policy CS7b). Notwithstanding this, there is evidence of a limited number of locational requirements and accessibility deficits in localised shopping provision that will need to be addressed, including to support the delivery of some of the allocations in this Plan. Therefore, where market interest and demand does arise for new retail development, this will be supported in the town, district and local centres in accordance with the plans retail hierarchy in Policies CS7 (as amended), CS17, R1, R5 and BL1 and on the land allocated by Policy CA1 to create a new local centre in Caister and on the land allocated by Policy HY1 for small scale shopping facilities.”

Draft Policy R1: Location of retail development:

New main town centre use development (as defined by the National Planning Policy Framework) will be permitted within the designated centre boundaries. Where there are no suitable or available sites within the designated centre, proposals for main town centre use development which are otherwise in accordance with Policy CS7 (as amended by [draft] Policy UCS7) will be permitted on edge of centre sites.

For all main town centre uses proposed in Gorleston-on-Sea, Bradwell or Caister-on-Sea, edge of centre sites should be within 300 metres of the designated centre.

Where there are no suitable or available sites within designated centres or edge of centre sites, new town centre use development will be permitted on out of centre sites within the Development Limits providing it is otherwise in accordance with Policy CS7 (as amended by [draft] Policy UCS7), and:

- a. the location is accessible by public transport and is accessible to pedestrians and cyclists;
- b. the site has good links to the designated centre, or links can be improved.
- c. the proposed use either individually or cumulatively does not undermine the attractiveness or viability of the designated centres; and
- d. the site will not impact upon other neighbouring uses, in terms of traffic, parking and amenity issues.

In addition to the criteria above, development on out of centre sites which are also outside of Development Limits will only be permitted where:

- e. an additional need for retail development has been demonstrated to justify the development; and
- f. there is no suitable and available land within the Development Limits.

Draft Policy C1: Community facilities:

The retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth, will be encouraged.

Development leading to the loss of an existing community facility will only be permitted where it is demonstrated that either:

- a. it is to be replaced by a facility of equal or greater quality in a suitable location to meet the day-to-day needs of existing users; or
- b. the area currently served by it would remain suitably provided following the loss; or

- c. it is no longer viable or feasible to retain the premises in a community facility use as demonstrated by a marketing evidence which covers at least a 12-month period of marketing.

4. Public Comments received:

4.1 At the time of writing, there have been 21 objections/general comments received from residents close to the Albion Tavern and in surrounding areas; the issues raised are summarised as below:

- Parking
- Increase traffic flow
- Loss of pub
- Enough retail/commercial units in proximity within the surrounding area
- Noise related issues regarding deliveries and refrigerator units
- No space for large local community groups to meet

5. Assessment: -

Planning law (section 38(6) of the Planning and Compulsory Purchase Act 20014 and Section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the adopted local development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account as a material consideration in planning decisions.

5.1 The proposal

The application seeks to allow the conversion and extension of the public house to create a convenience store utilising the existing access, with associated alterations to the parking layout and hard landscaping. The convenience store will provide 372sq.m. internal floorspace, compared to the 331sqm of the pub, so represents a net increase of 41sqm, the increase will allow the net sales area to be 252sqm.

5.2 The application is to include changes to the hours of use compared to the hours of use of the public house.

5.3 There are proposed to be no deliveries outside the hours of:

- 07:00 to 19:00 hours on Mondays to Fridays
- 08:00 to 14:00 hours on Saturdays
- 09:00 to 14:00 hours on Sundays and Bank Holidays

5.4 The use is proposed to not open/operate outside the hours of:

- 06:00 to 23:00 hours on Mondays to Fridays
- 06:00 to 23:00 hours on Saturdays
- 07:00 to 22:00 hours on Sundays and Bank Holidays

Principle of Development – Loss of the public house use

5.5 Adopted Policy CS15 seeks to resist loss of community facilities unless alternative provisions or better-quality facilities is provided in a location accessible to current/potential users, or detailed assessment clearly demonstrates no longer need for provision of facility in the area. The proposal has seen a downturn in revenue as per the Viability Study of February 2021, the viability study goes onto declare the pub unviable. The Albion Tavern is located within 400m of the following alternative public houses.

- New Entertainer
- Oddfellows Arms
- Number 1 Bar & Kitchen
- Mariners Compass

400m is what is generally expected for local residents to be able to easily have walking access to bus links, retail and other services, so with this in mind the loss of this community facility is not going to adversely affect the local resident's ability to access a similar facility, with those listed above offering similar facilities and others providing further facilities (e.g. food and functions) for the local residents.

5.6 In line with emerging Local Plan Part 2 policy C1, an application for loss of community facilities is required to demonstrate; *"it is no longer viable or feasible to retain the premises in a community facility use as demonstrated by a marketing evidence which covers at least a 12-month period of marketing."* At the time of writing there has not been any substantial evidence provided of continuous marketing for a 12-month period, and the agent for the application has suggested the property has been marketed "sporadically" since May 2019 and provided a copy of the listing. Whilst no evidence has been provided in the way of interest or unsuccessful or successful offers within this period, the agent has described that: *"the Property was marketed from May 2019 until February 2021. During this period the only parties to register an interest in the property were developers that were interested in changing the use of the premises to retail."* This anecdotal submission may not fully address emerging policy C1(c) but does provide helpful context.

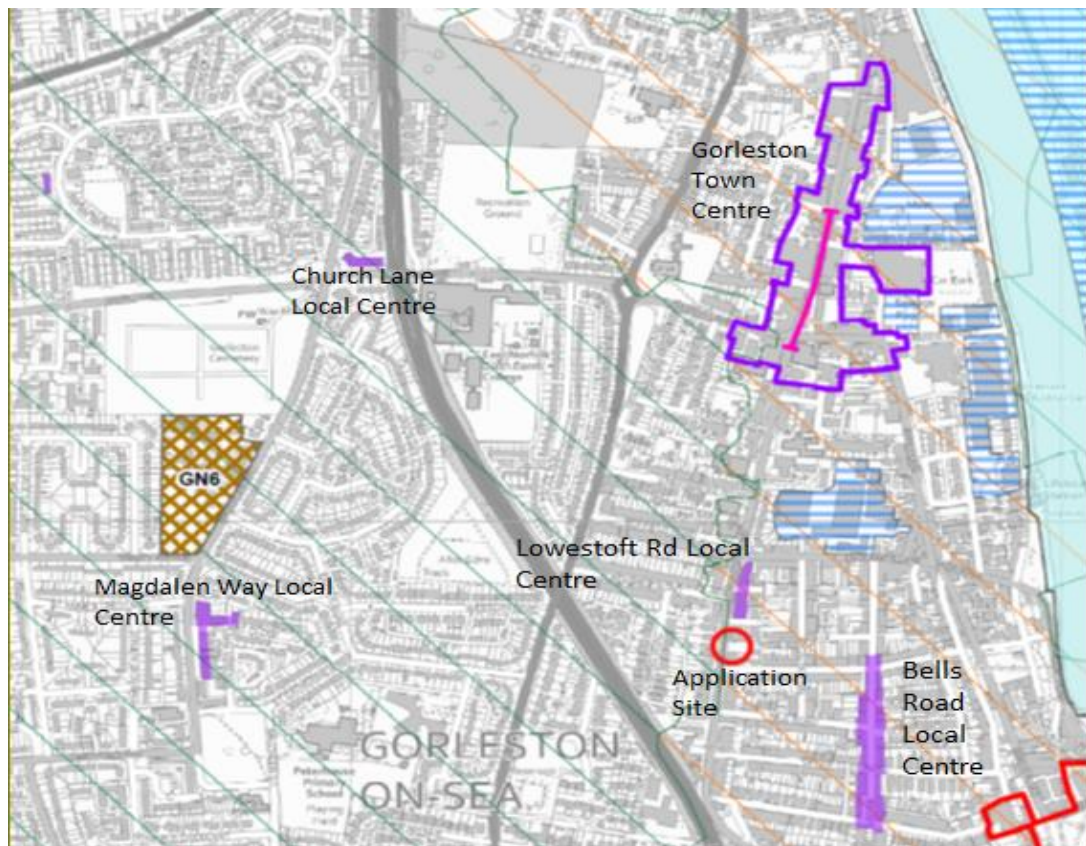
5.7 A viability report has been instructed by the agent and undertaken on the Albion Tavern, the report has included operations prior to the covid-19 pandemic and during. The report concluded that the business would fall short to its nearby pub competitors combining both wet and dry sales, the report goes on to also explain

even with a substantial investment to improve the facilities and décor of the Albion Tavern it would not attract any additional trade due to the existing choice within the immediate area, this showing the pub is not viable either in the short term or over the longer term if the use were being retained.

- 5.8 In assessing the planning balance, the proposal partially complies with point c of emerging policy C1 in respect of the property is no longer viable to retain the premises as the current community facility use, however the application has failed to demonstrate continuous marketing evidence for a 12-month period. It is considered therefore the application is contrary to the likely requirements of future development plan policy, however in the Planning balance it must be remembered that full weight cannot yet be apportioned to the requirement for 12 months continuous marketing. Nevertheless, it is considered some level of marketing has taken place and with the property being considered unviable it partially complies with point (c) of emerging policy C1.

Principle of Development – Proposed retail impact

- 5.9 The Local Plan part 2 policies map for Gorleston showing locations of proposed town and local centres.



- 5.10 The NPPF defines retail as a 'main town centre use' and as such the NPPF and local plan policies expect that retail proposals should be directed to the defined town centres first. If suitable town centre sites are not available,

proposals should be directed towards 'edge of centre' locations, and then 'out of centre' sites should only be considered if suitable sites are not available (or expected to become available within a reasonable period) in more sequentially appropriate locations (i.e. within the defined town centre).

- 5.11 Planning policy requires a 'retail impact assessment' to be undertaken where a retail proposal is outside a defined town centre and exceeds either 2,500sq.m. in gross floorspace, or a locally set floorspace threshold in the development plan. Policy CS7 sets a floorspace threshold at 200sq.m. The proposal results in 252sq.m which is 52sq.m/25% above the threshold for applications requiring a retail impact assessment. A retail impact assessment has been submitted which provides notable examination of the retail conditions at the Gorleston Town Centre but has less conclusive information in respect of the Lowestoft Road Local Centre, which is a new Local Centre proposed designation within the emerging / draft Local Plan Part 2 policies.
- 5.12 When comparing the proposed unit to the town centre of Gorleston as seen on the policies map at 5.9 of this report, due to the proposed location being approximately 520m south of the town centre and the similar stores occupying a much larger footprint i.e., Farm Foods and Morrison's, it is not considered to detrimentally affect the viability of the existing similar stores within this area.
- 5.13 The closest local centre is the proposed designation of Lowestoft Road local centre, which is to be located 70m north of the proposal. The local centre includes 2 small convenience stores (McColl's and Gorleston Mini Market) with a range of takeaways and small business units. The units on average are between 80sq.m. and 150sq.m. and occupy the local centre with front facing shopfronts on to Lowestoft Road. It is considered that the proposed unit will ultimately offer similar products to the 2 convenience stores within the local centre, however the proposal is considered a much larger unit than the two existing and will offer a wider range of goods able to serve the local community. It is the considered opinion of officers that the two existing shops will still have the element of "convenience" retail which will provide a niche for the local community, and a different format of retail experience in practice, when compared to what the application proposal will be able to include.
- 5.14 As such, it is considered that market trends will likely be able to accommodate the new proposal without significant detrimental impact on the vitality and viability of the local centre – if the application proposal can be made to operate in a way which complements the local centre, in terms of its retail offer and the accessibility it provides to the wider community, to be secured by conditions. Examples include managing the types of goods to be sold, the hours of use, and securing availability of the car parking for the wider community.
- 5.15 In summary, the application has been assessed against the retail impact on existing units within the Local Centres and the Town centres within Gorleston and it is considered that the application has not considered appropriately the impact of a new retail unit on the existing local centre of Lowestoft Road when assessed against emerging policy CS7, however on the balance the application is marginally over the threshold of 200sq.m as suggested above,

the proposed unit is of a larger size to the 2 nearby and although of the same use it is considered the proposal will offer a wider range of goods allowing the local centre to be more of a convenience store for the local residents. The proposal will result in a greater/wider range of products and will still provide a convenience of goods which is consistent with the aims set out in emerging Policy R1.

- 5.16 Noting the concerns that the scheme may cause a threat to the vitality and viability of the local centre, it is considered that the site should bolster its position as a complementary retail offer to the local centre some 50-70m to the north. To do so Officers consider it necessary and reasonable to impose a condition that the proposed car park within the site should be made available for parking free of charge for up to 2 hours free car parking, regardless of whether patrons shop within the application site; A car park management scheme shall be submitted and approved in writing to the Local Planning Authority prior to the use commencing.

Principle of Development – Sequential Test

- 5.17 The proposal is not located within a designated centre and although it is classed as being on the 'edge of centre' of the Lowestoft Road local centre, it is nevertheless required to undertake a sequential test to identify if there is a better suited unit available within the designated town and local centres of Gorleston.
- 5.18 In consultation with colleagues in Strategic Planning, the Council has recently undertaken annual retail surveys of town, district and local centres and it has been reported by colleagues within strategic planning that there are 10 vacant units within Gorleston Town Centre and 3 vacant units within the edge of centre and local centres of Gorleston. However, all alternative units have been identified as not being appropriate nor available for the model of retail proposed and the size and space demands. Having considered the sites and the appraisal presented by the applicant, Officers agree with colleagues within the Strategic Planning team that whilst there may be other vacant units in more sequentially-preferable locations, the application nevertheless still passes the requirements for a sequential test, and the location-based concerns of the site should not be seen as a reason to refuse the proposal.
- 5.19 It is noted that the application's agent has referred to The Tramway public house in Gorleston as being a possible preferable alternative site for retail, of a site of similar size to the application site, and being within the defined Town Centre. However at the time of writing the report the Tramway was closed and under offer, and recently the public house has re-opened and although it is considered appropriate in floor area the proposal is considered less desirable than the proposed site; however this site is now occupied and back in use.
- 5.20 The National Planning Practice Guidance makes clear that local authority Planning Departments should not expect an application to change the retail model submitted and put forward in the application, to fit into alternative sequentially-preferable sites. Therefore as a part of this application it is only

possible to compare the retail floorspace requirements of the application against the limited floorspace availability of the vacant units in the area, and so must consider the application as submitted under its own planning merits.

- 5.21 The proposed location of the retail unit is located on the edge of a local centre and although it is not a preferred site within the town and local centres the proposal satisfies the sequential test.

Impact on neighbouring amenities

- 5.22 Noise has been raised as a concern by nearby residential properties, the application has been in consultation with Environmental Health and a recommended condition has been suggested below in relation to the air cooling/conditioning units.

Before any air cooling or conditioning units are used on the premises, they shall be enclosed with sound-insulating material and mounted in such a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the local planning authority.

- 5.23 It is considered that in relation to the existing use of the public house the proposed use will not generate an increase in harm in respect to noise over what was existing. As the new proposed use will make use of the existing car park the noise from parking will be similar, and will be related to store users and for deliveries of goods to the convenience store.
- 5.24 Furthermore, the proposed hours of operation are suitable for the use of the property and it has been considered there is noise generated in association with the operation of a public house and into later hours than proposed of the proposed use.

Design

- 5.25 The proposal has tried to be as sympathetic to the area as possible and the materials proposed for the new extension are to match the existing building, and the agent has suggested the following external materials within the Planning, Design and Access Statement:

- Red/Brown facing brickwork
- White colour coated aluminium shopfront windows/doors
- Brown concrete roof tiles to match existing
- Grey single ply membrane flat roof
- Grey painted timber fascias, soffits and bargeboards
- Black UPVC rainwater goods
- Black painted steel handrails/railings

- 5.26 A new shop front is proposed on the North western corner to form the customer entrance along with an access ramp due to the change in levels across the site. The proposed new shopfront is to be white colour coated aluminium shopfront windows and white colour coated aluminium shopfront doors.

- 5.27 The proposal also includes the existing boundary treatments to be retained with the addition of a 2.1m high acoustic fence to be located on the eastern boundaries to protect noise being amplified into the nearby residents properties.

The planning balance:

- 5.28 The loss of the pub is partially contrary to emerging policy C1 in respect of no evidence having been put forward with regards to 12 months continuous marketing, although an example sales advert has been provided and the agent has confirmed the pub has been sporadically advertised over the past 19 months. However, notwithstanding the lack of marketing however, it does comply partially with draft policy C1(c) as well as the pub has been deemed unviable short term and long term.
- 5.29 It should also be noted that viability (or lack of) is only one aspect of the possible reasons why the loss of a community facility is accepted under the terms of draft policy R1. The draft policy has substantial weight in the decision making process and actually sets out a list of three possible scenarios where a community facility can be lost to other uses, including at criterion (b), on occasions when: *“the area currently served by it would remain suitably provided following the loss.”* As a result, policy C1 is considered to be satisfied due to the proximity of other pubs in the close locality.
- 5.30 The new retail store will be located outside of a defined town centre and located on the edge of the draft designation Lowestoft Road Local Centre, however although not considered the most preferable location it does pass the sequential test in respect of there are no other *suitable* and *available* alternative vacant units within the town and local centres in Gorleston
- 5.31 The application proposal might be considered to not have fully addressed Core Strategy policy CS7 due to an absence of a specific quantitative assessment of the retail impact on the Lowestoft Road Local Centre. However, it must be remembered that the local centre is currently only a draft designation and until it is formally adopted there can be no reasonable requirement to provide one, so should not be hindered on that basis.
- 5.32 Nevertheless it has been considered by officers that the threshold requiring retail impact assessments is set at 200sq.m in policy CS7, but the proposal is only marginally over this figure by 25% or 52sqm as the proposed retail floor space is 252sq.m. In this case, there are small vacant units within the local centre which could offer at least 52sqm retail floorspace, which would not need to provide a retail impact assessment and could provide competition to the existing retailers. When considering the impacts overall, there are considered to be benefits of the application proposal which could assist with the vitality and viability of the local centre overall, such as providing complementary trips or a different format of retail or range of goods. Furthermore, if there is concern that the business in the local centre may suffer from another retailer in the vicinity, it should be noted that the Government has recently adjusted the Use

Class Order such that retail can more easily move to many other uses within the same Class E designation, without requiring planning permission, so making the local centre far more resilient to changes and public use of the local centre.

- 5.33 This application offers significant material public benefits through the creation of 20 jobs which is consistent with the aims of Core Strategy policy CS6, as well as the re-use of an existing brownfield site which has currently been deemed unviable, and which is located in a prominent position. The application if successful would avoid the existing site falling into disrepair with a considerable amount of work needed to improve the street scene and is able to provide improved access to local facilities for the local economy and community.
- 5.34 It is a matter for the decision maker to weigh-up whether any decision in favour of the application can justify conflicting with local and national policy expectations for retailing to be directed towards defined centres.

Conclusion

- 5.35 The proposed site currently runs as a Public House and has done for many years after recent investigations prior to the covid-19 pandemic and during to the present time the viability report shows the pub failing to make profits over a sustained period of time. It is therefore presented that the short term and long term future of the pub is unviable to be used in its current state and would benefit from a change in operation.
- 5.36 The main reasons for objections being received were due to the loss of a pub facility, noise and increase in traffic flow and parking, and the impacts on existing retailing centres. These concerns have been addressed throughout the report and through use of appropriate conditions. It is considered that the application has overcome the concerns raised, and that Gorleston has a thriving town centre that offers a range of alternative public house facilities allowing nearby residents not to be left without a valued community facility.
- 5.37 As a retail store the proposal will provide a new facility for the area and offer a range of options for the wider community that is not currently available in the town or local centres. It is considered there are other retail shops in the area with the Gorleston town centre located to the north, which will minimise the impact of a larger store on the town centre. However in respect of the Lowestoft Road and other proposed designations as local centres, this will be a larger facility offering further services than the existing units and with a large area of off-road parking, so it is considered the proposed use will be able to be well accessed and available to all users.
- 5.38 When making this assessment officers consider there are benefits to the proposal which weigh heavily in favour, principally the jobs creation from the reuse of an otherwise unviable site and the improved access to local facilities for the local economy and community. The application is therefore considered appropriate for the area and use as required. Whilst all objections have been

considered, it is noted that the information supplied supporting the application provides proof that the residential amenities of nearby residents will not be detrimentally affected by the proposal, and the Environmental Health officer has accepted the proposal. Subject to the utilisation of conditions around hours of use and deliveries, acoustic deliveries and external lighting, the development as proposed is considered acceptable.

6. RECOMMENDATION :-

Approve –

Subject to the use of conditions as set out below, the proposal will comply with the aims of policies CS1, CS6, CS7 and CS15 of the Great Yarmouth Local Plan: Core Strategy, Paragraphs 7-14, 86-91 and 124-127 of the NPPF, and is consistent with the aims set out in emerging policies of the final draft Local Plan Part 2.

Proposed Conditions:

- 1) The development must be begun not later than three years beginning with the date of this permission.
- 2) The development shall be carried out in accordance with the application form and approved plans received by the local Planning Authority on 24th February 2021 drawing reference:
 - 20-3222-102-Rev-P2 – Site Plan
 - ENC/011020.8LLI-TOPO – Topographical Survey

The development shall be carried out in accordance with the revised plans received by the Local Planning Authority on 21st April 2021 drawing reference:

- 20-3222-100-Rev-P4 – Proposed Elevations
 - 20-3222-101-Rev-P6 – Site Layout Plan
- 3) The goods available will be no less than 90% convenience led
 - 4) The proposed parking area as shown on approved plan 20-3222-101-Rev-P6 shall be available for up to 2 hours free car parking, a car park management scheme shall be submitted and approved in writing to the Local Planning Authority prior to the use commencing.
 - 5) There shall be no deliveries outside the hours of:
 - 07:00 to 19:00 hours on Mondays to Fridays
 - 08:00 to 14:00 hours on Saturdays
 - 09:00 to 14:00 hours on Sundays and Bank Holidays

- 6) The use shall not open/operate outside the hours of:
- 06:00 to 23:00 hours on Mondays to Fridays
 - 06:00 to 23:00 hours on Saturdays
 - 07:00 to 22:00 hours on Sundays and Bank Holidays
- 7) Prior to the first use of the development hereby permitted visibility splays measuring 2.4 metres x 43 metres shall be provided to each side of the access where it meets the near edge of the adjacent highway carriageway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 8) Prior to the first use of the development hereby permitted the proposed access, on-site car and cycle parking, servicing/loading/unloading and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 9) Before any air cooling or conditioning units are used on the premises, they shall be enclosed with sound-insulating material and mounted in such a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the local planning authority.
- 10) No external lighting shall be erected unless full details of its design, location, orientation and level of illuminance (in Lux) provided have first been submitted to and agreed in writing with the local planning authority. Such lighting shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation. . The lighting shall thereafter be implemented in accordance with the approved details and shall be retained as such thereafter.

And any other conditions or modifications of the above list as considered appropriate by the Development Management Manager.

Appendices.

- 1) Site Location Plan
- 2) Proposed Elevation
- 3) Proposed Site Layout Plan
- 4) Norfolk County Council Highways Comments
- 5) Example Neighbour Comments
- 6) Example Neighbour Comments

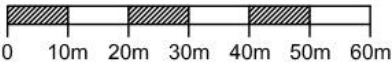
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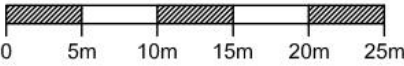
Location Plan

1:1250 scale



Block Plan

1:500 scale



P2	Feb 2021	Planning App	TH	
P1	Dec 2020	Preliminary	TH	
Revision	Date	Description	Drawn	Checkd

Lansdowne House
25-26 Hampshire Terrace
Portsmouth PO1 2QF
Hampshire England
Tel: (023) 92 755 333
E-Mail: admin@plcarchitects.com
Web: www.plcarchitects.com

Client:

Project:
The Albion, 87 Lowestoft Rd,
Gorleston-on-Sea,
Great Yarmouth, NR31 6SH

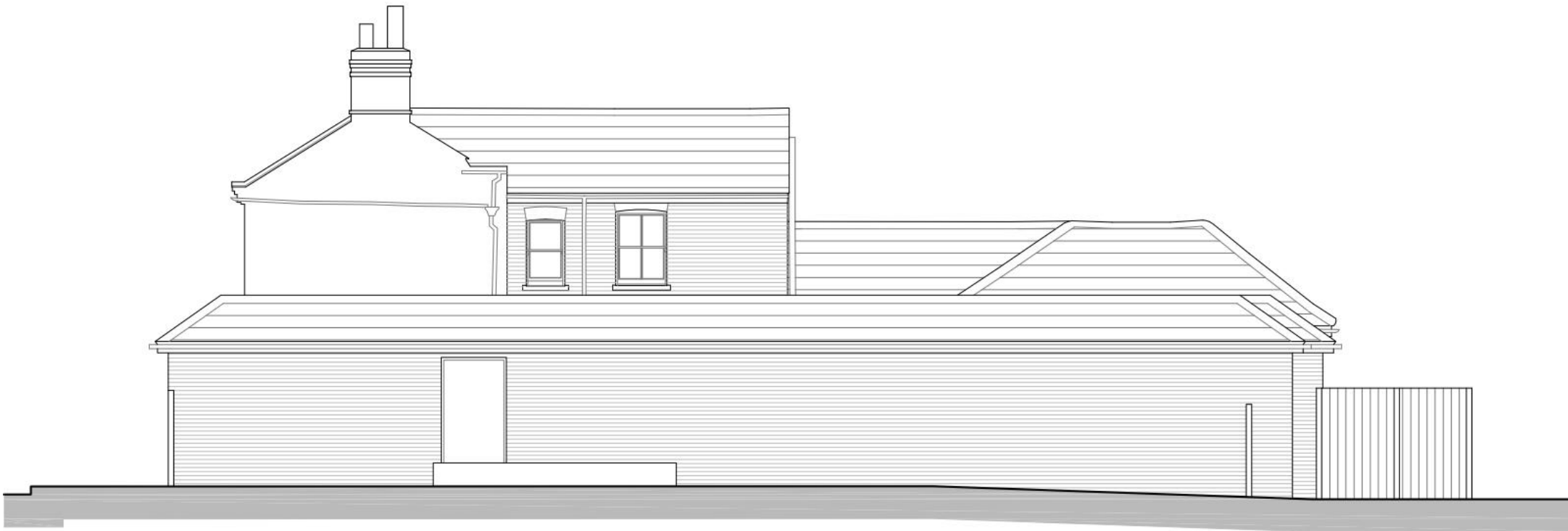
Drawing Title:
Block Plan
Location Plan

Drawn By	Date	Checked By	Date	Approved By	Date
TH	Jan '21				
Drawing No.	Revision	Scale			
20 - 3222 - 102	P2	As Stated @ A3			

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Proposed West Elevation



Proposed East Elevation



Proposed North Elevation



Proposed South Elevation

External Materials

- ① Red / Brown facing brickwork to LA approval.
- ② White colour coated aluminium shopfront windows / doors.
- ③ Brown concrete roof tiles to match existing.
- ④ Grey single ply membrane flat roof.
- ⑤ Grey painted timber fascias, soffits and bargeboards.
- ⑥ Black UPVC rainwater goods.
- ⑦ Black painted steel handrails / railings.

P4	29.2.21	Updated to reflect revised delivery solution & disabled access	JCB	
P3	Feb 2021	Planning App	TH	
P2	Jan 2021	Preliminary	TH	
Revision	Date	Description	Dwn	Chkd



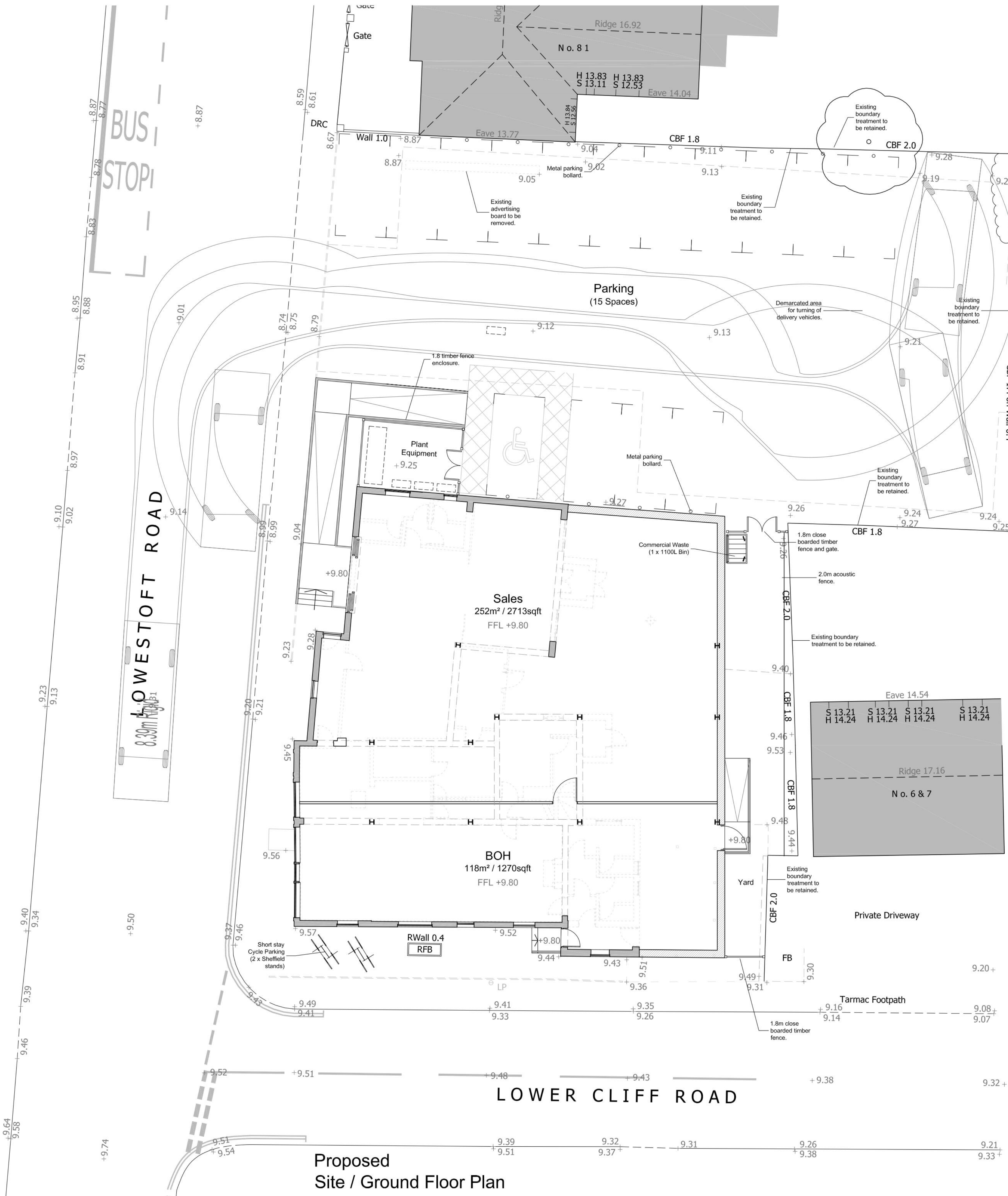
Lansdowne House
25-26 Hampshire Terrace
Portsmouth PO1 2QF
Hampshire England
Tel: (023) 92 755 333
E-Mail: admin@plcarchitects.com
Web: www.plcarchitects.com

Client:

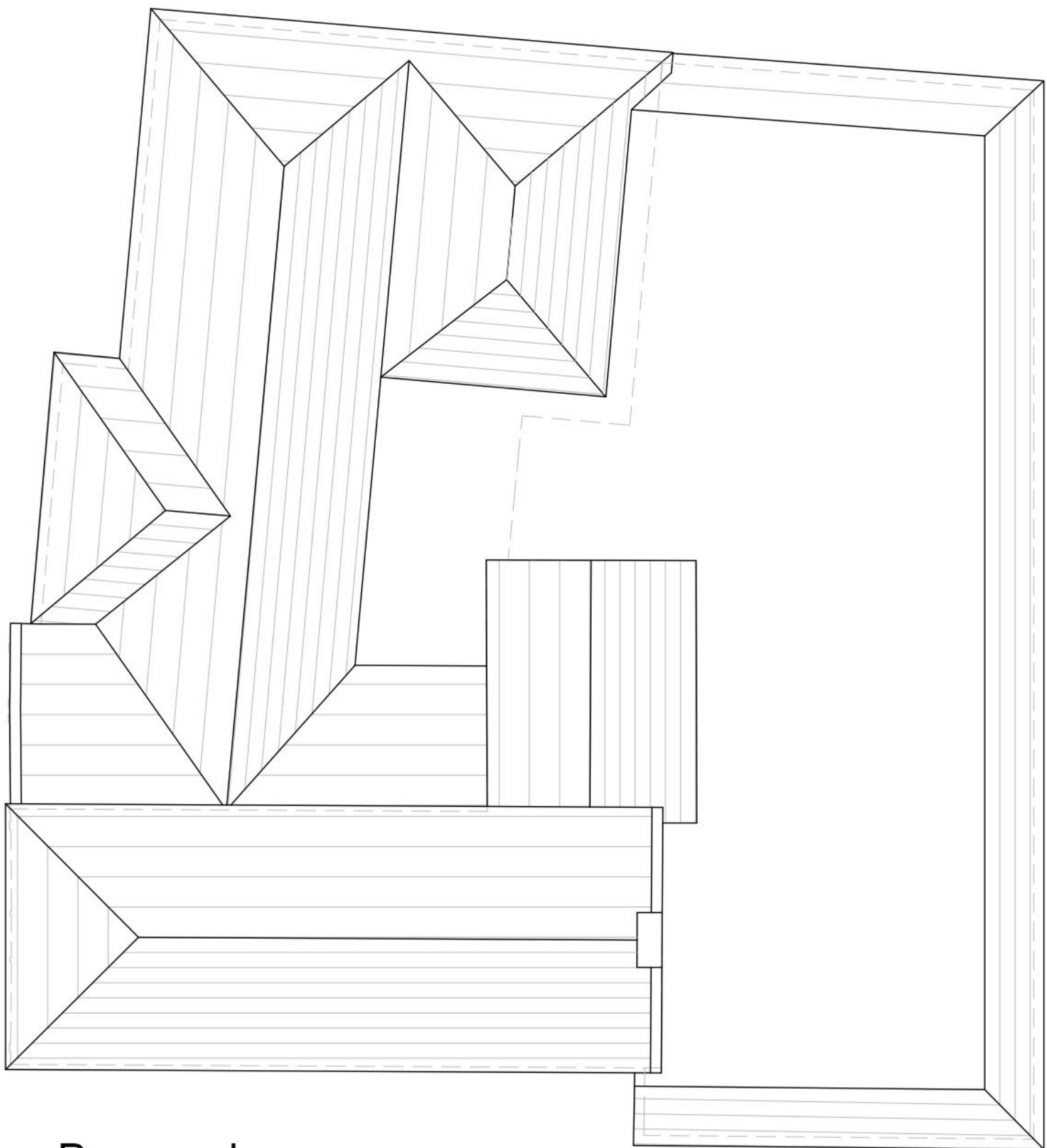
Project:
The Albion, 87 Lowestoft Rd,
Gorleston-on-Sea,
Great Yarmouth, NR31 6SH

Drawing Title:
Proposed Elevations

Drawn By	Date	Checked By	Date	Approved By	Date
TH	Jan '21				
Drawing No.	Revision:	Scale:			
20 - 3222 - 101	P4	1:100 @ A2			
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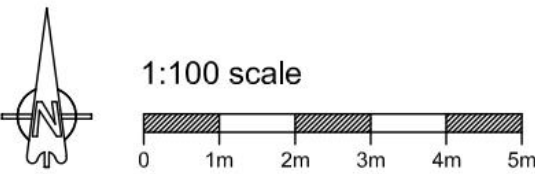
Proposed
Site / Ground Floor Plan



Proposed
Roof Plan

NOTES

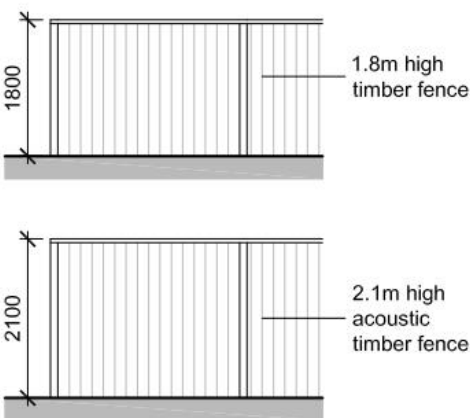
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Key

- Existing Walls.
- Proposed Walls.
- Removed Walls.

Boundary treatment



P7	29.2.21	Updated to reflect revised delivery solution & disabled access	JCB	
P6	26.2.21	Updated to reflect revised delivery solution	JCB	
Revision	Date	Description	Dwn	Chk



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Client:

Project:
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Gorleston-on-Sea,
Great Yarmouth, NR31 6SH

Drawing Title:
Proposed Site / Ground Floor Plan

Drawn By	Date	Checked By	Date	Approved By	Date
TH	Jan '21				

Drawing No.	Revision:	Scale:
20 - 3222 - 100	P6	1:100 @ A1

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George Bolan
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
Norfolk NR30 2QF

NCC contact number: 0344 800 8020
Text Relay - 18001 0344 800 8020

Your Ref: 06/21/0158/F
Date: 12 May 2021

My Ref: 9/6/21/0158

Tel No.: 01603 638070
Email: stuart.french@norfolk.gov.uk

Dear George

Great Yarmouth: Proposed change of use from public house to convenience store with extension, alterations to parking layout and hard landscaping
The Albion, Albion Tavern Public House, 87 Lowestoft Road, Gorleston, Great Yarmouth, NR31 6SH

Thank you for your recent consultation with respect to revised plans for the above application to which the Highway Authority raise no objection, but would recommend the following conditions be appended to any grant of permission your Authority is minded to make.

SHC 17 Prior to the first use of the development hereby permitted visibility splays measuring 2.4 metres x 43 metres shall be provided to each side of the access where it meets the near edge of the adjacent highway carriageway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with the principles of the NPPF.

SHC 21 Prior to the first use of the development hereby permitted the proposed access, on-site car and cycle parking, servicing/loading/unloading and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

Yours sincerely

Stuart French

Highways Development Management & Licensing Officer
for Executive Director for Community and Environmental Services

From: Kevin Day <>
Sent: 06 April 2021 00:20
To: plan <plan@great-yarmouth.gov.uk>
Subject: 06/21/0158/f. albion gorleston

Have looked [online](#) for this application and can not find the details please add this objection to the file

whilst government planning rules tie your committees hands to one box fits all.

I believe there are significant grounds with in the local community to object to the proposal of conversion into retail shop.

The pub has been a viable business over the 35 years that i have known it, and has stood on the site for considerably longer

It is the only pub with a reasonable enclosed (by fence) outside space in the area

The model of punch taverns and their responsibility to stock markets prevents them from allowing a pub to run in an even and fair way with the prime objective to sell land without regard to the area. Under their stewardship allowed the intimacy to be ripped out of the building.

Should you approve this application the committee MUST first consider what other community space is left in the area of such size.

You have already eliminated Endeavour ranger hall, And nelson road nursery, station hotel went long ago all to accommodation & holiday lets.

Places for local community meting and gathering are an upmost importance to mental health and local economy.

There is more than sufficient local owner self-employed and national food retail shops within 5 minits walk.

The current manager has an unofficial permitted parking arrangement with locals. Without this there would be an even bigger parking problem which the planning committee have created over the years by allowing residential housing development on several plots that had 8-16 garages dispersing those cars on the road

WHERE IS THE THOUGHT OUT PLAN FOR THIS AREA

k day

95

nr316ad

Application 06/21/0158/F

Name Miss J Iliff

Address Lowestoft Road
Gorleston Great Yarmouth
NR31 6SW

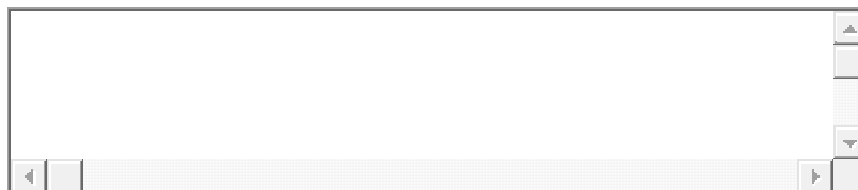
Telephone

Email

Response OBJ Object

Speak No

Comments



Change Type

OWPC14337

Transfer

**Delete or
Invalidate**

Delete/Invalidate

I would like to submit my objection to the proposal as the loss of a valued community asset which provides entertainment, is a meeting space for the local area and is one of few pubs which welcome families.

Another grocery shop is not needed as there are 4 in the immediate surrounding area and Gorleston High Street is only 5 minutes walk away.

A community space like this one is very much needed, especially when people have been separated and isolated so much over the past year.

Several pubs in Gorleston have shut over the years and we need to keep the few that are left - and that have no disturbance issues - to serve their community and provide a friendly port of call when needed.

With more single households and retirees in the local area, a place where they can socialize, interact and feel part of a group is now - more than ever - a much needed, but unfortunately ever dwindling, part of the social fabric of every local community.

Reference: 06/20/0571/F

Parish: Winterton-on-Sea

Officer: Mr G Bolan

Expiry Date: 31-08-2021

Applicant: S Casey

Proposal: Conversion and extension of ex-telecoms building to single dwelling for holiday lets

Site: Former Virgin Media Building
Low Road
Winterton-on-Sea

REPORT

1. Background / History:-

- 1.1 This is a full application for the conversion of a former telecommunications building to residential holiday let.
- 1.2 Proposals for holiday let use fall into the planning Use Class C3(a) for residential dwellings, but would be restricted in its use by condition or legal agreement should approval be granted.
- 1.3 The former Virgin Media Building is located on Low Road and is a former telecoms equipment facility building. To the west of the building is Empsons Loke which is made up of residential dwellings and to the east along Low Road there are a scatter of residential dwellings all accessed off Low Road.
- 1.4 Previous planning applications relating to this site;
 - 06/88/0133/O – Single Storey Dwelling – Refused
 - 06/97/0590/F – Erect single storey building as telecoms equipment room – Approve with conditions.
- 1.5 The existing building was used by Virgin Media to store telecoms equipment and the building was in use from construction in 1998 but was recently decided the building was surplus to requirement and was sold. Since, the building has been left vacant and the site is currently overgrown and untidy.
- 1.6 Low Road, Winterton is classed as restricted by-way 7, which is a public right of way and extends a considerable distance to the west which continues into Somerton and 170m East to North Market Road; to the east of the application

site a further 5 residential dwellings are located with the facility of vehicular access onto the restricted by-way.

2 Consultations :-

- 2.1 Parish Council – No objections.
- 2.2 Highways – No objection subject to conditions
- 2.3 Public Rights of Way – No objection subject to conditions
- 2.4 Resilience Officer – No objections
- 2.5 Environmental Health – No objections
- 2.6 Arboricultural Officer – No Objections
- 2.7 Environment Agency – No Comments (below threshold – consult standard advice)
- 2.8 Natural Environment Team – No objections subject to conditions
- 2.9 Neighbours – 24 Objections received

3 Relevant Policies: -

The following policies are relevant to the consideration of this application:

Core Strategy 2013 – 2030:

- CS8 – Promoting tourism, leisure and culture
- CS11 – Enhancing the natural environment

Remaining Borough Wide Local Plan Policies

- TR11 – Loss and improvement of holiday accommodation
- TR16 – New holiday accommodation

The following emerging Local Plan Part 2 (final draft) policies can also be noted, and these can be attributed significant weight in the decision making process because the draft policies have been subject to formal examination and reached pre-adoption modifications stage:

- L2 - New or expanded tourist facilities outside of development limits and holiday accommodation areas.
- A1 – Amenity
- A2 - Housing design principles
- E4 – Trees and landscape

- I1 – Vehicle parking for new developments
- I3 – Foul drainage

3.1 **Policy CS8 – Promoting tourism, leisure and culture**

As one of the top coastal tourist destinations in the UK, the successfulness of tourism in the Borough of Great Yarmouth benefits not only the local economy but also the wider sub regional economy as well. To ensure the tourism sector remains strong, the Council and its partners will:

- Encourage and support the upgrading, expansion and enhancement of existing visitor accommodation and attractions to meet changes in consumer demands and encourage year-round tourism
- Safeguard the existing stock of visitor holiday accommodation, especially those within designated holiday accommodation areas, unless it can be demonstrated that the current use is not viable or that the loss of some bed spaces will improve the standard of the existing accommodation
- Safeguard key tourist, leisure and cultural attractions and facilities, such as the Britannia and Wellington Piers, Pleasure Beach, Hippodrome, the Sea Life Centre, the Marina Centre, Great Yarmouth Racecourse, St Georges Theatre and Gorleston Pavilion Theatre
- Maximise the potential of existing coastal holiday centres by ensuring that there are adequate facilities for residents and visitors, and enhancing the public realm, where appropriate
- Support the development of new, high quality tourist, leisure and cultural facilities, attractions and accommodation that are designed to a high standard, easily accessed and have good connectivity with existing attractions
- Encourage a variety of early evening and nighttime economy uses in appropriate locations that contribute to the vitality of the borough and that support the creation of a safe, balanced and socially inclusive evening/night time economy
- Support proposals for the temporary use of vacant commercial buildings for creative industries, the arts and the cultural sector, where appropriate
- Seek to support the role of the arts, creative industries and sustainable tourism sectors in creating a modern and exciting environment that will attract more visitors to the borough
- Support proposals for new tourist attractions and educational visitor centres that are related to the borough's heritage, countryside and coastal assets, and emerging renewable energy sector

- j) Ensure that all proposals are sensitive to the character of the surrounding area and are designed to maximise the benefits for the communities affected in terms of job opportunities and support for local services
- k) Encourage proposals for habitat-based tourism, especially where these involve habitat creation and the enhancement of the existing environment, in particular the areas linked to the Broads
- l) Protect rural locations from visitor pressure by ensuring that proposals for new tourist, leisure and cultural facilities are of a suitable scale when considering relevant infrastructure requirements and the settlement's position in the settlement hierarchy, in accordance with Policy CS2
- m) Protect environmentally sensitive locations, such as Winterton-Horsey Dunes Special Area of Conservation (SAC), from additional recreational pressure by seeking to provide facilities to mitigate the impact of tourism. In addition, the Council and its partners will seek to develop a series of 'early warning' monitoring measures which will be set out in the Natura 2000 Sites Monitoring and Mitigation Strategy along with the identified mitigation measures
- n) Support proposals involving the conversion of redundant rural buildings to self-catering holiday accommodation and/or location appropriate leisure activities, particularly where these would also benefit local communities and the rural economy
- o) Support the development of navigational links to the Broads and beyond where possible
- p) Work with partners to improve accessibility and public transport links to make it as easy as possible for visitors to travel to and around the borough

3.2 Policy CS11 – Enhancing the Local Environment

- c) Relevant development will be required to deliver the mitigation measures identified in the Natura 2000 Sites Monitoring and Mitigation Strategy. This document is being prepared and will secure the measures identified in the Habitat Regulations Assessment which are necessary to prevent adverse effects on European wildlife sites vulnerable to impacts from visitors.

3.3 Policy TR11 – Loss and Improvement of Holiday Accommodation

The council will permit developments which improve the range of good quality holiday accommodation, however, within primary holiday accommodation areas, as shown on the proposals map, the loss of holiday accommodation will only be permitted where it can be demonstrated that an alternative use would be to the overall benefit of the tourist industry.

3.4 Policy TR16 – New Holiday Accommodation

Any planning permission given for new holiday accommodation will be subject to conditions preventing the accommodation being used for permanent residential purposes.

3.5 Policy L2 - New or expanded tourist facilities outside of development limits and holiday accommodation areas.

New or expanded tourist facilities (including tourist accommodation) may be permitted outside of the Development Limits and Holiday Accommodation Areas, but only where these:

- a. are an appropriate scale to the character of the area, availability of local services and facilities, and hierarchical level of the nearby settlement;
- b. individually and cumulatively do not significantly change the character of the local countryside, landscape or (where applicable) settlement, taking into account particularly:
 - the quantity, scale, density and design of any additional buildings, structures, caravans, car parks;
 - the types and amounts of traffic movements and any impacts, including those upon the tranquillity of the area;
 - the impacts of lighting, advertisements and boundary treatments on the landscape and nightscape;
 - any adverse impact on the nationally significant Broads National Park or the Norfolk Coast Area of Outstanding Natural Beauty, but also undesignated but open rural and coastal landscapes;
 - the potential for any adverse impacts upon environmentally sensitive locations such as Natura 2000 Sites; and
- c. do not have a significant adverse impact on the living conditions of adjoining occupiers.

Small scale countryside tourism, particularly that involving physical activity or other appreciation of the countryside for its own sake, or the understanding and enjoyment of the Broads National Park, subject to the above, will be encouraged.

4 Public Comments Received:-

4.1 There have been 27 objections received from residents close to the Virgin Media Building and in surrounding areas; the issues raised are summarised as below:

- Restricted by-way not suited for motor vehicles
- Low Road not maintained
- Outside the village development limits
- Increase in traffic
- Winterton already has large numbers of holiday and second homes
- Overlooking

5 Assessment :-

Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2014 and Section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the adopted local development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account as a material consideration in planning decisions.

Consultation process - Addressing Public Comments

- 5.1 The proposal as originally submitted only outlined the site in red, it was requested that the access along Low Road should be included within the red line location plan. As the section of Low Road is unregistered, the relevant certificate C of the application form was signed, and an advert was placed within the Great Yarmouth Mercury requesting any ownership or legal interests of the land to come forward. The Council considers that the application has undertaken its required consultation and notification process in respect of the ownership matters.

Principle of Development - Tourism and economic benefits

- 5.2 The location of the site is within Winterton-on-sea but outside the village's defined development limits. Policies TR11, TR16 and L2 both support suitable forms of new holiday accommodation subject to criteria including protection of the landscape, control of amenity impacts, and mitigation for environmentally sensitive areas. Although the proposal would introduce new trips, and potentially much greater frequency of trips than the existing use, into an area of countryside detached from the main settlement, it is not considered an unsustainable location for tourism letting use, subject to the considerations of other policies as discussed below.
- 5.3 Winterton attracts vast amounts of visitors each year due to its location being on the coast, and although it is for the change of use to create 1 unit and will only contribute on a small scale, it is still considered to benefit the local economy by boosting the use of tourist facilities across the Borough and attracting visitors, which is consistent with the aims set out in Core Strategy policy CS8.

Access and highways safety

- 5.4 The application site is accessed via Low Road, Winterton, which extends east from the site down to North Market Road. Low Road is a public right of way (byway) which runs from Winterton through to Somerton, it is a popular route for the local community and visitors to the area and accommodates dog walkers, horse riders and pedestrians.
- 5.5 Low Road is currently utilised for vehicular access by 5 existing residential properties to the east of the site, and to the south west is Empsons Loke which

has a number of existing properties and a previously approved residential development of 9 dwellings (reference 06/07/0927/F). A section of road to the north of Empsons Loke is an un-made track which does provide access to the Low Road byway and the application site from the west. Within the public comments received it has been suggested that this section of track is being adopted and brought up to adoptable standard, but Norfolk County Council as Highways Authority have confirmed there are no current plans to bring this section of Empsons Loke up to adoptable standard.

- 5.6 In the event that Empsons Loke remains unadopted it might be made unavailable to non-residents, yet sat-nav systems appear to direct drivers via Empsons Loke as the quickest route. To help avoid this, conditions can be used to require a 'visitor handbook' to be issued to prospective holiday let guests requesting that access is taken via Low Road from the east.
- 5.7 The existing use of the site had vehicular access and throughout the use of the telecommunications store was accessed regularly by Virgin Media, in consultation with Norfolk County Highways. It is therefore considered there is an established access at the proposed site and that there will not be an excessive increase in vehicular traffic movements to and from site compared to what is the existing established planning use.
- 5.8 Legal advice has been sought in respect to the Public Right of Way throughout the Planning process. In planning terms it is a reasonable material consideration to assess the condition and suitability of the public right of way for new vehicular use, but it is not a reasonable suggestion to request maintenance of the public right of way because this requirement sits outside of the planning process which is concerned with the land use, not ownership / rights of access. Any maintenance would need to be arranged privately through an agreement with any landowners.
- 5.9 The Public Rights of Way Officer has been consulted as a part of the application, they have raised no objection to the proposal and have suggested the applicant will need to make sure they have a private right of access suitable for residential purposes.
- 5.10 It is considered that the track is suitable to continue to be used for the purposes of holiday let use when compared to the existing use, notwithstanding the condition of the road surface etc.

Design

- 5.11 The change of use / conversion of the telecoms store building also includes alterations.
- 5.12 The proposal includes the roof being raised to accommodate a second floor. In comparison, within Empsons Loke there are predominantly 2 storey dwellings and further east down Low Road there are also consistently other 2 storey dwellings and larger dwellings.

5.13 It is therefore considered that the proposal complies with point (a) of emerging Local Plan part 2 Policy L2 which states that permission for new tourist accommodation can be granted where proposals have “*an appropriate scale to the character of the area, availability of local services and facilities, and hierarchical level of the nearby settlement*”, when relating to new or expanded tourist facilities outside of development limits and holiday accommodation areas.

5.14 The proposed building is considered moderate within its size and makes use of the existing building by raising the roof and including a side terraced extension. The existing building is rectangular and sits to the south west end of the plot with land to the north and east, the roof will be dual pitched and on the north facing elevation there will be a large dormer within the roof. On the south elevation will be 4 roof lights, with one first floor window which is a bathroom window and 2 ground floor windows. There are no proposed windows to be inserted into the western elevation (which is the closest to the residential dwellings) but there are proposed to be 2 large windows to the ground floor and first floor on the eastern elevation.

5.15 The materials proposed are:

- Standing seam metal roof
- Profile metal cladding to the first floor
- And timber cladding to the ground floor

Further details will be requested in respect of materials if permission is granted and will be required to be agreed prior to work commencing.

5.16 The design however is considered in proportion with its surroundings and not over development, the design is modern but still fits in with the rural nature of the site and it is therefore considered to comply with point (b) of emerging Local Plan part 2 Policy L2 which states that permission for new tourist accommodation can be granted where proposals: “*individually and cumulatively do not significantly change the character of the local countryside, landscape or (where applicable) settlement, taking into account particularly:*

- *the quantity, scale, density and design of any additional buildings, structures, caravans, car parks;*”

Impacts on residential amenity

5.17 The proposal includes a first floor window and a balcony/terraced area located at the first floor level on the east side elevation, intended to allow the occupants to have further outdoor amenity space with a covered area below. The balcony would extend for c.7m from the east elevation of the building, leaving a c.5m. separation from the boundary with the neighbouring garden at Sutton Oak to the east. Sutton Oak appears to enjoy a garden of approximately 45m length from the shared boundary running parallel to Low Road, with outbuildings and substantial tree cover.

5.18 Concerns have been raised with regards to overlooking, however due to the location of the balcony being to the east and the closest residential properties

being located on the west side of the building it is considered no significant overlooking can be achieved from the balcony area, but photos can demonstrate this point within the committee meeting.

- 5.19 The closest dwelling to the west is approximately 15m away from the position of the open-sided balcony platform, and is screened by the building itself. Open fields are located to the north and south. The closest dwelling on Low Road to the east is approximately 60m from the current building, but its garden is 17m from the closest edge of the proposed balcony platform. There is significant tree screening and planting between the application site and the neighbours' gardens to the east which will assist with preventing loss of privacy, and the extent of garden available to adjoining neighbours to the east means the balcony should not appear overbearing or over dominant, nor cause residential outlook to be compromised.

Flood Risk

- 5.20 The site falls within flood zone 3 which is described as having a higher chance of flooding. Whilst the application is below the threshold for comments from the Environment Agency and LLFA, the local standing advice is therefore considered appropriate to follow.
- 5.21 In flood zone 3, conventional residential dwellings would not be allowed, but as this is a holiday let the quasi-residential use can be acceptable if the proposal includes appropriate protection and evacuation measures.
- 5.22 The applicant's flood risk assessment and plans show that no sleeping accommodation is proposed on the ground floor, and with the proposal raising the roof there will be safe refuge available on the first floor as well. In consultation with the Resilience Officer it is considered there are no objections to the use in principle, and any permission will be conditioned that evacuation plans and details of flood alerts shall be placed within the welcome pack for guests. The proposal is located on the edge of flood zone 2 and 3 and it has been concerned the tidal flood risk is very low within this area, it is therefore considered with the additional floor the proposal is considered suitable for the location.

The Natural Environment

- 5.23 The proposed site is located within the red zone for Habitats Regulations Assessment (HRA), which is 400m away from a protected Natura 2000 site, and a contribution was therefore required which was received in a total of £110 and a shadow HRA was also received as a part of the application. The County Council Natural Environment Team have been consulted in regard to the information received and have advised as follows:

*The application is supported by a **Preliminary Ecological Appraisal** (Practical Ecology, September 2020), **bat report** (Practical Ecology, April 2020) and **great crested newt method statement** (Practical Ecology, September 2020). The reports are fit for purpose and recommendations for enhancement are made, in*

accordance with Policy CS11 and the NPPF. The PEA was undertaken in March 2020, with bat surveys in summer 2020.

The **shadow HRA** (Practical Ecology, Sep 2020 (version 2)) is fit for purpose. In addition to a financial contribution further mitigation measures are required to minimise impacts on the Natura 2000 sites, namely:

- 1) To mitigate the impacts of dogs: (a) A dog waste bin is provided on site for residents or (b) The property should be let on the provision that dogs are not allowed,
- and
- 2) Provision of a visitor information pack at the property regarding alternative walking sites and details about the importance and vulnerabilities of the nearby Natura 2000 sites

It is considered therefore that the reports received are fit for the purpose they have been intended for and further mitigation measures will be requested by way of condition to any permission granted.

Landscaping

- 5.24 The proposal seeks the removal and tidying up of existing overgrown vegetation, with the main removal of shrubs and hedging to the north end which is the front and access of the site. The arboricultural officer has visited and considered the site and has deemed the existing vegetation and trees of being a low quality and their removal will tidy up the site.
- 5.25 Furthermore, there is proposed landscaping to the front of the property to offer an element of screening from Low Road that will be lost when removing what is currently there and it will be a condition to provide a landscape plan within any permission granted.

Conclusion

- 5.26 The proposal is considered acceptable due to the location of the site being on the edge of the development limits, it makes use of an existing building which in its current use is empty and will offer a modern holiday unit in a preferred location within Winterton-on-sea. There are no objections raised to the principle of maintaining the use of the existing vehicular access, subject to conditions to maintain these in the interests of safety, and the highways safety impacts will not be severe given there are 5 further dwellings with vehicular access on this section of the restricted byway, and the current site has an existing established access. It is considered the proposal will have an acceptable relationship with its surroundings and in terms of neighbouring amenity, subject to the imposition of conditions.

6 Recommendation:-

- 6.1 Approve – subject to the use of the below conditions as set out below, the proposal will comply with the aims of policies CS8 and CS11 of The Great

Yarmouth Local Plan:Core Strategy, saved policies TR11 and TR16 of the Borough Wide Local Plan and is consistent with emerging policy L2 of the final draft Local Plan Part 2.

Proposed Conditions:

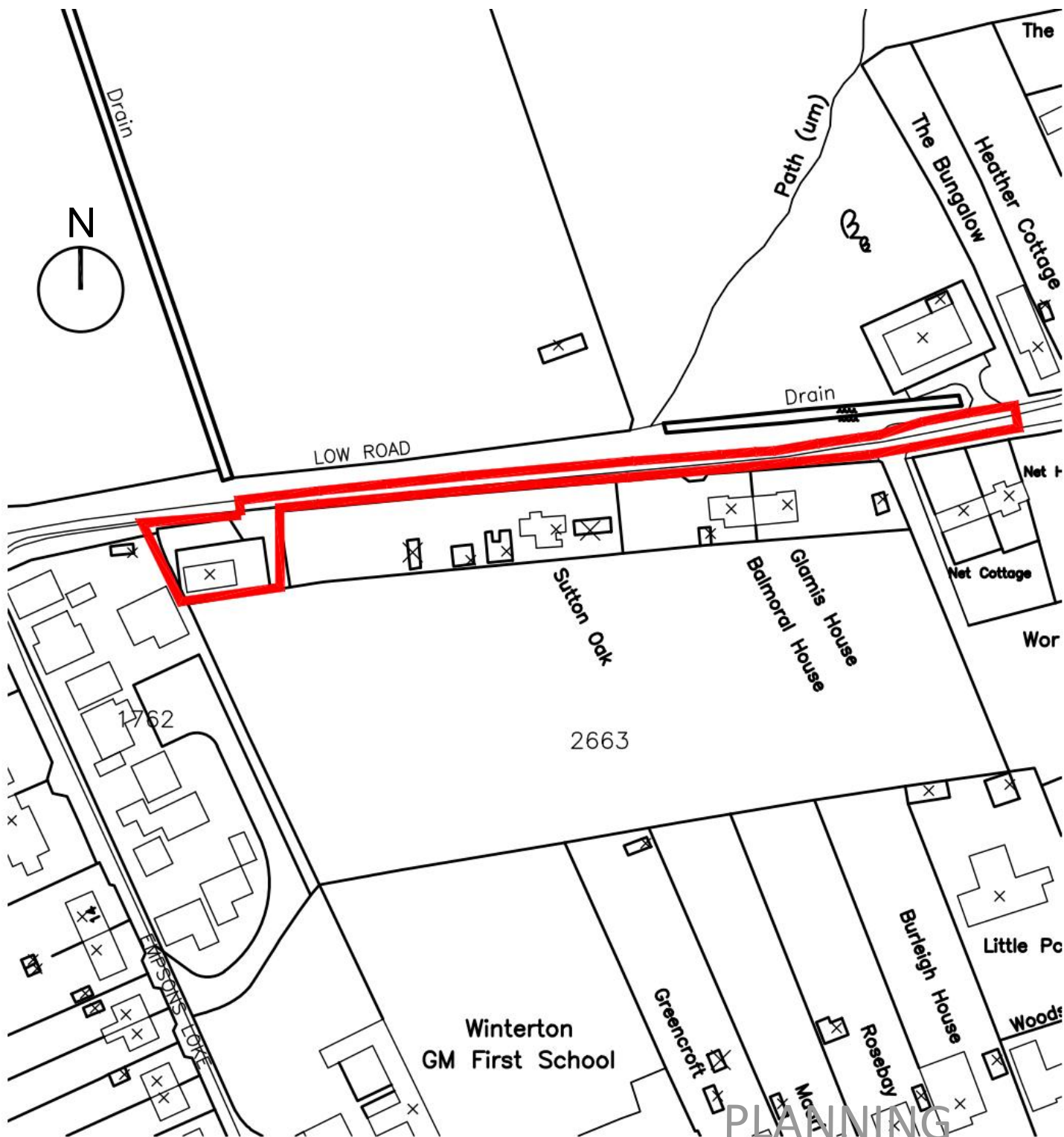
- 1) The development must be begun not later than three years beginning with the date of this permission.
- 2) The development shall be carried out in accordance with the application form received by the local planning authority on the 2nd December 2020 and revised plans received by the local Planning Authority on 6th July 2021 drawing references:
 - Site Location Plan – P01-Rev A
 - Existing Elevation and Floor Plans – P02-Rev A
 - Proposed Elevation and Floor Plans – P03-RevA
- 3) Prior to the first use of the development hereby permitted a 2.4-metre-wide parallel visibility splay (as measured back from the near edge of the adjacent road (Low Road)) shall be provided across the whole of the site's roadside frontage. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent road.
- 4) Prior to the first use of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 5) The proposed unit hereby approved shall be used for holiday purposes only (given the unsuitable location, flood risk, relative inaccessibility out of the development limit, for residential uses).
- 6) The accommodation units shall be used for holiday purposes only and:
 - a. no unit shall be occupied for more than 28 days at any one time without the prior written approval of the Local Planning Authority.
 - b. Seasonal restrictions on use must be applied to the timescales of use.
- 7) The landowner or site operator shall maintain an up to date register of persons occupying the holiday let together with their permanent residential postal address, to be held on site or at other premises agreed in writing by the Local Planning Authority and shall be made available for inspection at any time during normal working hours.
- 8) Prior to the commencement of the works details of materials shall be supplied to the Local Planning Authority for consideration.
- 9) Prior to the use commencing a landscaping plan shall be submitted to and received The Local Planning Authority for consideration

- 10) Prior to the use commencing a flood response plan shall be submitted to and received by the local planning authority to consider
- 11) Prior to the use commencing, a scheme shall be agreed to mitigate the impacts for dogs:
 - a. A dog waste bin is provided onsite for residents or,
 - b. The property is let on the provision that dogs are not allowed
- 12) Provision of a visitor information pack at the property regarding alternative walking sites and details about the importance and vulnerabilities of the nearby Natura 2000 sites
- 13) All guests shall be asked to access the site from the east along Low Road wherever possible.

And any additional conditions or modifications of the above list as considered appropriate by the Development Management Manager.

Appendices:

- 1) Site location plan
- 2) Proposed elevation and floor plans
- 3) Public Rights of Way Service comments
- 4) Natural Environment Team comments
- 5) Neighbour comments – sample from PROW user
- 6) Neighbour comments – sample from Empsons Loke resident



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Page 42 of 53

client:

Norcam Properties Limited

location:

Low Road, Winterton-on-Sea
Great Yarmouth, NR29 4AN

title:

Proposed Holiday Let Conversion
Site Location Plan

scale @ A4:
1:1250

drawn by:
JY

date:
September 2020

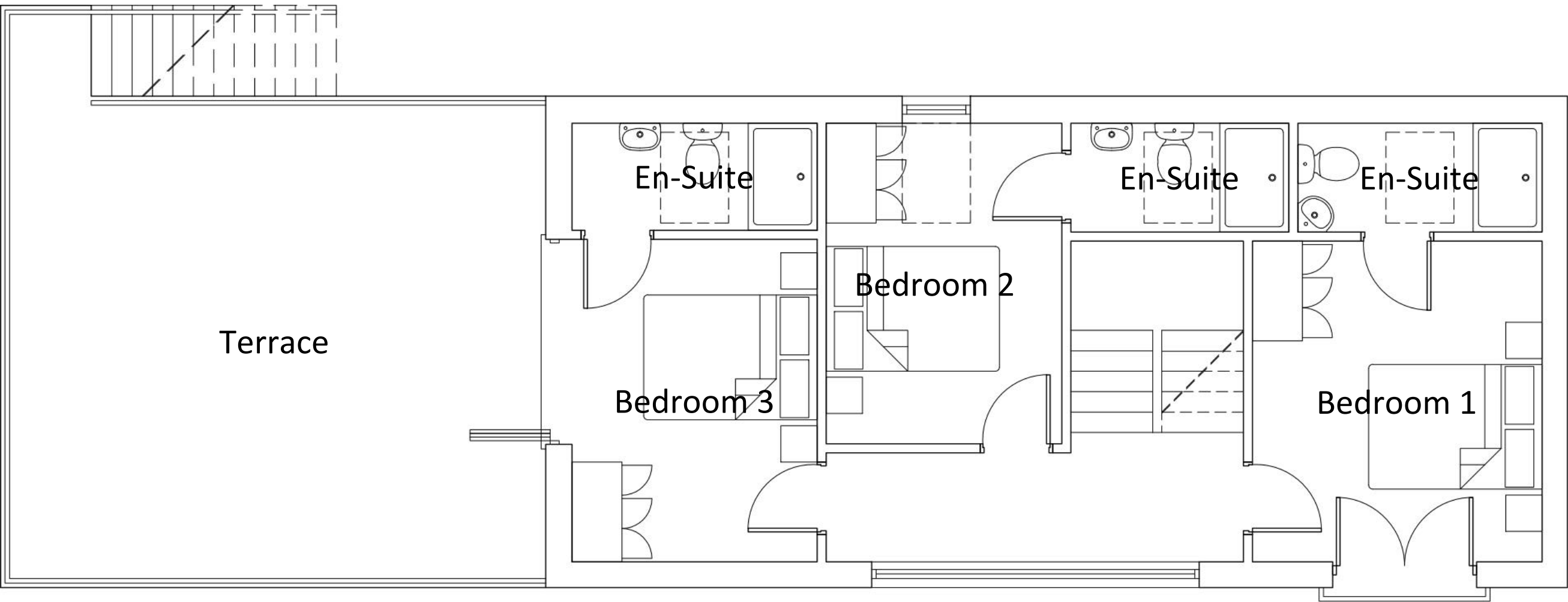
approved:
JY

project no:
8172

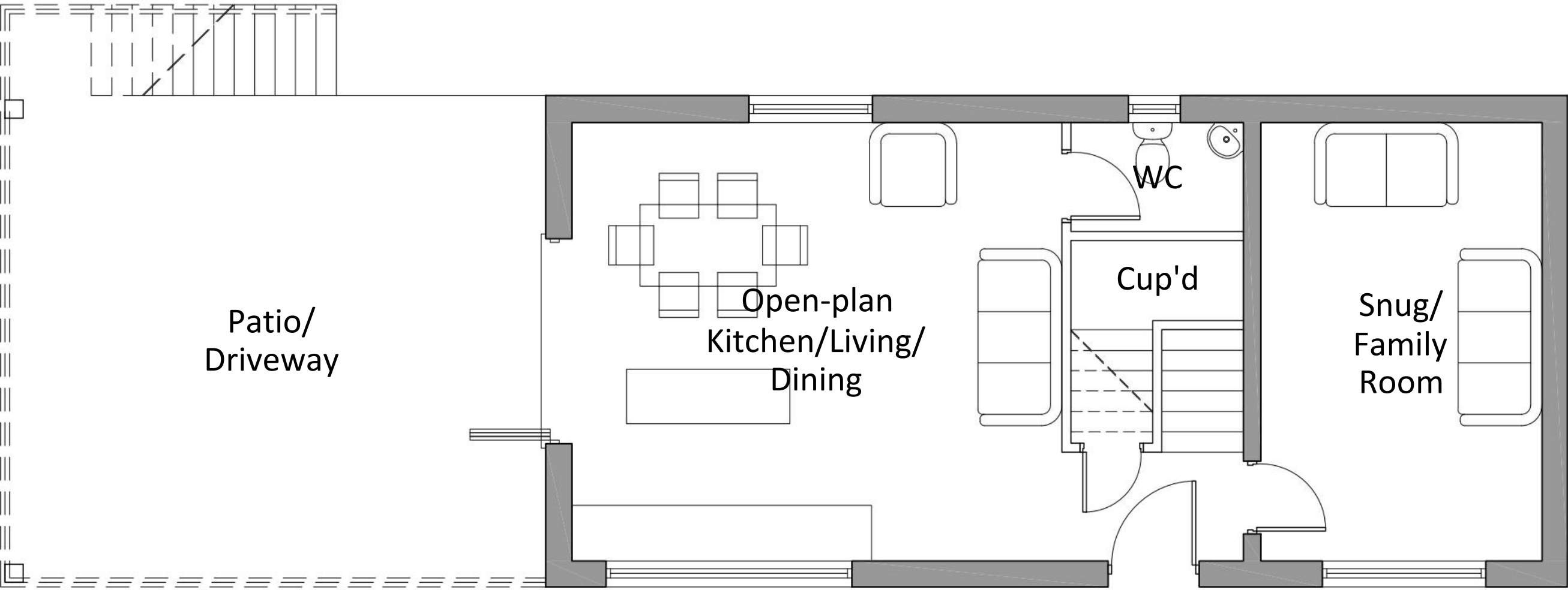
dwg no:
P01

revision:
A

A	23/06/21	Red line amended to include access up to NCC maintained part of Low Road	JY
rev:	date:	description:	by:



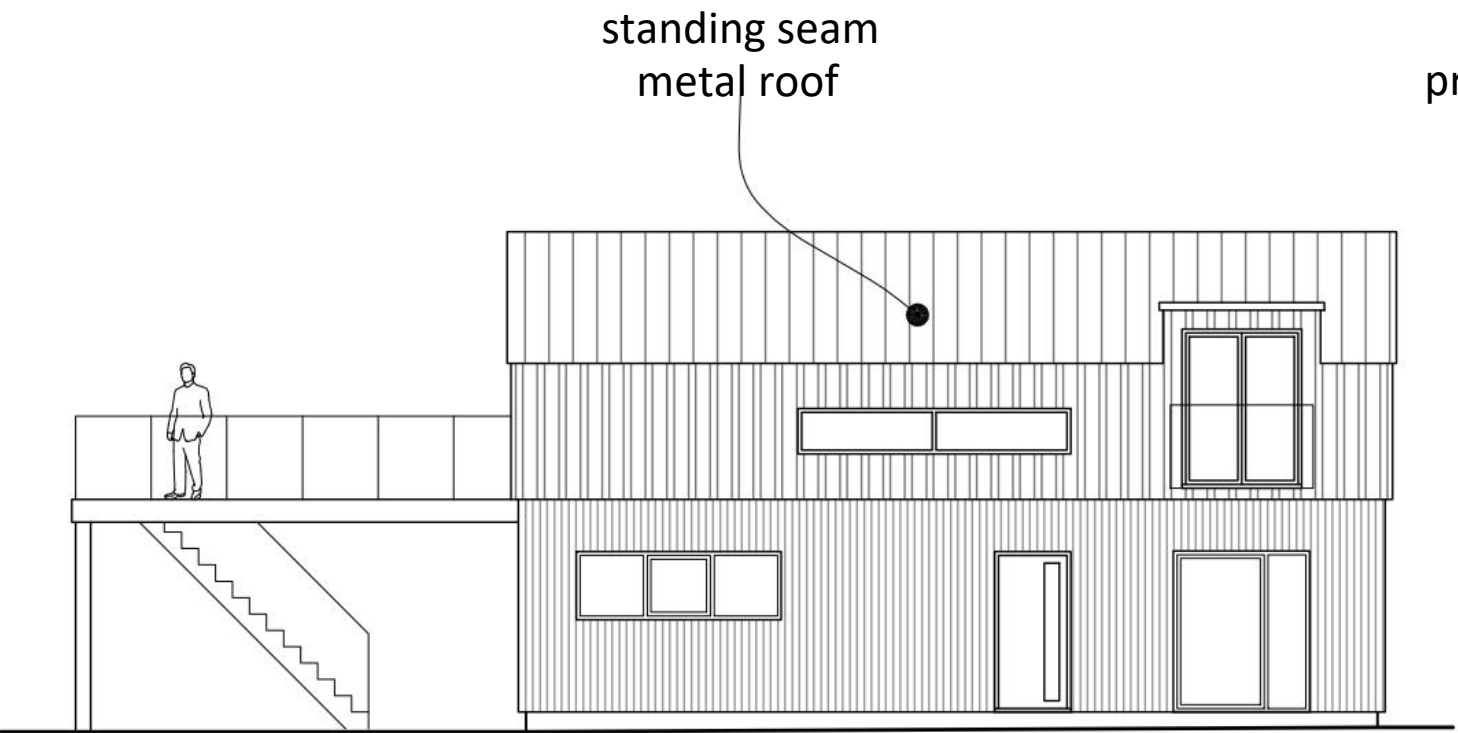
First Floor Plan
Scale 1:50



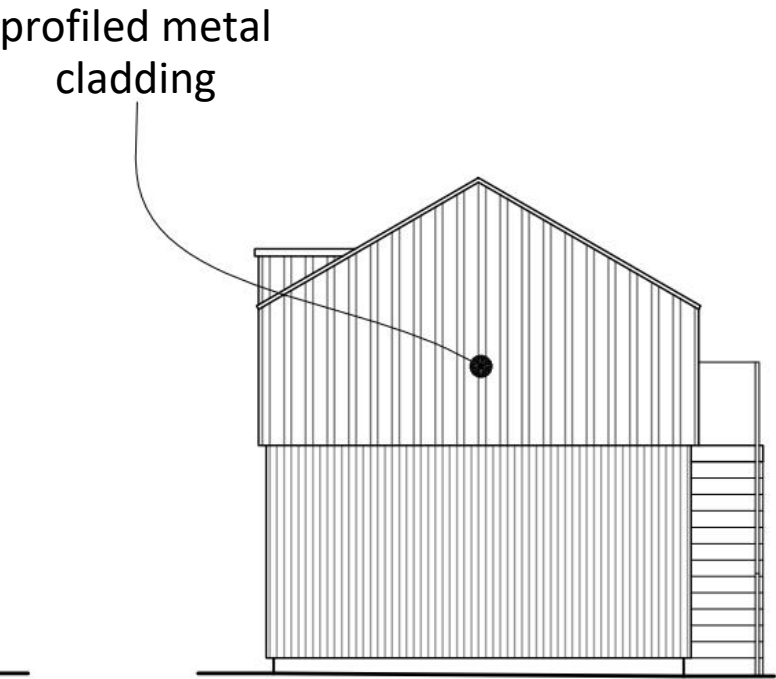
Ground Floor Plan
Scale 1:50



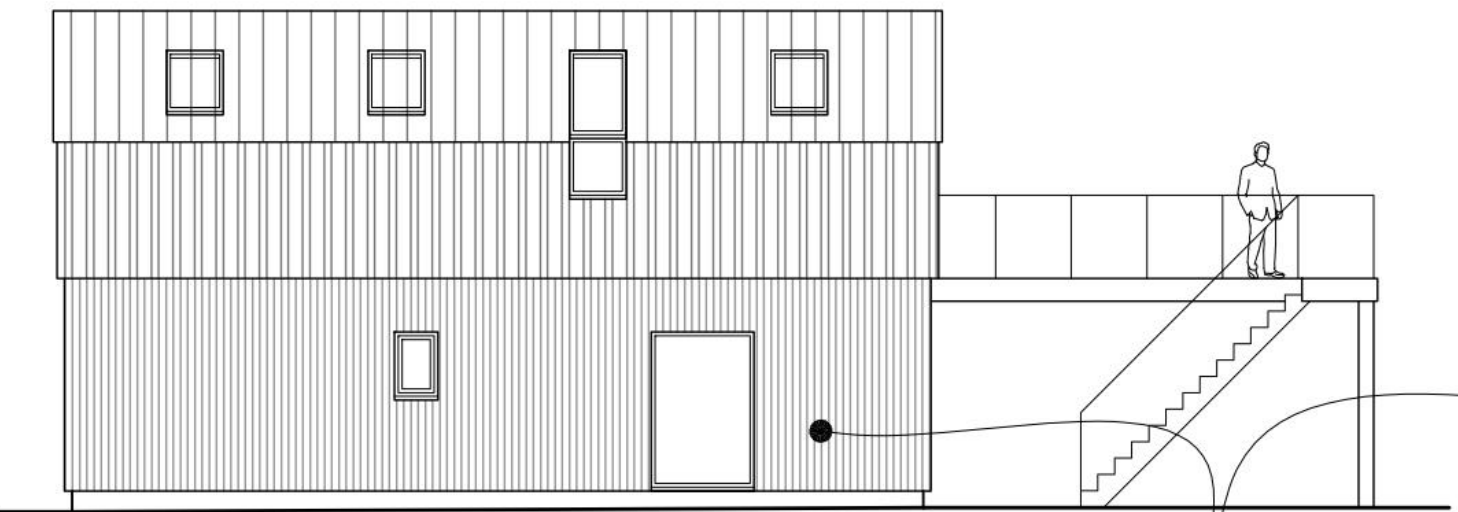
Block Plan
Scale 1:100



Front Elevation (North)
Scale 1:100



Side Elevation (West)
Scale 1:100



Rear Elevation (South)
Scale 1:100



Side Elevation (East)
Scale 1:100



↑ example images of contemporary aesthetic

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A	23/06/21	Red line amended	JY
rev:	date:	description:	by:



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web: www.paulrobinsonpartnership.co.uk

client:
Norcam Properties Limited

location:
**Low Road, Winterton-on-Sea
Great Yarmouth, NR29 4AN**

title:
**Proposed Holiday Let Conversion
Proposed Floor Plans, Elevations
& Block Plan**

scale @ A1:
1:50, 1:100
date:
May 2020
project no:
8172

drawn by:
JY
approved:
BH
dwg no:
P03

revision:
A

PLANNING

From: Leece, Sarah <sarah.leece@norfolk.gov.uk>
Sent: 01 February 2021 11:50
To: plan <plan@great-yarmouth.gov.uk>
Subject: RE: 06/20/0571/F

Dear Mr G Bolan,

Public Rights of Way Consultee response regarding:
Conversion and extension of ex-telecoms building to single dwelling or holiday lets. Virgin Media Building (former), Low Road, Winterton, Great Yarmouth.

Thank you for your consultation regarding the above.

We have no objection in principle to the application. However, we would highlight that access to the site will be via the Public Right of Way known as Winterton Restricted Byway 7 which does not offer any means of public vehicular access and it is not maintainable at the public expense to a vehicular standard. The applicant will need to ensure that they have an established private right of access to the land suitable for residential purposes. It would be expected that any damage caused to the Restricted Byway by the exercise of the private rights remains with the rights holders to repair.

The full legal extent of this Restricted Byway must remain open and accessible for the duration of the development and subsequent occupation.

Regards,

Sarah

Sarah Leece
Green Infrastructure Officer (Public Rights of Way)
Community and Environmental Services

Norfolk County Council
General Enquiries: 0344 800 8020 or information@norfolk.gov.uk

From: Jill K. Smith <Jill.Smith@great-yarmouth.gov.uk>
Sent: 14 January 2021 17:34
To: Public Rights of Way <prow@norfolk.gov.uk>
Subject: 06/20/0571/F

WARNING: External email, think before you click!.

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To see our email disclaimer click here <http://www.norfolk.gov.uk/emaildisclaimer>

Date: 15/01/2021

By email only: George Bolan

Dear George,

Application **06/20/0571/F**
Proposal **Conversion and extension of ex-telecoms building to single dwelling for holiday lets**
Location **Virgin Media Building (former) Low Road Winterton GREAT YARMOUTH**

Thank you for your consultation. The Natural Environment Team at Norfolk County Council provide ecological advice to Great Yarmouth Borough Council Council under a Service Level Agreement. You consulted us on this application on 11/12/2020. Our response is due by 15/01/2021.

Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Summary: **No objection**

The application is supported by a **Preliminary Ecological Appraisal** (Practical Ecology, September 2020), **bat report** (Practical Ecology, April 2020) and **great crested newt method statement** (Practical Ecology, September 2020). The reports are fit for purpose and recommendations for enhancement are made, in accordance with Policy CS11 and the NPPF. The PEA was undertaken in March 2020, with bat surveys in summer 2020.

Robert Moore's comments (07/12/20) regarding common lizards¹ are noted.

The **shadow HRA** (Practical Ecology, Sep 2020 (version 2)) is fit for purpose. In addition to a financial contribution further mitigation measures are required to minimise impacts on the Natura 2000 sites, namely:

- 1) To mitigate the impacts of dogs:
 - a. A dog waste bin is provided onsite for residents or
 - b. The property is let on the provision that dogs are not allowed,and
- 2) Provision of a visitor information pack at the property regarding alternative walking sites and details about the importance and vulnerabilities of the nearby Natura 2000 sites

These should be secured as part of the S106 agreement. In addition, A Construction Environment Management Plan (CEMP) should be secured to ensure that construction activities are managed appropriately.

¹ All native reptiles (including common lizards) are listed on Schedule 5 of the Wildlife and Countryside Act 1981, and are afforded protection under Sections 9(1) and 9(5). For the reptile species occurring in Norfolk, adder *Vipera berus*, grass snake *Natrix helvetica*, slow-worm *Anguis fragilis* and common lizard *Zootoca vivipara*, this protection prohibits deliberate or reckless killing and injury but does not include habitat protection.

There are no objections on ecological grounds subject to the following conditions:

1. Condition: Compliance with existing detailed biodiversity method statements

All ecological works shall be carried out in accordance with the details contained within the 'Great crested newt method statement' (Practical Ecology, September 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: in accordance with CS11

Note: measures set out in the great crested newt method statement will also prevent harm to reptiles (and other amphibians).

2. Condition: Biodiversity Enhancement

Prior to the commencement of development, a biodiversity enhancement plan shall be submitted and approved in writing by the local planning authority, detailing the enhancement measures for biodiversity on site. The biodiversity enhancement plan should include the numbers and locations of bird boxes and bat boxes, hedgehog gaps, hedgehog house as recommended within the PEA report (Practical Ecology September 2020), bat report (Practical Ecology, April 2020). The measures shall be carried out strictly in accordance of the approved scheme.

Reason: in accordance with CS11.

Note:

- (1) Elevational plan should be submitted showing the locations of the boxes. The plan should be prepared by a suitably qualified and experienced ecologist.
- (2) In addition, it is recommended that the development include enhancements such as hedgehog gaps beneath fences and integrated bug bricks. Native species, that support pollinators, should also be used in any landscaping scheme.

3. Lighting Condition:

National Planning Policy Framework clause 125 and Norfolk County Council's Environmental Lighting Zones Policy, and the emerging neighbourhood plan for Winterton-on-Sea recognise the importance of preserving dark landscapes and skies. In order to minimise light pollution, we recommend that any outdoor lighting associated with this proposal should comply with the following guidance:
<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>. This could be conditioned.

Reason: NPPF and the emerging Winterton-on-Sea Neighbourhood Plan

4. Condition: Construction Environment Management Plan

Reason: to protect Natura 2000 sites in accordance with CS11.

Informatives:

European Protected Species Informative: Occasionally European protected species, such as bats can be found during the course of development even when the site appears unlikely to support them or after an ecological survey has found no previous evidence of them. In the event that this occurs, it is advised that the developer stops work immediately and seeks the advice of a suitably qualified ecological consultant.

Nesting birds Informative: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while the nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub, and buildings should be assumed to be used by nesting birds between 1st March and 31st August inclusive, unless a recent survey (no more than 24 hrs prior to works starting) has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present. Cut vegetation is to be either removed from site or chipped. Piles of brash are not to be stored on site as this provides potential nesting habitat for birds. If piles of brash are left on site during the main breeding bird season these will need to be inspected for active nests prior to removal.

These comments are valid for 6 months (in line with CIEEM guidelines for ecological survey lifespan and the date of the surveys undertaken by Practical Ecology).

If the wording of the suggested conditions is to be amended, please reconsult us.

Kind regards,

Catherine Dew, County Ecologist
Norfolk County Council
neti@norfolk.gov.uk

Appropriate Assessment

Planning Application details	
Applicant/Agent	Applicant: S Casey c/o PlanSurv Ltd 5a Quayside ELY Cambridgeshire CB7 4BA Agent: Mrs R Gunton PlanSurv Ltd 5a Quayside ELY Cambridgeshire CB7 4BA
Application site address	Virgin Media Building (former) Low Road Winterton GREAT YARMOUTH
Application description	Conversion and extension of ex-telecoms building to single dwelling for holiday lets
Case officer (if known)	George Bolan
Application reference (if known)	06/20/0571/F
Ecologist details	
Name	Catherine Dew
Position	County Ecologist, Norfolk County Council
Date	18/01/21

The application site is in the red habitat impact zone.

A bespoke shadow HRA has been completed by Practical Ecology (2020). The assessment is broadly fit for purpose although please note that the Great Yarmouth monitoring and mitigation strategy requires a £110 per six bed spaces (for holiday accommodation).

In addition to a financial contribution being secured to implement measures outlined in the Monitoring and Mitigation Strategy, the following mitigation is also required:

- a **dog waste bin** for residents is required, or **dogs not permitted to stay**
- Maps showing alternative walking routes
- Literature emphasizing importance of the Natura 2000 sites and how it can be protected should be provided
- Construction plan to minimize risk of pollution

assessment concludes that **no adverse effect** on the integrity of internationally designated wildlife sites from recreation.

<As appropriate, will include the following:

- Summary of submitted shadow HRA/screening assessment submitted with planning application
- Details of habitats and species which are the designated features of the protected site(s) **YES**
- Implication of the proposal for designated features and habitat types and species (including key issues – increased recreational pressures / potential hydrological linkage) **YES (chapter 5)**
- Reasons for rejecting any scientific expert opinion
- Any construction parameters to be agreed **YES - CEMP**
- Mitigation measures, e.g. financial contribution (via S106 / S111) / Green Infrastructure / drainage strategy etc. **YES**
 - **Financial contribution**
 - **Dog waste bin onsite/dogs not permitted**
 - **Visitor information pack**
- No adverse (residual) effects on the integrity of the relevant internationally protected habitat sites>

Draft GYBC Officer sign off	
Officer:	
Position:	
Date:	

Natural England comments	
Officer:	
Position:	
Date:	

Final GYBC Officer sign off	
<p>It is confirmed that the above proposal will not have a significant adverse effect on nearby internationally protected habitat sites and this is the record of Appropriate Assessment undertaken by the competent authority, in accordance with the Conservation of Habitats and Species Regulations 2017.</p>	
Officer:	
Position:	
Signature:	
Date:	

Application 06/20/0571/F
Name debbie newman
Address 12 The Avenue Hemsby
 NR294ET
Telephone [REDACTED]
Email [REDACTED]
Response OBJ Object
Speak No
Comments

As a horse carriage driver/rider using the restricted byway on low road regular the
 the holiday makers are not very good at picking their dog mess up as I get told often
 i have had trouble w ith church farm cottage holiday lets coming and blocking my ga
 the road either way leading to this piece of land is unmade it does not cope w ith the
 Also concerned if there are holiday makers in there that they will let firew orks off a

Change Type

OWPC10708

[Transfer](#)

**Delete or
Invalidate**

[Delete/Invalidate](#)

As a horse carriage driver/rider using the restricted byway on low road regular the road is very narrow most drivers find it very frustrating reversing back up the restricted byway when we have the horses on it then we get a mouthful of abuse because they cannot reverse the restricted byway there surely is a good reason to limit the cars to preserve our byways as four wheeled drives and lorries are not suppose to go on it anyway

the holiday makers are not very good at picking their dog mess up as I get told often they are on holiday so do not have to pick it up outside my gate, again a mouthful of abuse I get then again when their dogs are off the leads which should be on leads and barking and lunging at the horses the locals are very respectful to us so always know they are holiday makers or day trippers to village when we have had trouble with dogs such a shame as we have had trouble with cars impatient to wait so beep at us as well the last couple of years

i have had trouble with church farm cottage holiday lets coming and blocking my gate waiting to go in their holiday accomodation usually leave the cars and walk the dog no respect for no parking signs in front of gates again

the road either way leading to this piece of land is unmade it does not cope with the traffic now that uses it as we have to buy shingle or type 1 to fill holes in now so letting more people on the restricted byway will be awful for the people that try to maintain it or use it regular either walking or biking

Also concerned if there are holiday makers in there that they will let fireworks off as on holiday right opposite horses field all my neighbours again are very respectful to the horses as its a residential area and our area of Low Road Empsoms Loke

also really do not want strangers coming and going already had things stolen from mine and neighbours fields so wary of strangers now in that area

please do not pass this building as a holiday let there is enough in the village for holidaymakers now
thanks Debbie Newman

14.12.20.

Application 06/20/0571/F
Name Nick Read
Address 21 Empsons Loke
Winterton on Sea Great Yarmouth
Norfolk NR29 4AR
Telephone [REDACTED]
Email [REDACTED]
Response OBJ Object
Speak No
Comments

We are the direct neighbours of this property. We object on several grounds. 1. The

Change Type

OWPC10536

Transfer

**Delete or
Invalidate**

Delete/Invalidate

We are the direct neighbours of this property. We object on several grounds. 1. The plan does not show the presence of the Empsons Loke development which has been here for 6 years and comprises six 3-5 bedroom houses already adjacent to the site, of which we are the direct neighbour. 2. These six properties have a private driveway for access which is already abused by holiday makers using it as a turning space or free car park. Adding another property which appears on the map as being accessed via Empsons Loke will make this worse, especially as a holiday let rather than a main residence. 3. Winterton is overrun. It does not need any more holiday makers or holiday let properties. Especially as Hemsby is being developed already. 4. It is not 'outside the village'. This is false. It is entirely within the accepted boundary of the village - entirely between 21 Empsons Loke and the last domestic house on Low Road to the east. 5. Low Road is in common use as a bridleway, not a road. It is an unmade mud track, used by ramblers, dog walkers, horses and cyclists. It is not appropriate to use it for holiday makers from outside of the village to churn up and down it and the feeder roads at each end. 6. The lower end of Empsons Loke already has a flooding problem because of lack of drainage in this lowest part of the village. Badger Homes were forced by the residents to install a much greater volume of soakaway cages than originally designed in as only ten minutes of heavy rain would originally flood to the front doors of the bottom three houses - 21, 22, and 23. Even now, storm weather which is more and more common every year causes the soakaways to overflow. Holiday makers who ignore the signs to stay out of our private driveway, and to not drive or park on the gravel covering the soakaway cages, continually do the exact opposite - trespass and cause damage. 7. The field adjacent to our property and the one in question is an area of scientific interest and wildlife. It represents the only bit of wild meadow within the village and is home to pipistrelle bats. These have lived here throughout the 6 years that we have. They roost in the roof of the telecoms building and hunt over the field and across our front lawn. We have video footage of them and they are regular visitors in the late summer evenings, circling between 21 and the telecoms building. 8. The rear of our property ie. Low Road is the edge of a flood plain. No further properties should be developed there. 9. The presence of transient holiday makers on a regular basis would mean a need for heavy bin and recycling lorries to try and find a way down the mud track of Low Road just to collect waste and it is likely that it would be simply left by an absentee

landlord to become an eye sore of rubbish and waste. WE STRONGLY OPPOSE THIS PLANNING APPLICATION.