



GREAT YARMOUTH BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 05 October 2022
Time: 18:00
Venue: Council Chamber
Address: Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

AGENDA

Open to Public and Press

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.

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|---|--|-----------|
| 3 | <u>MINUTES</u> | 4 - 16 |
| | To confirm the minutes of the meeting held on the 6th July 2022. | |
| 4 | <u>MINUTES</u> | 17 - 30 |
| | To confirm the minutes of the meeting held on the 7 September 2022. | |
| 5 | <u>APPLICATION 06-20-0278-F THE FORMER FIRST AND LAST PUBLIC HOUSE YARMOUTH ROAD ORMESBY ST MARGARET NR29 3QG</u> | 31 - 61 |
| | Report attached. | |
| 6 | <u>APPLICATION 06-22-0572-VCF - LYNN GROVE ACADEMY, LYNN GROVE, GORLESTON</u> | 62 - 82 |
| | Report attached. | |
| 7 | <u>APPLICATION 06-21-0285-F - THE CLIFF HOTEL, CLIFF HILL, GORLESTON</u> | 83 - 96 |
| | Report attached. | |
| 8 | <u>APPLICATION 0-21-0880-F - THE CLIFF HOTEL, CLIFF HILL, GORLESTON</u> | 97 - 111 |
| | Report attached. | |
| 9 | <u>APPLICATION 06-22-0453-F - THE CLIFF HOTEL, CLIFF HILL, GORLESTON</u> | 112 - 123 |
| | Report attached. | |

10 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.



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Minutes

Wednesday, 06 July 2022 at 18:00

PRESENT:-

Councillor Annison (in the Chair); Councillors Fairhead, Freeman, Flaxman-Taylor, P Hammond, Hanton, Myers, Wainwright, Williamson, & A Wright.

Councillor Candon attended as a substitute for Councillor G Carpenter.

Councillor D Hammond attended as a substitute for Councillor Mogford.

Mr M Turner (Head of Planning), Ms C Whatling (Monitoring Officer), Mr R Parkinson (Development Manager), Mr G Sutherland (Senior Planning Officer), Mrs S Wintle (Corporate Services Manager), Ms N Jerney (Planning Officer), Ms V-L King (Technical Officer), Mr S Hubbard (Strategic Planning Manager), Mr D Zimmerling (IT Support) & Mrs C Webb (Democratic Services Officer).

Adam (Production Bureau) & Mr Wilson (Norfolk County Highways).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G Carpenter, Mogford & B Wright.

2 DECLARATIONS OF INTEREST

Councillor D Hammond declared a personal interest in agenda item 4 as she lived in West Caister which was very close to the application site.

Councillor P Hammond declared a personal interest in agenda item 4, as he was a Caister Parish Councillor, however, he had not taken part in any discussions or voted on any item at Parish Council in relation to agenda item 4 and he reserved the right to both speak and vote on the item.

Councillor Freeman declared a personal interest in agenda item 4, as he was both a Ward Councillor and Parish Councillor for Ormesby St Margaret with Scratby and would not be speaking on item 4 on behalf of the Parish Council.

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

3 MINUTES

The minutes of the last meeting were confirmed.

4 06-19-0676-O NOVA SCOTIA LAND WEST OF JACK CHASE WAY CAISTER-ON-SEA, GREAT YARMOUTH

The Committee received and considered the comprehensive report from the Senior Planning Officer regarding application number 06/19/0676/O, land at Nova Scotia Farm, wets of Jack Chase Way, West Caister, Great Yarmouth.

The Senior Planning Officer reported that this was an outline planning application with all matters reserved, except access.

The proposal included:-

- up to 665 dwellings
- a local centre with scope for convenience shops, services and community uses including a health centre, land for a primary school, associated infrastructure and open space
- Reserved Matters; appearance, landscaping, layout and scale which covered a site area of 33.6 hectares.

The Senior Planning Officer reported the following supporting information which had been submitted with the application:-

(i) The EIA comprehensively covers impacts on: Agriculture, Air Quality, Archaeology and Cultural Heritage, Ecology, Flood Risk, Drainage and Water Resources, Noise, Socio Economic, Transport, Landscape and Visual and Cumulative and In-Combination Effects.

(ii) Supporting information included:

- Planning Statement
- Design and Access Statement
- Environmental Statement
- Flood Risk Assessment
- Heritage Impact Assessment
- Arboricultural Impact Assessment
- Landscape Masterplan and Strategy; and
- Development Framework (including Land Use and Access, Density and Building Heights, Green Infrastructure, Circulation).

The Senior Planning Officer showed the Committee an outline of the proposed development site on a map for their consideration. The Senior Planning Officer explained that a small area of the site was situated in the parish of Ormesby St Margaret with Scratby, was adjacent to the parish of Caister-on-Sea and the majority was situated in the parish of West Caister. The Senior Planning Officer further explained which Borough Council Wards the application site was in, the majority of the site was in Caister South Ward, a small area was in Ormesby Ward and the site was adjacent to Caister North Ward.

The Senior Planning Officer showed an indicative plan of the site layout to the Committee. The Senior Planning Officer showed photographs to the committee of the north end of the site looking east and the east west hedge at the north end. The Senior Planning Officer then showed photographs of the northern end of the site looking south, the east west hedge and the gun battery, which would be retained as it was of historical interest.

The Senior Planning Officer showed photographs of the mid-section of the site looking east to Jack Chase Way and the to be retained tree belt on the western side. The Senior Planning Officer then showed photographs of the southern end of the site looking south and east and the western boundary hedge.

The Senior Planning Officer showed photographs of the existing open space and bicycle/pedestrian path to Diana Way which lay on the east side of Jack Chase Way and the A149 roundabout, Jack Chase Way, Norwich Road, Caister.

The Senior Planning Officer showed a plan of the indicative layout of the local centre to the Committee which showed that the elements anticipated in the local centre could be accommodated on the site as per the local plan policy including retail units, a care home and a health centre.

The Senior Planning Officer reported the anticipated phasing for the development. A condition is recommended and phasing will be a provision of the s106 agreement relating to triggers for the provision of community infrastructure during the development.

In regard to the indicative phasing plan:

The purple area represented Phase 1; 275 dwellings, traffic signalised junction, southern crossing point and associated infrastructure. A decision would then be made on type of primary school constructed.

The blue area represented Phase 2; 90 dwellings, roundabout junction, northern basin & POS area and associated infrastructure.

The green area represented Phase 3; 215 dwellings, central crossing area, opening

of school, local centre and associated infrastructure.

The orange area represented Phase 4; 85 dwellings, northern POS and associated infrastructure.

The Senior Planning Officer reported that a condition is recommended regarding the submission of reserved matters and the delivery of aspects of the development would be a provision of the s106 agreement.

The Senior Planning Officer highlighted the following points for Member's to consider during the determination of this application:-

- (i) This is an allocated strategic housing site in adopted Local Development Plan. Allocated due to its sustainable location with access to infrastructure, services and amenities.
- (ii) The principle of development has been accepted and therefore requires to be assessed in the context of relevant legislation (as set out in the report) the adopted plan and its policies and any other material considerations; and
- (iii) Within this context responses from statutory consultees and representations from public have been assessed in the report.

The Senior Planning Officer highlighted Local Plan Part 2 Policy CA1, Land West of Jack Chase Way Housing Allocation:-

In addition to assessment of the proposal in the general terms of the adopted development plan consisting of Core Strategy and Local Plan Part 2 (LPP2) the application has been assessed against the 24 criteria of LPP2 Policy CA1 specific to the site. It is considered to broadly comply with both adopted development plan and specific policy.

The Senior Planning Officer summarised the public concerns regarding the application as follows:-

Impacts on:

- (i) Highways Infrastructure
- (ii) Natural Environment (specifically hedgerows); and
- (iii) Facilities and Utilities.

The Senior Planning Officer reported the following NPPF Highways considerations:-

111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

112. Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

The Senior Planning Officer reported the following Highways infrastructure Proposed Access Strategy:-

- (i) Two principle points of access from Jack Chase Way. The southern access aligning with the Prince of Wales Road having a signalised junction including bicycle and pedestrian elements. The northern access, via a 3-arm roundabout with pedestrian crossing 790m north of Prince of Wales Road .

- (ii) Reduction in speed limit on Jack Chase Way from 60mph to 40mph via a Traffic Regulation Order (TRO).
- (iii) New cycle way along Jack Chase Way from the A149 roundabout junction.
- (iv) Toucan (pedestrian and bicycle) crossing between the existing cycleway located on the eastern side of Jack Chase Way and the proposed cycle way on the western side of Jack Chase Way.
- (v) New zebra crossing on Norwich Road, for travel to the site from existing residents in Caister.
- (vi) During Phase 1 of development, existing public transport facilities on Prince of Wales Road / Norwich Road would be used.
- (vii) A new Caister to Norwich bus service would be provided upon first occupation serving existing residents and new residents along Norwich Road and Yarmouth Road.
- (viii) As development progresses, the internal spine loop road will be completed, and will then be serviced by an improved bus service. New bus stops may allow for the diversion of services 1/1a, currently using Jack Chase Way, to serve the site. This will link the site with Great Yarmouth providing a commuter and leisure service.
- (ix) Upgrading of the existing footway section on foot/cycleway along Norwich Road from Prince of Wales Road.
- (x) Speed management measures will be implemented along Ormesby Road that includes pedestrian crossing points; and
- (xi) Cycle stands provided at the village centre to encourage cycling to the centre area.

The Senior Planning Officer showed a photograph to the Committee detailing the Jack Chase Way junction with Prince of Wales Road, and the view to the north and the south . The Senior Planning Officer showed a number of detailed maps and diagrams which indicated how the road improvements/changes would be implemented. As the impact on highway infrastructure was a key public concern, the following highlight the proposed highway measures which make up the proposed access strategy to mitigate impacts:-

- (i) A new Caister-on-Sea to Norwich bus service.
- (ii) Traffic calming measures along Ormesby Road consisting of pedestrian refuge islands, controlled pedestrian crossings and adjustments to bus stops and new pedestrian links.
- (iii) New zebra crossing on Norwich Road.
- (iv) New off-road cycleway along the north side of Norwich road.
- (v) New cycle parking stands in the centre of Caister.
- (vi) Cycle way-marking signs across Caister to provide a leisure/tourist cycle route.
- (vii) New bus shelters on Norwich Road & Prince of Wales Road.
- (viii) Widening of Jack Chase Way and Norwich Road approaches to the A149 roundabout junction with Norwich Road.
- (ix) A new cycleway along the western side of Jack Chase Way.
- (x) Controlled crossings on Jack Chase Way to link the site with the village.
- (xi) Reduction of the speed limit on Jack Chase Way to 40 mph; and
- (xii) Promote, monitor and manage travel habits of the development's residents through the Travel Plan secured in the s106 agreement.

The Senior Planning Officer reported that main public concerns to the Highways infrastructure as follows:-

- (i) Reducing function of Jack Chase Way will cause traffic to divert through Caister.

Proposed mitigation: Improvement of roundabout A149 with Jack Chase Way, traffic calming on Ormesby Road, vehicle flow sensitive traffic signal at the junction of Jack Chase Way and Prince of Wales Road.

Traffic model assessment: vehicle travel neutral weekday and summer holiday period JCW 20% quicker than through Caister.

(ii) Too far to existing schools.

Proposed pedestrian and bicycle crossings and improved pedestrian and bicycle facilities off site will help facilitate non vehicle travel.

The new primary school will be on site and be closer to the existing residents than the existing primary school so should help reduce vehicle trips.

The Senior Planning Officer reported the main public concerns to the Natural Environment:-

(i) Removal of hedgerow on Jack Chase Way

(ii) Loss of habitat

(iii) Surface Water Flooding; and

(iv) Loss of Grade 1 Agricultural Land.

The Senior Planning Officer reported that as outlined on p34 of the report the EIA demonstrates that while acknowledging the loss of Grade 2 agricultural land, there would not be major adverse impacts on the natural environment.

Proposals include mitigation to offset adverse impacts including hedge planting and enhancement through new landscaping with retention of hedgerows where possible. Amongst other things there would be a neutral impact on plants and reptiles with opportunities for species enhancement.

The Senior Planning Officer showed a series of slides to help the committee on the matter of the removal of hedgerow required to facilitate access as this was a key matter in public representations. The length of hedgerow to be removed was 870m and the length to be planted was 1,548m. The Senior Planning Officer reported that as an addendum to the proposed s106, the Council proposed an additional provision to require the retention of existing hedgerows excepting to provide approved access prior to the commencement of development.

The Senior Planning Officer reported that in regard to the Natural Environment, the conclusion was, in this case, and where other adverse impacts have been identified, these are considered to be outweighed by the sustainability benefits of the location of this development.

The Senior Planning Officer then reported on the facilities and utilities:-

(i) Foul Sewers

(ii) Schools; and

(iii) Primary Health Care.

The Planning Officer then reported the planning obligations to the Committee:-

Habitats Mitigation £185.93 per dwelling – Total £123,643.45

Healthcare 0.75ha land allocation within the local centre with financial

contribution for primary and community, intermediate, mental health and acute health care services £1,604,506.

Community centre contribution £692 per dwelling- Total £460,180

Education 2.0ha site at no charge with a pro-rata contribution for 2 class entry primary school (187 places / 420 place school x £9 million) = £4,007,142.

Community use agreement (school land)

Library service expansion scenario £244 per dwelling -Total £162,260- or no expansion required scenario £75 per dwelling – Total £49,875

Green infrastructure (works to public rights of way) £150 per dwelling – Total £99,750

Open space provision 10.57ha and long term management

SuDS provision and long term management.

Affordable Housing 20% provision – Total 133 dwellings

Local centre and healthcare facility - A site of up to 1.75 hectares, to include the Health Centre Site (0.75 hectares)

Travel Plan and bus service to Norwich

Retention of hedgerows prior to the commencement of development excepting as to provide approved access.

NCC s106 Monitoring Fee: Levied at a rate of £500 per obligation for Norfolk County Council.

Marketing scheme to be agreed and implemented to advertise site for care home/ retirement /sheltered housing.

Marketing site for the local centre availability.

Prevent use and development of the 0.33ha land other than for safeguarded care home / retirement / sheltered housing use, in order to avoid it being unavailable or incapable of delivering that part of the policy.

Delivery timescales and mechanisms for infrastructure / trigger points.

In the conclusion assessment, the Senior Planning Officer reported the planning balance:-

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to make its determination in accordance with the Development Plan

The application is assessed to be broadly in accordance with the development plan and in particular Policy CA1. Potential negatives can be mitigated with

appropriate planning conditions and planning obligations where necessary.

Sustainable location close to range of services and public transport

Can deliver 665 houses toward core strategy housing target

Traffic impacts can be mitigated

EIA demonstrates that while acknowledging the loss of Grade 2 agricultural land, there would not be major adverse impacts on existing natural environment.

It is considered that there are overriding sustainability benefits of allowing development in this location.

The EIA also concludes that impacts on landscape and the setting of heritage assets can be safeguarded and mitigated. This complies with policy CS10 of the Core Strategy and E5 of LPP2

There will be an adverse impact on the removal of hedgerow (870m) along Jack Chase Way, this will be mitigated with hedgerow replacement 1,548m elsewhere on site. The hedgerow is less 40 years old, its removal is required to provide access with forward visibility splays and will allow the new neighbourhood, local centre and school to integrate physically and visually connecting with the adjoining part of the village

The EIA identifies measures to mitigate any significant adverse impacts from the proposed development. These can be addressed with the recommended conditions and through the commitment of the applicant to provide significant community infrastructure.

The Senior Planning Officer reported that the officer recommendation was for approval as the proposal complies with Policies CS1, CS2, CS3 (as amended by Policy UCS3 in the Local Plan Part 2), CS4 (as amended by Policy UCS4 in the Local Plan Part 2), CS6, CS7 (as amended by Policy UCS7 in the Local Plan Part 2), CS9, CS10, CS11, CS12, CS13, CS14, CS15 and CS16; Local Plan Part 2 : Policies UCS3, UCS4, UCS7, GSP1, GSP5, GSP6, GSP8, A1, A2, H1, H2, H3, H4, H13, R1, R5, R7, E1, E4, E5, E6, E7, C1, I1, I2, I3 and Policy CA1.

Approve application 06/19/0676/O subject to:

The conditions set out in the report or as amended by the Head of Planning , the completion of a S106 Agreement within a 3 month or longer period if deemed required by the Head of Planning including the provision of the travel plan, Norwich bus service and retention of hedgerows prior to development excepting those to be removed to form access to the site suitable confirmation from Natural England of the LPA's Appropriate Assessment.

The Chairman reported his concerns regarding the increase of vehicular movements

on a daily basis along Jack Chase Way which would be impacted by the reduction in speed to 40mph and that motorists would choose travel through Caister to avoid this. The Senior Planning Officer reiterated that Highways had modelled the traffic flow and that using Jack Chase Way would be 20% quicker than travelling through Caister on a neutral workday or holiday.

Mr Wilson, NCC Highways, reported that the application had a robust travel strategy and package of highways measures and travelling along Jack Chase Way would be a minute quicker than the alternative route through Caister and therefore it seemed that the impact for motorists would not be too severe.

Councillor P Hammond questioned this statement as how could Jack Chase Way be only a minute quicker if the speed limit was being reduced by 20 mph and with 5 pedestrian crossings to navigate.

Councillor P Hammond reported that Policy CS2 stated that secondary & tertiary villages in the LPP2 only required a housing supply of 110 houses and that as West Caister was a tertiary village, why were 665 homes being proposed. The Development Manager reported that these homes were required to meet the housing growth required as part of the Council's Core Strategy. The secondary & tertiary villages would then pick up the windfall number of homes required to meet the Core Strategy targets. This development of 665 homes was the biggest allocation in the Borough required up until 2030 and was in a sustainable community within a sustainable position in the Borough.

Councillor Williamson asked for confirmation that the developers would provide a site of 2 hectares for the school and associated playing field. The Senior Planning Officer reported that 1.2 hectares was allotted for the school with 0.8 hectares allotted for the playing field.

Councillor Freeman asked for clarification regarding the proposed traffic calming measures from the First & Last PH leading into Ormesby. The Senior Planning Officer reported that a TRO would be obtained for traffic calming measures along Ormesby Road, Caister only.

Councillor D Hammond was concerned what would happen if an accident occurred on Jack Chase Way and the Police closed the road at the roundabouts at each end. This would mean that motorists would be trapped in the estate and unable to leave/enter. Councillor D Hammond asked Mr Wilson if he had modelled this. Mr Wilson informed the committee that they only modelled traffic movements under typical circumstances.

Mr Cogman, applicants agent, addressed the committee and reported the salient areas of the application. He highlighted that the application site was designated in the LPP2 and would provide much needed homes in the borough, including 20% affordable homes.

Ms Sherman, Persimmon Homes, addressed the highways and environmental concerns of local residents. She reported that it was a robust and safe application and the design scheme was sensitive to its surroundings. A new housing range would be launched on this development and she respectfully asked Members to approve the application.

Councillor Myers asked for an assurance that the 134 affordable homes would meet the house size requirements as set out in the National Framework Guide. Ms Sherman assured Cllr Myers that all homes would be built to standard.

The Chairman requested that dust emanating from the development be managed better than it had been on the persimmon sites in Bradwell. Ms Sherman reported that valuable lessons had been learnt and that dust suppression would be handled through a Construction method Statement & management plan.

Councillor Williamson asked what green credentials the new homes would have as standard. Ms Sherman reported that they would have EVCP but would not have air source heat pumps installed as standard until the building regulations changed in 2025.

Mrs Rumble & Mr Cole, objectors, addressed the Committee and highlighted the environmental impact of the development. They accepted that homes were needed in the borough but this was the wrong site for the development. The local infrastructure, for example, doctors surgeries and schools, were already stretched to breaking point and could not support a development of this size. Downgrading the speed limit on the bypass would lead to more people driving through Caister and creating a rat-run. Local school children would have to walk 6km a day to get to school and back and cross Jack Chase Way at peak times which was an accident waiting to happen. Mr Cole asked if an over-pass or under-pass crossing could be included in the design to keep children safe crossing the road. Residents would be subject to noise nuisance and CO2 pollution and they asked the committee to refuse the application.

Mr Wood, Caister-on-Sea Parish Councillor, addressed the Committee and reiterated the concerns regarding road safety of school children crossing the busy Jack Chase Way to get to school. Mr Wood alleged that 30% of drivers who used Jack Chase Way exceeded the speed limit and that there 5,800 vehicular users every day during the peak summer holiday weeks. The Parish Council were dismayed that 40 year old hedgerows and trees would be removed which would have a huge detrimental affect on the local wildlife, such as hedgehogs, bats and a pair of nesting peregrine falcons. The Parish Council were very concerned that the village did not have the infrastructure to cope with this development which was not the right thing for the village of Caister or the northern parishes and he urged Members to reject the application and enter into further consultation/dialogue with local residents.

Cllr Penny Carpenter, Ward Councillor, addressed the Committee and reiterated the concerns of the objectors and Parish Councillor. She urged Persimmon to consider incorporating a pedestrian overpass into the design scheme to keep local school children safe on their daily journey to and from school, similar to the one provided for residents of West Caister. Cllr Carpenter was concerned that Caister would turn into a rat-run used by motorists who wished to avoid the 5 crossings on Jack Chase Way. Cllr Carpenter reported that Caister had an ageing retired population and that the existing doctors surgery was under immense strain and would not be able to cope with the influx of new patients as a result of this development and she asked the committee to refuse the application.

Councillor Myers reported that he shared the concerns of the objectors, Parish Councillor & Ward Councillor and that he supported their request for a pedestrian overpass. In his view, the infrastructure should be brought forward and included in phase 1 of the works and not phase 3, but he was aware that this was contrary to central government requirements.

Councillor A Wright was very concerned, once again, at the loss of grade 1 and grade 11 agricultural land, the down-grading of Jack Chase Way to 40mph, and the loss of trees, hedgerows and the resulting environmental impact on the area.

The Chairman reminded Councillor Wright that he was a member of the Local Plan Member Working Party who had agreed the site inclusion in the LPP2 and which had subsequently been adopted by Council.

Councillor P Hammond reiterated his earlier concerns of the downgrading of the speed limit on Jack Chase Way from 60mph to 40mph which would most likely result in numerous accidents and even loss of life and he could not support this application.

Councillor D Hammond was concerned that the site would be cut off from the main community of Caister by Jack Chase Way and it would become a second class housing development.

Councillor R Hanton reported that the bypass had been built for a reason; to take the traffic away from the centre of Caister, and he was concerned that Caister would become a rat-run resulting in detrimental road safety and congestion and he would not support the application.

Councillor Wainwright reported that the borough desperately needed homes, especially for young people. The site was part of the adopted LPP2 and Council's were being forced to build by central government and we needed homes in the northern parishes and he would support the application. However, he did support the inclusion of a pedestrian overpass if the developers would fund this to aid road safety for local school children, though he was doubtful that Persimmon would agree to the extra spend as NCC Highways had approved the proposed highways scheme.

Councillor Freeman reported that he had listened carefully to the debate and he urged common sense and that officers and representatives from Persimmon to get together and consider all the points which had been raised at the meeting to see if they could further improve the scheme to allay some of the fears. He agreed that we needed houses but he was concerned regarding the access from the site and the need for a pedestrian overpass for local schoolchildren to use.

Councillor Candon confirmed that the borough urgently needed homes and, especially for young people. The site had been allocated in the LPP2 and the committee should support the Local Plan policy and approve the application.

Councillor P Hammond reported that if permission was granted, Persimmon could still land-bank this development and the Council would still not get there much needed homes. In reality, this application could take anywhere between 7 to 10 years to build out. A similar application at East Anglian Way had been refused and upheld at appeal due to highway concerns; so why not this application. Why was this application refused in 2001. The Senior Planning Officer reported that this was due to it being premature to the development plan.

Councillor Williamson reported that he agreed with Councillor Candon, that the site was in our LPP2 and the borough needed homes, especially affordable homes for young people, and he would support the application. When the homes were built out and lived in, once the trigger point had been passed, the supporting infrastructure would be built out with government funding.

Councillor Myers asked what the probability was that we would lose at appeal if we refused the application. The Development Manager reported that robust reasons for refusal would be required that could be defended at appeal.

Councillor Wainwright reiterated the need for houses and that if a pedestrian overpass could be negotiated for road safety then the application should be supported.

A member of the gallery shouted out and accused Councillors of taking bribes in brown envelopes to support this application and that they should be disgusted. Councillor Wainwright vehemently denied this allegation and asked that if this person continued to act in this manner then he would have no option but to take him to court. The Chairman asked the person to remain quiet, otherwise, he would have him removed from the chamber. The person apologised to Cllr Wainwright and the committee and the meeting continued.

The Development Manager summed up the application to the committee and reminded members that they could only vote for the application in front of them this evening which did not include a pedestrian overpass over Jack Chase Way.

The Chairman reminded the Committee that the borough desperately needed houses, especially affordable homes, and the development would deliver 20% AH. He reminded those Councillors who were present tonight, and who sat on the Local Plan Working Party, who had approved the site to be included in the LPP2, that they should adhere to the policy and support the application. Unless the Committee had valid reasons to refuse the application, this would put the Council in a vulnerable position.

Proposer: Councillor Candon

Seconder: Councillor Williamson.

Following a vote, 8 for and 4 against; it was RESOLVED:-

That application number 06/19/0676/O be approved, as the proposal complies with Policies CS1, CS2, CS3 (as amended by Policy UCS3 in the Local Plan Part 2), CS4 (as amended by Policy UCS4 in the Local Plan Part 2), CS6, CS7 (as amended by Policy UCS7 in the Local Plan Part 2), CS9, CS10, CS11, CS12, CS13, CS14, CS15 and CS16; Local Plan Part 2 : Policies UCS3, UCS4, UCS7, GSP1, GSP5, GSP6, GSP8, A1, A2, H1, H2, H3, H4, H13, R1, R5, R7, E1, E4, E5, E6, E7, C1, I1, I2, I3 and Policy CA1.

Approve application 06/19/0676/O subject to:

The conditions set out in the report or as amended by the Head of Planning , the completion of a S106 Agreement within a 3 month or longer period if deemed required by the Head of Planning including the provision of the travel plan, Norwich bus service and retention of hedgerows prior to development excepting those to be removed to form access to the site suitable confirmation from Natural England of the LPA's Appropriate Assessment.

5 ANY OTHER BUSINESS

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

6 EXCLUSION OF PUBLIC

The meeting ended at: TBC



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Minutes

Wednesday, 07 September 2022 at 18:00

PRESENT:-

Councillor Annison (in the Chair); Councillors G Carpenter, Fairhead, Freeman, Flaxman-Taylor, P Hammond, Hanton, Mogford, Myers, Wainwright, Williamson, A Wright & B Wright.

Mr M Turner (Head of Planning), Mr R Parkinson (Development Control Manager), Mr R Tate (Planning Officer), Ms C Whatling (Monitoring Officer), Mr M Brett (IT Support) & Mrs C Webb (Democratic Services Officer).

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

There were no declarations of interest given at the meeting.

3 MINUTES

The minutes of the meeting held on 20 July 2022 were confirmed.

Councillor Wainwright asked why the minutes of the meeting held on 6 July 2022 had not been included in the agenda pack for approval by the committee. The Democratic Services Officer apologised for the oversight and assured Councillor Wainwright that they would be included in the next agenda pack.

4 APPLICATION 06-22-0197-O - MILL BARN, HEMSBY ROAD, MARTHAM, GREAT YARMOUTH

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

The Planning Officer reported that the site comprises an unused pasture field with a single structure, a disused agricultural barn, adjacent Hemsby Road at its eastern end. The site measures an area of 0.77ha. Mill Barn is an early 19th century red brick barn located on the west of Martham Road in Hemsby. The brick barn is situated at the frontage of the site adjacent to the highway edge and immediately abutting a bend in Hemsby Road. Whilst inside the Parish of Martham, the barn lies outside of the village development limits and is within the open countryside. The site is approximately 1km from the village centre. To the south of the barn is Mill Farm House, and to the north is a small cluster of dwellings with a mix of circa 1930s semidetached dwellings to the west and a smattering of bungalows closer to the barn.

The Planning Officer reported that the application is an outline application (with full details of access only) for the demolition of the existing barn on the site and for the erection of a new dwelling. The application also proposes to create a new access to the north of the existing barn, to serve the new dwelling, and associated realigning of the carriageway. The existing access to the south of the barn would be used only for access to the existing dwelling neighbour to the south (notwithstanding that there is an existing access serving that dwelling already). Being an outline application with full details of access only, the details of landscaping, design, scale and layout are not being assessed as part of this application and would remain as reserved matters.

The Planning Officer reported that the application was Outside Development Limits as defined by GSP1, was within the 'Nutrient Neutrality' Catchment Area of the Trinity Broads SAC network and was within the Orange 400m to 2.5km Indicative Habitat Impact Zone for purposes of GIRAMS. The Planning Officer detailed the relevant planning history of the application site to the Committee.

The Planning Officer reported that having considered the details provided, the application is considered to fail to comply with policies CS01, CS02, CS09, CS10 and CS11 from the adopted Core Strategy, and policies GSP1, H8, E4 and E5 from the adopted Local Plan Part 2. This is not disputed by the applicant's agent.

The highways works proposed are considered to be negligible and not a public benefit which would be sufficient to outweigh the conflict with policy and harm to the landscape and historic environment. There are no other material considerations to suggest the application should be recommended for approval contrary to the provisions of the adopted development plan and national guidance and the expectations of the national planning policy framework.

The Planning Officer advised the Committee that application 06/22/0197/O should be

refused, for the following reasons:

- 1) The application has been submitted as a replacement dwelling. The existing barn has not been converted to a residential dwelling and is not in a habitable condition. As a result, the proposal cannot be considered as a replacement dwelling and thus fails to comply with Policy H8 of the Great Yarmouth Local Plan Part 2 (2021).
- 2) The site is located in an unsustainable location remote from schooling, town centre shopping, health provision, and has restricted employment opportunities with limited scope for improving access by foot and public transport. The distance from service centre provision precludes any realistic opportunity of encouraging a modal shift away from the private car towards public transport. The site has a lack of safe pedestrian access to the local amenities within the village and therefore it is considered that there would be a reliance on the private car for future occupants of the proposed development. The site is not, therefore located to minimise the need to travel and is not in a sustainable location for new development. As a result, the proposed development is contrary to policy, conflicts with the aims of sustainable development and does not satisfy the requirements of Policies CS1 and CS2 of the Great Yarmouth Local Plan Core Strategy (2015) and Policy GSP1 of the Great Yarmouth Local Plan Part 2 (2021).
- 3) The barn is of local historic and architectural value and is a prominent feature in the landscape; its location, positioning, historic materials, and vernacular design contribute to the local character and distinctiveness, and it can be considered as a non-designated heritage asset. The loss of the barn would contribute to eroding the rural character, and a new dwelling would be out of keeping with the character and appearance of the surrounding rural area, and would represent an unacceptable intrusion of built form in this countryside location. It would not make a positive contribution to the local character and distinctiveness of the area. Its removal therefore would result in the loss of this historic value which would not be mitigated by the recycling of the existing materials in a new dwelling on the site. The minor highways improvements proposed in the application do not outweigh the level of harm cause to the non-designated heritage asset. The proposal is, therefore, contrary to Policies CS9 and CS10 of the Great Yarmouth Local Plan Core Strategy (2015) and Policies E4 and E5 of the Great Yarmouth Local Plan Part 2 (2021).
- 4) The site is located outside of any defined settlement boundary, is not allocated and is not supported by any specific Development Management policy which allows for development outside of the development boundary. As such, the application is contrary to the adopted development plan and the proposal does not offer overriding benefits or other material considerations to suggest that the application should be determined positively contrary to the conflict with the development plan.

Mr Harper, applicants agent, outlined the salient areas of the application to the Committee and urged them to approve the application which would result in a new building being erected on the site which would be set back from the road and improve road safety in this area. Mr Harper raised the issue that the Howes Percival legal assessment which he had submitted had not been included in the agenda report which detailed a recent successful legal challenge against a council in Hampshire, whereby a former church building in Monkton had been demolished and a new building been built to replace it and set back from the road. The applicant had been awarded substantial costs from the council.

Councillor Myers asked Mr Harper to explain why, if works had started on site in 2008 by digging out the footings and a trench, works had not been completed by 2022.

P Cllr Hooper, Chairman of Martham Parish Council, addressed the Committee and spoke in support of the application. The barn was not listed, was not of historic importance and was a blot on the landscape and its demolition would eliminate a blind corner and be of assistance to motorists. P Cllr Hooper urged the Committee to approve the application.

Councillor Grant, Ward Councillor, addressed the Committee and informed them that he, and the majority of the residents of Martham, were in favour of the application, as it would result in the removal of an eyesore of a derelict barn, improve road access and open up the entrance to the village for traffic approaching from Hemsby.

Councillor Mogford reported that he agreed with the views of the parish & ward councillors and he could not support the officer recommendation to refuse the application. Councillor P Hammond reported that he agreed with Councillor Mogford.

Councillor Myers reported that just because the barn was considered to be a blot on the landscape by certain individuals, that this was not a material planning consideration. Councillor Williamson agreed with Councillor Myers and that the application must be considered carefully to preserve the heritage and landscape of the village of Martham.

The Monitoring Officer reminded the Committee that if they were minded to vote against the officer recommendation that they would require intelligible planning reasons which the public would understand and these would need to be stated prior to any vote as they would be required to be submitted as evidence at any subsequent challenge.

Proposer: Councillor Williamson
Secunder: Councillor Wainwright

Following a vote, it was RESOLVED:-

That application number 06/22/0197/O be refused for the following reasons:-

1) The application has been submitted as a replacement dwelling. The existing barn has not been converted to a residential dwelling and is not in a habitable condition. As a result, the proposal cannot be considered as a replacement dwelling and thus fails to comply with Policy H8 of the Great Yarmouth Local Plan Part 2 (2021).

2) The site is located in an unsustainable location remote from schooling, town centre shopping, health provision, and has restricted employment opportunities with limited scope for improving access by foot and public transport. The distance from service centre provision precludes any realistic opportunity of encouraging a modal shift away from the private car towards public transport. The site has a lack of safe pedestrian access to the local amenities within the village and therefore it is considered that there would be a reliance on the private car for future occupants of the proposed development. The site is not, therefore located to minimise the need to travel and is not in a sustainable location for new development. As a result, the proposed development is contrary to policy, conflicts with the aims of sustainable development and does not satisfy the requirements of Policies CS1 and CS2 of the

Great Yarmouth Local Plan Core Strategy (2015) and Policy GSP1 of the Great Yarmouth Local Plan Part 2 (2021).

3) The barn is of local historic and architectural value and is a prominent feature in the landscape; its location, positioning, historic materials, and vernacular design contribute to the local character and distinctiveness, and it can be considered as a non-designated heritage asset. The loss of the barn would contribute to eroding the rural character, and a new dwelling would be out of keeping with the character and appearance of the surrounding rural area, and would represent an unacceptable intrusion of built form in this countryside location. It would not make a positive contribution to the local character and distinctiveness of the area. Its removal therefore would result in the loss of this historic value which would not be mitigated by the recycling of the existing materials in a new dwelling on the site. The minor highways improvements proposed in the application do not outweigh the level of harm cause to the non-designated heritage asset. The proposal is, therefore, contrary to Policies CS9 and CS10 of the Great Yarmouth Local Plan Core Strategy (2015) and Policies E4 and E5 of the Great Yarmouth Local Plan Part 2 (2021); and

4) The site is located outside of any defined settlement boundary, is not allocated and is not supported by any specific Development Management policy which allows for development outside of the development boundary. As such, the application is contrary to the adopted development plan and the proposal does not offer overriding benefits or other material considerations to suggest that the application should be determined positively contrary to the conflict with the development plan.

(It was noted that Councillor G Carpenter abstained from the vote on this item).

5 APPLICATION 06-22-0415-F - NORTH DRIVE ESPLANADE (ADJ TO NORTH DRIVE CAR PARK), GREAT YARMOUTH

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

The Planning Officer reported that This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 13th July 2022, and the Monitoring Officer has checked the file and is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

The Planning Manager reported that the proposal seeks to remove the existing concrete plank fencing, 7 benches and planting, to install a concrete pad of 4.2m width and then install 43 no. beach huts. The concrete pad will be retained behind a wall constructed of facing brickwork and a hairpin top fence 1.1m high is proposed to be installed on top of the brick wall, behind the beach huts. The beach huts are separated to form five blocks (1 block of 7 huts and 4 blocks of 9 huts), with the existing footways between The Esplanade and the car park retained. The Beach Huts will have 2 x 3 metre footprints and be constructed out of timber. There will be glazing

to the doors. The beach huts will be of traditional form with a pitched roof and a variety of colours. The Beach Huts would be available for sale on a long lease with an annual ground rent, with the Council to build and dispose of individual huts. This will allow the Council to have control over the design and colour of the huts.

The application also includes converting the eastern side of the North Drive Pavilion into an amenity block purely for the use of hirers or owners of these beach huts. This would include a WC, disabled WC, hand wash and baby change facilities together some small storage areas for items needed for the day to day running of this facility. The external alterations would include bricking up existing door openings and creating a new door.

The Planning Officer reported that It is considered that whilst there is a small level of 'less than substantial' harm to the conservation area, the public benefits provided through the improved tourist offer is sufficient to outweigh the level of harms caused. There are no other material considerations to suggest the application should not be recommended for approval, and planning conditions can be used to ensure the satisfactory operation and appearance of the proposed beach huts. It is considered therefore that the proposal complies with the aims of Policies CS8, CS09 and CS10 of the Great Yarmouth Local Plan: Core Strategy and adopted policies L2, E3 and E5 from the adopted Local Plan Part 2. Subject to securing a suitable landscape planting scheme, the application would also comply with adopted Local Plan Part 2 policy E4.

The Planning Officer reported that the application is recommended for approval subject to the conditions as outlined in the agenda report.

Councillor A Wright was concerned regarding the incursion of seating outside the beach huts and on to the promenade which could hinder pedestrians and he suggested that a demarcation line should be introduced which would encompass an allowed hatched seating area. The Chairman reported that this could not be enforced as any member of the public was entitled to place a chair anywhere they so wished on the promenade.

The Planning Manager reported that this would be a licencing matter and not a planning matter.

Councillor Fairhead asked if a clause on the hire of the beach huts would mirror that of Gorleston beach huts i.e. that no more than 6 people may inhabit the hut. Councillor Flaxman-Taylor reported that she attended the Gorleston Beach Hut Forum and that their tenancy agreement set out what could and could not be done and one of the conditions as that seating could not exceed 2 m from the front of the beach hut. The Planning manager reported that once again, this was not a planning matter but was a matter for Property Services.

Proposer: Councillor P Hammond
Seconder: Councillor Wainwright

RESOLVED:-

That application number 06/22/0415/F be approved subject to the following conditions:-

1. The development must be begun not later than three years beginning with the date of this permission.

The reason for the condition is :-

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the details contained in the planning application forms and following drawings received by the Local Planning Authority – subject to being revised in accordance with satisfying the Environment Agency concerns and including landscaping areas within the proposal:

- Location Plan: 003A, received on 21 June 2022
- Proposed Plan and Location: 001A, received on 18 August
- Beach hut East and West elevations: 002, received on 21 June 2022
- Beach hut side elevation: 004, received on 21 June 2022
- Beach hut side section: 005, received on 21 June 2022
- Beach hut front elevation: 006, received on 21 June 2022
- Beach hut door section: 007, received on 21 June 2022
- Beach hut front elevation section:008 received on 21 June 2022
- Beach hut floor plan: 009, received on 21 June 2022
- Pavilion Proposed Elevations: 012, received on 21 June 2022
- Pavilion Proposed floor plan: 013, , received on 21 June 2022
- Proposed Landscaping Plan: 014, received on 18 August 2022.

The reason for the condition is:-

For the avoidance of doubt.

3. No use of the beach huts hereby approved shall take place until the amenity block within the Pavilion Building has first been made available to users of the beach huts approved as part of this permission, and such facilities to be available for use at all times that the huts are in use.

The reason for the condition is :-

In order to ensure permanent availability of the amenity block to users of all of the beach huts on The Esplanade.

4. The beach huts shall be securely anchored to their bases.

The reason for the condition is :-

To ensure they remain in-situ should there be a flood event. To prevent damage to property and the wider environment.

5. The approved planting scheme as shown on plan 014 (received by the Local Planning Authority on the 18th August 2022) shall be carried out in its entirety within the first planting and growing season following the first use of the beach huts hereby permitted. For the duration of a period of 10 years from the first use of the beach huts, any trees, shrubs or hedges planted in accordance with the planting scheme which die, are removed or become seriously damaged or diseased shall be replaced in the next immediate planting season with others of similar size and species, unless the Local Planning Authority gives its first written consent to any variation thereof.

The reason for the condition is :-

To ensure a high quality form of development and in the interests of ensuring appropriate visual amenity for the local area and to enhance biodiversity.

6. The beach huts hereby permitted shall not be used for any form of overnight

accommodation.

The reason for the condition is :-

In order to allow the Local Planning Authority to retain control over the use of the huts and to minimise the flood risk vulnerability of users of the huts.

7. There shall be no use of any beach hut until a copy of the Flood Response Plan dated 25th July 2022 and received by the Local Planning Authority on the 18th August 2022 has first been circulated to and made available to the prospective users of that beach hut, and also displayed within the beach hut. The evacuation response plan shall thereafter remain available in each beach hut and the operation of the beach huts shall thereafter be in accordance with the details of the approved Flood Evacuation Response Plan.

The reason for the condition is :-

To ensure appropriate flood protection measures are in place in order to minimise the flood risk vulnerability of users of the huts.

And any other conditions considered appropriate by the Development Manager.

6 APPLICATION 06-22-0437-TRE - GREEN SPACE AT JUNCTION OF COAST ROAD AND MANOR GARDENS, HOPTON, GREAT YARMOUTH

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

The Planning Officer reported that this application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 30th August 2022, and the Monitoring Officer has checked the file and is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

The trees are located on public space owned by GYBC on the corner of Coast Road and Manor Gardens in Hopton. The trees are prominent in the street scene, being at raised level compared to the adjacent highway. The trees are located in a residential area and the public space backs on the properties which are accessed off of Sea View Rise. Some trees are overhanging into neighbouring properties. The trees are protected by group TPO No.2 1979. Consent of the LPA is required for nearly all works to protected trees, exceptions however include work to dead trees/branches and trees which pose an immediate threat of significant harm.

The proposed tree works include:-

- i) T1 - Monterrey Cypress - crown lift up to 4m by removal of lower branches;
- ii) T2 - Oak – reduce canopy heavily to lessen further impact on property (reduction of branches by up to 2m);
- iii) T3 - Holly - reduce property side limbs by 15% and crown lift to 3m to minimise

further impact on property (reduction of branches by up to 2m).

The Planning Officer reported that as guided by the advice of the Council's Tree Officer, the works are not considered to be likely to have a significant impact on the appearance of the trees, and the works will enable the trees to remain in good health and help to increase their lifespan. It is considered that the trees are prominent features in the street scene, and due to their visibility they provide a positive contribution to the local environment and its enjoyment by the public. The works will ensure that the trees continue to contribute to visual amenity whilst reducing the impact on neighbouring properties. The application would ensure the trees will continue to contribute to the visual amenity and character of the area; complying with policies E4, CS09, and CS11.

The Planning Officer reported that the application is recommended for approval with the conditions outlined in the agenda report.

RESOLVED:-

That application number 06/22/0437/TRE be approved with the following conditions and informatives:-

1) The work must be carried out within two years of the date of this consent notice and may only be carried out once.

The reason for the condition is: -

The time limit condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2) The work is to be carried out in accordance with British Standard 3998:2010 (Recommendations for Tree Work).

The reason for the condition is: -

To ensure an acceptable standard of work, thereby minimising possible damage and decay/disease in the future.

3) INFORMATIVE:

Standard of work:

Tree work should be carried out by trained, competent and appropriately insured arborists, to a good standard to comply with BS 3998 Recommendations for Tree Work

4) INFORMATIVE

Photos of work: Photos of the tree after the consented works have taken place are required. Please forward these via email or post.

5) INFORMATIVE:

Protected Species:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981, it is an offence to disturb nesting birds, bats their roosts and other protected

species. You should note that work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that nesting birds, bats and other species will be disturbed.

6) INFORMATIVE:

Property Rights:

The applicant should note that this consent does not affect any private property rights and therefore does not authorise the carrying out of any work on land or entering land outside his/her control. If such works are required, it will be necessary for the applicant to obtain the landowners consent before the work starts.

7) INFORMATIVE:

Highways works:

This proposal involves works that could affect the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact the Area Street Works Co-ordinator, email: streetworks.north@norfolk.gov.uk

7 APPLICATION 06-22-0574-TRE - LAND AT KENT SQUARE, GREAT YARMOUTH

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

The Planning Officer reported that this application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 30th August 2022, and the Monitoring Officer has checked the file and is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

The application is for works to 5 protected Holme Oak trees on an area of green space at Kent Square in Great Yarmouth. The trees are protected by TPO No.16 2018 which was confirmed on the 2nd April 2019. The trees are also located within the No16 Seafront Conservation Area. Consent of the LPA is required for nearly all works to which pose an immediate threat of significant harm.

An application was approved earlier this year for "T1, T2, T3, T4 and T5 Holm Oak trees - Crown lift up to 5m and reduction of remaining lateral branches by up to 2m" (ref 06/22/0094/TRE). However, the applicant has since decided that if these works were to take place then the tree canopies would still provide a desirable roosting site for the starlings due to the dense cover afforded by the evergreen trees and this would have a detrimental impact on the health of the trees. In addition to the previously consented works (i.e. the crown lift of 5m and the canopy reduction of 2m) the current application seeks to add canopy thinning of 20% as this will thin out the

canopy and make it more open. For the avoidance of doubt, this application is requested, to supersede the previous (ref 06/22/0094/TRE). The 5 Holme Oak trees play a significant role in the street scene, softening what is otherwise an area of town with little other soft landscaping, tree or vegetation presence. The trees are mature, and their stature contributes to the historic value of the Conservation Area. The proposal is for (i) a crown lift of the trees up to 5 metres, which means removing all branches that exist up to 5m from the ground level, (ii) to cut back any remaining limbs above 5m height by up to 2 metres from their tips, to ensure the trees do not encroach over the highway, and (iii) thin canopies by a maximum of 20%. There is currently some overhanging of the trees over the highway the rationale for the works originally was that they will mitigate encroachment on the highway, preventing the trees from being damaged by taller vehicles. These works have already been approved under 06/22/0094/TRE but are not yet undertaken. The trees are currently a roost for nesting starlings which has resulted in the grass beneath the trees dying having a negative impact on the surrounding visual amenity. The land is owned by GYBC under King Johns Charter.

The tree works as proposed are potentially extensive but are designed to retain the majority of the crown and ensure they remain significant in the townscape. A consequence of the works is that it will also remove some roosting space within the crown as well as on exposed lower branches. The works are not considered be likely to have a significant impact on the appearance of the trees and will ensure that they remain healthy, including by minimising the risk of vehicles striking the trees. The Local Highways Authority have requested an informative reminding the applicant that the proposal involves works which could affect the public highway. These trees contribute to the local environment and its enjoyment by the public as they are highly visible, but the tree works will not reduce this visibility significantly and this maintenance will help improve visual appearance of the trees. The additional works proposed over those already given consent are not considered to change this assessment.

The Planning Officer reported that securing the long-term health of the trees will ensure that they continue to contribute positively to the character of the Conservation Area. The trees provide habitat to starlings and the starlings are a 'red list' species in decline so there is a national interest in their preservation and enhancement. However, their roosting in Kent Square has in turn resulted in adverse impacts to local residents. The works proposed to the trees will restrict the opportunities for nesting as well as allow more air to move under the trees' canopies helping to improve their health. An informative should be included reminding the applicant that it is an offence to disturb nesting birds under the terms of the Wildlife and Countryside Act 1981, offering additional protection. The application would ensure the trees will continue to contribute to the visual amenity and character of the area complying with policies E4, CS09, CS10 and CS11.

The Planning Officer reported that the application was recommended for approval with conditions as set out in the agenda report.

RESOLVED:-

That application number 06/22/0547/TRE be approved subject to the following conditions and informatives:-

- 1) The work must be carried out within two years of the date of this consent notice and may only be carried out once.

The reason for the condition is: -

The time limit condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2) The work is to be carried out in accordance with British Standard 3998:2010 (Recommendations for Tree Work).

The reason for the condition is: -

To ensure an acceptable standard of work, thereby minimising possible damage and decay/disease in the future.

3) INFORMATIVE:

Standard of work:

Tree work should be carried out by trained, competent and appropriately insured arborists, to a good standard to comply with BS 3998 Recommendations for Tree Work

4) INFORMATIVE:

Protected Species:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981, it is an offence to disturb nesting birds, bats their roosts and other protected species. You should note that work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that nesting birds, bats and other species will be disturbed.

5) INFORMATIVE:

Photos of work: Photos of the tree after the consented works have taken place are required. Please forward these via email or post.

6) INFORMATIVE:

Property Rights:

The applicant should note that this consent does not affect any private property rights and therefore does not authorise the carrying out of any work on land or entering land outside his/her control. If such works are required, it will be necessary for the applicant to obtain the landowners consent before the work starts.

7) INFORMATIVE:

Highways works:

This proposal involves works that could affect the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact the Area Street Works Co-ordinator, email: streetworks.north@norfolk.gov.uk

8 APPLICATION 06-22-0474-TCA - 3 GREYFRIARS WAY, GREAT YARMOUTH

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

The Planning Manager reported that this application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 30th August, and the Monitoring Officer has checked the file and is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

The trees are located on Greyfriars Car Park which is owned by GYBC. The trees are located in Conservation Area No. 3 Hall Quay/South Quay. The proposed tree work is to reduce the size of the 8no. 'malus' trees (a genus which includes apples, crab apples etc) to suitable growth points/or branches to be reduced.

The works are not considered be likely to have a significant impact on the appearance of the trees, and the works will enable the trees to remain in good health and help to increase their lifespan. The trees are prominent features in the street scene, due to their visibility they provide a positive contribution to the local environment and its enjoyment by the public. The works will ensure that the trees continue to contribute to visual amenity. The application would ensure the trees will continue to contribute to the visual amenity and character of the area complying with policies E4, CS09, CS10 and CS11. At present, it is not considered that the trees need to be specifically protected by a Tree Preservation Order (TPO) so the application should not be refused, and can be approved but bespoke conditions cannot be appended to approvals.

The Planning Manager reported that the application was recommended for approval with the conditions as set out in the agenda report.

RESOLVED:-

That application number 06/22/0474/TCA be approved subject to the following conditions and informatives:-

Conditions:

- 1) The work must be carried out within two years of the date of this consent notice and may only be carried out once.

The reason for the condition is: -

The time limit condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2) The work is to be carried out in accordance with British Standard 3998:2010 (Recommendations for Tree Work). The work shall be as specified below:

T1 – T8 (Malus) - Reduce trees to suitable growth points/or branches to be reduced. The reason for the condition is: -

For the avoidance of doubt.

3) INFORMATIVE:

Standard of work:

Tree work should be carried out by trained, competent and appropriately insured arborists, to a good standard to comply with BS 3998 Recommendations for Tree Work

4) INFORMATIVE:

Protected Species:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981, it is an offence to disturb nesting birds, bats their roosts and other protected species. You should note that work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that nesting birds, bats and other species will be disturbed.

5) INFORMATIVE:

Property Rights:

The applicant should note that this consent does not affect any private property rights and therefore does not authorise the carrying out of any work on land or entering land outside his/her control. If such works are required, it will be necessary for the applicant to obtain the landowners consent before the work starts.

9 ANY OTHER BUSINESS

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

The meeting ended at: TBC

Schedule of Planning Applications

Committee Date: 05 October 2022

Application Number: **06/20/0278/F** - [Click here to see application webpage : 06/20/0278/F](#)

Site Location: The former First and Last Public House,
Yarmouth Road,
Ormesby St Margaret
Great Yarmouth, NR29 3QG

Site Location Plan: See Appendix 1

Proposal: **Conversion of former First and Last Public House into 1no. 4-bed dwelling; Construction of 2no. 4-bed detached houses and 2no. 3-bed semi-detached houses, with associated parking and infrastructure [revised description]**

Applicant: Mr D. Needham

Case Officer: Mr Robert Parkinson

Parish & Ward: Ormesby St Margaret with Scratby Parish; Ormesby Ward

Date Valid: 29/10/2020

Expiry / EOT date: Extension of time to be agreed

Committee referral: At the discretion of the Head of Planning in light of the public concern and interest in the proposals and the conflict with adopted plan policy.

RECOMMENDATION:

APPROVE subject to first receiving outstanding financial contributions or s106 legal agreement, minor clarification and adjustment of plans, and proposed conditions.

REPORT

1. The Site and its surroundings

- 1.1 The site lies 90m north-west of the roundabout at Jack Chase Way and Ormesby Road, pincerred between the route of the original Caister-to-Ormesby road (the 'old' Yarmouth Road) to the south, and the 'new' Yarmouth Road to the north. The old Yarmouth Road is closed to traffic at the northwest end, so has become a residential access road only, tapering from a wide carriageway at the east to a single track at the west. The existing public house lies north-south facing east to the junction of the old and new Yarmouth Roads and the roundabout beyond.
- 1.2 The site comprises a sizeable and open sided car park at the front (east), abandoned pub beer garden behind (west) and behind that a triangle-shaped area of informally used parking land. The site area of the pub, the car park and the rear beer garden and triangle is 0.19ha.
- 1.3 To the north-west lies Tarn House a modern two-storey dwelling angle north-south and accessed from the old Yarmouth Road. The garden curtilage of Tarn House is

triangular and its boundary is angled south-west to north-east with a tall native hedge alongside the application site.

- 1.4 Opposite and south of Tarn House lies Willowmead, a two-storey dwelling set back and screened from the old Yarmouth Road. Further west at the end of the vehicle access on the old Yarmouth Road is the bungalow of Highbury. To the north are two-storey detached dwellings set back from Yarmouth Road and the junction with Scratby Road, creating a sense of open space in combination with the pub beer garden (although the garden is secured with herras fencing currently).
- 1.5 To the south of the application site lie the cluster of dwellings around The Grange, including the historic Wood Barn House, its Annex, and a row of five historic terraced dwellings known as 8-12 The Grange Cottages, all fronting the old Yarmouth Road, with the Grange Hotel behind.
- 1.6 There is a public right of way access through the site from adjacent the garden with Tarn House on Yarmouth Road, to the old Yarmouth Road. The old Yarmouth Road has been blocked to traffic at the northwest end, allowing only cyclists and pedestrians to and from Yarmouth Road.
- 1.7 The First and Last public house was first constructed in the late 18th Century as a two-storey building and was run initially as a wet-led pub (i.e. not food-focussed). Over time, the pub was extended to the rear with single storey extension which allowed the public house to have a kitchen and allow dining to take place, and the premises benefited from a large outdoor area to the north (rear) which allowed outdoor seating and operated as a beer garden for the building. To the south is a large frontage area which provided a car park for the pub.
- 1.8 The pub closed for the final time in 2012. An application was made to designate the property as an Asset of Community Value in 2015 but that was refused. Most recently there was a fire in December 2019 and the building was sold at auction to the current applicant in Spring 2020. During 2020 the car park to the front of the Public House was briefly used by the Yankee Traveller burger van for takeaways. The current applicant has maintained the building to a presentable and safe standard and has bordered up the windows and painted the exterior of the property.

2. The Proposal

- 2.1 The application has been revised three times since its original submission as a result of ongoing discussions with planning officers.
- 2.2 The application was originally submitted in June 2020 as a proposal to renew or extend the life of the previous permission 06/16/0128/F (conversion of the First and Last Public House to a dwelling and 3no. new build dwellings at the rear) but there was no legal mechanism to do so.
- 2.3 That proposal was replaced in October 2020 with a new proposal for the demolition of the Public House and its replacement with a two-storey rectangular building on a similar footprint as the pub, comprising 2no. small commercial units located on the ground floor, with 2no. 1-bed residential flats above, and 5no. new-build dwellings were proposed at the rear (2no. 4-bed detached and a terrace of 3no. 2-bed houses).
- 2.4 In September/October 2021 the proposal was reduced to contain only 4no. new-build dwellings at the rear (2no. four bed roomed detached houses and 2no. three

bedroomed semi-detached houses) and amending the layout and designs of the commercial unit / flats block.

- 2.5 Most recently in August 2022 the proposal was amended to the current version, largely in response to the building's identification as a non-designated heritage asset, removing the proposed demolition of the public house and provision of commercial units and instead reverting to the conversion of the public house into a single four-bedroom detached dwelling as was previously approved in 2017.
- 2.6 In addition to the public house conversion and 4no. new-build dwellings with garages, the development will create a landscaped public footpath through-route from Yarmouth Road to the old Yarmouth Road service road along the line of the water mains easement, and provide a semi-circular turning head available for public use.
- 2.7 At each revision the application has been subject to full public consultation to neighbours by letters and site notices.
- 2.8 The application is supported by the following plans and documents:
 - Location plan, layout plan, floor plans and elevations
 - Design and Access Statement
 - Noise Impact Assessment report dated 11/10/21
 - Contamination Phase I Environmental Report (Parts 1-3) dated 25/06/21
 - Contamination investigation and risk assessment Phase II Environmental Report dated November 2021
 - Bat Roost Assessment undertaken December 2020
 - Demolition justification statement
 - Archaeological Trenching and Investigation report dated January 2022

3. Site Constraints

- 3.1 As a building whose last use was as a former drinking establishment (sui generis use) there are no permitted development rights available for changes to other uses, and demolition without planning permission is no longer permitted development.
- 3.2 Within local development plan policy, as a building whose last use was as a public house, the building is considered a community facility in general terms by Core Strategy policy CS15 and more specifically by Local Plan Part 2 policy C1 (see policy supporting paragraph 11.1). The loss of the use as a public house is therefore required to be explained and assessed.
- 3.3 The application site is also within the broad and general area described as a 'strategic gap' for protection from certain forms of development, as set out within Local Plan Part 2 policy GSP3.
- 3.4 The former public house building has also been identified in the opinion of Officers to be a 'non-designated heritage assets' (a non-statutory definition used for the purposes of NPPF and local planning policy).
- 3.5 Historic England advice note 'Local Heritage Listing: Identifying and Conserving Local Heritage Historic England Advice Note 7 (Second Edition)' outlines that a non-designated heritage assets can be identified in a number of ways, including through

either: Local heritage lists; Local and Neighbourhood Plans; Conservation area appraisals and reviews; and, Decision-making on planning applications. The Advice Note paragraph 27 states that: "non-designated heritage assets may also be identified by the local planning authority during the decision-making process on planning applications, as evidence emerges. Any such decisions to identify non-designated heritage assets need to be made in a way that is consistent with the identification of non-designated heritage assets for inclusion in a local heritage list, properly recorded, and made publicly available, for instance through an addition to a local heritage list, and through recording in the Historic Environment Record (HER)." Notwithstanding the absence of a formal or adopted 'local list', GYBC Conservation Officers have provided evidence and justification for their assessment and have notified the Historic Environment Service for the building's inclusion in the Historic Environment Record, which is considered adequate to establish its status alongside the discussion in this public report and the planning application's determination.

- 3.6 In the north-east corner of the garden at Tarn House is a protected TPO-designated cherry tree (ref No.1 2022) the root protection area of which may extend into the application site.
- 3.7 There are nearby heritage assets adjoining the site. To the north, on the opposite side of Yarmouth Road, is the two-storey Boarded Barn Farmhouse, a Grade II listed building. To the south, the Grange Hotel is a Grade II listed building, situated some 64m southeast, behind the row of non-listed but distinct and historic terraced cottages fronting the south side of the old Yarmouth Road. There is not a conservation area designation in the vicinity.
- 3.8 The area around and to the south of The Grange Hotel is a designated Holiday Accommodation Area defined by LPP2 policy L1. Whilst that area may present implications for residential use at this site there are unlikely to be any impacts on the holiday accommodation area from the development proposed in this application.
- 3.9 The site does not fall within the 'Nutrient Neutrality' catchment area of the Trinity Broads Special Area of Conservation. The site is in Flood Risk Zone 1.

4. Relevant Planning History

- 4.1 The following table shows the relevant history for the First and Last public house site.

06/79/0725/F	Alterations & extensions	Approved with conditions – 22/08/1979
06/14/0730/O	Demolition of the First and Last and construction of 10 houses	Refused – 30/01/2015
06/15/0280/O	Demolition of the First and Last and construction of 4no. houses	Refused – 26/06/2015
06/16/0128/F	Change of use from public house to dwelling house. Construction of three no. dwellings. Construction of garaging	Approved with conditions – 10/08/2017

- 4.2 It should be noted that previous permission 06/16/0128/F was granted in part due to the lack of a 5 year land supply at the time of its determination, amongst other reasons including the benefit of restoring the historic building to beneficial use. At that time, the pub and its car park were inside the 2001 Local Plan development limits so the pub's conversion to a dwelling was acceptable in principle, but the new houses were outside the development limits and would ordinarily have not been supported.
- 4.3 It is not clear whether the development would have been able to be provided in its entirety because no allowance was made for the water main route and wayleave and public footpath at the time, as at least one of 3 large detached dwellings was build across the route now incorporated into the current scheme. That however is to a degree speculation and should not affect the determination of this application.
- 4.4 The permission 06/16/0128/F was initially required to be commenced before 10th August 2020, which was extended to 1st May 2021 by legislation introduced to address the Covid-19 pandemic, but schemes would only benefit from the extension legislation if they had first submitted to the Council an 'Additional Environmental Approval' and had that granted before 1st January 2021. No such request was submitted.
- 4.5 Notwithstanding this, some initial works did take place in an attempt to commence that permission including digging a trench for foundations. However the works were not demonstrably related to the approved development, and the landowner/developer(s) had not addressed the permission's fundamental pre-commencement condition requirements (archaeology, drainage, site levels and proposed levels, and contamination) so the works were not a lawful commencement of the permission.
- 4.6 As such, the site does not benefit from an extant planning permission because but permission 06/16/0128/F was not implemented successfully within the necessary timescales, and there is no fallback position for the applicant to rely on or for the decision maker to have regard to.

5. Consultations

Statutory Consultees

Highways Authority – Concerns have been addressed, requires conditions.

- Objected to the proposed retail units and the under-supply of residential parking initially.
- The garages for the 3-bed dwellings must meet the minimum internal dimensions of 3m x 7m, which would be required for them to be considered in the parking assessment for the development; this would be able to be achieved with minor modification.
- Various technical matter planning conditions are required on any permission.

Officer response: concerns have been addressed, and conditions are proposed.

Environmental Health Officer – Initial objection removed, requires conditions

- Residential uses required a Phase 1 contamination assessment which was missing. The contamination reports provided include remediation measures which should be required by conditions.
- The Grange could create noise nuisance and requires assessment by noise report.
- Noise report required for possible impacts of commercial uses alongside residential.
- Should demonstrate compliance with the 'Technical housing standards - nationally described space standard' for the new dwellings.
- Noise conditions are required for acoustic protection in glazing.
- Hours of work should be controlled by conditions.

Officer response: concerns have been addressed, and conditions are proposed.

Norfolk Fire Service – No objection

- The development will need to meet relevant Building Regulations standards.

Officer response: concerns will be addressed though building regulations. No conditions.

NCC Historic Environment Service – No objection as the expected archaeological conditions have been resolved.

- The site and surrounding area is noted for its potential medieval or post-medieval interest and the site had a form of building of that period in tithe maps.
- Initial comments - Any permission should be subject to conditions requiring investigation, assessment, site monitoring and recording, as expected in the previously approved 06/16/0128/F.
- **Updated comments – the** applicant has conducted the first phase of archaeological mitigation, to our satisfaction, with negative results, and the trenching report into the investigation has been received. I would like to withdraw our previous advice - Archaeological mitigation is now not required and there should not be a planning condition requiring it.

Officer response: concerns have been addressed, no conditions are proposed.

Essex and Suffolk Water / Anglian Water – No comments received.

NCC Public Rights of Way – No objection.

NCC Ecologist – No objection subject to conditions

- There is no impact on designated SSSI site despite being within the 2km risk zone.
- The pub building has been the subject of a Preliminary Roost Assessment for bats (Dec 2020), and no evidence of bat use was noted.
- The natural environment needs improving through native species landscaping.
- Conditions are required for biodiversity enhancement - hedgehog gaps between fences (2 per dwelling), bird and bat boxes being integrated within the dwellings (at least 1 per dwelling).

Officer response: concerns have been addressed, and conditions are proposed.

Internal Consultees

Conservation Officer – Objected to the proposed demolition. Advocates retention.

- SUMMARY: Conservation Officers consider the building is a heritage asset with a range of significances which include architectural, cultural, historic and community value, as well as making a positive contribution to sense of place and local distinctiveness. It is a key gateway into the village and strongly supports the character of the village and the unique rural vernacular of the area.
- Conservation Officers do not accept that the building is beyond repair or too far eroded to be repaired and that it should be redeveloped as part of a wider scheme.
- The building should be reused and restored.

Officer response: Conservation Officers have provided a valuable and comprehensive assessment of the buildings' historic and cultural role to the village and the local area, to support the identification of the building as a non-designated heritage asset. The initial concerns have been addressed and conditions are proposed to retain and restore key aspects.

Strategic Planning Officer – No objection but concerns raised

- As the site is in the Countryside it is questionable whether 3no. 4-bed properties are needed in this location.
- The homes should be confirmed to be accessible and adaptable.
- The application should provide a heritage impact assessment to address Policy E5.
- Consideration could be given to a softer form of garden boundary (rather than a 1m tall close boarded fence) along Yarmouth Road.
- More natural and open landscaping would be preferable.
- The loss of the pub should be considered only if marketing evidence is provided to establish if the use as a public house is no longer viable. The marketing evidence will need to demonstrate that the building has been marketed at a reasonable price for at least a 12-month period as a public house.
- Public open space policy H4 requires a full off-site financial contribution of at least £7,824.25 (5 x £1,564.85 per dwelling).

Officer response: most concerns have been addressed, some conditions are proposed to satisfy the outstanding issues, though some elements are considered unnecessary to pursue, and these are discussed in the report.

GYBC Property Services

- The property services team surveyors were asked to provide advice on (i) the feasibility of reusing the building and (ii) the viability of its retention as a pub, having regard to the applicant's building condition survey and demolition justification statement. No comments were received.

Officer response: the indications provided in officer opinion suggest the building should be retained and could be reused, as evidenced by the previous permission, so the assessment was not affected by the absence of comments.

6. Publicity & Representations received

Consultations undertaken: Letters to neighbours and Site notices have been used for each set of the amended plans.

6.1. Ward Member – Cllr Freeman

Speaking in partnership with the Parish Council:

- The area is seen as a residential area.
- Retail units at the front could become a problem as has been shown in the past by the use of the site by a takeaway food business.
- The two semi-detached properties would better serve the parish or a terrace of three homes would be suitable for single people or couples who wish for just a small home and garden.

6.2. Ormesby Parish Council - No objection to the revised plans

- Initial objection to the demolition of the public house, due to its historic importance.
- Objected to the additional dwelling proposed above that allowed previously.
- Previous versions were overdevelopment, too crowded with over-supply of parking.
- Previous retail uses could have caused litter, noise and traffic – now resolved.
- Supports residential development of the site, but not a residential & commercial mixed use development.
- Windows and balconies should be minimised to avoid overlooking and appearing out of character with the surroundings.
- The historic and cultural importance of the name of the pub and the original owners Lacons being from Ormesby needs acknowledgement and preservation.
- Objection removed 22/08/22.

6.3. Public Representations

At the time of writing 47 public comments have been received. A range of concerns have been aired as below:

Current proposals:

- Highways safety concerns, including requirement to retain the bollards to the west.
- Inadequate parking for dwellings.
- Objection to loss of the former pub garden as open space and seating areas.
- Overlooking of neighbours to the south and west.
- Overshadowing / blocking light to neighbour to west.
- Inadequate local facilities available.
- Loss of the gap between villages of Caister and Ormesby St Margaret.
- No need for the new houses.
- Implied support for the retention of the public house building.
- No objection to conversion of the pub, acknowledging this was previously approved.
- The building should be made available to purchase again at realistic prices.

- The designs are not appropriate to the village.
- More traffic and more pollution.
- The building should be used for a community coffee shop/café.
- Even 4 new-build dwellings is too many - the previous permission of 3 new-build dwellings should be followed.
- The water main wayleave makes the development too cramped for 4 new build homes.
- The Stopping Up Order for the through-route has not yet been confirmed.
- Activities at the Grange cause congestion in the road already – this will be exacerbated.
- Visitor parking is lacking – NCC standards require an on-site communal visitor parking space for every 5 dwellings proposed.
- Dwelling parking is insufficient – the application relies on parking in garages and only 1 open parking space, but the garages should not be relied on – as per current NCC parking standards.
- The detached dwellings should be required to be no higher than the height of the pub, and should be 'cottage style'.
- Windows in the elevations and floor plans for the pub show a discrepancy and any windows on the side of the building would cause overlooking.

Matters that have been resolved by the amended proposals:

- Significant objection to the demolition – the building should be retained.
- Significant objection to the retail uses – parking, litter, disturbance, traffic, deliveries, impact on businesses in more appropriate locations, poor design at village entrance.
- Significant objection due to overdevelopment from 7 houses and 2 retail units.
- Objection to any inclusion of the burger van - impacts from access, parking, odour, noise, disturbance.

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS1: Focusing on a sustainable future
- Policy CS2: Achieving sustainable growth
- Policy CS3: Addressing the borough's housing need
- Policy CS9: Encouraging well-designed, distinctive places
- Policy CS10: Safeguarding local heritage assets
- Policy CS11: Enhancing the natural environment
- Policy CS13: Protecting areas at risk of flooding and coastal change
- Policy CS15: Providing and protecting community assets and green infrastructure
- Policy CS16: Improving accessibility and transport

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development Limits
- Policy GSP3: Strategic gaps between settlements
- Policy GSP5: National Site Network designated habitat sites and species avoidance and mitigation

- Policy GSP6: Green infrastructure
- Policy GSP7: Potential strategic cycling and pedestrian routes
- Policy GSP8: Planning obligations
- Policy A1: Amenity
- Policy A2: Housing design principles
- Policy H3: Housing density
- Policy H4: Open space provision for new housing development
- Policy H7: Conversion of rural buildings to residential uses
- Policy E4: Trees and landscape
- Policy E5: Historic environment and heritage
- Policy E6: Pollution and hazards in development
- Policy E7: Water conservation in new dwellings and holiday accommodation
- Policy C1: Community facilities
- Policy I1: Vehicle parking for developments
- Policy I3: Foul drainage

8. Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 4: Decision Making
- Section 5: Delivering a sufficient supply of homes
- Section 11: Making effective use of land
- Section 12: Achieving well designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment
- paragraphs 124 d) and 130 f) – requirement to provide a high standard of amenity for existing and future users / neighbours / residents.

9. Planning Analysis

- 9.1. Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to–*
- (a) the provisions of the development plan, so far as material to the application,*
(a) a post-examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

- 9.3 In determining this application the Council must also ensure it satisfy the following legal duty within Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of listed buildings in the exercise of planning functions:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Main Issues

The main planning issues for consideration are:

- Principle of development – loss of the public house use
- Principle of development – new dwellings outside development limits
- Principle of development – other material considerations
- Impact on heritage assets
- Design
- Impacts on character of the area
- Impacts on neighbouring amenity (commercial and residential)
- Highways safety
- Parking, cycle parking and accessibility
- Ecology and biodiversity
- Drainage
- Habitats Regulations Assessment
- Public Open Space
- Other material considerations

Assessment:

The application proposes:

Conversion of former First and Last Public House into 1no. 4-bed dwelling; Construction of 2no. 4-bed detached houses and 2no. 3-bed semi-detached houses, with associated parking and infrastructure

10. Principle of Development – loss of the public house use

- 10.1 Core Strategy policy CS15 seeks to retain community facilities and uses, and Local Plan Part 2 policy C1 specifically requires certain criteria to be addressed if development proposals are likely to remove a community facility from use, including public houses regardless of their period of vacancy.
- 10.2 Officers have sought clarification about the feasibility of the public house use as a going concern and have asked for surveys or evidence that the pub couldn't be brought back into use, and whether it has been marketed for reuse as a pub.
- 10.3 The application has not provided any evidence of a lack of viability of the public house use, nor evidence of whether or how the pub was marketed prior to or since its closure

before it was disposed of. The applicant has provided a building conditions survey of January 2022 which highlights the deterioration of the building, and had provided a 'Statement to justify demolition' (Jan 2022), which includes their opinion on why the pub use has not continued:

"Initially the First and Last was licensed in 1854 in the name of William Woolston who ran the pub for 10 years. It has been licensed continually since then up until 1995 when Alan Cheatle ran the pub until its demise in 2013.

The First & Last trade and any trading operation has failed subsequently due in part to the Pontins Holiday Camp closing and the need for a small isolated local pub diminishing. This is evident by similar pubs just outside the towns and villages having to close as there is no foot traffic to service them and the need for people to use a car to visit them.

The lack of trade has been evident by the failure of the last 2 tenants who sadly each ran into financial difficulty and bankruptcy. The property has been actively marketed since 2012 but no suitable tenants have been found in this time. The nearby Grange provides good support for the village and surrounding areas, as a public house, eatery and hotel style accommodation, which the First and Last is unable to offer or compete. Since the property has been vacant it has suffered from break-ins and criminal damage culminating in a serious fire in December 2019. Fire crews saved the building at the cost of its ultimate structural failure and demise.

The building therefore is not suitable for a public house and so its future use in questionable."

And in terms of whether the building could be reused for any other type of community use, the applicant states:

"It was designed as a pub and so to utilise the floor layout and convert to a shop would involve gutting the ground floor and replacing windows with larger panes to at least make it look like a shop [or other use]. Nobody will visit it if it does not at least resemble a commercial unit."

- 10.3 Strategic Planning Officers highlight that the pub could benefit from the local tourism accommodation parks but it is unlikely in practice following the loss of Pontins and the presence of the facilities actually within The Grange park. Further, in referring to Policy C1, it is requested that the policy should be addressed further: *"Marketing evidence is required to establish if the use as a public house is no longer viable. The marketing evidence will need to demonstrate that the building has been marketed at a reasonable price for at least a 12-month period as a public house, reflecting market value for a public house and on competitive terms and conditions over the open market. The marketing should include advertisements in the local press and online as well as targeted approaches. Marketing evidence should include a full record of enquiries together with reasons as to why a sale/lease did not progress."*

Policy C1 states:

"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.”*

- 10.4 Planning Officers therefore consider that it would be unreasonable and unnecessary to refuse the application on the basis of policy C1 or require any further marketing as the policy C1 criteria requires only replacement of the use, or evidence of viability and marketing, or the appropriate continued provision of alternative facilities in the near area, and Officers consider there to be adequate alternatives and a suitable timeline of attempts to make the building available for new tenants / owners.
- 10.5 Core Strategy policy CS15 has not been addressed by the application. The policy expects the loss of important community facilities to be resisted, unless appropriate equivalent provision is made elsewhere in a location accessible to users, or a detailed assessment has been submitted which clearly demonstrates there is no longer a need for the provision of a facility in the area.
- 10.6 No alternative public house outlet facility has been proposed, and no assessment of the need for a pub, or lack of need, has been provided.
- 10.7 However, there are considered to be relevant material considerations to weigh up against the lack of compliance with policy CS15:
- Firstly, the Council has already relatively recently accepted the loss of the public house through conversion to a dwelling under the previous permission. That was in part because there was no 5 year land supply in place so the provision of 4 new dwellings housing was of greater importance in 2016-17, but it was not the determining factor as 4 dwellings could have been provided in other more sustainable locations had the application been refused; instead some additional and notable weight was given to the importance of securing the retention of the historic building despite the loss of the public house use.
 - Secondly, the public house has not operated since 2013 and has been available to purchase or lease either as a pub or for alternative uses but was not pursued.
 - Finally, there may not have been an assessment of demand for a public house, or proposed replacement in the scheme, but the Grange Hotel and touring park does include a clubhouse and restaurant which can provide some of the facilities that a pub would. This was accepted as a suitable alternative during the previous application’s consideration.
- 10.8 Having regard to the long period of the pubs closure, the building’s vacancy and attempts to dispose of the property, the presence of other such venues at The Grange, and the previous grant of permission after a much shorter period of closure, it is the considered opinion of Officers that the application should not be refused on the basis of not specifically addressing policies CS15 and C1.

11. Principle of Development – new dwellings outside the development limits

- 11.1 Core Strategy policies CS1, CS2 and CS3, and Local Plan Part 2 policy GSP1 expects new residential development to be directed to sites within the defined development limits, which in this case is to the south of the Caister bypass roundabout. The reasons for doing so are to ensure there is improved connectivity for all communities, to be close to and have convenient access to services and facilities, and to minimise loss of agricultural land and other less appropriate uses, whilst promoting efficient use of land with higher densities in appropriate locations.
- 11.2 Exceptions to these policies apply only when dwellings are proposed as replacements for existing dwellings, or as agricultural workers dwellings, or as conversions of culturally or historically important vacant buildings, or when other material considerations exist, such as being housing to meet specifically-identified local housing needs including self-build homes. None of these criteria have been proposed for the new dwellings.
- 11.3 The beneficial reuse of the historic building is considered to accord with the aims of LPP2 policies H7 and E5 and is accepted in principle.
- 11.4 However, being well outside development limits, the proposed new-build housing is contrary to the aforementioned policies. The site is not as accessible as would ordinarily be required of a scheme for creating 4 new-build dwellings. Whilst there are bus routes along Yarmouth Road and a disconnected series of off-road cycle paths into Caister, the site still feels detached and remote from services and in large part dependent on the private car for day-to-day needs. These factors weigh against the principle of development.
- 11.4 As there are less than 10 dwellings proposed, affordable housing is not sought from the development in order to accord with adopted development plan policy.
- 11.5 Officers note the conflict with in-principle planning policy for the location of new homes in the Borough, but it is considered that other material considerations are relevant to the development and the principle of 4no. new-build dwellings being proposed in this location. Those factors are discussed throughout this report.

12. Principle of Development – development within the strategic settlement gap

- 12.1 Local Plan Part 2 policy GSP3 'Strategic gaps between settlements' has been introduced to act as an extra layer of protection intended to maintain the distinction between certain villages. As this part of Ormesby St Margaret is close to the boundary of Caister-on-Sea, this is one of five specific areas named in policy GSP3. No specific areas are defined on a map as the protection is to be applied in broad terms and when the following circumstances arise:

"The gaps between the [...] built up areas, will be protected from development which individually or cumulatively, significantly reduces either the physical size of the gaps themselves, their general openness or, where relevant, their rural character."

- 12.2 When the application was submitted some considerable time before the Local Plan Part 2 (LPP2) was adopted in December 2021, the site did actually fall partially inside the development limits at that time and partially outside the limits. The site was only fully removed from the development limits when the strategic gap between Ormesby St Margaret and Caister was created in the LPP2 and significantly contracted to now extend only as far as the area immediately around the area at Meadowcroft and Heacham Road south of the roundabout.
- 12.3 Although this represents new development within the general area described within LPP2 policy GSP3 as a 'strategic gap', it is considered that the development does not change the physical size of the strategic gap, because this is an 'infill' development in the rear curtilage of the public house and enclosed by existing developments.
- 12.4 For the same reason, it is considered that development in this location has only a minimal effect on the general openness of the strategic gap and its rural character, because it is partly developing land that was used as the beer garden encircled by other development, or replacing extensions and ancillary buildings of the pub itself.
- 12.5 It is considered that the character of the surrounding area is already predominately residential, and the proposal will allow a natural infill of sorts on the land between the First and Last building and the residential property Tarn House, an area that could otherwise be subject to ancillary development and use as a beer garden anyway. As the proposal will not extend any further east than the retained public house the physical size of the strategic gap will be retained.
- 12.6 It is therefore considered that the intent and ongoing protection of policy GSP3 is not adversely harmed by the proposals within this application.

13. Impacts on Heritage Assets

Impact on the non-designated heritage asset

- 13.1 Whilst the public house is not nationally listed, it has been assessed by Conservation and Planning Officers to be a non-designated heritage asset. Policy CS10 aims to safeguard local heritage assets, and LPP2 policy E5 confirms that demolition or loss of non-designated heritage assets will not be supported.
- 13.2 As the public house is considered a 'non-designated heritage asset', LPP2 policy E5 states that demolition would be prohibited unless evidence is provided that:
- a. the building/structure is structurally unsound and beyond feasible and viable repair for reasons other than deliberate damage or neglect; or
 - b. all measures to sustain the existing use or find an alternative use/user have been exhausted and the building risks falling into dereliction.
- 13.3 The applicant's building condition survey has identified some disrepair but Planning Officers and Conservation Officers consider it to be largely superficial and not fundamentally structurally compromised. The applicant initially sought permission to demolish the building but the adoption of LPP2 policy E5 changed the emphasis of the principle of development, precluding demolition and expecting retention, a position

strengthened by the absence of a fallback position as the previous permission fell away and due to the changes in permitted development rights in respect of use and demolition.

- 13.4 There was no adequate evidence provided in the application to address LPP2 policy E5 and remove the conflict with the development plan, so the application was latterly revised to propose retention and conversion of the building instead. The conflict with policy E5 is removed but the building remains a non-designated heritage asset.
- 13.5 Preserving the building through its retention is strongly supported in principle. Removing the unsympathetic modern additions at the southern end of the rear elevation are considered a significant improvement and beneficial in providing space for amenity, garden and garage similar to the proposal approved by 06/16/0128/F.
- 13.6 The discrepancy between elevations and floor plans and positioning of windows will be clarified before the meeting but the potential for overlooking from the pub to the south are not likely to be irresolvable by amended plans or conditions on any permission.
- 13.7 The two historic 'Lacons' pub signs on each of the north and south gables, and the raised First and Last lettering on the front elevation, should where possible be retained or re-provided, and details can be agreed by conditions to secure this.

Impact on designated heritage assets (listed buildings)

- 13.8 Although the area is not within a conservation area, the cluster of listed and historic buildings along the old Yarmouth Road, new Yarmouth Road and the junction with Scratby Road means there is a distinctive character to the area with heritage interest that creates an important local gateway and identity to the village, especially in travelling north along Yarmouth Road or south on Scratby Road. The preservation of the public house building and the removal of unsympathetic and utilitarian ancillary buildings and extensions will be of benefit in restoring and reinforcing this sense of historic character and local identity.
- 13.9 The new dwellings will need to be sensitive to this location and they are considered to be recessive, respecting both the settlement gap designation and the historic influences. The two dwellings along Yarmouth Road have been set-back into the site, have low eaves to the north provide parking to the south, which avoids creating distraction within the setting of the more prominent and distinctive heritage buildings. These are slightly varied from the form previous approved in permission 06/16/0218/F by addressing the road more, but are considered to remain acceptable.
- 13.10 A significant improvement is the addition of new landscaping boundaries along the north / Yarmouth Road frontage, which helps retain and replace the existing vegetation of the pub beer garden, but also provides an improved sense of rural setting which is found on this part of Yarmouth Road. The design and landscaping together help achieve the aim of maintaining a sense of village separation as intended by the settlement gap policy, even if being part of development taking place within that gap.
- 13.11 The proposal to build the two dwellings along the north of the site are considered to represent a minor and low level of 'less than significant' harm to the setting of the Grade II listed Boarded Barn Farmhouse, but this is considered to be outweighed by the

positive benefits brought to the setting of the listed building, specifically the conversion of the pub and removal of the extensions which had hitherto detracted from the gateway and setting of the listed building especially when looking north from the south side. The combined effect is therefore to have a neutral impact on the designated heritage assets to the north.

- 13.12 The new dwellings on the south side of the site, fronting the old Yarmouth Road, are modern and not particularly distinctive but are set back sufficiently far from the row of terraced dwellings at Grange Cottages, and separated by the landscaped footpath area, so will not detract from the appreciation of the terraces or the listed Grange Farm Hotel. These assets will also be enhanced by the restoration of the car park frontage, some additional planting and the removal of the unsympathetic pub extensions which detract from the views of the heritage assets when seen from the north and west.
- 13.13 A heritage impact assessment became a formal requirement on adoption of policy E5 and the LPA's local validation checklist. It is not considered necessary to require one at a late juncture in the application as the impacts are well understood. The exercise of weighing the balance of harm vs public benefits can be seen in the concluding planning balance.
- 13.14 In light of the importance of the building locally, and the need to drive forward its retention and conversion, and avoid the construction of dwellings that would be in a less appropriate location if the pub is not delivered, it is considered necessary and reasonable to require the pub conversion to be undertaken first before construction of the dwellings. Phasing conditions should be required and should expect (i) no development of the new-build units until the unsympathetic pub extensions are removed, and (ii) no occupation of the new-build developments until the former public house has been converted and made available for residential occupation.

Archaeological interest

- 13.15 The applicant has undertaken investigations at the site in accordance with the expectations set out in permission 06/16/0128/F to pre-empt the need for any conditions on a permission for this development. As might be expected the trenching unearthed a collection of stoneware beer bottles but the Historic Environment Service confirm there was no substantive archaeological interest from the trenching and other site investigations and there is no need for further works by condition.

14. Design

- 14.1 The initial submission proposed 5no. new dwellings in the rear of the site but was considered to be overdevelopment to try and fit a terrace of three dwellings in the space between the west boundary and the public footpath. The revised scheme as considered by Members proposes only 2no. three-bedroom semi detached dwellings with garages where previously three were proposed.

The two semi-detached homes -

- 14.2 The surrounding area is mixed in its character of housing, with large detached properties smaller terraced properties and cottages. There are not many semi-

detached dwellings but this is a site set back from the main road so the difference will not be noticeable. The two new semi-detached properties are proposed as two storey heights, with front porches and lean-to style monopitch roof single garages either side of the semi-detached properties.

- 14.3 These semi-detached dwellings provide consistency with the surrounding dwellings as the roofs are pitched with two gable ends to the west and east of the sides and being of a similar scale and orientation to those found at Willowmead and The Grange Cottages. The gable ends are proposed to have no openings, whilst all openings will be to the front and rear of the properties, and the pitched roofs have a level of symmetry with the various slopes having the same pitched angles. The use of chimneys provides welcome relief, roofline interest, and articulation to improve the overall appearance and provide a design reference to the First and Last pub. Overall, this aspect is considered to reflect the terraced and smaller properties within the area, to sit well within the site area available, and as the properties face onto the service road it is consistent with the surrounding area.
- 14.4 The properties have an adequate size rear amenity space, though Plot 2 is compromised by the requirement for the wayleave, its northerly orientation and its squeezed shape but this is considered acceptable on balance. As a result these dwellings will not represent overdevelopment of the plots, and by avoiding flank wall windows will not cause overlooking to neighbouring gardens.

The two detached homes –

- 14.5 Fronting Yarmouth Road, 2no. two-storey detached houses are proposed of full height but lower eaves lines and catslide roof elements to provide height but the illusion of lower profiles. Being at the back of the pavement this is necessary to avoid dominating the streetscene, whilst also providing interest architecturally. These are in the centre of the line of development; as dwellings in the immediate area are generally detached properties that occupy large plots and face onto the road, the proposals for these plots are able to reflect this character. Both designs are unique and as no one house looks the same along Yarmouth Road it is considered the design approach taken is appropriate.
- 14.6 Detached house type A is at the east end closest to the First and Last, with porch centrally located and lean to elements either side and two dormer windows above those to serve front bedrooms, and two centrally located roof lights which are above the proposed stairway.
- 14.7 The west side elevation will have a ground floor access door and side window relating to the kitchen, but no further openings proposed on either side of the property at ground or first floor level to help protect the privacy of the house in the converted pub to the east or at House Type B to the west.
- 14.8 To the west, detached house Type B differs in respect of the front elevation and roof line but the footprint, internal layout and general windows and openings are the same. The front elevation has a separated projecting front porch with pitched roof over with a second element behind between porch and roofslope. This creates a busy or cluttered appearance in combination with the dormers above when viewed in side profile, but it would not be too visible due to the retained trees and new hedging along Yarmouth Road. The use of brick arches to windows and vertical cladding to the porch provides design interest to the road.

- 14.9 The rear of both dwellings is the same and the ground floor has bi-fold doors to both living and dining areas, either side of a double casement window for the proposed study. At first floor level there are three dormer windows proposed partially within the roof slope of the dwellings. Both have large rear gardens to the south and a large detached double garage and single parking space accessed from the old Yarmouth Road. The garages proposed are of a standard design with a pitched roof and two gable walls, a side access door and a remotely controlled roller shutter door, which is not entirely to the Highway Officer's satisfaction but is accepted on balance because there is not expected to be much traffic using the road, and there is an open parking space to allow vehicles to pull off the road if needs be.
- 14.10 Both detached dwellings are accessible and adaptable as both have a level threshold access, hardsurfaced route from parking to door, and a porch area with downstairs WC, a large entrance hall, living room and kitchen diner allowing future adaptation, and the central staircase serves all four bedrooms and bathroom. These features help ensure the scheme addresses LPP2 policy A2(f) and (g) and should be able to meet the requirements of M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings.
- 14.11 The requirement to provide water conservation measures in the dwellings (required by LPP2 policy E7) and of electric car charging capability (policy I1) are able to be required by planning conditions.
- 14.12 All dwellings have sufficient separation to avoid an unacceptable level of overlooking and the angles between windows in neighbouring dwellings are oblique so does not cause a loss of privacy to either future or existing properties.
- 14.13 Whilst the design of the site and the dwellings should avoid an unacceptable impact on amenity it will be necessary to ensure the proposed and finished site levels are compatible with the retained public house and neighbouring dwellings in terms of both design and amenity and overshadowing for example. As with the 2017 permission, conditions can be used to confirm site level details and finished floor levels.
- 14.14 As the development is fairly constrained in its amenity space for dwellings and the relationship with neighbouring dwellings it is considered appropriate to protect future and existing amenity by removing permitted development rights by condition.

15. Impact on Character of the Area

- 15.1 The design of the proposed new dwellings is considered to draw inspiration from the surrounding area, such as the dormer windows being set partially into the roof slope consistent with the terrace of Grange Cottages and the distinctiveness of design and uniqueness to the front elevation being in keeping with the mixed character of the larger dwellings along Yarmouth Road. Both detached properties have pedestrian access from Yarmouth Road so although they may function from the rear they do not entirely turn their back to the road which is a positive attribute.
- 15.2 It is felt that the density of dwellings in this site is not out of character with the density and pattern of development of the surrounding area. The building heights are not considered to compete with the appearance or setting of the pub and can be confirmed before the meeting, with site levels confirmed by conditions.

- 15.3 The use of 2m high close board fencing along the extensive north boundary would not be appropriate so a condition is required to design and install appropriate boundary treatments, and should reflect the hedging and open character along Yarmouth Road.

16. Landscape and Trees

- 16.1 Landscaping is an important feature within this proposal to help address policy GSP3 (Strategic gaps between settlements). The beer garden is currently screened by some well established vegetation and trees, and as the proposal is to locate two large, detached dwellings on the frontage of Yarmouth Road, policy GSP3 could be compromised if landscaping were disregarded.
- 16.2 The development will retain some elements of the existing screening (existing trees T1-T5 on the submitted layout plan – including 2no. Category B sycamores) but some hedging will need to be removed to allow for the pedestrian access. To compensate, and provide an improved boundary frontage to Yarmouth Road, the application proposes continuous hedging and shrubs along the road frontage to provide a screen and front boundary for the properties, as well as planting 6no. new trees including within the car park which along with hedging and creation of a garden area helps to break up and soften the existing harsh appearance at the front of the pub. These features are considered an important element of the application as by retaining a level of screening and planting the site will retain the impression of the strategic gap.
- 16.3 The application has provided a Tree Report with indicative Tree Constraints and Protection Plan for the existing trees on site, and has proposed some method statement protection measures, which can be required through conditions.
- 16.4 Unfortunately the tree report did not assess the potential for impact on the TPO-protected cherry at Tarn House; the tree root protection area and canopy likely extend across the boundary and into the site and the proposed north end of the re-provided public footpath corridor. However, it is considered that the roots would already be used to the impacts and ground conditions of the footpath / track and there should be no need for vehicle access along here so the tree should not require any intervention works. A condition shall be used to secure appropriate protections during construction, such as fencing and use of geotextile matting as with the on-site trees.

17. Contamination

- 17.1 There have been no contamination issues identified in the application and the site is not thought to contain potential contamination. The Environmental Health Officer has requested a condition requiring that any unknown contamination discovered is reported in writing to the Local Planning Authority.
- 17.2 The developer should follow the requirements of the contaminated land reports dated November 2021, specifically:
- As no Topsoil is present within the site that is suitable for reuse in the residential garden areas. With regards to the creation of the new soft garden areas there are two proposed options that would be suitable.

- a) Reduce soft garden areas to 600mm below proposed finished ground level. Backfill with 300mm of certified clean subsoil and capped with 300mm certified clean and fit for residential purpose topsoil.
 - b) Reduce soft garden areas to 300mm below proposed finished ground level. A competent person should then inspect this formation level for any signs of contamination. A sample should be taken from this formation level in each garden and analysed for contaminants of concern. The results should be considered, and if suitable this formation level will be capped with 300mm of imported certified clean and fit for residential purpose Topsoil. If the formation is not suitable the level should be reduced by 100mm and the process repeated.
- All garden areas will need validating during and at the completion of the works and the findings submitted for approval to the local planning authority.

17.3 The above recommendations can be required by planning conditions.

18. **Noise**

- 18.1 Noise levels were assessed because of the proximity of the new dwellings to the activities of the Grange Hotel and touring park. The noise survey found that the levels of noise expected from The Grange and touring park activities are adequately contained within the site and were masked by the higher levels of road noise. The nearby commercial activities should not present an issue requiring planning to provide further protection.
- 18.2 The permission in 2017 did not impose requirements for road traffic noise protection, which is important to bear in mind, but in this application the week-long noise survey during September 2021 did identify high ambient / background noise levels associated with the road traffic noise which remained the dominant noise source.
- 18.3 Noise levels at external facades should not exceed a certain level for a continuous period during the daytime and at night, even accounting for windows and walls reducing noise levels. However, the submitted noise survey results showed consistent noise levels in excess of those limits, and the Environmental Health Officer has concluded that acoustic glazing and ventilation measures are required to protect against the consistent road noise. It is notable that the detached dwellings are closer to the road than in 2017.
- 18.4 A planning condition can achieve this mitigation requiring an appropriate level of acoustic glazing protection, as recommended below:

All residential units shall be constructed so as to provide sound attenuation against external noise and ensure internal sound levels no greater than:

a) 35dB LAeq(16 hour) in the main living rooms of the dwelling(s) (for daytime and evening use); and

b) 30dB LAeq(8 hour)/45dB LAmx(fast) in the bedrooms of the dwelling(s) (for night-time use) in line with World Health Organisation guidance, with windows shut and other means of ventilation provided.

Reason:

To ensure adequate living conditions for future occupiers and to World Health Organisation guidance levels.

- 18.5 The Environmental Health Officer has also requested restrictions on noisy construction work hours which can be imposed by condition.

19. Access, Traffic and Highways impacts

- 19.1 The volume of traffic anticipated to use the old Yarmouth Road (service road) from these 5 dwellings has been considered by the highway authority to be less or very similar to the volumes that would have been able to use the public house (given the amount of parking available) and not dissimilar to the previous permission for 4no. dwellings on the site. No objection is raised as there would not be a likely highways safety concern.
- 19.2 A strip of land is to be provided through the site above the area required as a wayleave for the water mains route that passes across the site. This is also a public footpath. The proposals introduce planting to make the route more attractive and it provides the opportunity to enhance the setting of the development overall.
- 19.3 A turning head area is also proposed within the development to assist with access and circulation, something which is lacking at present. By designing the turning area as part of the landscaping and entrance to the footpath link the scheme will provide an improved public realm and turning facility for visitors and delivery drivers serving existing and future occupants, which is beneficial aspect not necessarily required by policy had the application only sought to address its own immediate impacts.
- 19.4 For the avoidance of doubt and public comfort, it is confirmed that there is no intention on the developer's part, nor requirement from the Highway Authority, to remove the bollards at the west of the service road. Vehicle access will continue to remain solely from the east.

20. Parking & Cycling Provision

- 20.1 Until the Highway Authority issued its revised guidance in July 2022, the car parking proposals met the necessary previous standards because the parking for all units comprises both a space located to the side of the garages, and a space(s) within the garages as a parking space so each property is considered to have 2-3 parking spaces per dwelling as was necessary when the plans were discussed with officers, relating for these sizes of properties.
- 20.2 The latest NCC guidance discounts garages based on experience of their non-use, but it was considered unreasonable to require the guidelines to be followed at such a late stage when the site has been accepted to be unlikely to cause highway safety concerns when using the previous standards. The Highway Officer has no objection and has been content with the parking provision. A condition to secure internal garage sizes will at least enable the development to function as has been presented for determination and improve the likelihood of the garages being used.
- 20.3 However, the designs may not be completely effective in avoiding all highway safety concerns because the large garages propose roller shutter doors with no space to pull

off the highway in front of the garage, so on a busier road would not be appropriate, but on this minor road with the small scale of development proposed there would not be an unacceptable highway impact.

20.4 Cycle storage is accounted for by the provision of garages to each dwelling.

21. Public Open Space

21.1 The requirement to address open space demands for future residents and mitigate impacts from the new development has been assessed on a ward-area basis. This development is expected to provide mitigation by making a financial contribution for improvements to offsite public open space in accordance with LPP2 policy H4.

21.2 To comply with Policy H4 a financial contribution should be paid or committed to by legal agreement, before any permission is issued should the application be considered favourably. The necessary contribution is £1,564.85p per dwelling, amounting to £7,824.25p in total for this 5-dwelling development.

21.3 The applicant has not yet paid the financial contribution but is willing to do so before any permission is issued, should the application be considered favourably.

22. Ecology and Biodiversity

22.1 There is no impact on designated ecological sites other than the Borough-wide recreation impact protections required by the HRA GIRAMS process described below.

22.2 The pub building has been subject to an assessment for roosting bats potential. A survey in December 2020 considered there to be negligible to very low potential for bats to be roosting there as the building retains a sound breathable roof membrane and the 2019 fire would have deterred bats due to the acrid odour. These assessments are only valid for 2 years however, and the advent of that period is likely to occur before conversion works begin. As the pub is to be retained it should be possible to provide an updated survey and if necessary include appropriate mitigations within the conversion without significantly affecting the proposed design and layout of the new dwelling. Conditions will require an update to the bat roost assessment prior to any works being undertaken and mitigations where necessary, and a watching brief during the demolition of extensions and any roof replacement.

22.3 The natural environment within the site needs improving to demonstrate biodiversity enhancement required by policy. The proposed privet hedge is species-poor, so landscaping will require improved native species landscaping plans.

22.4 Hedgehog gaps in boundaries, and bird and bat boxes on the buildings will all be required by conditions incorporated into a permission.

23. Habitats Regulations Assessment (HRA)

- 23.1 Policies CS11 and GSP5 require all new residential developments to address their recreational impacts by passing the Habitats Regulations Assessment and providing appropriate mitigation. The mitigation necessary for a scheme of this scale in this location is to contribute to the Norfolk wide Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS) which entails a financial contribution of £185.93p per dwelling, amounting to £929.65p for this 5-dwelling development.
- 23.2 Although £770 was paid on 29/10/20 (under the previous regime for HMMS payments, which has been replaced by the GIRAMS scheme), the outstanding balance of £229.65p is required before any permission can be granted.
- 23.3 The applicant has not yet paid the financial contribution but is willing to do so before any permission is issued, should the application be considered favourably.
- 23.4 The application has included a Shadow HRA report for the LPA to have regard to as HRA competent authority. That report considers how the development might affect the local European sites in the vicinity of the project, but confirms that the financial contribution is the only mitigation required to pass the HRA test and enable permission.

Nutrient Neutrality

- 23.5 The site is not within the nutrient neutrality catchment area for the Trinity Broads Special Area of Conservation so does not need to demonstrate that it can achieve mains connection and discharge to Caister water treatment works to confirm it is likely to avoid a detrimental impact on the Broads SAC water quality.

24. Drainage and flood risk

Foul Drainage

- 24.1 No details have been provided but mains sewer connections are expected to exist at the site. A foul drainage scheme should still be provided by conditions as the development would not necessarily be acceptable if it could not provide mains connections.

Surface Water Drainage

- 24.2 The site is not in a critical drainage area and it is not considered likely to increase flood risk elsewhere given the existing hardstanding condition of the land as the development will likely improve site drainage overall by virtue of removing some hardstanding areas and increasing garden space and natural infiltration. Nevertheless, there are no details proposed in the application so conditions will be required to confirm the surface water management strategy and maintenance arrangements, as was required in 2017.

25. Any Other Material Considerations

A brownfield site

- 25.1 The site has become derelict and overgrown in the absence of an active use for over a decade. The site is considered to be 'previously developed land' in accordance with the definition used by the NPPF and is therefore considered a brownfield site which would benefit from development as an efficient use of land and as a means to clear up the site to benefit the visual amenity of the area.

Relevance of previous permission and pre-development activity –

- 25.2 The site benefitted from an extant planning permission for a very similar form of public house conversion and redevelopment of the cleared land, until as recently as May 2021 (permission 06/16/0128/F). The applicant tried to implement the permission but did not address the pre-commencement requirements in the required timescale, so a lawful implementation did not prove possible to keep the permission alive.
- 25.3 In the opinion of some consultees who would help determine pre-commencement conditions, whom the applicant has already approached with pre-development surveys, some of the necessary works have been undertaken satisfactorily to the extent that, had these been undertaken in time, some important aspects of the previous permission's pre-commencement conditions would have been considered acceptable. It is a matter for the decision maker to take a view on the relevance of those works to this proposal, but Officers consider there are no clear obstacles to prevent a development taking place in a similar vein to that which was previously approved. As such there can be some confidence that the development should be able to be delivered quickly.

Local Finance Considerations

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

26. The Planning Balance

- 26.1 The Council can demonstrate a healthy 5 year land supply and the adopted policies have drawn the development limits much further away from the site than was previously the case, to exclude this area altogether. As there is no extant permission in place, and there are no realistic fallback options for demolition of the pub or its conversion to a dwelling without full planning permission, the application must be able to justify being contrary to policy principles and demonstrate adequate public benefits or present other material considerations that outweigh the conflict with policy in order for the application to be considered favourably.

- 26.2 The scheme proposes an acceptable standard of design which responds to the site constraints and respects the local character of the area and heritage assets. The landscaping, planting and green infrastructure is beneficial, as is the public realm improvements of the footpath link and turning area, all of which attract moderate positive weight.
- 26.3 Demolition of the modern extensions to the rear of the First and Last is beneficial as the structure is currently detrimental to the setting of the area including the setting of the listed buildings either side of Yarmouth Road, and the site currently causes harm to the character and appearance of the area and the street scene. The setting of heritage assets will also be improved overall by bringing a site back into use which has been left to deteriorate and fall into disrepair over many years.
- 26.4 In providing new dwellings this development provides a mix of housing sizes and styles (unlike the previous permission), which will help improve the housing stock in the village.
- 26.5 It should be noted that very little positive weight is given to the provision of 4no. new-build dwellings in principle at this point in time when the Council has an adequate 5 year housing land supply, and the proposal has not sought to address specific identified housing need; it is recognised that there will be other locations within development limits where four dwellings could be provided with better and more appropriate accessibility. The demand for housing is understood but supply is not so constrained that four dwellings could not be delivered elsewhere in a policy-compliant location.
- 26.6 However, some positive weight is afforded to the beneficial and efficient use of a brownfield site and previously developed land, and it is doubtful whether other uses would come forward that are appropriate in the same location.
- 26.7 Significant positive weight is given to the benefits of securing the re-use of a vacant and deteriorating non-designated heritage asset in a visually prominent location at the entrance to the village. This benefit is considered to weigh in great favour of the proposal, outweighing the significant conflict in policy terms of both the proposed inclusion of market dwellings outside of the development limits and the loss of the use of the building as a public house. The level of positive weight is increased by the beneficial removal of unsympathetic extensions that detract from its character.

27. Conclusion and Recommendation

- 27.1 Determining the planning application must be in accordance with adopted policies unless other material planning considerations suggest otherwise. The application has evolved to address policies and concerns raised by the public and consultees, and on each occasion has reduced the areas of conflict with policy.
- 27.2 However, two significant areas of policy conflict remain – development of new build dwellings in the countryside, and loss of the community facility public house use. However, there are material considerations to suggest that concerns over the conflict with policy should be tempered, and there are positive aspects of the proposals too, despite the policy conflict.

- 27.3 Overall, the planning balance exercise has demonstrated that the application is a finely balanced assessment, but there are merits to the development which Planning Officers consider are sufficiently positive to justify recommending the application for approval.
- 27.4 Having considered the details provided, the revised form of this application, when subject to conditions, is considered to comply with policies CS3, CS9, CS10, CS11 and CS13 from the adopted Core Strategy (2015), and policies GSP3, GSP5, GSP6, GSP8, A1, A2, H3, H4, H7, E4, E5, E6, E7, C1 and I3 from the adopted Local Plan Part 2 (2021), and there are no other material planning considerations to suggest the application should not be recommended for approval.

RECOMMENDATION:

- (i) It is recommended that application 06/20/0278/F should be APPROVED, subject to:**

(A) Receipt of appropriate outstanding financial contributions for both the GIRAMS and Public Open Space mitigation strategies (as detailed in the report) (or appropriate alternative section 106 legal agreement for later payment);

And;

(B) Minor adjustments and clarifications to the plans to confirm window positions and potential overlooking from the converted pub, and internal dimensions of the garages;

And;

(C) Inclusion of the Proposed Conditions listed below.

- (ii) If the contributions are not received, or the amendments to plans are not satisfactory, to refer the application back to the Development Control Committee for re-consideration of the application, on the grounds of failing to secure planning obligations or suitable neighbouring residential amenity, or parking provision, as required by policies CS11, GSP5, GSP8, H4 (obligations), CS9, A1 (amenity), or CS16, I1 (parking).**

Proposed Conditions

(This is summarised list. Full details will be provided to the committee meeting)

1. Standard time limit – commence within 3 years;
2. In accordance with approved plans and relevant supporting documents;
3. Phasing –
 - a. No work on the new build dwellings until the pub extensions are removed;
 - b. No occupation of the new-build developments until the former public house has been converted and made available for residential occupation.

General operating conditions e.g. use restriction

4. Limitation on vehicle access points to be as per the approved plans, with closure of other accesses and reinstatement of the verges as necessary – details to be agreed.
5. Removal of permitted development rights to extend or alter the development.

Pre-commencement:

6. Update to the Bat Roost Assessment, with appropriate mitigation measures as necessary (and no works to the public house without this).
7. Bat watching brief during the demolition of pub extensions and during any roof replacement during the conversion works.
8. Site levels survey and proposed finished floor levels to be confirmed.
9. Tree protection fencing and geotextile membrane measures to be installed in the areas shown in the Tree Report, and retained throughout construction.
10. Tree protection measure details required for the TPO cherry tree at Tarn House, and implement.
11. Foul drainage strategy to be agreed.
12. Surface water drainage scheme and maintenance to be agreed.
13. No works to the pub conversion until details agreed for retaining and restoring the two historic 'Lacons' pub signs on each of the north and south gables, and the raised lettering on the front elevation – details needed.
14. Any unidentified contamination to be reported to the LPA and mitigated before works recommence.
15. A Stopping Up Order shall be progressed for the highway land affected by the development.

Prior to foundations / slab levels:

16. Materials to be agreed, with samples – roofs, walls, windows and doors, chimneys.
17. Acoustic glazing / mitigation requirements to be agreed / details to follow requirements of the Environmental Health Officer's comments.
18. Bird and bat boxes on each dwelling and the public house – details needed.
19. Boundary treatments.
 - a. Requires amended plan – lower heights into the footpath route, required hedging on the north; requires change to hedging to vary the privet (centre).
 - b. Change landscape planting labels – privet broken up with other species.
 - c. Not just fencing, introduce low boundary wall or alternative - details needed.
 - d. Hedgehog gaps required in boundaries – details needed.
20. Soft Landscaping scheme details, specification, and provision.
21. Hard landscaping – materials etc required for the footpath link, turning circle etc.

Prior to first occupation:

22. Contamination measures for safe use of topsoil.
23. Verification of garden creation re contamination.
24. Soft landscaping and planting to be provided for each dwelling.
25. Electric car charging connection points provision.
26. Water saving and efficiency measures.
27. Visibility splays to be provided and maintained – details to be agreed.
28. Accesses, parking, turning areas and turning head to be provided and retained.

Other precautions:

29. All landscaping to be maintained and replaced where fails for the first 10 years
30. No parts of the development shall overhang the highway boundary.
31. Noisy construction works to be restricted to 08:00–18:00 Mon-Fri; 08:30–13:30 Sat.

And any other conditions considered appropriate by the Development Manager.

Informative Notes:

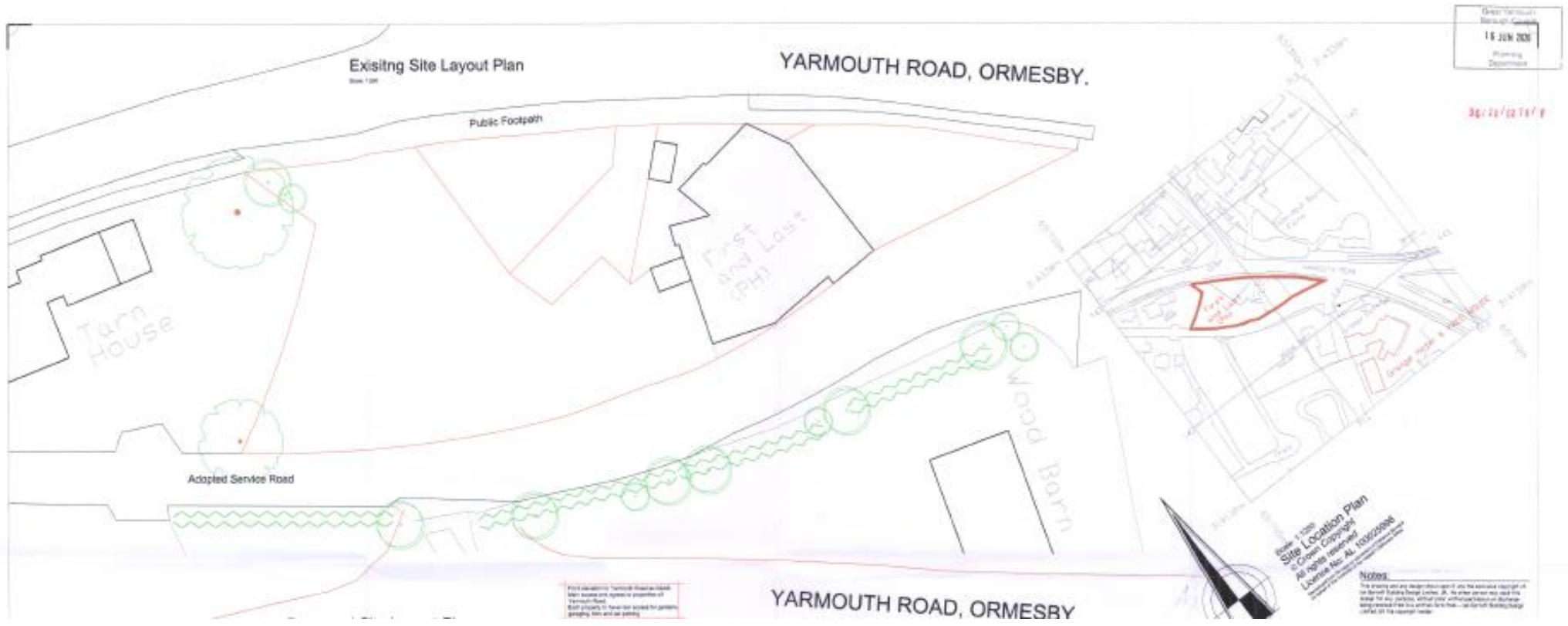
1. Statement of positive engagement.
2. Highways – office to carry out works in a public highway.
3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149.)
4. Highways – clarify boundary of highway.
5. Highways – stopping up order note.
6. Essex & Suffolk Water advice from 10 July 2017, re working in vicinity of water main.
7. Contamination advice.
8. Construction noise advice.
9. Asbestos advice.
10. Air quality during construction advice.

And any other informatives considered appropriate by the Development Manager.

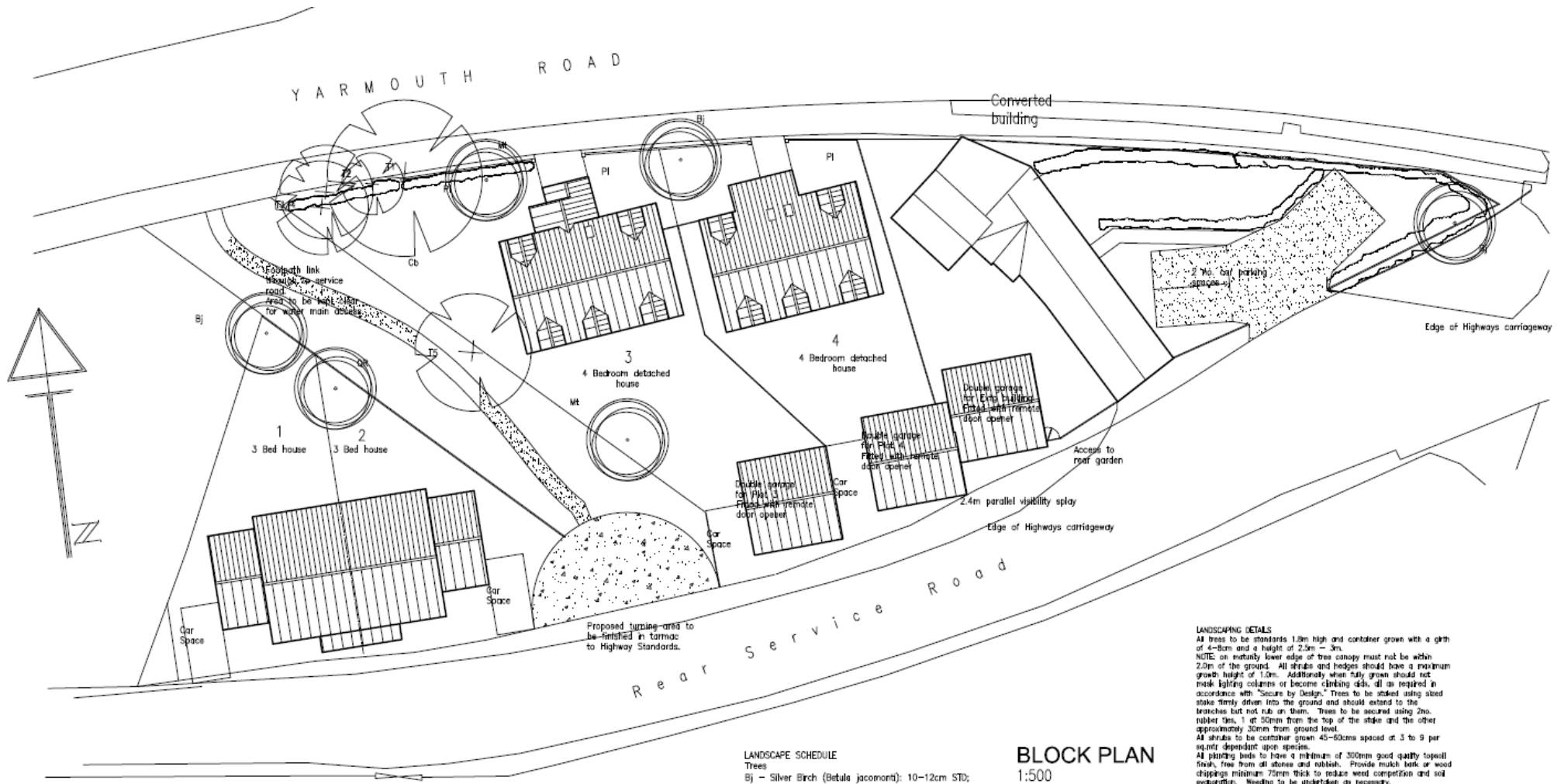
Appendices:

1. Site Location Plan and Proposed Revised Site Layout Plan (August 2022)

Location Plan for application 06/20/0278/F



Revised Site Layout Plan for application 06/20/0278/F – August 2022



LANDSCAPE SCHEDULE
 Trees
 Bj – Silver Birch (Betula jacomonti): 10–12cm STD;
 Mt – Crab (Malus tchonoskii): 1–12cm STD;

BLOCK PLAN
 1:500

LANDSCAPING DETAILS
 All trees to be standards 1.8m high and container grown with a girth of 4–6cm and a height of 2.5m – 3m.
 NOTE: on mature lower edge of tree canopy must not be within 2.0m of the ground. All shrubs and hedges should have a maximum growth height of 1.5m. Additionally when fully grown should not mask lighting columns or become climbing aids, all as required in accordance with "Secure by Design." Trees to be staked using steel stakes firmly driven into the ground and should extend to the branches but not rub on them. Trees to be secured using 2m rubber ties, 1 at 50mm from the top of the stake and the other approximately 30mm from ground level.
 All shrubs to be container grown 45–60cm spaced at 3 to 9 per square depending upon species.
 All planting beds to have a minimum of 300mm good quality topsoil free from all stones and rubbish. Provide mulch bank or wood chippings minimum 75mm thick to reduce weed competition and soil evaporation. Weeding to be undertaken as necessary.
 All stressed areas to be well watered and finished with 300mm of

Application Number: **06/22/0572/VCF** - [Click here to see application webpage](#)

Site Location: Lynn Grove Academy
Lynn Grove
Gorleston

Site Location Plan: See Appendix 1

Proposal: Proposed variation of condition 3 of Planning Permission 06/05/0582/F
- Replacement of approved lighting with LED energy efficient lighting

Applicant: Mr L Delderfield on behalf of Lynn Grove Academy

Case Officer: Andy White

Parish & Ward: Bradwell North

Date Valid: 29th June 2022
(although valid red-line plan received 20th September 2022)

Expiry / EOT date: 7th October 2022

Committee referral: Requested by Councillor Candon and at the discretion of the Head of Planning due to the connections with original application 06/05/0582/F and the interest shown on previous application 06/20/0514/F. The application is referred to Committee because of the Member request but also because the previous lighting scheme was subject to action by the Council's Environmental Protection Team.

RECOMMENDATION:

APPROVE SUBJECT TO CONDITIONS

REPORT

1. The Site

- 1.1 Lynn Grove Academy occupies a large rectangular site in the parish of Bradwell, which is surrounded by residential dwellings. Most of the school buildings are to the north east part of the site with the remainder of the site being occupied by two sports pitches and a playing field surrounding the site. The school is accessed from a single point of access located on Lynn Grove.
- 1.2 The closest residential properties to the floodlit football pitch to the north of the school site are at Wagatail Close, Glebe Close and Heron Close with tennis courts sited between the football pitch and the dwellings. There is a distance in excess of 80 metres from the northern edge of the all-weather football pitch to the boundary with the

closest residential properties. The closest residential properties to the south are in Tern Gardens which are about 78 metres distance.

- 1.3 The application site provides a popular leisure facility for the school and wider community which benefits from floodlighting under the terms of the original and varied planning permissions.

2. The Proposal

- 2.1 The application is to vary condition 3 of Planning Permission 06/05/0582/F which was allowed on appeal on the 3rd November 2006, with the replacement of approved lighting with led energy efficient lighting. The proposal does not alter the siting or maximum height of the 8 floodlight poles aligned to the north and south of the all-weather pitch.
- 2.2 Condition 3 states:
- 2.3 *Notwithstanding the details shown on the approved drawings, each lighting column shall be not more than 15 metres high and shall support 2 KW asymmetric floodlights mounted horizontally, with zero degrees of tilt. The floodlights shall be retained in their approved configuration and shall not be replaced or altered except with prior written approval of the local planning authority.*
- 2.4 The school as applicant has engaged the expertise of Kingfisher Lighting (a competent lighting designer) to provide a revised lighting proposal which has provided lighting specifications and measured the effect of the proposed 665w LED 4000k Amnis Match floodlighting, having regard to nearby residential properties.

3. Site Constraints

- 3.1 The site is within the Development Limits of Gorleston. There are no site constraints that would require special consideration as part of the determination of the application.

4. Relevant Planning History

- 4.1 The most relevant planning applications are: -
 - 06/03/0633/F – New sports centre building and all-weather courts – Approved 24/09/2003
 - 06/05/0582/F – Floodlighting to synthetic sports pitch – refused 19/09/2005, Appeal allowed 03/11/2006
 - 06/20/0379/F – Variation of condition 2 of Planning Permission 06/13/0167/F – change to lighting specification (Tennis court) – Approved 09/12/2020
 - 06/20/0514/F- Variation of condition 3 of Planning Permission 06/05/0582/F, to: 1. Reduce the height of lighting poles from 15m to 10m; and 2. Replace bulbs with energy efficient LED bulbs – Approved 22/04/2022
- 4.2 The application 06/05/0582/F proposal for floodlights around the all-weather pitch was refused by the Borough Council on the grounds that the floodlighting would have an unacceptably intrusive impact on local residents and the extended evening use of the sports pitch would result in significant disturbance to those living in the area by reason of noise and the increase in vehicular movements along Lynn Grove. At the subsequent appeal the Planning Inspector considered all of these issues and decided

that the floodlights and increased use would not cause significant harm to local residents and their residential amenity and allowed the appeal subject to conditions (a copy of the appeal decision is attached as Appendix 2 to this report). That permission was implemented and the current proposal to vary the permission accords with the Inspectors determination to permit lighting on poles of up to 15 metres height.

- 4.3 Application 06/20/0514/F also sought to vary the original permission and was granted in April 2022 and allowed lighting with energy efficient bulbs on poles that complied with the original permission being no higher than 15 metres (in fact 10 metres).
- 4.4 The current application does not seek to vary the number of poles or maximum height of the poles (referred to in 06/05/0582/F) but instead seeks to supersede the previous planning permission (06/20/0514/F) (which was also a variation of condition 3) whereby the combination of the choice of light source, their siting on the poles and the lack of appropriate shielding led to light spill beyond the site, onto a number of neighbouring windows which caused a statutory nuisance and led to the serving of an Abatement Notice under Section 80 of the Environmental Protection Act 1990 on those responsible for the management of the site.

5. CONSULTATIONS

5.1. Statutory Consultees

ENVIRONMENTAL PROTECTION TEAM – ENVIRONMENTAL SERVICES SECTION:

Response: Note the information submitted by the applicant. From the lighting report produced by Kingfisher Lighting, the proposed replacement lighting scheme meets the Institute of Lighting Professionals guidance on the reduction of obtrusive light and therefore light disturbance at surrounding residential dwellings should be minimised. Therefore, the Environmental Protection Team will not be objecting to this application

Second Response : Suggested condition wording “External lighting should be installed as per the details submitted to ensure the lux levels specified in the “Obtrusive Light Compliance Report” produced by Kingfisher Lighting are achieved” - (attached as Appendix 3).

Officer comment / response: Accepted the EPT advice and re-imposed hours of use condition and propose a floodlighting management condition.

COUNTY HIGHWAYS AUTHORITY:

Response: The Highway Authority raise no objection.

Officer comment / response: No comment

6. Publicity & Representations received

Consultations undertaken: Site notices

Reasons for consultation: Standard Neighbour consultation

6.1. Ward Member – Cllr Candon

Representation	Officer Comment	Relevant Condition/Informative
I object to this application on the grounds that it constitutes a disturbance resulting from use. I also request that this item come to the committee.	The use of the lights around the football pitch was a statutory nuisance. The current proposal provides a solution to the nuisance which would enable the all-weather football pitch to operate after dark without impacting neighbours. EPT has considered the specification and does not object.	Conditions proposed as per Env Protection Team Response, hours of use and floodlight management condition

6.2. Bradwell Parish Council

Representation	Officer Comment	Relevant Condition/Informative
No objection	None	N/A

6.3. Public Representations

At the time of writing 3 public comments have been received.

Objections / Concerns:

Representation	Officer Comment	Relevant Condition/Informative
Please ensure that these lights comply with the recent abatement notice which is in place to stop the lights causing a nuisance to the neighbours of the school. The light nuisance must NOT be repeated as the old lights have caused much distress.	The abatement notice was served by the Environmental Protection Team. It has considered the detail of the proposed lighting scheme and has provided advice that the levels of lighting should not give rise to amenity harm at residential properties.	Conditions proposed as per Env Protection Team Response, hours of use and floodlight management condition
We object to any floodlights that will shine beyond the boundary of the sports pitch and, in particular, lights that shine directly into our windows causing a detrimental impact on health and contravening the Environmental Protection Act 1990. Section 13 of the published Planning Permission appeal	None of the 5 conditions attached to the original permission required the retention of boundary trees or hedges. Having regard to the current proposal if it were not possible to contain light spillage from the football pitch floodlighting to within the school boundary the proposal would not be acceptable on amenity grounds and it would not be appropriate in such circumstance to rely upon natural vegetation to	Conditions proposed as per Env Protection Team Response, hours of use and floodlight management condition

<p>document dated 3rd October 2006, details a row of Poplar trees as being an acceptable filter for the lights between the pitch and residential properties. These trees are no longer there which renders this document null and void as a blueprint for any decisions about light pollution caused by the new floodlights. Indeed these trees should not have been removed as they formed the basis for the original consent.</p>	<p>address the issue when the vegetation might be removed or fail. As such the Planning Officer on the advice of the Council's Environmental Protection Team is satisfied that the lighting scheme would not have significant adverse impacts beyond the site boundary. A condition is proposed to ensure that the scheme is implemented in accordance with the lighting specifications.</p>	
<p>Concern about publicity of application not being by letter</p>	<p>Site Notices were put up around the site in response to concern, as a single site notice at school access only was not considered sufficient.</p>	

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

Core Strategy 2013 – 2030:

- CS9 – Encouraging well-designed, distinctive places
- CS15 – Providing and protecting community assets and green infrastructure

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- A1 – Amenity
- C1 – Community Facilities
- E6 – Pollution and Hazards in development

8. Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 4: Decision Making
- Section 12: Achieving well-designed places

National Planning Practice Guidance

- Advises on how to consider light within the planning system

Institute of Lighting Professionals [ILP] Guidance Note GN01/21 - The Reduction of Obtrusive Light

9. Planning Analysis

- 9.1. Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to–*
- (a) the provisions of the development plan, so far as material to the application,*
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,*
 - (b) any local finance considerations, so far as material to the application, and*
 - (c) any other material considerations.*

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

Main Issues

The main planning issues for consideration include:

- Principle of development
- Residential Amenity

Assessment:

Proposal summary:

The application is to vary condition 3 of Planning Permission 06/05/0582/F (which was allowed on appeal on the 3rd November 2006) with the replacement of approved lighting with LED energy efficient lighting in order to respond to light pollution and its impacts on residential amenity.

10. Principle of Development

- 10.1 The floodlighting of the football pitch was established through the original permission. The up-to-date policy (LPP2, Policy A1) regarding residential amenity is not significantly different to the requirement to consider residential amenity that applied when the appeal inspector granted permission.
- 10.2 The requirement of Condition 3 is that any alteration to the lighting requires prior written approval from the Planning Authority. This variation of condition application complies with the requirements of that condition. Taking account of the above, the principle of the development proposed is acceptable.

11. Impact on Character of the Area

The proposal is within the school site and is not proposing development that does not accord with the structure of the floodlighting poles approved as part of the original planning permission. As such the appearance of the lighting change would not of itself affect the character of the area and complies with Policy CS9. The issue of the use of the lighting units is assessed below.

12. Residential Amenity

- 12.1 The issue in this case is the effect of the proposed revised lighting on the amenity of residents adjoining the school site.
- 12.2 Following the serving of Abatement Notice under Section 80 of the Environmental Protection Act 1990 due to the statutory nuisance caused by the existing lighting of the football pitch, the applicant has engaged Kingfisher Lighting to provide a revised lighting proposal with lighting specifications and obtrusive lighting compliance report which calculated the effect of the 665w LED 4000k Amnis Match floodlighting having regard to residential properties.
- 12.3 The closest residential properties are at Tern Gardens, Wagatail Close, Glebe Close and Heron Close which are to the south and north of the school site with the tennis courts at the school between the football pitch and the northern boundary. There is a distance of over 80 metres to the northern edge and 78 metres to the southern edge of the all weather football pitch and the boundary with the closest residential properties.
- 12.4 The Obtrusive Lighting Compliance Report provided by the applicant follows guidance in the ILP Guidance Note 01/21 as referred to in section 8 above. This identifies obtrusive light as light spill – the spilling of light beyond the boundary of the area being lit which may cause nuisance to others.
- 12.5 The submitted Obtrusive Lighting Compliance Report indicates that the lux levels from the revised light source diminish to 5 lux well within the school boundaries, using the LED floodlights with back spill shields. The datasheet indicates that the lux level beyond the site would not be altered. This does not mean that the lighting cannot be seen from the residential properties. The normal level of lux within a residential home would be between 300 to 500 whilst at night it would be 5 lux with all lights turned off. To assist in understanding whether amenity harm would arise, for the purposes of reading a book, a minimum of 200 lux is recommended. On the basis of the obtrusive light assessment, which has been considered by the Environmental Protection team, the lux levels produced by the lights when fitted in accordance with the specifications would not lead to an amenity issue beyond the site in terms of obtrusive light or light pollution.
- 12.6 The lux levels on the football pitch itself would be up to 254 lux on the northern boundary of the pitch and 258 on the southern boundary with higher levels within the playing area. However, outside the playing area the lux levels are significantly lower being 5 lux in the first row of tennis courts to the north of the football pitches and 5 lux a similar distance from the football pitch on the Tern Gardens side of the pitch.
- 12.7 Therefore in relation to light spillage providing compliance with a condition that requires the specification of the lighting to be adhered to, there would be no harm to residential amenity arising. The initial comments from the Environmental Protection Team which served the Abatement Notice states “the proposed replacement lighting scheme meets the Institute of Lighting Professionals guidance on the reduction of obtrusive light and therefore light disturbance at surrounding residential dwellings should be minimised”.
- 12.8 In relation to the glow from the site, that would be seen from the nearest properties, this would be controlled by a requirement to operate the lights only between specified

hours. This is subject to a condition which is repeated from the previous permissions. The floodlights are currently conditioned to NOT operate outside of the following hours:

09:00 to 21:30 hours on Mondays to Thursdays

09:00 to 21:00 hours on Friday

09:00 to 20:00 hours on Saturdays, Sundays, Bank Holidays and during the period from Christmas Eve to New Year's Day inclusive.

- 12.9 In relation to noise generated from players whilst the pitch is in use the distance to the nearest dwellings does not mean that noise is not audible. Under the current planning permissions, the tennis and football pitches can be used after dark and the control of the use is via the hours of use condition that will be re-imposed if planning permission is granted. The hours of use condition will ensure that noise from the football pitch outside those hours should not occur. A condition is proposed relating to the management of the facility to ensure that all those using the lighting are trained in extinguishing the lights once the hours of operation are concluded.
- 12.10 Policies CS9 f) and A1 d) includes assessment of impacts of intrusive lighting to protect the amenity of residents. Policy E6 requires applicants to demonstrate that their proposals will not give rise to light pollution. On the basis of the above assessment it can be concluded that the proposal in terms of character and appearance of the area and residential amenity are acceptable subject to the imposition of suitable conditions and as such is compliant with adopted Local Plan Policies CS9, A1, and E6.

13. Other Issues

- 13.1 The operation of the floodlights granted under the previous variation of condition application (06/20/0514/F) has not been implemented successfully. Attempts to find a suitable solution prior and since the determination of application 06/20/0514/F had resulted in light spill outside the site and directly onto residential property windows, when it became apparent to the applicant that the specifications required for successful use would not work within the expected form of development granted by the two permissions prior to this application being made. Consequently, the Council's Environmental Protection Team investigated the matter and served an Abatement Notice under Section 80 of the Environmental Protection Act 1990 which remains in place. Under the terms of the Notice, those responsible for the management of the site are prohibited from causing this nuisance again. The current application has been made to provide the applicant with a lighting strategy that can work with the new LED models, and ensure that statutory nuisance arising from the previous variation of the condition does not happen again. The comments from the Environmental Protection Team in relation to the specification of the proposed lighting scheme within this application are considered to carry very significant weight.

14. Social and Economic impacts

- 14.1 The community use of the facility is considered to be of considerable social benefit providing it operates in a way that is not harmful to the neighbouring residential occupants.

Local Finance Considerations

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

16. The Planning Balance

- 16.1 The proposal would enable the re-commencement of the use of the all-weather football pitch in the evenings, which is beneficial to the local and wider community and supported by Policy C1 of LPP2. The proposal is considered to be acceptable in terms of the likely impact on the amenity of the nearest residential properties. The lighting scheme is not objected to by the Council's Environmental Protection Team.
- 16.2 Local residents are naturally wary of the proposed alteration, as some have suffered Statutory Nuisance from the use of the site under floodlights, which were installed without being in compliance with a previous variation to Condition 3. The recommendation for this proposal to vary condition 3 is taken in the knowledge of the shortcomings of the previous schemes that could not serve the facility as required to optimise its use, and resulted in harms to the neighbouring residents which this version of the lighting scheme has been planned to avoid. Consequently it is considered that the concerns of the residents have been fully considered in terms of the conditions proposed if permission is granted. Planning Officers and the Environmental Protection Team have liaised closely to ensure that the specification of the lighting is appropriate having regard to the surrounding area.
- 16.3 Taking account of the above it is considered that the scheme should be supported.

17. Conclusion and Recommendation

- 17.1 The proposed site has permission for floodlighting to the proposed all-weather pitch which was allowed at appeal (planning reference 06/05/0582/F). The principal objections to this application arise from the effects that previous attempts to light the site had on the amenities of nearby residential properties resulting in an abatement notice being served by the Environmental Protection Team (EPT). The proposed lighting scheme addresses these concerns and the light spill from the floodlights will not extend into the neighbouring properties on the site's boundaries. The Obtrusive Lighting Report submitted has been considered by the EPT together with the details of the lighting specification and no objection has been raised.
- 17.2 Consequently, subject to conditions that will ensure the implementation of the lighting scheme in accordance with the specifications provided and assessed by the EPT together with appropriate management of the lighting, the amendment to the detail of the lighting is considered to be acceptable having regard to the stated adopted local

plan policies that seek to protect the amenity of local residents, the character and appearance of the area and those that support community facilities.

RECOMMENDATION:

It is recommended that application 06/22/0572/VCF should be APPROVED subject to the following Conditions:

Proposed Conditions

1. External lighting should be installed as per the details submitted to ensure the lux levels specified in the "Obtrusive Light Compliance Report" produced by Kingfisher Lighting are achieved.
2. The development shall be carried out in accordance with the location plan received 21/09/2022, light compliance report and specifications received by the Local Planning Authority on 30th June 2022.
Information included in the determination of the application and required to be adhered to:
AMN Back Shield KL 4922
Kingfisher Amnis Match Datasheet
Kingfisher Obtrusive Light Compliance Report.

General operating conditions e.g. use restriction

3. The floodlights shall not be operated outside the following hours:
09:00 to 21:30 hours on Mondays to Thursdays (except between Christmas Day and New Year's Day as provided below)
09:00 to 21:00 hours on Friday (except between Christmas Day and New Year's Day as provided below)
09:00 to 20:00 hours on Saturdays, Sundays, Bank Holidays and during the period from Christmas Eve to New Year's Day inclusive. Minimise these if possible.
4. No floodlighting or external lighting shall be installed other than in accordance with the Kingfisher Obtrusive Light Compliance Report, including the AMN Back Shield KL 4922 installed in accordance with the specifications of the Kingfisher Amnis Match Datasheet.
5. Each lighting column shall be no more than 15 metres high and shall have the lighting attached in accordance with the details referred to in other conditions of this planning permission. The light columns shall not be replaced or altered except by the grant of planning permission from the Local Planning Authority or by the Secretary of State at appeal.
6. A 'Floodlights Use Management Plan' – to be implemented, brought into use and provided to all users prior to their first use of the lighting.
7. The perimeter gate to the school site adjoining Heron Close shall be locked between the hours of 17:00 hours on any day and 08:00 hours on the following day.

And any other conditions considered appropriate by the Development Manager.

Informative Notes:

Any informative(s) considered appropriate by the Development Manager.

Appendices:

1. Site Location Plan
2. Copy of Planning Inspector's decision in approving application 06/05/0582/F
3. Obtrusive Light Compliance Report.

Lynn Grove Academy, Lynn Grove, Gorleston, Great Yarmouth, NR31 8AP





Appeal Decision

Hearing held on 3 October 2006
Site visit made on 3 October 2006

by **Richard Ogier BA MRTPI**

an Inspector appointed by the Secretary of State for
Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date: 3 November 2006

Appeal Ref: APP/U2615/A/06/2008348

Lynn Grove Voluntary Aided High School, Lynn Grove, Gorleston, Great Yarmouth NR31 8AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Lynn Grove Voluntary Aided High School against the decision of Great Yarmouth Borough Council.
- The application Ref 06/05/0582/F dated 22 July 2005, was refused by notice dated 19 September 2005.
- The development proposed is floodlighting to a synthetic sports pitch.

Summary of Decision: The appeal is allowed, and planning permission granted subject to the conditions set out below in the Formal Decision.

Procedural Matters

1. At the Hearing an application for costs was made by Lynn Grove Voluntary Aided High School against Great Yarmouth Borough Council. This application is the subject of a separate Decision.
2. I made two accompanied site inspections in connection with the appeal, the first during the hours of daylight shortly after the close of the hearing and the second, at the request of a third party participant, after darkness had fallen at 19:30 hours on the same day.
3. The subject application drawings indicated that each of the eight proposed lighting columns would have a height of between 15 and 18 metres. The officer report to the Council's Development Control Committee referred to that information. The appellant's pre-hearing statement also indicated that the height of the columns would be between 15 and 18 metres. However a report from a lighting engineer commissioned by the appellant and completed in April 2006 refers to a column height of 15 metres.
4. This clarification of the height of the proposed columns at 15 metres was confirmed by the appellant at the hearing. I shall base my consideration of this appeal on the clarified information regarding column height, and on the lighting column positions shown on application drawing EA4108/01B.

Main issue

5. I have identified the main issue in this case to be the effect of the proposed floodlighting on the amenity of residents adjoining the school site and its access road off Lynn Grove and on Lynn Grove itself, in terms of lighting impact, noise and other disturbance.

Planning Policy

6. The development plan for this area includes the Great Yarmouth Borough-wide Local Plan (LP), adopted in 2001. LP Policy EDC4 indicates that the Council will view favourably proposals for joint provision for community/education facilities on land in educational use. LP Policy REC1 carries a presumption in favour of the provision of sports and recreational facilities, subject to specified criteria being satisfied. These include adequate access, parking or servicing facilities, the approach roads being able to accommodate the traffic likely to be generated, the development or associated activities not being significantly detrimental to the residential amenity of those living in the area and the scale, form and design of the development being compatible with its surroundings and not detracting significantly from the character of the area or its landscape.
7. LP Policy REC3 states that the Council will actively pursue the joint provision of a further full size floodlit playing pitch to serve the urban area, subject to the requirements of Policy REC1. The Council indicated that so far as its own initiatives were concerned, no such project had reached a firm proposal stage. LP Policy REC10 states that the Council will, in conjunction with the education authority and school governors, encourage the joint provision of recreation facilities on school sites, and seek to maximise the dual use of school buildings and playing fields for community recreation purposes.
8. LP Policy BNV27 seeks to resist permanent laser or high intensity light projection systems. Applicants are expected to demonstrate that development involving advertisements or other potentially light-intrusive devices will not cause unnecessary glare and light spillage intrusive for local residents and highway users, or affect public safety. Although the appellant contends that this policy was not primarily intended for circumstances such as those of this appeal, the policy is in my view of relevance.

Reasons

Main issue – residential amenity

Light impact

9. The proposed floodlighting relates to an all-weather synthetic sports pitch in the playing field area of the High School. The pitch has received planning permission but had not at the time of the hearing been laid out. That planning permission is subject to a condition restricting the use of the pitch to between 07:00 and 22:30 hours on any day. The practical effect of the proposed floodlighting would be to extend the hours during which the pitch could be used into some of the hours of darkness.
10. The appellant sought a permission which would enable the pitch to be used with the floodlights on until 22:00 on each evening, but indicated that compromise cessation times of 21:30 on Mondays to Thursdays, 21:00 on Fridays, 20:00 hours on Saturdays and Sundays and 20:00 on Bank Holidays would be acceptable. The report to the Development Control Committee recommended that planning permission should be granted for the floodlighting subject to a condition restricting the hours of operation of the floodlights to between 08:30 and 20:30, but this recommendation was not accepted.
11. The synthetic pitch would occupy a central position in relation to the whole of the school and playing field site, to the west of the main school buildings. There is no dispute that the

boundary of the nearest residential property would be about 70 metres from the pitch. No professional lighting report was submitted to the Council to assist in its consideration of the application, but a report subsequently commissioned concludes that direct light spillage from the proposed floodlights would be restricted to a band of about 10 metres beyond the edge of the perimeter of the pitch. The report also notes that the proposed lighting equipment would be of good quality, capable of being set horizontally and cowed so that the illumination emitted by each light is directed onto the playing surface of the pitch.

12. The Council has offered no technical evidence to refute or qualify these findings. I accept that the impact of the floodlighting would as suggested by one participant at the hearing include a measure of 'skyglow' resulting from the refraction of light from the floodlights off the playing surface. It is clear to me that the general illumination of the playing area would be visible from many of the residential properties surrounding the playing field and, despite artificial light from existing street lights and security lights associated with the school buildings and sports hall, would bring about a discernable change in the dark character of the open space as a whole during the hours of darkness affected, although given the general urban surroundings and existing school lighting already mentioned, that character is not absolute.
13. The visual impression of the lighting would be experienced by many residents living adjacent to the school playing field. However that impact would be mitigated in some cases by garden boundary treatment including vegetation, and by distance. The retained poplar trees adjoining the proposed pitch on its southern side would offer a partial masking of the view of the pitch for some residents in Tern Gardens. For the greater number of residents for which the trees would provide no mitigation, there is no convincing evidence that they would suffer any loss of amenity due to glare, given the technical evidence put forward by the appellant and the distance between the floodlights and the housing. I am not therefore convinced that in visual or light pollution terms the proposed floodlighting would result in any significant loss of residential amenity for neighbouring residents.

Noise from on- and off-pitch activity, traffic

14. Some residents have recounted in written representations and at the hearing that games played on the existing school playing field give rise to considerable levels of noise from raised voices, and sometimes feature bad language. I accept that if the existing planning permission for the synthetic playing pitch is implemented, there is likely to be an increased incidence of noise on the playing field audible to many of the residents living around the site. The extension of the use of the pitch that the proposed floodlighting would facilitate would be likely to increase these effects further.
15. I understand that on some occasions when noise or bad language has been experienced, tournaments have been taking place with playing pitches laid out over the wider expanse of the whole school playing field. As the proposed synthetic pitch would be centrally sited within the playing field area, it is likely that whilst noise from participants and any spectators would be audible, the speech of those participating would be less distinctly heard. The key factor is to what extent the existence of such circumstances during the hours when the floodlights were operating would cause a material loss of residential amenity.
16. The greatest perception of noise from the use of the synthetic playing pitch would be by neighbouring residents in their gardens during the hours of daylight including early

evenings in summer, although I accept that the floodlights would be switched on when the natural light began to fail. In these circumstances the extended use of the pitch would have a small but discernable effect on residents' enjoyment of their gardens. On-pitch activity could be audible through windows, particularly when open during warm weather. However given attenuation due to distance from the pitch, boundary features and to some degree by walls and windows, the use of the pitch under floodlights during prescribed hours would not in my judgement result in any significant disturbance for residents.

17. I accept that the extended use of the playing pitch would be likely to increase its total use. This would result in some increase in the number of vehicles using Lynn Grove and the short cul-de-sac leading to the School's main entrance. I was informed that these vehicles would arrive and depart at two separate sessions and would not therefore result in either continuous traffic or a concentration of traffic at a single time. From the evidence given by the appellant and notwithstanding the levels of traffic anticipated by other hearing participants, I am satisfied that vehicle numbers would not be excessive. I note that no dwelling faces the cul-de-sac. I find no convincing evidence that the existing car park would be unable to accommodate the vehicles thus generated. Whilst Lynn Grove is a relatively narrow residential estate road, I foresee no undue traffic difficulties at the time when the floodlights are likely to be operating. It might be difficult to drive large coaches through the School gates, but no objection in principle to the proposed floodlights has been made by the highway authority in this or in any other respect.
18. A further representation is that the use of the playing field has attracted persons engaging in noisy or other anti-social activity on the edge of the playing field area that has caused annoyance to residents. Whilst recognising that such activity may take place from time to time I regard this as a matter for the management of the site, and am not convinced that the installation of floodlighting would have any noticeable effect in encouraging an increase in that activity.

Other amenity effects

19. Some residents have provided photographic evidence of accumulated litter on the edge of the playing field, arguing that the extended use of the synthetic pitch would increase the dropping of litter. I saw litter on the north side of the playing field which I agree is unsightly. In my view this is a matter which ought to be dealt with through the general management of the school site, as it is likely to arise from the use of the site as a whole, rather than the specific use of the synthetic sports pitch, whether flood-lit or not. It is not therefore a consideration that materially affects my assessment of the main issue.

Conclusion on main issue

20. I have identified the main factors influencing the impact of the proposed floodlighting on the amenity of neighbouring residents as visual impact, light glare and noise. I conclude in all the circumstances considered that the proposed development would result in no significant harm to neighbouring residents in these terms, subject to the imposition of appropriate conditions, including one to specify times of operation of the floodlights. It follows that I find no fundamental conflict with LP Policies REC1 and BNV27, including the criteria mentioned in paragraphs 6 and 8 above.

Other matters

21. I have also considered the appeal proposal in the context of general development plan policy in relation to the provision of synthetic sports pitches and their illumination by floodlights. The proposal would accord with LP Policy EDC4 and with the presumption in favour of sports and recreational provision in Policy LP REC1. In response to a question from me to the Council at the Hearing it was confirmed that the Council has not made any firm progress under the terms of LP Policy REC3 to secure the provision elsewhere in the urban area of any full size floodlit playing pitch. The appeal proposal would accord with the objectives of LP Policy REC10. All these matters therefore weigh in favour of the grant of planning permission for the appeal development.

Conditions

22. I have considered what conditions should be imposed on any planning permission granted against the tests of necessity, relevance to planning and the development to be permitted, enforceability, precision and reasonableness in all other respects, set out in paragraph 14 of Circular 11/95 *The Use of Conditions in Planning Permission*. Of conditions discussed at the hearing, the reference to revised drawing EA4108/01/B would be more appropriately incorporated into the decision paragraph itself than as a condition.
23. It was argued by a local representative that if floodlights were operating until 22:00 hours, it would be the very late evening before the school site was free of activity with the potential to cause noise disturbance for residents, because post-session showering, changing and moving off the site could take up to one and a half hours. This seems to me likely to be an overestimate and, in any event, such activity would in the main be less obvious to those living around the site than activity on the pitch. Even so, I consider that a finishing time for the flood lighting facility of 21:30 would be more reasonable than 22:00. The compromise hours of operation the appellant considers the minimum for funding to be forthcoming for the facility would apply such a finishing time to Mondays to Thursdays, with an earlier time of 21:00 on Fridays, and 20:00 on Saturdays and Sundays.
24. The Council suggested that there should be no floodlight use on Bank Holidays, Easter Sunday and during the period from Christmas Eve to New Year's Day. Given my conclusions about the limited impact of the floodlighting facility on residential amenity and the extent to which the synthetic pitch could be used on Bank Holidays during the hours of daylight, I regard these restrictions as unnecessarily onerous. In my view the same finishing time should apply to Bank Holidays and the other times mentioned as would apply on Saturdays and Sundays, namely 20:00 hours.
25. I support a condition specifying the height of each lighting column and the general specification and method of installation of each floodlight, given the clarification made to the column height and the sensitivity of the floodlights in residential amenity terms. However, the reference in the Council's draft condition list to the floodlights being installed 'vertically, with zero degrees of tilt' is clearly wrong. The condition should be based on the wording in the appellant's consultant's report, which refers to the installation as having 'zero degrees of tilt, i.e. the floodlight is mounted horizontally'. The horizontal configuration is confirmed by the diagram attached to drawing no. DWG.MDBH-00.
26. A condition which requires a user and management agreement to be drawn up prior to the installation of the floodlights would in principle serve the interests of residential amenity.

Such an agreement insofar as it was intended to provide for the monitoring of the floodlit facility should not however be regarded as negating or otherwise affecting the general terms of the planning permission. I therefore consider that the wording of the condition should be adjusted to make this clearer.

27. The condition suggested by the highway authority appears to be intended primarily to safeguard highway safety. The reference in that condition to the impact of the floodlights on residential amenity is therefore inappropriate in my view. The interests of residents are catered for by the condition that would specify the manner in which the floodlights were installed and retained. In any event, I cannot see the relevance of the suggested condition. It is inconceivable in my view, given the purpose for which the floodlights are intended and the manner in which they are therefore to be installed, that they would cause any hazardous distraction to motorists in the culs-de-sac north of the school playing field. The ends of these public roads are beyond the northern boundary of the playing field, dimensioned on the appellant's drawing 1172-D as being over 78 metres from the nearest of the proposed lighting columns.
28. A resident at the Hearing suggested that consideration should be given to the locking of the existing gate that affords access between the school site and Heron Close, when the synthetic pitch is in use in the evenings. I see some justification in planning terms for such a condition, given the greater measure of access control to the site it would give site managers and the consequent benefits to residents living north of the site. The School confirmed at the Hearing that it would have no objection to the gate being locked between the hours of 17:00 on any day and 08:00 on the next day.

Conclusions

29. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

30. I allow the appeal, and grant planning permission for floodlighting to a synthetic sports pitch at Lynn Grove Voluntary Aided High School, Lynn Grove, Gorleston, Great Yarmouth NR31 8AP in accordance with the terms of the application ref 06/05/0582/F dated 22 July 2005 and the plans submitted therewith as amended by drawing no. EA4108/01/B received by the local planning authority on 26 August 2006, subject to the following conditions:
- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The floodlights shall not be operated outside the following hours:
09:00 to 21:30 hours on Mondays to Thursdays (except between Christmas Day and New Year's Day as provided below)
09:00 to 21:00 hours on Fridays (except between Christmas Day and New Year's Day as provided below)
09:00 to 20:00 hours on Saturdays, Sundays, Bank Holidays and during the period from Christmas Eve to New Year's Day inclusive.

- 3) Notwithstanding the details shown on the approved drawings, each lighting column shall be not more than 15 metres high and shall support 2 KW asymmetric floodlights mounted horizontally, with zero degrees of tilt. The floodlights shall be retained in their approved configuration and shall not be replaced or altered except with the prior written approval of the local planning authority.
- 4) Prior to the erection of the columns and floodlights a user and management agreement for the use of the synthetic all-weather pitch particularly under floodlights shall be submitted to and approved by the local planning authority. The agreement shall incorporate a Code of Practice for Users and the means of monitoring the performance of the floodlights in their approved configuration.
- 5) The perimeter gate to the school site adjoining Heron Close shall be locked between the hours of 17:00 hours on any day and 08:00 hours on the following day.

Richard Ogier

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr S Wheatman BSc MRTPI	Principal of Wheatman Planning Ltd of Haddiscoe, Norwich, agents for the appellant.
Mr N Smith MILE IEng	Director of Nick Smith Associates, Lighting Design Consultants of Chesterfield.
Mr J Fox BEd MEd	Chief Executive, Lynn Grove Voluntary Aided High School.
Mr R Thorpe MRICS MB Eng	Director of MMBL Chartered Surveyors.

FOR THE LOCAL PLANNING AUTHORITY:

Mr D Minns BSc(Hons) MRTPI	Development Control Manager, Great Yarmouth Borough Council.
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INTERESTED PERSONS:

Councillor G Plant	Elected representative for Bradwell North Ward, Great Yarmouth Borough Council.
Councillor T Wainwright	Elected representative for Bradwell North Ward, Great Yarmouth Borough Council.
Mrs C Watker	Resident at <i>Ashleys</i> , Smiths Loke, Bradwell, Great Yarmouth.
Mr T S & Mrs F Swanston	Resident at <i>Sunnydene</i> , Smiths Loke, Bradwell, Great Yarmouth.
Mr M Tabbitt	Resident at 5 Dove Close, Bradwell, Great Yarmouth

DOCUMENT

Document 1 List of draft conditions (put in by the Council).

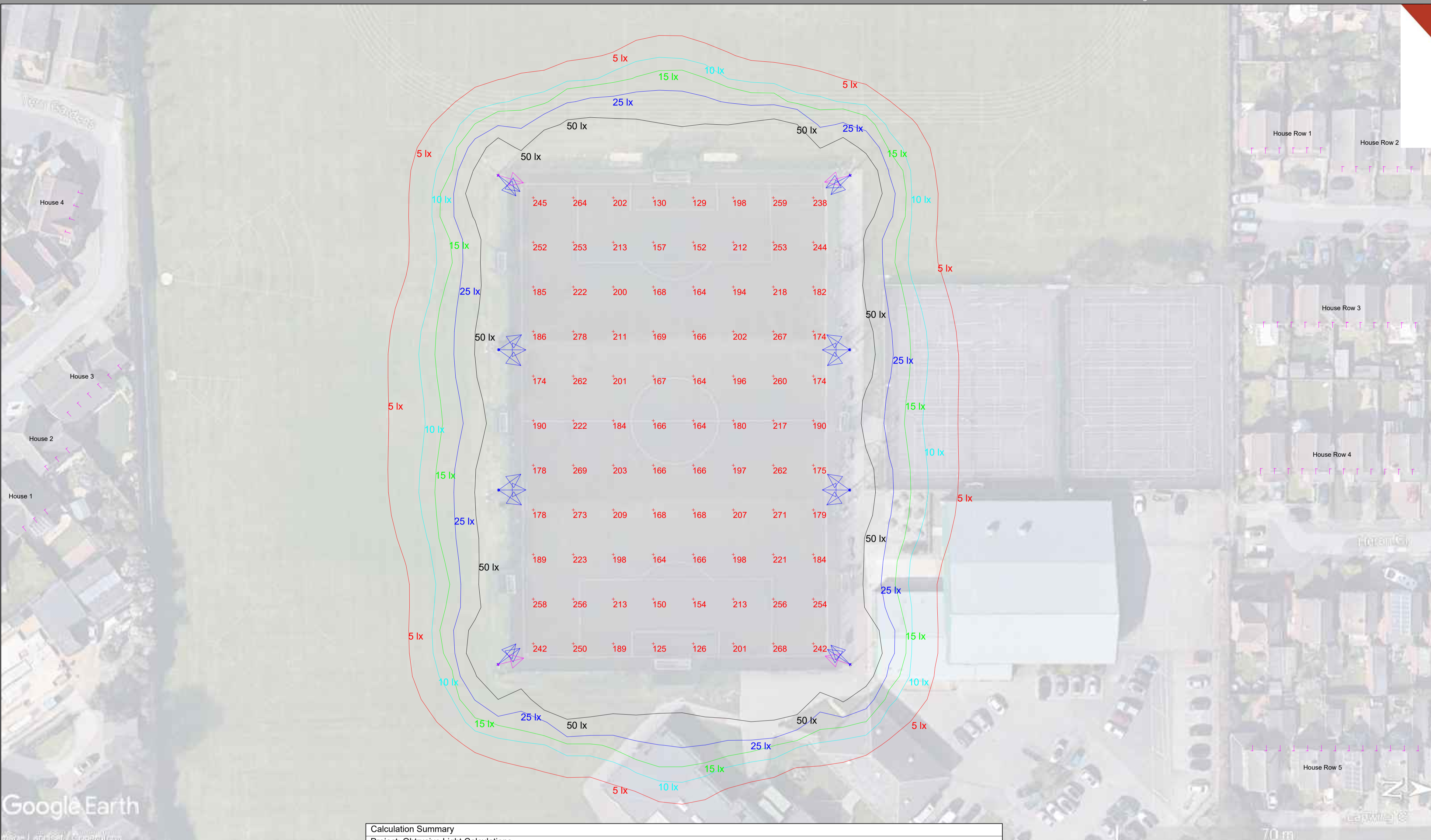
PLANS

Application plans:

Plan A	EA4108/01A – site layout plan and floodlighting performance specification (superseded).
Plan B	EA4108/01B - site layout plan and floodlighting performance specification (revised).
Plan C	EA4108/03 – site layout plan with luminaire data.
Plan D	DWG.MDBH-00 – elevation of lighting column, and associated details.

Other plans:

Plan E	1172-D – site layout, showing predicted extent of light spillage.
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Obtrusive Light - Compliance Report
 CIE 150:2017, E3-Medium District Brightness, Pre-Curfew
 Filename: Lynn Grove Academy
 10/03/2022 12:04:29

Illuminance
 Maximum Allowable Value: 10 Lux

Calculations Tested (9):

Calculation Label	Test Results	Max. Illum.
House 1_III_Seg1	PASS	0
House 2_III_Seg1	PASS	0
House 3_III_Seg1	PASS	0
House 4_III_Seg1	PASS	0
House Row 1_III_Seg1	PASS	0
House Row 2_III_Seg1	PASS	0
House Row 3_III_Seg1	PASS	0
House Row 4_III_Seg1	PASS	0
House Row 5_III_Seg1	PASS	0

Luminous Intensity (Cd) At Vertical Planes
 Maximum Allowable Value calculated from CIE 150:2017 (varies by Projected Area sq.m. and Distance Factor)
 For E3-Medium District Brightness, Projected Area and Distance Factors:
 (0.002, 0.86) (0.01, 1.9) (0.03, 3.8) (0.13, 7.5) (0.5, 15)

Calculations Tested (9):

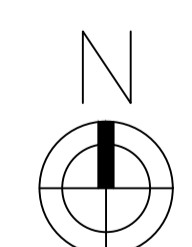
Calculation Label	Test Results
House 1_Cd_Seg1	PASS
House 2_Cd_Seg1	PASS
House 3_Cd_Seg1	PASS
House 4_Cd_Seg1	PASS
House Row 1_Cd_Seg1	PASS
House Row 2_Cd_Seg1	PASS
House Row 3_Cd_Seg1	PASS
House Row 4_Cd_Seg1	PASS
House Row 5_Cd_Seg1	PASS

Google Earth
 Image Landsat / Copernicus

Calculation Summary							
Project: Obtrusive Light Calculations							
Label	CalcType	Units	Avg	Max	Min	Min/Avg	Min/Max
House 1_Cd_Seg1	Obtrusive - Cd	N.A.	837.00	866	808	0.97	0.93
House 1_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.
House 2_Cd_Seg1	Obtrusive - Cd	N.A.	881.00	893	868	0.99	0.97
House 2_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.
House 3_Cd_Seg1	Obtrusive - Cd	N.A.	974.17	1093	874	0.90	0.80
House 3_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.
House 4_Cd_Seg1	Obtrusive - Cd	N.A.	942.25	963	920	0.98	0.96
House 4_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.
House Row 1_Cd_Seg1	Obtrusive - Cd	N.A.	866.33	940	794	0.92	0.84
House Row 1_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.
House Row 2_Cd_Seg1	Obtrusive - Cd	N.A.	685.00	754	618	0.90	0.82
House Row 2_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.
House Row 3_Cd_Seg1	Obtrusive - Cd	N.A.	766.83	927	649	0.85	0.70
House Row 3_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.
House Row 4_Cd_Seg1	Obtrusive - Cd	N.A.	772.50	945	665	0.86	0.70
House Row 4_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.
House Row 5_Cd_Seg1	Obtrusive - Cd	N.A.	744.31	904	608	0.82	0.67
House Row 5_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.

Calculation Summary							
Project: Lux Levels							
Label	CalcType	Units	Avg	Max	Min	Min/Avg	Min/Max
Pitch	Illuminance	Lux	203.49	278	125	0.61	0.45

Luminaire Schedule				
Symbol	Qty	Label	Arrangement	Description
	20	B	SINGLE	1 x 665w LED 4000k Amnis Match Flood with NST Optic @ 15m
	4	B1	SINGLE	1 x 665w Amnis Flood with NFT Optic @ 15m



Project Title: Lynn Grove Academy		Scale: 1:500 at A1	Project Number: 37957
		Date: 10/03/2022	Drawing No.: Rev A
Lighting Designer: MB			

For our LED lighting designs a 0.9mf has been used. If this differs from the maintenance period for this project then you must advise us accordingly.

A lighting applications design service is provided by us in good faith and without charge, relating to Kingfisher products only. As such, whilst every endeavor is made for accuracy from information provided by yourselves, the final responsibility for the suitability of the design lies with the client. The company cannot, therefore, accept any liability or consequential loss incurred.

A1

Schedule of Planning Applications

Committee Date: 05 October 2022

Application Number: **06/21/0285/F** - [Click here to see application webpage : 06/21/0285/F](#)

Site Location: The Cliff Hotel,
Cliff Hill,
Gorleston
Great Yarmouth, NR31 6DH

Site Location Plan: See Appendix 1

Proposal: **Siting of 2no. dome dining pods on hotel dining terrace
(Retrospective)**

Applicant: East Anglian Hotels Ltd

Case Officer: Mr Robert Parkinson

Ward: Gorleston Ward

Date Valid: 03/05/2022

Expiry / EOT date: Extension of time to be agreed

Committee referral: At the request of Cllr P. Wells and the discretion of the Head of Planning in light of the public concern for developments at the site.

RECOMMENDATION:

REFUSE.

REPORT

1. The Site and its surroundings

- 1.1 The Cliff Hotel is a long established business sited on the east side of Cliff Hill. There are dwellings to the north, west and south, and a wooded slope / open land on the east side sloping down to Beach Road and Lower Esplanade. The hotel's curtilage extends east and south around the area of amenity garden space within the Grenfell Court residential apartments block of flats.
- 1.2 The development the subject of this application is located at the southernmost end of the hotel garden / terrace which cuts into the slope above the flat rooftops of the retail and food kiosks at Lower Esplanade. At this point the hotel garden terrace is approximately 5m wide and 10m deep as it is an extension to the uncovered part of the main terrace facing east, and is raised approximately 0.5m above that terrace level.
- 1.3 The land level changes are significant in this location although no accurate site levels data has been provided in this application. This application site on the hotel terrace lies approximately 0.5m below the level of the garden space at Grenfell Court to the west, and approximately 2m above the flat roofs of the parade to the east, more specifically directly above The Fig restaurant and its rooftop dining terrace. It is

estimated that the application site is at least 5m above the ground level of Lower Esplanade.

2. The Proposal

- 2.1 The application seeks retrospective permission for the retention of two 'Dining Pods' already installed on the southernmost dining terrace extension. These are transparent domes made of polythene sheeting supported by an aluminium igloo-style structure beneath the sheeting. The application form confirms they were already installed by the time the application was submitted.
- 2.2 The Pods have been fixed to the astroturf-covered ground and each pod is 3.2m in diameter and 2.5m in height, and each provides weatherproof shelter for 4-10 people. The hotel is currently using them to shelter dining tables for 6-8 people per pod, each with mobile electric heaters for diner's comfort.
- 2.3 The application submission comprises application form, location and layout plans, and image of the pods.

3. Site Constraints

- 3.1 The hotel building, its children's play area, central garden terrace and the part of the wooded slope at the northern end of the eastern side of the site are all within Conservation Area No. 12 Cliff Hill. The rest of the garden terrace, wooded slope, application site, Grenfell Court and Lower Esplanade outlets are all within Conservation Area No. 17 Gorleston, which extends west to include Springfield Road, Avondale Road and the clifftop gardens.
- 3.2 Together, the two surrounding areas covered by conservation area designation extend to: north for the length of Cliff Hill, including the wooded slope down to Beach Road; east including Pier Gardens, the east end of Pier Road and the whole of the pier; south for the whole of Lower Esplanade at the base of the cliff and Marine Parade at the top; and westwards covering the terraced housing at the eastern ends of Avondale Road and Springfield Road.
- 3.3 The whole of the wooded slope adjoining the site, and the entire hotel complex and Grenfell Court apartments are covered by a 1965 Area Tree Protection Order ref: TPO A6 No.1 1965, which at the time it was made identified elms, poplars and sycamore but the species within will have changed over time.

4. Relevant Planning History

- 4.1 There has been various planning history at the Cliff Hotel site, but the following table shows the most relevant and recent history for this application.

06/20/0312/F	Installation of 7 Garden cabins (some interconnecting) at rear of the Cliff Hotel	Withdrawn
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- 4.2 The application site itself does not have planning history, and did not require permission to be turning into an extension of the dining terrace area. The land now used as the larger open dining terrace area immediately to the north of the application site was proposed in July 2020, to host 7 garden cabins to provide views over the sea (06/20/0312/F) but this was met with significant local opposition and the application was withdrawn.
- 4.3 A leylandii hedge has since been planted long the western boundary with Grenfell Court which did not require permission and although growing healthily it does not meet the criteria to be classed a nuisance.

5. Consultations

Statutory Consultees

Highways Authority – No objection.

- Officer response: no concerns are raised, no conditions are proposed.

Environmental Health Officer – No comments received.

- Officer response: this does not affect the assessment of the application.

Norfolk Fire Service – No comments to make.

- Officer response: this does not affect the assessment of the application.

Internal Consultees

Conservation Officer – Objection.

The aluminium framed pods are prominently positioned on the southern part of Cliff Hill within Gorleston Conservation area. The aluminium frame of each follows a dome-like shape and is wrapped with a PVC transparent cover.

There are concerns that the quality of design and proposed materials have a harmful impact on the significance of the Conservation area causing further erosion to its character and appearance. The prominent location of the proposed pods makes them visible from vantage points within the Conservation area including the Lower Esplanade, Pier Gardens and Cliff Hill.

For the reasons outlined above Conservation can't support the proposal and recommends a more careful approach with considerations to design and materials within this historic and natural environment.

6. Publicity & Representations received

Consultations undertaken: Letters to neighbours and Site Notices (reason - impacts on setting and appearance of conservation area).

6.1. **Ward Member(s)** – No comments made specific to this application.

6.2. **Public Representations**

At the time of writing 4 public comments have been received, one of which is said to be made on behalf of all the tenants of Grenfell Court:

- Objection to the design in respect of the materials used –
 - the PVC sheeting covering should be checked for its fire performance (electricity is used in the domes),
 - stability should be checked for strength in high winds, especially being on the cliff,
 - the zip door should be checked to make sure it doesn't lock and trap people.
- Objection on residential amenity grounds –
 - the noise and light pollution will affect residential properties above the site who will also want to open their windows facing the pods.
 - If these are potentially vulnerable to being ignited, the flats adjacent have gas supplies and meters which could be affected.
- Objection on grounds of customer safety – escape routes in an emergency are very restricted.
- The access to the pods might not be DDA compliant and should be checked.
- Objection to the retrospective nature of the application and unauthorised use.
- Objection to the loss of views of the coast from Grenfell Court.
- The purpose of the pods seems unnecessary, and social events could be disruptive.
- There should be no music or other non-spoken noise allowed as the pods are too close to residents in the neighbouring flats.
- Fire safety concerns if smoking in the pods is allowed.

Officer comments –

- The materials used, the access from the pods, and the supply of electricity to the units is not a planning matter.
- The site does have smooth access from the main terrace up to the raised level of the pod terrace but it was quite an incline and it may prove challenging for a wheelchair. However, the access is already compromised through the hotel and lower terrace so is perhaps considered 'no worse' than the existing arrangements.
- The noise and light and disturbance concerns are discussed below.
- Loss of view is not a planning matter but the impacts on outlook are discussed below.
- Music levels, numbers of guests, smoking are all licensing not planning matters.

7. **Relevant Planning Policies**

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS6: Supporting the local economy
- Policy CS9: Encouraging well-designed, distinctive places
- Policy CS10: Safeguarding local heritage assets

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy A1: Amenity
- Policy E4: Trees and landscape
- Policy E5: Historic environment and heritage

8. Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 4: Decision Making
- Section 6: Building a strong, competitive economy
- Section 12: Achieving well designed places
- Section 16: Conserving and enhancing the historic environment
- paragraphs 124 d) and 130 f) – requirement to provide a high standard of amenity for existing and future users / neighbours / residents.

9. Planning Analysis

- 9.1. Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to–*
- (a) the provisions of the development plan, so far as material to the application, (aza) a post-examination draft neighbourhood development plan, so far as material to the application,*
- (b) any local finance considerations, so far as material to the application, and*
- (c) any other material considerations.*

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

- 9.3 In determining this application the Council must also ensure it satisfy the following legal duty within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of conservation areas in the exercise of its planning functions:

"In the exercise, with respect to any buildings or other land in a conservation area, [of any functions of the LPA] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

- 9.4 The Council must also ensure it satisfy the following legal duty within Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of listed buildings in the exercise of its planning functions:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Main Issues

The main planning issues for consideration are:

- Principle of development
- Impact on heritage assets
- Design and impacts on character and visual amenity of the area
- Impacts on neighbouring amenity
- Landscape and trees
- Other material considerations

Assessment:

The application proposes: *Retrospective permission for siting 2no. dome dining pods on hotel dining terrace*

10. Principle of Development

- 10.1 The dining terrace area, and the application site's extension to that, are established without the need for planning permission being within the hotel curtilage. No permission is needed for the use of the land as a dining terrace, seating area or gathering place as these are functions ancillary to the hotel. No permission would be required for placing tables and chairs and parasols or temporary gazebos on the land.
- 10.2 The principle of adding structures which need planning permission is generally supported in policy, to promote businesses and enhance the tourism offer and evening economy, for example. However, a proposal must also accord with other policies, including those of providing a high quality design, enhancing the character of the area and avoiding harm to heritage assets, and avoiding harm to amenity.
- 10.3 There is no objection to the principle of the development if other policies are satisfied.

11. Impacts on Heritage Assets

- 11.1 National planning policy and local development plan policies CS10 and E5 make it clear that proposals for development should seek to conserve and enhance the significance of heritage assets, including any contribution made by their setting, by positively contributing to the character and local distinctiveness of the area.
- 11.2 Development proposals within conservation areas, or in a location that forms part of its setting, or locations like this which fall into both categories, should take into account the special and distinctive character of the area which contributes to its significance.
- 11.3 The designated heritage assets affected by this proposal are the Grade II listed Pavilion Theatre with its expansive setting, the character and appearance of Conservation Area No. 17 Gorleston, and the setting of Conservation Area No. 12 Cliff Hill.

11.4 NPPF paragraph 199 sets out that:

*“When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight should be given to the asset’s conservation** (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

11.5 NPPF paragraph 200 also makes clear that:

*“**Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.**”*

11.6 NPPF Paragraph 202 then goes on to state that when determining such applications:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”

Impact on listed buildings

11.7 Although there are no listed buildings within or adjoining the site, the Grade II listed Pavilion Theatre is 106m to the northeast and there are no intervening buildings within the direct line of sight between the two.

11.8 The Pavilion Theatre remains the dominant and impressive focal point at the head of the Lower Esplanade and Pier Gardens, a significant landmark because of the open setting around and especially to its southeast, despite the low-rise nature of the building and its lower land level.

11.9 The two domes already installed are clearly visible in the vistas seen from many positions to the east, south and south-west of the application site at both promenade level and from the top of the cliffs. These same views provide expansive and important appreciation of the Grade II listed Pavilion Theatre to the northeast. Whilst there is ground-level street clutter and signage which also features in the views, the elevated application site is prominent, and the unscreened domes appear incongruous and out of place. This causes a harmful appearance within the otherwise open extended setting of the listed building, to the detriment of the setting and appreciation of the listed building, which is detrimental to its significance as a heritage asset. As such the development is contrary to policies CS10 and E5 and should be avoided as it does not enhance the heritage asset significance, but if that is not possible it must be justified in accordance with paragraph 202 of the NPPF.

11.10 The level of harm to this asset is considered low on the scale of less-than-substantial harm, but nevertheless a corresponding level of public benefit is required to outweigh that harm if the application is to be considered favourably. That balancing exercise is discussed later in the report.

Impact on Conservation Areas

11.11 The two domes are in a prominent, highly visible and exposed location within Conservation Area No. 17 Gorleston. This part of the conservation area is perhaps

characterised by the formal appearance of low profile and flat-roofed buildings, square forms and simplistic architectural treatments on modern buildings and structures, and alterations made only by the use of linear railings and other minimalist features. In views within and around the Lower Esplanade the buildings follow definite and clear lines, and the dominance of Grenfell Court above is lessened by its minimal use of varying materials.

- 11.12 The shape, appearance and temporary nature of the materials used in to create the domes all combine to create an unsympathetic addition to the conservation area, uncomplimentary in form and mass, and out of character to the prevailing built environment. As such the proposals do not enhance the conservation area and are detrimental to its character and appearance. Because of the prominent and elevated location of the domes, their harmful impact is seen from far afield to the east, south and south west, with the effect of eroding the significance of the designated heritage asset.
- 11.13 The application site and the pods are not really visible from within the adjoining Conservation Area No. 12 Cliff Hill, because of the intervening woodland on the slope and the large glazed terrace structure to the north of the pods, but these would become more noticeable when vegetation reduces in the winter.
- 11.14 However, for the same reasons that the pods are visible from vantage points to the east, south and southwest, they are also seen from the same locations as part of the setting and appreciation of the adjoining Conservation Area No. 12 Cliff Hill and do cause a detrimental impact thereon.
- 11.15 Furthermore, there are concerns that the relative fragility of the design structure and proposed materials could quickly exacerbate the detrimental impact as high winds and poor weather take hold. It is noted that parasols or umbrellas could equally be used in the same location but they are temporary in use and smaller in volume and would likely be taken down and stored away if not required, or not used at all in time of lower custom or inclement weather; as such minimal weight is given to this as a 'fallback' scenario.
- 11.16 The development is therefore contrary to policies CS10 and E5 and should be avoided as it does not enhance the significance of the conservation areas, but if that is not possible it must be justified in accordance with paragraph 202 of the NPPF..
- 11.17 The level of harm to these two heritage assets is considered moderately high on the scale of less-than-substantial harm, because of the prominent impact and contrast with the surrounding form and the extensive vistas within a conservation area and of the adjoining conservation area's setting. A correspondingly high level of public benefit is required to outweigh that harm if the application is to be considered favourably. That balancing exercise is discussed later in the report.

12. Design and impact on the character and visual amenity of the area

- 12.1 The exposed location, prominent site, lack of screening and uncomplimentary form and massing, the temporary appearance of fragility of the structure and materials all combine to create a harmful impact on the visual amenity and character of the area. The prominent location of the proposed pods makes them visible from many vantage

points and this will be detrimental to the area's appearance and also tourism offer. Whilst parasols or umbrellas could equally be used in the same location they are temporary in use and smaller in volume and would likely be taken down and stored away if not required, or not used at all in time of lower custom or inclement weather; as such minimal weight is given to this as a 'fallback' scenario.

- 12.2 Policy CS9 expects all new developments requiring planning permission within the borough to respond to the surrounding area's distinctive natural, built and historic characteristics, such as scale, form, massing and materials, reinforcing local identity in doing so. The development is therefore considered to be in conflict with this expectation and unacceptable in this regard.

13. Impacts on neighbouring amenity

- 13.1 The two pods have been installed against the boundary of the Grenfell Court communal amenity / garden area. At least one ground floor flat is immediately affected, as two east-facing windows face the site. One window already suffers from compromised outlook from a brick enclosure, which will be further compromised by the continued presence of the two pods in the direct field of vision and sited only 2-3m from the windows.
- 13.2 Use of the garden is also compromised by the incongruous presence of the domes on the boundary, but regard has to be given to the scenario where residential dwellings often include similar greenhouse structures which do not generally affect amenity or outlook, or fences of similar height, so this concern is noted but no unacceptable overbearing effect is considered to take place.
- 13.3 The use of the pods does cause concerns for residential amenity impacts however, because of the unshielded nature of the design and the elevated position of the development. It is understandable if neighbouring residents felt that the noise and activity of the pods were excessive as there is no mitigating barrier between the activity in the transparent and thinly-walled structure. It is accepted that the terrace could be used for noisy socialising without the pods, but the fact is the domes increase that likelihood of such instances being more frequent, all year round, longer into the day and evening, and more common as they provide a different attraction.
- 13.4 Similarly, the lack of protection to residents and the minimal boundary treatments between the two sites combines to increase the fear of increased instances of crime and anti-social behaviour spilling into the Grenfell Court gardens which anecdotally is understood to have occurred already. It should not be expected that the Grenfell Court residents should install taller or more secure boundary treatments in line with the 'agent of change' principle and the fact that the quality of amenity and small area of curtilage would be compromised yet further by requiring such enclosures.
- 13.5 As the development is considered to cause detrimental impact to residential amenity through loss of outlook, increased noise and disturbance, and increased fear of crime and anti-social behaviour, the application is considered contrary to policies CS9 and A1 and NPPF paragraph 130 f).
- 13.6 As the attraction of using the pods increases so might there also be music included, but planning conditions could always be used to prevent amplified or acoustic music or non-spoken noise.

14. Landscape and Trees

- 14.1 Landscaping has not been proposed in this application and the pods do not benefit from the gradual growth of the fir / leylandii evergreen hedge which only extends along the east-facing dining terrace boundary.
- 14.2 No trees within the site's TPO designation are affected by this development.

15. Any Other Material Considerations

Economic impacts

- 15.1 The application has not included any justification to explain why the pods are necessary nor what the public benefits would be from the development and continued retention on the site.
- 15.2 It is likely that the pods will increase the season and the number of occasions the terrace can be used during the winter months or in inclement weather, but this is a small economic impact available only if a few outdoor diners or drinkers prefer to use the pods other than be inside the much larger glazed enclosure on the terrace r within the hotel building. As such the economic benefits to the business are considered to be small, and these are not considered benefits for the wider public.
- 15.3 In contrast, the possible impacts from the uncomplimentary design and the harm to the character and appearance of the conservation areas and listed building could well cause wider harm through loss of interest and appreciation of Gorleston seafront as a tourism destination with unique heritage interest. That is a public concern of greater significance.

Local Finance Considerations

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

16. The Planning Balance

- 16.1 The development has already been undertaken and is considered to present unacceptable harmful effects on the heritage assets at the site and the overall character and appearance of the locality, to the detriment of public appreciation and potentially economic investment through eroding the tourism attraction of the area. At the same time the pods have created an undesirable and harmful relationship with

neighbours, through their design and positioning, and the impacts of the pods' use which they encourage and intensify.

- 16.2 The development has not presented any public benefits or material considerations to justify the conflict with heritage and policy harms, and the considered economic benefit is only very small scale and localised, and is not considered to outweigh the negative impacts.

17. Conclusion and Recommendation

- 27.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.
- 27.3 The application involves a degree of less than substantial harm to the character and appearance of the two conservation areas and to the extended setting of the pavilion theatre Grade II listed building, but the planning balance exercise has demonstrated that no public benefits exist to outweigh those harms.
- 27.4 Similarly the development creates conflict with the residential amenity of neighbouring dwellings and the visual amenity of the surrounding area, but no material considerations are presented to justify allowing a development that is contrary to the requirements of adopted policy.
- 27.5 The application is therefore recommended for REFUSAL because:
- it is considered to fail to comply with policies CS9 and CS10 of the adopted Core Strategy (2015), and policies A1 and E5 of the adopted Local Plan Part 2 (2021),
 - it causes harm to heritage assets that is not outweighed by public benefit, and
 - there are no other material planning considerations to suggest the application should not be recommended for refusal, and,
 - it is also suggested that in the absence of factors in favour of the proposal, a recommendation to approve would not accord with the legal duty on the Council under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDATION:

It is recommended that application 06/21/0285/F should be REFUSED for the following reasons:

1. Impact on heritage assets:

The development is clearly visible in vistas from many positions to the east, south and south-west of the application site at both promenade level and from the top of the cliffs. The elevated application site is prominent, and the unscreened domes appear incongruous and out of place which causes a harmful appearance within the otherwise

open setting of the Grade II listed Pavilion Theatre, to the detriment of the setting and appreciation of the listed building, which is detrimental to its significance as a heritage asset.

The elevated position and exposed location of the site, and the shape, appearance and temporary nature of the materials used in the development all combine to create an unsympathetic addition to the appearance of buildings and structures within Conservation Area No. 17 Gorleston, being uncomplimentary in form and mass, and out of character to the prevailing built environment. As the pods are visible from vantage points to the east, south and southwest, they are also seen within the setting of the adjoining Conservation Area No. 12 Cliff Hill. As such the proposals do not enhance the conservation areas and are detrimental to both character and appearance and the setting of these heritage assets with the effect of eroding the significance of these designated heritage assets.

As such the development is contrary to policies CS10 of the adopted Core Strategy (2015) and E5 of the adopted Local Plan Part 2 (2021).

2. Impact on character of the area and visual amenity

The exposed location, prominent site, lack of screening and uncomplimentary form and massing, and the temporary appearance of fragility of the structure and materials all combine to create a harmful impact on the visual amenity and character of the area, being detrimental to the area's appearance and also tourism offer. The inappropriate design is considered to be contrary to policy CS9 of the adopted Core Strategy (2015).

3. Impacts on residential amenity

The development further reduces the already-limited outlook available from the nearest windows within the adjoining Grenfell Court residential complex as the pods are sited in the direct field of available outlook only 2-3m from the windows.

Furthermore, the domes increase the impacts of the use, duration and frequency of the dining terrace adjoining the residential garden and close to the windows of dwellings in the neighbouring land, the effects of which are exacerbated due to the unshielded nature of the development, the lack of substantive boundary treatments, and the elevated position of the development.

The reduced outlook, increased noise and disturbance, and increased fear of crime and anti-social behaviour all combine to create an unacceptable relationship with the neighbouring uses and detrimental impacts on residential amenity, contrary to the requirements of policies CS9 of the adopted Core Strategy (2015) and A1 of the adopted Local Plan Part 2 (2021) and paragraph 130(f) of the NPPF.

4. No material considerations to outweigh the conflict with local plan policy

The application has not presented any evidence to suggest there are material considerations which would justify the conflicts with adopted development plan policies CS9, CS10, A1 and E5.

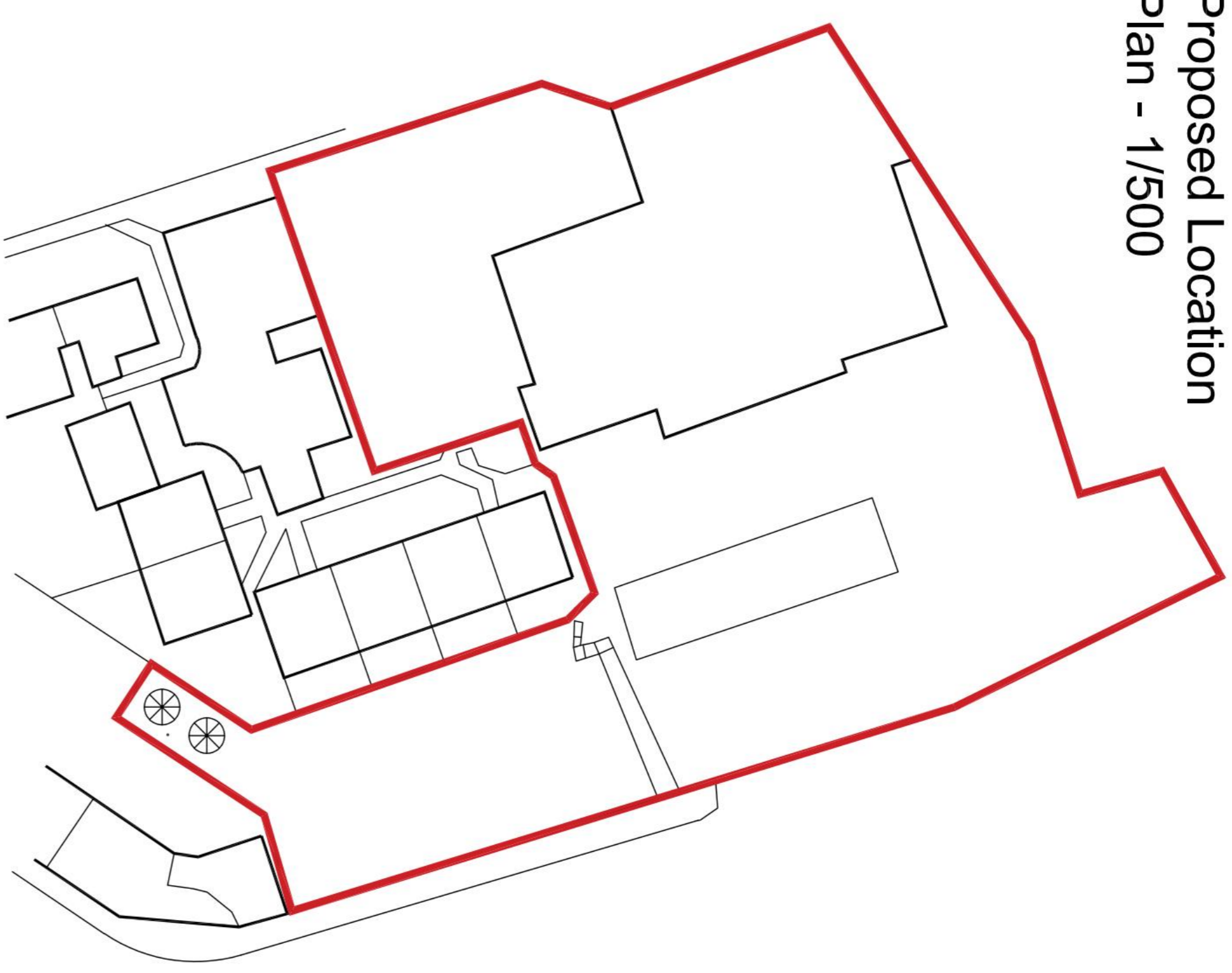
5. Insufficient public benefit to outweigh the harm to significance of heritage assets

The development is considered to cause a low level of less-than-substantial harm to the setting of the Grade II listed Pavilion Theatre, and a moderately high level of less-than-substantial harm to the character and appearance and setting of the two conservation areas surrounding and adjoining the site. There are some very minor economic gains from the development but these are not publically beneficial, in contrast to the potential longer term erosion of tourism offer and detrimental economic impacts for local businesses. As such there is not considered to be any net gain in public benefits from the development sufficient to outweigh the heritage harms, and the development is considered contrary to NPPF paragraphs 200 and 203.

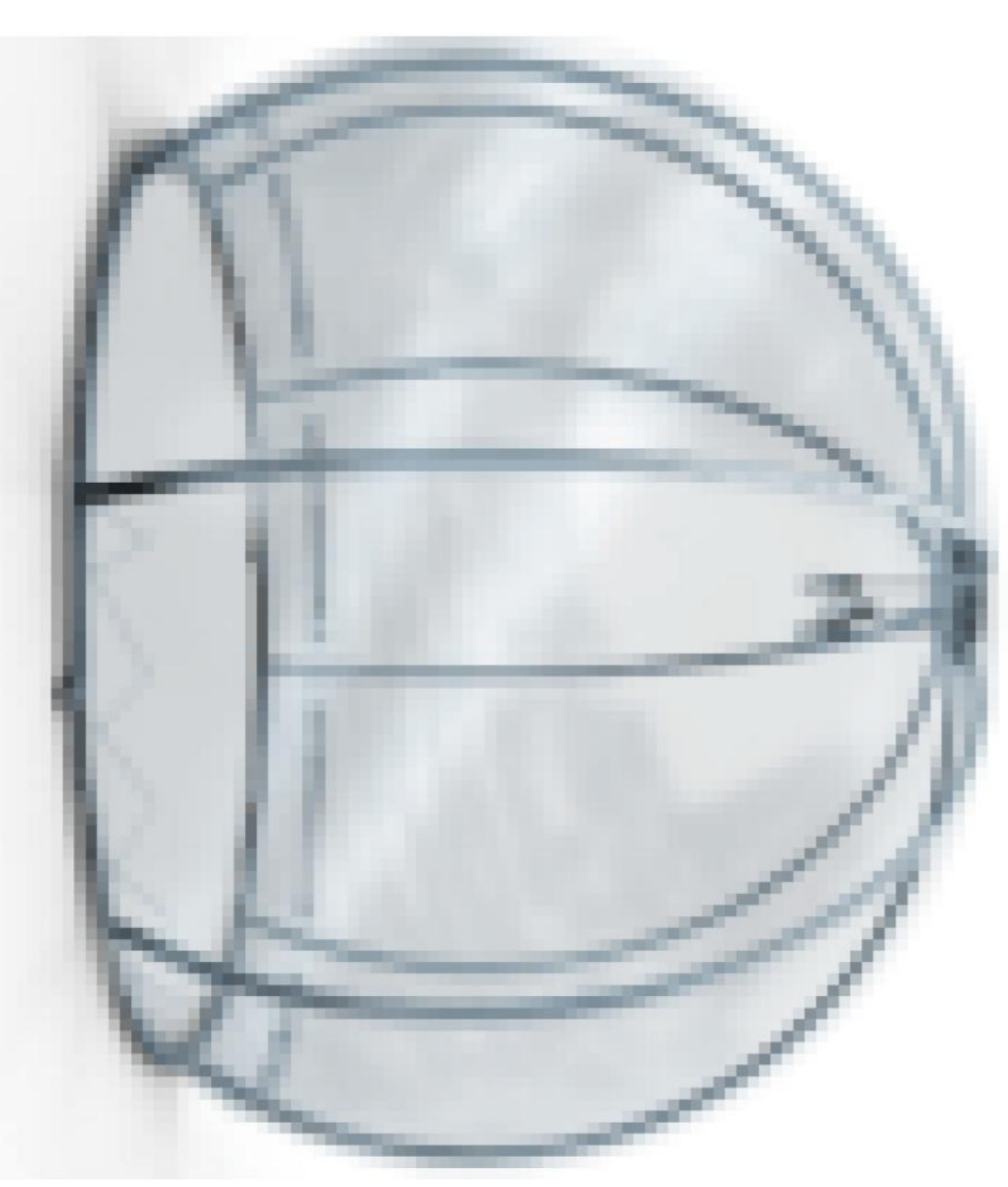
Appendices:

1. Site Location Plan and Proposed Site Layout and Dome Pod Image

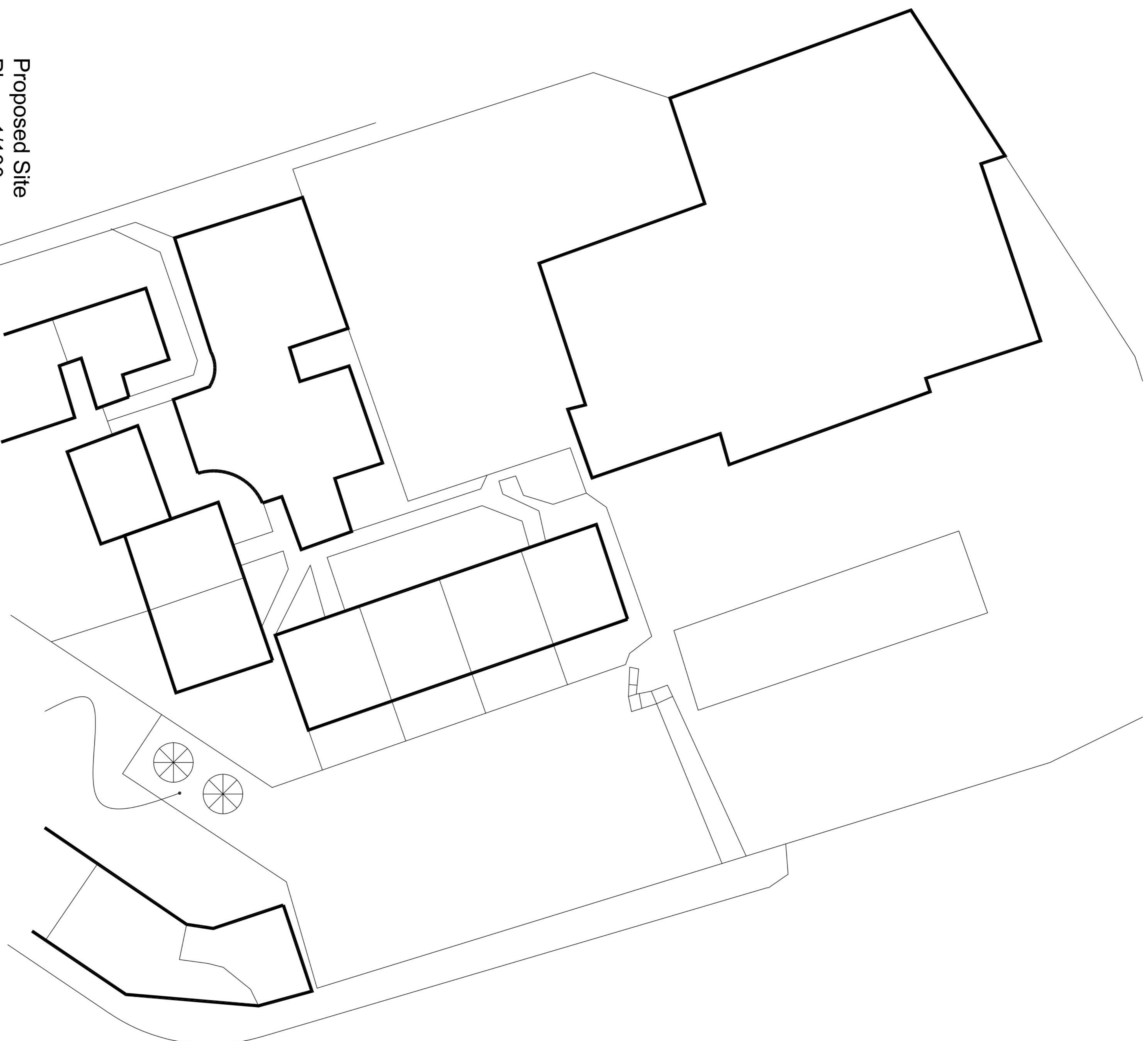
**Proposed Location
Plan - 1/500**



3.2 Diameter,
2.5m High
Aluminium Igloo
structure with
weatherproof
cover suitable for
4 to 10 people



**Proposed Site
Plan - 1/100**



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Norfolk
NR31 6LT
e: stuart@sjcarchitectural.com
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Client: Cliff Hotel
Address: Cliff Hill, Gorleston
Project No: SJC **Scale:**
Dwg No: P01 **Rev:**

Dwg Title: Proposed Pods

Schedule of Planning Applications

Committee Date: 05 October 2022

Application Number: **06/21/0880/F** - [Click here to see application webpage : 06/21/0880/F](#)

Site Location: The Cliff Hotel,
Cliff Hill,
Gorleston
Great Yarmouth, NR31 6DH

Site Location Plan: See Appendix 1

Proposal: **Construction of two new single storey holiday let cottages adjacent existing main hotel**

Applicant: East Anglian Hotels Ltd

Case Officer: Mr Robert Parkinson

Ward: Gorleston Ward

Date Valid: 18/10/2021

Expiry / EOT date: Extension of time to be agreed

Committee referral: At the request of Cllr P. Wells and the discretion of the Head of Planning in light of the public objection to this and other developments at the site.

RECOMMENDATION:

APPROVE subject to first receiving outstanding financial contribution or s106 legal agreement, minor clarification and adjustment of plans, and proposed conditions.

REPORT

1. The Site and its surroundings

- 1.1 The Cliff Hotel is a long established business sited on the east side of Cliff Hill. There are dwellings to the north, west and south, and a wooded slope / open land on the east side sloping down to Beach Road and Lower Esplanade. The hotel's curtilage extends east and south around the area of amenity garden space within the Grenfell Court residential apartments block of flats.
- 1.2 The development the subject of this application is located on the east side of the site, at the northernmost end of the hotel gardens, on land behind the hotel's 8-space rear car park on the north side of the hotel. The application site is approximately 15m long (north-south) and 10m wide (east-west), and is at the same ground level as the bend in this part of Cliff Hill road.
- 1.3 The application site is currently an existing children's play equipment area. The site adjoins the hotel's central covered external dining terrace above the wooded slope west of the terraced houses below, at 30-36 Beach Road. To the north are a flat-roofed electricity substation screened by the 1.8m tall brick wall along Cliff Hill, and beyond that is The Cliff Cottage, a blue-painted timber-clad single storey flat roof

building believed to be used as holiday accommodation by the Cliff Hotel already. To the west are the car park and function rooms of the hotel, and beyond that the two-storey brick and pebbled gable dwellings of no.8-10 Cliff Hill.

- 1.4 The land level changes are significant in this location, although no accurate site levels data has been provided in this application. This application site on the hotel level lies approximately 7m above the ground level of Beach Road to the east, roughly at the same height as the middle of the pitched roofs of the terraced houses below.
- 1.5 Inside the north-east corner of the application site is a substantial and standalone tree which has a unique character and is prominent in views from all directions. The precise species is not known at the time of writing but it appears to be a type of fir tree approximately 5m tall.

2. The Proposal

- 2.1 The application seeks planning permission for the construction of two holiday let 'cottages' on the land used for the children's play area and extending across part of the wooded slope. These would be a pair of single-storey flat roof semi-detached box-shaped cabins built up to the very eastern edge of the slope. Each would provide two en-suite bedrooms, kitchen/lounge room, shared bathroom, and a raised decking area projecting over the edge of the wooded slope.
- 2.2 An engineering structural report has been submitted which seems to suggest the structure is to be constructed of steel and timber beams and timber walls, floor and roofing, but this is a technical document for structural calculations and Building Regulations processes. The structural effectiveness of the building, foundations and its stability and methods of construction on the wooded slope are all part of the assessment made through the Building Regulations process.
- 2.3 In terms of their external appearance, the revised designs for the cottages are proposed to be flat-roofed with a sedum roof and parapet, and finished in render on the south, west and north facing walls, with timber cladding in the recessed east elevation with render surrounds. The fenestration of windows and doors has been revised from the initial grey upvc windows and doors to now be painted timber. The external decking on the east side is proposed as composite timber decking with artificial hedgerow screening and sections of glass balustrade.
- 2.4 Access to the cottages is proposed from the north car park with the cottage entrance doors facing west. The units would be enclosed by the hotels' existing 2m tall timber fencing. The adjoining car park is shown to be arranged with 7 spaces side by side but the car park is gravel and not marked out and nor do the proposals include a change to the car park surface materials.
- 2.5 The application form states that no trees would be affected by the proposal but the slope area below the site is thickly wooded and the 'fir' tree at the top is within the application site which is almost entirely filled with the footprint of the two cottages.
- 2.6 The application submission comprises application form, location and block plans, floor plans and elevations, and the engineers structural report. No arboricultural impact assessment has been provided to describe the impact and any mitigations for the tree. The application plans have been revised, and are now shown on plan P02 Rev C.

3. Site Constraints

- 3.1 The hotel building, its children's play area, central garden terrace and the part of the wooded slope at the northern end of the eastern side of the site are all within Conservation Area No. 12 Cliff Hill. The rest of the garden terrace and wooded slope, are within Conservation Area No. 17 Gorleston, which extends west to include Springfield Road, Avondale Road and the clifftop gardens.
- 3.2 Together, the relevant surrounding areas covered by the two conservation area designations extend to: north for the length of Cliff Hill, including the wooded slope down to Beach Road; east including Pier Gardens, the east end of Pier Road and the whole of the pier, but not including the houses along the east side of Beach Road; south for the whole of Lower Esplanade and Pier Gardens; and westwards covering the terraced housing along Cliff Hill. The hotel itself is not listed.
- 3.3 The whole of the wooded slope adjoining the site, and the entire hotel complex and Grenfell Court apartments are covered by a 1965 Area Tree Protection Order ref: TPO A6 No.1 1965, which at the time it was made identified elms, poplars and sycamore but the species within will have changed over time. In that respect the 'fir' tree and other trees on the wooded slope are protected by both the conservation area and the Area TPO designations and would need specific permission for any works that were not already included a full planning permission granted.

4. Relevant Planning History

- 4.1 There has been various planning history at the Cliff Hotel site, but there is not considered to be any relevant planning history for this particular part of the site which would be material to the determination of this application.

5. Consultations

Statutory Consultees

Highways Authority – No objection.

- 5.1 The revised plans have addressed initial concerns that there was inadequate parking and turning areas on site. A condition is required to ensure the parking is laid out and provided and surfaced and drained in accordance with the approved plan.
- Officer response: initial concerns were raised with parking management so the application would need to ensure the layout is made clear and obvious rather than ad hoc at present. This can be achieved by conditions.

Environmental Health Officer – No objection subject to conditions.

- 5.2 From the plans, I cannot see any plant equipment to be installed in relation to this application. If any equipment is being installed which will generate noise externally, details need to be provided and approved by the Environmental Protection Team prior to installation. Trade waste advice needs to be added to any permission.
- Officer response: this can be arranged by conditions and informative notes.

Internal Consultees

Conservation Officer – No objection.

- 5.2 The site is located in Cliff Hill Conservation area. The development of 'two single storey holiday let cottages' is proposed to be positioned north-east from the existing hotel where there are open views towards Gorleston's Pavilion Theatre (Grade II listed building).
- 5.3 The proposed structures are proposed to be single storey with flat roof. The proposed materials include render, timber cladding, uPVC windows and doors. The Conservation area includes a number of listed buildings and heritage assets predominantly with pitched, hipped or mansard roofs. Flat roof structures are also present but most of them lack quality and negatively affect the appearance of the Conservation area.
- 5.4 Conservation Officers do not object to the principle of development, but there are concerns that the views towards the Pavilion Theatre will be affected, and that the proposed design would detract from the character of the Conservation area thus harming its significance.
- 5.5 In order to integrate this more contemporary design into the Conservation Area, we would recommend to further enhance the proposal by introducing good quality materials to windows and doors (preferably timber), avoiding the use of uPVC and by ensuring the most appropriate roof configuration. Considering the flat /sloped roof might be the only practicable solution, then further enhancements such as green roof could be introduced in order to integrate the structures better to their surrounding historic and natural environment.
- Officer response: initial concerns were raised regarding the design and in particular the materials and proposed flat roof which would be inconsistent with other roofstyles within the conservation area. These concerns appear to have been resolved, and a high quality of design materials can be secured by condition.

6. Publicity & Representations received

Consultations undertaken: Letters to neighbours and Site Notices (reason - impacts on setting and appearance of conservation area).

- 6.1. **Ward Member(s)** – No comments made specific to this application.

6.2. Public Representations

At the time of writing 7 public comments have been received, one of which is said to be made on behalf of all the tenants of Grenfell Court:

Objections to:

- Noise creation day and night.

- Insufficient parking on site, and loss of on-street parking for local residents.
- There is already no onsite parking for commercial vehicles and deliveries to the hotel.
- Installation of hot tubs will create more noise and disturbance in addition to the open terrace.
- Inappropriate development for the conservation area.
- Overdevelopment at the hotel in general.
- The development is unnecessary and is only an income raising venture.
- The parking layout is inappropriate and will cause highways dangers.
- Foul drainage has not been clarified and may not be feasible to connect to the mains.
- Refuse storage and collection has not been considered and should be confirmed.
- Loss of privacy and overlooking of houses opposite.
- Harm to bird and wildlife affected by the construction on the wooded slope.
- External lighting will cause glare and nuisance to neighbours.
- Antisocial behaviour already takes place at the cottage and the hotel and will increase.
- Litter and broken glass will increase.
- No need for more holiday cottages and they make the area look overcrowded.

Officer comments – These issues are all relevant and are addressed in the main report.

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS1: Focusing on a sustainable future
- Policy CS2: Achieving sustainable growth
- Policy CS6: Supporting the local economy
- Policy CS8: Promoting tourism, leisure and culture
- Policy CS9: Encouraging well-designed, distinctive places
- Policy CS10: Safeguarding local heritage assets
- Policy CS16: Improving accessibility and transport

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development Limits
- Policy GSP5: National Site Network designated habitat sites and species avoidance and mitigation
- Policy GSP8: Planning obligations
- Policy A1: Amenity
- Policy E4: Trees and landscape
- Policy E5: Historic environment and heritage
- Policy E6: Pollution and hazards in development
- Policy E7: Water conservation in new dwellings and holiday accommodation
- Policy I1: Vehicle parking for developments
- Policy I3: Foul drainage

8. Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 4: Decision Making
- Section 6: Building a strong, competitive economy
- Section 11: Making effective use of land
- Section 12: Achieving well designed places
- Section 16: Conserving and enhancing the historic environment
- paragraphs 124 d) and 130 f) – requirement to provide a high standard of amenity for existing and future users / neighbours / residents.

9. Planning Analysis

- 9.1. Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to–*
- (a) the provisions of the development plan, so far as material to the application,*
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,*
 - (b) any local finance considerations, so far as material to the application, and*
 - (c) any other material considerations.*

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

- 9.3 In determining this application the Council must also ensure it satisfy the following legal duty within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of conservation areas in the exercise of its planning functions:

"In the exercise, with respect to any buildings or other land in a conservation area, [of any functions of the LPA] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

- 9.4 The Council must also ensure it satisfy the following legal duty within Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of listed buildings in the exercise of its planning functions:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Main Issues

The main planning issues for consideration are:

- Principle of development
- Impact on heritage assets

- Design and impacts on character and visual amenity of the area
- Impacts on neighbouring amenity
- Landscape and trees
- Other material considerations

Assessment:

The application proposes: *Construction of two new single storey holiday let cottages adjacent existing main hotel*

10. Principle of Development

- 10.1 The location within development limits, and the proposed use of holiday lets, are both appropriate within the grounds of the established hotel and its accessible and sustainable location. There is no issue with the loss of the play area because it is not a public facility and is a decision of the operational management of the hotel that it is surplus to requirements in the changing nature of tourism.
- 10.2 There is no objection to the principle of the development in accordance with policies CS1, CS2, CS6, CS8 and GSP1 if other policies are satisfied, principally those of providing a high quality design, managing highway impacts, enhancing the character of the area and avoiding harm to heritage assets, and avoiding harm to amenity.
- 10.3 As a proposed holiday let facility, the development has not been considered in the round for any potential suitability for longer-term or even permanent residential occupation, notwithstanding that the holiday let use of a C3 use class restricted by planning conditions. However, planning conditions are required to ensure the site operates for holiday let purposes only, with a maximum duration of 28 days at any one time, and not for occupation as a primary residence, and a log of all guests must to be kept and made available for inspection by the LPA. These conditions ensure the development contributes to the local economy, and prevent the use being expanded into residential use when there are not enough suitable features for a main dwelling such as insufficient amenity space or daylight or parking or public open space on site.

11. Impacts on Heritage Assets

- 11.1 National planning policy and local development plan policies CS10 and E5 make it clear that proposals for development should seek to conserve and enhance the significance of heritage assets, including any contribution made by their setting, by positively contributing to the character and local distinctiveness of the area.
- 11.2 Development proposals within conservation areas, or in a location that forms part of its setting, or locations like this which fall into both categories, should take into account the special and distinctive character of the area which contributes to its significance.
- 11.3 The designated heritage assets affected by this proposal are the Grade II listed Pavilion Theatre with its expansive setting, the character and appearance of Conservation Area No. 12 Cliff Hill, and the setting of Conservation Area No. 17 Gorleston to the south.

11.4 NPPF paragraph 199 sets out that:

*“When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight should be given to the asset’s conservation** (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

11.5 NPPF paragraph 200 also makes clear that:

*“**Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.**”*

11.6 NPPF Paragraph 202 then goes on to state that when determining such applications:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”

Impact on listed buildings

11.7 Although there are no listed buildings within or adjoining the site, the Grade II listed Pavilion Theatre is 71m to the east separated by the terraced houses of Beach Road and Pavilion Road preventing a direct line of sight between the two ground levels.

11.8 The Pavilion Theatre remains the dominant and impressive focal point at the head of the Lower Esplanade and Pier Gardens, a significant landmark because of the open setting around and especially to its southeast, despite the low-rise nature of the building and its lower land level.

11.9 The Conservation Officer expressed concerns that the building could affect views of and out towards the Grade II listed Pavilion Theatre to the east, and therefore presumably affect the setting of the listed building in views from the cliff and also from the lower ground levels of Pier Gardens and the Lower Esplanade area.

11.10 From the cliff top position there are direct and unimpeded views of the fine Pavilion Theatre roof from the application site and car park, but from street level within the public realm of Cliff Hill the only view is the uppermost spires and finials of the tower domes seen looking directly east across the roof of the substation.

11.12 The development site is lower than the level of the car park, and at least 0.5m lower than the dining terrace to the south, so should appear very similar in scale to the existing Cliff Cottage on the north of the adjoining substation, and much less than the adjoining covered terrace structure. Cliff Cottage feels prominent because of the sloping nature of Cliff Hill, but the development site is set further east and would be more concealed from the road by boundary walls and fencing and the lower land levels. The low-rise nature of the development and its siting south of the substation and its proposed flat roof should prevent loss of views east from street and upper levels.

11.13 The impacts on the setting from further afield would be very similar to that of Cliff Cottage on the same clifftop position.

- 11.14 There are no direct views of Cliff Cottage or the application site from adjacent the Theatre, and no views of the low-rise Cliff Cottage from further east along the south pier because of the Theatre being in the way. The site can be seen from southeast of the pier gardens, but there are intervening mature trees, the capping of the bandstand, and terraced houses, and the site would be seen alongside the hotel's covered dining terrace structure and Cliff Cottage to the north, so the form of development would not look out of place or jarring in the Planning Officer's opinion.
- 11.15 With all these factors taken into account, it is considered that if there is any harm in this regard there can only be a very minor level of less-than-substantial harm to the setting of the Grade II listed building, and a correspondingly small level of public benefit is required to outweigh that harm if the application is to be considered favourably. That balancing exercise is discussed later in the report.

Impact on Conservation Areas

- 11.16 The Conservation Officer expressed concern that the design quality within the original submission was not to an appropriate standard for the development's position in the conservation area. There were two areas of concern:
- (i) The proposed materials were initially not of a suitable quality, and sought an improved design of window and door material; and,
 - (ii) The flat roof form would be inappropriate and incompatible with the surrounding roofing styles in this part of the Cliff Hill conservation area, which are predominantly pitched, hipped or mansard roofs, and noting that the flat roofs that are found in this area and the rest of the Cliff Hill Conservation Area tend to lack quality and negatively affect the appearance of the Conservation area
- 11.17 It is considered that the improved quality of materials and the sedum roof will provide design interest and lessen the expanse of flat roof that may otherwise feel less at ease with the other buildings to the north.
- 11.18 The impacts from the massing, position and shape of the development and its relationship with the conservation area would be very similar to that of the impact from Cliff Cottage on the same clifftop position.
- 11.19 There are no direct views of Cliff Cottage or the application site from the east beyond Beach Road because of the low rise nature of the proposal and the tall scale of intervening buildings. The site can be seen from southeast of the pier gardens, but there are intervening mature trees, the capping of the bandstand and terraced houses. Where it is visible, the site would be seen alongside the hotel's covered dining terrace structure and Cliff Cottage to the north so the form of development would not look out of place or jarring in the Planning Officer's opinion when considering this localised part of the conservation area. In views from the north along Beach Road, the site is well screened in summer months by the wooded slopes to the north, and any views are seen within the context of its position alongside the similar form of the hotel terrace and Cliff Cottage.
- 11.20 It is appreciated that the Conservation Officer has understandable concerns about the presence of flat roofs in the conservation area but as this site is not particularly visually connected to those locations the potential for detrimental impact beyond the immediate vicinity of the site is considered to be low.

- 11.21 Any sense that the development will detract from the character and appearance of the Cliff Hill Conservation Area is considered to be balanced out by the improved quality of the design and finishes of the building and its more compatible integration into the site.
- 11.22 Because of the hotel terrace covered structure and the wooded area there are no impacts on the setting of the adjoining Conservation Area No. 17 Gorleston.
- 11.23 To satisfy policies CS10 and E5 proposals should conserve and enhance the significance of heritage assets by positively contributing to the character and local distinctiveness of the area. The scheme is considered to do so actually, being slightly beneficial in this regard because the infill of the gap along the clifftop will provide a reinforced building line, lessen the isolated nature of Cliff Cottage, and provide something of a point of interest to the area along, and the views into, Beach Road.
- 11.24 However as this is to some extent slightly subjective, it is possible that others may consider the impacts on the conservation area differently, and so it is recommended that any perceived level of harm to the conservation area should be considered to be a low degree of less-than-substantial harm which would need to be justified and outweighed by public benefits in accordance with paragraph 202 of the NPPF. That balancing exercise is discussed later in the report.

12. Design and impact on the character and visual amenity of the area

- 12.1 The proposed low profile, complimentary form and massing, higher quality of materials and the sedum roof, and the proposed artificial vegetation screening are all considered to provide a small but beneficial impact on the visual amenity and character of the area in line with the expectations of policy CS9.

13. Impacts on neighbouring amenity

- 13.1 The two holiday cottages are single storey, only two bedroom, and unlikely to be used as 'party houses'. With a fairly narrow balcony, and being adjacent the substation and hotel terrace they are considered unlikely to attract lots of visitors at once and would be sufficiently far from neighbours to prevent any disturbance from noise or activities that might affect residential amenity. The projecting decking areas would not overlook Cliff Cottage to the north and are far enough from the houses on Beach Road to prevent any sense of an overbearing form of development. Neighbour comments suggest that hot tubs are proposed but no indication is made on the plans, although it is not likely that planning permission would be needed for these and the impacts are probably not likely to be excessively detrimental; nevertheless if Members considered them detrimental they could be prevented from being installed by planning condition.
- 13.2 The change in site levels with houses on Beach Road are notable, but the levels are considered to be sufficiently high to prevent unacceptable direct overlooking through windows as the distance to the front elevation is 18m and the angle of incidence is vertically oblique looking down to the terraced houses. Holiday makers may feel open to being viewed on the balcony but there is screening to minimise any loss of privacy and to improve the schemes landscape character.

- 13.3 There may be some loss of outlook from Beach Road but this is not considered sufficient to refuse the application on balance given the existing vegetation opposite and the set-back nature of the cottages. There may be some loss of daylight and overshadowing on Beach Road but this would be for only the latest parts of the evening as the site is due west, and not dissimilar to any shade caused by the thick vegetation currently on the slope. Refuse storage and collection should be confirmed by conditions if the potential for odour and litter nuisance is to be avoided. External lighting would be an issue for bats foraging along the wooded slope and for neighbours opposite, so lighting shall be prevented unless details are first agreed by the LPA.
- 13.4 As such it is the carefully considered opinion that with the appropriate safeguarding measures secured by conditions, the application will accord with policies CS9 and A1 and NPPF paragraph 130 f).

14. Landscape and Trees

- 14.1 Landscaping has not been proposed in this application, and there are no assessments on the impact of the vegetation on the wooded slope or the prominent 'fir' tree, all of which is covered by TPO protection.
- 14.2 Without a measured tree survey the impacts on the 'fir' tree in particular are hard to gauge, and it does look like the footprint of the northern edge of the building would extend up to and include the tree which if not in the application site proper is still in the applicant's control. Notwithstanding the status, interest or value of the tree, efforts should be made to retain it wherever possible, especially as the units are proposed for holiday use so residential amenity and overshadowing is not a relevant planning concern in this instance.
- 14.3 Officers consider it is possible to retain the tree with an amended form of development without notable implications. For example, the decking could be retracted south or installed around the truck, or the whole footprint could move south slightly without affecting the amenity of residents on Beach Road.
- 14.4 The applicant has been asked to confirm their position in respect of the protected trees before the Committee meeting, and in doing so consider amendments to the designs, but it is likely that any favourable recommendation may need to be subject to first obtaining the necessary clarification and/or amendments. Subject to doing so, the development would accord with policies CS11 and E4.
- 14.5 However, if the proposal includes felling the tree it would not be considered acceptable whilst alternative forms of development could be proposed which retain the tree and avoid detriment to other policies, and therefore the application would be recommended for refusal contrary to CS11 and E4. Members will be updated at the meeting.

15. Parking, access and highways safety

- 15.1 The proposed development of 2no. 2-bed holiday cottages requires 4 car parking spaces and appropriate turning and waiting areas. The parking is proposed to be within the hotel's existing northern car park adjacent the application site. The car park currently has 8 spaces, which is proposed to be reduced to 7 and a space for a motorcycle, so 4 will need to be identified and reserved for the cottage' uses, and staff or other guests will be displaced to the other car park. The off-street parking proposed

for guests is welcomed, to minimise the pressure on parking in the surrounding streets, whereas staff will be more local and hopefully better able to access the site on public transport and bicycle.

- 15.2 The plans initially proposed tandem parking but this has been removed and a turning area introduced to ensure vehicles can leave in forward gear. As such the modest scale of growth and the position of parking will ensure there are no unacceptable highways safety impacts caused by the development.

16. Habitats Regulations Assessment (HRA)

- 16.1 Policies CS11 and GSP5 require all new tourism accommodation developments to address their recreational impacts by passing the Habitats Regulations Assessment and providing appropriate mitigation. The mitigation necessary for a scheme of this scale in this location is to contribute to the Norfolk wide Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS) which entails a financial contribution of £185.93p per each group of 6 bedrooms proposed in the development, amounting to £185.93p for this 4-bedroom holiday let cottage development.
- 16.2 No contribution has been received as yet, so the outstanding balance of £185.93p is required alongside a Shadow HRA report, before any permission can be granted.

Nutrient Neutrality

- 16.3 The site is not within the nutrient neutrality catchment area for the Trinity Broads Special Area of Conservation so does not need to demonstrate that it can achieve mains sewer connection and discharge to Caister water treatment works.

17. Other Material Considerations

- 17.1 The application will provide additional tourism accommodation which is supported in principle and will lead to improved economic investment and growth of jobs in the Borough during construction and during operation, which are modest but positive public benefits.
- 17.2 The development also makes beneficial use of previously developed land which is a sustainable form of development, and efficient use of land, supported by policy. However, the site includes the wooded slope which will be subject to vegetation clearance and loss of habitat to birds and wildlife. Conditions will be required to provide enhancement through mitigation bird and bat boxes (at least 1 of each per unit).
- 17.3 No details have been provided but mains sewer connections are expected to exist at the site. A foul drainage scheme should still be provided by condition as the development would not necessarily be acceptable if it could not provide mains connections and the levels changes across the site may make it challenging to do so.

Local Finance Considerations

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

18. The Planning Balance

- 18.1 The development proposals will have only very small impacts on neighbouring uses, will avoid impacts on the highway network, and will have only a very low level of less-than-substantial harm to the significance of designated heritage assets. It is also considered possible to avoid harm to mature wooded slope planting and the prominent tree at the edge of the site.
- 18.2 Balanced against this, the development will bring a positive design to the streetscene and local area, and will create economic investment and improve the tourism offer to the benefit of the wider economy. These are considered to outweigh the harms.

19. Conclusion and Recommendation

- 19.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.
- 19.2 The application involves a only a very small level of less than substantial harm to the significance of designated heritage assets and a small degree of detrimental impact on residents of dwellings on Beach Road. However the planning balance exercise has demonstrated that sufficient public benefits exist to outweigh those harms.
- 19.3 Therefore, it is considered that subject to the receipt of satisfactory clarification and additional information, and subject to the proposed conditions, the development will comply with policies CS1, CS2, CS6, CS8, CS9, CS10, CS11 and CS16 of the adopted Core Strategy (2015), and policies GSP1, GSP5, GSP8, A1, E4, E5, E6, E7, I1 and I3 of the adopted Local Plan Part 2 (2021), and the application can be approved. There are no other material planning considerations to suggest the application should not be recommended for approval.

RECOMMENDATION:

- (i) It is recommended that application 06/21/0880/F should be APPROVED, subject to:**

- (A) Receipt of appropriate outstanding financial contributions for the GIRAMS and habitat mitigation strategy, and Shadow Habitat Regulations Assessment (as

detailed in the report) (or appropriate alternative section 106 legal agreement);

And;

- (B) Clarification as to the development intentions and implications for the landscaped woodland area and the prominent tree, with further information to show the position and impacts on the tree and any related minor adjustments necessary to the plans to ensure its protection and retention;

And;

- (C) Inclusion of the Proposed Conditions listed below.

- (ii) **If the financial contribution is not received, or the tree retention and protection and relevant plan amendments are not provided, to refer the application back to the Development Control Committee for re-consideration of the application, on the grounds of failing to secure planning obligations, and/or tree protection measures, as required by policies CS11, GSP5, GSP8 (obligations) and CS11, E4 (trees).**

Proposed Conditions

(This is summarised list. Full details will be provided to the committee meeting)

1. Standard time limit – commence within 3 years;
2. In accordance with approved plans and relevant supporting documents;
3. Details of Arboricultural Implications Assessment and Method Statement to be agreed.
4. Tree protection measures to be installed and retained during construction.
5. Green roof / sedum roof details need to be confirmed and provided.
6. Foul drainage details to be agreed and followed.
7. Refuse storage areas and collection arrangements to be agreed and followed.
8. Materials and balcony screen details & samples to be agreed and followed.
9. Provide bird and bat boxes (at least 1 of each per unit) – details needed.
10. Car park layout, space identification and turning areas are to be defined – details tbc.
11. No occupation or use of the development until the access, parking, turning provided.
12. The development shall operate for holiday let purposes only.
13. There shall be a maximum occupancy duration of 28 days at any one time.
14. There shall be no occupation as a primary residence.
15. A log book of all guests must to be kept and made available for inspection by the LPA.
16. No installation of any plant and machinery on the exterior of the building / in the curtilage without prior details being provided and approved by the LPA and EHO.
17. No installation of any external lighting without bat shielding and glare prevention measures and details being provided and approved by the LPA and EHO.

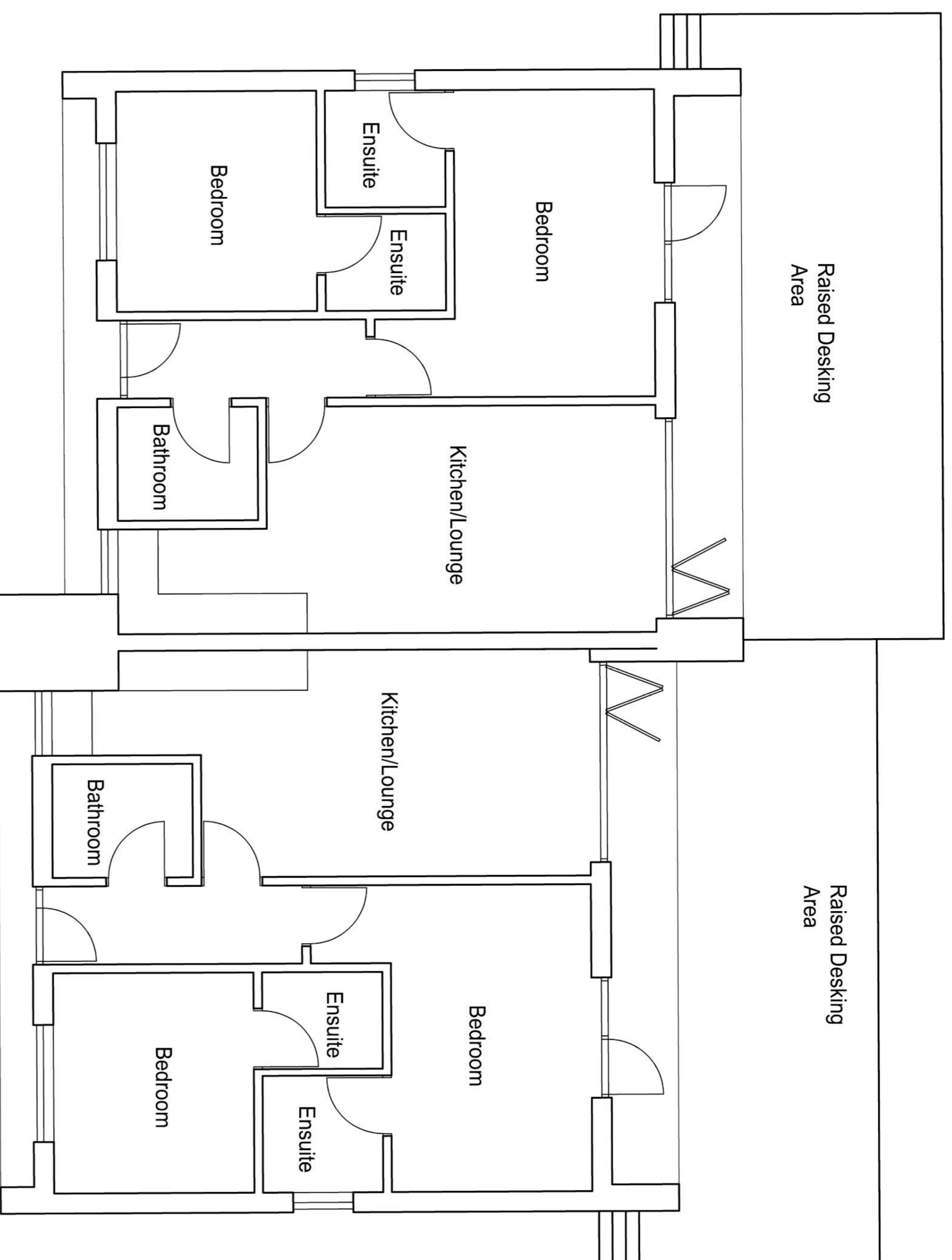
Informatives:

- Trade Waste
- Works on highways
- Air quality and construction noise advice.

Appendices:

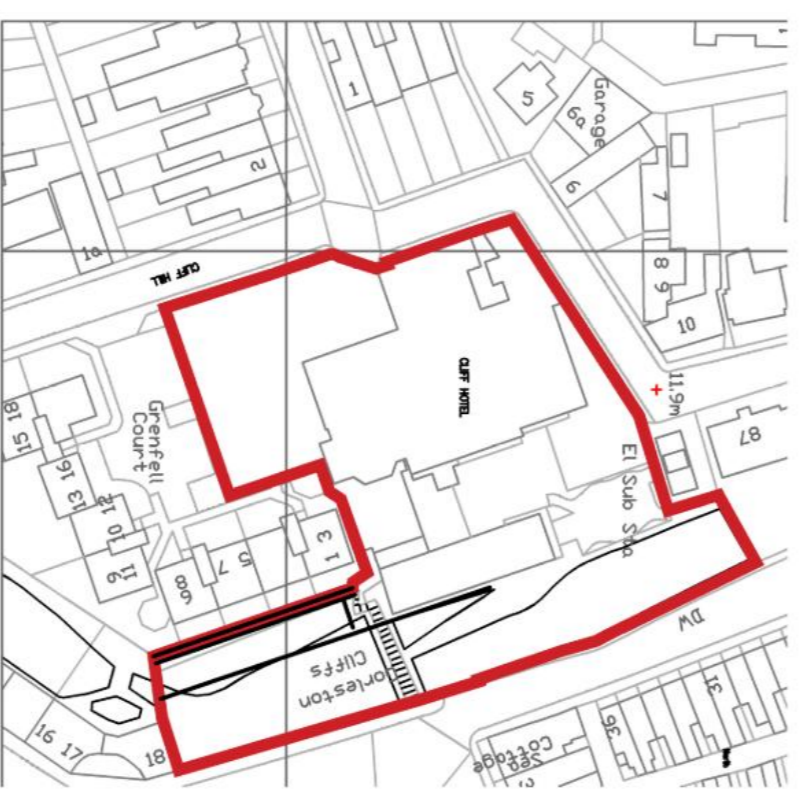
1. Site Location Plan and Proposed Site Layout, Plans and Elevations

PROPOSED FLOOR PLANS - 1/50



MATERIALS

- Roof - Flat Sedum Roof including parapet Walls - K-Render and Timber Cladding**
- Fenestration - Painted timber**
- Externals - Composite Timber Decking and artificial hedgerow screening with sections of glass balustrading**



LOCATION PLAN - 1/1250



SJC Architectural Services
147 Stoke Quay
Ipswich
Suffolk
IP2 8SN

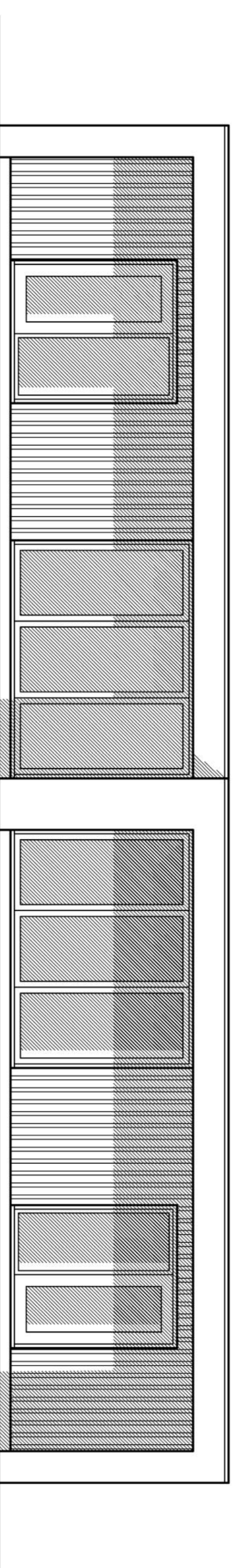
e: stuart@sjcarchitectural.com
t: 07368 311340

Client: Cliff Hotel
Address: Holiday Cottages
Cliff Hill Gorleston

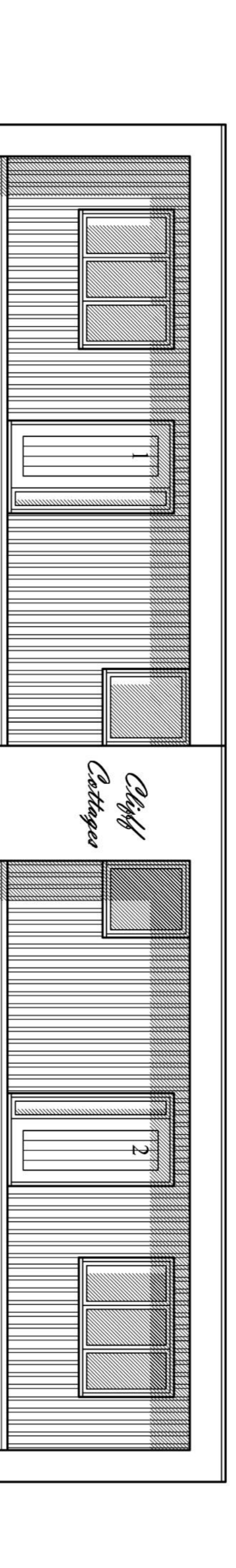
Project No: SJC **Scale:** As Shown

Dwg No: P02 **Rev:** C

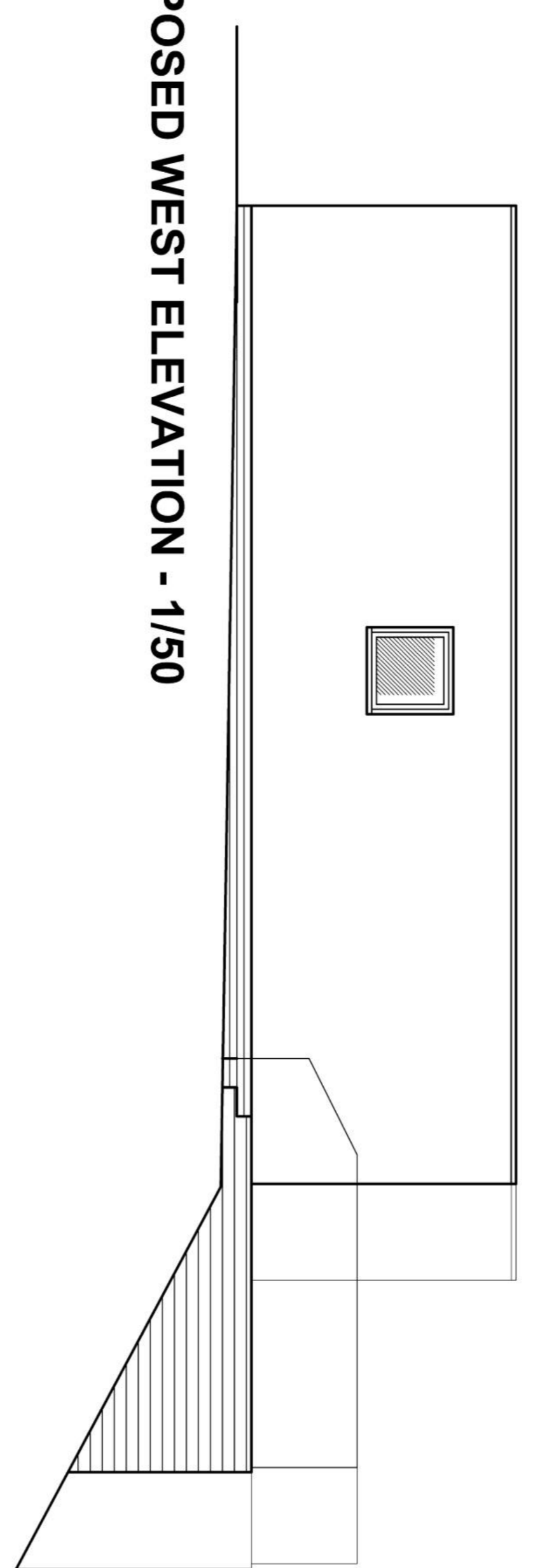
Dwg Title: Proposed Cottages Layout



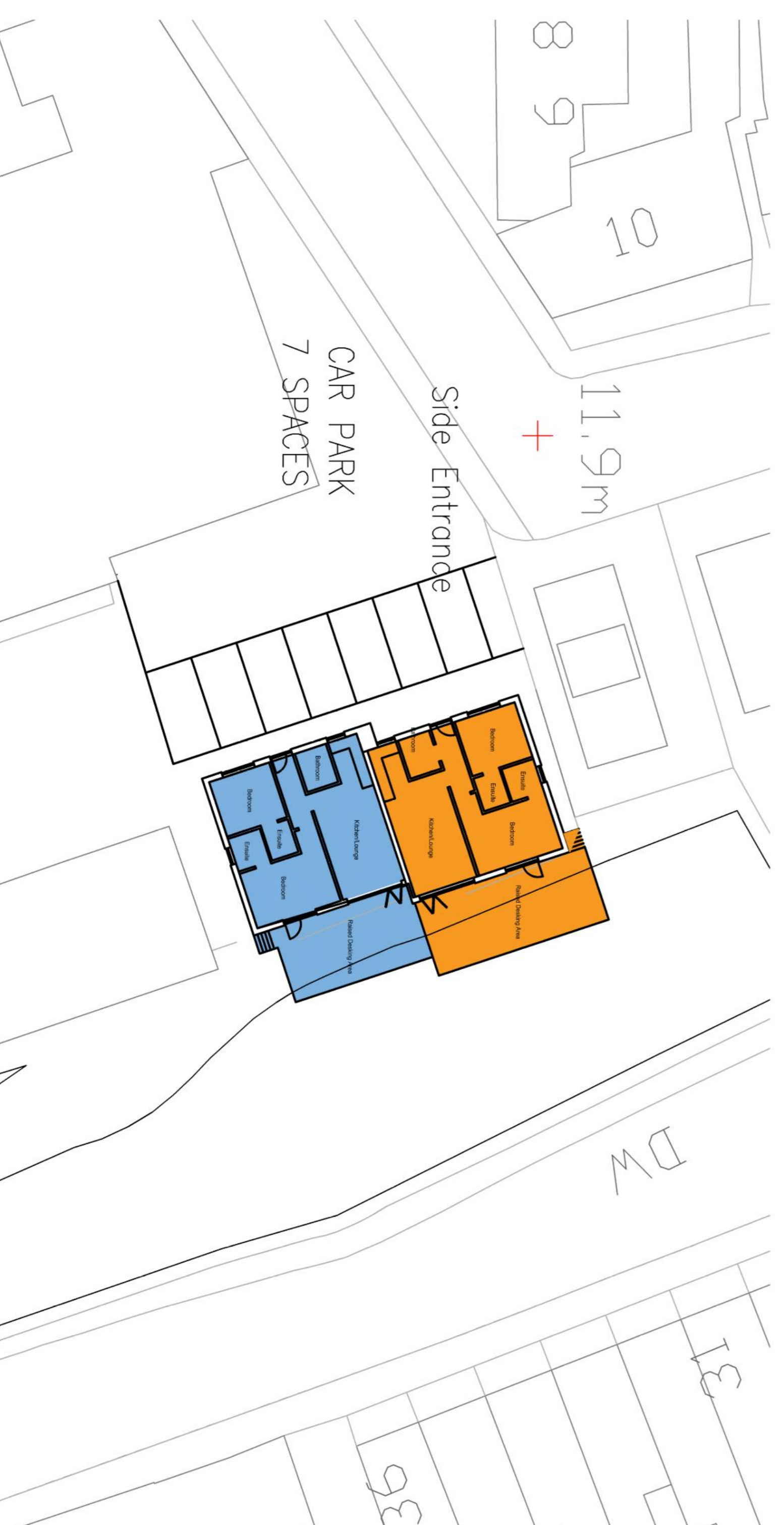
PROPOSED SOUTH ELEVATION - 1/50



PROPOSED NORTH ELEVATION - 1/50



PROPOSED WEST ELEVATION - 1/50



PROPOSED SITE PLAN - 1/200

Schedule of Planning Applications

Committee Date: 05 October 2022

Application Number: **06/22/0453/F** - [Click here to see application webpage : 06/22/0453/F](#)

Site Location: The Cliff Hotel,
Cliff Hill,
Gorleston
Great Yarmouth, NR31 6DH

Site Location Plan: See Appendix 1

Proposal: **Retrospective permission for single storey extension to incorporate new kitchen equipment and internal alterations**

Applicant: Mr Christophi

Case Officer: Mr Robert Parkinson

Ward: Gorleston Ward

Date Valid: 26/05/2022

Expiry / EOT date: Extension of time to be agreed

Committee referral: At the request of Cllr P. Wells and the discretion of the Head of Planning in light of the public concern around other developments at the site.

RECOMMENDATION:

APPROVE subject to first receiving amended plans, and proposed conditions.

REPORT

1. The Site and its surroundings

- 1.1 The Cliff Hotel is a long established business sited on the east side of Cliff Hill. There are dwellings to the north, west and south, and a wooded slope / open land on the east side sloping down to Beach Road and Lower Esplanade. The hotel's curtilage extends east and south around the area of amenity garden space within the Grenfell Court residential apartments block of flats.
- 1.2 The development the subject of this application is located within the centre of the rear (east) elevation of the hotel, positioned between the restaurant and the larger of 2 bars, and within the extensive external dining area. The rear wall of the hotel which has been covered up by the unauthorised works has vertical columns of knapped flint within the façade, which is not a typical material to these parts and reflects wealth and status at the time of construction, so would have provided some minor heritage interest.
- 1.3 The application is retrospective as works started on 1st April, as stated in the application form, and works have progressed up to roof level leaving the blockwork of the external walls as the facing materials currently, which are temporarily screened by hoarding covered in artificial ivy. Prior to the works commencing the site was last used as a small pizza servery / kiosk and external seating which still surrounds the site.

- 1.4 To the north are the hotels rear car park, and a flat-roofed electricity substation beyond on Cliff Hill. To the south and west is the rest of the hotel dining complex and bar. Immediately east is the raised and covered external dining area sited above the wooded slope and east of that some 7m lower is Beach Road.
- 1.5 The land level changes are significant in this location although not especially relevant to this application. This application site on the hotel level lies approximately 7m above the ground level of Beach Road to the east, roughly at the same height as the middle of the pitched roofs of the terraced houses below.

2. The Proposal

- 2.1 The application seeks planning permission for the retrospective and continued construction of the currently unauthorised square and flat-roofed single storey extension at the rear of the hotel. The extension would provide more kitchen facilities and a new internal access route linking the kitchen and washup/preparation area with the bar, restaurant and external dining terrace. The external appearance is proposed to be in white render and upvc fenestration to match the existing rear elevation. A start has been made on installing a sizable steel airhandling and extraction system on the new flat roof though this is not shown within submitted plans. No parapet detailing or similar devise is shown on the submitted plans to help screen or conceal this.
- 2.5 The application submission comprises application form, location plan, block plan, and floor plans and elevational views from the east and north. These are provided at Appendix 1 and 2.

3. Site Constraints

- 3.1 The hotel building, this part of the garden terrace and the wooded slope are all within Conservation Area No. 12 Cliff Hill. The rest of the garden terrace and wooded slope to the south are within Conservation Area No. 17 Gorleston, but there is no interconnection with this part of the site and that conservation area. The hotel itself is not a listed building.
- 3.3 The whole of the hotel complex and Grenfell Court apartments are covered by a 1965 Area Tree Protection Order ref: TPO A6 No.1 1965, but no trees are affected by this development.

4. Relevant Planning History

- 4.1 The current works the subject of this application have been paused because the Council served a planning enforcement Temporary Stop Notice on the activities when it became apparent that works were being undertaken that had the potential to cause an impact on the conservation area and local residential amenity.
- 4.2 There has been various planning history at the Cliff Hotel site and the most relevant to this part of the site are shown in the table below.

- 4.3 Permission 06/11/0096/F removed and extended the original bay window of the rear elevation to the bar and constructed the enlarged projecting rectangular 'bar 2' and dining terrace beyond. That was in turn extended further east and the terrace extended north into the current arrangement, through permission 06/11/0752/F.
- 4.4 Permission 06/11/0096/F also included a single storey toilet and entrance extension on the northeast corner of the building (on the Regal Room) which has not been constructed yet and would be extant, but to do so would likely now hinder the use of the car park and access from the north side of Cliff Hill, which is the access required for the proposed two holiday cottage units considered by the Development Control Committee in this same meeting (application 06/21/0880/F).

06/11/0096/F	Proposed single storey extension to rear garden to provide a conservatory with outdoor screened decking area. Extension to the side and rear for toilets and entrance to the function room.	Approved 13/04/2011
06/11/0752/F	Recently approved conservatory to be extended and extension to form a porch and a store to the bar	Approved 20/01/2012
06/11/0614/F	Proposed proprietary retractable awning over existing decking in rear garden	Approved 10/02/2012
06/21/0880/F	Construction of two new single storey holiday let cottages adjacent existing main hotel	Approved 20/01/2012

5. Consultations

Statutory Consultees

Highways Authority – No objection.

- 5.1 The proposals do not have any highway implications.

Environmental Health Officer – No objection subject to conditions.

- 5.2 The Environmental Protection Team requests details of any external plant equipment (i.e. extract systems and filtration) to ensure noise disturbance is not caused at nearby properties. Additionally, the applicant is required to provide details of odour filtration equipment (including the equipment's dwell time) and the associated noise data sheets.

- Officer response: this information has not been provided to date, but the surrounding uses and the distances to those uses are unlikely to be considered so close or sensitive that appropriate mitigation cannot be achieved. The

details and specifications do need to be provided before the development proceeds and can be secured by conditions.

Internal Consultees

Conservation Officer – Objects.

- 5.2 “The Cliff hotel is a building situated within the Cliff Hill Conservation area with different parts of it dating from 19th and 20th century. Recent alterations and additions are present.
- 5.3 The existing elevation (prior to the works) had a fine rhythm and balance. The proportions and arrangement of features (first and second floor windows and doors aligned with ground floor fenestration, ironwork, etc) were an example of traditional design which contributed to the character and appearance of the Conservation area.
- 5.4 The proposed works include the removal of ironwork sections to the ground floor (probably dating from the first half of the 20th century), blocking up of a former opening and the construction of a single storey flat-roof extension. The proposal reverses the rhythm and affects the initial symmetry and features of the elevation which impacts the character and appearance of the Conservation area.
- 5.5 For the reasons mentioned above Conservation section can’t support the proposed development.”
- Officer response: Planning Officers have carefully explored the design issues and presented a considered opinion on balance described in the report below.

6. Publicity & Representations received

Consultations undertaken: Letters to neighbours and Site Notices (reason - impacts on setting and appearance of conservation area).

- 6.1. **Ward Member(s)** – No comments made specific to this application.

6.2. Public Representations

At the time of writing no public comments have been received.

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS6: Supporting the local economy
- Policy CS8: Promoting tourism, leisure and culture
- Policy CS9: Encouraging well-designed, distinctive places
- Policy CS10: Safeguarding local heritage assets

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy A1: Amenity

- Policy E5: Historic environment and heritage

8. Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 4: Decision Making
- Section 6: Building a strong, competitive economy
- Section 12: Achieving well designed places
- Section 16: Conserving and enhancing the historic environment
- paragraph 130 f) – requirement to provide a high standard of amenity for existing and future users / neighbours / residents.

9. Planning Analysis

9.1. Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

9.2. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to–*

(a) the provisions of the development plan, so far as material to the application,
(aza) a post-examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

9.3 In determining this application the Council must also ensure it satisfy the following legal duty within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of conservation areas in the exercise of its planning functions:

"In the exercise, with respect to any buildings or other land in a conservation area, [of any functions of the LPA] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Main Issues

The main planning issues for consideration are:

- Principle of development
- Impact on heritage assets, design and visual amenity of the area
- Impacts on neighbouring amenity
- Other material considerations

Assessment:

The application proposes: *Retrospective permission for single storey extension to incorporate new kitchen equipment and internal alterations*

10. Principle of Development

- 10.1 The location within development limits, and the proposed extension to an existing business and tourism facility, are both appropriate within the grounds of the established hotel and its sustainable location.
- 10.2 There is no objection to the principle of the development if other policies are satisfied, principally those of providing a high quality design, enhancing the character of the area and avoiding harm to heritage assets, and avoiding harm to amenity.

11. Impacts on Heritage Assets

- 11.1 National planning policy and local development plan policies CS10 and E5 make it clear that proposals for development should seek to conserve and enhance the significance of heritage assets by positively contributing to the character and local distinctiveness of the area.
- 11.2 Development proposals within conservation areas, or in a location that forms part of its setting, or locations like this which fall into both categories, should take into account the special and distinctive character of the area which contributes to its significance.
- 11.3 The designated heritage asset affected by this proposal are the character and appearance of Conservation Area No. 12 Cliff Hill. The setting of Conservation Area No. 17 Gorleston to the south or Grade II listed Pavilion Theatre to the east is not affected as the site is so contained within the hotel complex that there are no opportunities to recognise the development in the setting of those assets.
- 11.4 NPPF paragraph 199 sets out that:
*“When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight should be given to the asset’s conservation** (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*
- 11.5 NPPF paragraph 200 also makes clear that:
*“**Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.**”*
- 11.6 NPPF Paragraph 202 then goes on to state that when determining such applications:
“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”
- Impact on the Conservation Area

works include the removal of ironwork sections to the ground floor (probably dating from the first half of the 20th century), blocking up of a former opening and the construction of a single storey flat-roof extension. The proposal reverses the rhythm and affects the initial

symmetry and features of the elevation which impacts the character and appearance of the Conservation area

11.7 The Conservation Officer objects because:

- (i) the scale, form and position of the development is detrimental to the character and appearance of the Cliff Hill Conservation Area, and because,
- (ii) the appearance and design harmony of the building would be detrimentally affected by the position, scale and mass of the extension which again affects the symmetry of the elevation and causes harm to the character and appearance of the conservation area.

11.8 The development's relationship with the conservation area is in views from, and to, the north and east. There are no direct views of either the extension or the currently horizontal air extraction system on the roof from the east, whether from close or distance vantage points. This is because the extension to the building as built is low profile, set back and at a slightly lower level than the intervening dining terrace and bar structures which are visible.

11.9 In views from the north on Cliff Hill, only the very top of the flat roof and extraction system is visible due to the setback distance from the boundary and the intervening fence. This looks more stark at present because the building is unfinished but the shape is at odds with the form of the original building, although is consistent with the boxy form of the extended bar and the dining terrace enclosure.

11.10 Overall, there are not extensive or frequently visited views from the north, but it is considered that views from the north are affected by the development and the character and appearance of the conservation area is consequently harmed to some degree. The level of harm is a low level of less-than-substantial harm, but the designated heritage asset should be preserved and enhanced, not eroded. It is suggested that the development as proposed, even if finished, will continue to cause increased detriment to the heritage asset's significance and should be mitigated by screening the extraction system from view, if not removing it altogether. Amended plans are sought and considered necessary before any permission can be issued.

11.11 It is appreciated that the Conservation Officer may continue to have understandable concerns about the loss of design character on the building as a result of this extension. There is no question that the east elevation and the original form of the building has fine architectural qualities including the rhythm and alignment of windows, and balance or proportions which demonstrate care and craftsmanship of the traditional design. Nevertheless this is already somewhat harmed by the previous extensions, and the building is not listed, does not appear to qualify as a non-designated heritage asset, and other than being in the conservation area this elevation - at ground floor level - has little historic or architectural contribution to the wider area.

11.12 The Conservation Officer raised concerns that the original rhythm, form, balance and detailing of the hotel building is negatively affected, which is agreed with, but this is very localised and noticed only really from immediately in front of the affected elevation which is within the grounds of the hotel. In views from afar the hotel is seen only as first floor and above, and in closer views from Pier Gardens for example the extension is not visible as it is sufficiently set back and screened by the other structures (bar and terrace) that it is not distinguishable from outside the site.

- 11.13 However, this would likely change if the air extraction system were to be increased in height from what is already installed, so plans are needed to clarify the details intended, and in respect of being able to avoid detriment to design, include a form of parapet to shield it from views from the north and within the site.
- 11.14 In respect of the covering of the vertical flint columns, similar losses of the knapped flintwork columns have been allowed to take place through earlier permissions and this is no different in principle.
- 11.15 To satisfy policies CS9, CS10 and E5 proposals should provide positive designs that reinforce local identity, and conserve and enhance the significance of heritage assets by positively contributing to the character and local distinctiveness of the area. The scheme is considered unable to fulfil these objectives until such time as the extraction system is screened / shielded from view. Left unresolved, the development will also create a very small level of less-than-substantial harm to the heritage asset which would need to be justified and outweighed by public benefits in accordance with paragraph 202 of the NPPF. That balancing exercise is discussed later in the report.

12. Impacts on neighbouring amenity

- 12.1 The only adjoining uses that are likely to be affected by any noise or odour from the kitchen extension and extraction system are those within the hotel complex itself, either staying in the hotel or in the holiday cottage Cliff Hotel and (if approved) the two cottages proposed in application 06/21/0880/F. These uses should be protected where possible in the interests of maintaining tourism attraction in the area but do not expect the same amenity protections as permanent residential uses. To this end it is considered that the specifications requested by the Environmental Health Officer should be provide but will not prevent the development from being acceptable in principle and can be left to be resolved by conditions.
- 12.2 As such it is considered that with the appropriate safeguarding measures secured by conditions, the application will accord with policies CS9 and A1 and NPPF paragraph

13. Other Material Considerations

- 13.1 The development will provide additional facilities to support the tourism accommodation at the site, which is supported in principle and will lead to improved economic investment and growth of jobs in the Borough during construction and during operation, which are modest but positive public benefits.

Local Finance Considerations

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

14. The Planning Balance

- 14.1 The development proposals will have only very small impacts on neighbouring uses, and - if the design can be amended to screen the harmful appearance of the extraction system – should have only a very low level of less-than-substantial harm to the significance of designated heritage assets.
- 14.2 Balanced against this, the development will enhance the facilities available to the hotel and tourism offer in the and local area, and will create economic investment to the benefit of the wider economy.
- 14.3 The concerns of the Conservation Officer are not lightly disagreed with, and their concerns are acutely relevant. However, it is not considered, on balance, that a proposed refusal of the application would be supported on appeal, and as the development is partially built the likelihood is that a refusal would be challenged.
- 14.4 Nevertheless, it is considered possible for the most significant level of harm to be addressed and lessened through modified / amended plans. The amended plans are necessary to make the whole development acceptable by reducing the impact of the extraction system and therefore reduce the level of harm that element causes, to a level where the public benefit would be sufficient to outweigh the harm as is the process required by the NPPF and local policy.

15. Conclusion and Recommendation

- 15.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.
- 15.2 The application involves a only a low level of less than substantial harm to the significance of designated heritage assets, and a small additional impact to neighbouring uses which should be addressed by conditions. Overall, the planning balance exercise has demonstrated that sufficient public benefits exist to outweigh those harms.
- 15.3 Therefore, it is considered that subject to the receipt of suitable amended plans, and subject to the proposed conditions, the development will comply with policies CS6, CS8, CS9 and CS10 of the adopted Core Strategy (2015), and policies A1 and E5 of the adopted Local Plan Part 2 (2021), and the application can be approved. There are no other material planning considerations to suggest the application should not be recommended for approval once amended.

RECOMMENDATION:

- (i) It is recommended that application 06/22/0453/F should be APPROVED, subject to:**

- (A) Receipt of satisfactory amended plans to achieve appropriate screening and shielding of the rooftop-mounted extraction and ventilation system;

And;

(B) Inclusion of the Proposed Conditions listed below.

- (ii) **If the relevant plan amendments are not provided, to refer the application back to the Development Control Committee for re-consideration of the application, on the grounds of failing to respond to the design and character of the area and lessen the detrimental impacts and harm caused to the significance of the conservation area to a level that could be outweighed by the public benefits of the proposal, as required by policies CS9, CS10, E5 and NPPF paragraphs 199, 200 and 202.**

Proposed Conditions

(This is summarised list. Full details will be provided to the committee meeting)

1. In accordance with approved plans and relevant supporting documents;
2. Details of air handling and extraction / ventilation system noise and odour emissions and controls - details to be agreed and protections installed prior to the first beneficial use of the extension.
3. External walls and roof parapet materials to match the existing building.
4. No installation of any additional plant and machinery without prior approval.

Informatives:

- Air quality and construction noise advice.

Appendices:

1. Site Location Plan, floor plans and east elevations.
2. Block plan, hotel floor plans and north elevations.



EXISTING EAST ELEVATION - 1/100



PROPOSED EAST ELEVATION - 1/100

MATERIALS

- Roof - Flat Roof**
- Walls - K-Render to match existing**
- Fenestration - uPVC to match**



LOCATION PLAN - 1/1250

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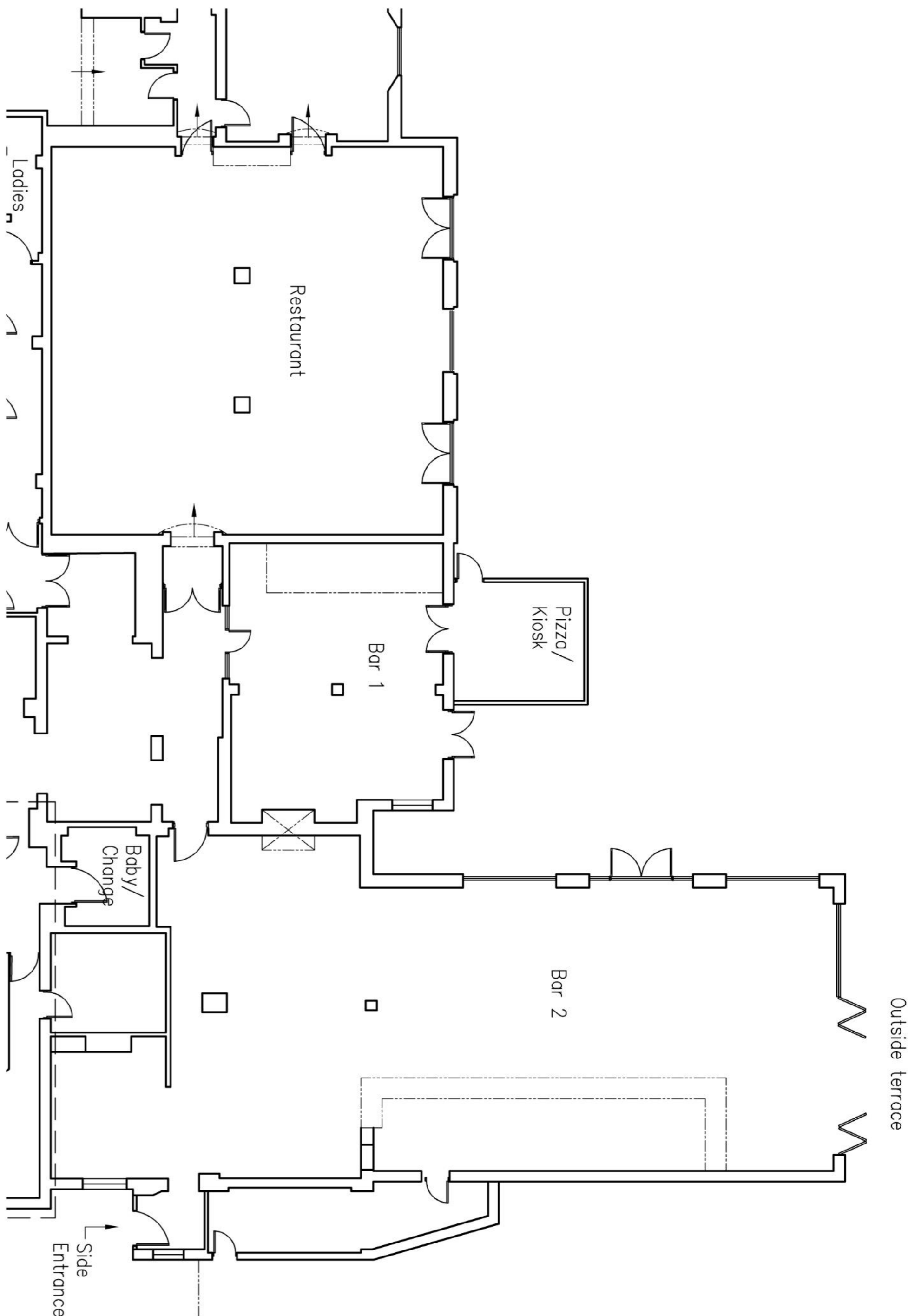
Client: Cliff Hotel

Address: Cliff Hill Gorleston

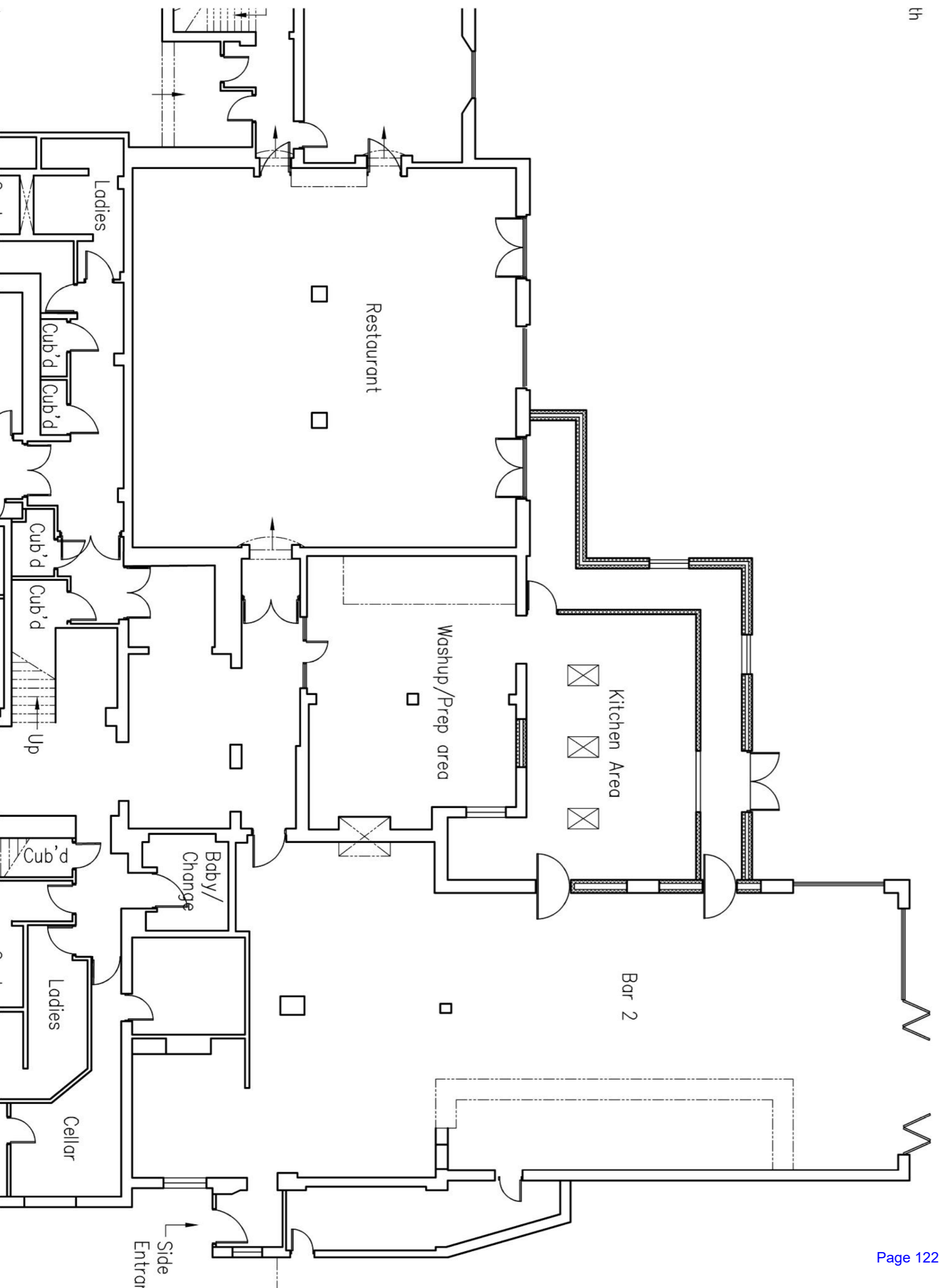
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Dwg No: P01 **Rev:**

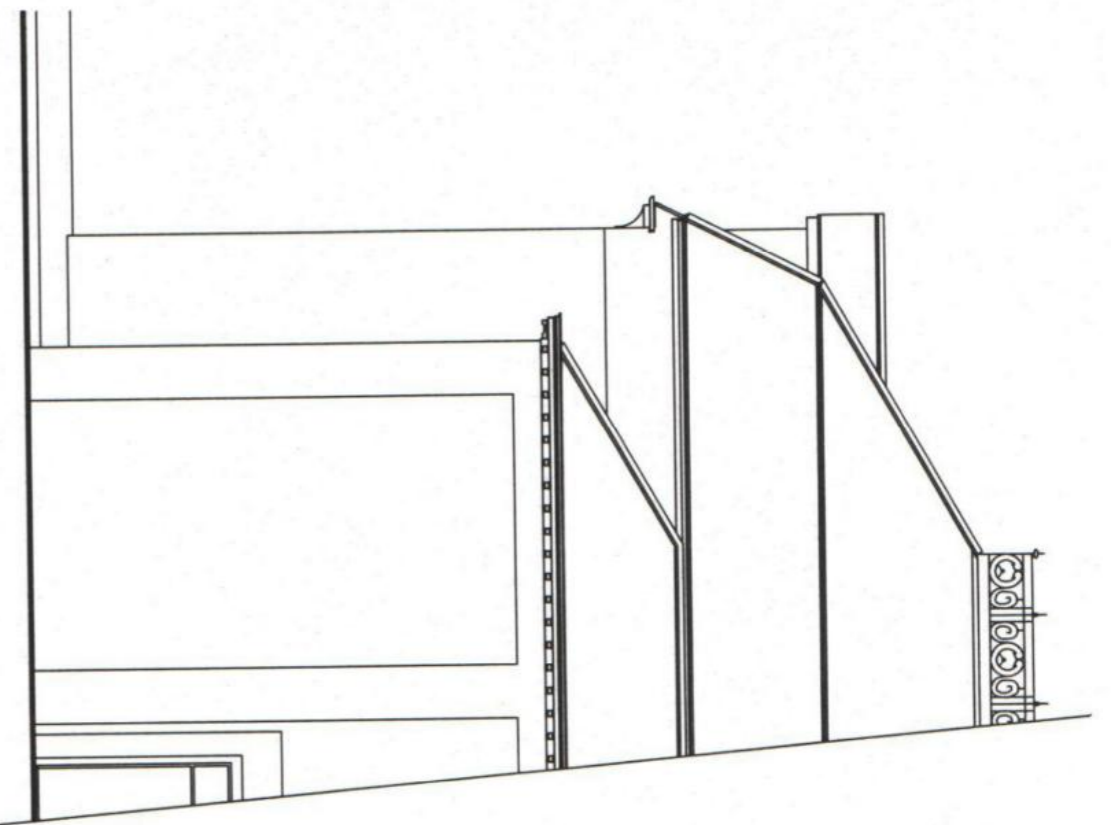
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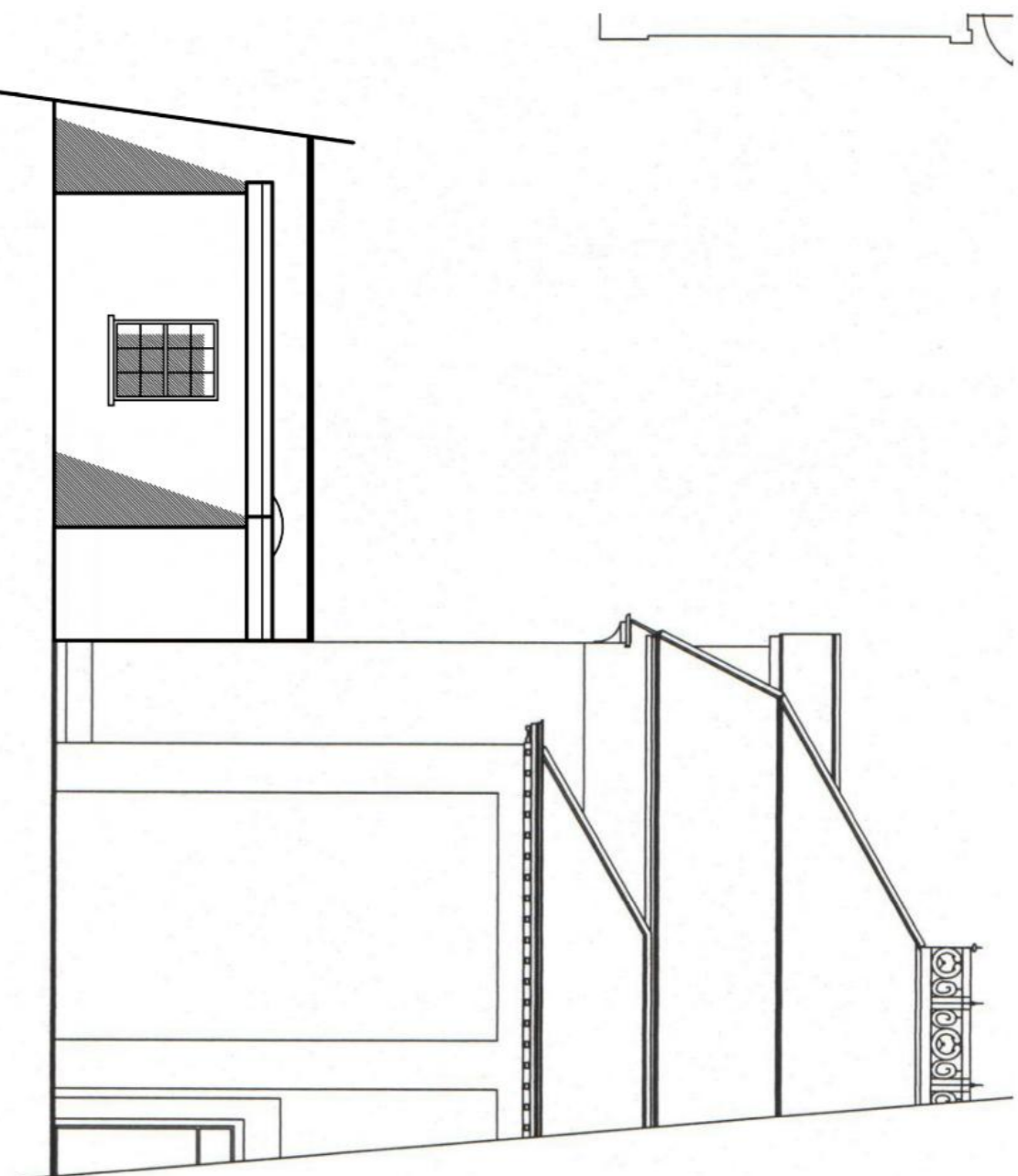
EXISTING FLOOR PLANS - 1/100



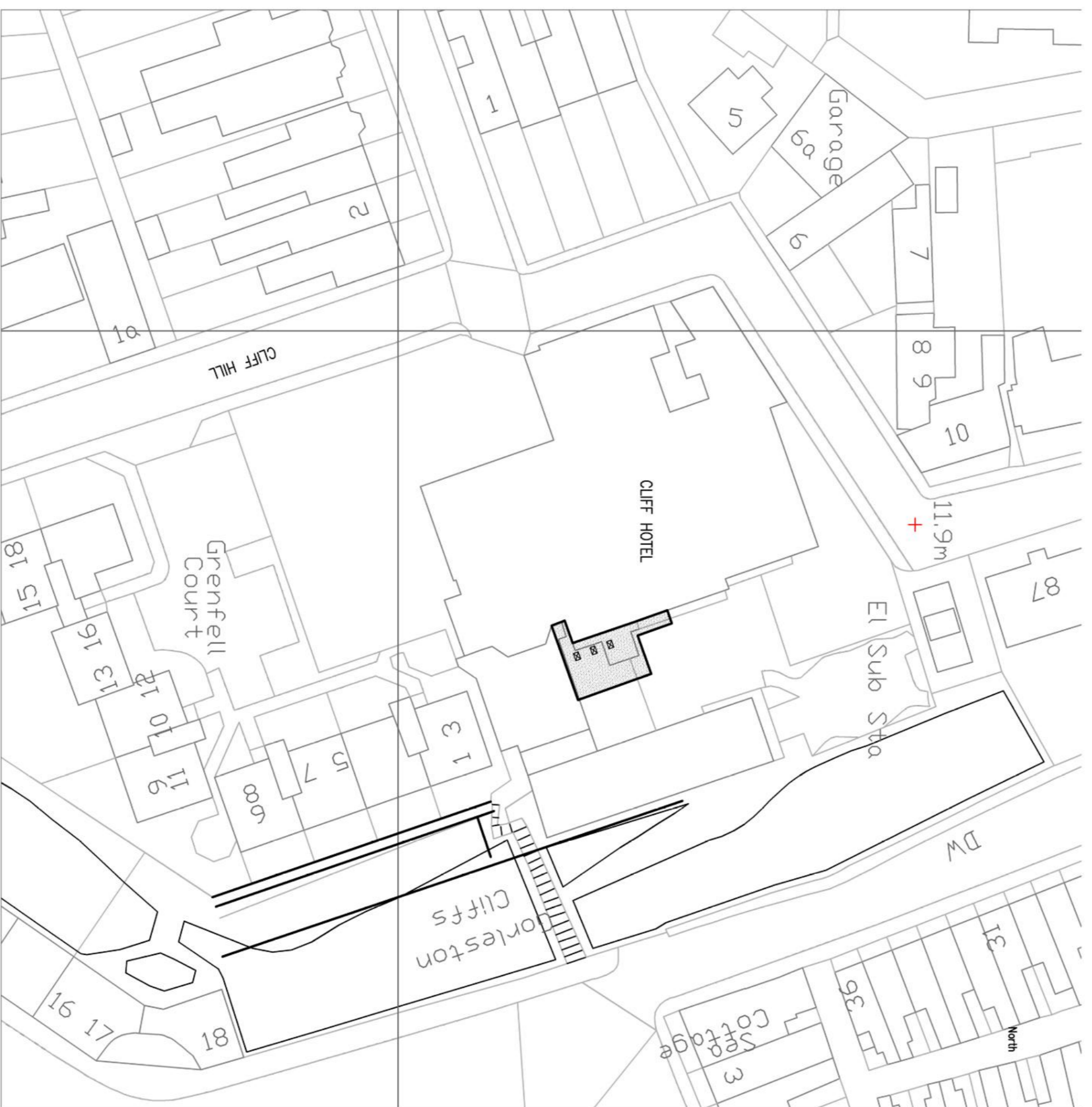
PROPOSED FLOOR PLANS - 1/100



EXISTING NORTH ELEVATION - 1/100



PROPOSED NORTH ELEVATION - 1/100



PROPOSED SITE PLAN - 1/500

Client: Cliff Hotel

Address: Cliff Hill Gorleston

Project No: SJC Scale: As Shown

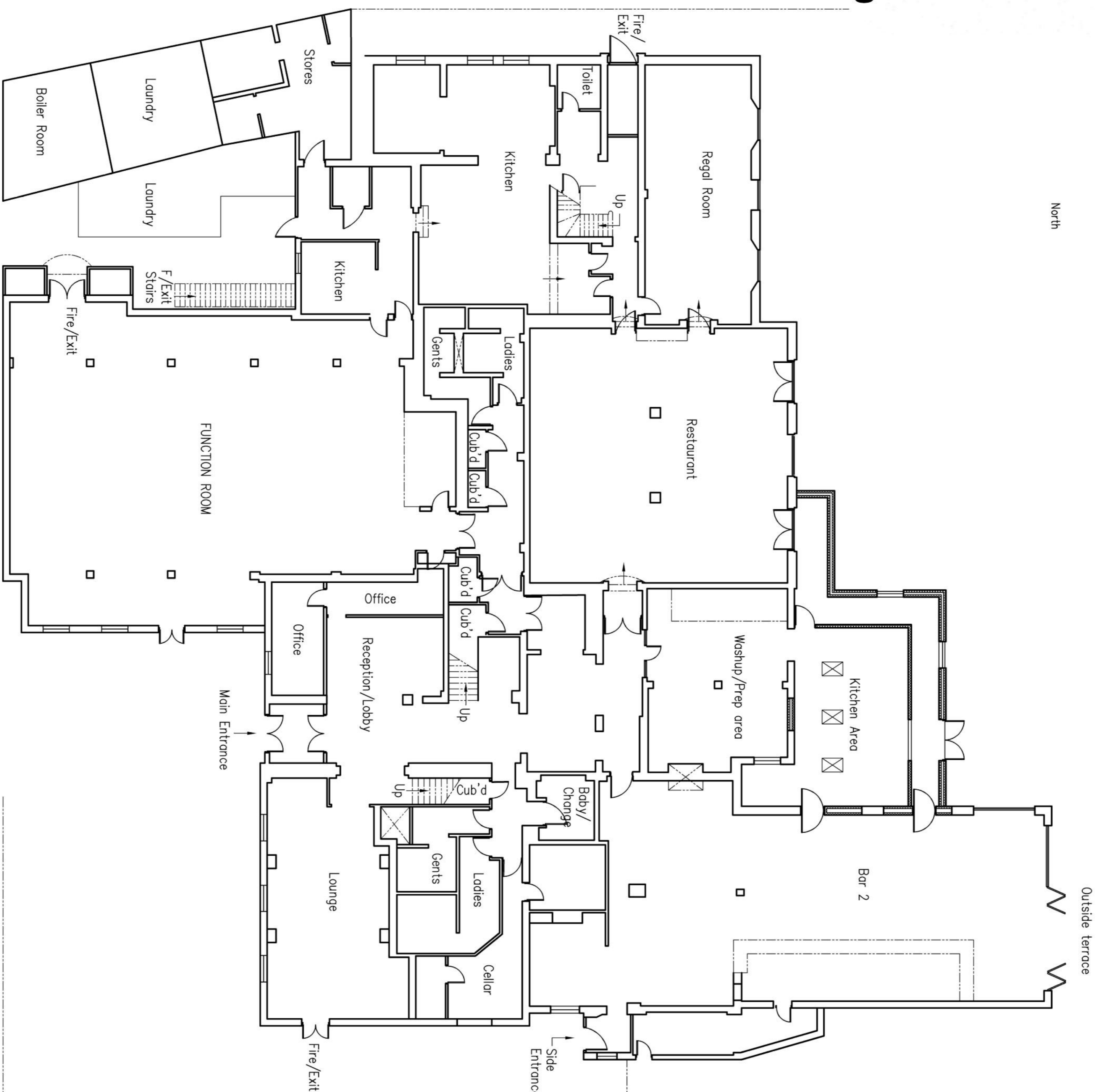
Dwg No: P02 Rev:



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Dwg Title: Proposed Kitchen Extension



OVERALL GROUND FLOOR PLAN - 1/125