



GREAT YARMOUTH
BOROUGH COUNCIL

Development Management Committee

Date: Wednesday, 12 June 2024

Time: 18:30

Venue: Council Chamber

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

AGENDA

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

Agenda Contents

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

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

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

Conduct

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

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

DEVELOPMENT CONTROL COMMITTEE

PUBLIC CONSULTATION PROCEDURE

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

Protocol

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

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

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

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

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

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

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

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

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

3 MINUTES

5 - 11

To confirm the minutes of the meeting held on 22 May 2024.

4 APPLICATION 06-24-0125-F NURSERY BARN ROLLESBY ROAD FLEGGBURGH NR29 3AR

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Report attached.

5 APPLICATION 06-24-0088-LB GORLESTON PAVILION PAVILION ROAD GORLESTON-ON-SEA NR31 6PP

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Report attached.

6 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 Management Committee

Minutes

Wednesday, 22 May 2024 at 18:30

PRESENT:-

Councillor A Wright (in the Chair); Councillors Annison, Bird, Boyd, Capewell, Freeman, Galer, Green, Martin, Mogford, Murray-Smith, Pilkington & Williamson.

Mr A Chrusciak (Interim Head of Planning), Mr R Parkinson (Development Manager), Mr R Tate (Planning Officer), Ms L Smith (Planning Officer), Ms C Whatling (Monitoring Officer), Mr M Brett (IT Support) & Ms C Webb (Democratic Services Officer).

01 APOLOGIES FOR ABSENCE

There were no apologies for absence given at the meeting.

02 DECLARATIONS OF INTEREST

There were no declarations of interest given at the meeting.

03 MINUTES

The minutes of the meeting held on 17 April 2024 were confirmed.

04 APPLICATION 06-23-0926-VCF - Site of former Trafalgar College, Thamesfield Way, Great Yarmouth

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

The Planning Officer reported that the application is a variation of condition application, submitted under Section 73 of the Town and Country Planning Act 1990 as amended, to vary conditions 2 (approved plans), 4 (floorspace) and 5 (convenience/comparison goods split) of pp 06/22/0008/F.

The Planning Officer reported that the original application was for the demolition of an existing building and erection of a new discount food store with access, car parking, landscaping and other associated works. This variation of condition application aims to make amendments to increase the store sales area and subsequently also amend a condition relating to the convenience/comparison goods sales limitation imposed within the previous permission, and to amend the parking provision, including the removal of 8 parking spaces, with minor alterations of the design of the store.

The Planning Officer reported that operationally, the Gross Internal Area of the whole building would actually decrease by 86sqm to 2,189 sqm, but the sales area would increase by 101sqm, to 1,512sqm. The reduced overall floorspace occurs due to a rearrangement and loss of part of the approved staff areas and warehouse storage. Supporting information is submitted to demonstrate that the 101sqm.

The Planning Officer reported that the application proposes changes to the floor plan of the previously approved new Lidl Store to result in an increase in the sales area of 101sqm. On balance, this is considered a sufficiently minor increase that it would not materially affect the outcomes or findings of the original Retail Impact Assessment such that it would present an unacceptable level of additional detrimental impact on the vitality of the Town Centre or other defined centres to such a level as to warrant refusal of the application. The amendments would only have a minor impact on the associated design, landscaping and drainage aspects of the development which revised supporting information submitted demonstrates would not cause an adverse impact.

The Planning Officer reported that although there were highways concerns at the loss of available parking spaces, these have been responded to by the applicant with sufficient comfort that there would not be a severe impact on highways safety and the local highway network would not be detrimentally affected to an unacceptable degree.

The Planning Officer reported that there have been no statutory objections received. On balance, it is considered that the highways and retail impacts are sufficiently low level that only a small level of direct benefit would be needed to outweigh those harms, despite the development continuing to be a departure from adopted planning policy. However, whilst the amended format of the proposed store would bring only a small level of associated economic investment and jobs creation directly related to the proposed changes, it is an important material consideration that the changes are

requested to secure investment and continued development of the site to realise the benefits associated with the original permission. These are significant benefits which would outweigh the identified harms, and there are no other material planning considerations to suggest the development should not be approved.

The Planning Officer reported that having considered the details provided, the application is considered to comply with policies CS1, CS6, CS7, CS9, CS13 and CS16 from the adopted Core Strategy, and policies A1, R1, E1, E4, E6, I1 and I3 from the adopted Local Plan Part 2.

In accordance with Section 73 of the Town and Country Planning Act 1990 as amended, the proposed amendments are considered acceptable and it is recommended that planning permission should be granted subject to conditions which the extant permission is subject to, albeit with appropriate amendments to reflect the revised layout and additional sales floorspace and inclusion of details approved by condition applications.

The Planning Officer reported that it is considered that there are no other material considerations to suggest the application should not be recommended for approval. The recommendation is for approval subject to the prior completion of a Section 106 Agreement or appropriate Deed of Variation of the existing section 106 agreement to ensure the existing Lidl on Pasteur Road ceases operation prior to the opening of the proposed Lidl store.

The Planning Officer reported that it is recommended that Committee delegate authority to the Head of Planning to approve application 06/23/0926/VCF and grant planning permission, subject to:-

(i) the prior completion of a Section 106 Agreement or relevant Deed of Variation of the Section 106 Agreement dated 31 July 2023, sufficient to secure the same obligations as the existing Agreement, and,

(ii) the proposed Conditions listed in the agenda report.

Proposer:- Councillor Annison

Seconder:- Councillor Williamson

RESOLVED:-

That the Committee delegate authority to the Head of Planning to approve application 06/23/0926/VCF and grant planning permission, subject to:-

(i) the prior completion of a Section 106 Agreement or relevant Deed of Variation of the Section 106 Agreement dated 31 July 2023, sufficient to secure the same obligations as the existing Agreement; and

(ii) the proposed Conditions listed in the agenda report.

05 APPLICATION 06-23-0570F - Britannia Pier, Marine Parade, Great Yarmouth

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

The Planning Officer reported that this is a connected application as the application site is owned by the Borough Council and the Monitoring Officer therefore requested that it go to Committee for determination.

The Planning Officer reported that the application is for the demolition of a single storey amusements building; Erection of replacement building for use as indoor amusements and leisure; Alterations and extensions to public house and restaurant building and new roof covering along the pier length; Change of use of the restaurant to an amusement arcade; Single-storey extension to the family amusement centre to provide new food kiosk; Installation of ramped access ways; Alterations to front façade of building.

The Planning Officer reported that the application proposes to carry out internal and external renovations to the front of the pier as well as alterations and extensions of buildings and replacement of buildings on the pier itself, including the change of use of the restaurant to amusement arcade.

The Planning Officer reported that the proposed alterations to the front elevation have been subject to significant revisions as part of this application. The front elevation now proposes two circular flanking towers with the horizontal lines of the roof and raised fascia at first floor level continuing around the towers. White render is now proposed along with a zinc finish to the caps of the towers and the horizontal banding. The towers are integrated into the doors to the restaurant area and a kiosk is proposed to be integrated into the base of the southern tower. A digital screen is shown within the central horizontal span between the two towers which will need to be subject to a specific application for advertisement consent to display adverts on this digital display, although this has not yet been submitted. New lettering above the front building is also proposed.

The Planning Officer reported that the rebuilt building to the rear will house the arcade area with a new food kiosk to the rear. This building will have a new curved single ply membrane roof with standing seam upstand in a grey colour, although precise materials have not been detailed at this stage. This building will be lower in height than the front building meaning it will not be visible from the west. The walkway through the front building to the rear of the pier is also proposed to be amended with new positioning and ramped walkways and the amount which will be protected/covered is also being increased. The application also includes new staircases to provide access to the promenade and beach below.

The Planning Officer reported that the site is located within the Great

Yarmouth Seafront Area and is one of the key attractions of the 'Golden Mile' which offers a wide range of tourist attractions and facilities. Local Plan policies CS8 and GY6 are broadly supportive of facilities that encourage year-round, sustainable tourism, and the uses contained within this proposal. The proposal seeks investment and an improvement of the facilities on offer at the Britannia Pier which is one of the key tourist attractions on the Golden Mile. The proposal involves removing an established and large area of floorspace used as a restaurant and replacing it with an amusement arcade. Both are defined as Town Centre uses but as this application seeks the change of one Town Centre use to another there should not be a draw on the Town Centre. The proposed amusement arcade would be within the ethos of providing family friendly seaside entertainment which are uses encouraged by CS8. It is recommended that a condition is imposed to ensure that this amusement arcade is used for family entertainment and not at any time limited to an adult gaming centre.

The Planning Officer reported that the proposal complies with policy CS8 criterion (A) which expects that development "encourages and supports the upgrading, expansion and enhancement of existing visitor accommodation and attractions to meet changes in consumer demands and encourage year-round tourism". The proposal also accords with policy CS8 criterion (C) which seeks to "Safeguard key tourist, leisure and cultural attractions and facilities. The application includes the revised positioning of kiosks to the frontage of the pier and an additional foot stall within the pier itself. Policy R6 outlines that the principle of developing new retail and food outlets in the form of kiosks or stalls will be permitted within the designated Holiday Accommodation Areas, Town Centre or the Great Yarmouth Seafront Area, so the small additional food kiosk is considered acceptable. Core Policy CS15 and Policy C1 support the upgrading of community facilities, including supporting upgrading recreational facilities, such as Britannia Pier.

The Planning Officer reported that as a result of significant revised plans having been submitted that the principle of development is therefore considered acceptable overall.

The Planning Officer reported that the proposal offers a much-improved design and one which is architecturally coherent and reflects traditional seaside pier buildings with a more traditional materials palette. The Conservation Officer and Historic England have both removed their initial objections following the receipt of the revised proposals, and both consider the design to be appropriate for the surrounding context. The proposal also allows for a more open and inviting entrance to the pier.

The Planning Officer reported that the application is supported by an Ecological Report. This identifies that breeding birds are present beneath the pier within the metal supports and building roofs on top of the pier are expected suitable nesting habitat for gulls. The Ecology Report concludes that

the proposal should include some enhancement measures for nesting birds, including nest boxes. The bird boxes should not be positioned directly above any windows or doors. The report also suggests that site lighting should avoid blue-white wavelengths and that external lighting be cowed to prevent upwards light spill. Conditions securing details of the biodiversity enhancement measures and details of external lighting are needed in order for the proposal to comply with CS11.

The Planning Officer reported that having considered the details provided, the application is considered to comply with policies CS1, CS2, CS8, CS9, CS10, CS11, CS15 and CS16 from the adopted Core Strategy, and policies GSP1, GSP4, GY6, A1, R6, R7, E1, E5 and C1 from the adopted Local Plan Part 2.

The Planning Officer reported that the applicant would need to obtain advertisement consent for the display of adverts on the digital screen and for the proposed installation of signage on the front façade.

The Planning Officer reported that application 06/23/0570/F is recommended for approval subject to the proposed conditions and informative notes as set out in the agenda report.

Councillor Freeman reported that he did not like the proposed shutters to be installed at the front of the Pier as it was sited in a Conservation Area and that he preferred the first design scheme to the revised design scheme. Councillor Murray-Smith reported that he agreed with Councillor Freeman. The Planning Officer reported that the installation of shutters could be considered due to the wider enhancements offered in the application.

Councillor Bird was concerned in regard to the size of the proposed signage and that it would be digital and be in operation 24/7. The Planning Officer reported that the signage would be a separate application.

Councillor Mogford requested that downwards cowl lighting be installed on the seaward side of the Pier to prevent light pollution issues for mariners.

Councillor Annison reported that he welcomed the further investment in the town and that he was pleased to support the application.

Proposer: Councillor Annison
Secunder: Councillor Mogford.

Following a unanimous vote, it was RESOLVED:-

That application 06/23/0570/F be approved as per the recommendation and conditions as set out in the agenda report.

06 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: 20:30

Development Management Committee Report



Committee Date: **12 June 2024**

Application Number	06/24/0125/F – (Click here to see application webpage)
Site Location	Nursery Barn, Rollesby Road, Fleggburgh, NR29 3AR
Proposal	Proposed conversion and change of use of agricultural storage barn to a new 4-bedroom residential dwelling; Retrospective external alterations and associated works, access and boundary treatments.
Applicant	Mr S Jarrold, 18 Winifred Way, Caister, Great Yarmouth, NR30 5AB
Case officer	Lucy Smith
Parish & Ward	Fleggburgh
Date Valid	15-04-24
Determination Due	10-06-24
Reason at committee	Departure from adopted local plan policy.

SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO APPROVE, SUBJECT TO OPEN SPACE PAYMENT AND CONDITIONS

1. The Site and Context

- 1.1 This application relates to an agricultural building sited outside the development limits but on the edge of the settlement of Fleggburgh. The barn consists of a simple vernacular with pitched tiled roof with the gable end facing the highway and light coloured brickwork with existing timber barn doors.
- 1.2 The barn is sited to the south east corner of an agricultural field, with an existing access to Rollesby Road directly in front of the barn to the east. An existing hedgerow extends up to the access and fencing forms the boundary treatment to the south.
- 1.3 A parcel of grassed land lies to the south of the site with a barn fronting the road, with Grade II Listed Farmhouse “The Shrubbery” sited approximately 40m to the south of the application site. A converted barn complex lies to the south of this dwelling. An agricultural field lies opposite the site, with residential dwellings adjacent to the south.

2. The Proposal

- 2.1. The application proposes to convert the existing agricultural barn to a dwelling house. This application follows a previous prior approval for a residential conversion, where works have commenced, which is described further in the planning history section of this report.
- 2.2. The proposal would involve the retention of the existing access with parking provision to the front of the property and includes the creation of a residential curtilage of approximately 0.15ha to the front and rear of the barn.
- 2.3. The external works proposed include the installation of horizontal shiplap cladding in black, retention of the existing barn doors to be repurposed for decorative purposes and the installation of windows and doors. The roof has already been replaced with black onyx double pantiles with rooflights installed in the northern roof slope. Bargeboard and fascias are proposed to be fitted.
- 2.4. Internal works include the installation of internal studwork walls to create a four-bedroom dwelling, with a partial mezzanine floor installed to provide a first floor. Internal works have also commenced following the previous prior approval consent.

3. Site Constraints

- 3.1. The site is located outside the development limits defined by GSP1.
- 3.2. The site falls within a Nutrient Neutrality catchment area (The Broads SAC), and the 400m to 2.5m protected habitats "Orange Zone".
- 3.3. The proposal is within the setting of the Grade II Listed Farmhouse "The Shrubbery", located approximately 40m to the south of the barn.
- 3.4. The site forms grade 1 Agricultural land.
- 3.5. The site falls within Flood Zone 1, where there is a low risk of flooding.

4. Relevant Planning History

- 4.1. The site has been subject to a prior approval application, submitted pursuant to Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, and later variations to this consent.
- 4.2. Prior approval was originally granted for a change of use of the agricultural building to dwellinghouse under application reference 06/20/0533/PAD, which was approved on the 11 December 2020.
- 4.3. A S73 application was then submitted under application reference 06/22/0869/VCU to vary the previously approved prior approval consent. Any proposal to vary a Class Q prior approval consent would be required to comply with all the criteria and limitations of Class Q. The proposed works included an amendment to the original plans to replace the roof using double concrete pantile in onyx black and the removal of a condition requiring an asbestos survey following the completion of an asbestos report. This application was approved on the 30 November 2022, and works were carried out to replace the roof.

- 4.4. A further S73 application was submitted in August 2023 and assigned reference 06/23/0692/VCF. This sought to further vary the previous permission 06/22/0869/VCU to include alteration to fenestration to include external alterations such as the installation of 3no. rooflights, installation of repurposed barn doors, bargeboards and fascias and exterior cladding, as well as internal alterations including installation of a mezzanine. The cladding, bargeboards and fascias and repurposed barn doors were considered to extend beyond works considered reasonably necessary for the building to function as a dwelling house, therefore not considered to comply with part Q.1(i). As such, the application was refused.
- 4.5. The applicant has proceeded with the proposed application due to having started works on the barn conversion, but no longer having a lawful consent to complete the works. Unlike a normal planning permission, approvals for works gained via a prior approval under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 must be completed within a specified time period. As this period has now lapsed, and the works approved under consent reference 06/20/0533/PAD (as amended by consent reference 06/22/0869/VCU) have not been completed, the consent falls away. The partially complete works to the barn are technically therefore represent a breach of planning control.
- 4.6. Other relevant planning history at the site includes application reference 06/07/0651/F which was a previous approval for conversion of existing barn to children's nursery and associated parking, determined on the 19 October 2007. This permission was not implemented.

5. Consultation responses

5.1. Conservation Officer

No objection

- 5.1.1. The Council's Conservation Officer has raised no objection and comments that the proposal offers an improvement to the setting of the Grade II listed Heritage Asset Shrubbery to the south of the proposal site. They do recommend that recommend that any boundary treatment is minimal and retains the open character, such as post and rail fencing.

5.2. Norfolk County Council – Highways Authority

No objection subject to conditions

- 5.2.1. The Highway Authority raise no objection but recommend that conditions are imposed to; require upgrading of the vehicular access to include arrangement for surface water interception and disposal, remove permitted development rights for gates/bollard chain/other means of obstruction and to condition that sufficient parking and turning is provided for 3no. vehicles.

6. Publicity and Representations

- 6.1. Consultations undertaken: Site notices and Press advert. Reasons for consultation: Departure from the adopted Local Plan and building within the Setting of a Listed Building . The overall expiry date for the consultation process on the revised plans was 17 May 2024

6.2 Ward Members – Cllr Thompson

6.2.1 No comments received.

6.3 Parish Council

6.3.1 Fleggburgh Parish Council supports approval of this application.

6.4 Public Representations

6.4.1 No public comments have been received.

7. Relevant Planning Policies

7.1 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 CS6: Supporting the local economy.
- 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.

7.2 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 A1: Amenity.
- Policy A2: Housing design principles
- Policy H4: Open space provision for new housing development
- Policy H7: Conversion of rural buildings to residential uses
- Policy R6: Kiosks and stalls.
- Policy R7: Food and drink amenity.
- Policy E1: Flood Risk.
- Policy E5: Historic environment and heritage.
- Policy E7: Water conservation in new dwellings and holiday accommodation.
- Policy I1: Vehicle parking for developments

- Policy 13: Foul drainage

7.3 Fleggburgh Neighbourhood Plan (adopted July 2022)

- Policy 2: Design
- Policy 3: Enhancing the Natural Environment
- Policy 5: Landscape Setting
- Policy 6: Dark Skies
- Policy 7: Surface Water Management
- Policy 11: Traffic and Safety

8. **Other Material Planning Considerations**

8.1 National Planning Policy Framework (Dec 2023)

The policies in the Framework are material considerations which should be taken into account in dealing with applications.

- Section 2. Achieving sustainable development
- Section 4. Decision-making
- Section 8. Promoting healthy and safe communities
- Section 9. Promoting sustainable transport
- Section 11. Making effective use of land
- Section 12. Achieving well-designed and beautiful 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

8.2 Supplementary Planning Documents

- Great Yarmouth Design Code (adopted January 2024)

8.3 Norfolk County Council Parking Guidelines for new developments in Norfolk (Revised July 2022)

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.*

Main Issues

- Principle of Development
- Design, Form and Character
- Impact on Historic Environment
- Amenity
- Highways
- Impact on Protected Habitats

10. Assessment

Principle of Development

- 10.1 The site is located on the edge of the settlement of Fleggburgh. The site falls outside of the development limits. Policy GSP1 directs that residential development will not be permitted on land outside of Development Limits except where specific policies in the Local Plan indicate otherwise.

Assessment against policy H7

- 10.2 Policy H7 relates specifically to conversion of rural building to residential uses, and states that residential conversion or re-use of buildings of heritage or landscape value outside the Development Limits for residential use will be supported where this secures that value in the long term and:
- a. it is demonstrated the building is of permanent and substantial construction and capable of conversion without major or complete reconstruction or replacement; and*
 - b. any extension, additional building(s) or curtilage provision is complementary to the scale and character of the retained building and its setting;*
 - c. it would not have a significant adverse effect on the amenities of neighbouring occupiers or the effective operation of nearby businesses;*
 - d. conditions are applied if this is required to avoid future extensions, curtilage buildings or other domestic paraphernalia undermining heritage or landscape justification for conversion;*
 - e. ensure that the conversion does not result in the loss of protected species (such as barn owls and bats) and provide compensatory habitat(s) where such loss is unavoidable; and,*
 - f. the conversion of the building would enhance its immediate setting.*

- 10.3 In order to comply with this policy, the building to be converted is required to be of “heritage or landscape value” and “*secure* that value in the long term”. The existing building is understood to have been built in the second half of the 20th century and does not hold architectural interest to be considered to be of heritage value. The building is sited on the edge of the settlement, and whilst not considered to be incongruous in the rural setting, is not considered to be of particular landscape value.
- 10.4 In regard to criteria a), the building is considered to be of permanent and substantial construction, as demonstrated by the previous prior approval consent (06/20/0533/PAD) and the internal work which has been progressed in pursuance to the previous consents, as well as informal conversations with Building Control.
- 10.5 Considering criteria b), there are no extensions or additional buildings proposed as part of this consent, however an extended curtilage is included within the proposal, which would not have been permitted by Class Q and the previous applications relating to this Class. The extended curtilage equates to approximately 0.15ha which is large in comparison with the moderately sized barn.
- 10.6 Criteria c) relates to amenity, and it is considered that this policy could be met by virtue of the siting, as assessed under the amenity section of this analysis.
- 10.7 Criteria d) encourages the application of conditions to ensure that future extensions, curtilage buildings or other domestic paraphernalia is restricted without further planning permission should this be required to make the proposal acceptable.
- 10.8 In regard to criteria e), as works have already commenced on the conversion, with the roof of the barn replaced and internal insulation and walls progressed, the proposed conversion is not considered to impact protected species such as bats. The proposal would not result in the loss of any trees or hedging, and the site has been maintained as cut grass. However, as the site does constitute a rural setting on the edge of an agricultural field, it is considered reasonable to expect mitigatory habitat and biodiversity enhancement.
- 10.9 Criteria f) requires the proposed conversion to enhance its immediate setting. Whilst it has been acknowledged that the existing building is not considered to be of particular landscape value, it is noted that the building has already been partially converted, and therefore there is an argument that completion would enhance the setting.
- 10.10 In view that the proposal does not present heritage or landscape value, and that a large curtilage conflicts with criteria b), the proposal is considered to be contrary to this policy.
- 10.11 The development seeks to create a new dwelling in a location where the Council would not normally support the provision of a new dwelling, as it is outside an identified settlement boundary and does not fall within one of the categories of development allowed for in such locations by the Local Plan. However, it is a material consideration that a prior approval consent was previously in place to allow for the conversion of the structure to a dwelling. Whilst the material weight of the consent issued under the prior approval is diminished now it has fallen away, the majority of the partial works to the structure are lawful. Therefore, it is unlikely the structure would be returned to agricultural use and appearance. In this context, the argument that the completion of the works would help to enhance the setting of the building, and therefore meet part of the policy aspiration of Policy H7, is considered to carry weight.

Assessment against policy CS6

- 10.12 In addition to the above, policy CS6(j) states that in order to support the local economy, development should minimise the potential loss of the best and most versatile agricultural land by ensuring that development on such land is only permitted if it can be demonstrated that there is an overriding sustainability benefit from the development and there are no realistic opportunities for accommodating the development elsewhere. Fleggburgh Neighbourhood Plan policy 5 also states that the loss of the best and most versatile agricultural land will not be supported other than where it can be demonstrated that significant community benefits demonstrably outweigh the harm arising from such loss.
- 10.13 The proposal would result in the loss of Grade 1 agricultural land which is the best quality farmland with no or very minor limitations to agricultural use. Whilst it is acknowledged that the proposal site has already been severed from the ownership of the agricultural holding, the existing use would still constitute agricultural land; and therefore the proposal is in conflict with these policies.
- 10.14 The previous prior approval consent issued under reference 06/20/0533/PAD had a much smaller redline area drawn tight to the building. This previous approval limited the level of residential curtilage created around the barn and minimised the loss of agricultural land.
- 10.15 The Great Yarmouth Design Code sets out recommended garden sizes for new dwellings. In the case of private gardens to detached homes, for a 4-bed home a minimum of 100sqm is expected to be provided, which is in excess to that as allowed under the permitted development rights of Class Q. Gardens are expected to be a minimum of 5m wide and provided in a single block. The proposed triangular section of garden area to the rear of the barn significantly exceeds this at approximately 700sqm. In this rural setting, where development is less dense and properties are characterised by larger garden areas, it is considered reasonable for the proposal to provide a larger curtilage than the minimum standards described by the Design Code. However, the level of overprovision sought directly increases to the harm to Policy CS6 by creating the loss of the best and most versatile agricultural land.
- 10.16 To address this, it has been negotiated with the applicant, that a meaningful section of the land around the building will not be used as residential curtilage but used to create an area of landscaping and biodiversity enhancement. The provision of this biodiversity enhancement and the visual benefits of additional suitable landscaping are considered to represent some degree of sustainability and community benefits that partially weigh against the harm created by the loss of agricultural land.

Design, Form and Character

- 10.17 Core Strategy Policy CS09 expects new development to provide a high quality of design, in part stating that development should *“respond to, and draw inspiration from the surrounding area’s distinctive natural, built and historic characteristics, such as scale, form, massing and materials, to ensure that the full potential of the development site is realised, making efficient use of land and reinforcing the local identity”, and to “promote positive relationships between existing and proposed buildings”*.
- 10.18 Policy A2 of Local Plan Part 2 policies states that proposals for new housing development will be expected to demonstrate high quality design which reflects local distinctiveness and

creates attractive and functional environments. In doing so, proposals should consider the local context and immediate street scene, a good relationship with landscape features, sufficient consideration of parking and incorporation of suitable natural features and landscaping. This policy states that new homes must also be built to meet requirement M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings where practicable and discreet bin storage should serve all dwellings. The NPPF also requires that decisions should ensure that developments are to the highest quality of design and are visually attractive and sympathetic to local character. Great Yarmouth Design Code builds on the above and provides further guidance, in this case most relevant to materials, boundary treatments and landscaping.

- 10.19 Fleggburgh Neighbourhood Plan, Policy 2 states all new development within Fleggburgh must demonstrate high-quality design. New development should be well integrated into the landscape and maintain the quality of transition between the settled and agricultural landscape as well as protect the landscape setting of the Broads. Buildings of innovative contemporary design will also be welcomed, as long as their scale, materials and design reflect the predominant building characteristics and enhance their surroundings.
- 10.20 The proposed works to the building have changed the material of the roof to black concrete tiles and would introduce shiplap exterior cladding, fascias and bargeboard and new fenestration. In terms of material, whilst the village predominantly consists of mixed red brick and rendered dwellings, the black cladding is characteristic of agricultural buildings in a rural setting, and the Design Code includes cladding in dark tones as a material suitable for a rural setting. The proposal maintains a simple pitched roof and proposes no extensions which creates an appropriate form and maintains a farmstead design language.
- 10.21 The proposed parking would be considered to be successfully obscured from the surrounding street scene by virtue of the hedging to the front of the site. Post and rail fencing is proposed elsewhere on site which is considered to be a soft boundary treatment characteristic of the setting. Overall, there is not considered to be a significant adverse impact on the landscape setting, with the proposal maintaining an edge of settlement character and appearing appropriate in the context. It is considered necessary to remove permitted development rights for extensions, outbuildings and fencing in order to retain control over alterations which may erode the open character of the rural setting and the design of the barn conversion, which benefits form a simple, and in order to ensure accordance with policy CS11 which requires safeguarding and enhancement of the wider landscape character.

Impact on Historic Environment

- 10.22 The application site is located outside of Fleggburgh Conservation Area, but is in the setting of the Grade II Farmhouse “The Shrubbery”.
- 10.23 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.
- 10.24 Policy CS10 of the Core Strategy requires the conserving and enhancing the significance of the borough's heritage assets and their settings, and policy E5 of the Local Plan Part 2 directs 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.

- 10.25 The Conservation Officer has been consulted on the application and has raised no objection to the proposal, stating that the proposal would offer an improvement to the setting of the Grade II listed Heritage Asset 'The Shrubbery', by virtue of the proposals design and materials.
- 10.26 The NPPF states 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. 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 including, where appropriate, securing its optimum viable use. As the proposal is not considered to cause harm to the designated heritage asset, public benefit would not need to be provided. However, it is acknowledged that there is the benefit of provision of an additional dwelling toward the Council's housing supply.

Amenity

- 10.27 The NPPF and Core Strategy Policy CS9 expects development to protect the amenity of existing and future users of land. Policy A1 expands on this approach and states:
- Planning permission will be granted only where development would not lead to an excessive or unacceptable impact on the amenities of the occupiers of existing and anticipated development in the locality, in terms including:*
- a. overlooking and loss of privacy;*
 - b. loss of light and overshadowing and flickering shadow;*
 - c. building and structures that will be overbearing;*
 - d. nuisance and disturbance from:*
 - waste and clutter*
 - intrusive lighting*
 - visual movement*
 - noise*
 - poor air quality (including odours and dust); and*
 - vibration.*
- 10.28 The barn is not sited immediately adjacent to any neighbouring properties and presents the conversion of an existing building, meaning that there would not be an increase in overshadowing, loss of light or an overbearing impact.
- 10.29 Whilst a mezzanine floor is proposed as part of the development, the windows and rooflights which serve this would be located to the north and east elevations, where there would be no harmful impacts created in terms of overlooking.
- 10.30 The proposal is not considered to give rise to any impacts as described under d), however given that Policy 6 of Fleggburgh Neighbourhood Plan states that development should seek to minimise light spillage through good design and should not introduce lighting that results in the loss of night-time dark skies, is considered reasonable to recommend a condition relating to the submission of details of any future external lighting proposed at the site.

Highways

- 10.31 Core Strategy Policy CS16 expects that new development does not have an adverse impact on the safety and efficiency of the local road network for all users.
- 10.32 The proposal includes the retention of the existing field access, with adequate space provided to the front of the barn to accommodate the parking and turning for 3no. vehicles as required by Norfolk County Council Parking Standards.
- 10.33 Norfolk County Council have been consulted on the application and raise no objection subject to conditions relating to upgrading of the vehicular access, removal of some permitted development rights for gates/bollard chain/other means of obstruction and to condition that sufficient parking and turning is provided for 3no. vehicles.
- 10.34 It is acknowledged that the proposal site is to the edge of the settlement, where there is no existing footway into the village to the front of the property. However, given that there is less than 40m to the footway on the eastern side of Rollesby Road, which then continues into the village, it would not be considered necessary or reasonable to require the provision of additional off-site highways works to extend this. The character of the road in this location is an unmarked carriageway with low to moderate traffic, where the speed limit increases from 30mph to the national speed limit when departing the village travelling northwards, however traffic tends to remain at a lower speed initially by virtue of the narrower road and rural bends. The traffic has already begun to slow when entering the village travelling southwards.

Ecology and landscaping

- 10.35 Whilst the proposal is not considered to result in an adverse impact on protected species, it is acknowledged that the proposal represents the opportunity to enhance the natural environment and contribute to the creation of biodiversity features, as in accordance with policy CS11 of the Core Strategy. The proposal would not be applicable for the mandatory provision of 10% Biodiversity Net Gain as introduced by the Government in April 2024, as the application was validated prior to this.
- 10.36 Whilst landscaping plans have not been submitted with the application, the applicant has agreed to providing biodiversity enhancement such as bird and bat boxes, as well as the retention of hedgerows and the planting of trees. It is considered that a suitable condition could secure these.

Nutrient Neutrality

- 10.37 The site falls within the Nutrient Neutrality catchment area. As required by the Habitats Regulations, and as advised by Natural England's letter to Local Authorities in March 2022, new development comprising overnight accommodation such as new housing development, tourist accommodation and care homes within the catchment of these habitats has the potential to cause adverse impacts with regard to nutrient pollution. However, the applicant has confirmed that the property will be connected to the mains sewerage system, which is served by a treatment works which discharges outside of the catchment area. Therefore, there will be no effect and a habitat regulations assessment is not required for the purpose of nutrient neutrality.
- 10.38 It is considered necessary to include a condition requiring the development to be served by mains sewerage for the lifetime of the development.

Habitat Mitigation

- 10.39 The site falls within the 400m to 2.5m protected habitats “Orange Zone”, and as such a template Habitat Regulations Assessment (HRA) has been submitted to assess the affects on the protected habitats. The Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy identifies that all residential development and tourist accommodation development within the Borough could give rise to recreational disturbance impacts on Habitats Sites, and that a financial contribution of £221.17 per new dwelling will provide mitigation for in-combination effects. This GIRAMS payment has been paid for this proposal, and therefore it is considered that the recreational impacts can be successfully mitigated against.

Public Open Space

- 10.40 Policy H4 states that new residential developments will be expected to make provision for publicly accessible recreational open space based upon the following Borough-wide standards unless it can be demonstrated through the Council’s published evidence, or the submission of a more up-to-date open space assessment, that there is a sufficient local surplus of provision in the listed types of open space to meet the needs of existing residents and those arising from future occupiers of the proposal.
- 10.41 Great Yarmouth Open Space Assessment indicates that Fleggburgh has a deficit in all types of open space except from Accessible Natural Green Space. As such, an off-site contribution is considered to be required, which equates to £1,254.29 per dwelling in Fleggburgh. This will need to be paid to the Local Planning Authority prior to the decision being issued.

Human Rights Act

- 10.42 The Human Rights Act can be a material consideration in the assessment of a planning application. Article 8 of the Human Rights Act protects individuals from the interference by a public authority to their private and family life, and home, except where it is necessary in accordance with specified wider public interests. Although they are intending to use the proposed barn conversion as their main family home, the applicant is not currently occupying the building. Any refusal to allow the occupation of the barn as a home, or a conditional approval that placed limits on how the property might be used, would be based on a need to protect the policies of the Council’s Local Plan and therefore on this basis it is not considered a refusal or conditional approval would represent a breach of the applicant’s Article 8 rights.

Delays

- 10.43 The applicant has expressed concerns that delays from the Council in handling applications submitted prevented them from completing the to convert the barn within the time period specified under the prior approval consent in place. Following an investigation under the Council’s formal complaints process, the conclusion was that the situation of the Class Q consent falling away, was not a direct consequence of the Council’s actions. It was due to works being undertaken outside the scope of the permission, then a decision to wait until subsequent applications were determined before finalising the building.

Planning Balance

- 10.44 In regard to procedural fairness, notwithstanding any delays, it is not considered that there was a reasonable expectation for the previous consents to be lawfully completed due to the time restrictions on the Class Q permissions. As such, there is no fallback position now that the previous prior approval consents have expired. The works that have been carried out on site are broadly in accordance with the previous planning consents, however any future works to progress or complete the previous prior approval permissions would be considered unauthorised works.
- 10.45 Therefore, whilst it is a material consideration that the works have commenced but have not been completed on site, the assessment has mainly considered the proposal against the adopted planning policy as a new proposal.
- 10.46 The proposal is considered to conflict with policy H7 as it does not present heritage or landscape value, and that the proposed curtilage is disproportionate in size to the existing barn. The proposal also conflicts with policy CS6(j) as the proposal would result in the loss of Grade 1 agricultural land.
- 10.47 However, these policy conflicts are partially offset through a combination of factors. The works have progressed on site under the previous planning consents and the likelihood of the barn returning to agricultural use or appearance. Complete on the works would better enhance the setting of the building. The Conservation Officer concludes the proposal would also enhance the setting of the Grade II Listed Farmhouse “The Shrubbery”.
- 10.48 The agricultural land has already been severed from the agricultural unit through the sale of the barn with the previous prior approval permission. The impacts of the loss of the agricultural land are being addressed by limitation of the domestic curtilage and the addition of landscaping and biodiversity enhancement.
- 10.49 As such, on balance, it is considered that the proposal could provide additional benefits to outweigh the policy conflict.

11. Conclusion

- 11.1 Having considered the details provided, the application is considered to comply with policies CS1, CS2, CS3, CS9, CS10, CS11, CS13, CS15 and CS16 from the adopted Core Strategy, and policies A1, A2, E1, E5 and I1 and I3 from the adopted Local Plan Part 2. Whilst there is conflict with policies H7 and CS6(j), on balance, the proposed mitigations secured by conditions, and benefits of the scheme are considered to outweigh the policy conflict.

12. Recommendation

- 12.1 It is recommended that the Committee delegate authority to the Head of Planning to APPROVE the application 06/24/0125/F and grant full planning permission subject to:
- a) Receipt of a contribution towards open space in the amount of £1,254.29; and
 - b) The conditions listed below (to be modified as necessary).

Conditions

In accordance with plans

1. The development shall be carried out in accordance with the following revised plans received by the Local Planning Authority on the 15 April 2024:
 - Combined Location Plan, Site Plan, Elevations
 - Red Line Site Plan
 - Completed application form

Reason: For the avoidance of doubt.

Foul drainage

2. The development shall be connected to the mains sewer network for the disposal of foul drainage from this development and there shall be no other means of foul drainage disposal. The development shall thereafter remain connected.

Reason: To ensure there is no detrimental impact on internationally protected wildlife sites in accordance with policies CS11 and GSP5, and to secure the mitigation required to allow the development to pass the Appropriate Assessment required by the Conservation of Species and Habitats Regulations 2017 (as amended).

External Lighting

3. Notwithstanding the provisions under the Town and Country (General Permitted Development) (England) Order 2015, no external lighting shall be installed on site without the express permission of the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with Policy 6: Dark Skies of Fleggburgh Neighbourhood Plan.

Boundary Treatment

4. No fences, gates, walls or other means of enclosure as defined within Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order)(with or without modification), other than the post and rail fencing to a maximum height of 1.2 metres, as specified by the application form, shall be carried out on the land unless an appropriate planning application is first submitted to and approved by the local planning authority.

Reason: In the interests of visual amenity and landscape impact, as in accordance with policy CS9 and Great Yarmouth Borough Wide Design Code.

Removal of PD rights for Classes A, B, C, D E and G

5. No enlargement, improvement or other alterations of the dwelling [Class A]; no additions or alterations to the roof/s [Class B & C]; no provision of porches [Class D]; nor the provision within the curtilage of the dwelling of any building or enclosure, swimming or other pool [Class E]; or chimneys, flues or soil and vent pipes [Class G] or any other works as defined by Classes A, B C, D, E and G of Part1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), shall be erected or brought onto the land unless an appropriate planning application is first submitted to and approved by the local planning authority.

Reason: In the interests of the satisfactory appearance of the development in accordance with policies CS9 of the Core Strategy, A2 of Local Plan Part 2, and Policy 5 of Fleggburgh Neighbourhood Plan.

Landscaping and Biodiversity Enhancement

6. Prior to the first occupation of the dwelling hereby permitted, permission, a landscaping and biodiversity enhancement scheme shall be submitted to and approved by the Local Planning Authority. The submitted scheme shall include:
- a) indications of all proposed planting, including species and size;
 - b) details of any landscape features or hedgerows to be retained, together with measures for their protection in the course of development;
 - c) plans detailing the biodiversity enhancement measures proposed to be installed, and their location(s) on the site, together with a means of enclosure to separate them from areas of domestic curtilage;
 - d) an Implementation Plan detailing the specification and timings for all works to implement the scheme; and
 - e) a Management Plan detailing how the landscaping and biodiversity enhancement features are to be maintained in perpetuity.

The landscaping and biodiversity enhancement measures shall thereafter be carried out in strict accordance with the approved Implementation Plan (d), and the landscaping and biodiversity enhancement measures thereafter retained and maintenance in accordance with the approved Management Plan (e).

Reason: In the interests of the sustainability and the visual amenities of the locality.

Informative: It is anticipated that biodiversity enhancement measures are provided in the form of bird, owl and bat boxes, beneficial planting and the creation of potential habitats. It is anticipated that a meaningful section of the land will be excluded from the residential curtilage will provide landscaping and biodiversity enhancements.

Upgrading of Access

7. Prior to the first occupation of the dwelling hereby permitted, vehicular access shall be upgraded in accordance with the Norfolk County Council residential access construction specification for the first 5 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be

intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement.

No means of Obstruction Across Access

8. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Parking to be Laid Out

9. Prior to the first occupation of the development hereby permitted space sufficient to the satisfaction of the Local Planning Authority shall be provided within the site to enable three cars to park, turn and re-enter the highway in forward gear. This area shall be laid out, demarcated, levelled, surfaced, drained and be retained thereafter available for that specific use.

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

Informative Notes

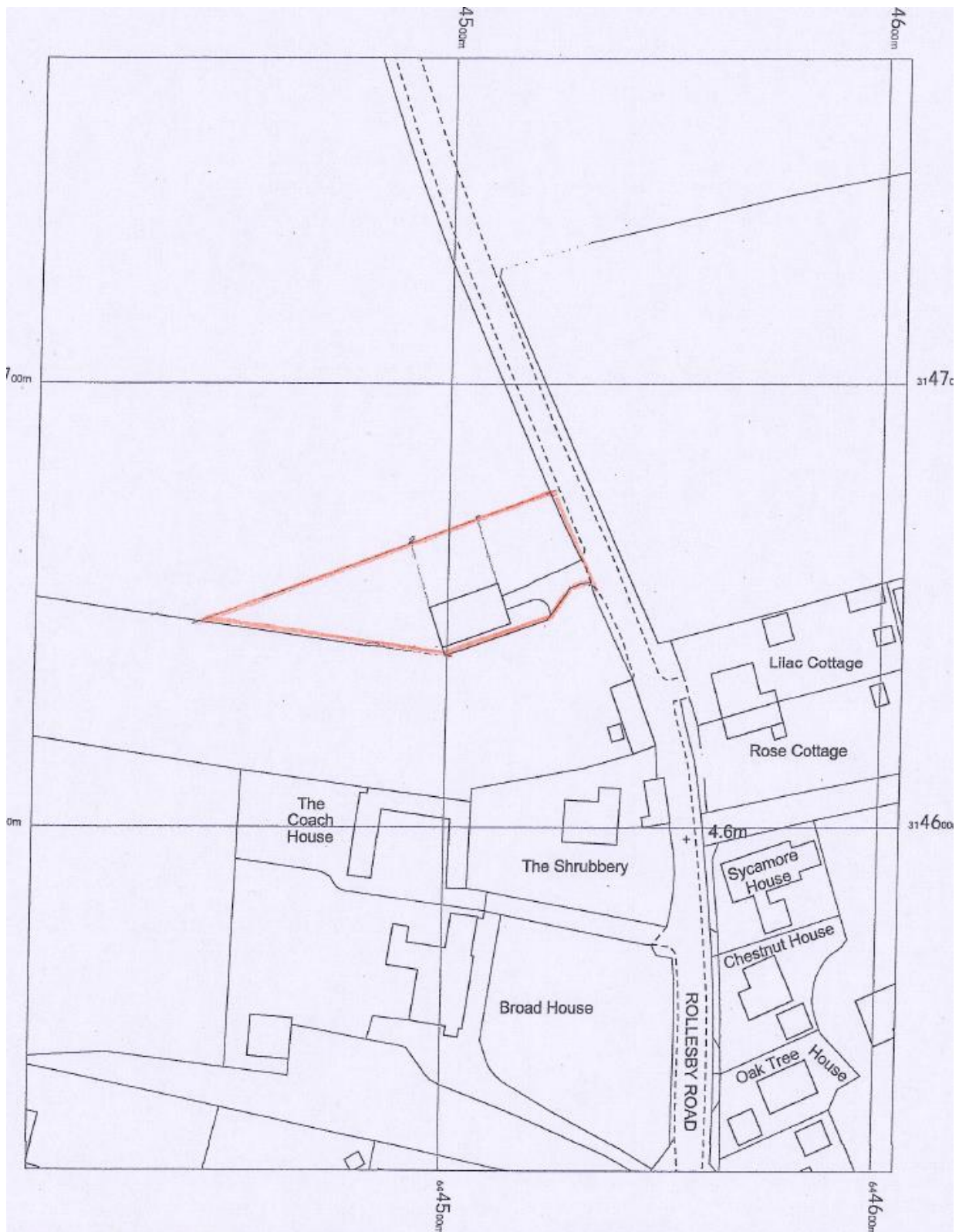
1. This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

It is an OFFENCE to carry out any works within 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. Advice on this matter can be obtained from the County Council's Highway Development Management Group. Please contact developer.services@norfolk.gov.uk

If required, street furniture will need to be repositioned at the Applicants own expense.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

APPENDIX 1: Site Location Plan



Development Management Committee Report



Committee Date: 12 June 2024

Application Number	06/24/0088/LB– (Click here to see application webpage)
Site Location	Gorleston Pavilion, Pavilion Road, Gorleston, Great Yarmouth, NR31 6PP
Proposal	Proposed works to storm damaged copper sheet roof covering on the Small Hall roof to match the roof on the Main Hall. Make good the south side gutter, strap down the clock tower roof turret and screw fix the bottom edge of copper sheets on the four largest turret roofs. Take down defective and loose gutters on the Turrets. Removed grey boarding on the east Gable of the Small Hall roof and replace with WPB ply and bitumen felt. Wrap 15 decayed balusters around the building with geo textile fabric and waterproof tape.
Applicant	Mr Alex Youngs, Gorleston Pavilion Trust Limited
Case officer	Lucy Smith
Parish & Ward	St Andrews Ward, Great Yarmouth
Date Valid	03-04-2024
Determination Due	29-05-2024
Reason at committee	Connected application – the application site is owned by the Borough Council.
Procedural notes	This application was reported to the Monitoring Officer as an application submitted for development on land owned by the Borough Council. The application was referred to the Monitoring Officer for their observations on 4 June 2024, to afford the Monitoring Officer an opportunity to check the file and ensure they are 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. Any discrepancies will be raised by the Monitoring Officer prior to the meeting.

SUMMARY OF RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS

1. The Site and Context

- 1.1 The Proposal site consists of the Grade II Listed Gorleston Pavilion Theatre, located within the development limits of Gorleston. The site is bordered by Pier Gardens, Pavilion Road and Pier Road, west of the Pier and north of the beach. The area has a mix of uses including cafes,

residential dwellings and an amusement park, with many visitors visiting the area for the beach and surrounding facilities.

- 1.2 The building is a late Victorian brick and terracotta clad Art Noveaux inspired building. It is listed grade II, built 1901 by JW and OH Cockrill. The building's listing is as below:

“Theatre and pavilion. 1901. By JW Cockrill assisted by OH Cockrill. Red brick with terracotta decoration. Copper roofs. EXTERIOR: 2 storeys. Plan is of an auditorium running north-south with a lower aisle on the west side. Towards the south end is a higher rectangular block arranged transeptally with 4 corner towers, and abutting the south of this is a single-storey narthex with a balustraded terraced roof. The narthex has a mid C20 entrance fascia under a hood. Clasping side pilasters. The towers of the transept block have 2-light casements to the principal faces under terracotta arches with shell designs. Balustrades below 4 domes with decorative iron cresting. The west return with 3 arched doors and one blind door formerly the principal entrance. Main south face at first-floor level with four 2-light windows with a vesica. The west side and the west aisle each have 3 segmental windows filled with modified Perpendicular tracery designs and there is a fourth to the north return. 3 paired lancets to the main north wall. East flank of 7 bays, 6 of which have 2-light windows with vesicae. The north bay has an entrance porch. INTERIOR: not inspected.”

2. The Proposal

- 2.1. The application proposes to carry out a number of external alterations, as listed below:

- To replace storm damaged copper sheet roof covering on the Small Hall roof with fully adhered bitumen felt to match the main hall;
- To make good the south side gutter, strap down the clock tower roof turret and screw fix the bottom edge of copper sheets on the four largest turret roofs;
- To take down defective and loose gutters on the Turrets, carefully set aside the decorative copper roof vent/cowl;
- To remove grey boarding on the east Gable of the Small Hall roof and replace with WPB ply and bitumen felt; and
- To wrap 15 of the existing balusters around the building with geo textile fabric and waterproof tape.

- 2.2 The works are part of the first stage of a longer-term programme to fully restore the building, and therefore some of the works are only proposed on a temporary basis until additional funding is secured.

- 2.3 The proposed works require listed building consent only, and does not require full planning permission.

3. Site Constraints

- 3.1. The site is located within the development limits defined by GSP1.

- 3.2. The application site is located within the No.17 Conservation Area and the building is Grade II Listed.

3.3. The application site is located within Flood Zone 2, a Flood Warning Area and a Water Management Area.

3.4. The site is located within the Orange 400m-2.5km Indicative Habitat Impact Zone.

4. Relevant Planning History

4.1. There is planning history on the site, with a number of applications relating to external lighting, although none is directly applicable to this application. A full list of the planning history can be found on the Council's website.

5. Consultation responses

5.1. Historic England

No comments

5.2.1 Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

5.2. Conservation Officer

No objection subject to conditions

5.2.1 Following the submission of further detail, the Conservation Officer raised no objection subject to conditions to; allow for the LPA's Conservation Officer to inspect the balusters once the boarding has been removed, restrict the approval of the temporary felt roof to 5 years, restrict the approval of all other temporary removal works to 5 years and that all items removed from their current location (window, lantern etc.) shall be stored at the Pavilion until their reinstatement.

5.3. Theatres Trust

No objection

5.3.1. The Theatres Trust had initially urged the submission of a Heritage Statement to properly analyse and justify the works the proposed works. Although a full Heritage Statement had not been submitted, the specific works are were described through the submission of a "Clarifications" document, received on the 9 May 2024 which provides additional information and the Trust have since confirmed they are happy to support the granting of listed building consent.

6. Publicity and Representations

6.1. Consultations undertaken: Site notices and Press advert as Listed Building and development within a Conservation Area. The overall expiry date for the consultation process on the revised plans was the 3 May 2024.

6.2 Ward Members – Cllr Wright and Cllr Upton

6.2.1 No comments received.

6.3 Public Representations

6.3.1 No public comments have been received.

7. **Relevant Planning Policies**

7.1 The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS8: Promoting tourism, leisure and culture.
- Policy CS9: Encouraging well-designed, distinctive places.
- Policy CS10: Safeguarding local heritage assets.
- Policy CS15: Providing and protecting community assets and green infrastructure.

7.2 The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy A1: Amenity.
- Policy E5: Historic environment and heritage.
- Policy C1: Community facilities.

8. **Other Material Planning Considerations**

8.1 National Planning Policy Framework (Dec 2023)

The policies in the Framework are material considerations which should be taken into account in dealing with applications.

- Section 4. Decision-making
- Section 12. Achieving well-designed and beautiful places
- Section 16. Conserving and enhancing the historic environment

8.2 Supplementary Planning Documents

- Great Yarmouth Design Code (adopted January 2024)

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.*

- 9.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 16(2) states that in considering whether to grant listed building consent for any works the local planning authority 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. Any listed building consent shall (except in so far as it otherwise provides) endure for the benefit of the building and of all persons for the time being interested in it.

Main Issues

- Principle of Development
- Impact on Historic Environment

10. Assessment

Principle of Development

- 10.1 The site is located within the Gorleston Development Limits, and would involve the upgrading of a valuable historic building. Policy CS8 states that to ensure the tourism sector remains strong, the Council will Safeguard key tourist, leisure and cultural attractions and facilities, including Gorleston Pavilion Theatre. Core Policy CS15 and Policy C1 also support the upgrading of community facilities.
- 10.2 In view of the above, the principle of repairing and upgrading the existing building is supported by the adopted development plan. However, as this proposal relates to listed building consent only, the main consideration would be the impact on the designated heritage asset.

Impact on Historic Environment

- 10.3 The application site is located within the No.17 Gorleston Extensions Conservation Area and the building is Grade II Listed.
- 10.4 As the building is a listed building and sited within the Conservation area, both Section 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant. Section 66 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority 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. Section 72 of the Act directs that with respect to any buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 10.5 In addition to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS09 requires that proposals should respond to, and draw inspiration from the surrounding area's distinctive natural, built and historic characteristics, such as scale, form, massing and materials, reinforcing the local identity. Policy CS10 requires that proposals conserve and enhance the significance of the borough's heritage assets and their settings, such as Conservation Areas, Listed Buildings, Scheduled Ancient Monuments, archaeological sites, historic landscapes including historic parks and gardens, and other assets of local historic value. An approach which is expanded upon by policy E5.

- 10.6 Redevelopment of the Pavilion Theatre is considered to be an opportunity to enhance the building's significance. However, it is acknowledged that some of the works proposed as part of this application would cause short term harm to the heritage asset.
- 10.7 The building's Listing refers to both roofs being copper, despite the main hall roof having already been replaced with felt. Removal of the damaged copper roof to the small hall, which is a valuable original feature, would be considered to harm the significance of the heritage asset. However, the applicant has confirmed that this will be temporary. The works are considered emergency works as they are currently causing the building to be unsafe. However, the applicant has confirmed that they intend to be underway with a full programme of restoration works within the next 5 years, and are therefore agreeable to a condition to state that the felt roof is temporary for a 5 year period, at which point the roof will be replaced with a repaired copper roof.
- 10.8 The cast iron gutting is decaying and fractured, causing the pipework to be unsafe and ineffective. The Conservation Officer has negotiated that the pipework is replaced with brown coloured Ogee plastic gutter with a matching downpipe. These works relate to only a section of damaged pipework on the southern side of the building, with the rest remaining in situ, meaning that the harm is minimised. This is a permanent proposal for the time being until a further listed building consent will be required for the replacement.
- 10.9 The screw fixing of the bottom edge of copper sheets on the four largest turret roofs is considered repair work to prevent further damage occurring to the roof and turrets. The replacement of the grey boarding on the east Gable of the Small Hall roof with WPB ply and bitumen felt is also considered minimal work to ensure the integrity of the building on a temporary basis.
- 10.10 The decorative vent/cowl is very characteristic of the building. This application proposes to remove this with the intention to reinstate this along with other lost features such as the pinnacle lanterns/finials. This is temporary remedial work and as such we would look to condition that the vent/cowl is reinstated within 5 years. The agent has confirmed that the vent/cowl will be stored on site, in order to prevent potential damage or loss.
- 10.11 The temporary geotextile fabric wrap around the 15no. balusters is also temporary in order to provide waterproofing, and is considered to cause a level of temporary harm. The proposed material is a white cloth woven material which is proposed to wrap around the features in order to contain loose material from falling off and provide thermal protection from frost.
- 10.12 Given that the proposals are temporary works for the long-term improvement of the building, the harm is considered to be less than substantial, rather than substantial harm. The NPPF states that 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 including, where appropriate, securing its optimum viable use. In this case, the proposals are considered to make the building safe and to prevent elements falling into the street or decaying further through exposure or water ingress. Overall, the proposal is considered to present the public benefit of securing the optimum value of the building, which is considered a community facility as well as heritage asset. The temporary works protect the integrity of the building and will enable the further programme of works which will enhance the significance of the heritage asset.

- 10.13 In regard to the setting of the conservation area, whilst the temporary works, such as the felt covering of the roof, removal of the cowl and fabric wrapping of the balusters would be considered to impact the setting of the Conservation Area, overall the proposal would preserve the significance of the wider conservation area. As these elements will be secured on a temporary basis until the further works are funded and progressed, it is considered on balance that the Conservation Area will be enhanced in the long-term.
- 10.14 The Conservation Officer has been consulted on the application and raises no objection subject to appropriate conditions requiring that the temporary elements are only given consent for a period of 5 years.
- 10.15 Historic England were consulted and provided no comments. The Theatres Trust had originally requested a heritage statement. Whilst a standalone document was not submitted as part of the application, the submission included a Design and Access statement with some level of assessment of the significance of the asset, and a further heritage statement was not considered necessary. Following the submission of further information relating to the proposals, the Theatres Trust had confirmed that they raise no objection.

11 Conclusion

- 11.1 Having considered the details provided, the application is considered to comply with policies CS8, CS9, CS10, CS15 from the adopted Core Strategy, and policies A1, E5 and C1 from the adopted Local Plan Part 2. As the works are mainly temporary in order to aid a longer-term restoration programme, the impact on the historic significance of the Grade II listed building can be minimised through appropriate conditions.
- 11.2 It is considered that there are no other material considerations to suggest the application should not be recommended for approval.

12. Recommendation

- 12.1 It is recommended that application 06/24/0088/LB should be APPROVED subject to the proposed conditions listed below.

Conditions

Time Limit

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

Reason: 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.

In accordance with plans

2. The development shall be carried out in accordance with the following revised plans received by the Local Planning Authority on the 1 April 2024:
- Block Plan
 - Location Plan
 - Design and Access Statement; (Statement of Significance & Report on the Condition of the Roofs)
 - Small Hall Roof Identification
 - Small Hall Roof Repairs Correspondence

And the following document submitted on the 9 May 2024:

- Clarifications document

Reason: For the avoidance of doubt.

Replacement guttering

3. The section of guttering to be replaced on the south side of the building shall be replaced with brown coloured Ogee plastic gutter with a matching downpipe, as confirmed by the "Clarifications" document submitted on the 9 May 2024.

Reason: For the avoidance of doubt.

Inspection of Balusters

4. At the point at which the grey boarding is removed from the east elevation, the applicant must inform the Local Planning Authority to allow for an inspection of the balusters prior to the replacement with WPB ply and bitumen felt.

Reason: To secure and safeguard the provision for inspection and recording of matters of architectural/archeological/historical importance associated with the building/site that may be lost in the course of works.

Replacement copper roofing

5. The proposed replacement of the copper roof of the small hall with bitumen felt shall only be approved on a temporary basis. Within 5 years of the date of this permission, full details of the replacement of the roof with a copper replacement shall be installed following the granting of an additional listed building consent application.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Replacement decorative vent/cowl

6. The proposed removal of the decorative vent/cowl shall only be approved on a temporary basis. Within 5 years of the date of this permission, full details of the replacement of the repairs and reinstatement of the decorative vent/cowl shall be installed following the granting of an additional listed building consent application.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Storage of items

7. All items removed from their current location, including the decorative vent/cowl shall be stored on site at the Pavilion until their reinstatement.

Reason: To secure and safeguard the provision for inspection and recording of matters of architectural/archeological/historical importance associated with the building/site that may be lost in the course of works.

APPENDIX 1: Site Location Plan

