



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Minutes

Wednesday, 22 February 2023 at 18:00

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

Mr M Turner (Head of Planning), Mr R Parkinson (Development Manager), Mr N Harriss (Principal Planning Officer), Ms C Whatling (Monitoring Officer), Mrs S Wintle (Corporate Services Manager), Ms S Buttifant (Planning Officer), Mr D Zimmering (IT Support) and Ms T Koomson (Senior Democratic Services Officer).

01 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G Carpenter and Annison.

Councillor Galer attended as a substitute for Councillor G Carpenter.

02 DECLARATIONS OF INTEREST

Cllr Hanton declared personal interest in agenda item 6 as the Chair of the Community Safety (Great Yarmouth) Ltd. that operates the CCTV in the Borough of Great Yarmouth. GYBC makes an annual donation to the company. Cllr Hanton informed the Committee that he would not participate in debate or vote on this item.

Cllr Williamson declared personal interest in agenda item 5 as the Chair of the GY Preservation Trust.

Cllr Wainwright and Cllr P Hammond declared personal interest in agenda item 5 as members of the Town Deal Board.

Cllr Wright asked it to be noted that the objector for the application 06/22/0008/F Tesco plc (agenda item 4), has made direct email contact with several (if not all) Councillors.

03 MINUTES

The Minutes of the meeting held on the 18 January 2023 were confirmed.

04 APPLICATION 06-22-0008-F - Former Trafalgar College, Land at Junction of Pasteur Road and Thamesfield Way, Great Yarmouth

The Chair gave the Committee sufficient time to study the addendum report that largely related to the application 06/22/0008/F.

The Committee then received and considered the report set out on the agenda, which was prepared and presented by the Development Manager Mr R Parkinson. The application was brought before the Committee at the discretion of the Head of Planning, noting the conflict with policy. The application proposed demolition of existing building and erection of a new discount food store (Use Class E) with access, car parking, landscaping and other associated works.

The Development Manager summarised that the Marketing and the Planning History suggests there is little prospect of site's reuse for 'traditional' employment use (policy CS6) and that the 2022 employment land assessment suggests little merit in retaining the specific employment land policy protection. He further confirmed that forty jobs at the food store exceed the forecasted number of jobs that would be expected from some other forms of 'employment use' job creation. He further confirmed that there are no more suitable locations available for retail use with a sequential preference. Although the site cannot demonstrate preferred level of pedestrian accessibility as required by Policy R1 (a) which is a weakness of the scheme, there is on the other hand only a very small impact from the net-increase retail sales area proposed. Hence the other public benefits collectively outweigh the conflict with policy R1 and CS6 namely that of jobs creation on site and at existing store, reuse of vacant and brownfield land and providing an important facility to support businesses and continuing to serve a local retail catchment.

As such, the Development Manager confirmed that as stated in the addendum report, having considered the details provided, the application is considered to comply with policies CS2, CS9, CS11, CS13, CS16, USC7, A1, E1, E4, I1 and I3 from the adopted Core Strategy and Local Plan Part 2, and is considered to

provide suitable and appropriate benefits which are considered important material considerations of sufficient weight to outweigh the areas of identified conflict with policies CS6 and CS7 of the adopted Core Strategy, and R1 of the Local Plan Part 2. It was therefore recommended that the application 06/22/0008/F to be approved subject to 1) Conclusion of public consultation period, following which to present new information to Chair of the Committee to agree with the Head of Planning whether permission can to be issued at Officer level, and 2) Securing legal agreement as described in report and Addendum update report and 3) Conditions as proposed, with the final versions to be agreed under delegated authority to the Head of Planning, and pre-commencement conditions to be agreed with the applicant.

Cllr Wright asked for clarity if the eighteen months of marketing the site was during the covid pandemic and if the forty jobs creation refers to full time employment. The Development Manager confirmed that the marketing period did coincide with the pandemic however would not have compromised the marketing. He further confirmed that the job creation referred to in the report is of full time equivalent.

Cllr Myers asked for clarity in the timescale of closing the existing store before opening the planned new store. The Development Manager confirmed that there is no intended gap between closing the old store and opening the new store. However, in order to be compliant with s.106, the plan is to build the new store and when that is ready to open, close the old store.

Cllr Fairhead referred to section 13 on the report and highlighted the importance of ensuring that any development on the site does not cause drainage and flooding issues to other surrounding areas. The Development Manager confirmed that the Water Management Alliance and the Drainage Board have been very clear on their licensing in relation to drainage and the development is not assessed to be likely to increase flooding elsewhere.

Cllr Williamson agreed that the site has not attracted employment use interest for a very long time and as such he fully supports the application. He further agreed with Cllr Fairhead that ensuring proper care in relation to the drainage is highly important so that it does not end up causing drainage problems and flooding further down south. The Development Manager agreed and further clarified the measures taken in relation to managing the flood risk and drainage. Basic principle being that the hard surfaces on the proposed development are roughly the same as they are currently and that the drainage is designed to operate on reduced 'slowed down' rate and only be discharged steadily downstream.

Cllr Wright outlined his concerns in relation to the application mainly the loss of

designated employment land that may be required in the future and the poor catchment area for local residents who will lose a local shop and have poor pedestrian access to the new location. He further clarified that his objections are not the same as those submitted by Tesco plc. The Development Manager clarified that due to high vacancy rate on this location there already is consideration to de-designate the area as an employment land. He accepts that the marketing of the land was during the pandemic, but that does not undermine the actual marketing process. He further confirmed that there are other similar food stores in the current location catchment area.

Cllr Hammond did not consider the catchment area and relocation of the store to be a major concern as the applicant would know their own market base. He further added that regardless of the pandemic, the eighteen months advertising period is more than sufficient. He further asked clarity about the proposed conditions and specifically condition 3 - no other E class use and 6 – subdivision. The Development Manager confirmed that this means that it needs to operate as a food store and no other shops, cafes or offices can operate on the site as specific units. The Head of Planning clarified whether the question related to ancillary uses (such as internal coffee shops) or the actual subdivision of the larger store into multiple smaller retail units. Ancillary uses are not in themselves deemed to be development and therefore planning permission would not be required. The proposed condition would prevent the subdivision of the store into multiple small stores.

The Head of Planning also noted that Members had discussed the clear relationship between the granting of the application before them and the closure of the existing store. However, he reminded Members that it was important to note that the closure of the existing store did not require planning permission and as such should not be regarded as a material consideration in determining the application.

Cllr Myers agreed that although it is regrettable that there is a potential loss of a local shop for some residents, other food stores may subsequently open in the vicinity of the town centre in the future. He thought that the application to expand and provide a bigger store is a vote of confidence for Great Yarmouth and a positive thing as a whole. He further added that although it is a loss of designated employment land, one can't wait forever for such application.

Cllr Wainwright agreed that the land has been unused for a long time and the College that used to operate on the site shut down four years ago. There has been no interest at all for the site as a use of employment land and at least this plan provides forty jobs.

Cllr Mogford agreed that the planned location for a food store was excellent both for visibility and access and will ultimately provide a bigger store for the residents of Great Yarmouth. He also agreed that although it is not within the ideal walking

distance, that should not prevent the development from going ahead.

Cllr Flaxman-Taylor noted the high number of conditions placed on this application and proposed that, as per recommendations stated on the addendum report and subject to the stated conditions, the application be approved. This was seconded by Cllr Williamson.

Following a vote, it was RESOLVED:-

That application number 06/22/0008/F be approved subject to:

1. Conclusion of public consultation period, following which to present new information to Chair of the Committee to agree with the Head of Planning whether permission can to be issued at Officer level.
2. Securing legal agreement as described in report and Addendum update report
3. Conditions as proposed in the summarised list below, with the final versions to be agreed under delegated authority to the Head of Planning, and pre-commencement conditions to be agreed with the applicant.

Proposed conditions

1. Standard time limit
2. To accord with plans
3. Site to provide a foodstore only, and no other E class use.
4. Floorspace to be limited to maximum of 1411 sq m sales area.
5. A maximum 1129 sqm to be used as convenience good retailing and no more than 282 sqm to be used as comparison goods retailing.
6. No subdivision of the building into smaller premises.
7. No extensions to the building through permitted development rights.
8. No commencement until highways works are agreed & provide pre-use
9. Contamination investigations and remediation plan - inc extra surveys
10. Contamination risks assessment from foundations works proposals
11. Ground gas surveys and monitoring plan
12. Materials management plan
13. Drainage outflow point to be surveyed and agreed to ensure deliverable
14. Flood resilience and safety measures to be agreed following principles in FRA
15. Flood emergency response plan to be agreed, and mezzanine provided to appropriate height 2.09m AOD, and available for public use in emergency
16. Provide and retain visibility splays and other Highways Authority requirements
17. Drainage to accord with the approved drainage layout plans
18. Drainage maintenance schedule to be agreed and followed
19. Foul drainage strategy to be agreed
20. Fire hydrant to be agreed and provided
21. Materials to be agreed
22. Landscaping scheme to be agreed, to accommodate attenuation and at least 9 trees and suitable replacements for those being removed where necessary
23. Landscaping schedule to be agreed
24. Substation screening and substation to be green
25. Ecology enhancement scheme to be agreed, inc bird and bat boxes
26. Provision of EV charging as per the layout and schedules proposed
27. Provision of various parking space types and cycle parking stands

28. No external lighting without prior permission
29. Noise mitigation measures as proposed in noise impact assessment
30. Solar panels as proposed prior to use
31. Tree protection measures as per AIA
32. Implement Travel Plan upon commencement of use
33. Hours of construction
34. Hours of use of the store

And any additional / amended conditions proposed by the Head of Planning and agreed with the Chairperson of the Committee.

05 APPLICATION 06-22-0955-F - Former Palmers Store 37 - 39 Market Place Great Yarmouth

The Committee received and considered the report set out on the agenda, prepared and presented by the Principal Planning Officer Mr N Harriss. The application was brought before the Committee as it was a connected application where the applicant was the Borough Council. The application was for proposed change of use from retail/commercial into local community and education use to accommodate the relocated Great Yarmouth Public Library and provide new space for University classrooms and Adult Education (F1 (a) (d) uses); Ancillary associated uses; proposed external repairs to building fabric; Replacement door & windows; New ground floor entrance to Market Place; Internal amendments to facilitate new use; New external staircase.

The Principal Planning Officer reported that having considered the details provided, the application is considered to comply with policies CS9, CS10, CS15 and CS16 from the adopted Core Strategy, and policies GSP1, GY1, R1, R2, A1, E5 and I1 from the adopted Local Plan Part2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval. He further confirmed that as per addendum report, all Proposed Elevations have been updated to include more detailed notes clarifying proposed external materials.

The Principal Planning Officer summarised that the application repurposes a vacant building and will significantly enhance the buildings appearance and wider townscape setting. It also delivers a key mixed use premises that is an important element in the Town Centre Regeneration and enhances library provision by also providing important community uses, adult learning provision and education centre. It was therefore recommended that the application 06/22/0955/F be approved, subject to conditions as set out on the addendum report.

Cllr Fairhead asked if the lift that previously existed in the building would remain for the public use. The Principal Planning Officer confirmed that it would.

Cllr Wright asked if there was a designated space for an art gallery. The Principal Planning Officer confirmed that there is no permanent area for an art

gallery in the current plan but considered that the planned design offers potential to hold 'pop-up' art exhibitions.

Cllr Wainwright confirmed his support for the application and thought it was a fantastic project.

Cllr Flaxman-Taylor agreed and confirmed her support for the application, stating that the project was excellent and was pleased to know that the heritage, including the lift, is preserved.

Cllr Myers also confirmed his support for the application. He felt that the proposal was excellent and offered something for everybody. As well as providing a library in the town centre and facilities for other educational aspects, it also restored and preserved heritage.

Cllr Wright agreed and also confirmed his support for the application and agreed that it was a fantastic proposal for the town centre and this together with the market refurbishment may act as a catalyst to encourage more retailers into the town centre.

Cllr Williamson agreed and thanked the Project Manger Ms Van der Colft for the excellent work done.

Cllr Wainwright moved to propose that the application together with the conditions as laid out in the addendum report be approved. This was seconded by Cllr Flaxman-Taylor.

Following a unanimous vote, it was RESOLVED:-

That the application 06/22/0955/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 following drawings and documents:

Location Plan Drawing No. 0003 Rev P1 Received 16 November 2022
Proposed Site Plan Drawing No. 6386-CF-ZZ-XX-DR-A-0002 Rev P6 Received 16 November 2022
Proposed Basement Plan Drawing No GYLH-CF-ZZ-B1-DR-A-0030 Rev P11 Received 16 November 2022
Proposed Ground Floor Plan Drawing No. GYLH-CF-ZZ-B1-DR-A-0031 Rev P21 Received 16 November 2022
Proposed First Floor Plan Drawing No. GYLH-CF-ZZ-B1-DR-A-0032 Rev P19 Received 16 November 2022
Proposed Second Floor Plan Drawing No. GYLH-CF-ZZ-B1-DR-A-0033 Rev P11 Received 16 November 2022
Proposed Third Floor Plan Drawing No. GYLH-CF-ZZ-B1-DR-A-0034 Rev P11 Received 16 November 2022
Proposed Roof Plan Drawing No. GYLH-CF-ZZ-B1-DR-A-0035 Rev P.1 Received 16 November 2022
Proposed Elevations - 1 Drawing No. GYLH-CF-ZZ-XX-DR-A-0210 Rev P4 Received 21 February 2023
Proposed Elevations - 2 Drawing No. GYLH-CF-ZZ-XX-DR-A-0211 Rev P3 Received 21 February 2023
Proposed Elevations - 3 Drawing No. GYLH-CF-ZZ-XX-DR-A-0212 Rev P3 Received 21 February 2023
Proposed Elevations - 4 Drawing No. GYLH-CF-ZZ-XX-DR-A-0213 Rev P3 Received 21 February 2023
Travel Plan Project Ref: 218178 Rev P3 dated 3 November 2022 and received 16 November 2022
The reason for the condition is:-
For the avoidance of doubt.

3. Unless otherwise agreed in writing with the Local Planning Authority no works shall commence until a scheme for the preservation and restoration of the buildings internal and external features of heritage interest (as informed by the submitted Heritage Impact Assessment) has been first submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the scheme as approved unless subsequent variation is agreed in writing with the Local Planning Authority.

The reason for the condition is :-

To ensure the features of historic interest are preserved and enhanced in accordance with Core Strategy Policy CS10 and Local Plan Part 2 Policy E5.

4. Development shall not begin on external areas of the site until details of a hard/soft landscaping scheme has been first submitted to and approved in writing by the Local Planning Authority, the scheme shall include:

1) the species, number, size and position of new trees and shrubs and the time of their planting

2) specification of materials for fences, walls and hard surfaces, to include means of enclosure, design and appearance of new of sub-station.

The scheme as approved shall be carried out prior to first use of the development hereby permitted or in accordance with planting timetable if later than first use.

The reason for the condition is :-

In the interests of the satisfactory appearance of the development in accordance with Core Strategy Policies CS9 and CS10 and Local Plan Part 2 Policy E5.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order (2015, as amended), the ground floor of the

premises shall be used for a mix of uses within Classes E, F1 (a) and (d) only, within which uses within Class E and Class F1 (d) shall form the largest use in terms of the net floor space area, and for no other purpose (including any other purpose in Class F1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

The reason for the condition is:-

To enable the Local Planning Authority to retain control over any future changes of use of the application site in the interests of the vitality and viability of the Town Centre as set out in Local Plan Part 2 Policies GY1 and CS7 and in terms of maintaining active ground floor uses in accordance with Local Plan Part 2 Policy R2.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order (2015, as amended), the first floor of the premises and those above shall be used for the provision of education (Use Class F1 a) only, and for no other purpose (including any other purpose in Class F1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

The reason for the condition is:-

To enable the Local Planning Authority to retain control over any future changes of use of the application site in the interests of the vitality and viability of the Town Centre as set out in Local Plan Part 2 Policies GY1 and CS7.

7. Prior to installation, details of the cycle stands/shelter as indicated on Proposed Site Plan Drawing No. 6386-CF-ZZ-XX-DR-A-0002 Rev P6 shall be first submitted to and approved in writing by the local planning authority and shall be carried out as approved.

The reason for the condition is :-

In the interests of the satisfactory appearance of the development in accordance with Core Strategy Policies CS9 and CS10 and Local Plan Part 2 Policy E5.

8. Prior to the first use of the development hereby permitted the proposed cycle parking [stands and shelter] shall be provided in accordance with the approved plans/details and retained thereafter available for that specific use.

The reason for the condition is :-

To ensure the permanent availability of the cycle parking in the interests of satisfactory development and encouraging the use of sustainable modes of transport in accordance with Policy I1 of Local Plan Part 2.

9. The Travel Plan Project Ref: 218178 Rev P3 dated 3 November 2022 shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is in use subject to approved modifications agreed by the Local Planning Authority as part of the annual review.

The reason for the condition is :-

To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with Core Strategy Policy CS16.

10. No part of the works hereby approved (to include fascia board/rainwater guttering) shall overhang or encroach upon highway land and no gate/door/ground floor window shall open outwards over the highway (except for use in an emergency).

The reason for the condition is :-

In the interests of highway safety.

11. Prior to installation of any plant; machinery; ventilation; air conditioning; heating; extraction equipment, including any replacements of such, full details including location, acoustic specifications, and specific measures to control noise and odour from the equipment, shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed, used and retained in full working order thereafter in full accordance with the approved details.

The reason for the condition is: -

In the interests of protecting nearby residential amenity for the occupants of neighbouring premises, and to protect the character and appearance of the surrounding area including the conservation area and setting of listed buildings in accordance with Core Strategy Policies CS9, CS10 and Local Plan Part 2 Policies A1 and E5.

12. Informatives:

STATEMENT OF POSITIVE ENGAGEMENT: In dealing with this application Great Yarmouth Borough Council has actively sought to work with the applicant in a positive and proactive manner.

NOTES - Please read the following notes carefully:-

Construction work shall not take place outside the following hours:-

08:00 to 18:00 Mondays

08:00 to 18:00 Tuesdays

08:00 to 18:00 Wednesdays

08:00 to 18:00 Thursdays

08:00 to 18:00 Fridays

08:30 to 13:30 Saturdays

and no work shall take place on Sundays or Bank Holidays. (These hours shall only apply to work generating noise that is audible at the boundary of the nearest noise sensitive property)

NOTES - Please read the following notes carefully:-

Your attention is drawn to the comments of Norfolk Police Designing Our Crime Officer

NOTES - Please read the following notes carefully:-

Your attention is drawn to the comments of Norfolk Fire & Rescue Service

06 APPLICATION 06-21-0594-F – Land adjacent South east corner of Venetian Waterways, Great Yarmouth

Cllr Hanton here by left the meeting.

The Committee received and considered the report set out on the agenda, which was prepared and presented by the Development Manager Mr R Parkinson. The application was brought before the Committee as it was a connected application where the applicant was the Borough Council. The proposal was for installation of 1no. galvanised steel column up to 8m tall to support CCTV camera.

The Development Manager reported that having considered the proposal, the application is considered to comply with policies CS9, CS10, CS15 and CS16 from the adopted Core Strategy, and policies A1 and E5 from the adopted Local Plan Part2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval.

The Development Manager further summarised that the proposed pole is not out of character to the street infrastructure and will ensure greater security coverage, deterring anti-social behaviour and improving public safety. Small 'less than significant harm' caused to heritage setting is therefore outweighed by public benefits and reduced risk to the heritage asset. It was therefore recommended that the application 06/21/0594/F be approved, subject to conditions as listed on the addendum report.

Cllr Wright asked if the installed camera will be rotatable. The Development Manager confirmed this was not specified but is presumed to be.

Cllr Wainwright proposed that the application together with conditions laid out in the addendum report be approved. This was seconded by Cllr P Hammond.

Following a unanimous vote, it was RESOLVED:-

That application 06/21/0594/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 hereby permitted shall be carried out in accordance with the following plans and details:

- Location Plan for Waterways SE CCTV Column (1 of 2) received by the Local Planning Authority on 16th February 2023;
- Location Plan for Waterways SE CCTV Column (2 of 2, with notation) received on 16/02/23;
- Applicant statement: 'Waterways SE CCTV Column', received 16/02/23;
- CCTV unit specification data sheet: RVX2 Combat Camera, received 04/02/22;
- Dwg: 28350-1 – Column elevation, received 18/02/22;

The reason for the condition is:-

For the avoidance of doubt and in the interests of preserving the character and setting of designated heritage assets.

3. The CCTV unit to be used on the column shall colour-match the column pole.

The reason for the condition is :-

In the interests of preserving the setting of designated heritage assets.

4. Any damage caused to the historic fabric or appearance of the Waterways park, structures or enclosures when undertaking this development shall be repaired and restored on a like-for-like basis within two months of the damage occurring.

The reason for the condition is :-

In the interests of visual amenity and protecting the character of designated heritage assets.

07 ANY OTHER BUSINESS

None.

The meeting ended at: 19:20