



**GREAT YARMOUTH**  
BOROUGH COUNCIL

# Development Control Committee

## Minutes

Wednesday, 05 October 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.

Councillors Bird, Plant, B Walker & Wells were also in attendance.

Mr D Glason (Director of Planning & Growth), Ms C Whatling (Monitoring Officer), Mr R Parkinson (Development Manager), Mr D Zimmerling (IT Support) & Mrs C Webb (Democratic Services Officer).

### **1 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **2 DECLARATIONS OF INTEREST**

Councillors Flaxman-Taylor, Freeman, P Hammond & Hanton declared a personal interest in agenda item number 5 but in accordance with the Council's Constitution, were allowed to both speak and vote on the item.

### **3 MINUTES**

The minutes of the meeting held on 6 July 2022 were confirmed.

### **4 MINUTES**

The minutes of the meeting held on 7 September 2022 were confirmed.

### **5 APPLICATION 06-20-0278-F THE FORMER FIRST AND LAST PUBLIC HOUSE YARMOUTH ROAD ORMESBY ST MARGARET NR29 3QG**

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

The Development Manager reported that The application has been revised three times since its original submission as a result of ongoing discussions with planning officers. 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. 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). In September/October 2021 the proposal was reduced to contain only 4no. new-build dwellings at the rear (2no. four bedroomed detached houses and 2no. three bedroomed semi-detached houses) and amending the layout and Designs of the commercial unit/flats block.

The Development Manager reported that 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. 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. At each revision the application has been subject to full public consultation to neighbours by letters and site notices.

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.

The Development Manager reported that 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.

The Development Manager reported that 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. 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.

The Development Manager reported that 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. 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.

Councillor A Wright was concerned that the committee was being asked to approve planning applications which had outstanding financial contributions or s106 legal agreement, minor clarification and adjustment of plans and proposed conditions.

Councillor P Hammond asked for clarification as to where the water main crossed the site. The Development Manager indicated the brown line on the plans.

Councillor Freeman thanked officers for all their hard work to get the application to where it was this evening and that he supported the officer recommendation.

Councillor Flaxman-Taylor informed the committee that although the borough would

be losing another public house she was fully supportive of the application to prevent the site falling into further disrepair.

Councillor P Hammond proposed that the officer recommendation together with the conditions as laid out in the agenda report be approved. This was seconded by Councillor Wainwright.

Following a unanimous vote, it was RESOLVED:-

That application number 06-20-0278-F be approved subject to:-

(i) (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);

(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).

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
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.

## **6 APPLICATION 06-22-0572-VCF - LYNN GROVE ACADEMY, LYNN GROVE, GORLESTON**

The Committee received and considered the report from Andy White, Case Officer.

The Development Manager informed the Committee that this had been referred to Committee at the request of 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.

The Development Manager reported that 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.

Condition 3 states:

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.

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.

The Development Manager reported that 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.

The Development Manager reported that 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.

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.

The Development Manager reported that it is recommended that application 06/22/0572/VCF should be approved subject to the Conditions as set out in the agenda report.

Councillor Myers asked for clarification in regard to zero degree of tilt. The Development Manager reported that this formed part of condition 3; zero degrees was not specified but that the light should point downwards as this would result in the amount of spill being limited.

Councillor Williamson asked for clarification as to whether the original 10m columns had been objected to.

Ms Blackwell, objecting on behalf of her elderly parents, informed the Committee that the floodlights had caused much stress and ill-health to her parents who were unable to use the rooms at the front of their bungalow after 3.30 pm due to the glare of the floodlights and suggested that a screen of trees should have been planted to offset the glare and noise which emanated from the site and urged Members to refuse the application.

Councillor Plant, Ward Councillor, reported that he had been involved in this application from the beginning and his main concerns were refracted light, height and luminosity. The original application had been refused by the Council and granted at appeal and that the view of Environmental health should be enforced and the application refused to protect the local residents from loss of amenity. Councillor Plant gave Councillor Candon's apologies to the Committee as he was unable to be present at the meeting but had submitted his concerns in writing.

Councillor Myers asked for clarification as to why the Poplar trees had cleared from the site which would have provided some natural screening of the light pollution.

Councillor P Hammond asked for a condition to be imposed stating that the light levels be checked using a lux monitor at night on a regular basis to ensure that what was being proposed was not exceeded. The Development Manager reported that this

would be a deviation from the original consent.

Councillor P Hammond proposed that the application be approved as per the officer recommendation and the conditions set out in the agenda report. This was seconded by Councillor Williamson.

Following a unanimous vote, it was RESOLVED:-

That application number 06-22-0572-VCF be approved subject to the following 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.



## **7 APPLICATION 06-21-0285-F - THE CLIFF HOTEL, CLIFF HILL, GORLESTON**

The Committee received and considered the report from the Development Manager

The Development Manager reported that 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. 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. The application submission comprises application form, location and layout plans, and image of the pods.

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

The Development Manager reported that 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.

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. 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.

The Development Manager reported that this application is therefore recommended for refusal as:

- 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.

Councillor Fairhead asked if these ugly units contained any sound-proofing.

Mr Christophi, applicant, addressed the committee and reported the salient areas of his application and asked the committee to approve it to help his business during these turbulent economic times.

Councillor Wells, Ward Councillor, thanked officers for their clear and concise report and that this application was not appropriate for this area of Gorleston. Councillor Wells urged the committee to refuse the application to ensure that the conservation area was protected.

Councillor P Hammond asked for clarification as if these were considered to be temporary structures, would they require planning permission. The Development Manager reported that he had taken a view that they were semi-permanent and had taken legal advice to be informed that they did require planning permission as they were structures in the curtilage of the hotel and they had exceeded 28 days in situ.

Councillor Myers reported that he felt there was no clear justification for this application in the Conservation Area and that he supported the officer recommendation.

Councillor Williamson proposed that the application be refused as per the officer recommendation. This was seconded by Councillor B Wright.

RESOLVED:-

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 publicly 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.

## **8 APPLICATION 0-21-0880-F - THE CLIFF HOTEL, CLIFF HILL, GORLESTON**

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

The Development Manager reported that this application had been brought before the committee 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.

The Development Manager reported that 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.

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 rather than a planning application supporting document.

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.

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.

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

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.

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

The Development Manager reported that 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.

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.

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.

The Development Manager reported that It is recommended that application 06/21/0880/F should be approved, subject to the conditions outlined in the report and reported at Committee.

Councillor A Wright asked that no brick be laid until the plans for the Acorn tree had been received. The Development Manager assured the committee that details of the tree protection measures were contained within the requested conditions.

Mr Christophi, applicant, reported that he did not wish to speak but would any any questions that Members might have.

Councillor Wainwright proposed that the officer recommendation be approved with the suggested conditions. This was seconded by Councillor G Carpenter.

Following a unanimous vote, it was RESOLVED:-

That application number 06-21-0880-F be approved subject to the following conditions:-

(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:-

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:-

2. Trade Waste
3. Works on highways
4. Air quality and construction noise advice.

## **9 APPLICATION 06-22-0453-F - THE CLIFF HOTEL, CLIFF HILL, GORLESTON**

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

The Development Manager reported that this application had been referred to Committee 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.

The Development Manager reported that 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 air handling and extraction system on the new flat roof though this is not shown within submitted plans. No parapet detailing or similar device is shown on the submitted plans to help screen or conceal this. 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.

The Development Manager reported that 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

The Development Manager reported that 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.

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.

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.

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

Councillor Williamson asked for clarification regarding the visibility of the extension as per paragraphs 5.3 and 5.4 on page 115 of the agenda report. The Development Manager reported that the extension was not visible from outside of the applicant building.

Mr Christophi, applicant, reported the rationale behind the much needed kitchen extension which was integral to the continued operation of his business as the current kitchen set-up did not meet the current needs of the business and urged the committee to approve the application.

Councillor Myers asked why this was a retrospective application and why Mr Christophi had not applied for planning permission via the usual channels. Mr Christophi explained that he had chosen the retrospective route due to the current delays in our planning department.

Councillor P Hammond was concerned that works had started prior to building control inspections on the site.

Councillor Wainwright reported that all businesses had to update their kitchens from time to time and that we should approve the application subject to the required conditions as requested by the Development Manager and proposed that the application be approved. This was seconded by Councillor Hanton.

RESOLVED:-

That application number 06-22-0453-F 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:-

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.

## **10 ANY OTHER BUSINESS**

(i) The Chairman wished Mark Turner, Head of Planning, a speedy recovery on behalf of the Committee.

(ii) Councillor Williamson asked officers to pay a site visit to the old Claydon School Site & the Badger Homes site to ascertain ownership of a piece of land approximately 1 to 2 metres wide on the western boundary between the properties which had been retained as a green corridor but been annexed by several property owners who had erected fences to illegally incorporate it in to their property boundary. The Development Manager agreed to an officer site visit and invited Councillor Williamson to attend.



The meeting closed at 19:47.

The meeting ended at: TBC