



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 02 February 2022

Time: 18:00

Venue: Council Chamber

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

AGENDA

Open to Public and Press

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

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

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

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

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

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

3	<u>MINUTES</u>	4 - 27
	To confirm the minutes of the meeting held on 8 December 2021.	
4	<u>APPLICATION 06-20-0618-F - LAND EAST OF CHURCHILL ROAD & NORTH OF ESCOURT ROAD, GREAT YARMOUTH</u>	28 - 53
	Report attached.	
5	<u>APPLICATION 06-21-0925-F AND 06-21-0926-A - CAR PARK AT BURGH CASTLE ROMAN FORT, BUTT LANE, BURGH CASTLE, NR31 9QB</u>	54 - 71
	Report attached.	
6	<u>APPLICATION 06-21-0951-F - FORMER PONTINS HOLIDAY CENTRE, BEACH ROAD, HEMSBY, NR29 4HJ</u>	72 - 99
	Report attached.	
7	<u>APPLICATION 06-21-0329-F - POP'S MEADOW, PAVILION ROAD, GORLESTON</u>	100 - 143
	Report attached.	
8	<u>APPLICATION 06-21-0684-F - 2 GOURNAY AVENUE, GORLESTON, GREAT YARMOUTH, NORFOLK, NR31 6DZ</u>	144 - 176
	Report attached.	
9	<u>APPLICATION 06-21-0794-F - 14 KING STREET, GREAT YARMOUTH</u>	177 - 184

[illegible]

Report attached.

11 PROPOSED PLANNING VALIDATION CHECKLIST

A Verbal update will be given at the meeting.

12	<u>SUPPLEMENTRY REPORTS</u>	193 -
	DELEGATED DECISIONS MADE BETWEEN 01.10.2024 & 05	214

- DELEGATED DECISIONS MADE BETWEEN 01-12-2021 & 25-01 2022.
- COMMITTEE DECISIONS MADE BETWEEN 01-12-2021 & 25-01-2022.
- APPEALS DECISIONS.

13 ANY OTHER BUSINESS

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



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Minutes

Wednesday, 08 December 2021 at 18:00

PRESENT:-

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

Mr D Glason (Director of Planning & Growth), Ms C Whatling (Monitoring Officer), Mr R Parkinson (Development Control Manager), Mr G Bolan (Planning Officer), Mr C Green (Senior Planning Officer) & Mrs C Webb (Executive Services Officer).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor P Hammond.

2 DECLARATIONS OF INTEREST

Councillors Annison, G Carpenter, Flaxman-Taylor, Freeman, Hanton & Mogford declared a personal interest in item 4 as they were friends of the applicants, Mr P & Mrs D Hammond.

Councillor Annison declared a personal interest in item 8, as the applicant, Mr

A Pembroke, was known to him.

Councillor Freeman declared a personal interest in item 9 as he was the Ward Councillor & Parish Councillor for Ormesby St. Margaret. The Chairman reported that all of the remaining Councillors of the Committee would declare a personal interest in item 9, as the applicant, Mrs S Wintle, an employee of the Council, was known to them.

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

3 MINUTES

The minutes of the meeting held on 10 November 2021 were confirmed.

4 APPLICATION 06-20-0618-F LAND EAST OF CHURCHILL ROAD & NORTH OF ESCOURT ROAD, GREAT YARMOUTH

The Development Control Manager reported that this item had been withdrawn.

5 APPLICATION 06-21-0766-CU LAND ADJACENT TO (COPPERFIELD), BLACKBIRD CLOSE, BRADWELL

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

The Planning Officer reported that the application is for the retrospective change of use of land at the rear and adjacent to Copperfield, Mill Lane, Bradwell and to the west of 73 Blackbird Close. Copperfield is a single storey property which occupies a corner plot between Blackbird Close and Mill Lane. The area of Land concerned by the current application is located to the rear (east) of Copperfield. The site was land formerly used for siting an electricity pylon. Until recently, the site was enclosed only on the west, south and east by the 1.8m brick garden walls of Copperfield and 73 Blackbird Close.

The Planning Officer reported that the application is retrospective, and the applicant has already enclosed the area of land with a 1.8m high close boarded fence as an extension to the Copperfield garden. The area of land enclosed measures out to a length of 8.5m and a width of 9.5m but the proposal within this application does not enclose all the open land of the former pylon site, and there is a depth of 4.5m x 9.5m of land remaining open and not included in the inclusion of residential curtilage. This smaller 57sqm area adjoins the pavement of Blackbird Close, The area of land was originally used by Eastern Power Networks to place and maintain a pylon, the pylon has since been removed from the site, there has not been an exact date supplied or obtained regarding the removal of the pylon on which is a bus stop.

The Planning Officer reported that at the time of writing the agenda report, there have been 5 objections received to the application, 3 of which are from ward councillors, 1

objection from Bradwell Parish Council and 1 objection from a member of the public. Many of the objections raised to the application refer to the applicant not owning the land which has been enclosed. As a part of the application process the applicant has signed certificate D, and certificate D states that it should be used when: Certificate A can not be issued for this application; all reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, was the owner and/or agricultural tenant of any part of the land to which the application relates, but I have/the applicant has been unable to do so.

The Planning Officer reported that the applicant published a notice in the Great Yarmouth Mercury on the 29th October 2021 as required under certificate D, and the Borough Council is not aware of any potential owners coming forward, it is therefore considered that the applicant has satisfied the criteria for validation of the planning application and the application has been considered on Planning merits only. Members will be aware that land ownership and/or property values cannot form a material planning consideration in the determination of planning applications. However, the ownership situation of the site now appears to have been very recently progressed, because on 29th November the applicant contacted the LPA to say that they have found and contacted the landowner, a Mr Tubby, and completed the purchase of the land from them. According to the applicant their ownership of the land includes both the planning application site enclosed by the fence, and the area between fence and footpath. This has not yet been verified by the Land Registry because on 29/11/21 the sale registration documents had not yet been completed, but the applicant has provided documentation relating to a Bill of Sale concerning land title NK348966. The land sale title plan and updated site plan showing applicant interests are included within the appendix to the agenda report. Notwithstanding the above, a change of use permission is still required, and the application is assessed below on its planning merits.

The Planning Officer reported that some concerns have been raised around this setting a precedent. Due to the limited number and sporadic nature of the open spaces in the estate it is not considered that a precedent would be set for the loss of open space in this or any other estates. The development does not affect the area at the back of the pavement which remains open, and specific planning permission would be needed to bring that into residential curtilage use in the future. Other open spaces in larger housing estates are usually intentional strategic spaces serving a design or recreation purpose and are often protected by section 106 agreement or condition to remain as open space, and usually planning permissions are needed for their residential use, and assessments would be made at that time against the impact of any losses to character or public recreation. Given the unique former use of this land it is a very unusual circumstance which need not be the start of any onward trend.

The Planning Officer reported that some concern is raised that the land would better suited to house a bus shelter given there is a bus stop there. Whilst this idea has merit, there still remains adequate space at the back of the pavement to house a bus shelter which would be unaffected by this application. The small section of land is not formalised play space or open space and does not contribute significantly to

play or leisure opportunities for residents. The land is of poor-quality landscaping and does not positively contribute to the character of the area. The change to garden space, subject to conditions retaining control of further development through restricting permitted development rights, would have at worse a neutral effect and positively contribute to the area.

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

Councillor Myers asked for clarification that no outbuildings/extensions could be erected on the land without obtaining planning permission. The Planning Officer reported that a planning application would be required and Policy A1 of LPP2, visual amenity of the area, would be paramount in its determination. Councillor Williamson asked if this would prevent the erection of a gazebo on this area of land.

Mr Barron, applicant, addressed the Committee and reported the salient areas of his application and asked the Committee to approve it.

Councillor Flaxman-Taylor asked Mr Barron for confirmation that he had purchased both parcels of land. Mr Barron reported that he was the owner of both areas of land. Councillor A Wright asked Mr Barron if the Parish Council had approached him directly regarding the siting of a bus shelter on the land. Mr Barron reported that they had not approached him. The Monitoring Officer reminded the Committee that neither the bus stop or ownership of the land was a planning consideration.

The Chairman informed the meeting that Councillors Candon and Smith would not be speaking in objection to the application.

Councillor Williamson reported that as the land was in the ownership of Mr Barron he would be responsible for its upkeep and maintenance and it would not become a piece of overgrown land as was the case in several areas of the Shrublands Estate. The Planning Officer advised that it was felt that the gazebo that was already installed was acceptable because it maintained open views, and it was proposed that it should be except from needing permission.

RESOLVED:-

That application number 06/21/0766/CU be approved, as it satisfies the criteria of core policies CS09 and CS15 of the adopted Core Strategy and is consistent with the aims set out in emerging policy A1 of the Local Plan Part 2. The use hereby permitted shall only be for residential purposes associated with the dwelling house at Copperfield, Mill Lane, Bradwell, NR31 8HT and permission shall apply only to the land shown within approved plans drawing references:-

Site Location Plan – TQRM21239120131464;

Proposed Block Plan - TQRM21239115302642; received by the Local Planning Authority on the 30th August 2021.

Except for the gazebo installed notwithstanding, the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that order) no outbuildings or other structures shall be erected within the application site hereby approved without the express written permission of the Local Planning Authority; and any other conditions considered appropriate by the Development Control Manager.

6 APPLICATION 06-21-0536-F - 60 MARINE PARADE, GORLESTON, GREAT YARMOUTH, NORFOLK

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

The Development Control Manager reported that the application sought the demolition of the existing two-storey flat roofed dwelling at 60 Marine Parade, and then proposed to subdivide the site and erect two, three-storey properties to replace it. Both dwellings were proposed to be the same size, 8.2 metres in height, this compared to the existing dwelling which was 6.5m in height, with footprints of 18.8 metres by 8.4 metres. The dwellings would be 4 to 5 bedroomed properties respectively. The proposed dwellings used a more contemporary material palette than the existing dwelling, making use of white silicone rendered panels, grey bricks and black aluminium casement windows. Plot 1 would retain the existing vehicular access off Buxton Avenue with a pedestrian access to Marine Parade. Plot 2 had its vehicular access to the front, with a pedestrian access to Alder Avenue. The dwellings were stepped to reflect the curve of the road.

The main issues in the assessment of this application were:-

- Principle of development
- Design
- Heritage impacts
- Amenity
- Highways, access and parking
- Landscape and ecology.

The Development Control Manager reported that the application site was located within the development limits for Gorleston and sought the erection of 1 net new dwelling. Within Gorleston, the principle of new residential development was considered acceptable and being located within Gorleston, the site was located within walking distance to a range of shops, services, amenities, and employment. There was a bus stop 35 metres distance away from the site. Therefore, there would not be a total reliance on the private motor vehicle and the development would be located in a sustainable location, meeting the aims of paragraph 8 of the NPPF and Core Policies CS01 and CS02.

The Development Control Manager reported that the proposal sought to sub-divide the site, increasing the density of development. Saved Policy HOU17 resisted sub-division of plots where it would be likely to lead to development out of character and scale with the surroundings. In this instance, the sub-division of the plot would replicate the density of the two dwellings to the north of the plot; 23 Buxton Avenue and 59 Marine Parade. The principle of subdividing the site and providing 1 net additional dwelling is therefore acceptable subject to being able to demonstrate compliance with other policies within the development plan.

The Development Control manager reported that the application was recommended for approval with the conditions as outlined in the agenda report.

Councillor A Wright highlighted the number of objections which had been received. The Development Control Manager reported that they had not all been from local residents but from holiday makers and members of the public in general.

Mr Taylor-Davidson, objector, addressed the Committee and outlined his concerns to the application and urged the Committee to refuse it.

RESOLVED:-

That application number 06/21/0536/F be approved, as the application was considered to comply with saved policies HOU07 and HOU17 from the Borough-Wide Local Plan, Core Policies CS02, CS09 and CS11 from the adopted Core Strategy and emerging policies A1, A2, E4 and E5 from the Local Plan Part Two (Final Draft), subject to the conditions:-

- 3-year time condition,
- In accordance with plans,
- Construction management plan,
- All demolition materials removed prior to commencement of new dwelling,
- All materials and samples thereof to be agreed (at DPC level),
- Construction of new access (TRAD 3),
- Restriction of access to only those approved,
- Widening of existing access,
- Access / parking levelled, surfaced and drained,
- Removal of PD rights for extensions, further windows, and outbuildings,
- Removal of PD rights to convert the roof of the rear elevation family room to a useable balcony,
- Bathroom & ensuite windows to be obscure glazed,
- Full height 2nd floor stairwell windows to be obscure glazed,
- No use of the southern elevation balconies without the 1.8m tall opaque screens being installed first,
- Bird boxes to be installed prior to occupation; and
- Landscaping plan to be submitted; and any other conditions considered appropriate by the Development Control Manager.

7 APPLICATION 06-21-0771-F 20 CONIFER CLOSE, ORMESBY ST MARGARET

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

This application is brought before the Development Control Committee as one of the applicants is an employee / serving officer of the Borough Council. This application was reported to the Monitoring Officer on 01 December 2021 as an application submitted by an officer in a personal capacity and on land in their ownership. The Monitoring Officer has checked and made a record on the file that she is satisfied that it has been processed normally and the officer has taken no part in the Council's processing of the application.

The Senior Planning Officer reported that this dwelling is a detached bungalow amongst detached bungalows on larger corner plot. There is a larger bungalow on a smaller plot to the north east against the boundary where the annex is proposed. The

site whilst having large areas of highway facing gardens has private garden space created by the use of tall evergreen hedging planted up to the footway along both Conifer Close and Pine Close, and running all around the site and over 3m high in most part.

The Senior Planning Officer reported that the proposal is for a single-storey flat roofed recycled composite timber/plastic clad annex with two bedrooms. The proposal would be light touch in terms of its site impact with foundations by short screwed (non-impact) piles.

A statement of personal need has been provided. A submitted design and access statement also clarifies acceptance of a planning condition limiting usage to ancillary functions. There is also reference made to appeal and court case history supportive of special consideration of personal need. The annex would be at the north end of the site set substantially in front of the building line on Pine Close, the road to the west of the site, but partly concealed by the boundary planting against the road. There is some screening on the north boundary within the neighbour's garden at 13 Pine Close but this is much more modest than the beech hedges found on the applicant's site.

The Senior Planning Officer reported that the original submitted plans show the annex is proposed to be sited 1m from the northern boundary with 13 Pine Close, though revisions have been requested to consider whether further space is needed from the boundary due to screening / visibility concerns and for protection of the trees and hedges on the north boundary.

Accompanying the proposal are the following documents:-

- Planning Application Forms and Certificates of Ownership;
- Application drawings as detailed on the Drawing Register;
- Design and Access statement
- Flood Risk Assessment and mitigation and evacuation proposals
- A letter assessing lack of sequentially preferable site availability
- Habitat Regulations Assessment

The Senior Planning Officer reported that it is considered that the site is appropriate for an annex, in this position forward of the prevailing building line, only by virtue of existing screen planting and opportunity to provide additional screening and reduce visibility to the north.

The applicant has cited weight to be accorded to personal circumstances, however the principle of ancillary buildings of the scale and height proposed here are considered acceptable subject to the hedge and screening to be provided remaining, so the personal circumstances need not be accorded weight in justification as the proposal is acceptable and its impacts can be mitigated by conditions. The proposal is acceptable with the hedge screening in situ, and if suitable separation distance and screening from the north boundary can be secured, both of which will need to remain in place in order for the impact of this modest building not to be felt.

The Senior Planning Officer reported that subject to receipt of revised plans, that this application was recommended for approval.

Councillor Flaxman-Taylor questioned condition number 8 as asked if the hedge could be replaced by a fence. The Senior Planning Officer reported that a hedge would be preferable to fit in with the existing street scene but a fence would be acceptable.

Councillor Wainwright asked for an additional condition so that the building could not be used as an Air B'n'B but purely as an annexe to the main house. This was agreed by the Senior Planning Officer.

RESOLVED:-

That application number 06/21/0771/F be approved with submission of revised plans detailing; (i) appropriate screening provision to the northern boundary, (ii) amended siting of the building as necessary to protect existing planting and allow any new planting to thrive on the north boundary; and, (iii) amended floor plan and elevation showing re-positioned window; and subject to the conditions including:-

- (i) Time limit,
- (ii) Drawings,
- (iii) Use as an annex only – and only to be ancillary to host dwelling,
- (iv) The annex building shall remain in the same ownership as the host dwelling,
- (v) Hedges alongside the road to be maintained at a level no lower than the highest point of the new building being constructed,
- (vi) Screening solutions to the north boundary to be agreed and provided prior to erection of the annex building and to be retained thereafter,
- (vii) Hedges alongside the road and new boundary screening along the north boundary are to be retained for the lifetime of the annex development and in the event that any part of the hedge / screening fails, those failed sections to be replaced with hedge/replacement screening of equal stature, or details to be agreed, in the next growing season,
- (viii) The annex building is to be removed within 3 months of the hedge ever being removed and any other conditions considered appropriate by the Development Control Manager; and
- (ix) The building is not to be used as an Air B'n'B .

8 APPLICATION 06-21-0415-F - LAND AT SOUTH DENES ROAD AND SOUTH BEACH PARADE GREAT YARMOUTH, NR30 3QF

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

This application is brought before the Development Control Committee as the Borough Council is the applicant and principle landowner. As such this application was reported to the Monitoring Officer on 01 December.

The Development Control Manager reported that the application site lies at the southern end of the Great Yarmouth port, representing the southernmost area of land on the north side of the River Yare and within port operational land. Vehicular and pedestrian access along the west of the headland is only currently possible from South Denes Road, a classified C-road, as far as a turning head at the southernmost tip of the road where security gates and kiosk prevent further access. Public vehicle access from South Beach Parade, also a classified C-road, along the east side of the headland ends at a security gate and kiosk just south of Hartmann Road on the north side of the Outer Harbour. Beyond both sets of security gates entry is limited to personnel and servicing within the port operational land.

The Development Control Manager reported that part of the application site is owned

by the Great Yarmouth Port Authority (GYPA) within the proposed temporary works area; the applicant has served notice to the GYPA under Article 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, though they also remain a statutory consultee to the application.

In its most basic form, the application seeks to:

- (i) build an extension to South Denes Road, as an access to future buildings and parking areas;
- (ii) provide new quay headings and quay wall for more vessel docking areas at a berth alongside a new quay wall to the west of the site;
- (iii) create a new pontoon area for new berthing with linkspan bridges to connect to the shore; and,
- (iv) provide parking and storage areas on land ahead of future permanent development.

The Development Control Manager reported that the proposed site is within flood zones 1, 2 and 3 and contains identified contaminated land and the west of the headland is a hazardous development area due to the presence of utility lines and activities taking place. The site is within the Coastal Change Boundary; much of the south-eastern parts of the site fall on the seaward side of the Coastal Change Boundary but the Shoreline Management Plan confirms Yarmouth will be protected, as is the case with the Outer Harbour, for example. The site is adjacent to protected wildlife areas of national and international importance, including the Special Protection Area of the Outer Thames Estuary, including the coast and River Yare, and the Southern North Sea Special Area of Conservation which adjoins the south eastern boundary of the site. As the site is visible from the southern side of the river it has a possible impact on the visual setting of the No. 17 Gorleston Conservation Area Extension, designated in 2009, and the Cliff Hill Conservation Area. Much of the site is part of the designated port operational land. It is both a safeguarded employment area and in addition to planning designations the eastern half of the site falls within the South Denes area of the Great Yarmouth and Lowestoft Enterprise Zone.

The Development Control Manager reported that the application is an Environmental Impact Assessment application and is accompanied by an Environmental Statement (ES) which addresses the impacts relating to development of the road, external storage areas, parking, construction of the sea wall / quay heading and creation of the berthing facilities. Pre-application discussions were held with the LPA planning service regarding the scope of the ES and the various supporting documents required.

The Development Control Manager reported that planning application submitted to GYBC as Local Planning Authority concerns only those elements which are located above 'mean high water springs' level. Other aspects of the project, such as the use and siting of pontoons in the estuary or the deepening of the navigational channel are subject to a separate application(s) for a Marine Licence which has been made to the Marine Management Organisation (MMO). The MMO has also been consulted as part of this planning application but no comments have been received to date.

The application includes:

- Location and layout plans
- Environmental Statement covering: Air quality; Cultural heritage; Biodiversity; Geology and soils; Water environment; Noise and vibration; Major accidents and disasters; and, Cumulative effects

- Planning and regeneration statement
- Pre-application consultation report
- Shadow Habitats Regulations Assessment
- Surface water drainage strategy
- Transport statement.

The Development Control Manager reported that the land included in this application is also covered by the South Denes Local Development Order (LDO) which was introduced in 2012 and lasts to 2022. The South Denes LDO is currently being reviewed to consider whether and how it should be extended beyond 2022.

However, certain developments cannot take place through the LDO process, such as:

- proposals which are EIA development;
- proposals which present a high risk to the water environment; or,
- proposals where use of the land first needs to fulfil pre-commencement conditions or where activities are restricted by condition. Effectively, this requires that any project that intends to come forward through the LDO process can only do so if the project is first compliant with any conditions attached to any formal planning permissions on that land. As the land for the wider O&M Campus site is in the applicant's ownership and application site red line area, and is being opened-up by this access road development, it can be subject to conditions which require matters to be addressed and approved before that LDO development commences. As an example, if an archaeology condition(s) is imposed on the temporary works area land in this application site, a developer aiming to benefit from the LDO permitted development right would have to undertake works required by the archaeology conditions to shape the scheme into a suitable form for archaeology purposes, before their proposal becomes eligible to qualify as Permitted Development through the LDO.

The Development Control Manager reported that this meant the decision maker on this application can impose conditions through this permission which shape how developments should take place in the wider O&M Facility site, despite the presence of the LDO. This is particularly relevant in the case of highways, drainage and archaeology concerns raised and discussed below, but any material considerations can be addressed in this way, so long as they meet the tests for planning conditions set out in the NPPF, i.e. being necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are necessary to be pre-commencement there should be clear justification for doing so.

The main considerations for this application concern:-

Principle of development,
 Highways and access,
 Fluvial and tidal flood risk,
 Surface water drainage,
 Impact on ecology / biodiversity inc. designated sites,
 Residential and commercial amenity; and
 Construction impacts.
 Other material considerations:-
 Contaminated land,
 Design, heritage and archaeology,
 Navigation and vessel safety,
 Economic considerations,

Public site access,
Environmental Statement; and
Links to future applications.

The Development Control Manager reported that the new sea wall along the northwest river channel edge would be installed in front of the existing failing seawall. It would likely comprise a new sheet pile wall 1m in front of the existing quay wall, supported by another sheet pile rear anchor wall behind that. The quay wall will provide a berth area for larger craft known as Service Operation Vessels (SOVs) which might have a gross tonnage of 6,000 tonnes each. No precise details have yet been submitted but the positions are known and the precise construction details can be required by conditions prior to commencement. The concerns of the Port Authority are noted, but the incursion into the river channel is only 1m as permanent development with some temporary construction barriers and pontoons etc likely to be needed. The hydrological impacts on the behaviour of the river are mitigated by the new quay wall being positioned in front of the existing so there will be very minimal effect on river flows and the function of the spending beach. As such there are not considered to be any lasting impacts on the use of the river or the operations of the Port. The Marine Management Organisation will assess developments and operations on the riverbed. The Environment Agency will also give careful consideration to the seawall and other structures that affect flood defences as part of the Environmental Permitting consents process.

The Development Control Manager reported that the O&M Campus will complement the role of the Outer Harbour and help deliver regeneration through jobs creation and employment innovation, as well as helping the Great Yarmouth Port on the River Yare and increasing the Outer Harbour's operating capacity. The O&M facility will provide support for investment in the offshore wind farm maintenance sector in particular, which is increasingly relevant as national Government is currently considering the expansion of existing wind farms and the creation of new wind farms in the southern North Sea in particular. The expansion of employment facilities is supported by Core Strategy policies CS1, CS2, CS6 and CS12 so long as it can provide transport by means other than the private car.

The Development Control Manager reported that this development will enable construction of buildings and facilities which are likely to be presented for 'prior approval' through the Local Development Order process; once such buildings address any pre-commencement conditions they would be otherwise approved by virtue of being permitted development through the LDO, unless they are EIA developments in themselves.

The Development Control Manager reported that finding a suitable surface water drainage solution for the site is interwoven with its ecological sensitivities and physical site constraints, as well as the restricted options available due to the end uses proposed. The application's surface water drainage strategy has proposed a scheme for the roads, external storage and parking areas. However, it is of some concern because whilst it has attempted to address the drainage hierarchy it does not do so adequately and the system proposed will be likely to cause harm to the ecological assets around the site. The Lead Local Flood Authority (LLFA) is rightly keen to ensure the development addresses the drainage hierarchy, meaning the scheme needs to fully explore options for infiltration, and if not suitable or feasible then consider discharge to watercourse, ie the River Yare, and if that is not suitable then consider discharge to public sewer treatments. The applicant considers this acceptable largely because some small portions of the wider site already discharge into the River Yare. Their position is not supported by the LLFA who believe the

scheme is not sufficiently detailed for the full planning permission, but this needs to be considered by the decision maker. Officers are reluctant to take an opposing view to that of the LLFA but in this exceptional instance do consider that the site can address the surface water drainage requirements by careful use of planning conditions. However, this will have implications for the O&M campus site delivery, as conditions must be pre-commencement and 'Grampian' in nature, as at this stage using these conditions involves a degree of uncertainty which offers no firm guarantee of being resolvable without further investigation.

The Development Control Manager reported that Natural England raise significant concerns in respect of both the evidential basis to justify the modest works proposed in this application, and in respect of the operations of the development once constructed. The Shadow Habitats Regulations Assessment (HRA) report provided by the applicant has been viewed with concern by Natural England. They raise a number of reasons why in their opinion the LPA as Competent Authority for the purposes of the Habitat Regulations should not approve the development just yet because it is not possible to confirm that the proposal will not result in adverse effects on the integrity of the internationally designated sites in the vicinity. The LPA relies on the advice of Norfolk County Council's Natural Environment Team for ecological advice and to receive recommendations on the HRA process. The HRA should not be passed if there is any likelihood that the integrity of internationally protected sites will be adversely affected by the development. No advice has been received yet but it is fair to assume the HRA stage will not be passed and therefore mitigations are likely to be needed and an Appropriate Assessment should most likely be undertaken.

The Development Control Manager reported that in respect of passing the requirement of the Appropriate Assessment pursuant to the Habitats Regulations: It is recommended that any decision to view the application favourably should first require the following factors to be understood before a final decision is made, so that the decision on the Appropriate Assessment can be made favourably, and if necessary plans for mitigation through proposals can then be agreed before the development is finally permitted as these issues are unable to be addressed by conditions:

- (i) The overall development will need to provide further survey data in respect of vulnerable marine bird species which rely on the area for feeding and breeding,
- (ii) The overall development will need to quantify the severity and duration of noise from its operations and construction and propose a noise mitigation plan if this is not within acceptable tolerances; and
- (iii) Air quality impacts should be better understood and an emissions management plan agreed for use during the overall site construction.

The Development Control Manager reported that it is recommended that the severity and relevance of Natural England's concerns to this development should be discussed further before the HRA process is undertaken. This process has begun but a recommendation to approve this application must come with the caveat that any permission cannot be issued until the HRA and in all likelihood Appropriate Assessment is completed by the LPA as competent authority, and then reviewed and approved by Natural England. Resolving to issue a permission without first fulfilling the HRA requirements to Natural England's satisfaction would be open to legal challenge and may need prior referral to Government under the EIA procedure.

The Development Control Manager reported that it is acknowledged there is a minor and low-level impact on the setting of designated heritage assets but these less than

substantial in their degree and short- medium term in their nature and are outweighed by the wider public benefits of the development. In the interests of economic investment and with acknowledgement that this is the first stage of longer-term regeneration at the site, it is not proposed to impose onerous limits on the style, design, height or activity of the permanent external storage areas, though it is considered necessary to require specific measures to contain certain goods or materials stored there. Approval of the application in its current form involves a degree of uncertainty as to the final details of the infrastructure being provided to serve the wider O&M Campus Facility. However, there are sufficient reasons and grounds to reassure the decision maker that the development proposed, and that which will be enabled by this development, can be designed, constructed, and operated in a manner which satisfies the concerns of development plan policy, statutory stakeholders and consultees. Those mitigation measures lie in part with the local planning authority and in part with the role played by other regulatory regimes, but in as far as they are required for the purposes of making the planning application acceptable these can be secured by any permission being subject to carefully considered conditions, and agreement of further details prior to the commencement of developments on this application and in the adjoining site.

The Development Control Manager reported that the delivery of the wider employment site and regeneration benefits will be expedited by ensuring a degree of progress can be maintained in a timely fashion through approval of this application. To do so will begin a process of development that will create significant public benefits through economic investment and jobs creation for both the Borough and the region, as well as enabling expansion of the renewable energy sector to make a modest but valued contribution to the national de-carbonisation and climate change agenda. The application as it stands has gone a long way towards addressing the impacts of this development as identified through the Environmental Statement but requires the HRA and Appropriate Assessment process to be completed so that the necessary mitigation measures required pursuant to those can be contained in the development. Thereafter, a monitoring programme can be instigated to ensure compliance, so that in combination the mitigation and monitoring built into the development process will prevent likely significant effects on the environment and avoid significant detrimental effects on internationally designated sites.

The Development Control Manager reported that the way to proceed was:-

- (i) To first complete the Habitats Regulations Assessment process and include any Appropriate Assessment mitigations into the scheme as necessary, followed by review and approval by Natural England; and
- (ii) Then to approve; subject to the use of conditions as set out below, the proposal will comply with the aims of policies CS1, CS2, CS3, CS9 and CS11 of the Great Yarmouth Local Plan: Core Strategy, Paragraphs 8, 62, 111 and 130 of the NPPF, and is consistent with the aims set out in emerging policies of the final draft Local Plan Part 2.

Councillor Jeal asked for clarification as to whether he should declare a personal interest in this item as he was a member of the Member Working Group which had approved this project. Councillor Smith, Leader of the Council, asked the Chairman for permission to speak and explained that many of the Committee members had sat on the Great Yarmouth Town Centre Masterplan Member Working Group or Economic Development Committee and had approved this project but this should not preclude them from taking part in the debate this evening. The Monitoring Officer agreed that all Members who had set on the Member Working Group or Economic

Development Committee did not have to declare a personal interest and could take part in the deliberation of the application this evening provided that they did not feel conflicted in any way and their mind was open to the planning considerations required to make a sound and informed determination of the application.

However, Councillor Jeal reported that he not declare an interest and would stay during the determination of the item but would not speak or vote.

Councillor Myers asked for further clarification in regard to the run off of surface water from the site as he had concerns with the proposal as outlined in the agenda report. He reported that he would like the drainage strategy to be re-visited as he did not think the surface water should be discharged into the public sewer system.

Councillors A Wright & Mogford were concerned that the application would narrow part of the river resulting in flooding and habitat issues as the construction of the Outer Harbour had on the coastline to the south.

The Monitoring Officer questioned the wording of the recommendation as she was concerned that the Committee were being asked to approve the application prior to the required mitigation being achieved as requested by Natural England, as the present resolution appeared to be assumptive. The Development Control Manager agreed that the wording of the resolution should be amended as follows at the end of paragraph (a); that the Council has strong confidence that the Habitat Regulations Assessment will be approved by Natural England.

Councillor Fairhead was concerned of the impact that this development would have on The Broads and that she had never come across holding objections on a planning application before. The Development Control Manager reported that these were objections which were held on-record until they were resolved.

RESOLVED:-

That application 06/21/0415/F be approved;

(i) To first complete the Habitats Regulations Assessment process and include any Appropriate Assessment mitigations into the scheme as necessary, followed by review and approval by Natural England. The Council has strong confidence that the Habitat Regulations Assessment will be approved by Natural England.

(ii) Then Approve –

Subject to the use of conditions as set out below, the proposal will comply with the aims of policies CS1, CS2, CS3, CS9 and CS11 of the Great Yarmouth Local Plan:

Core Strategy, Paragraphs 8, 62, 111 and 130 of the NPPF, and is consistent with

the aims set out in emerging policies of the final draft Local Plan Part 2. The proposed conditions to be attached with approval as follows; the final form of conditions will be confirmed in liaison with the applicant but the following general summarised terms are required:-

- 1) The development must be begun not later than three years beginning with the date of this permission,
- 2) The development shall be carried out in accordance with the application form and approved plans received by the local Planning Authority on 19th March 2021 drawing reference:
 - Site Planand in accordance with the revised plans received by the Local Planning Authority on 6th September 2021 drawing reference:
 - 2022-044 – Proposed and Existing Elevations
 - 2022-005 – Proposed Floor Plans
 - 2022-006 – Proposed Floor and Sectional Plans,
- 3) Developments and uses on the land adjoining this development shall be restricted to those serving port-operational and energy sector activities only,
- 4) Notwithstanding the LDO, remove permitted development rights for the use of new buildings and land to be used initially for port and energy sector uses but then change to other uses,
- 5) Surface water drainage scheme to be agreed for the road, car parking, turning/access areas, substation, and permanent external storage areas – pre-commencement,
- 6) No surfacing or hardstanding to be installed in the temporary works areas without express permission being granted, and that application shall provide details of surface water drainage to follow principles at condition 3 above,
- 7) The permanent car parking area within this permission shall be limited to no more than 64 spaces as applied for,
- 8) Flood warning and evacuation strategy for this application (pre-use),
- 9) Flood mitigation & protection designs and tidal flood water storage scheme to be agreed for the wider O&M Campus site – pre-commencement in O&M,
- 10) Flood warning & evacuation strategy for later phases on O&M site (pre-use),
- 11) Foul drainage scheme to be agreed for the later O&M campus development,
- 12) Sea wall / quay works – details to be agreed to inc piling (vibro-piling as preference, with soft-start piling if not),
- 13) Ecological Clerk of Works is needed to oversee the works to sea wall and shoreline activities, to carry out marine mammal observations 30 minutes prior to any percussive piling being undertaken to ensure that there are no marine mammals within 500m of the proposed works,
- 14) Ecology protections set out at report paragraph 4.67 points (i) – (x),
- 15) Ecological enhancement plan to be agreed,
- 16) Landscape scheme principles to be proposed for the whole site for use in subsequent phases of development,
- 17) Hours of construction should be restricted,
- 18) Construction traffic and management plan to be agreed,
- 19) Dust control,
- 20) Contamination investigations and remediation,
- 21) Further contamination precautions during development,
- 22) No removal of the existing turning head on South Denes Road without (i) first beginning the process of a TRO to stop up the highway, and (ii) confirming the intended extent of adoptable highway, and (iii) providing construction details of the extended roads to adoptable standard, and (iv) ensuring there are suitable designs agreed for a new turning head at the end of the newly extended adopted highway

area. The area of highway shall remain open until an adopted turning area is provided to standard,

23) No development of the roads shall commence until:

- a. construction details of the road with a permanent continuous 3.0m w footpath/cycleway along one side of the new road have been agreed; and,
- b. details of temporary safe pedestrian route along the road for use until such time as the path is provided, are agreed; and,
- c. details of phasing plan for footpath provision to be agreed; and,
- d. details to show how provision will be made to enable future footpath links along South Denes Road; and,
- e. details to show how provision will be made to enable future public transport connections into the site,

24) With the exception of temporary construction works, no use of land or the external storage areas until the adoptable-standard 3.0m footpath has connected that site up to the closest public highway footpath,

25) Precise details of the new substation, to ensure adequate area exists and/or to provide wall enclosure and screening thereof,

26) Precise details of the sea wall / quay heading construction to be agreed,

27) Limits on uses to be allowed on the adjoining temporary works area lands, to restrict activities to those involved in constructing the O&M Campus only,

28) Restrict uses allowed in the permanent external storage areas and removal of PD rights to change uses,

29) Restrictions on heights of materials or structures to be stored in the permanent external storage areas,

30) Any 'loose' materials to be stored need to be within enclosing structures,

31) Sea wall and quay heading construction details to be agreed,

32) Restrict permanent storage areas to the 2no. areas shown in the layout plan,

33) Provide monitoring regime for the impacts of the development; and
and any other conditions considered appropriate by the Development Control Manager.

9 APPLICATION 06-21-0356-F EX-EDWARD WORLLEDGE SCHOOL SITE, LAND WEST OF 63-78 LICHFIELD ROAD, GREAT YARMOUTH

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

The Senior Planning Officer reported that this application is brought before the Development Control Committee as the landowner at the time of application being submitted is a company whose owners and Directors are two serving Borough Council Councillors, Councillor Paul Hammond and Councillor Donna Hammond, and their immediate family member, Mr Lee Hammond. The land at both this application site and some adjoining land which is material to the determination of this application is also owned by the same company. As such this application was reported to the Monitoring Officer on 01 December 2021.

Councillors Jeal and Williamson had left the meeting as they did not attend the site visit which was undertaken on Tuesday, 7 December 2021 at 10am and therefore could not take part in the determination of this application.

The Senior Planning Officer reported that the proposal for 5 dwellings on the site is a row of three-storey town houses terraced together and fronting Lichfield Road. These have garaging and utility rooms to the ground floor and living accommodation at first and second floor surmounted by a ridged roof with gabled dormers over each plot along the whole terrace. The terrace is set back from the highway by the depth of a parking bay giving a distance between the terraced housing existing opposite and the

proposal of 20m. Integral garaging is shown, measuring 6 x 2.9m internally. This is below the 3 x 7m standard set out in the County Highways recommended parking standard for the interior of garages, which is intended to allow a car (5m) & storage space for things like white goods appliances and cycles.

The Senior Planning officer reported that each terrace house has a private rear garden measuring approximately 11m and 52sqm area, and being similar to the footprint of the dwelling. However, it is not clear how much of the site the built development occupies and rear garden access is not shown in the plans. Bin storage may have to be located at the front but would require a suitable design solution, but if there was no rear garden access this would preclude cycle storage unless at the front and compromise use of the garden. Given there is a private access path along the north side of the site it may be intended to access gardens from there.

The Senior Planning Officer reported that behind the terrace houses and their gardens, on adjoining land, there is a flat roof single-storey shed/storage building remaining from the school. This is part of the adjoining site and in the planning application for that site there are proposed to be nine outside parking bays shown proposed for use as 'nursery parking' although the nursery use has finished the ex-nursery building would be removed if this scheme is approved and the building demolished. Within the Design and Access Statement the applicant has proposed that the double-yellow line parking restrictions on the east side of Lichfield Road could be moved to the west side in front of this site.

Accompanying the proposal are the following documents:-

- Planning Application Forms and Certificates of Ownership,
- Application drawings as detailed on the Drawing Register,
- Design and Access statement,
- Flood Risk Assessment and mitigation and evacuation proposals; and
- Habitat Regulations Assessment.

The Senior Planning Officer reported that 6 letters of objection had been received from local residents and consultation responses from external bodies can be found on pages 17 to 20 of the agenda report.

The Senior Planning Officer reminded Members that the following policies should be considered by Members when they made their decision; Borough Local Plan 2001: HOU7 (New housing within settlements) and Core Strategy 2013: policies CS9, CS10, CS15.

Other material considerations are as follows:-

Emerging policies of the draft Local Plan Part 2 (Final Draft) (LPP2):

- GSP1 (Development limits)
- GSP8 (Planning obligations)
- H3 (Housing density)
- H4 (Open space provision for new housing development)
- A1 (Amenity)
- A2 (Design)
- E1 (Flood risk)
- E4 (Trees and landscape)
- E7 (Water conservation)
- C1 (Community facilities)
- I1 (Vehicle parking for developments)
- I3 (Foul drainage).

The Senior Planning Officer reported that for the reasons described within the

report and the links to policies expressed therein, that the application is recommended for refusal on the following grounds:-

- Design,
- Amenity for residents,
- Amenity impacts on neighbours,
- Over-development, including compromised accessibility and security for cyclists and absence of landscaping,
- No bat surveys provided,
- No biodiversity enhancements offered,
- No HRA impacts mitigation payment has been made to international sites,
- Lack of supporting evidence to suggest that the flood risk sequential test can be satisfied and therefore cannot justify new housing in this high flood risk location; and
- Lack of development-specific flood risk assessment to prove flood safety.

Mr Hart, applicant's agent, reported the salient areas of the application to the Committee and asked them to approve the application.

Councillor Waters-Bunn, Ward Councillor, reported that she strongly objected to this planning application. The proposed properties will block the natural light to the properties on the opposite side of the road. This proposal will also cause further parking issues on a street that is already very hard to find parking spaces in due to double yellow lines. This road is the main service road to the college for deliveries and this proposal will make this far more difficult. These new homes will not fit in with the current street scene with all the other houses along the terrace having just a ground floor and first floor. However, the biggest fear I have with this proposal is the safeguarding of the children in the school playground that these properties will overlook. How will the new owners tenants of these homes be vetted. Overlooking a playground at a school that has a specialist resource base facility in it needs to be taken into account. These children are already vulnerable, and no school child should need to be worrying about who are looking at them when they are having their playtime or lunch breaks. Councillor Waters-Bunn was aggrieved that she had not been invited to attend the site visit as Ward Councillor.

Councillor Flaxman-Taylor asked for clarification regarding paragraphs 3.3 and 4.0 of the agenda report.

Councillor G Carpenter reported that recommendations on page 32 of the agenda report contradicted each other.

Councillor A Wright asked for clarification regarding the provision of affordable homes on the site.

Councillor Fairhead was concerned that the rear of the properties would overlook the school playing field and that this raised safeguarding issues. She was also concerned regarding the loss of parking which was at a premium in the area and that the increase of hardstanding areas in the area would not help surface water drainage which was another concern.

Councillor A Wright reported that he would support the officer recommendation for refusal of the application as it was unsuitable from the demolition to design

phase and it overlooked the school playground. However, if the proposal had been submitted as a courtyard design, similar to the nearby Flagship development, he would have supported the application.

A Member asked if the demolition had had permission, the Planning Officer advised that this did require permission and this had been raised with the developer but the developer had chosen not to apply for the permission required under planning

Councillor Flaxman-Taylor reported that she would not support the officer's recommendation for the reasons outlined in paragraph 6.5 of the agenda report and moved that the application be approved. The principle of residential development – The development within this application proposal offers new housing on an unused now vacant brownfield site. The Council has a healthy 5-year land supply position, and the 'windfall' development of new housing in accessible sites makes an important contribution to the housing supply, but it is not reliant on windfall sites to maintain the supply. Nevertheless this is an important contribution of housing, and is a sustainable and accessible site.

This motion was seconded by Councillor G Carpenter and a recorded vote was undertaken.

The Development Control Manager asked if Members wanted any conditions to be attached to the grant of planning permission. The Committee agreed that conditions did not require referral back to Committee unless these conditions could not be agreed by Planning Officers and the Chairman of the Committee.

RESOLVED:-

That application number 06/21/0356/F be approved with required conditions agreed in consultation between the Development Control Manager and the Chairman.

Recorded Vote as follows:-

For:- Councillors Annison, G Carpenter, Flaxman-Taylor, Freeman, Galer, Hanton & Mogford.

Against:- Councillors Fairhead, A Wright & B Wright.

10 APPLICATION 06-21-0796 F - EX- EDWARD WORLLEDGE SCHOOL, LAND WEST SIDE OF LICHFIELD ROAD, GREAT YARMOUTH

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

The Senior Planning Officer reported that this application is brought before the Development Control Committee as the landowner at the time of application being submitted is a company whose owners and Directors are two serving Borough Council Councillors, Councillor Paul Hammond and Councillor Donna Hammond, and their immediate family member, Mr Lee Hammond. The land at both this application

site and some adjoining land which is material to the determination of this application is also owned by the same company. As such this application was reported to the Monitoring Officer on 01 December 2021.

Councillors Jeal & Williamson had left the meeting as they did not attend the site visit on Tuesday, 7 December at 10 am and were therefore unable to determine the application.

The Senior Planning Officer reported that this site is on a smaller part of the land formerly occupied by the Edward Worlledge school building, a late 19th or early 20th century single storey school building. Parts of the school have been demolished and the larger adjacent site cleared. Although the original school building has been partly removed there remains on this smaller site two bays, initially retained for nursery use, though this use is now confirmed as not continuing, leading to this application to redevelop the site for residential purposes.

The Senior Planning Officer reported that although technically single storey, the remaining former school building features the typical high ceiling rooms of the traditional school and features a slate roof with terracotta parapet and lintels and other architectural embellishments. The remnant two bays of the school comprising this application site were last used as a nursery facility, though it is understood that this role has now ceased. A war memorial that had been within this part is reported contractually as being required to be re-sited as part of the private sale contract with the education authority. This is not part of the application but is only a planning consideration in that it is a non-designated cultural/ heritage asset. The adjoining cleared land to the south and west forms application site 06/21/0356/F. As the adjoining land covered by application 06/21/0356/F is within the ownership of the applicant at the time of the application both become a material consideration in the determination of this current proposal. This position is established in case law.

The Senior Planning Officer reported that the proposal for 5 dwellings on the site is a row of three-storey town houses terraced together and fronting Lichfield Road. These have garaging and utility rooms to the ground floor and living accommodation at first and second floor surmounted by a ridged roof with gabled dormers over each plot along the whole terrace. The terrace is set back from the highway by the depth of a parking bay, giving a distance between the terraced housing existing opposite and the proposal of 20m. Integral garaging is shown, measuring 6 x 2.9m internally. This is below the 3 x 7m standard set out in the County Highways recommended parking standard for the interior of garages, which is intended to allow a car (5m) & storage space for things like white goods appliances and cycles.

The Senior Planning Officer reported that each terrace house has a private rear garden measuring approximately 11m and 52sqm area, and being similar to the footprint of the dwelling. However, it is not clear how much of the site the built development occupies and rear garden access is not shown in the plans. Bin storage may have to be located at the front but would require a suitable design solution, but if there was no rear garden access this would preclude cycle storage unless at the front and compromise use of the garden. Given there is a private access path along the north side of the site it may be intended to access gardens from there.

The Senior Planning Officer reported that behind the terrace houses and their gardens, on adjoining land, there is a flat roof single-storey shed/storage building remaining from the school. This is part of the adjoining site and in the planning application for that site there are proposed to be nine outside parking bays shown proposed for use as parking for the nursery, although the nursery use has finished

and the ex-nursery building would be removed if this scheme is approved and the building demolished. Within the Design and Access Statement the applicant has proposed that the double-yellow line parking restrictions on the east side of Lichfield Road could be moved to the west side in front of this site.

Accompanying the proposal are the following documents:-

- Planning Application Forms and Certificates of Ownership,
- Application drawings as detailed on the Drawing Register,
- Design and Access statement,
- Flood Risk Assessment and mitigation and evacuation proposals; and
- Habitat Regulations Assessment.

Relevant Policies to be considered as follows; Borough Local Plan 2001: HOU7 (New housing within settlements) and Core Strategy 2013: policies CS9, CS10, CS15.

Other material considerations are as follows:-

Emerging policies of the draft Local Plan Part 2 (Final Draft) (LPP2):-

- GSP1 (Development limits)
- GSP8 (Planning obligations)
- H3 (Housing density)
- H4 (Open space provision for new housing development)
- A1 (Amenity)
- A2 (Design)
- E1 (Flood risk)
- E4 (Trees and landscape)
- E7 (Water conservation)
- C1 (Community facilities)
- I1 (Vehicle parking for developments)
- I3 (Foul drainage).

The Senior Planning Officer reported that it is considered that the site is appropriate for some degree of residential dwelling development in principle, given the emergent policy background. However, the proposal fails to provide a design appropriate to the site as a result of vertical scale and massing, and poor resultant privacy for existing residents, and a failure to provide a building to enhance the area when compared to the un-designated heritage asset that is proposed as removed. The layout constraints, designs, impact on neighbours and lack of access to private gardens within the site proposals also represent over-development of the site, with questionable safety and practicality in the site circulation, and little scope for safe and secure access and storage for cycling and lack of frontage. The absence of appropriate access to the private amenity space, in combination with a lack of landscaping to soften a hard environment, creates an unacceptable living environment and poor urban design, and is not supported.

The Senior Planning Officer reported that in the absence of a protected species survey, concerning bats in particular, does not allow the Local Planning Authority to sanction the amendment or removal of a building that has potential to house protected species. Furthermore, the lack of biodiversity enhancement measures fails to address local or national policy, and the absence of HRA impact mitigation payment fails to address the impacts on internationally designated wildlife sites. With no evidence to demonstrate that the scheme of up to 5 houses cannot be provided anywhere else in Great Yarmouth at a site of lower flood risk; as such there is no

means to pass the flood risk sequential test and therefore it is unsafe in principle to allow new residential dwellings in this high flood risk site.

The Senior Planning Officer reported that in combination with the application for the adjoining site (06/21/0356/F), the division of this wider school site into two parts is considered to create a situation where policy requires an affordable housing contribution. If the development in combination is deemed to be viable with some degree of affordable housing contribution, this proposal would be contrary to both emerging and adopted policy. However, the planning balance would shift if appraisal is deemed convincing by independent review and the scheme is deemed unviable with affordable housing, but the physical demerits identified would remain. The only public benefit offered in this proposal is the provision of additional open-market residential units on a brownfield site, but this is not an allocated site and the Council's healthy 5-year supply position does not rely on this site to maintain an up-to-date development plan. Therefore, there are not considered to be any material considerations which weigh sufficiently in favour of this application to justify taking an opposing view to that of the development plan's requirements for a scheme of improved quality overall.

The Senior Planning Officer reported that refusal of this application is both consistent with the adopted local development plan, and supported by emerging policy, and is in line with the expectations of the National Planning Policy Framework and National Design Guide.

Members should be mindful that the principle of residential development in this location is considered acceptable. However, because these failings are considered capable of being overcome to some degree through a reappraisal of the site layout, siting and possibly density, whether or not in combination with the adjoining site, a timely refusal is suggested in order that a further application might be submitted with substantial improvements required.

The Senior Planning Officer reported that for the reasons described within the report and the links to policies expressed therein, the application is recommended for refusal on the following grounds:

- Design,
- Amenity for residents,
- Amenity impacts on neighbours,
- Over-development, including compromised accessibility and security for cyclists and absence of landscaping,
- No bat surveys provided,
- No biodiversity enhancements offered,
- No HRA impacts mitigation payment has been made to international sites,
- Lack of supporting evidence to suggest that the flood risk sequential test can be satisfied and therefore cannot justify new housing in this high flood risk location; and
- Lack of development-specific flood risk assessment to prove flood safety.

Furthermore, Members need to consider whether there is potentially an additional reason for refusal on grounds of potential non-compliance with policy on affordable housing provision in combination with the adjoining site.

Officers are recommending that the application be refused on the following grounds of:-

1. Inappropriate scale, form and articulation creating inadequate design,
2. Unsuitable and inadequate amenity for residents,
3. Unacceptable detrimental impact to amenity impacts of neighbours,

4. Over-development, including compromised accessibility and security for cyclists,
5. Lack of landscaping provision,
6. Lack of bat surveys to confirm no impact on protected species,
7. Lack of biodiversity enhancement proposals,
8. Lack of impact mitigation payment towards internationally designated sites,
9. Lack of supporting evidence to suggest that the flood risk sequential test can be satisfied,
10. Lack of suitable development-specific flood risk assessment to demonstrate flood risk mitigation through construction methods; and possible non-compliance with policy on affordable housing provision in combination with the adjoining site.

Councillor Waters-Bunn, Ward Councillor, reported that she strongly objected to this planning application. The proposed properties will block the natural light to the properties on the opposite side of the road. This proposal will also cause further parking issues on a street that is already very hard to find parking spaces in due to double yellow lines. This road is the main service road to the college for deliveries and this proposal will make this far more difficult. These new homes will not fit in with the current street scene with all the other houses along the terrace having just a ground floor and first floor. However, the biggest fear I have with this proposal is the safeguarding of the children in the school playground that these properties will overlook. How will the new owners tenants of these homes be vetted. Overlooking a playground at a school that has a specialist resource base facility in it needs to be taken into account. These children are already vulnerable, and no school child should need to be worrying about who are looking at them when they are having their playtime or lunch breaks.

Councillor Flaxman-Taylor moved to approve the application with a condition that a flood risk assessment be submitted for the same reasons as the previous application number 06/21/0356/F as outlined in paragraph 6.5 of the agenda report. This motion was seconded by Councillor G Carpenter.

Councillor A Wright asked for clarification as to the reasons for approval. The Monitoring Officer reported that this was effectiveness of land and brownfield site use.

The Committee agreed that conditions did not require referral back to Committee unless these conditions could not be agreed by Planning Officers and the Chairman of the Committee.

RESOLVED:-

That application number 06/21/0796/F be approved subject to the submission of a Flood Risk Assessment.

11 DELEGATED DECISIONS BETWEEN 1 NOVEMBER 2021 AND 30 NOVEMBER 2021

The Committee received and noted the delegated decisions made by the Planning Officers and Development Control Committee between 1 and 30 November 2021.

12 POST COMMITTEE DECISIONS DETERMINED BETWEEN 1 NOVEMBER 2021 AND 30 NOVEMBER 2021

The Committee received and noted the post-committee decisions made between 1 November and 30 November 2021.

13 APPEALS DETERMINED BETWEEN 1 NOVEMBER 2021 AND 30 NOVEMBER 2021

The Committee received and noted the Appeals Decisions determined between 1 and 30 November 2021.

14 ANY OTHER BUSINESS

The Development Control Manager reported that, in consultation with the Chairman, that the next Development Control Committee meeting scheduled to take place on 12 January 2022 would be cancelled as officers were unable to meet the agenda deadline due to the Christmas break and the next meeting would be held on Wednesday, 2 February 2022 at 6 pm.

Councillor Flaxman-Taylor reported that she had not been informed of planning applications in her ward and referred specifically to application 06/21/0536/F which had been discussed this evening. She had brought this matter up at Committee 6 months ago, obviously to no avail. The Development Control Manager apologised and reported that he would double check all Councillor email details he also advised that all applications were included on the weekly list that is circulated to Members and he would now arrange for Members to receive consultations as a matter of course in their ward.

15 EXCLUSION OF PUBLIC

The meeting ended at: 20:00

Reference: 06/20/0618/F

Parish: Great Yarmouth

Officer: Gordon Sutherland

Expiry Date: 11-02-21

Applicant: Minster Property Group

Proposal: Development of 30 affordable homes

Site: Land east of Churchill Road & north of Estcourt Road, Great Yarmouth

REPORT

1. Background

- 1.1 This is a full planning application for a “major” residential development (greater than 10 dwellings).
- 1.2 The application was submitted in 2020; in dealing with this application Great Yarmouth Borough Council has actively sought to work with the applicant in a positive and proactive manner, to achieve a suitable and viable development of the site which has a number of constraints.
- 1.3 Members of the Development Control Committee may have previously read an earlier version of this report from November 2021 before the application had to be withdrawn from that meeting’s Agenda. The application has since been amended in respect of the impacts on protected species and on-site drainage, and some clarity on the fate of the existing building on site. These all amend the recommendation slightly, and as such Members are invited to re-visit the entire report afresh.

2. Site and Context

- 2.1 The application site extends to approximately 0.93 hectares (2.3 acres) in area and comprises previously developed land with a historic use as a hospital in the ownership of the NHS. Historic mapping demonstrates that a number of buildings have been removed from the site since 1900, and it now hosts a single building previously used for administrative purposes. The NHS has confirmed that the site is now underutilised and surplus to requirements, and therefore suitable for redevelopment.
- 2.2 The site is located partly within Flood Zone 2 and Flood Zone 3a (approximately 50% of the site is in each zone). Accordingly, a Flood Risk Assessment and Sequential and Exception Test Assessment have been provided in support of the proposals. Technical reports have been consulted on at length with the

Environment Agency and the Lead Local Flood Authority to demonstrate that the proposals are designed to address and mitigate flood risk. Evidence has been provided to demonstrate that the National Planning Policy Framework (NPPF) sequential and exception tests are passed.

- 2.3** The site includes a protected tree in the north-east corner: an Alder TPO ref No.3 1998.
- 2.4** The application has been accompanied by the following technical assessments in respect of design, drainage, ecology and noise considerations and in relation to financial viability:
- Financial Viability Assessment,
 - Design and Access Statement,
 - Habitats Regulations Assessment,
 - Heritage Statement
 - Environmental Noise Assessment
 - Arboricultural Survey and Implications Statement
 - Phase 1 and 2 Site Contamination Investigation Report
 - Soakaway Test Report
 - Flood Risk Assessment
 - Drainage Strategy Report
 - SUDS Maintenance and Management Plan
 - Preliminary Ecological Appraisal
- 2.5** One of the key material considerations in this case is the current need for affordable housing in the Borough; because the application proposes all 30 dwellings as affordable housing, this lends significant additional weight in favour of the proposals.
- 2.6** The site is located beyond Great Yarmouth Town Centre and is to the north of a row of workshops on the south side of Escourt Road behind which lies Conservation Area No 5 St Nicholas/Northgate Street Extension. The application site comprises previously developed brownfield land. There is a single existing building on the application site which will be removed to accommodate the proposals.
- 2.7** In its immediate context the application site is bounded to the east by existing residential development, to the west by the NHS Northgate Hospital site, and to the north by a commercial site currently in use as a depot operated by GYB Services. The Great Yarmouth New Cemetery site is located to the south, behind the workshops across from the site on Estcourt Road.
- 2.8** Beyond these areas, the wider context of the site is predominantly residential, with areas of public open space and recreational facilities including Beaconsfield Recreation Ground and Beaconsfield Play Park located in close proximity to the site. The seafront is located approximately 400m to the east. Great Yarmouth Town Centre is located approximately 700m to the southwest,

providing a wide range of shops and services and national bus and rail connections within a 10-minute walk of the application site.

- 2.9** The site is located in the Orange Habitat Impact Zone more than 400m but less than 2.5Km from an internationally protected wildlife site and for developments greater than 10 dwellings a bespoke Shadow Habitat Regulations Assessment (HRA) is required.

3. Proposal

- 3.1** The application proposes a development of 30 affordable homes served off an adoptable access road from Churchill Road, with private drives off that. The 30 dwellings comprise:

- 14 two bed 4 person houses,
- 2 three bed 6 person houses,
- 2 four bed 7 person houses,
- 8 three bed 5 person houses, and
- 4 one bed 2 person flats.

An acoustic barrier is proposed along the northern boundary and part of the eastern boundary adjoining neighbouring commercial uses (Great Yarmouth Borough Services depot) at Churchill Road. Each plot including the flats is provided with private external amenity space, and new tree planting and soft landscaping is proposed throughout. The layout includes open space and a surface water drainage attenuation basin. Private parking provision for each dwelling and visitor parking spaces are provided throughout.

- 3.2** A range of five house types and two material combinations are proposed. The proposed house types provide floor areas which meet the national guidance of minimum standards for house design.
- 3.3** The proposed development comprises 100% affordable housing. The housing mix, type and tenure of the proposed development has been developed in accordance with local requirements.

4. Relevant Planning History

- 4.1** The site itself has a long history of alterations and ancillary development related to its former use by the NHS. The land to the east adjoining this site was also formerly part of the hospital, but it has since been successfully redeveloped as sheltered housing under planning permission ref. 06/10/0351/F - *Construction of 20 flats for sheltered housing and 5 general needs housing (all affordable) and associated access road and external works*, which was approved 13th October, 2010.

5. Consultations: - All consultation responses received are available online or at the Town Hall during opening hours

- 5.1 One representation has been received from a member of the public, which seeks to retain the existing building and convert it.

Consultations – External

- 5.2 **Norfolk Fire and Rescue Service.** No objection provided the proposal is constructed in accordance with the Building Regulations.

- 5.3 **Local Highways Authority** – The point of access was determined in consultation with the Highway Authority (HA). The HA raise no objection subject to conditions specifying the dimensions required for various aspects of the internal road layout.

- 5.4 **Historic Environment Service - Archaeology** – The NCC Historic Environment Service (HES) considers that the proposal will not have a significant impact on the historic environment. In response to concerns from the Great Yarmouth Local History and Archaeology Society (relayed by the Council's Conservation Officer) regarding the demolition of the former hospital building, the HES has provided a condition that requires the recording of the building prior to demolition and the provision of those records to the County for archival.

- 5.5 **Lead Local Flood Authority (LLFA)** – The applicant has worked with the LLFA on the design of the newly-revised proposed surface water drainage system in line with SuDS features and the LLFA raises no objection subject to the development being carried out in accordance with the drainage scheme shown on the revised layout plan received in January 2022.

- 5.6 **Ecology** – The Natural Environment Team (NETI) at Norfolk County Council have reviewed the Preliminary Ecological Appraisal and the Bespoke Habitats Regulations Assessment submitted with the application. The National Planning Policy Framework (NPPF) and Policy CS11 of the Councils adopted Core Strategy states that developments should avoid harmful impacts on biodiversity, priority habitats and species, and take measures to create biodiversity features. The HRA concludes that there would be associated recreation pressure on proximate sites important for nature conservation and that mitigation in the form of an impact payment would be an appropriate way to address that impact.

- 5.7 The application site is a brownfield site which has been vacant for several years. Surveys have identified that site has occasionally been used as a habitat for a protected species, but notes the site was not their predominant residence; based on this a licence has been granted for the habitat to be closed off and for mitigation and protection measures to be put in place to prevent occupation by protected species during construction. An update is required to the bat survey, which should be carried out this Spring, and a condition is recommended such

that there shall be no demolition of the existing building prior to the provision of bat boxes within the development. Conditions are also recommended to enhance the site for biodiversity (using bird and bat boxes) in accordance with Core Strategy policy 11.

- 5.8 Infrastructure Requirements [Updated 19th November, 2021]** - In accordance with the County Councils planning obligation standards for provision of infrastructure, NCC request contributions to library service and schools, this is discussed further under the section of the report regarding planning obligations and viability.
- 5.9** NCC advise, based on planning permission at Northgate Hospital (69 dwellings ref 06/18/0582/F), there is spare capacity in the Early Education sector and Secondary School sector, however, it is advised there are insufficient spaces at Northgate Primary School for this development and NCC therefore seeks a contribution for a projected 7 spaces (age 4-11) of $7 \times £14,022 = £98,154$. For increased pressure on the library service NCC seeks £75 per dwelling (75×30) = £2,250.
- 5.10** The NCC infrastructure team's consultation responses are valid for only 6 months due to the changing nature of school rolls and other commitments through funding from other permissions. So long as the application is determined within 6 months of that advice, the recommendations and implications for viability will be as presented within this report. As stated above the response was refreshed on 19th November.
- 5.11 Natural England (NE)** – No objection - NE considers that the proposed development will not have any significant adverse impacts on statutorily protected nature conservation sites or landscapes (assuming the relevant per-dwelling Habitats Mitigation and Monitoring Scheme payment is made).
- 5.12 Environment Agency** - The site is located partly within Zone 3a as such having a high probability of flooding. The agency requires that the finished floor level of the development shall be 300mm higher than the projected 1 in 200-year flood event allowing for climate change, as such the finished floor levels at ground floor will need to be 3.24m above datum (AOD). The existing levels of the site range between 2.65m AOD at the southern end and 2.73 at the northern end. Revised plans have been received which comply with these dimensions.
- 5.13** The Agency advises consideration of the sequential and exceptions test is a matter for the local planning authority. This is discussed later in the report.
- 5.14** The Agency has reviewed the submitted phase 1 and 2 site investigation report regarding potential for contamination of groundwater from the redevelopment of this brownfield site and recommend conditions to further investigate and mitigate any contamination that may be present on the site, and for conditions to prevent use of piled or penetrative foundations, without prior agreement (which overlap with conditions recommended by the Environmental Health Officer).

- 5.15 Water Management Alliance** - advise that the site is downstream of the watershed and make no comment.
- 5.16 Statutory Undertakers – Anglian Water** confirm with regard to wastewater treatment and foul drainage that the Caister Pump Lane water recycling centre will have capacity for the flows, and defers to the Lead Local Flood Authority in consideration of the design of a suitable system to address surface water associated with the proposal. **Cadent Gas** confirms that there are gas services in the vicinity.
- 5.17 Norfolk Constabulary – Designing out Crime** – Provides various advice that has been shared with the applicant regarding secure design and the provision of lockable access gates.

Consultation - Internal GYBC

- 5.18 Environmental Services – Resilience Officer** raises no objection based on the submitted Flood Risk Assessment.
- 5.19 Trees** – There are a number of trees on the site and where possible these are retained within the proposed layout such as at the northern boundary of the site. The tree officer has reviewed arboricultural assessment, is familiar with the site and has no objection to the proposed development. It is noted that tree loss is disappointing however the trees on site are not of good condition and have limited retention span – including the protected Alder (TPO ref No.3 1998). The tree officer advises that replacement planting would be the best course of action.
- 5.20 Affordable Housing** – The Housing Service notes that the development is for 100% (30 dwellings) affordable housing and advises that the proposed dwelling mix has been discussed and accepted. The proposed inclusion of 8 shared ownership properties provides a mix of tenures on the site while meeting the Borough's highest need in the form of affordable rent. The inclusion of 4 bed properties is very welcome given the increasing need for 4 bed properties in the Borough. Discussions have taken place with the applicant to achieve the size as per the national design space standard for each unit.
- 5.21 Conservation** - The Conservation Officer notes the site is located outside the borders of a Conservation Area; however, it has local historic value and accommodates the following non-designated heritage assets: Cobble and brick boundary wall towards Estcourt Road and Churchill Road; and, Former Ward Block, originally dating from 1894.
- 5.22** Whilst the Conservation section do not raise objections against the proposed housing development, it has expressed concern regarding a potential loss of a non-designated heritage asset which has a local historic significance. It notes a blue plaque was erected on its boundary wall by the Great Yarmouth's Local History and Archaeological Society to commemorate the site of the former Isolation Hospital.

- 5.23 Environmental Health** - The Environmental Health Officer (EHO) has steered the applicant to ensure the proposal will comply with acoustic standards for amenity and wellbeing, to mitigate noise (from the GYBS depot, and the garage on Estcourt Road). The EHO recommends the mitigation measures set out in the acoustic report supporting the application as detailed below:
- The provision of a 4 metre high acoustic barrier constructed along the northern boundary and partly along the eastern boundary of the site to reduce noise emissions from GYB Services. The minimum specification of the barrier is given in Appendix 4 of the submitted Acoustic Report.
 - The existing 1.8 metre high perimeter wall along Churchhill Road and Estcourt Road shall be retained.
 - The gardens should be surrounded by standard 1.8m close-boarded fences.
 - Installed windows shall achieve a minimum sound reduction index of 30 dB Rw.
- 5.24** A condition requiring that the development is carried out in accordance with the acoustic report is recommended. Conditions are also requested to require further investigation and mitigation of any contamination identified within this brownfield site, with standard informatives regarding the protection of air quality during construction and hours of working.
- 5.25 Property Services** - Have been requested to review the assumptions of the financial viability assessment submitted with this application. A verbal update will be provided at the committee meeting.
- 5.26 Strategic Planning (Open space provision for new housing development)**
– Policy H4 of the newly adopted Local Plan Part 2 (LPP2) policy requires new residential development to make provision for publicly accessible recreational open space where there is an identified deficit in local provision (defined by Ward). 103 m² is required per dwelling and is broken-down into space for outdoor sport 24%, play space 6%, informal amenity 18%, parks and gardens 10%, accessible natural greenspace 40% and allotments 2%. In the case of sites over 20 dwellings this will normally be achieved as a combination of on- and off-site provision. For this development there is a total overall requirement of 138.6m² (30 x 4.62m²) for play space and 554m² (30 x 18.48m²) for informal amenity space that should be provided on-site for this development.
- 5.27** The layout includes some on-site provision of informal open space approximately 1,400m² in the form of land accommodating the surface water drainage in the SE corner of the site (1,000m²) and around trees being retained at the northern end of the site (400m²). This is considered to meet the requirement for on-site informal open space. The site also benefits from proximity of play areas at the Lea and Beaconsfield Road. Based on an assessment of the current surplus/deficit of each type of open space and an allowance for maintenance in the Central & Northgate Ward, the Borough Council would expect a financial contribution of £1,106.15 per dwelling for off-site open space provision made up of £547.13 towards outdoor sport and towards accessible natural greenspace £599.02 for off-site open space. Total contribution £33,184.50. In this case, please note for the purpose of this assessment and application of the policy that while the beach can and does

have a role in meeting people's recreational needs it is not classed as "as accessible natural greenspace."

- 5.28** If the Borough Council were to adopt the open space to be provided on site it would need to contribute a further £7040.10 for the long-term maintenance (20 years) of the area.

6. Assessment of Planning Considerations: Policy Considerations:

Relevant policy

- 6.1** Planning law at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated at and paragraphs 2 and 47 of the National Planning policy Framework (NPPF).
- 6.2** Whilst the Council has an up-to-date development plan and 5-year-housing land supply the National Planning Policy Framework remains a material consideration but the development plan retains primacy.

Adopted Core Strategy 2013-2030

- 6.3** Great Yarmouth Borough adopted Local Plan Policy CS2 "Achieving sustainable growth" in the Core Strategy (2015) ensures that new residential development is distributed according to the policy's settlement hierarchy which seeks to balance the delivery of homes with creating resilient, self-contained communities and reducing the need to travel. The settlement hierarchy identifies Great Yarmouth as one of the Borough's 'Main Towns' due to wide range of services, opportunities for employment, retail and education and large catchment area that it serves. Therefore, a greater proportion of the plan future housing requirement is directed to it.
- 6.4** The proposal is located within a 10-minute walk of the town centre, schools and a large range of services within it. It is adjacent the Northgate Street local centre and close to the seafront area and recreation facilities, and the proposal is therefore considered to be in a sustainable and accessible location.
- 6.5** Policy CS2 (e) encourages the reuse of previously developed land and existing buildings. The proposal is therefore seen to aid the delivery of the local plan in this respect.
- 6.6** Policy CS4 "Delivering affordable housing" – The site lies within Affordable Housing Sub-market Area 1. Ordinarily a scheme of 30 dwellings in this location would be required to provide 20% affordable housing (6 dwellings) but the proposal is for 100% affordable homes which attracts significant weight in the determination of this application.

- 6.7 Policy CS9 – “Encouraging well-designed, distinctive places” and Policy CS10 “Safeguarding local heritage assets” - The site is vacant, the building on site has been much altered. While of some local interest, a view must be taken on whether the value of the existing building justifies retention or whether the provision of affordable housing provides sufficient benefit to outweigh the need to require retention on site.
- 6.8 Policy CS11 “Enhancing the natural environment” requires the authority to assess the impacts of development on natural assets. In this case in accordance with Habitats Regulations a bespoke Habitats Regulation Assessment is required. NETI have recommended conditions for the provision of bird boxes within the development.
- 6.9 Policy CS13 “Protecting areas at risk of flooding or coastal change” (a) directs new development proposals away from areas of highest risk of flooding unless the requirements of the Sequential Test and Exception Test (where applicable) are met, and a satisfactory Flood Response Plan has been prepared.
- 6.10 The proposal also needs to demonstrate that the development will be safe for its lifetime, taking into account the vulnerability of its users, without increasing flood risk elsewhere.

Local Plan Part 2 (2021)

- 6.11 Policy GSP1 (Development limits) – retains the emphasis on development in sustainable locations within development limits.
- 6.12 Policy A1 (Amenity) – requires particular consideration on the form of development and its impact on the local setting in terms of scale, character and appearance.
- 6.13 Policy A2 (Housing design principles) – pushes the design quality of residential developments to a higher standard in terms of their creation of place and urban design and a group of dwellings, and on an individual dwelling basis requires dwellings to meet otherwise-optional building regulations standards, and to be designed with regards to the local context such as local townscape and urban grain and other detailed design requirements. Principles include that developments should be designed to be adaptable to changing needs and existing and emerging technologies such as home-working, digital connectivity and electric/autonomous vehicles. Developers should also ensure plans are in place for the long-term stewardship and management of public spaces.
- 6.14 Policy E1 (Flood risk) – the proposal is for residential development within the town of Great Yarmouth, therefore for the purposes of the sequential test, the search for alternative sites can be limited to Great Yarmouth town.
- 6.15 Policy E5 (Historic environment and heritage) – seeks to conserve and enhance the significance of heritage assets. Proposals which involve the loss of non-designated heritage assets will only be permitted *where “b) measures to sustain*

the existing use or find an alternative use/user have been exhausted and the building risks falling into dereliction”.

- 6.16 Policy E7: Water conservation in new dwellings and holiday accommodation
New residential development, and holiday accommodation in buildings, will be supported only where it meets the higher water efficiency standard of requirement of 110 litres per person per day.
- 6.17 Policy H3 (Housing density) – seeks to make effective use of land with minimum housing densities of 50 dwellings per hectare in Great Yarmouth and Gorleston-on-Sea town centre.
- 6.18 Policy H4 (Open space provision for new housing development) - requires the provision for publicly accessible recreation open space of 103 square metres per dwelling comprising approximately: 24% for outdoor sport; 18% for informal amenity green space; 6% for suitably equipped children's play space; 2% for allotments; 10% for parks and gardens; and 40% for accessible natural green space.
- 6.19 Policy I1- Vehicle parking for developments requires parking to meet current NCC standards and requires developments to be designed to enable charging of plug-in and other ultra low-emission vehicles in safe, accessible and convenient locations.
- 6.20 Policy GSP8 (Planning Obligations) – development viability with respect to planning obligations will be considered at the planning stage under limited particular circumstances where the scheme is on previously developed land.
- 6.21 Policy GSP5 (Internationally protected habitats and species impact avoidance mitigation) Protects Natura 2000 designated sites in and around the Borough from potential adverse impacts associated with new housing development including recreation.

Main issues:

The main issues in the assessment of this application are:

- Principle of development
- Housing mix, type and tenure
- Flood risk and mitigation
- Design and heritage
- Residential amenity & noise protection
- Ecology
- Planning obligations
- Viability

Principle of development

- 6.22 The site lies within the Great Yarmouth town Development Boundary wherein development will be supported in principle unless material considerations outweigh that principle. In this case those would be matters of the character

and appearance of the locality (heritage), amenity, highway safety, and flood risk. In this case the issue of viability and the balancing of proposed planning obligations is also a consideration.

Housing mix, type and tenure

- 6.23** A range of five house types and two material combinations (brick and brick/render walls) with roof tile are proposed to provide variety in respect of appearance, materials and detailing throughout the site. The two material combinations are interspersed throughout the site to maintain visual interest and create an attractive street scene.
- 6.24** The proposed house types provide floor areas which meet the minimum standards for house design.
- 6.25** The proposed development comprises 100% affordable housing. There is currently an acute and urgent need for affordable housing to be consented and delivered within the Great Yarmouth plan area. This need has been established in detail in the Council's Annual Monitoring Report (AMR). 30 affordable homes are more than the average annual delivery of affordable housing for the whole Borough since 2013, which represents only 7.5% of the estimated annual requirement of 400 units.
- 6.26** The housing mix, type and tenure of the proposed development has been developed in accordance with local requirements and is considered acceptable.
- 6.27** Policy H3 (Housing density) has an indicative minimum density of 50 dwellings per hectare housing. The proposal of 30 dwellings on a site of 0.93 hectares equates to 32 dwellings per hectare density. This is less than prescribed by policy H3, but the development is consistent with the character of the locality and is reduced due to the need to provide infrastructure such as the sustainable drainage and open space, and due to accounting for the retention of trees on the site where possible, and the historic wall.
- 6.28** Policy A2 (Housing design principles) requires dwellings to satisfy enhanced Building Regulations standards for 'accessible / adaptable' housing. The development has not specified this, given the recent addition of the requirement through the Local Plan Part 2 adoption, but there is a likelihood the development of affordable housing would include a requirement to provide a certain quota provision; a planning condition could be used on a site as large as this to secure details and any relatively modest means to accommodate this requirement should not be adverse to the site's delivery.
- 6.29** Residential development on this site's Flood Zone 3a area would normally be inappropriate, but the proposed provision of all 30 dwellings as affordable housing would be a significant public benefit to justify the conflict with policy.

Flood risk

- 6.30** Local policy sequential test requirements direct new development proposal away from areas of highest risk of flooding unless the requirements of the Sequential Test and Exception Test (where applicable) are met, and a satisfactory Flood Response Plan has been prepared.
- 6.31** The site is located almost equally across Flood Risk Zones 2 and 3a and therefore considered as having a high probability of coastal and fluvial flooding. The planning practice guidance expects site-specific flood risk assessments to provide the evidence for the local planning authority to apply the sequential test. The applicant provided an assessment of currently available sites within the vicinity, that concludes there are no sites less at risk of flood in the vicinity that could accommodate the number of dwellings proposed. The Local Plan Part 2 makes clear that within the town of Great Yarmouth there are very few sites that are not at risk from flooding (particularly when allowing for climate change over the next 100 years) and so the Local Plan has a housing supply windfall allowance for the town meaning the Sequential Test will only need to consider whether at the time of the application there are any suitable and available sites within Great Yarmouth at a lower risk of flooding than the application site. As such it is considered that the sequential test has been passed.
- 6.32** Although having satisfied the sequential test, the proposed development within flood zone 3a means it is necessary for the proposal to also pass the Exception Test (being a 'more vulnerable use' within Flood Risk Zone 3a), as set out under paragraph 164 of the NPPF.
- 6.33** For the Exception Test to be passed the development will normally need to demonstrate that the wider sustainability benefits emanating from the proposal would outweigh the flood risk. This takes into consideration relevant factors including the highly sustainable location (as indicated by its compliance with Policy CS2) and that the development is for 100% affordable housing.
- 6.34** The proposal also needs to demonstrate that the development will be safe for its lifetime, taking into account the vulnerability of its users, without increasing flood risk elsewhere.
- 6.35** It is noted that the finished floor level of the units will be 300mm higher than the 1 in 200-year worst case flood event allowing for climate change and that the first-floor level would provide safe refuge in the 1 in 1000-year coastal flood event.
- 6.36** It is considered that the proposed finished floor level of 3.24m is compatible with the existing levels of adjoining developments, not giving rise to any issues of overlooking or being out of character with the locality. Safe refuge will be available within upper floor levels of the new dwellings which will be set at a minimum of 5.64mAOD, in the event of a 1 in 1000 + plus climate change and/or breach event. A condition is recommended to provide a Flood Warning and Evacuation Plan to be implemented onsite.
- 6.37** It is proposed to dispose of surface water drainage via infiltration on the site including the provision of a detention basin.

Design, layout and heritage

- 6.38** The surrounding neighbourhood has a mixture of ages and styles of residential dwellings, mainly two storey including terraces and an apartment block to the east. The traditional design of pitched roof house in brick and brick and render in semi-detached and terraces is compatible with the local character. The proposed dwellings are of a traditional form using materials compatible with the character and appearance of the locality.
- 6.39** The proposed layout makes best use of the established boundary wall to provide private garden areas. The wall will be retained and will help to blend the new with the existing buildings.
- 6.40** Parking provision and space within the highway is provided throughout the site to allow for safe and convenient parking and manoeuvring.
- 6.41** Notwithstanding the presence of trees including a protected tree on site, their value is limited and the Tree Officer advises that replacement planting would be the best course of action within a successful scheme. A landscape scheme condition is recommended to secure this.
- 6.42** The row of workshops on the south side of Escourt Road lies between Conservation Area No 5 St Nicholas/Northgate Street Extension and the application site. The intervening buildings are a continuous row of two-storey buildings with steep roof, which means there is no inter-visibility between the application site and the conservation area so the proposal will not affect the character and appearance of the Northgate Cemetery and conservation area.
- 6.43** The applicant has considered the integration of the existing historic building and boundary wall within the new development. Except for a new access that will be created in a modern section of the boundary wall on Churchill Road, the proposal will retain the distinctive boundary wall and will extend it where it is missing at the south eastern corner of the site.
- 6.44** In support of the application, the applicants undertook a heritage statement, and the remaining building on site is described as follows: *"The building.... is a late 19th century structure with atypical decorative flint diamonds on its faces). A late 20th century extension has been added. The interior of the building does not retain any original features and is in a poor state of repair."*
- 6.45** The applicant was asked to consider the retention and conversion of the building. The heritage statement notes that the existing building (former Ward Block) has suffered several later (post WWII) alterations. In consideration of its loss, while the original design is distinctive, it is not considered sufficiently exceptional that its retention must be paramount; whilst the conversion potential of the building has not been documented, its retention in situ would preclude the construction of at least 8 of the dwellings and additional gardens in the layout as proposed, as well as complicating the access arrangements and parking requirements for the rest of the site.

- 6.46** Overall, it is the considered opinion of Officers that the retention of the existing building would not outweigh the wider community and public benefit of the re-development and regeneration of the site for the quantum of affordable housing that its removal allows. However, in acknowledging the concerns of the Local History and Archaeology Society, a condition is recommended to be imposed on any permission, which requires the formal recording of the building prior to demolition, and for that to be placed on the public historic record, and for a publically visible interpretation feature (e.g. plaque / marker / art) to be provided within the scheme.

Residential amenity

- 6.47** The proposed dwellings are oriented to protect the privacy and amenity of the houses to the east. For new residents, an acoustic barrier is proposed along the northern boundary and part of the eastern boundary adjoining neighbouring commercial uses (the Great Yarmouth Borough Services depot) at Churchill Road, to ensure acceptable noise levels within the development.
- 6.48** To secure these protection measures, the measures recommended by the Environmental Health Officer have been incorporated into the designs of the development, and shall be required by conditions. A condition is proposed requiring that the development is carried out in accordance with the acoustic report and will include those aspects discussed at paragraph 5.23, namely:
- The provision of a 4 metre high acoustic barrier constructed along the northern boundary and partly along the eastern boundary of the site to reduce noise emissions from the adjoining commercial activity site. The minimum specification of the barrier is given in Appendix 4 of the submitted Acoustic Report.
 - The existing 1.8 metre high perimeter wall along Churchhill Road and Estcourt Road shall be retained.
 - The gardens should be surrounded by standard 1.8m close-boarded fences.
 - Installed windows shall achieve a minimum sound reduction index of 30 dB Rw.
- 6.49** Conditions should also be used to require further investigation and mitigation of any contamination identified within this brownfield site.
- 6.50** Each plot is provided with suitably sized private external amenity space, and new tree planting and soft landscaping is proposed throughout the scheme to provide an attractive green neighbourhood environment.
- 6.51** The Environment Agency has specified conditions to protect the groundwater environment and aquifers which shall be required by conditions.
- 6.52** In the interest of the amenity of adjoining residents, it is proposed to use a condition requiring a construction management plan to be agreed, regarding the protection of air quality, noise and dust during construction, as well as controlling hours of working.

Highways safety and access

- 6.53** Access for the site is provided off Churchill Road towards the centre of the site, a modern section of the boundary wall will be removed providing forward visibility splays to required standard. An existing access at the SE corner of the site was considered but was determined to be substandard for visibility and in conflict with an existing access to the east, The Highways Authority have worked with the applicant and the layout, parking and turning on site meet expected standards, including 2 parking spaces per unit for the 2 and 3 bed houses and 3 spaces per dwelling for the four bed houses, the car spaces are adjacent each dwelling. The layout provides for service access for refuse vehicles. A condition that the layout parking and turning shall be provided as per the revised layout is recommended.

Ecology – internationally protected sites

- 6.54** The site is located in the Orange Habitat Impact Zone more than 400m but less than 2.5Km from an internationally protected wildlife site and for developments greater than 10 dwellings a bespoke Shadow Habitat Regulations Assessment (HRA) is required. If minded to approve the application, planning permission would need to be subject to the completion of a S106 Agreement including a contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per dwelling, £3,300 total), as required by LPP2 Policy GSP5.

Ecology – on site

- 6.55** Evidence of protected species has been found within the site, but conditions shall be able to address these and provide suitable mitigation both during construction and as compensation for potential loss of habitat on site.
- 6.56** Ordinarily, a site with high potential for hosting protected species should not be granted permission for redevelopment unless there is an up-to-date and verified protected species survey confirming presence / absence and mitigation measures. In this instance the bat survey is outdated and requires a new bat survey to be undertaken within the Spring; the LPA should only allow permission that affects potential roosting sites in exceptional circumstances. There is a possibility that there are still bats present on site so the precautionary principle should be applied, and on further investigation it is considered that the bats that were present on site during the outdated survey were species which are known to roam and be nomadic and adaptable to use various roost sites which can be provided within the remainder of the site. As such it is considered there are two options to the LPA:
- 6.56.1 To expect the bat survey and mitigation proposals to be undertaken before the permission is issued, with conditions requiring mitigation to be in situ before the demolition of the building occurs;
- 6.56.2 To use conditions to prevent demolition of the former ward building until the survey is completed and mitigation measures have been installed and usable in the most appropriate places.

Neither of these processes would hinder the delivery of the site, given that there are going to be discussions required to agree the Section 106 agreement and pre-commencement conditions to be resolved prior to works beginning. The important aspect is that the County Ecologist is confident that the site contains enough space and/or potential alternative roosting options to be able to mitigate and compensate the loss of existing bat roost spaces.

- 6.57** A condition will be attached to any permission for a Biodiversity Enhancement Plan securing provision of bird box enhancement. It is suggested a minimum of 30 bird boxes (including swift).

Public open space provision

- 6.58** The development should be expected to address the needs of open space and play facilities for its future residents within the site, but on this occasion the proposal has sought to maximise the number of affordable housing dwellings. There is a small area of public open space proposed for on-site informal recreation in the north-east corner. This is not the optimal site for on-site public open space because it is not accessible or convenient to all the dwellings within the scheme, but it is proposed as a means to provide a buffer between residential and commercial uses on the other side of the boundary and is at least overlooked by 9 dwellings so should feel secure. The water attenuation area in the south east corner provides additional informal natural greenspace which can contribute towards the quota for on-site open space requirements.
- 6.59** The amount of on-site provision is unfortunate, but the benefits of additional affordable housing and the on-site drainage requirements are significant mitigating factors. As a result of the deficit of on-site play and open space provision, however, LPP2 Policy H4 expects some £33,184.50 to be provided for public open space mitigation elsewhere, in order to address the impacts of the development and be compliant with policy. This is considered below, in respect of planning obligations and development viability.

Environmental enhancements

- 6.60** The proposal to make beneficial use of a brownfield and redundant site is a significant material consideration in this proposal, supported by policy CS2 Achieving sustainable growth, which encourages the reuse of previously developed land and existing buildings.
- 6.61** The water efficiency requirements of Local Plan Part 2 policy E7 can be address by the development with a recommended condition.
- 6.62** An informative is recommended that the development design should where possible enable charging of plug-in and other ultra low-emission vehicles in safe, accessible and convenient locations as encouraged by Local Plan Part 2 policy I1. It is possible that Building Regulations may require this also.

Planning obligations

6.63 To address the impact of this development, planning obligations are required for:

- £98,154 for local education to address the primary school impact of this scheme (7 spaces).
- £2,250 for libraries.
- £3,300 habitats mitigation and management strategy contribution for mitigation of impacts on internationally important sites designated for nature conservation (Natura 2000 sites).
- £33,184.50 for off-site public open space (LPP2 Policy H4) - £1,016.05 per dwelling,
- Possibly an additional £7,040.10 for long term maintenance of on-site open space if GYBC were to maintain the on-site open space, but in this case the applicant has advised the affordable housing Registered Provider is expected to maintain the open space, likely through the establishment of a management company.
- A minimum of 20% up to 100% affordable housing as proposed.

However, it is noted that the scheme has challenging viability and may not be able to realise all these aspirations.

Viability Assessment

6.64 The planning application is accompanied with a site-specific viability assessment. The assessment sets out the expected costs and expenditures for the proposal (i.e. reasonable land acquisition and build costs) and compares them with development income / value (i.e. in this case social housing grant, and affordable housing funds).

6.65 There are some challenges to the site's viability because of slightly higher costs for the design requirements associated with flood mitigation and remediation of contamination, and a reduced residual land value by virtue of this being proposed as an entirely affordable housing scheme. The assessment concludes that providing all 30 dwellings as affordable housing, means only £57,000 is available for financial contributions towards community infrastructure.

6.66 Local Plan Part 2 Policy GSP8 recognises the challenging nature of previously developed land in terms of viability and allows for flexibility when requiring planning obligations in specific circumstances, such as those described above.

6.67 The final decision regarding use of limited available funds for planning obligations rests with the Local Planning Authority as decision maker, both in respect of whether to accept a development which is unable to address its impacts, and in respect of the balancing of limited available contributions, whether in relation to the County Council's or any other contribution requests.

6.68 In this proposal, for the development to address its impacts it should provide financial contributions of at least £136,888, but only £57,000 is proposed,

representing a shortfall of £79,888. This is a notable inability to address the impacts of the development and requires the decision maker to carefully consider the principle of the development in the form proposed.

- 6.69** Some of the shortfall arises because there is less value within the development due to the absence of open-market dwellings and the proportion of affordable rented tenure accommodation proposed in comparison to shared ownership / intermediate tenure options. Substituting some affordable housing for open-market dwellings, or changing the balance between affordable rent and shared ownership / shared equity tenures, would both raise available funds for addressing the pro-rata planning obligation shortfall, but it would complicate the site layout and land disposal and management.
- 6.70** Officers note the dwelling mix has been proposed in conjunction with the Council's strategic housing team and the mix as proposed is considered to represent a significant public benefit. Officers advise that the application should be determined on the basis of the proposals submitted, but if the Committee as decision maker were minded to seek any amendments the proposed contributions : affordable housing content, it would alter the planning balance and require a reappraisal of officers' recommendation.
- 6.71** In accordance with the Habitats Regulations there is a legal requirement to make a £3,300 contribution for mitigation of impacts on internationally important sites designated for nature conservation (Natura 2000 sites), and the contribution is established as outlined in LPP2 policy GSP 5. This reduces the available sum for other section 106 contributions to £53,700.
- 6.72** The accompanying viability assessment demonstrates that it is a not an economically viable site and the applicant has not proposed to include market housing to improve the scheme's viability, instead preferring to offer public benefits (significant) in the form of a 100% affordable housing scheme.
- 6.73** There is a shortfall in the site's ability to satisfy all planning obligations that would ordinarily be required, to the amount of £136,888.50. Excluding the required £3,300 HMMS payment, £53,700 is available. The applicant is content for the Local Planning Authority to determine the preferred allocation of the restricted funds towards local infrastructure, amounting to a projected £53,700. Requests for community infrastructure payments are set out at paragraph 6.62 of this report.
- 6.74** As an affordable housing project, it is considered a significant public benefit that the application offers 24 more dwellings as affordable housing than a market-led housing application would be required to provide, and so the principle of development should be supported despite not being able to address the full range of impacts that the section 106 would ordinarily be used for.
- 6.75** The allocation of limited section 106 funds must meet the tests for the use of planning obligation contributions, but aside from that it is a matter for the decision maker to determine where the greatest need and benefits lie. A development of 30 affordable dwellings will give rise to pressing needs on both

the education services and the local recreation, play and public open space providers, and arguably to a lesser extent the library service.

- 6.76** Public open space and play areas have not been able to be provided on site as to do so would likely reduce site capacity to be fewer than 30 dwellings. Given the proximity to the Beaconsfield Road playing fields and other local areas of informal open space it is considered some of those impacts would be provided for within a relatively short walk, though not ideal for families of smaller children given the distance and roads that need crossing. It would be possible to apportion some of the funding to multiple justified projects, for example if there was a location that could host play facilities for young people closer to the site, but it is the Officer's recommendation that it is more appropriate to use the limited funds towards addressing some of the educational impacts of the development to reduce the shortfall in that respect.
- 6.77** In this case it is considered that the provision of affordable housing is the paramount objective and the balance of the remaining available funds which amount to approximately £53,700 should be included in a Section 106 Agreement as a contribution towards the Primary Education Sector, which will go some way towards addressing the £98,154 expected to address the educational impact of this development.

7. Local Finance Considerations:

Under Section 70(2) of the Town and Country Planning Act 1990 the Council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus or the Community Infrastructure Levy. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. It is assessed that financial gain does not play a part in the recommendation for the determination of this application.

8. Shadow Habitats Regulation Assessment

- 8.1** The site lies within the Orange Habitat Impact Zone more than 400m but less than 2.5Km from an internationally protected wildlife site and for developments greater than 10 dwellings a bespoke Shadow Habitat Regulations Assessment (HRA) is required. The applicant will provide a contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per dwelling). NETI have confirmed the Appropriate Assessment is fit for purpose and the section 106 agreement will secure the impact payment contribution.

9. Concluding Assessment

- 9.1 **The principle of development** is acceptable if the flood risk concerns are satisfied and the public benefits of redeveloping the brownfield site and providing 100% affordable housing demonstrate enough justification to allow development in the higher flood risk area.
- 9.2 **Character and Appearance of the Locality** is improved by the development and it is considered to comply with Policies CS9, CS10, A1 and A2 despite not retaining the existing building on the site. Overall, on balance the provision of affordable housing is considered to outweigh the suggested aspirations to require the existing building's retention. The feature boundary wall will be retained and extended where missing on Estcourt Road at the SE corner of the site.
- 9.3 **Amenity** – The site is able to accommodate 26 family dwellings and 4 flats with parking to standard and with private gardens, and the buildings are oriented to protect the privacy and amenity of the houses to the east. The development will include measures to minimise noise from existing commercial uses adjoining the site.
- 9.4 **Highway Safety** - the County Highways Authority raise no objection, and the proposal has been designed to meet highway standards for access and parking and on-site manoeuvring of service vehicles.
- 9.5 **Flood Risk** - The site is located Zone 2 and Zone 3a as such having a high probability of flooding. The dwellings have been designed to be flood resilient and will provide safe refuge at first floor level. It is considered that the sequential test and exceptions test are satisfied.
- 9.6 **Viability** - The accompanying viability assessment demonstrates that it is not an economically viable site when providing all dwellings as affordable housing and trying to address all the financial contributions expected, but a reduced sum of £3,300 for habitat protection and £53,700 is available to help address some of the £136,888 contributions that would ordinarily be required.
- 9.7 In this case it is considered that the provision of affordable housing is the paramount objective and the £53,700 available should be used as a contribution towards some of the Primary Education Sector costs required to address the impacts of the development, rather than off-site public open space and play enhancements or library service contributions.

10. **RECOMMENDATION: -**

10.1 **Approve** - The proposal complies with the aims of Policies CS2, CS3, CS4, CS9, CS13 and CS16 of the Great Yarmouth Local Plan Core Strategy, and also Policies A1, A2, E1, E5 and GSP5 of Local Plan Part 2.

10.2 **Subject to:**

- (i) the **completion of a S106 Agreement** to secure:
 - all 30 dwellings as affordable housing,

- £53,700 financial contributions for school infrastructure, and
- £3,300 habitats mitigation payment.

and,

(ii) **Conditions** including but not limited to:

1. standard time limit;
2. in accordance with revised plans, flood risk assessment, surface water and foul water drainage strategies, and protected species precautions;
3. specified Finished floor levels at ground floor will need to be 3.24m above datum (AOD), Safe refuge to be available within upper floor levels at a minimum of 5.64mAOD
4. controlled hours of working during demolition and construction

Prior to commencement:

5. no commencement until the pre-construction habitat protection measures are installed;
6. construction is to follow the protected species habitat measures in the submitted RammSanderson report.
7. provision of alternate bat accommodation prior to demolition of the existing building
8. (a) recording of the building prior to demolition and the provision of those records to the County Council historic environment record public archive, and (b) details of on-site heritage interpretation or display consequential to the recording, to be installed prior to occupation.
9. provision of Construction Environmental Management Plan
10. scheme for providing on-site construction parking
11. full detail of contamination investigations and proposed mitigation strategy
12. further details of precautionary contamination measures.
13. details of foundations to be agreed – preferably no piled or penetrative foundations.
14. details of accessible / adaptable housing measures.
15. Details of water efficiency measures to be submitted and agreed
16. Details of design to enable charging of plug-in and other ultra low-emission vehicles
17. Details of how the development is adaptable to changing needs and technologies

Prior to construction above slab level:

18. provision of biodiversity enhancement scheme (30 bird boxes).
19. provision of details of landscape scheme.
20. details of boundary treatments around the site - including details of extending the wall to the SE corner of the site, and provide the extended wall prior to occupation.

- 21.details of boundary treatments within the site, and provision thereafter.
- 22.details of water efficiency measures
- 23.details of EV charging systems where possible

Prior to occupation:

- 24.to be constructed in accordance acoustic report appendix 4 specifically, and provision prior to occupation:
 - The provision of a 4 metre high acoustic barrier constructed along the northern boundary and partly along the eastern boundary of the site to reduce noise emissions from GYB Services.
 - Excepting the new access the existing 1.8 metre high perimeter wall along Churchill Road and Estcourt Road shall be retained.
 - The gardens should be surrounded by standard 1.8 m close-boarded fences.
 - Installed windows shall achieve a minimum sound reduction index of 30 dB Rw.
- 25.provision of flood warning and evacuation plan and emergency warning as specified;
- 26.all landscaping, boundary treatments, parking to be available;
27. retention of new landscaping and replacement trees as necessary.

And any others considered appropriate by the Development Manager.

Appendices:

1. Site location plan
2. Layout Plan (revised January 2022)
3. Example plans & elevations of 'House type DD'
4. Example plans & elevations of 'House type AAA'

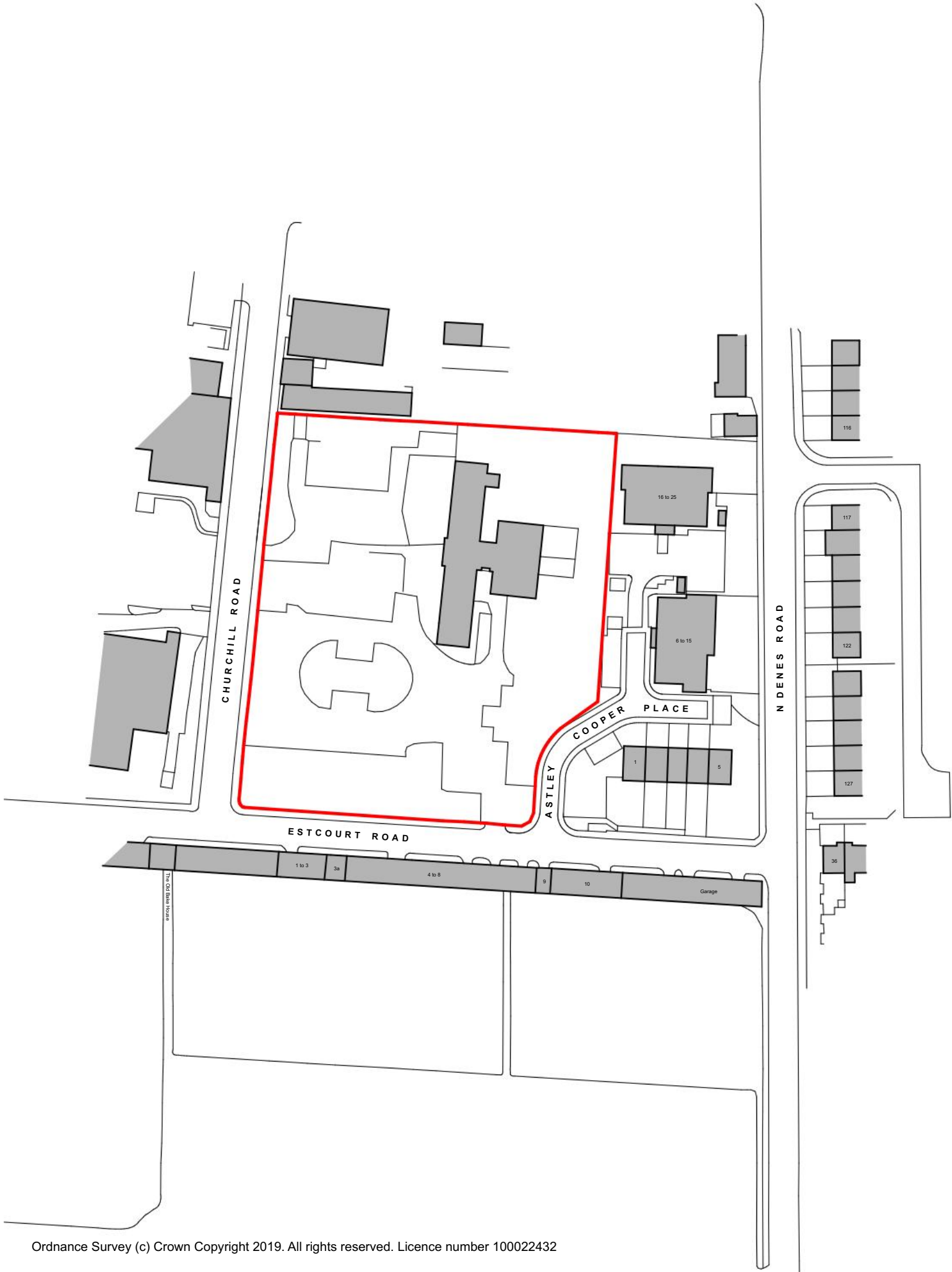
Site Location Plan

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P02	02/10/2020	JKG	Drawing status updated to 'Planning'.



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MINSTER
PROPERTY GROUP



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Client
Minster Property Group

Project Title
Proposed residential development
Land at Churchill Road / Estcourt
Road,
Great Yarmouth

Drawing Title
Site Location Plan

Drawing Status
Planning

Scale(s)
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Drawn
JKG

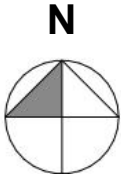
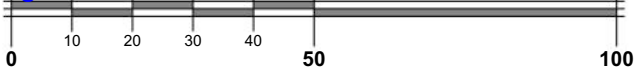
Project Number
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Original Paper Size
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Date
17.09.20

Revision
P02

Scale (m)
Page 50 of 214



Proposed Site Layout

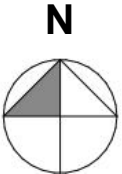
Scale: 1:500

Key

- Application site boundary
- Proposed Housing
- Existing Surrounding Buildings
- Private Rear Garden Area
- Public Open / Green Space
- Principal Highway / Road
- Private Drive
- Car Parking Spaces
- Pedestrian Footpaths
- Acoustic Boundary Feature
- Existing Brick Wall
Retained / infilled where necessary
- Existing Tree Planting
(approximate locations)
- Existing Trees Removed
- Proposed Tree Planting
(for illustrative purposes only -
subject to detailed design / planting
scheme by Landscape Architect)
- Proposed Hedge / Shrub Planting
(for illustrative purposes only - subject to detailed
design / planting scheme by Landscape Architect)
- Housetypes - Primary
Point of Access
- Primary Site Access



Scale (m)



schedule of accommodation

housetype	code	area	quantity
2B4P House	A	76m ²	14 no. units
3B6P House	B	97m ²	02 no. units
4B7P House	C	110m ²	02 no. units
3B5P House	D	88m ²	08 no. units
1B2P Maisonette	E	50m ²	04 no. units

Total Number of Units 30 no. units

approximate site area :	0.94Ha / 2.32 acres
density :	32 dwellings per hectare
parking provision :	200% / 100%

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Rev	Date	Drawn	Note
P02	21/09/2020	JKG	Plots 28-30 mirrored.
P03	02/10/2020	JKG	Footpath link to Estcourt Road added. Drawing status updated to 'Planning'.
P04	24/02/2021	JKG	Site access moved. Site updated to suit. Mix / units sizes changed and SoA updated.
P05	25/02/2021	JKG	Access amended.
P06	03/03/2021	JKG	Plots 01-07 updated. Plot 25 parking moved. Visitor parking added. Parking added to Plots 08-09 and 14-17. Rear access to Plot 19 amended.
P07	26/03/2021	JKG	SoA updated.
P08	27/04/2021	JKG	Plots 01-04 updated.
P09	27/05/2021	JKG	Plots 10-1 and 12-13 swapped. Access to Plots 01-09 and 26-27 amended.
P10	07/06/2021	JKG	Access to Plots 01-04 amended.
P11	01/07/2021	JKG	Access and red line amended.
P12	01/07/2021	JKG	Plots 01-04 boundary amended and boundary treatment shown.
P13	08/07/2021	JKG	Major scheme updates following input from Engineer. SoA updated.
P14	11/07/2021	JKG	Updated following feedback from Engineer.
P15	29/07/2021	JKG	Rear access updated, Plots 14-16 amended, visitor parking updated.
P16	10/09/2021	JKG	Updated following comments from Highways. Attenuation Basin updated.
P17	16/11/2021	JKG	Site access relocated and carriageway / attenuation moved.
P18	22/11/2021	JKG	Site access relocated to Churchill Road, and scheme amended.
P19	08/12/2021	JKG	Highway updated.
P20	22/12/2021	JKG	Drainage updated.
P21	13/01/2022	JKG	Highway and parking updated following comments from Highways.



Client: Minster Property Group

Project Title: Proposed residential development Land at Churchill Road / Estcourt Road, Great Yarmouth

Drawing Title: Proposed Site Layout

Drawing Status:

Planning

Scale(s):

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Drawn:

JKG

Project Number:

19049

Drawing Number:

0102

Original Paper Size:

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Date:

17.09.20

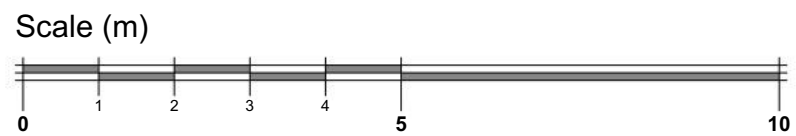
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P21

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MATERIAL COMBINATION 01



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Client
Minster Property Group

Project Title
Proposed residential development
Land at Churchill Road / Estcourt
Road,
Great Yarmouth
Drawing Title
Housetype DD - Plans and
Elevations

Drawing Status

Planning

Scale(s):
1:50, 1:100

Drawn:
IKG

Project Number:

19049

Original Paper Size:

A1

11.06.21

Revision:

P 0 1

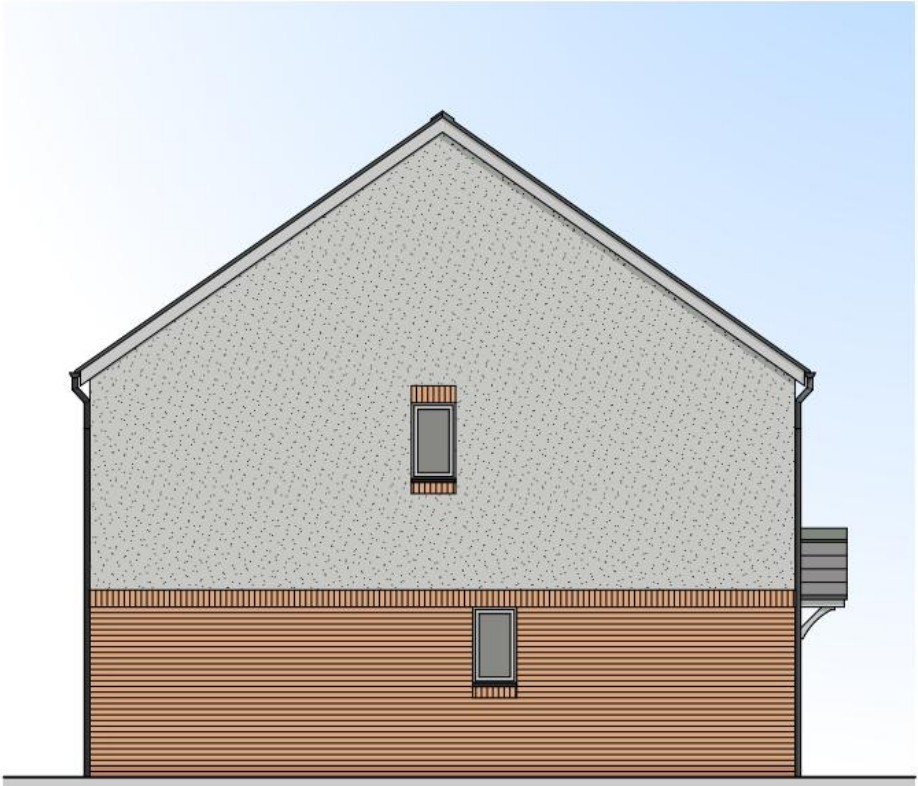
Housetype AAA - Plans & Elevations

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MATERIAL COMBINATION 02



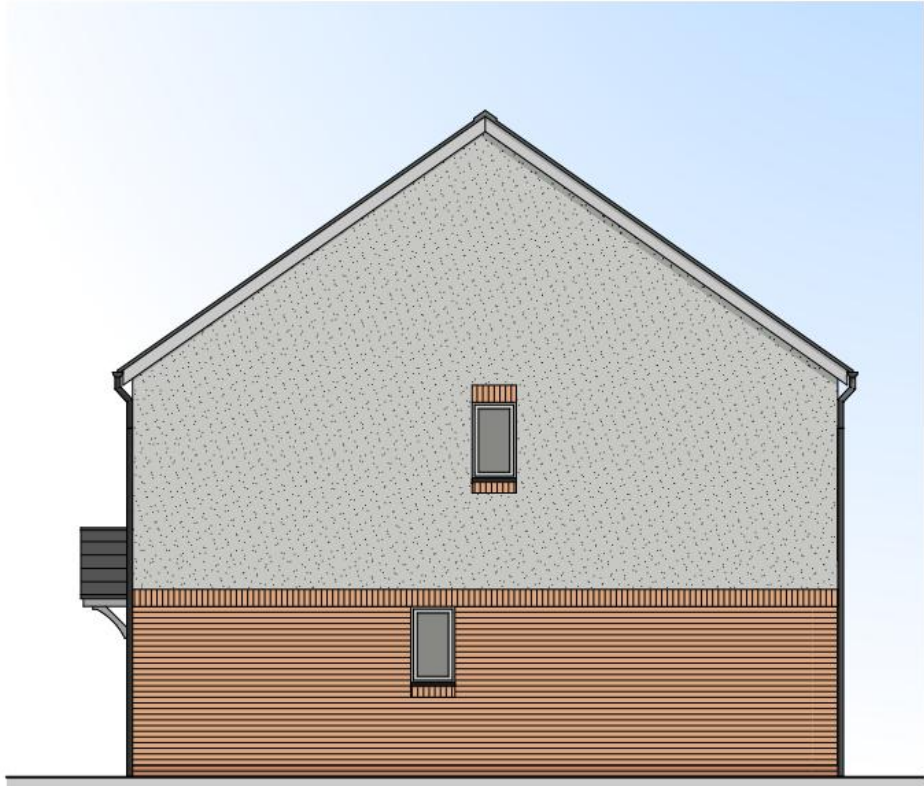
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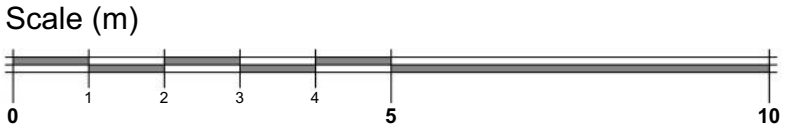
Side Elevation



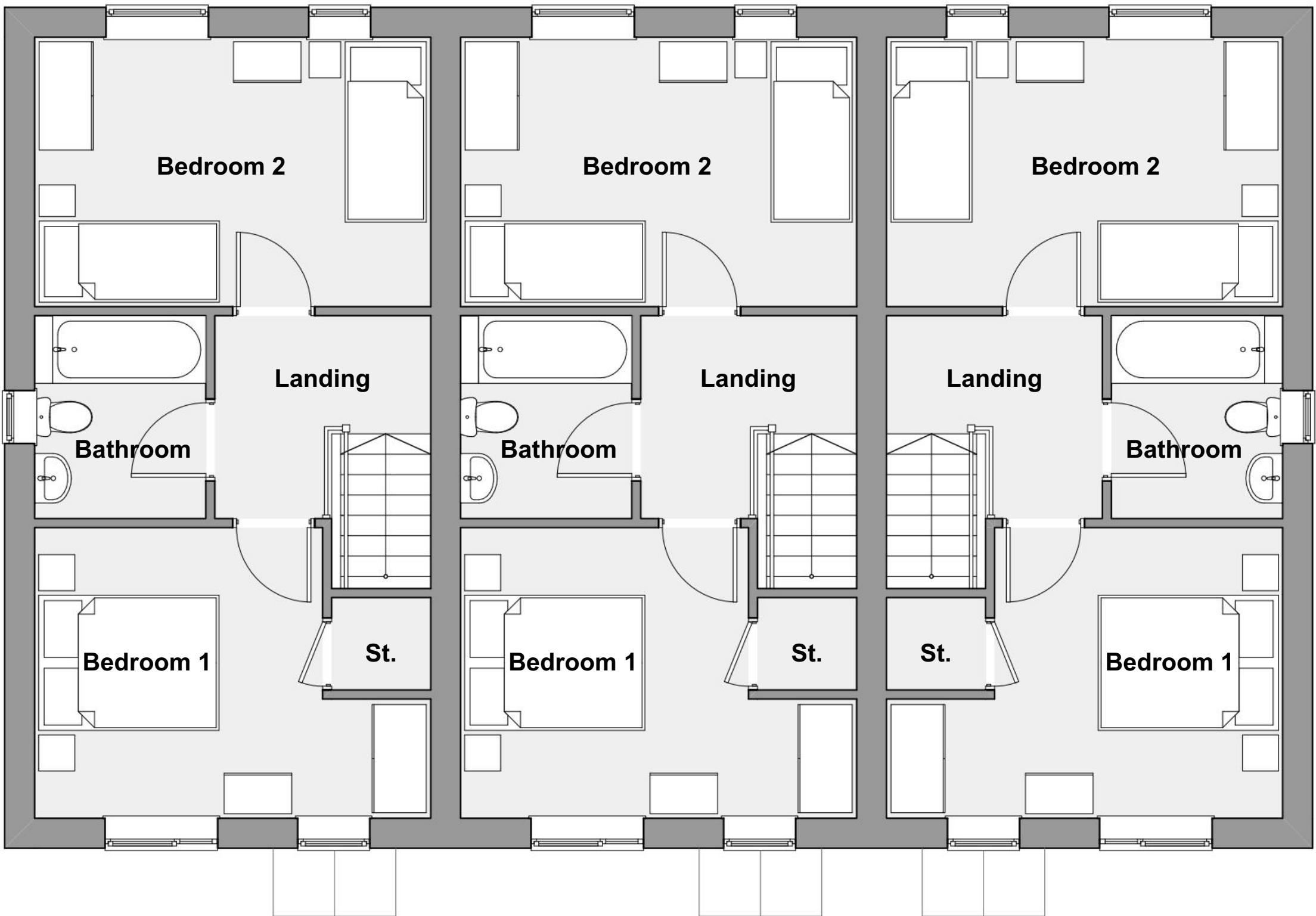
Rear Elevation



Side Elevation



Ground Floor



First Floor



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Rev	Date	Drawn	Note
P02	02/10/2020	JKG	Drawing status updated to 'Planning'.
P03	15/06/2021	JKG	Updated following changes to Site Layout.



Client
Minster Property Group

Project Title
Proposed residential development
Land at Churchill Road / Estcourt
Road,
Great Yarmouth

Drawing Title
Housetype AAA - Plans and
Elevations

Drawing Status
Planning

Scale(s)
1:50, 1:100

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21.09.20
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P 03

Drawn
JKG

Project Number
19049

Drawing Number
0201

Revision
P 03

**Reference: 06/21/0925/F and
06/21/0926/A**

**Parish: Great Yarmouth
Officer: Chris Green
Expiry Date: 28-12-21**

Applicant: Norfolk Archaeological Trust

**Proposals: 06/21/0925/F:
Proposed installation of 1no. pay machine and ANPR camera
including associated works**

and,

**06/21/0926/A:
Erection of non-illuminated free standing information signage**

**Site: Car Park at Burgh Castle Roman Fort, Butt Lane, Burgh Castle,
NR13 9QB**

REPORT

1. The site

- 1.1** Burgh Castle is a Scheduled Ancient Monument, a fort of the Saxon shore of late Roman times. The car parks are some distance from the standing Roman remains. The car park the subject of this application is surrounded by an approximately 1.5m high hedge and other trees within the car park. There is connecting pedestrian access to the fort itself across open fields. There are two footway accesses to the fort, that are dedicated Public Rights of Way, one from the church and one along the river. The pedestrian access from the car park to the fort is across private land and not dedicated as a public right of way. There are public rights of way around the standing walls on both sides of the walls.
- 1.2** The site has vehicular access off Butt Lane which links Church Lane where most of the village residences are, back in a southerly direction to Belton village. There is no residential development within 100m of the site entrance.
- 1.3** There is a field in equestrian grazing use to the immediate north of the car parking with housing on Church Lane further north.

- 1.4 The applicant has submitted a planning statement with numerous photos and a design and access statement together with drawings and details of the proposed monitoring cameras.
- 1.5 This application does not propose to alter these car parks other than to install information signage and to install pay-parking meters.
- 1.6 Some initial confusion was caused by the fact that the applicant's associated application for advertisement consent initially showed signs with a 24-hour parking charge fee, whereas precedent conditions on the use of the car park already limit the hours of car park operation on this site to 12 hours, which would prevent a 24hr period of use. The revised submitted signage received 30.11.21 has been changed to reflect this twelve-hour charging period.

2. Site constraints / context

- 2.1 This site is outside the scheduled monument designation area (by 200m) and is not in a Conservation Area. The nearest listed building, the grade 2 starred listed church, is 300m from the site and not inter-visible.
- 2.2 The site is not in the Broads Area nor inter-visible with it.
- 2.3 Burgh Castle is regarded as open countryside outside development limits defined by Local Plan Part 2 policy GSP1.
- 2.4 The site is not in a high-risk flood zone.

3. Proposal

- 3.1 The proposal within the submitted full planning application 06/21/0925/F is for the introduction of charging equipment including a payment meter box and a car number plate camera on a pillar in the car park.
- 3.2 There is a separate application for advertisement consent (also reported here) for the information signage required to clearly inform drivers that they are expected to pay for using the carpark.
- 3.3 The proposed signage within application 06/21/0926/A comprises four types of sign:
 - Sign 1 on the application form is 0.65 x 0.6m size explaining electronic payment (just pay) and 4 in number, and three of these are in the rear parking area not visible outside the site. (0.39m sq which is just over the allowable 0.3m sq area allowed for information signs under advertisement regulations permitted development)
 - Sign 2 on the application form is 0.9 x 0.65 m size (0.58m sq) one in number, just behind the entrance gate fronting the highway. It joins the flanking signs existing identifying the car park as being for the Roman fort.

- Sign 3 is to be found at the pay-station alone and is 0.75 x 0.65m in size and incorporates the tariff and payment method. (0.49m sq)
- Sign 4 is the terms and conditions sign and there are 4 of this type measuring 0.9 x 0.65 m (or 0.58 sq m). One is visible from outside the site on Butt Lane from the access point but is at 90 degrees to the highway behind the opening point of the gate on the south side.
- One other 'sign 4' and one 'sign 1' are on a shared post visible from Butt Lane within the site at the pay station.

3.4 Accompanying the proposal are the following documents:

- Planning Application Forms and Certificates of Ownership;
- Application drawings and drawings for signage
- Design and Access statement
- Appeal decision from another site where charges were introduced

4. Relevant Planning History

06/01/0548/BF approved 07-09-01 Improvement to footpaths and erection of kissing gates suitable for disabled access.

06/08/0789/F approved 05-01-09 - Proposed new access, car park, coach park, disabled access. The use of the car park was restricted by condition 8 to only be used from 08.00 to 20.00 and by the requirement to close off the car park entrance when not in use by using a barrier.

5. Consultations:-

All consultation responses received are available online or at the Town Hall during opening hours

This application is brought before the Development Control Committee because of the considerable public objection raised, including objections of the Parish Council, and potential objection from a statutory consultee, should a Traffic Regulation Order not be "pursued".

5.1 Neighbour comments have been received (summarised):

- The Fort could find other ways to cover their maintenance costs.
- Their land could be used for grazing sheep or horses, or for the Classic Car show. The car park could also be used as a motorhome/campervan overnight stopover charging up to £8/time all year round.
- Installing charges for dog walkers will cause cars to be parked on my road and mean other ways will have to found.

- Charging will make visiting my father's grave more expensive.
- This will displace parking onto unsuitable roads. Kerbside parking for non-residents is already limited in Church Rd and High Road as some residents do not have driveways. The roads are narrow. Verge parking causes mess and damage and will be dangerous.
- Footballers using the playing field already park on the road.
- Residents in a majority rejected charges. Some regular visitors have said they would pay for membership instead.
- The applicant's comments about fly tipping carry little relevance as fly tipping has occurred elsewhere locally.
- Users gain mental benefit from their visits, and this will be lost if people are discouraged by charging.
- If the gate is kept unlocked there will be antisocial activity.
- The fee charging pillars will be vandalized as the ruins have already been.
- Loss of free parking is the loss of a community facility.
- Anyone forgetting their phone will not be able to pay.
- With the car park locked each night how can 24 hr. charges be levied? Post code shown is wrong.
- Displacement parking on a narrow lane near Blickling Hall has occurred since the National Trust introduced parking charges.

- One local resident has written in support of the application

5.2 Parish Council: The Roman Fort is now such a well-known ancient monument and attracts many more people than it once did, and, as such, has resulted in a dramatic increase in vehicles. The infrastructure of the rural roads of Burgh Castle are inadequate to deal with this, hence why a car park was created. Car park costs will most definitely deter drivers from its use and subsequently will result in cars parked on these rural roads resulting in mayhem for motorists and parishioners. Damage to roadside banks and verges will prevail. Residents in the area will be significantly affected by additional on-road parking. A lack of roadside footpaths and congested roads with cars parked in a disorganised manner will be extremely dangerous for pedestrians. The narrowness of the roads in this area will impede large vehicles e.g. caravans, buses, tractors and HGVs, which will be unable to pass due to a lack of space. Church Lane is predominantly single lane and with the likelihood of cars parked on this road will result in total gridlock with angry drivers and residents unable to access their homes. The danger to horse riders and the numerous horse and carriages who drive around Burgh Castle is extremely alarming.

It would be much more suitable to all concerned if the car park charges were not initiated and voluntary contributions or grant funding were sought.

The aforementioned points are all issues of Highway Safety and should be paramount when considering this application. The car park charges will result, in the main, as a deterrent to park at this location with the car park being a white elephant. Disabled users will have difficulty getting in and out of the vehicle and then accessing the site, it being designed for wheelchair users, instead the main route will be along a potholed muddy, uneven track. The wonderful character of this site and the village will be severely impacted if car park charges are initiated.

- 5.3 The Rector of St Peter & Paul Church:** has concern regarding the consequences of pay to park being introduced as the church has a small area of land (the triangle) near the church which people park on to go walking or take dogs for walk, rather than use the Fort car park. This causes considerable difficulties for people wishing to park near the church to attend a Sunday morning service, a funeral or weddings. Requiring people who use the Fort Car Park to pay is likely to increase the congestion near the church and The Old Rectory and to make the road leading up to the church rather constricted, due to how narrow it is.

Consultations – External

- 5.4 Norfolk County Council – Local Highways Authority – Objects unless mitigation is provided.**
- 5.5** The car park is privately owned with its use being granted by the owner. While charging could be introduced at any time [without the need for infrastructure requiring planning permission], to claim a “fallback position” [that this could occur at any time] there must be a realistic expectation that such a fallback is viable. If for example it would be uneconomic to introduce charging by any means other than an automatic ticketing machine, then the impact of introducing charging via such a machine is a material consideration.
- 5.6** The Appeal decision that has been included [in the application by the applicant as an example of ‘precedent’] for a similar proposal does not set a precedent as each case is different and must be considered on its own merits.
- 5.7** No information has been provided regarding the level of use of the car park, but the car park is not solely used by visitors to the Roman Fort, but also tourists, walkers, dog walkers, etc.
- 5.8** While accepting parking charges are part of routine motoring consideration and costs, clearly such charges do influence a motorist's decision and choice in

where to park. In this case charges will lead to some drivers seeking alternative parking to avoid paying the parking charge, displacing parking onto the surrounding road network.

- 5.9** Parking on the highway is not only obstructive to all users of the highway, especially vulnerable road users, it can also be inconsiderate leading to parking on road side verges resulting in mud and debris being discharged onto the road surface and also creating longer maintenance issues. These factors also give rise to conditions detrimental to highway safety. Likewise, such parking can also give rise to other social issues which is a matter for the LPA to consider.
- 5.10** Given the above I am minded that it would be feasible to address parking displacement through the provision of "at any time" waiting restrictions on the highway to prevent parking taking place at inappropriate locations in the interests of highway safety.
- 5.11** Accordingly, I recommend a condition be appended to any grant of permission that *"No works shall commence on the site until the Traffic Regulation Order for waiting restrictions has been promoted by the Local Highway Authority"*, in the interests of highway safety. This needs to be a pre-commencement condition as the impact applies to traffic associated with the daily running of the site.
- 5.12** County Highways have made no bespoke comment on signage but their response letter was referenced to cover both applications and did not raise concerns with driver distraction.
- 5.13** **Norfolk Historic Environment Team (Archaeology)** – No objection.
- Based on currently available information the proposal will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work
- 5.14** **Broads Authority:** No objection.
- We can confirm that we have no objections. However, we would suggest that the size and number of signs should be reduced to a minimum where possible to limit the visual impact.
- 5.15** **Natural England:** No comments.
- 5.16** **English Heritage "properties in care":** No comment received.

Consultation - Internal to GYBC

- 5.17** **Conservation officer** – Declined to make comment (there is no impact on the designated heritage assets).
- 6. Assessment of Planning Considerations:**

- 6.1 Planning law at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated at and paragraphs 2 and 47 of the National Planning policy Framework (NPPF).
- 6.2 The local development plan comprises the adopted Core Strategy (2015) and the Local Plan Part 2 (LPP2), which has now been fully adopted on 09th December 2021, and those policies have modified some policies of the Core Strategy.

Relevant Policies:

Core Strategy 2013: policies CS9, CS10, CS15

Other material considerations:

Emerging policies of the draft Local Plan Part 2 (Final Draft) (LPP2):

- GSP1 - Development limits
- A1 - Amenity
- A3 - Advertisements
- E4 - Trees and landscape
- C1 - Community facilities
- I1 - Vehicle parking for developments

National Planning Policy Framework (2021):

- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

National Planning Practice Guidance

Principle of development – proposed uses

- 6.3 This proposal does not change the use of the land. Currently the land is a car park serving a historic site, but open also to other users and this will not change.
- 6.4 In planning legislation, a change of use can be deemed to occur when there is a material change in character, function, and or operation. The response from County Highways notes an external impact from displaced parking from those unwilling to pay the parking fee. This however is not a material change to the land itself or a physical impact directly on other land arising from development, rather a behavioural impact.

- 6.5 There is no record in the original car park permission of any condition or other requirement that would prohibit the introduction of parking charges or that this would in some way require the further permission of the Local Planning Authority.
- 6.6 There is as such no objection to the principle, nor ability to influence, the intended use of charging to use the car park; the LPA can only exert a view on the infrastructure required to bring the activity to bear, should that require permission in itself.

Principle of Development – Advert application

- 6.7 Paragraph 136 of the NPPF is relevant to the advert application stating: *"Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts"*. This is relevant in so much as objectors including the Broads Authority have raised the visual impact of proliferation of advertisements associated with this application.
- 6.8 It is considered that the adverts are in large part within the site largely screened by the hedging. It is conceded that the hedging is not sufficiently tall to absolutely hide all of the taller signage, but much is screened. Those that can be fully seen externally to the site are visible from Butt Lane at the entrance, and not from other points on that lane. Their impact is thus very low and there is no inter-visibility with the Broads or historic sites. It is considered the adverts are necessary, if the enforceability of the charging regime is to be secured under the relevant notification requirements established under law governing the advertising of parking control.
- 6.9 Local Plan Part 2 Policy A3: Advertisements states:
In assessing advertisement proposals in terms of amenity, regard will be given to the local characteristics of the neighbourhood in terms of potential impact upon the scenic, historic, architectural, landscape or cultural settings, and whether it is in scale and in keeping with these features.
In assessing advertisements in terms of public safety, consideration will be given to the advertisement's potential to become hazardous to users of paths, roads, rail, waterways and aircraft.
- 6.10 Given the largely hidden nature of the advertising, the first part of the criteria is considered met and given that no County Highway objection has been made to the distraction potential of the adverts the second part is considered met too.

Principle of development – whether a loss of community facilities

- 6.11 Policy CS15 – requires that community facilities are retained. This site provides a historic educational opportunity, open to the public and provides a car park widely used by the wider community travelling by car from other locations to access the Broads landscape and footways as well as the castle.
- 6.12 The proposal would not affect this in that the historic site would remain open and the parking for other users would remain available albeit at a cost. The

proposal is not considered to conflict with policy CS15. If, however, as a result of any refusal to grant permission to this scheme, the Trust was unable to charge fees, there is a prospect that the safe access to the fort would be difficult to maintain unless funds can be sourced from elsewhere, and in that circumstance the car park might need to be closed too, to the disbenefit of all users.

- 6.13** LPP2 Policy C1: Community facilities requires “The retention of existing community facilities”. The proposal however does not represent a loss as the facility would remain available with a charge.

Amenity (privacy)

- 6.14** The Automatic Number Plate Recognition (ANPR) cameras have potential to impact residential privacy (policies CS9 and A1), however it is technically feasible to provide electronic masking to prevent privacy impact.
- 6.15** The ANPR camera is also cited as helping reduce fly tipping and other antisocial behaviour.
- 6.16** The applicant has confirmed this is a fixed camera facing the access. For this reason, no issues of neighbour privacy arise.
- 6.17** It is noted that resident's amenity was to date protected by limitation on overnight use by the use of a closing barrier conditioned to be operated to close the car park. By logical extension, the idea of gaining revenue by using the car park for overnight camping, caravan use as suggested by one respondent as an alternative to parking charges, would not be allowed by the current permission and would need to be subject to separate application(s) not currently before the Committee.

Amenity (Design and Appearance)

- 6.18** The single charging pillar is approximately 1200mm high and of very low wider impact and is only visible from Butt Lane directly opposite the entrance to the site.
- 6.19** The signage required is considered to create some sense of visual confusion within the site, however the height of the hedge and the potential to allow this to be maintained at a greater height (by condition) does greatly limit the ability to see the signage outside the site and the degree of separation from residences, undesignated and designated heritage assets and the national park (Broads) does mean the impact is below that measurable to any of those sites.
- 6.20** There will be signage and supports visible at the site entrance, but as these are set back into the site, they only become visible once the viewer is at the site entrance point and are of less impact than the tourist accommodation site signage nearby.

Highways and access

- 6.21** The County Council as Local Highway Authority response makes a case that the impact of the introduction of charging for parking can be a material consideration, above and beyond the continued function of the land as a car park and its remaining open to all drivers not just visitors to the Roman Fort.
- 6.22** Consequently, the Local Highway Authority (LHA) believes that any permission to install the payment meters and APRN infrastructure should be conditional on first being able to secure a scheme for removing the current unrestricted parking on roads in the vicinity of the site entrance, that is to say on Butt Lane. The County has not suggested restrictions outside homes on Church Road.
- 6.23** The LHA has therefore asked that the legal costs incurred by the County for a Traffic Regulation Order to restrict parking in the village be funded by the applicant; the word “pursued” is used and in this context would require the transfer of funds before an application was issued.
- 6.24** While this planning application would be less contentious if waiting restrictions were put in place on Church Road as suggested by objection letters pursuant to the imposition of a Traffic Regulation Order, there would be a requirement for public consultation and authorisation by the County Council so it cannot be said that pursuing the matter leads with total certainty to restrictions being applied, although given consultation responses it is fair to suggest an Order might be locally supported.
- 6.25** Aside from any discussion on TROs, the impact of the introduction of charges cannot be certain. Some people may be prepared to pay to park. Only a proportion would be displaced.
- 6.26** It is also considered given where the footpaths run from the highway network to the Broads and Castle that motorists are more likely to park outside peoples homes in Church Road, closer to those paths than on Butt Lane some distance away from those foot routes but where the TRO is suggested by County as implemented. They have not requested restriction in front of peoples homes as this road is wider.
- 6.27** The applicant has noted the comments from residents in their own pre-application discussions with the local people regarding the fairness of the charges proposed in relation to the amount of displacement that might therefore be expected. Objections received from local residents in relation to responses to this planning application and from those from further afield do indicate some unwillingness to pay for parking and some belief from residents of Burgh Castle that on-road displacement will be substantial.
- 6.28** Given that the introduction of charges to an existing car park is not in itself development, and a person with a satchel could be employed to do the same thing, without the need for any planning permission, the application here is about the placement of the physical equipment, so the matter of displacement can only be accorded very limited if any weight.

- 6.29** The County Highway Officer is of the opinion that the alternative means for the applicant to enable charging by employing a person with a satchel is not a realistic manner of collecting parking fees, and therefore not a realistic or feasible / viable 'fallback' option. However, the applicant has indicated they would do this.
- 6.30** There is little case-law or appeal decisions to provide guidance with regard to charging fees and subsequent displacement.
- 6.31** Some reputable online planning advice has this advice on Parking Charges: *"Parking charges may be used as part of a range of measures designed to manage parking provision, the introduction of parking charges does not, in itself, require planning permission, despite any off-site effects as acknowledged by a reporter [Planning Inspector] in a case from Scotland."*
- 6.32** In Aberdeen, in 2009 permission had been sought for 9 pay-and-display ticket machines at a conference arena. The Scottish Inspector noted the council's claim that during major events visitors often parked their cars on roads in the area, so the use of ticket machines would simply exacerbate this problem. However, very little evidence had been submitted to identify where such problems occurred or how the introduction of charges would increase the harm. The site was located within a mainly commercial area with no direct pedestrian access from residential areas to the south. The inspectorate held that if problems did occur the council could introduce a car parking management scheme. The appeal was therefore allowed. This case is different in both character and under Scottish Law, so little can be taken from it.
- 6.33** Great Yarmouth Core Strategy Policy CS9 contains reference to highway safety concerns as a consideration at paragraph (d) [proposals must] "Provide safe access and convenient routes for pedestrians, cyclists, public transport users and disabled people". The proposal does not conflict with this, though it has to be acknowledged that displaced parking could hinder traffic flows and present obstacles to non-vehicular traffic in the vicinity.
- 6.34** LPP2 Policy I1: Vehicle parking for developments, is directed mainly at new built development, but the statement that *"Where developments in the town and village centres are unable to provide the required parking provision on site, consideration will be given to financial contributions to improve public parking provision"*, while not strictly relevant in that the parking provision here is adequate for purpose, it does hint at the role of securing finance, though that is a somewhat tenuous connection. The policy also identifies low emission technology, and again it would be good to encourage charging facilities for electric vehicles, accepting it is not reasonable to do this as part of the current application as it would not relate to the development at hand.
- 6.35** The National Planning Policy Framework at Paragraph 109 states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety"*. The LHA do consider this to be the case, however, the crucial word here is development, and the only part of the "development" requiring permission is the pillars and

equipment, which in themselves have no adverse highway safety implication.

6.36 NPPF Paragraph 110 adds that “*Within this context, applications for development should:*

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”*

While this case does not relate to the creation of parking serving new development, which is the focus of the above guidance, there is not considered to be conflict with it.

6.37 The applicant has provided an appeal statement where the RSPB in Wales appealed successfully over a refusal decision that was mainly predicated around the potential for signage at a site to be a distraction to drivers. The matter of charged parking to create displacement onto other highway was not commented on in the submitted appeal statement and signage causing distraction is not at issue in this case. It is common ground with County Highways that one should be careful in drawing conclusions about other appeal cases where there may be different circumstances, the submitted appeal reference concerned a car park at a bird watching site where the LPA had refused permission for signage and charging pillars.

6.38 The applicant’s agent has confirmed 5th January 2022 that the applicant is not prepared to fund the £8,000 legal cost of “pursuing” a Traffic Regulation Order, “unless the planning committee decides on good planning grounds that this is necessary in order for permission to be granted”.

Historic Environment

6.39 Core Strategy policy CS10 Safeguarding heritage assets is relevant. The applicant claims that revenue raised will maintain the site, and this will positively benefit the asset, and lead to it remaining publicly accessible, something stressed by NPPF paragraph 189 and CS10(c) Ensuring that access to historic assets is maintained and improved where possible.

6.40 On the other hand the charges might dissuade poorer families from attending the site.

- 6.41** The test set in NPPF paragraph 202 indicates harm should be offset by public benefit. No harm to the heritage asset or its setting or of other designated or un-designated assets or their settings is considered to occur by these applications, and there is positive benefit in "securing optimum viable use", in that the charges will enable continued public access and repair to the site, which is considered its optimum use. That said the map of public rights of way around the fort would still allow access to view the significant parts of the fort visible above ground.

Ecology and landscaping

- 6.42** The proposal is not considered realistically to have any wider landscape impact, the signage will be very difficult to discern in longer views associated with "landscape" impact.

Local Finance Considerations

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

7. The Planning Balance

- 7.1** It is considered that because there is no loss of parking or change of land use only the matter of the impacts of the signage and pillars can reasonably form part of the planning consideration.
- 7.2** The Local Highway Authority's concerns regarding the possible impacts of the development are noted, but Officers have to give some weight to the applicant's suggestion that it would look to impose some alternative means of charging to be undertaken without the need for planning permission. It is important to note that this application does not represent the only means or opportunity for the Local Highway Authority to install "no parking at any time" restrictions in the vicinity, if the LHA saw fit to do so and was able to resource doing so.
- 7.3** The consequences of allowing the permissions are not likely to create "severe" highways impacts and therefore permission should not be refused on highways safety grounds.
- 7.4** However, the possible consequence of not allowing permission unless the TRO process were followed would be to cause expense to the applicant which could restrict access to the site which is not in the wider public interest,

- 7.5 As with anti-social behaviour, anti-social parking or driving is not something the planning system can readily control and the installation of an ANPR camera arguably acts to reduce criminality and anti-social behaviour at this site.
- 7.6 The visual impact of the proposed changes from outside the site is very limited by the surrounding hedging. Within the site the environment is dedicated to parking where such features are to be expected.
- 7.7 A failure to grant permission risks the site becoming unviable and carries some risk of it closing to public access. While footpaths dedicated to the public would remain, other access could close and the car park could also close.

8. Conclusion

- 8.1 Both the applications for planning permission and the advertisement consents are recommended for approval.
- 8.2 The consequences of allowing the permissions are not likely to create “severe” highways impacts and therefore permission should not be refused on highways safety grounds.
- 8.3 As this is not a development that will result in a material change of use of the site’s operation or character, there is no need to impose any restrictions on the use of the site or the installation of the apparatus. The operative use of the site will continue to be subject to the conditions on the planning permission for use of the car park.

9. RECOMMENDATION 1:

9.1 Approve full application 06/21/0925/F, subject to the following conditions:

- 1) Development to commence within 3 years;
- 2) Development to accord with approved plans and drawings.

And any other conditions considered appropriate by the Development Manager.

RECOMMENDATION 2: -

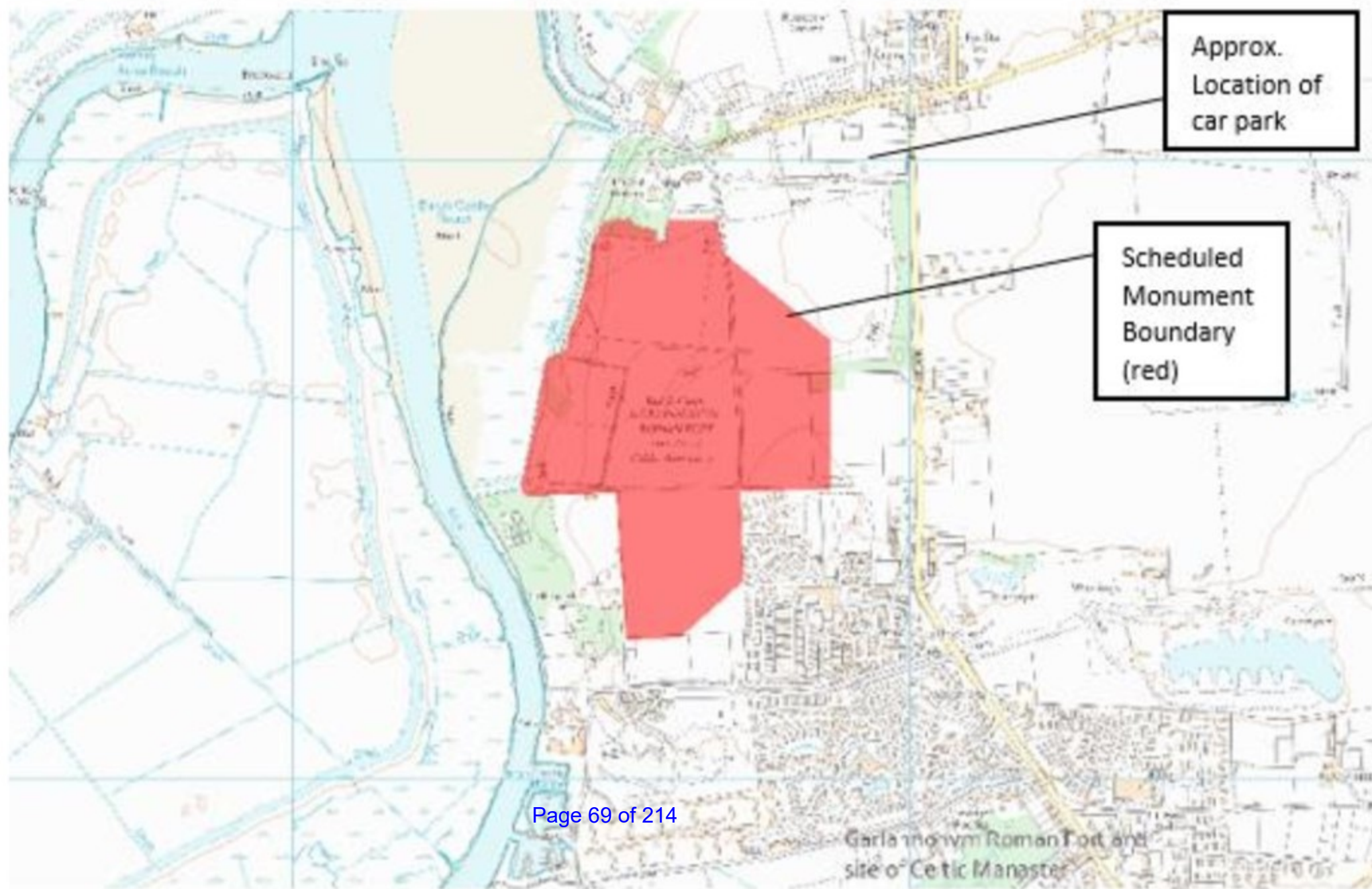
9.2 Approve advertisement consent application 06/21/0926/A subject to the following conditions: -

- 1) Advert signage to be for a five year period;
- 2) Development to accord with approved plans and drawings;
- 3) Hedges to be maintained at a specific height to screen signage from afar; with standard conditions regarding compliance, period of validity (5 years), safe condition, removal stipulations and other standard requirements.

And any other conditions considered appropriate by the Development Manager.

Appendices:

- Appendix 1 Location plan
- Appendix 2 Site layout plan
- Appendix 3 Site Aerial View



Marsh View Fishery

Burgh Castle Village Hall

High Rd

Saint Peter &
Saint Paul Church

Burgh Castle Car Park

Butt Ln

Burgh Castle Roman Fort

Reference: 06/21/0951/F

Parish: Hemsby

Officer: Gordon Sutherland

Expiry Date: 14-02-22

Applicant: Mr G Avery

Proposal: Proposal to vary Condition 4 of planning permission 06/20/0422/F to allow occupation of the holiday accommodation units all year round

Site: Former Pontins Holiday Centre, Beach Road, Hemsby, NR29 4HJ

REPORT

1. Background

- 1.1 This site is 8.85 hectares (21.87 acres) the former Pontins Holiday Centre, Hemsby. It is located between south of Beach Road, west of Back Market Lane, north of Newport Road and east of Kingsway. It is joined to the west, north and south by housing and to the east by the Florida Holiday Park and the Bermuda Holiday Park.
- 1.2 The site was included as an allocation (within the development boundary for Hemsby) in Council's Local Plan Part 2 (Policy HY1) adopted in December 2021. The policy was designed to facilitate regeneration of the site with a mix of uses including the retention of holiday accommodation at the site.
- 1.3 The former holiday centre closed in 2009. Until 2020 the former holiday apartments and other buildings and structures were vacant and in a derelict condition and subject to continuing vandalism and arson.
- 1.4 After two other applications to redevelop the site, planning permission ref 06/20/0422/F was granted for a mixed-use scheme comprised of 188 no. dwellings and 88 no. holiday chalets or lodges to let, following partial demolitions, new shop, leisure centre with a gym and spa, cafe and communal areas with associated highways works. Permission was granted on 06th July 2021, subject to conditions and subject to planning obligations within a Section 106 agreement dated 05 July 2021.
- 1.5 Permission 06/20/0422/F currently allows for the former holiday apartment blocks at the northern end and western edge of the site toward Beach Road to be renovated into use as 53 no. holiday lets, and the northern area included land for the provision of 35 no. holiday lodges. The units on the southern part

of the site are to be renovated for market housing, and in between in the centre of the site is the area for the leisure centre (inc. swimming pool, gym) and shop(s).

- 1.6 Works to retrofit the former holiday blocks and implement the permission 06/20/0422/F commenced in 2020. A block at the northern end of the site has been fitted out as “show units”. Works are currently underway on several blocks located at the southern end of the site. A “show” holiday lodge has also been sited at the northern end of the site adjacent to the sales office. The current focus of the development is on sales of the market housing units in order to generate the cash flow needed to facilitate provision of the other elements of the development including the leisure centre.
- 1.7 Members will recall from the Committee meeting on February 17, 2021 that when planning permission was given the applicant’s case for requesting relief from the provision of some elements of anticipated community infrastructure (planning obligations) was accepted, the case being that the viability / profitability of the development was marginal. It is also noted that the development is being undertaken during challenging trading conditions.
- 1.8 It has only recently come to light that the initial submission of application 06/20/0422/F proposed 91 no. units of holiday accommodation, but when the revised proposals reduced the scheme to 88 no. units of holiday accommodation unfortunately the description of the development was not updated to match, so the decision notice was issued with an outdated description of proposed development. The 88 are definitive on the approved revised Masterplan P.03 Rev E and conditions within the permission require the development to be undertaken in accordance with the same masterplan, so only 88 are allowed within the permission.
- 1.9 As such, Officers have approached the applicant for their agreement to amend the description of development approved by permission 06/20/0422/F and re-issue that decision notice, to remove the current discrepancy and confirm that the development approved by permission 06/20/0422/F is:

“Mixed use scheme comprised of 188 no. dwellings and 88 no. holiday lodges to let following partial demolitions, new shop, leisure centre with a gym and spa, cafe and communal areas with associated highways works.”

2. Relevant Planning History

- 2.1 There have been numerous planning applications over the past years on the site related to its holiday use.
- 2.2 06/11/0208/O - Redevelopment of the site for a 60 bed Care Home and up to 191 houses, together with associated open space and infrastructure. Withdrawn

- 2.3 06/15/0441/O - Demolition of Existing buildings and Re-development of the site for up to 190 dwellings, Retail Development and Holiday Accommodation, together with associated open space, landscaping and infrastructure. Approved subject to conditions and subject to a Section 106 agreement dated 25 February 2020
- 2.4 06/20/0422/F - Mixed use scheme comprised of 188 no. dwellings and 88 no. holiday lodges to let following partial demolitions, new shop, leisure centre with a gym and spa, cafe and communal areas with associated highways works. Approved on 06th July 2021, subject to conditions and subject to a Section 106 agreement dated 05th July 2021.
- 2.5 06/21/0729/CD - Discharge of Conditions for pp. 06/20/0422/F; 9 - Highway improvements; 13 - On-site parking details for construction works; 14 - Construction traffic management plan; 16 - Interim Travel Plan; 18 - Bird, Bat & Swift boxes details; 19 - Surface water drainage scheme; 21 - Phase 2 Site Investigation (Contamination) and 25 - Boundary treatment details - Pending Consideration.
- 2.6 06/21/0904/CD - Discharge of conditions 6, 7 & 12 of pp. 06/20/0422/F Condition 6: External Louvres; Condition 7: Management and maintenance of site; Condition 12: Cycle Parking Details- Pending Consideration.

3. The Proposal:

- 3.1 The proposal within this application is to vary Condition 4 of pp.06/20/0422/F to allow occupation of the holiday and caravan units all year round
- 3.2 Condition 4 of the planning permission 06/20/0422/F is currently as follows:

“The caravan/holiday units shall be not be occupied from 14th January to the 1 February in each year.

The reason for the condition is:-

To enable maintenance/renovations of the units and for the Local Planning Authority to retain control over the use of the units for holiday accommodation.”

- 3.3 The effect of such a change would be that all 88 chalets and holiday lodges shown on approved masterplan P.03 rev E would no longer be subject to the requirements of condition 4, and so would not be required to be vacated for the final 17 days of January in any year.
- 3.4 The applicant advises that *“the principal reason for the variation of condition is that it has become apparent that prospective purchasers are being discouraged by the occupancy condition placed on the consent. Mortgage lenders are not encouraged to provide funds when such conditions are in place.”*

- 3.5 The applicant makes reference to where occupancy restrictions have been modified elsewhere and has provided the following case for the variation of the condition:

Applicant statements:

1. On the first point of maintenance, the chalets and lodges are constructed to a very high modern standard, with double glazed windows, heating and high standards of insulation. It is contended that maintenance is more of an issue with less permanent structures, where normal wear and tear take more of a toll on these than on a permanent building. Any maintenance requirements can be allowed for at any point in the year in a more natural break between lets rather than in a prescribed period which often has poor weather.
2. On the second point with regards the Local Planning Authority retaining control over the use of the units for holiday accommodation, it is considered that condition 3 of the approval covers this point sufficiently. It states the following:

“The caravan/holiday units shall be used to provide holiday accommodation only and they shall not be used as permanent unrestricted accommodation or as a primary place of residence.”

“The reason for the condition is: To enable the Local Planning Authority to retain control over the use of the caravans for holiday accommodation”

Given that condition 3 already allows the LPA to control the holiday let use, it is difficult to understand the requirement of a further condition (in this case condition 4) to control this use further.

3. In addition, the approved masterplan (plan P.03 rev E) clearly outlines the units for holiday let use and the units for residential use. All holiday units will be accessed from the existing Beach Road entry to the site, whereas all market housing and community buildings will be accessed via the new road junctions off Kings Way. Therefore, this should not cause any confusion amongst owners and provides clarity for the LPA when controlling the holiday let element.
4. The on-site holiday accommodation, identified on the approved masterplan (plan P.03 rev E), will remain for holiday let use only.
5. The people using the holiday let accommodation will have access to local leisure and retail facilities on site all year round. This is not always the case on other sites in the area where occupancy restrictions have been eased.
6. A further contributory factor is the ongoing effects of the Covid-19 pandemic. It is recognised that staycations are increasing in popularity due to travel restrictions and that demand is likely to continue, even outside the traditional holiday periods

3.6 The assessment of the above proposal and the case made by the applicant is discussed later in this report

4. Consultations: - All consultation responses received are available online or at the Town Hall during opening hours

4.1 Hemsby Parish Council – Objection.

The Parish Council objects to the proposal and consider that the occupancy should be restricted to 11 months used as holiday accommodation, that the units should not be used as principle residences in order to protect the character and uniqueness of the village.

4.2 Neighbours / Public –

At the time of writing three representations have been received from members of the public. 1 letter considers that to remove condition 4 would allow further applications to be made in regards to holiday lets and allows families or people to stay permanently in this location which is not acceptable.

4.3 2 letters are from the occupants of property at Homestead Gardens adjoining the site in the NE, and both refer to overlooking and that a condition was attached to provide louvres on the units overlooking their property (NB this would continue to be required). 1 considers that occupation should not be permanent but be restricted to 10months in the year. 1 advises the nearest holiday block is 30 feet from their property which affects the privacy enjoyed and would be impacted by year-round occupation.

4.4 One representation is also concerned about a precedent being set; the writer considers that virtually all holiday accommodation in Hemsby is restricted to prevent year-round occupation and prevent property becoming second homes. It estimates there are 20,000 bedspaces in the Parish and 4,000 holiday caravans and imagines a flood of applications to allow year-round permission occupation as it is contended that the value of property with year-round permission is considerably higher than with seasonal permission, further that materially the implications of this application to the Holiday Industry could have serious long term economic effects.

Consultations –

4.5 **Highways** – The Highways Authority consider the proposal would not unacceptably affect operation of the highway; and do not therefore raise an objection.

4.6 **Environmental Health** – The Environmental Health Officer advises that since the proposal is for chalets and lodges that have been upgraded with sufficient insulation measures for use all year round, then Environmental Services would have no comments regarding this proposed variation.

5.

Relevant Planning Policy

Planning law at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Whilst the Council has an up-to-date development plan and 5-year-housing land supply the National Planning Policy Framework remains a material consideration but the development plan retains primacy.

- 5.1 Paragraph 47 of National Planning Policy Framework (NPPF) also states: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Adopted Core Strategy 2013-2030

- 5.2 Great Yarmouth Borough adopted Local Plan Policy CS8 “Promoting tourism, leisure and culture” states *“As one of the top coastal tourist destinations in the UK, the successfulness of tourism in the Borough of Great Yarmouth benefits not only the local economy but also the wider sub-regional economy as well. To ensure the tourism sector remains strong, the Council and its partners will.*

a) Encourage and support the upgrading, expansion and enhancement of existing visitor accommodation and attractions to meet changes in consumer demands and encourage year-round tourism”

Local Plan Part 2 adopted December 2020

- 5.3 Policy HY1 “Land at the former Pontins Holiday Camp, Hemsby” (of around 8.9 hectares) as identified on the Policies Map, is allocated for approximately 190 dwellings together with tourism and retail facilities.
- 5.4 Policy L1 Holiday Accommodation Areas – Given the objections received to the application concern the impact on holiday accommodation the full policy is set out below:

Within the ‘Holiday Accommodation Areas’, as defined on the Policies Map, the Council principally aims to:

- a. encourage year-round, sustainable tourism;*
- b. support proposals which upgrade or enhance existing or replacement visitor accommodation and ancillary tourist facilities;*
- c. resist the loss of tourism uses to non-tourism uses; and*
- d. maintain and improve the public realm and the area’s open spaces.*

In order to achieve those aims, the following tourist uses will be generally encouraged within the Holiday Accommodation Areas, subject to consideration

of compatibility with the existing surrounding uses and the potential impacts on the landscape and character of the immediate local area;

e. Hotels.

f. Camping and caravan pitches.

g. Self-catering accommodation.

h. Bed and Breakfast establishments where the owner is resident on the premises and the clients wholly or predominantly there for short term holiday accommodation.

i. Food and drink uses.

j. Holiday entertainment.

k. Visitor attractions.

l. Amusement arcades.

m. Small-scale retail units appropriate to serving the needs of the holiday accommodation.

The loss of holiday accommodation within Holiday Accommodation Areas to alternative uses will only be acceptable in specific circumstances where the current use is demonstrated to be unviable due to:

n. vacancy of the accommodation of at least a one year period; and

o. marketing of the site for tourist accommodation or an alternative tourist use for at least a one year period; or

p. the viability of an alternative tourist-related use of the site.

5.5 The supporting text paragraph 9.3 accompanying the above policy states that: *“Accommodation within Holiday Accommodation Areas will be maintained for visitor use. Additional permanent residential development within these areas will not be permitted. Permitted new or expanded holiday accommodation will be conditioned to restrict permanent residential occupancy.”*

5.6 Policy A1: Amenity seeks to guard against excessive or unreasonable impact on the amenities of occupiers of existing and anticipated development in terms of:

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.

Where adverse impacts on amenity are an inevitable consequence of an otherwise desirable use and configuration, measures to mitigate unacceptable impacts will be expected to be incorporated in the development.

6. Local Finance Considerations:

Under Section 70(2) of the Town and Country Planning Act 1990 the Council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance

considerations are defined as a government grant such as new homes bonus or the Community Infrastructure Levy. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. It is assessed that financial gain does not play a part in the recommendation for the determination of this application.

7. Assessment of Planning Considerations:

7.1 The key considerations in this case are of:

- amenity of adjoining occupiers,
- restriction of use to holiday accommodation,
- need to control maintenance of the holiday units, and
- precedent for other sites with time limits on occupation.

7.2 Planning law has established that granting permission to applications to vary or remove conditions on extant planning permission have the effect of creating a new stand-alone permission to replace, or be used alongside, the original permission.

7.3 It is also established practice that there are no grounds to re-consider other elements of the original permission which are not the subject of the application to remove or amend conditions – unless there are material considerations that have arisen in the intervening period since the permission was granted, which would cause the operative effect of the permission to be amended to such an extent that it fails to comply with the development plan. It is not possible to add additional / unrelated restrictions on the permission unless such material considerations require intervention, or unless in agreement with the applicant.

7.4 However, where a development is subject to a Section 106 Agreement, any new permission will need to be subject to the prior completion of a Deed of Variation agreement under Section 106 A of the Town and Country planning Act, unless the original agreement makes suitable provision to that effect.

Principle of development –

7.5 The principle of development remains unaffected by the proposal; permission was granted whilst the Local Plan Part 2 was a significant material consideration, was largely in accordance with that emerging policy HY1 at the time, and the effect of the variation proposed to the extant does not materially alter the effect of other policies brought to relevance by the adoption of the Local Plan Part 2 in the intervening period.

7.6 So long as there remains other controls in place, or newly added, to ensure that the holiday accommodation remains as holiday uses, then the principle of

development remains acceptable notwithstanding the proposed removal of Condition 4.

Amenity of adjoining occupiers –

- 7.7 The established use at the northern part of the site is for holiday accommodation, and the physical position of the accommodation is not altered by this application. Planning Permission was granted for occupation excepting the period from 14th January to 1st February. The objectors concerns regarding overlooking (from the approved Block E on Masterplan P.03 rev E) were addressed in planning permission 06/20/0422/F which includes provision in Condition 6 that the development be undertaken in accordance with the approved listed plans, and includes the requirement that *“b) external louvres shall be fitted to the first floor west facing windows on Block E to ensure the privacy of the occupants of the adjoining dwellings, details of the louvres shall be submitted to and agreed in writing by the local planning authority prior to the first occupation of Block E”*.
- 7.8 It is not considered that the removal of condition 4 allowing for the increase of occupation of the holiday accommodation from 50 weeks in the year to 52 weeks will have a significantly worse adverse impact on the amenity of any of the adjoining dwellings, and the louvres will still be required on Block E.

Restriction of use to holiday accommodation –

- 7.9 Condition 3 of planning permission 06/20/0422/F, requires that:

“The caravan/holiday units shall be used to provide holiday accommodation only and they shall not be used as permanent unrestricted accommodation or as a primary place of residence.

The reason for the condition is:-

To enable the Local Planning Authority to retain control over the use of the caravans for holiday accommodation.”

- 7.10 Condition 5 of the same planning permission states that:

“The owners/operators of the holiday park shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

The reason for the condition is:-

To enable the Local Planning Authority to retain control over the use of the caravans for holiday accommodation in an area where permanent residential accommodation would not normally be permitted.”

- 7.11 These conditions would remain substantively the same on any new permission granted. It is therefore considered that the permission for the development otherwise still restricts and controls the use of the holiday chalets and lodges (notwithstanding that they are described as caravans) and will be able to ensure that the use of the holiday accommodation will remain for that same originally-intended purpose.

7.12 Need to control maintenance of the holiday accommodation -

The reason for imposing Condition 4 in the first place was given as:

“To enable maintenance/renovations of the units and for the Local Planning Authority to retain control over the use of the units for holiday accommodation.”

- 7.13 The applicant has stripped back the former units back to their concrete shell and is retro fitting the holiday accommodation to a high specification, to the same standard of accommodation as the dwelling units. Flat roofs are being replaced with pitched roofs, walls insulated and clad and will need to meet the requirements of the Building Regulations.
- 7.14 A “show” holiday lodge has been sited adjacent the sales office, having a brick surround and sun deck. The unit is finished and fully fitted out to a high specification which is difficult to distinguish from a new built home, which displays a high standard of construction seemingly with minimal need for continued maintenance on such a frequent basis as to require annual renovations within a specific 2.5 week period.
- 7.15 It is considered that the applicant has demonstrated clear intent for the standard of the development to be provided and that a two-week period is not necessary or reasonable to be required to ensure maintenance of the holiday accommodation. The primary reason for imposing the condition is therefore now seen to be unnecessary, whilst the secondary requirement, the requirement to retain control over the use of the holiday lodges, is already in place by virtue of the other conditions described above.

Precedent for other sites having time limits on occupation in Hemsby-

- 7.16 It is not considered that removal of Condition 4 will set a precedent for other sites, because as stated each application is judged on its merits. In this case the redevelopment of the site was also facilitated by site specific policy HY1 which facilitates the regeneration of the site and brought it into the village’s revised development boundary. Policy CS8 “Promoting tourism, leisure and recreation”, specifically encourages year-round tourism where compatible.
- 7.17 The majority of holiday accommodation in Hemsby is located outside of the development boundary and is governed by Local Plan Part 2 policy L1 Holiday Accommodation Areas, which reinforces CS8 and encourages year-round tourism; it states that:

“Within the ‘Holiday Accommodation Areas’, as defined on the Policies Map, the Council principally aims to:

- a. encourage year-round, sustainable tourism;*
- b. support proposals which upgrade or enhance existing or replacement visitor accommodation and ancillary tourist facilities;*
- c. resist the loss of tourism uses to non-tourism uses; and*
- d. maintain and improve the public realm and the area’s open spaces.”*

7.18 The policy goes on to specify what uses will be encouraged within the defined Holiday Accommodation Areas, subject to consideration of compatibility with the existing surrounding uses and the potential impacts on the landscape and character of the immediate local area.

7.19 It is considered that the adopted development plan, comprising Core Strategy and Local Plan Part 2, is generally encouraging of year-round tourism and would resist the loss of holiday accommodation.

Section 106 Agreement –

- 7.20 The planning obligations required by the proposed development are set out within the Section 106 Agreement linked to the original permission and dated 05 July 2021. The obligations are currently:
- Financial contributions to Natura 2000 sites (habitat protections).
 - Open space and children’s recreation areas to be provided on site in the first instance, or financial contributions in lieu if not provided entirely.
 - Provision of the leisure and recreation centre on site in a timely fashion,
 - Provision of sustainable drainage on site and management thereof.
 - Specifications for the holiday use accommodation to be agreed, including the layout, landscaping and design of the lodges in that area.
 - Library service financial contributions.
 - Norfolk County Council planning obligations monitoring fee.
 - Travel Plan requirements relating to the scheme’s residential dwellings.

None of the above provisions are affected by this application to remove Condition 4, but if the application is approved the Section 106 Agreement will need to be varied to ensure the obligations also apply to the new permission.

8. Conclusion

- 8.1 In considering whether Condition 4 should be removed it is necessary to ensure there are other adequate controls in place to ensure the holiday accommodation remains as holiday accommodation. Planning Condition 3 requires that the holiday units be used to provide holiday accommodation only and not be used as permanent unrestricted accommodation or as a primary place of residence. Condition 5 requires that the owners/operators of the holiday park shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority. The control is clearly in place to continue to restrict the use of the holiday accommodation.

- 8.2 The holiday units are demonstrably being finished to a high specification, a management company will be established to manage the holiday lets and the leisure centre. Adopted planning policy seeks to encourage year-round tourism and in this case it is not considered necessary to require that the holiday accommodation is closed for a specific period of time each year to undertake maintenance.

9. RECOMMENDATION: -

The proposal complies with the aims of Policy CS8, of the Great Yarmouth Local Plan Core Strategy and policies A1, and HY1 of the adopted Local Plan Part 2, and the recommendation is to:

Approve application 06/21/0915/F to vary original planning permission 06/20/0422/F by removing the original condition 4, **subject to:**

(i) Suitable arrangements first being made for the existing Section 106 Agreement to also apply to this permission; and,

(ii) subject to the following conditions reinstated from 06/20/0422/F:

[Ex condition 1 of 06/20/0422/F is removed – the condition required commencement by July 2024 but the permission is already implemented]

1. *[Ex condition 2] For each dwellinghouse – remove permitted development rights to enlarge or alter (under Class A). NB – This condition is to be amended to include any other permitted development rights subsequently introduced which might have the same effect as that intended to be removed, e.g. sub class AA re vertical storey extensions.*
2. *[Ex condition 3] Holiday units to be restricted to holiday use only. NB – This condition is to be amended to clarify the wording of the units the subject of this restriction.*

[Ex condition 4 is removed by this application].

3. *[Ex condition 5] The operators of the holiday park shall maintain a register of the owners/occupiers/users of the holiday accommodation units. NB This condition is to be amended to clarify the wording of the units the subject of this restriction.*
4. *[Ex condition 6] The development shall be undertaken in accordance with the approved plans from 06/20/0422/F. NB – This condition is to be amended to clarify the wording around the requirements for Block E and the submission of details within 06/21/0904/CD.*

5. [Ex condition 7] No occupation until street management details are agreed / or in accordance with details to be approved under current application 06/21/0904/CD.
6. [Ex condition 8] Access into the site to be limited to the junctions shown on the approved masterplan. *NB – This condition needs to be varied to clarify that the access plans do need updating as per extant condition 8.*
7. [Ex condition 9] Off-site highways works to be agreed / or in accordance with details to be approved under current application 06/21/0729/D.
8. [Ex condition 10] Visibility splays to be provided to the specific plans.
9. [Ex condition 11] Provide access & parking etc prior to occupation.
10. [Ex condition 12] No occupation until cycle parking details are agreed / or in accordance with details to be approved under current application 06/21/0904/CD.
11. [Ex condition 13] No development of the residential dwellings shall commence until construction worker parking details are agreed / or in accordance with details to be approved under current application 06/21/0729/CD.
12. [Ex condition 14] No occupation until construction traffic management plan details are agreed / or in accordance with details to be approved under current application 06/21/0729/CD.
13. [Ex condition 15] During construction, all construction traffic shall adhere to construction traffic management plan and use a specific access route.
14. [Ex condition 16] Details of the Interim Travel Plan to be agreed / or in accordance with details to be approved under current application 06/21/0729/CD.
15. [Ex condition 17] No occupation until the Interim Travel Plan is implemented, and a Full Travel Plan shall be agreed within 12 months.
16. [Ex condition 18] Details of bird boxes, swift boxes, bat boxes to be agreed / or in accordance with details to be approved under current application 06/21/0729/CD, and provided, and hedgehog gaps too.
17. [Ex condition 19] Surface Water drainage scheme details to be agreed / or in accordance with details to be approved under current application 06/21/0729/CD.
18. [Ex condition 20] Archaeological method statement to be agreed – *NOTE – these details needed to be provided prior to commencement of development and do not appear to have been submitted for consideration as yet (in either 06/21/0729/CD or 06/21/0904/CD).*

19. [Ex condition 21] Contamination remediation works to be agreed / or in accordance with details to be approved under current application 06/21/0729/CD.
20. [Ex condition 22] Contamination precautions during construction.
21. [Ex condition 23] Fire hydrant details to be agreed and provided – NOTE – *these details do not appear to have been submitted for consideration as yet (in either 06/21/0729/CD or 06/21/0904/CD).*
22. [Ex condition 24] Construction hours limited to 0730 – 1800 Mon-Fri, 0800 – 1330 Sat. No work to be undertaken on Sun / Bank / Public hols.
23. [Ex condition 25] Boundary treatment details to be agreed / or in accordance with details to be approved under current application 06/21/0729/CD.

With Informative Notes 26 – 34 of permission 06/20/0422/F.

Appendices:

Appendix 1 – Site location plan

Appendix 2 – Approved site masterplan

Appendix 3 – Decision notice of permission 06/20/0422/F



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rev:	date:	description:	by:



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location:
**KINGS WAY, HEMSBY
FORMER PONTINS SITE**

title:
SITE LOCATION PLAN

scale @ A3:
1:2500
date:
July 2020
project no:
8164

drawn by:
CL
approved:
CL
dwg no:
P.01

revision:

PLANNING



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KEY	
	2-Bed House
	3-Bed House
	1-Bed Flat
	2-Bed Flat (above Retail units)
	Block A 2 & 3-Bed Holiday Chalet
	Block B 2-Bed Holiday Chalet
	Block C 3-Bed Holiday Chalet
	Block D 2-Bed Holiday Chalet
	Block E 3-Bed Holiday Chalet
	Retail
	Swimming pool / Cafe
	Public Green Spaces
	Private Gardens
	Kids Play Area
	Demolished
	Linked Surface Water Infiltration Ponds
	Nature Trail
	Existing Tree (TPO)
	Existing Tree
	Proposed Tree/Planting
	Tree removed (without TPO)
	Tree removed (with TPO)

E	02/02/21	Adjustments to roadways and parking provisions in accordance with drawing P.47 & 48 and Highways comments	CL
D	07/01/21	Minor amendments to site plan.	CL
C	11/12/20	Amendments to the holiday lodges and various alterations to notes	CL
B	23/09/20	Amendments to the number of holiday lodges identified within the available option key	CL
A	16/09/20	Amendments to parking provisions to accommodate reinstatement of existing octagonal sales office and introduction of LPG compound area	CL
rev:	date:	description:	by:


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client:
PINE DEVELOPMENTS LTD

location:
**KINGS WAY, HEMSBY
FORMER PONTINS SITE**

title:
PROPOSED MASTERPLAN

scale @ A1:
1:1000

date:
July 2020

project no:
8164

drawn by:
CL

approved:
BH

dwg no:
P.03

revision:
E

SCHEDULE OF RESIDENTIAL ACCOMMODATION			
TYPE	NO. BEDS	NO. UNITS	PERCENTAGE %
Flat	1-Beds	16	6%
Flat	2-Beds	3	-
House	2-Beds	107	61% (Flats+Houses)
House	3-Beds	62	33%
TOTAL UNITS		188	

Car Parking provided as follows:
- 1 space per 1-bed dwelling
- 2 spaces per 2-bed & 3-bed dwellings

SCHEDULE OF HOLIDAY LET ACCOMMODATION		
TYPE	NO. BEDS	NO. UNITS
Lodges	2-Beds	20
Lodges	3-Beds	10
Lodges	4-Beds	5
Chalets	2-Beds	28
Chalets	3-Beds	25
TOTAL UNITS		88

Car Parking provided 2 tandem space per lodge
Car Parking provided 2 space per chalet

HOLIDAY LODGE AVAILABLE SIZES	
	Option 1 - 2 bedroom 20 x 42ft (6.1 x 12.8m) with 3.0m veranda: 20 available
	Option 2 - 3 bedroom 20 x 45ft (6.1 x 13.7m) with 3.0m veranda: 10 available
	Option 3 - 4 bedroom 20 x 49ft (6.1 x 14.6m) with 3.0m veranda: 5 available

THE BOROUGH OF GREAT YARMOUTH

Town and Country Planning Act 1990

PLANNING PERMISSION

Part 1 - Particulars of Application

Reference No :- **06/20/0422/F**

Submitted :- 6th August 2020

Development at :-

Former Pontins Holiday Centre
Beach Road
Hemsby
GREAT YARMOUTH

Agent :-

Mr S Henry
Parker Planning Services Ltd
Orchard House Hall Lane
East Tuddenham
DEREHAM NR20 3LR

For :-

Proposed application for Mixed use scheme comprised of 188 no. dwellings and 91 no. holiday lodges to let following partial demolitions, new shop, leisure centre with a gym and spa, cafe and communal areas with associated highways works

Applicant :-

Mr G Avery
c/o Parker Planning Services Ltd
Orchard House Hall Lane
East Tuddenham
DEREHAM NR20 3LR

Part 2 - Particulars of Decision

The Great Yarmouth Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act, 1990 that permission has been granted for the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

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

The reason for the condition is :-

Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. On completion of each dwellinghouse hereby permitted notwithstanding The Town and Country Planning (General Permitted Development) (England) Order 2015 no further development shall take place under Schedule 2 Part 1, Class A - enlargement, improvement or other alteration of a dwellinghouse unless otherwise agreed in writing with the local planning authority.

The reason for the condition is :- To safeguard the amenity of occupiers. Many of the rear gardens of the dwellinghouses hereby permitted are less than 50sqm. Without due consideration enlargement of the dwellinghouse may have a detrimental impact on residential amenity.

3. The caravan/holiday units shall be used to provide holiday accommodation only and they shall not be used as permanent unrestricted accommodation or as a primary place of residence.

The reason for the condition is:-

To enable the Local Planning Authority to retain control over the use of the caravans for holiday accommodation.

4. The caravan/holiday units shall be not be occupied from 14th January to the 1 February in each year.

The reason for the condition is:-

To enable maintenance/renovations of the units and for the Local Planning Authority to retain control over the use of the units for holiday accommodation.

5. The owners/operators of the holiday park shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

The reason for the condition is:-

To enable the Local Planning Authority to retain control over the use of the caravans for holiday accommodation in an area where permanent residential accommodation would not normally be permitted.

6. The development shall be carried out in accordance with the following documents and drawing numbers listed below except as modified by a) conditions 7,8 & 9 below and b) external louvres shall be fitted to the first floor west facing windows on Block E to ensure the privacy of the occupants of the adjoining dwellings, details of the louvres shall be submitted to and agreed in writing by the local planning authority prior to the first occupation of Block E;

Aboricultural Impacts Assessment by BH Trees and Woodland dated 18 December 2020

8164 P.03E Proposed Masterplan,

8164 P.04C Proposed Masterplan Development Areas

8164 P.05D Proposed Masterplan Accommodation Plan

8164 P.06A Proposed Convenience Store

8164 P.07 Proposed Retail Store

8164 P.08 Proposed Leisure Complex Plans_Elevations

8164 P.10 Proposed Welcome Centre Plans_Elevations

8164 P.11F Proposed Block A1

8164 P.12A Proposed Block A2

8164 P.13A Proposed Block B

8164 P.14A Proposed Block C1

8164 P.15A Proposed Block C2

8164 P.16A Proposed Block C3

8164 P.17A Proposed Block C4

8164 P.18A Proposed Block D1

8164 P.19A Proposed Block D2

8164 P.20A Proposed Block E1

8164 P.21A Proposed Block E2

8164 P.22A Proposed Block F

8164 P.23A Proposed Block G1

8164 P.24A Proposed Block G2

8164 P.25A Proposed Block H

8164 P.26A Proposed Block J

8164 P.27A Proposed Block K

8164 P.28A Proposed Block L

8164 P.29A Proposed Block M1

8164 P.30A Proposed Block M2

8164 P.31A Proposed Block N

8164 P.32A Proposed Block O

8164 P.33A Proposed Block P1

8164 P.34A Proposed Block P2

8164 P.35A Proposed Block Q1

8164 P.36A Proposed Block Q2

8164 P.37A Proposed Block R

8164 P.38A Proposed Block S

8164 P.39A Proposed Block T

8164 P.40A Proposed Block U

8164 P.47 Proposed Highway Masterplan 1 of 2

8164 P.48 Proposed Highway Masterplan 2 of 2

2042-03/101A - Main Site Access, Kings Way

2042-03/102A - Beach Road Site Access

2042-03/103A - Local Store Access with new crossing (Barleycroft)

The reason for the condition is:-

For the avoidance of doubt.

7. No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a Private Management and Maintenance Company has been established.

The reason for the condition is: -

To ensure estate roads are managed and maintained to a suitable standard.

8. Vehicular/pedestrian/cyclist access to and egress from the adjoining highway shall be limited to the accesses shown on the Masterplan, Drawing Nos. 8164 P.47 and 8164 P.48 only, provided access layouts are revised so they accommodate safe pedestrian movements and are perpendicular to Kingsway for a distance of 15 metres. Any other access or egress shall be permanently closed, and the footway/highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority concurrently with the bringing into use of the new access.

The reason for the condition is: - In the interests of highway safety.

9. Part A. Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works in the form of push button pedestrian crossing, bus stops with shelters and footway improvements, as indicated on Drawing Nos. 2042 03/101 A, 2042 03/102 A and 2042 03/103 A have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the junction / pedestrian crossing layout at Beach Road as indicated on drawing no. 2042 03/102 A is not appropriate and will require revision.

Part B. Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

The reason for the condition is: A) To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor; and B) To ensure that the highway network is adequate to cater for the development proposed.

10. Prior to the first occupation/use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on drawing numbers 2042 03/101 A, 2042 03/102 A and 2042 03/103 A. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

The reason for the condition is :- In the interests of highway safety in accordance with the principles of the NPPF.

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

The reason for the condition is :- To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

12. Prior to first occupation/use of the development hereby permitted a scheme for the parking of cycles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

The reason for the condition is: -

To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.

13. All parking for construction workers shall be provided on site for the duration of the development. Excepting refurbishment of the holiday lets for that purpose development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

The reason for the condition is: -

To ensure adequate off-street parking during construction in the interests of highway safety.

14. Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.

The reason for the condition is: -

In the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

15. For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.

The reason for the condition is: -

In the interests of maintaining highway efficiency and safety.

16. Upon commencement of construction of the development hereby permitted an Interim Travel Plan shall be submitted to and approved by the Local Planning Authority.

The reason for the condition is: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

17. No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan referred to in Part A of this condition. During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan referred to in Part A of this condition shall be submitted to and approved in writing by the Local Planning Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority as part of the annual review.

The reason for the condition is: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

18. Prior to the commencement of the development hereby approved details of no less than 10 bird boxes, 5 no. swift boxes and 10 bat boxes shall be submitted to and approved by the Local Planning Authority. The boxes shall be erected in accordance with the details approved prior to occupation of the development and shall remain in perpetuity. All boundary fencing to be erected on site shall have 20cm x20cm gaps, unless otherwise agreed with the Local Planning Authority, at each boundary point to allow the free movement of hedgehogs through the site.

Prior to the commencement of the development hereby approved details of no less than shall be submitted to and approved by the Local Planning Authority. The boxes shall be erected in accordance with the details approved prior to occupation of the development and shall remain in perpetuity. To ensure that the site allows for access for hedgehogs.

The reason for the condition is :-

To provide ecological enhancements on site in accordance with paragraph 170 of the NPPF and the documents submitted in support of the application.

19. Prior to commencement of development, in accordance with the submitted FRA (Create Consulting Ref: GS/CC/P20-2042/03 - Rev - B dated August 2020), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I Provision of surface water storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1% AEP, including allowances for climate change, flood event. A minimum storage volume of 889.7 m³ will be provided in line with paragraph 6.6 of the FRA.

II The design of infiltration will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event

III Detailed designs, modelling calculations and plans of the whole drainage conveyance network in the:

- 3.33% AEP critical rainfall event to show no above ground flooding on any part of the site.
- 1% AEP critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

IV Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

V A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

VI Flood Risk Mitigation measures are followed as proposed in Table 7.1 of the FRA in order to both mitigate flood risk posed to the development and to ensure the development poses no risk to the surrounding area.

The reason for the condition is :-

To prevent flooding in accordance with National Planning Policy Framework paragraph 163, 165 and 170 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

20. A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

and,

- B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).

and,

- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for condition: -

In accordance with National Planning Policy Framework 2019 paragraphs 199 and 189.

21. Prior to the commencement of the development a Phase 2 site investigation is to be carried out to the satisfaction of the Environmental Services Manager. If the Phase 2 site investigation determines that the ground contains contaminants at unacceptable levels then the applicant is to submit a written strategy detailing how the site is to be remediated to a standard suitable for its proposed end-use to the Environmental Services Manager. No buildings hereby permitted shall be occupied until the remediation works agreed within the scheme have been carried out to the satisfaction of the Local Planning Authority.

The reason for the condition is :-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

22. In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All development shall cease and shall not recommence until:
- 1) a report has been submitted and agreed in writing by the Local Planning Authority which includes results of an investigation and risk assessment together with proposed remediation scheme to deal with the risk identified and
 - 2) the agreed remediation scheme has been carried out and a validation report demonstrating its effectiveness has been approved in writing by the Local Planning Authority.

The reason for the condition is :-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

23. One fire hydrant per 50 dwellings rounded up to the nearest 50th dwelling served by the mains supply (min 90mm main) shall be provided in the residential development during the course of construction to the written satisfaction of the Local Planning Authority in consultation with Norfolk Fire Service. The developer will incur the full cost of the hydrant/s and its installation by the Water company.

The reason for the condition is: -

In the interest of public safety.

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

07:30 to 18:00 Monday to Friday

08:30 to 13:30 Saturday

and no work shall take place on Sundays or Bank Holidays.

(These hours shall only apply to work generating noise that is audible at the boundary of the nearest noise sensitive property)

The reason for the condition is :-

In the interests of the residential amenities of the occupiers of nearby dwellings.

25. Prior to the commencement of each phase of the development as specified on the approved plans, details of boundary treatments shall be submitted to and approved by the Local Planning Authority. The boundary treatments shall be erected in accordance with the details approved prior to the occupation of the dwelling, holiday chalet or holiday lodge to which they relate.

The reason for the condition is :-

To ensure that adequate boundary treatments are provided.

26. REASON FOR APPROVAL OF THE APPLICATION :-

The proposal complies with the aims of Policies CS1-CS3 and CS9-CS16 of the Great Yarmouth Local Plan: Core Strategy, Policy A1 of the Emerging Local Plan Part 2 and saved Policies HOU9, HOU16 & 17 and REC8 of and the Great Yarmouth Borough-wide Local Plan (2001) (LP).

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

It is confirmed that this shadow HRA submitted by the applicant has been assessed as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.

In this instance the Borough Council has considered there is no likely significant effect on protected habitats arising solely from the development itself; and the development would contribute to the overall in-combination significant adverse effect identified by the Habitats Regulations Assessment Report for the Local Plan Core Strategy, but this effect can be adequately mitigated by the Habitats Monitoring and Mitigation Strategy; and that Strategy requires a payment of £110 per each additional dwelling towards the monitoring and mitigation provided through that Strategy.

28. **NOTES** - Please read the following notes carefully:- This permission should be read in conjunction with an agreement dated (insert date) made pursuant to Section 106 of the Town and Country Planning Act.

The S106 Agreement contains provisions including but not limited to: Holiday Accommodation, long-term management of the Leisure Facility, Open Space, Sustainable Drainage Systems, Internal Highways and Parking Areas and Natura 2000 contribution

29. **NOTES** - Please read the following notes carefully:-

Early resolution of the required conditions discharge is strongly encouraged in particular with regard to details of highways access and surface water detention. In respect of the latter to ensure measures are appropriate to mitigate any risk of surface water flooding at the southern part of the site towards Newport Road where there is a recorded history of flooding.

30. 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. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the applicant and the County Council. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Contact Dave Wilson david.wilson@norfolk.gov.uk.

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.

If required, street furniture will need to be repositioned at the applicant's expense.

31. This development involves a Travel Plan to be implemented within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Town and Country Planning Act 1990 or Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Contact Dave Wilson david.wilson@norfolk.gov.uk.

Travel Plan Review Fee

The Highways Authority levies a charge to cover the on-going costs of reviewing and monitoring a Travel Plan annually. The Highways Authority also requires a Bond to ensure that the Travel Plan targets are met. Both the Bond and the review fee are secured by a Section 106 Legal Agreement. This is in addition to the sum payable for Planning Obligations covering infrastructure, services and amenities requirements.

For residential development, Norfolk County Council offers a fully inclusive package covering the writing, implementation, on-going management and annual review of a Travel Plan for 5 years post completion of the development. Developers are expected to enter into a Section 106 Agreement to secure the necessary funding before planning permission is granted.

32. INFORMATIVE - Please read the following notes carefully:-

The applicant is advised that to discharge condition 6 that the local planning authority requires a copy of the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

General

The off-site works will be delivered by a Section 278 Agreement and the precise delivery mechanism will be determined as the works are brought forward. The applicant should be aware that there may be additional costs relating to the off-site works which will include a commuted maintenance amount as well as various fees including administration and supervision. The completed works will be subject to a Safety Audit and additional works may be required. Further information on the delivery of highway works can be found under Highways and Transport: Post-planning processes at the following link:
<https://www.norfolk.gov.uk/rubbish-recycling-and-planning/planning-applications/highway-guidance-for-development/publications>

Please be aware it is the applicant's responsibility to clarify the boundary with the public highway. Private structures such as fences or walls will not be permitted on highway land. The highway boundary may not match the applicants title plan. Please contact the highway research team at highway.boundaries@norfolk.gov.uk for further details.

33. NOTES - Please read the following notes carefully:-

The site will potentially generate a significant amount of dust during the conversion process; therefore, the following measures should be employed: -

- An adequate supply of water shall be available for suppressing dust;
- Mechanical cutting equipment with integral dust suppression should be used;
- There shall be no burning of any materials on site.

34. NOTES - Please read the following notes carefully:-

Great Yarmouth Borough Council has a duty to ensure that roads and streets within the Borough are properly named and that the properties fronting onto them are appropriately numbered. Therefore it is essential that once planning permission has been granted, and prior to the completion of development, the developer/owner applies for an official address. This Authority has adopted the legislation set out in sections 17, 18 and 19 of The Public Health Act 1925. In common with most neighbouring local authorities, Great Yarmouth Borough Council is introducing charging for the street naming and numbering of new developments from the 1st January 2020. Charges and more information can be seen on the Council's website here: <https://www.great-yarmouth.gov.uk/street-naming-numbering>

Dea Mains

Date: 6th July 2021

Planning Manager

Town Hall, Hall Plain, Great Yarmouth

Reference: 06/21/0329/F

Ward: Gorleston

Officer: Gordon Sutherland

Expiry Date: 25-06-21

Applicant: Mr L Gray LTH Leisure Ltd

Proposal: Retrospective application for:-

1. Installation of 8ft security perimeter fence
2. Installation of 32ft porta cabin for office/medical room
3. Installation of a wood cabin for cash/token box
4. Installation of a 20 x 8ft approx. cabin for sale of refreshments
5. Re-instatement of small children's fairground rides to site
6. Addition of coin operated small children's rides on site

Site: Pop's Meadow, Pavilion Road, Gorleston

REPORT (Follow Up)

1. Purpose of the report

- 1.1 The Development Control Committee is asked to re-appraise its previous resolution in response to new proposals submitted by the applicant. The Committee required certain information to be submitted to Officers for their approval before planning permission could be issued. The information which has been presented is instead referred on to Committee for its consideration.

2. Background

- 2.1 The applicant has submitted details which vary significantly from those which Committee considered at the time of its decision. Officers consider that the details depart too significantly from the intent and expectation of the Committee's decision that Officers cannot in good faith proceed under the current delegated authority from September 2021.
- 2.2 Committee is asked to vote on an amended recommendation which will provide an updated resolution for the applicant's understanding.
- 2.3 On 15 September 2021 the Development Control Committee considered a retrospective planning application for the stationing of various rides and structures on Pop's Meadow, and for the erection of a boundary fence around

the site perimeter, all associated with the use of the land as a childrens' amusement park, as summarised above.

- 2.4 The DC Committee report and Minutes from 15th September 2021 are provided as Appendix 2a, 2b and 2c to this Item (note the formal record of the Minutes were amended at the DC Committee meeting of 10th November 2021).

- 2.5 There are two parts to the Committee's decision made on 15th September 2021.

Part (1) - Firstly, the Committee decided that application 06/21/0329/F should be approved only once satisfactory details have first been supplied in respect of:

- (a) a revised rides and structures layout plan, with schedules of rides and structures to be used within the site; and
- (b) replacement perimeter fencing designs and details of siting, height, design, materials and finishes (which should be supplied and agreed in consultation with the Conservation Officer by 1st November 2021); and
- (c) plan showing provision of suitable visibility splay at the junction of Pavilion Road and Fiske's Opening, also to be agreed with the highway authority; and
- (d) flood warning and evacuation plan details; and,
- (e) a landscaping scheme shall be provided to soften the boundary treatments alongside the dwellings on the site's southern boundary.

The above details were required before any permission could be issued.

- 2.6 In making their recommendation on Part (1), Officers made it clear that they had confidence of the details being able to be supplied, but the application would not be acceptable without them and would need Committee's reconsideration if the details were not forthcoming.

- 2.7 Part (2) - Secondly, the Committee decided that if retrospective planning permission were able to be granted (once the Part 1 details were supplied), it would need to be subject to the following conditions and restrictions:

Proposed conditions:

- (a) The existing (unauthorised) perimeter fencing would need to be removed and the replacement fencing (which still needed details to be approved under Part 1(b) and (c) above) would need to be installed by Easter 2022, with visibility splay incorporated therein.
- (b) Permission for the children's rides would expire on 1st Sept 2023 (by which time the applicant will have benefitted from 3 easter holidays and 3 full summer seasons).
- (c) Permission for the portacabin, refreshment cabin and cash/token cabin would expire on 1st Sept 2023.
- (d) No rides or structures shall be used on the site other than those specifically included in the schedule to be agreed under Part 1 (a).

- (e) No rides or structures shall be sited within 10m of the boundary with Marine Terrace (and this shall be confirmed by a rides and structures layout plan required by Part 1(a)).
- (f) Permitted development rights would be removed for the erection of any additional Gates, Walls, Fences, or other means of enclosure.
- (g) The site shall not be open to customers outside of 10am-8pm seven days a week.
- (h) There shall be no use of loudspeakers and public address systems (Except for safety announcements).
- (i) There shall be no use of external amplified music.
- (j) Details of the portacabin base anchor shall be provided and the portacabin shall be securely anchored to its base and the anchor shall be retained for the duration of the use of the portacabin.

and any others considered appropriate by the Development Management Manager, which is considered should include a restriction on use of external lighting.

- 2.8 The details which are required to be submitted and agreed before planning permission can be issued are still unresolved and many aspects have not been provided. The information presented to Members today concerns the proposed replacement perimeter fencing.

3. Previous fencing proposals

- 3.1 Members will recall that the unauthorised fence currently installed was considered unacceptable for the conservation area and the amenity of neighbouring residents. In resolving to approve the application Committee decided that a revised form of fence design was required, in a style that would be compatible with the conservation area.
- 3.2 In the meeting Committee was shown an image which the applicant had provided in the week before Committee to illustrate the type of fence the applicant had in mind at the time. The same image is re-provided below. This had been discussed with the Conservation Officer before the meeting, who agreed the proposal would be suitable in principle, but who recommended the proposed fence shown should have a painted finish. The Minutes of the meeting (as amended) record that the applicant agreed to provide the style of fence that the Conservation Officer had up to that point endorsed, and furthermore agreed to paint the fence if Committee considered it necessary.
- 3.3 Debate followed in which Members discussed whether the fence should be galvanised or painted, and some members considered that pre-painted fencing would be more appropriate due to the finish it provides especially in comparison to galvanised fencing. On this issue the Committee decided that the final details of the replacement fence would need to be submitted to Planning Officers who could have delegated authority to agree the final designs with the Conservation Officer.

Image of the fence style which was presented by the applicant to Committee on 15/09/21 as an indicative style and design, for their discussion:



- 3.4 The current Committee decision is therefore that a design for a replacement fence needs to be submitted and it needs to meet with the approval of the Conservation Officer.
- 3.5 However, the applicant has now submitted some proposed details, but these vary significantly from those which the Conservation Officer and the Committee considered at the time of their decision. Officers consider that the details depart so significantly from the intent and expectation of the Committee's decision that Officers cannot in good faith proceed to approve the details and issue a permission under the current delegated authority from September 2021.

4. Amended fencing proposals

- 4.1 The applicant has proposed the following details of pre-painted fencing panel units that would not need to weather before being painted. The style of panel is coated green. The applicant considers the panels are rigid enough to stop intruders but remain very open to view. The panels are of steel construction and come in various colours of green, black or galvanised. The applicant proposes to purchase the green mesh panels to fix to the existing unauthorised fence posts, and then paint the posts to match the same colour of the mesh panels.



- 4.2 The Conservation Officer has been consulted and considers that the proposed fence is not acceptable for the conservation area. The Conservation Officer provided the following advice:

“Whilst the proposed fence has thin profiles and would probably benefit speedy installation, there are concerns regarding its appearance and the impact the fence may have on the character of the Conservation area. The need to have galvanised profiles is recognised, and Conservation advice is to use the previously proposed galvanised alternative, but painted/powder coated to avoid industrial and harsh appearance. Some manufacturers may provide pre-painted fence panels. Such fence panels would better integrate and further enhance the character of the Conservation area.”

- 4.3 Members will note the example presented to the committee meeting and which had been considered acceptable by the Conservation Officer was similar to the styles shown below.



Albany decorative railings for cemetery extension



Vertical bar railings, Parsons Mount, Newark

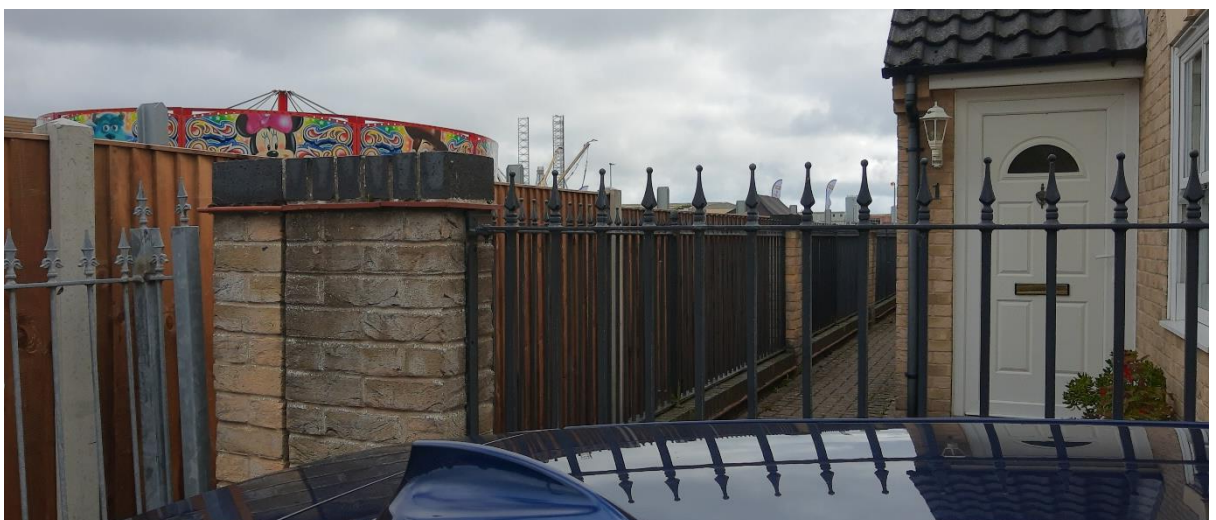
- 4.4 Finally, members are reminded of the appearance of the unauthorised fence that is in place currently.





- 4.5 Members will note the proposed design is markedly different to the style considered originally and may struggle to recall similar fencing used in Conservation Areas. Officers consider the design proposed is particularly inappropriate when considering the line of the replacement fence is proposed as being sited so far forward of the front of the building line on Pavilion Road, making the impact on the conservation area that much more prominent. Members are requested to give their instructions on whether they deem the design of the proposed fence as acceptable in this case.
- 4.6 Members are also reminded that the 'baseline' from which the Conservation Area must be preserved and enhanced is that of the historically well-designed railings around the site which have long been in situ and proven adequate to the long period of use before this application was made, as seen below.

Original fencing in place before being removed or screened. The grey fencing to the left of image is the original, which has been faithfully acknowledged by the design of the adjacent modern housing development's black railings, below.



Policy Considerations

Local Plan Part 2

Policy E5: Historic environment and heritage (extracts)

In accordance with national planning policy and Policy CS10 of the Core Strategy, 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.

Development proposals within conservation areas, or in a location that forms part of its setting, should take into account the special and distinctive character of the area which contributes to its significance and have regard to the relevant Conservation Area Appraisal and Management Plan.

Development proposals which have the potential to impact on Heritage Assets or their settings should be supported by a Heritage Impact Assessment prepared by an individual with relevant expertise.

Impact on the conservation area

- 4.7 Pop's Meadow has a long history of recreational use including planning permission for the stationing of children's rides and structures, and in this update to the undetermined application the use of the site is not in question; the principle of the use remains supported where it can be carried out without significant detriment to the locality including the amenity of adjoining uses.
- 4.8 However, all proposals located in a conservation area should *conserve and enhance* the character and appearance of the area. Former permissions and established uses may pre-date the designation of the surrounding conservation area, but the Council as local planning authority still has a legal duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure that:
- "In the exercise, with respect to any buildings or other land in a conservation area, of any functions ...[that] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".*
- 4.9 It is considered that the security fence which has been erected without planning permission is of a style and height that is not in keeping with the conservation area, and a more traditional park style is required that also is sympathetic to the amenity and outlook of neighbouring dwellings.
- 4.10 In this case the proposed replacement fence style minus the projecting profile post is commonly used around school grounds and recreational sites, for example. It is considered that the proposed style is undoubtedly considerably more refined than the existing unauthorised fence, but the Committee was clear

in its decision that the unauthorised fence was unacceptable and as such that cannot be considered a comparable proposal.

- 4.11 The current proposal for mesh-style fencing panels is not, in the opinion of Officers, suitable for approval because the applicant's updated proposals do not seek to enhance the character or appearance of the area and would continue to harm the conservation area.

5. Conclusion

- 5.1 Officers do not wish to hinder the continued use of the site but negotiations have so far not resulted in the positive action required to make the scheme acceptable. Committee's requirements have not been addressed in the months since 15th September 2021 and in the meantime the visual harm to the Conservation Area and the amenity of neighbouring residents continues unabated.
- 5.2 Members are asked to consider this revised recommendation from Officers because there is a diminishing window of opportunity to resolve the situation before the summer tourism season begins. A replacement fence should still be required to be installed before the 2022 Easter school holidays begin on 11th April 2022.
- 5.3 Despite various suitable models of fencing being available for use and the Committee's expectations being modest when compared to the original fencing that was removed, the applicant's updated proposals do not seek to enhance the character or appearance of the area. Planning law and local development plan policy all require the development to enhance the appearance of the Conservation Area.
- 5.4 Failure to provide suitable alternative fencing in a timely fashion will not protect the heritage asset as required, and the unauthorised fencing will continue to cause harm to the asset whilst ever it remains unenforced.
- 5.5 Officers recommend the proposals should be rejected and revised proposals should be required in a very timely fashion. Failure to meet these timescales would require Officers to recommend that Committee refuses to grant permission overall, and initiate renewed planning enforcement proceedings.

6. REVISED RECOMMENDATION

There are three stages to the Officers' updated recommendation.

Part (1):

By no later than **01 March 2022** - Satisfactory details should be supplied to Planning Officers in respect of:

- (a) a revised rides and structures layout plan, with schedules of rides and structures to be used within the site; and
- (b) replacement perimeter fencing designs and details of siting, height, design, materials and finishes, to be in general accordance with the style

- considered by Development Control Committee on 15 September 2021, and to the satisfaction of the Conservation Officer; and
- (c) plan showing provision of suitable visibility splay at the junction of Pavilion Road and Fiske's Opening, to be agreed with the highway authority; and
 - (d) flood warning and evacuation plan details; and,
 - (e) details of the portacabin base anchor system shall be provided; and,
 - (f) a landscaping scheme shall be provided to soften the boundary treatments alongside the dwellings on the site's southern boundary.

Part (2):

If the details required by Part (1) are supplied to Officer's satisfaction by no later than 01 March 2022, planning permission should be granted to application 06/21/0329/F, subject to the following conditions:

Proposed conditions:

- (a) The existing unauthorised perimeter fencing shall be removed in its entirety and the replacement fencing (which still needed details to be approved under Part 1(b) and (c) above) would need to be installed in accordance with the details to be approved, by 11th April 2022, with visibility splay incorporated therein.
 - (b) Permission for the children's rides would expire on 1st Sept 2023 (by which time the applicant will have benefitted from 3 easter holidays and 3 full summer seasons).
 - (c) Permission for the portacabin, refreshment cabin and cash/token cabin would expire on 1st Sept 2023.
 - (d) No rides or structures shall be used on the site other than those specifically included in the schedule to be agreed under Part 1 (a).
 - (e) No rides or structures shall be sited within 10m of the boundary with Marine Terrace (and this shall be confirmed by a rides and structures layout plan required by Part 1(a)).
 - (f) Permitted development rights would be removed for the erection of any additional Gates, Walls, Fences, or other means of enclosure.
 - (g) Use of the site for children's rides shall not be open to customers outside of 10am-7pm seven days a week.
 - (h) There shall be no use of loudspeakers and public address systems (Except for safety announcements).
 - (i) There shall be no use of external amplified music.
 - (j) The portacabin shall be securely anchored to its base and the anchor shall be retained for the duration of the use of the portacabin.
 - (k) There shall be no installation of any external lighting whatsoever without the details first being submitted to and approved in writing.
- and any others considered appropriate by the Development Manager.

Part (3):

If the details required by Part (1) are not supplied to Officer's satisfaction by no later than 01 March 2022, the application 06/21/0329/F shall be referred back to the Development Control Committee at the earliest opportunity, pursuant to an Officer's a request to reconsider the merits of the application 06/21/0329/F in its entirety.

Members are advised that such eventuality would likely require Officers to recommend that the application 06/21/0329/F should be refused and enforcement proceedings initiated against the unauthorised fencing in particular.

Appendices:

1. Location Plan
2. Development Control Committee Report from 15th September 2021.
3. Development Control Committee Minutes of 15.09.21 (Initial).
4. 10th November 2021 updates to Development Control Committee Minutes of 15.09.21.

Location Plan Pops Meadow



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DRAWING TITLE
Location Plan: Pops Meadow Putting Green

SCALE
1/1250

DATE
December 2020

BOROUGH OF GREAT YARMOUTH
Great Yarmouth Borough Council

Property and Asset Management
Greysfriars House
Greysfriars Way
Great Yarmouth, NR30 2QE



Reference: 06/21/0329/F

Parish: Gorleston

Officer: Gordon Sutherland

Expiry Date: 25-06-21

Applicant: Mr L Gray LTH Leisure Ltd

Proposal: Retrospective application for:-

1. Installation of 8ft security perimeter fence
2. Installation of 32ft porta cabin for office/medical room
3. Installation of a wood cabin for cash/token box
4. Installation of a 20 x 8ft approx. cabin for sale of refreshments
5. Re-instatement of small children's fairground rides to site
6. Addition of coin operated small children's rides on site

Site: Pop's Meadow, Pavilion Road, Gorleston

REPORT

1. Background

- 1.1 This is retrospective planning application for the stationing of various rides and structures and for the erection of a boundary fence associated with the use of the land as a childrens' park, as summarised above and described more fully below in the "proposal" section of this report.
- 1.2 Pop's Meadow has been open space and in use for recreation possibly since the early 20th century. Until 2021 it was in the ownership of the Borough Council leased as a childrens' play park and café/restaurant. In 1972 planning permission was granted for an 18-hole Arnold Palmer putting course with ticket office and floodlights. Permission was granted in 1993 for use of part of the site as a childrens' fun park for a temporary period and renewed on a regular basis until 2014 (ref 06/14/0397/F) when a permanent permission was granted, subject to conditions limiting the hours of use to between 9am and 9pm daily and to the rides and structures specified therein unless otherwise given approval by the Local Planning Authority.
- 1.3 In 2006 permission was granted for a brick-built cafe/restaurant which replaced various wooden buildings that were on the site (ref 06/05/0934/F). In 2002 permission was granted for the erection of a 1.8m high galvanised wrought iron railing along the perimeter boundary (ref 06/02/0094/F).

1.4 Prior permissions continuously limited the rides and structures allowed to be stationed on the meadow to those specified in the accompanying letter from the applicant for permission ref 06/93/0377/CU, as follows:

- Hoopla (doubling as a shelter) 14ft diameter,
- 3 bay swingboats 14x6x10ft,
- 20x20ft bouncy castle,
- 20x25x15ft high bouncy castle,
- funhouse and mirrors 16x7x8ft,
- sandpit 6x4ft,
- ball crawl 8x8x7ft,
- chair-o-planes 16ft diameter 9ft high,
- 4 trampolines 6x8ft,
- climbing frame and slide,
- tree house and slide,
- kiddies coin operated rides,
- crazy golf and putting green.

1.5 Until January 2021 Pops Meadow was owned by the Council, and as landlord the Council had the ability to control aspects of the use in relation to terms within the lease. The meadow was not in use for several years prior to its sale. The applicant is looking to re-establish recreational use of the site for children. The security of the rides and structures installed on the site is a major consideration for the applicant.

2. Site and Context

2.1 Pop's Meadow is located in a largely residential neighbourhood towards the Quay in Gorleston. It is an area of open space which has Beach Road to the west, Pavillion Road to the east and Fiske's Opening to the north. It is located in Conservation Area No17 Gorleston, designated 19th June 2009 because of its special architectural and townscape characteristics.

2.2 To the south is a modern terrace of houses built on the site of the old Gorleston Marine building. To the west elevated above Beach Road and overlooking the site are houses at Cliff Hill. To the north are houses along Fiske's Opening and to the east an area of open space with walkways which form the waterfront between Pavilion Road and Quay Road. Properties along Pavilion Road to the east of the site look over the aforementioned open space across the River Yare to South Denes.

3. Proposal

3.1 This is a retrospective application for the installation of an 8ft security perimeter fence, a 32-foot portacabin (office/medical room), a wood cabin for cash/token box, a 20x8 foot cabin for the sale of refreshments when the park is open, reinstatement of small childrens' fairground rides to the site and the addition of

coin operated small childrens' rides. Fencing includes a section of 6ft wooden fence to enclose the portacabin and bin storage.

- 3.2** The area of land on which the recreation use takes place has been enlarged from that used previously, to now include a strip of land at the north of the property adjoining Fiskes' Opening. The strip was formerly used as parking by touring motor homes. Additionally, the position of the boundary fence fronting Pavilion Road has been extended towards the road.
- 3.3** The submitted plans include photographs of the rides and location plan showing the approximate locations for bungee trampolines, carousel toy set, formula toy set, mini apple track ride, pony express, activity play centre, monster trucks, teacup ride, swing chairs, coin operated ride on pigs and coin operated ride on bikes, with coin operated bus to be placed around the park in various locations.
- 3.4** The park generally will be at its most busy during school holidays in the spring, summer and autumn. The location of the portacabin, cash box cabin, refreshment cabin and outside seating area for the cafe are shown on the submitted plans.
- 3.5** The proposed hours of opening for the ride area are 10am to 8pm Monday to Friday, weekends and bank holidays. The application also identifies hours of opening for the cafe. It should be noted that the cafe has an existing planning permission without restriction to the hours of opening and it is not deemed reasonable or necessary to restrict the hours of opening for the existing cafe in relation to this current application.

4. Relevant Planning History

06/14/0397/F- Renewal of planning permission for use of part of land as childrens' fun park Approved 2nd September 2014

06/05/0924/F- Erection of Cafe/Restaurant – Approved 1st March 2006

06/02/0094/F - Erect 1.8m high galvanised wrought iron railing along perimeter boundary, cut back hedging and clear from site – Approved 21st March 2002

06/01/0391/F- Renewal of planning permission no 06/00/0229/F for use of part of land as childrens' fun park – Approved 9th July 2002

06/00/0229/F - Renewal of planning permission no. 06/99/0513/F for use of part of land as childrens' fun park – Approved 12th May 2000

06/99/629/A – Advertisement Consent for Hoarding covering gates – Approved 25th August 1999

06/99/0513/CU - Renewal of planning permission no 06/96/0394/CU for use of part of land as childrens' fun park – Approved 9th August 1999

06/96/0394/CU - Renewal of planning permission 06/93/0377/CU for change of use of part of land to childrens' fun park – Approved 12th July 1996

06/93/0377/CU - Change of use of part of land to childrens' fun park – Approved 4th June 1993

5. Consultations: - All consultation responses received are available online or at the Town Hall during opening hours

5.1 There have been a dozen objections from the public with issues summarised as follows:

- Industrial type of fencing erected is out of keeping with the Conservation Area, re 8ft height (in particular in proximity of Marine Terrace), materials and style.
- Removal of parking along Fiske's Opening,
- enclosure of additional land including verge on Pavilion Road,
- potential impact on highway visibility,
- laying a hard surface,
- Questions the need for refreshment cabin, given the existing cafe,
- insufficient details of construction,
- siting and number of rides,
- business out of character, not a pleasure beach,
- rides are not small, different to rides that were here previously, character is changed,
- proximity to residences in regard to potential noise from music and generators every day,
- height of fence oppressive in close proximity to home,
- introduction of powered rides,
- fun park not the same as a fairground,
- detrimental to amenity, including the outlook and living conditions of occupants of Marine Terrace.
- Object to powered fairground rides and music,
- suggestion to erect a solid fence or wall to screen Marine Terrace,
- impact on parking availability for residents,
- potential access issues for emergency service and refuse vehicles,
- application includes 5 powered rides,
- impact on rental and property values of adjoining residences,
- reduction in grassed area for portacabin, additional wooden cabin, and cabin for refreshments,
- what limit to rides, numbers and noise and operation,
- why have works commenced,
- why so many buildings,
- did the applicant receive advice?

A letter of support has been received expressing disappointment for the Council halting the works. A further representation welcomes the investment provided it is sympathetic and respectful to the needs of the residents and operators plan

and maintain the attraction to cause minimum disturbance and disruption to the area.

- 5.2 Highways Authority.** The Highways Authority have provided advice to the applicant and advise that whilst there is no objection to the principle of the development, the security fence along the Pavilion Road boundary obstructs visibility from/to the junction of Fiske's Opening and as such would give rise to conditions detrimental to highway safety. It is acknowledged that the fence is on the applicant's land and NCC records show no highway status. However, on the basis of the height of the fence and it only being set back in the region of 1.8m from the edge of the carriageway, this will restrict visibility below the current standards.
- 5.3** A condition has been recommended to require the resiting of part of the boundary fence to provide the specified forward visibility splays.
- 5.4 Conservation.** The Conservation officer has objected to the style, size and type of fencing that has been installed and provided advice as to what would be a more suitable design solution appropriate to the location.
- 5.5 Environmental Health.** The Environmental Health officer raises no objection. However, as the development has the potential to cause a noise nuisance to neighbouring residential properties, recommends the following conditions for inclusion on any permission:
- That the hours of operation for the children's rides are restricted from 10-7pm seven days a week.
 - That loudspeakers and public address systems (except for safety announcements) are not used; and
 - No external amplified music is permitted.

6. Assessment of Planning Considerations: Policy Considerations:

National policy

- 6.1** Paragraph 47 of National Planning policy Framework (NPPF) states: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Local Policy Adopted Core Strategy 2013-2030

- 6.2** The most relevant policies to this proposal from the Core Strategy are:

Policy CS8 "Promoting tourism, leisure and culture" which seeks to ensure that proposals are sensitive to the character of the surrounding area.

Policy CS10 "Safeguarding local heritage assets"; the site lies in a designated Conservation Area; new development is required to conserve and enhance the character and appearance of the area.

Policy CS13 "Protecting areas at risk of flooding or coastal change"; The site is located in designated flood zone 3, so new development must respond to the challenges of flood events; and

Policy CS15 "Providing and protecting community assets and green infrastructure" which seeks promote healthy lifestyles including access to play spaces and open spaces

Final Draft Local Plan Part 2

- 6.3** Policy A1 Amenity has no unresolved objections and as such can be given considerable weight. It states:

Development proposals will be supported where they contribute positively to the general amenities and qualities of the locality.

Particular consideration will be given to the form of development and its impact on the local setting in terms of scale, character and appearance.

Planning permission will be granted only where development would not lead to an excessive or unreasonable 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 which are overbearing;
- d. nuisance, disturbance and loss of tranquility from: • waste and clutter • intrusive lighting • visual movement • noise • poor air quality (including odours and dust); and • vibration.

Where adverse impacts are an inevitable consequence of an otherwise desirable use and configuration, measures to mitigate such impact will be expected to be incorporated in the development.

On large scale and other developments where construction operations are likely to have a significant and ongoing impact on local amenity, consideration will be given to conditions to mitigate this thorough a construction management plan covering such issues as hours of working, access routes and methods of construction.

7. Local Finance Considerations:

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance

considerations are defined as a government grant such as new homes bonus or the Community Infrastructure Levy. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.

8. Shadow Habitats Regulation Assessment

- 8.1** The site lies within the Green Habitat Impact Zone over 2.5km but less than 5km from an internationally protected wildlife site. The proposal is not a residential or a new tourist development, so as such there should be no significantly increased recreational impact on designated sites and no mitigation is required to satisfy the Conservation of Habitats and Species Regulations 2017.

9. Assessment

- 9.1** This is a retrospective application, where development has taken place without planning permission. The application has arisen as the result of complaint from members of the public to the local planning authority with regard to enforcement of planning legislation.
- 9.2** It is not unusual for development to be undertaken without planning permission, there are extensive development rights for smaller scale development of both residential and non-residential property. Any development carried out without permission and where permission is determined to be required is at risk of enforcement including the requirement of removal where not acceptable or alteration and the inherent expenses involved. Where refused an applicant can appeal to the Secretary of State for the Environment to reconsider that decision.
- 9.3** In determining planning applications all applications are judged on their merits including ones seeking retrospective permission. The Local Planning Authority takes into account the planning permission history of the property, any relevant national and local planning policy that has been adopted for the assessment of the acceptability of new development and any representations received.
- 9.4** The application is proposing the rides and structures currently already installed and used on the site and shown on the submitted layout with accompanying photographs. For the avoidance of doubt the applicant has been requested to provide a schedule of the rides that will be tied to this permission. At the time of writing the report the schedule has not been received so should be a condition of any permission.

Impact on conservation area

- 9.5** In this case planning policy allows for recreational uses where they can be carried out without significant detriment to the locality including the amenity of adjoining uses; where located in a conservation area development should conserve the character and appearance of the area. As documented above, Pop's Meadow has a long history of recreational use including planning permission for the stationing of childrens' rides and structures and for the erection of fencing. These former permissions and established uses pre-date the designation of the surrounding conservation area, but the Council as local planning authority still has a duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure that:

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

- 9.6** It is considered that the current use proposal is materially different from the existing permission, by reason of the different rides, their appearance, siting and their operating characteristics.
- 9.7** It is also considered that the security fence which has been erected is of a style and height that is not in keeping with the conservation area, and a more traditional park style is required that also is sympathetic to the amenity and outlook of neighbouring dwellings.
- 9.8** Furthermore, it is also considered that the portacabin is a temporary structure that would not normally be permitted as a permanent structure in such a prominent location of a conservation area.

Impact on neighbouring residential amenity

- 9.9** Environmental Health Officers have not considered these rides to be significantly or noticeably noisier than rides allowed under the former permission and as such it is not considered necessary to require a change to the current rides on the basis of noise concerns, but precautions should be built into any permission to safeguard future amenity.
- 9.10** It is considered that in the interests of protecting the amenity of the occupants of Marine Terrace abutting the meadow, primarily from noise generated at the site, that there should be no rides or structures sited within 10m of the boundary.
- 9.11** Further conditions will prevent use of loudspeakers, public address system and amplified music.
- 9.12** As aforementioned the front elevations of the houses at Marine Parade are in close proximity to the replacement boundary fence. At this location there is a competing consideration in respect of the outlook of the fence; on one hand there may be a desire by occupants of the houses to screen the site from view with a solid fence, on the other it may be preferable to look through the fence

to the meadow. In this case it is considered that in the interest of the character and appearance of the conservation area which is defined in this location by the open space character of the meadow, that the fence should be of a traditional park railing type. The position of the fence in this location needs to be shown on an amended layout plan and agreed before the issue of any permission

Highway safety

- 9.13** The Highways Authority raise no objection to the development provided specified visibility splays are provided and maintained thereafter. There is both on street parking and free public car parking in easy walking distance of the site, which is not materially altered by the proposed development, and which can cater for the displaced motor home parking.
- 9.14** As such there is no unacceptable highways impact that the careful positioning of fencing and creation of visibility splay cannot resolve (by condition).

Flood risk

- 9.15** The area of the site previously used for the parking of touring motorhomes has been resurfaced with bitumen for siting coin operated car rides, this is not considered to be a material increase in the impermeable surface area in relation to flood risk. The portacabin has been sited on that existing hard surface. This area was not part of the public highway. In terms of the street lighting column, this is not shown on NCC Highways records as being owned by NCC. Flood risk for visitors should be no greater than the extant use and flood risk should not be increased elsewhere, but a floor evacuation plan and management scheme should be secured by condition.

Other matters

- 9.16** It is the applicant's commercial consideration to have a separate structure from the café to sell refreshments during times when the play park is open.

10. Conclusion

- 10.1** It is therefore considered that in order to determine whether the intensified and materially different use can successfully operate without detriment to the amenity of adjoining residents, the local planning authority should grant a temporary permission for the use and the portacabin for at least 2 years (including the c.6 months use already undertaken without permission during 2021). This will allow factors such as effectiveness of the fencing, noise from rides etc to be reviewed over a reasonable period of time and over both an extraordinary year and hopefully a more usual year of holiday use.
- 10.2** The fence as erected without permission is not appropriate and any new permission to be granted pursuant to this application shall require that the fence be replaced at the end of this tourist season, with one of style compatible with the conservation area. Details of the fence including the height and siting in

relation to Marine Terrace and 27 Pavilion Road have been requested from the applicant to be provided prior to the Committee meeting and should be agreed prior to the issue of any permission. Members will be updated verbally as to the appropriateness of the proposed fencing designs (and siting in relation to the aforementioned dwellings).

- 10.3** A condition of any permission should be that rides and structures approved will be as submitted for the application; details of any replacements to those rides would require express prior written permission from the Local Planning Authority in the form of a further planning application in order to assess that they would be compatible without causing significant disturbance to the amenity of adjoining residents.
- 10.4** Given the site is located in a flood zone, conditions to this permission will require the provision of means to anchor the portacabin and structures in a flood situation and for the use to be supported by an emergency evacuation plan.
- 10.5** In order to demonstrate that the proposed use and activities can be acceptable in the location and in terms of highways safety, the following matters shall need to be revised and confirmed to be acceptable by the LPA before permission is granted:
- Prior to issuing a planning permission a revised rides and structures layout plan shall be submitted and agreed in writing. Details to include a schedule of rides and structures with identifying serial numbers.
 - Prior to issuing a planning permission details of a replacement fence shall be submitted and agreed in writing. Details to include siting, height, design, material and finish.
 - Prior to issuing a planning permission a plan showing the necessary visibility splay shall be submitted to and agreed in writing with the Local Planning Authority in consultation with the Highways Authority.
 - Prior to issuing planning permission a flood warning and evacuation plan shall be submitted to and agreed in writing with the Local Planning Authority.

In the event that the applicant does not provide suitable details, a permission would not be appropriate as the scheme would not be acceptable, and Officers would recommend that the application is brought back to Committee if so.

- 10.6** In the event that permission can be granted, in order to safeguard the residential amenities of the occupiers of nearby dwellings and the character of the Conservation Area a list of matters including but not limited to the following would be the basis for conditions to any approval:
- The permission for childrens' rides expires on 1st Sept 2023 (by which time the applicant will have benefitted from 3 easter holidays and 3 full summer seasons).

- The permission for the portacabin, refreshment cabin and cash/token cabin expire on 1st Sept 2023
- There shall be no rides or structures used on the site other than those specifically included in the schedule to be agreed (see paragraph 9.4)
- No rides or structures shall be sited within 10m of the boundary with Marine Terrace (and to be confirmed by a rides and structures layout plan)
- The existing fencing is to be removed and the replacement fencing (to be approved) is to be installed by 01 December 2021, with visibility splay incorporated therein
- The removal of permitted development rights for the erection of any additional Gates, Walls, Fences, or other means of enclosure
- The use of the site for childrens' rides shall not be open to customers outside of 10am-7pm seven days a week.
- No use of loudspeakers and public address systems (Except for safety announcements).
- No use of external amplified music.
- The portacabin shall be securely anchored to its base and anchor retained in perpetuity (details needed if not provided beforehand).

RECOMMENDATION: -

11.1 Approve, subject to:

1) receiving appropriate details of:

- (a) a revised rides and structures layout plan, and
- (b) replacement fencing design, and siting, and
- (c) plan showing provision of visibility splay, and
- (d) flood warning and evacuation plans,

before any permission is issued [as described at paragraph 10.5 above].

- 2) For a temporary period - in order to further assess the impact of the use and safeguard the residential amenities of the occupiers of nearby dwellings and the character of the Conservation Area – subject to Conditions as listed at paragraph 10.6 above and any others considered appropriate by the Development Management Manager.

11.2 On this basis the development would be deemed in compliance with the aims of Policies CS8, CS10, CS13 and CS15 of the Great Yarmouth Local Plan Core Strategy, also to Policy A1 Amenity of the Emerging Local Plan Part 2

Appendices:

1. Location Plan
2. Area for rides
3. Images of rides
4. Location for token booth
5. Location for Ice Cream and Coffee Unit (Refreshments)
6. Location for portacabin
7. Location of rides (submitted plan)
8. Location of security fence and gates



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Minutes

Wednesday, 15 September 2021 at 18:00

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Attendees at the meeting

Present :

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

Councillor Candon attended as a substitute for Councillor Hanton

Councillor Borg attended as substitute for Councillor Fairhead

Mr R Parkinson (Development Control Manager), Mr C Green (Senior Planning Officer), Mr R Tate (Planning Officer), Ms C Whatling (Monitoring Officer) & Mrs S Wintle (Corporate Services Manager).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Fairhead and Hanton.

2 DECLARATIONS OF INTEREST

Councillor Freeman declared a personal interest in item 4 in his capacity as Ward and Parish Councillor for Ormesby and Scratby.

3 MINUTES

The minutes of the meeting held on the 25 August 2021 were confirmed.

4 APPLICATION 06-21-0538-F - 29 (Seahaven), THE ESPLANADE, SCRATBY, GREAT YARMOUTH

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

The Planning Officer reminded Members that this application had been originally published within the agenda for the Development Control committee on the 25 August 2021, however this item had been deferred from the meeting to enable further consultation to be undertaken. It was noted that the proposal had not been amended but the Officer's report had been updated accordingly following further consultation.

The Planning Officer reported on updates that had occurred following publication of the report as follows :-

- Expiry date is now 22nd September
- Response has now been received from the Parish Council
- One further objection had been received from a neighbour.

The Planning Officer reported that the application was for a replacement dwelling at 29 The Esplanade and the proposal would demolish the existing 4-bedroom bungalow and replace it with a larger chalet-style 3-bedroom bungalow with a detached garage.

The Planning Officer reported that the site lies across both the Indicative Erosion up to 2025 and Indicative Erosion up to 2055 zones identified in the Shoreline Management Plan. The front elevation is currently 32 metres away from the cliff edge and 170 metres away from the mean high-water mark.

The Planning Officer reported that 9 neighbour objections had been received and these were summarised as follows :-

- Overshadowing to no.31.
- Reduced view to no.27.
- No detailed measurements on the plan.
- Increase in scale over existing bungalow.
- Loss of outlook / light from the veranda of no.27.
- Will block sea views to the properties behind.
- Endangerment of the cliff top.
- Application form states no trees/hedges on the site.
- Will devalue neighbouring properties.
- Out of character – should be a bungalow.

The Planning Officer read aloud a neighbour objective that had been received since publication of the report, but advised that the comments were not dissimilar to those already received.

The Planning Officer reported on the comments received from the Parish Council who had advised that the Council would like to comment that the property is located within the government shoreline management plan which states that there should be no new development in this area and would ask that this be considered when making a

decision on the application.

The Planning Officer reported that the application site is situated on a private track and therefore the Highways agency has not provided comments on the application but noted that they could not see any issue to raise an objection for the application as it was for a replacement dwelling.

The Planning Officer reported that no objection had been received from the County Ecologist who had commented that the application site is located within the Orange Habitat Zone, however the application is for a replacement dwelling and therefore is unlikely to result in increased recreational pressure on habitats sites and therefore in their opinion a shadow HRA is not required.

The Planning Officer made reference to the relevant planning policies that had been taken to consideration.

The proposal is for the replacement of an existing dwelling and therefore would not result in a net increase in residential development. Notwithstanding this, the proposal is located within the development limits for Scratby where the principle of new residential development is considered acceptable.

The Planning Officer reported that whilst the current property formed part of a line of bungalows of a similar style, age and form, the property is the penultimate bungalow in the line. No.33 The Esplanade (next but one to the north) is also a chalet bungalow with accommodation at first floor level and a higher roof height; although it's ridge runs north-south and the front elevation is effectively pitched backwards, there are two dormer windows within it which gives the impression of a building of greater scale, mass and a much wider front elevation than is currently proposed. As such, a break in the line of bungalows in this this location would not appear incongruous and the principle of a taller dwelling would be considered acceptable, especially as the general form as a bungalow with low eaves and narrowing roof is still retained when viewed from the front.

The Planning Officer reported that adequate space would be able to be provided for parking of two cars and this could be conditioned to be provided and maintained thereafter.

The Planning Officer reported that the proposal sought an increase in size over the existing dwelling, he referred to neighbours comments in which had raised concern that this would be detrimental to their amenity through overshadowing and the loss of outlook and light. However, it was considered that by virtue of siting the replacement dwelling on roughly the same footprint and maintaining the spacing between the dwellings, the proposed dwelling would not result in an unacceptable increase in overshadowing to the neighbouring property.

The Planning Officer reported that the the application is considered to comply with saved policy HOU07 (E) and core policy CS09 (F), as well as emerging policy A1 from the draft Local Plan Part 2, which seek to ensure that developments do not significantly detrimental to the residential amenities of adjoining occupiers or users of land.

The Planning Officer advised that the Coastal Manager had been consulted on the application but had not provided any comments. It was therefore noted that as a replacement dwelling, the proposal should not change the level of risk or affect

coastal processes, and as the eastern building line remains as existing the future residents should be put at no greater / earlier risk than the existing dwelling. However, an informative note should be included on the decision notice to remind the application of the longer-term potential for coastal change.

Members were asked to note that the proposal did include more hard surfacing and a larger footprint which would mean more run-off from the property, which if not addressed sensitively could serve to concentrate erosion or undermining of dunes / cliffs. The proposed dwelling is to be discharged via soakaway, so a surface water drainage scheme shall be required by condition to ensure that this disperses run-off to an appropriate location at suitable rates.

The Planning Officer reported that the application was recommended for approval subject to the following conditions :-

- Standard 3 year time limit

- In accordance with plans
- Scheme of landscaping/planting to be agreed
- Surface water drainage scheme to be agreed
- Colour of cladding to be agreed
- Provision of 2no. swift terrace boxes
- Parking to be provided
- Bat Informative
- Coastal change informative

And any other conditions or notes considered appropriate by the Development Management Manager.

Councillor Freeman referred to a "Hold the line" comment within the coastal report and commented that this had been revised as this area was now protected by the Gabions.

Councillor T Wright made reference to the Shoreline Management Plan which had advised that no further development should be carried out and whether this application was recommended for approval in light of the development being a rebuild, this was confirmed. Councillor T Wright further asked with regard to sub soil intervention and with this application being so close to the cliff whether this would create any disturbance and cause coastal erosion. The Planning Officer advised that whilst he could not provide comment on this question, this application was similar to applications that have previously been agreed close to the site and the Coastal Manager had provided comment on these.

Councillor T Wright asked where the services for the property were situated, although the planning Officer was unable to provide this answer. The Development Control Manager advised that this was not a material consideration for the planning application although would be looked at as part of the process if approved.

Councillor Myers asked for clarification as to the Chalet being referred to as a bungalow, it was confirmed that a chalet bungalow has living accommodation in the roof space.

Mr Graham Norse, agent reported that the applicant welcomed the recommendation for approval from the Planning Officers, he advised that there were no statutory

consultee objections although noted local neighbour objections. Mr Norse commented that he felt the key element of consideration was the layout of the development and impact of the character of the locality. He commented on the proposed dwelling and its proposed height and dimensions and commented that it could not be considered as a large development. The Proposed scheme was not considered to adversely affect neighbouring dwelling in terms of loss or outlook of light.

Mr Norse advised that the applicants had purchased the property with a view to renovating the property but had found due to the state of the existing structure it was far more practical to rebuild the property. he commented that the applicants had worked hard to ensure the development did not impact neighbouring properties.

In summary Mr Norse advised that the dwelling proposed for a well designed dwelling which reflected existing character of other dwellings in the locality both in terms of scale and design features and would result in a much improved development to that of the existing bungalow. He asked the Committee to approve the application as per the Officers recommendations.

Councillor Wright asked Mr Norse if he was aware of where the services for the development were located whether this was at the front of the bungalows or the rear. Mr Norse confirmed that the existing services were situated at the rear of the properties and this would remain if the new dwelling was approved.

Members hereby entered into a general debate where it is was proposed and seconded that the application be approved as per the Officers recommendations.

RESOLVED :

That application 06-21-0538-F be **approved** subject to the following conditions :-

- Standard 3 year time limit
- In accordance with plans
- Scheme of landscaping/planting to be agreed
- Surface water drainage scheme to be agreed
- Colour of cladding to be agreed
- Provision of 2no. swift terrace boxes
- Parking to be provided
- Bat Informative
- Coastal change informative

And any other conditions or notes considered appropriate by the Development Management Manager.

5 APPLICATION 06-21-0329-F - POPS MEADOW, GORLESTON

Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported that that the application was a retrospective planning application for planning permission to regularise development that has already taken place, it should be noted that in selling the land to the applicant the purchase form the Council did not override the need to require planning permission.

The Senior Planning Officer reported that the development that has been carried out is deemed to be significantly different from any historic works that have been completed.

The Senior Planning Officer reported that the retrospective application asked for the installation of an 8ft security perimeter fence, a 32-foot portacabin (office/medical room), a wood cabin for cash/token box, a 20x8 foot cabin for the sale of refreshments when the park is open, reinstatement of small childrens' fairground rides to the site and the addition of coin operated small childrens' rides. Fencing includes a section of 6ft wooden fence to enclose the portacabin and bin storage.

The area of land on which the recreations use takes place has been enlarged from that used previously, to now include a strip of land at the north of the property adjoining Fiskes' Opening. The strip was formerly used as parking by touring motor homes. Additionally, the position of the boundary fence fronting Pavilion Road has been extended towards the road.

It was reported that The proposed hours of opening for the ride area are 10am to 8pm Monday to Friday, weekends and bank holidays. The application also identified hours of opening for the cafe. It was noted that the cafe has an existing planning permission without restriction to the hours of opening and it is not deemed reasonable or necessary to restrict the hours of opening for the existing cafe in relation to this current application.

Since publication of the report, the Senior Planning Officer reported that 60 letters in support of the application had been received. It was also noted that a number of objections had been received of which were summarised within the agenda documents/

The Senior Planning summarised comments that had been received from statutory authorities.

The Senior Planning Officer made reference to the relevant planning policies that had been taken to consideration.

The Senior Planning Officer reminded Members that this was a retrospective application, where development has taken place without planning permission. The application had arisen as the result of complaints from members of the public to the local planning authority with regard to enforcement of planning legislation. It was reported that it was not unusual for development to be undertaken without planning permission, there are extensive development rights for smaller scale development of both residential and non-residential property. Any development carried out without permission and where permission is determined to be required is at risk of enforcement including the requirement of removal where not acceptable or alteration and the inherent expenses involved.

The Senior Planning Officer reported that in determining planning applications all applications are judged on their merits including ones seeking retrospective permission. The Local Planning Authority takes into account the planning permission history of the property, any relevant national and local planning policy that has been adopted for the assessment of the acceptability of new development and any representations received.

It was advised that the application was proposing the rides and structures currently already installed and used on the site and shown on the submitted layout with accompanying

photographs.

The Senior Planning Officer summarised the main impacts on the conservation area and the neighbouring residential amenity which had been detailed within the agenda documents.

The Senior Planning Officer concluded that it was therefore considered that in order to determine whether the intensified and materially different use can successfully operate without detriment to the amenity of adjoining residents, the local planning authority should grant a temporary permission for the use and the portacabin for at least 2 years (including the c.6 months use already undertaken without permission during 2021). This will allow factors such as effectiveness of the fencing, noise from rides etc to be reviewed over a reasonable period of time and over both an extraordinary year and hopefully a more usual year of holiday use.

It was reported that the fence as erected without permission is not appropriate and any new permission to be granted pursuant to this application shall require that the fence be replaced at the end of this tourist season, with one of style compatible with the conservation area. Details of the fence including the height and siting in relation to Marine Terrace and 27 Pavilion Road have been requested from the applicant to be provided prior to the Committee meeting and should be agreed prior to the issue of any permission. Members will be updated verbally as to the appropriateness of the proposed fencing designs (and siting in relation to the aforementioned dwellings).

A condition of any permission should be that rides and structures approved will be as submitted for the application; details of any replacements to those rides would require express prior written permission from the Local Planning Authority in the form of a further planning application in order to assess that they would be compatible without causing significant disturbance to the amenity of adjoining residents.

The Senior Planning Officer reported that given the site is located in a flood zone, conditions to this permission will require the provision of means to anchor the portacabin and structures in a flood situation and for the use to be supported by an emergency evacuation plan.

In order to demonstrate that the proposed use and activities can be acceptable in the location and in terms of highways safety, the following matters shall need to be revised and confirmed to be acceptable by the Local Planning Authority before permission is granted:

- Prior to issuing a planning permission a revised rides and structures layout plan shall be submitted and agreed in writing. Details to include a schedule of rides and structures with identifying serial numbers.
- Prior to issuing a planning permission details of a replacement fence shall be submitted and agreed in writing. Details to include siting, height, design, material and finish.
- Prior to issuing a planning permission a plan showing the necessary visibility splay shall be submitted to and agreed in writing with the Local Planning Authority in consultation with the Highways Authority.
- Prior to issuing planning permission a flood warning and evacuation plan shall be submitted to and agreed in writing with the Local Planning Authority.

In the event that the applicant does not provide suitable details, a permission would not be appropriate as the scheme would not be acceptable, and Officers would recommend that the application is brought back to Committee if so.

It was reported that in the event that permission be granted, in order to safeguard the residential amenities of the occupiers of nearby dwellings and the character of the Conservation Area a list of matters including but not limited to the following would be the basis for conditions to any approval:

- The permission for childrens' rides expires on 1st Sept 2023 (by which time the applicant will have benefited from 3 Easter holidays and 3 full summer seasons). The permission for the portacabin, refreshment cabin and cash/token cabin expire on 1st Sept 2023
- There shall be no rides or structures used on the site other than those specifically included in the schedule to be agreed (see paragraph 9.4)
- No rides or structures shall be sited within 10m of the boundary with Marine Terrace (and to be confirmed by a rides and structures layout plan)
- The existing fencing is to be removed and the replacement fencing (to be approved) is to be installed by 01 December 2021, with visibility splay incorporated therein
- The removal of permitted development rights for the erection of any additional Gates, Walls, Fences, or other means of enclosure
- The use of the site for childrens' rides shall not be open to customers outside of 10am-7pm seven days a week.
- No use of loudspeakers and public address systems (Except for safety announcements).
- No use of external amplified music.
- The portacabin shall be securely anchored to its base and anchor retained in perpetuity (details needed if not provided beforehand).

The Senior Planning Officer advised that since publication of the report some of the requested information has been supplied although it had been advised that it was problematic to provide a schedule of rides for next season as the rides are yet to be leased and the applicant request that the permission should be not temporary, however it is noted that this is not recommended due to the uncertainty and in order to assess the impact of the use. The Senior Planning Officer advised that the applicant had made a counter proposal that instead of there being no rides or structures within 10 metres of the boundary of marine parade and marine terrace that rides in this location would only be of a low level type, this could be a condition if Committee were minded to agree to state no rides or structures over 8 metres in height within 10 metres of the location.

The Senior Planning Officer reported the application was subject to approval subject to agreement of details, detailed within the report and presentation.

Councillor Myers sought clarification as to paragraph 10.2 within the Committee report and asked whether this agreement had been given on this matter. The Senior Planning Officer advised that this had been agreed and the Conservation Officer had advised that the fence should have a painted finish.

Councillor Flaxman-Taylor sought clarification with regard to the opening times of the venue as listed within the pack as 10am until 7pm and asked whether this was both summer and winter opening times, this was confirmed as summer and winter opening times.

Councillor T Wright sought clarification on paragraph 10.1 within the report with regard to temporary permission for the use of the portacabin for two years including the six months of use already taken as it had been detailed this would take the permission to September 2023 which would allow for 2 and a half years. It was confirmed if approved this would grant permission until the beginning of September

2023.

Councillor Hammond asked whether any noise levels had been recorded by Environmental Health at the site, as he commented in his opinion this would have been helpful to know. The Senior Planning Officer advised that this information had not been presented by the Environmental Health department, the department had advised that they had received no noise nuisance complaints. The Development Control Manager advised that Officers deemed it necessary to issue temporary permission to understand if the rides which are materially different to the existing use are going to create any prolonged nuisance, this will allow monitoring to be undertaken.

Councillor T Wright asked if any discussions had been held with nearby residents of Marine Parade in order to understand preference for fencing.

Mr Lewis, applicant addressed the Committee, he advised that he had answered and provided comments to all neighbour complaints together with the possible proposal terms from the Council. Mr Lewis advised that he had successfully tendered to purchase the site, in the legal documents between Mr Gray and the Council it was always noted that the area was to be solely used a children's amusement park and food outlet facilities. Mr Gray advised that within the legal documents it had also stated terms that the purchasers would not apply for planning permission between the 25 and 50 year period.

Mr Gray advised that he had a young family and wanted to introduce some new business into the area which would attract those of all ages. Comments which had been received by Mr Gray had been positive. Mr Gray advised that they had been more than happy to assist local charities.

Mr Gray reported that he was happy to change the structural fence as specified by the Conservation Officer and is also willing to carry forward the recommendation from the Highway Officer and spray the front corner from the post to the road. Mr Gray referred to some comments that had been made by the Council with regard to the application, firstly he referred to a request for a 10 metre section to be left empty in front of the marine terrace houses, and stated that he felt this should have been stated within the deeds and the terms of conditions when purchasing, he commented that he was more than willing to work with tenants to not restrict light. Mr Gray advised he was happy to supply a full layout of drawings and rides for each year and submit this to the council, although he felt a 2 year temporary planning application should have been advised.

Councillor T Wright asked for clarification from Mr Gray in relation to the fencing at Marine Terrace, Mr Gray confirmed that discussion had been held with the landlord of the properties. Mr Gray felt that a six foot fence would prevent a safety net for the site and those using it and would alleviate any concerns from neighbours with regard to people looking into their properties.

Councillor Williamson asked Mr Gray if he was happy to have the recommended fence painted and Mr Gray confirmed this.

Mr Edwards, objector to the application addressed the Committee, he advised that he would be speaking on behalf of tenants within his properties. He confirmed that the main concerns raised were that of the fence and the main proximity of the rides in situ.

Mr Edwards advised that the close board fence that had been erected had caused an

impact on the amount of light that was being let into the properties. Mr Edwards referred to some shrubs that had been planted prior to the close board fencing which the tenants in place were happier with and would be happier if these could be reinstated.

Mr Edwards advised that a concern had been raised with regard to a gap between the fencing and the galvanised fencing and how rubbish would be collected if found in this area.

Mr Edwards commented that it was disappointing that no consultation had been undertaken with his tenants.

Councillor B Wright commented that she had discussed the facility with Mr Gray and felt that he would be happy to work with everyone to get the best out of the facility.

Members hereby entered into general debate about the application.

RESOLVED :

(i) that application 06-21-0329-F be approved, subject to:

(1) receiving appropriate details of:

(a) a revised rides and structures layout plan, and

(b) replacement fencing design, and siting, and

(c) plan showing provision of visibility splay, and

(d) flood warning and evacuation plans,

before any permission is issued [as described at paragraph 10.5 above].

(ii) For a temporary period - in order to further assess the impact of the use and safeguard the residential amenities of the occupiers of nearby dwellings and the character of the Conservation Area – subject to Conditions as listed at paragraph 10.6 with the amendment of the existing fencing to be removed and the replacement fencing (to be approved) is to be installed by Easter 2022 (March), with visibility splay incorporated therein above and any others considered appropriate by the

Development Management Manager including lighting.

BRIEFING OF APPLICATIONS

The Senior Planning Officer gave a brief summary of the following applications which were to be considered :-

Works detached from buildings in the public realm

- 06/21/0585/F Town Hall freestanding lighting column

- 06/21/0593/F Tolhouse freestanding lighting column

- 06/21/0587/F Hollywood freestanding lighting column

- 06/21/0586/F St Georges Theatre freestanding lighting Column

Works to buildings or in their grounds

- 06/21/0591/F and 06/21/0592/LB Tolhouse

- 06/21/0589/F and 06/21/0484/LB Gorleston Theatre
- 06/21/0590/F and 06/21/0537/LB St Georges
- 06/21/0590/F and 06/21/0528/LB Minster church

The Senior Planning Officer advised of the terms mentioned :-

- Light emitting diode
- DMX - digital multiplex. Fixture identity, channels 1-512, each with 256 values
- RGB and RGBW
- Wash (beam angle)
- Gobo Projector
- Linear fixture (also known as batten light)

The Senior Planning Officer reported on the general considerations for the Committee as follows :-

- Light pollution
- Distraction to drivers
- Bats
- Note to members that given the subdivision of the sites into separate applications for light post and works attached to the buildings these can be determined separately.

6 APPLICATION 06-21-0589-F AND 06-21-484-LB - GORLESTON PAVILION, PAVILION ROAD, GORLESTON

The Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported that the site was situated within the Gorleston Development boundary. The premises are in use as a place of public entertainment formerly within use Class D2, but now classed as a "sui generis" use. The site is within the Gorleston extended Conservation Area No 17. The opposite side of the street to the south boundary is not within the conservation area. The building is identified in policy and on mapping as a key tourism attraction.

The Senior Planning Officer reported that no public objections had been received and this particular application had received support from the Theatres Trust.

The Senior Planning Officer summarised the policies which were relevant to consideration for the application.

The Senior Planning Officer provided an overview summary of the Principle of Development as follows :-

The proposal is considered to meet with the requirements of the National Planning Policy Framework as it applies to the economic and cultural wellbeing of place where paragraph 8 sets out that sustainable development is defined by the economic objective , the social objective - to support strong, vibrant and healthy communities and cultural well-being; and the environmental objective - to contribute to protecting and enhancing built and historic environment; including moving to a low carbon economy.

The proposal is considered to meet these objectives and the use of LED lighting delivery illumination around five to six times more efficiently than tungsten lighting, on average for a given colour.

Policy CS8 - Promoting tourism, leisure and culture: Encourages the upgrading and enhancement of existing visitor attractions and specifically at sub section c: Safeguards key tourist, leisure and cultural attractions and facilities, such as Gorleston Pavilion Theatre.

The proposal will assist in encouraging the early evening and night-time economy, in an appropriate location that contribute to the vitality of the borough.

This proposal will support the role of the arts, creative industries and sustainable tourism sectors in creating a modern and exciting environment that will attract more visitors to the borough.

Emergent Policy C1: Community facilities reinforces the core strategy policy by seeking the retention of existing community facilities

Retained Policy BNV27 does not apply to this application as the lighting here considered is not of the projected form.

The Senior Planning Officer reported on the Planning Balance and commented that it was considered that the proposal would be positive in enhancing the building, reduces light spillage by directionality and offers some better cable routing. The equipment involved offers energy efficiency. The proposal would increase public awareness of the venue and potentially custom tourism interest.

The Senior Planning Officer reported that application 06-21-0589-F and application 06-21-484-LB were recommended for approval subject to a number of conditions as detailed within the report.

Councillor Jeal asked that consideration be given to the lighting used in order to maintain the lights working due to being in a salt water area, the Senior Planning Officer advised that the lighting to be used was waterproof and LED;s which had a life cycle of around 55 years

Councillor T Wright asked with regard to the lighting on Pavilion road and although noted these were not emitting outwards by virtue these were going to light up the west side of the pavilion where there were a few terraced houses

and therefore asked if residents were consulted and this was confirmed and it was noted that no correspondence had been received.

RESOLVED :

That application 06-21-0589-F and application 06-21-484-LB be approved subject to conditions as outlined within the Senior Planning Officers report.

7 APPLICATION 06-21-0587-F - HOLLYWOOD CINEMA, GREAT YARMOUTH

Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported the site is situated within the Great Yarmouth Development boundary. The premises to be lit are in use as a cinema formerly in use Class D1, but now within Class F2 (b) Halls or meeting places for the principal use of the local community. The site is within the Seafront Conservation Area. It was noted that this specific application is for a free-standing column to carry a lighting installation and is set in the south of the forecourt on the centreline of the facade.

The Senior Planning Officer reported that no objections had been received.

The Senior Planning Officer provided Members with a summary of the points for consideration within the application.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions as detailed within the application pack.

Councillor Hammond raised some concern with regard to the siting of the light directly in line with the entrance of the cinema and that this could potentially be damaged.

RESOLVED :

That application 06-21-0587-F be approved subject to conditions as outlined within the Senior Planning Officer's report.

8 APPLICATION 06-21-0590-F AND 06-21-537-LB - ST GEORGES THEATRE, KING STREET, GREAT YARMOUTH

Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported the site is situated within the Great Yarmouth Development boundary. The premises are in use as a place of public entertainment formerly within use Class D2, but now classed as a "sui generis" use. The site is within the King Street Conservation Area No 4. The building is identified in policy and on mapping as a key tourism attraction.

It was noted that the premises was a grade one listed building.

The Senior Planning Officer reported that no objections had been received.

The Senior Planning Officer provided Members with a summary of the points for consideration within the application.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions as detailed within the application pack

RESOLVED :

That application 06-21-0586-F be approved subject to conditions as detailed within the Senior Planning Officer's report.

9 APPLICATION 06-21-0586-F - 145 KING STREET AND YARMOUTH WAY (CORNER OF)

Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported the site is situated within the Great Yarmouth Development boundary. The premises associated with this application are in use as a theatre formerly in use Class D1, but now a "Sui Generis" use. The site is within the King Street Conservation Area No 4. The theatre building is identified in policy and on mapping as a key tourism attraction

It was noted that the premises 145 King Street was a grade two listed building.

The Senior Planning Officer reported that no objections had been received.

The Senior Planning Officer provided Members with a summary of the points for consideration within the application.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions as detailed within the application pack

Councillor Hammond asked with regard to the situe of the light, and it was advised that the light would be situated on the post.

RESOLVED :

That application 06-21-0586-F be approved subject to conditions as detailed within the Senior Planning Officer's report.

10 APPLICATION 06-21-0585-F - TOWN HALL (LAND TO NORTH OF) HALL QUAY, GREAT YARMOUTH

Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported that the site is situated within the Great Yarmouth Development boundary. The premises to be lit are the Great Yarmouth Town Hall, a mixture of use as offices (Use Class E) and (Class F2(b)) 'halls or meeting places for the principal use of the local community'. The site is within the Hall Quay/South Quay Conservation Area No 3. It was reported that this specific application is for a free-standing column to carry a lighting installation and is set in the south west corner of the triangular planted area to the north of the Town Hall, lighting the main public entry point. The town hall is a Grade 2 starred listed building (27/06/53) (abridged).

The Senior Planning Officer reported that no objections had been received.

The Senior Planning Officer provided Members with a summary of the points for consideration within the application.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions as detailed within the application pack.

Councillor Hammond and Jeal asked with regard to the flag pole in situ at the application site and whether these would interfere with the lighting column. It was confirmed that this matter would be looked into to ensure no interference with the flag poles.

RESOLVED :-

That subject to further investigations with regard to the flag pole height application 06-21-0585-F be approved subject to conditions detailed within the Senior Planning Officer's report.

11 APPLICATION 06-21-0531-F AND 06-21-0593-LB - TOLHOUSE GAOL, 12 TOLHOUSE STREET, GREAT YARMOUTH

Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported that the site is situated within the Great Yarmouth Development boundary. The premises to be lit are in use as a museum formerly in use Class D1, but now within Class F1(c) Museums. The site is within the Hall Quay/South Quay Conservation Area No 3. These specific applications are for planning permission and listed building consent for lighting attached to the museum building as described.

The Senior Planning Officer reported that no objections had been received.

The Senior Planning Officer provided Members with a summary of the points for consideration within the application.

The Senior Planning Officer reported that the application was recommended

for approval subject to conditions as detailed within the application pack.

RESOLVED :

That application 06-21-0531-F and 06-21-0593-LB be approved subject to conditions as detailed within the Senior Planning Officer's report.

12 APPLICATION 06-21-0593-F - TOLHOUSE GAOL (LAND NORTH WEST OF) TOLHOUSE STREET, GREAT YARMOUTH

Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported that the site is situated within the Great Yarmouth Development boundary. The premises to be lit are in use as a museum formerly in use Class D1, but now within Class F1(c) Museums. The site is within the Hall Quay/South Quay Conservation Area No 3. This specific application is for a free-standing column to carry a lighting installation and is set in the garden to the east of the library and north of the Tolhouse Museum. The museum is a Grade 1 listed building (27/06/53). The Senior Planning Officer reported that no objections had been received.

The Senior Planning Officer provided Members with a summary of the points for consideration within the application.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions as detailed within the application pack.

RESOLVED :

That application 06-21-0593-F be approved subject to conditions as detailed within the Senior Planning Officer's report.

13 APPLICATION 06-21-0588-F AND 06-21-0528-LB - THE MINSTER CHURCH OF ST NICHOLAS, CHURCH PLAIN, GREAT YARMOUTH

Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported that the site is situated within the Great Yarmouth Development boundary. The premises associated with this application are a church (place of worship) in use Class D1, but now in Class F1(f). The site is within the No 5 St Nicholas/Northgate Street Conservation Area. The minster is not identified in policy and on mapping as a key tourism attraction. The church is a Grade 2 starred listed building.

The Senior Planning Officer reported that no objections had been received.

The Senior Planning Officer provided Members with a summary of the points

for consideration within the application.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions as detailed within the application pack.

RESOLVED :

That Application 06-21-0588-F and Application 06-21-0528-LB be approved subject to conditions as detailed within the Senior Planning Officer's report.

14 DELEGATED DECISIONS MADE BETWEEN 1 AND 31 AUGUST 2021

Committee note the delegated decisions made between the 1 and 31 August 2021.

15 ANY OTHER BUSINESS

There was no other business discussed at the meeting.

The meeting ended at: 20:00



Development Control Committee

Minutes

Wednesday, 13 October 2021 at 18:00

Present

:

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

Councillor Candon attended as a substitute for Councillor Annison

Councillor Price attended as substitute for Councillor Mogford

Mr D Glason (Director of Planning and Growth); Mr R Parkinson (Development Control Manager), Mr C Green (Senior Planning Officer), Mr R Tate (Planning Officer), Mr G Bolan (Planning Officer); Ms C Whatling (Monitoring Officer) & Mrs S Wintle (Corporate Services Manager).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Annison and Mogford.

2 DECLARATIONS OF INTEREST

Councillor Freeman declared a personal interest in items 6 and 7 in his capacity as Parish and Ward Councillor for Ormesby and Scratby.

3 MINUTES - 15 SEPTEMBER 2021

The minutes of the meeting held on the 15 September were confirmed subject to the following amendments :-

Item 5 - APPLICATION 06-21-0329-F - POPS MEADOW, GORLESTON

Councillor Williamson commented that he fully supported the recommendations of the Officers, he made reference to the fence which was in obvious need of replacing and suggested that pre coated fencing be considered which would provide for a better finish than galvanised fencing and would be more pleasing to the eye in a conservation area. Councillor Williamson further made reference to the opening times of the facility of 10am until 7pm which in his opinion as restrictive.

Councillor Flaxman-Taylor sought clarification with regard to the opening times of the venue as listed within the pack as 10am until 7pm and asked whether this was both summer and winter opening times, this was confirmed as summer and winter opening times. Councillor Flaxman-Taylor commented that she felt it would be more appropriate to have similar times to that of what was previously agreed for the site of 9am till 9pm. The Senior Planning Officer reported that the applicant had requested 10am until 8pm within their application.

That the recommendation be amended to read :-

RESOLVED :

That application 06-21-0329-F be approved, subject to the following conditions :

- (1) The opening and closing times be amended to 10am to 8pm
- (2) Replacement fencing details to be submitted and agreed in association with the Conservation Area Officer by November 1st 2021.
- (3) Landscape scheme to soften boundary (to dwellings on southern boundary)
- (4) A revised rides and structures layout plan
- (5) A plan showing provision of visibility splay
- (6) Flood warning and evacuation plans submitted, before any permission is issued [as described at paragraph 10.5 above].
- (7) For a temporary period - in order to further assess the impact of the use and safeguard the residential amenities of the occupiers of nearby dwellings and the character of the Conservation Area – subject to Conditions as listed at paragraph 10.6 with the amendment of the existing fencing to be removed and the replacement fencing (to be approved) is to be installed by Easter 2022 (1 March), with visibility splay incorporated therein above and any others considered appropriate by the Development Management Manager including lighting.

4 MINUTES - 22 SEPTEMBER 2021

The minutes of the meeting held on the 22 September 2021 were confirmed subject to the addition of Councillor Fairhead in those present.

Reference: 06/21/0684/F

Ward: Gorleston

Officer: Mr R Tate

Expiry Date: 9th February 2022

Applicant: Mrs Millar

Proposal: Proposed demolition of existing dwelling and erection of a similar style dwelling with modern features

Site: 2 Gournay Avenue, Gorleston, GREAT YARMOUTH, Norfolk, NR31 6DZ

1. Background / History :-

- 1.1 The site comprises 522sqm and is located to the western side of Marine Parade, Gorleston, on the junction with Gournay Avenue. The house dates from the first half of the twentieth century and follows some of the Tudor Revival (mock Tudor) stylistic approaches. The property is part of a row of terraced houses which stand out with unified and distinct design. The terrace contributes to the local seaside character and distinctiveness. The application site is located within the settlement limits of Gorleston.
- 1.2 The site is irregular in shape and is situated on the corner of Marine Parade and Gournay Avenue, as such it has two active frontages. The eastern façade follows the existing building line of Marine Parade. Currently the property has living accommodation on the ground floor with 2 bedrooms in the roof space.
- 1.3 The site lies adjacent and opposite the No 17 Gorleston Conservation Area Extension which is on the east side of Marine Parade which in this areas covers the bowls club, tennis and basketball courts, and open space with outdoor gym equipment, and therefore the development has the potential to affect the setting of that designated heritage asset.
- 1.4 The application site is located outside of Flood Zones 2 and 3 and is not identified as being at risk to surface water flooding.
- 1.5 An application was approved in April 2021 for extensions to the existing property. The approved extensions are similar in scale, form and appearance to the proposed plans submitted as part of this application.
- 1.6 Application 06/21/0505/F was withdrawn as it was not a valid application.

06/21/0505/F	WITHDRAWN	20-07-21	2 Gournay Avenue Gorleston	Revised application for the proposed demolition of existing structure to allow footprint extension of front, rear and side as approved under pp. 06/21/0085/F
06/21/0085/F	APPROVED	01-04-21	2 Gournay Avenue Gorleston	Proposed front, rear and side extensions

2 Consultations :- All consultation responses received are available online or at the Town Hall during opening hours.

2.1 **Neighbours:** - At the time of writing, there have been 8 objections received as part of the public consultation process. The following issues which were raised during consultation are summarised below:

- The current property is not occupied all year round
- Should leave the old building alone
- Should maintain / do-up current dwelling rather than demolishing and rebuilding
- Disruption during demolition/construction (impact on neighbouring dwellings)
- No need to demolish the existing dwelling
- Structural report is not detailed enough
- No more modern buildings along Marine Parade
- Out of character
- Not environmentally friendly to demolish
- Adjoining properties are integral to each other (structure/drainage)
- New parking area unnecessary

Additionally, one letter of 'no objection' has also been received

2.2 **Local Highway Authority (Norfolk County Council)** – no objection subject to conditions.

2.3 **Conservation Officer – Objection**

The Conservation Section previously commented on refurbishment of the existing building and proposed extension to the front.

The property is just outside the boundaries of the Conservation Area, however, within its immediate setting. The recommendations of the Conservation section are:

- The house dates from the first half of the twentieth century and follows some of the Tudor Revival ('mock Tudor') stylistic approaches. The property is part of a row of terraced houses which stand out with unified and distinct design.

- The terrace contributes to the local seaside character and distinctiveness.
- **Conservation Officers recommend that demolition is avoided, as such approach would eliminate characterful authentic features.**
- There are some design concerns regarding the proposed perforated metal façade. This application submission includes visualisations/artist impressions of the proposed design which might not have been present in previous submissions.
- **Conservation Officers' advice is to avoid the perforated metal elements if possible.** This would provide a better integration within the existing context.

3 Relevant Planning Policy –

Planning law at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated at and paragraphs 2 and 47 of the National Planning policy Framework (NPPF).

The local development plan comprises the adopted Core Strategy (2015) and the Local Plan Part 2 (LPP2), which has now been fully adopted on 9th December 2021, and those policies have modified some policies of the Core Strategy.

Core Strategy – Adopted December 2015

- 3.1 **Policy CS1:** Focusing on a sustainable future. This policy lays out a framework to achieve an environmentally friendly, socially inclusive and economically vibrant Borough not just for those who currently live, work and visit the borough, but for future generations to come.
- 3.2 **Policy CS2:** Achieving sustainable growth. This policy identifies the broad areas for growth, sets out the sustainable settlement hierarchy for the borough and two key allocations. Gorleston is classified within CS02 as one of the Borough's main towns and is therefore, along with Great Yarmouth, expected to accommodate 35% of growth.
- 3.3 **Policy CS9:** Encouraging well designed and distinctive places. This policy applies to all new development.
- 3.4 **Policy CS10:** Conserving and enhancing 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

- 3.5 **Policy CS11:** The Council will work with other partner authorities and agencies to improve the borough's natural environment and avoid any harmful impacts of development on its biodiversity, geodiversity, landscape assets, priority habitats and species.

Local Plan Part 2 (Adopted December 2021)

Policy GSP1: Development Limits

Development Limits are defined on the Policies Map. Development will be supported in principle within the Development Limits.

Policy A1: Amenity

Development proposals will be supported where they protect or promote a high standard of amenity to ensure a suitable living environment in the locality.

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.

Where adverse impacts on amenity are an inevitable consequence of an otherwise desirable use and configuration, measures to mitigate unacceptable impacts will be expected to be incorporated in the development.

On large scale and other developments where construction operations are likely to have a significant and long-term impact on local amenity, consideration will be given to conditions to mitigate this through a construction management plan covering such issues as hours of working, points of access and methods of construction.

Policy A2: Housing design principles

Proposals for new housing development will be expected to demonstrate high quality design which reflects local distinctiveness and creates attractive and functional environments.

Planning applications will be refused for housing development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account the criteria and the National Design Guide and any future local design guide/code.

Policy E5: Historic environment and heritage

In accordance with national planning policy and Policy CS10 of the Core Strategy, 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.

Development proposals within conservation areas, or in a location that forms part of its setting, should take into account the special and distinctive character of the area which contributes to its significance and have regard to the relevant Conservation Area Appraisal and Management Plan.

Non-listed buildings or structures which either make a positive contribution to the significance of a conservation area or are a non-designated heritage asset will be protected from demolition.

Proposals which involve the loss of non-listed buildings/structures which either make a positive contribution to the significance of a conservation area or are non-designated heritage assets will only be permitted where:

- a. the building/structure is structurally unsound and beyond feasible and viable repair for reasons other than deliberate damage or neglect; or
- b. all measures to sustain the existing use or find an alternative use/user have been exhausted and the building risks falling into dereliction.

In all cases replacement buildings, or any new use of the site, should preserve or enhance the character of the area and the significance of heritage assets.

Development proposals which have the potential to impact on Heritage Assets or their settings should be supported by a Heritage Impact Assessment prepared by an individual with relevant expertise. An archaeological assessment must be included with any planning application affecting areas of known or suspected archaeological value to ensure that the preservation and/or recording of archaeological remains can be secured.

Policy E7: Water conservation in new dwellings and holiday accommodation

New residential development, and holiday accommodation in buildings, will be supported only where it meets the higher water efficiency standard of requirement of 110 litres per person per day.

Policy I1: Vehicle parking for developments

Requirements for vehicle parking (including cycle parking) will be determined with regard to the most up to date standards published by Norfolk County Council. Where developments in the town and village centres are unable to provide the required parking provision on site, consideration will be given to financial contributions to improve public parking provision. Development should be designed to enable charging of plug-in and other ultra low-emission vehicles in safe, accessible and convenient locations.

Other material considerations:

National Planning Policy Framework (NPPF), updated July 2021

NPPF Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

NPPF Chapter 5 - Delivering a sufficient supply of homes. In particular NPPF Paragraph 62 - Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities,

service families, travellers²⁵, people who rent their homes and people wishing to commission or build their own homes).

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

NPPF Paragraph 130 - Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

NPPF Paragraph 195 - Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

NPPF Paragraph 197 - In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

NPPF Paragraph 199 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

NPPF Paragraph 200 - Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

NPPF Paragraph 201 - Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

NPPF Paragraph 202 - 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.

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

4 Local finance considerations:-

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

5 Shadow Habitats Regulation Assessment

- 5.1 The application does not result in the net addition of new dwellings and therefore a shadow template HRA or a HMMS contribution is not required.

6 Assessment

Proposal

- 6.1 The application seeks the demolition of the existing two-storey 'mock Tudor' property and to replace it with a dwelling which will have a near identical appearance and form as the original dwelling if it were to be amended as approved within extant permission 06/21/0085/F.
- 6.2 The aforementioned previous permission approved a front extension measuring bringing the front elevation inline with the existing forward wall of the flat roof single storey section out from the existing front elevation, and rear and side extensions at first floor level. The design and access statement for this current application claims that the property has *"suffered from its exposed location with the harsh conditions causing the property to feel vulnerable to the elements. The property has also suffered historic subsidence issues along the north party wall and east face... [and after] reviewing the works in more detail with the structural engineer [the clients] are now seeking to demolish and rebuild the house."*
- 6.3 The Structural Survey submitted concludes that *"The property is generally in a poor state of repair and the various cracks throughout suggest foundation movement across the entire footprint of the structure. Therefore, we are of the view that a full re-build of the dwelling the best course of action."*

- 6.4 The proposed replacement dwelling retains a traditional appearance along Gourney Avenue, being sympathetic to the character and design of the neighbouring properties. The eastern elevation facing Marine Parade is proposed to have a modern elevation of perforated metal. It should be noted that the principle of the proposed use of a perforated metal façade in this form has already been approved as part of 06/21/0085/F, and at the time the case officer reported that:

“The proposal includes modern materials which are incongruous to the street scene - such as zinc cladding and a perforated metal facade. Conservation Officers ... requested further information on the materials.”

- 6.5 When previous application 06/21/0085/F was determined, the materials proposed at the time were considered necessary to be negotiated further because limited information had been received about the precise finish and colour to be used, amidst concerns about how these would relate to the conservation area, which signifies there was appropriate consideration undertaken. As such it was agreed with the agent that the precise form of materials would be subject to being agreed by conditions prior to the works commencing, and the condition on that decision required a revised specification of types and colours of the external materials to be submitted for approval. Condition 3 of permission 06/21/0085/F refers.

- 6.6 The main issues in the assessment of this current application are:

- Principle of development
- Heritage impacts
- Design
- Amenity
- Highways, access and parking

Principle of Development

- 6.7 As a replacement dwelling, the application site is located within the development limits for Gorleston. Being located within Gorleston, the site is located within walking distance to a range of shops, services, amenities, and employment. There also a bus stop 200 metres to the south of site. Therefore, the development would be located in a sustainable location, meeting the aims of paragraph 8 of the NPPF and Core Policies CS01 and CS02.
- 6.8 One of the key material considerations is whether the principle of demolishing the property is acceptable, and whether the impacts on adjoining properties will be so severe as to warrant refusal of the application. The Local Plan Part 2 does not have a specific policy to assess whether demolition would be

acceptable, but given the location and context, policies A1 and H5 will be particularly relevant.

Impact on heritage assets

Re: Demolition –

- 6.9 The site lies 16 m to the west of the No 17 Gorleston Conservation Area Extensions (the boundary of which runs along the eastern boundary of Marine Parade), which is a defined heritage asset. There are no intervening buildings between this site and the conservation area. The decision maker has a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure there is special attention paid to the desirability of preserving or enhancing the character or appearance of that area.
- 6.10 Furthermore, the NPPF paragraph 195 requires any harm to the setting and character and appearance of the designated heritage asset to be quantified, and where there is harm any permission to be granted should be demonstrated to be outweighed by public benefits (paragraph 202).
- 6.11 In this instance, the existing dwelling does form part of a continuous line of buildings that is of historic character, dating from circa 1930s, however the existing dwelling is considered to be the poorest of these due to the single storey flat roof addition, lack of consistency in terms of front elevation treatment and lack of features which are common on the other dwellings which make up the terrace (for example the lack of full width gable which is present on the two other properties making up the terrace facing Marine Parade). The terrace is not considered to be a non-designated heritage asset, but it does have unique period character. The loss of the dwelling would result in the loss of traditional period features although, as described above, some of these period features are not considered to contribute positively to the overall appearance of the dwelling, terrace or setting of the Conservation Area.
- 6.12 As such, whilst as a group the terrace is considered to contribute positively to the setting of the Conservation Area, individually the property is not considered to contribute positively to the setting of the Conservation Area, and as such the demolition is considered to have a neutral effect on the setting.
- 6.13 The replacement dwelling includes features which are considered to enhance the overall appearance of the block of dwellings. Most notably, the addition of a full width, triangular front gable which reinforces the rhythm and form of the terraced row, is sympathetic to the prevailing designs and innovative in its styling. Further to this, the perforated metal façade, which frames the openings, references the mock Tudor style features by incorporating vertical lines. These

features are considered to represent an overall positive impact that the updated appearance of the terrace will have on the setting of the Conservation Area.

- 6.14 The previous decision required that further information be provided regarding the external materials, after concerns that the more modern materials on the front elevation would appear incongruous. However, as part of this application, further information has been provided, particularly with respect to the perforated metal façade. With the detailing described in paragraph 6.13 these concerns about the suitability of the materials have been overcome. The metal roof and façade will provide a contrast to the more traditional eastern elevation and the external appearance of the neighbouring properties. However, this contrast is not considered inappropriate, especially given the eclectic mix of materials and increasing prevalence of modern materials along Marin Parade. But, it is recommended that the specific colour of the perforated metal façade and roof are conditioned to ensure that integration can be as sympathetic as possible. Overall, it is considered by Officers that the impacts on the setting of the Conservation Area will be at worst neutral or even positive by virtue of the new design, and in that case it would be unnecessary to quantify 'public benefit'.
- 6.15 However, noting that design and aesthetic assets can be viewed from different perspectives, Officers suggest that if Members were minded to take an opposing view, in that either the existing building was of unrecognised heritage value and/or the new design was in fact detrimental to the setting of the Conservation Area, then there would be a degree of 'less than substantial' harm caused to the setting of the Conservation Area. In that case, Officers advise that the degree of harm would be considered very low within the scale of 'less than substantial harm' and the public benefits needed to outweigh the harm would need to be correspondingly low. In this case, there are small benefits from the short-term jobs created during construction and from a level of investment being made in the local area. Furthermore, the construction of a replacement new dwelling will also include improved energy efficiency and modern standards of accommodation, which will help lessen some of the negative impacts of removing an otherwise habitable dwelling. These benefits are considered modest but on balance sufficient to outweigh any minimal harm that might be identified to the setting of the conservation area as a designated heritage asset.
- 6.16 Core Strategy policy CS10 and LPP2 policy E5 both require the Conservation Area to be conserved and enhanced. Policy E5 will preclude demolition of non-listed buildings which make a positive contribution to the significance of a conservation area. As described in paragraph 6.11 the existing dwelling is not considered to be a non-designated heritage asset and the current property has features which do not positively contribute to the setting of the Conservation

Area. As such, justification is not needed for the principle of demolition to be acceptable.

- 6.17 The Conservation Section did raise concern that original features would be lost if the existing dwelling were to be demolished. Through negotiations with the agent, key features, such as a brick chimney, will be included on the replacement dwelling.

Re: New development:

- 6.18 The design proposes to replicate the following aspects in the new proposal:

- 6.18.1 Composite timber uprights on the southern elevation
- 6.18.2 Use of matching tiles on main roof of dwelling
- 6.18.3 Installation of brick chimney

The new design will not replace the following:

- 6.18.4 Single storey flat roof addition
- 6.18.5 Replication of existing front gable
- 6.18.6 Existing back windows and side porch
- 6.18.7 Eastern chimney replaced with metal flue
- 6.18.8 White timber windows to be replaced by dark grey aluminium casements

- 6.19 The degree of re-provision of certain significant design features is considered an acceptable balance to be struck between acknowledging the site's contribution to the setting of the Conservation Area and the interest value of its 'mock Tudor' design. Whilst the concerns of the Conservation Officer are understandable, it is the considered opinion of Planning Officers that this mitigates concerns that the proposal would erode the character of the area by removing traditional features. Furthermore, the contemporary front elevation, which would be visible when traversing Marine Parade from either direction, would act as a landmark feature, helping people to position themselves.
- 6.20 There remains concern that a prominent corner location site as this will create a detrimental impact to the conservation area if it is demolished and not subsequently rebuild in a timely fashion. As such a condition is proposed that demolition shall not commence until a contract for the site's imminent redevelopment has first been provided.
- 6.21 As described above, it is considered that the ambitions of policies CS10 and E5 are met through the improved or neutral impact the development will have on the setting of the conservation area.

Design

- 6.22 Marine Parade has a prestigious sea front position with the properties overlooking the cliff edge and the dwellings in this part of Gorleston are comparatively larger in scale and reflect a mix of architectural styles. A number of recent proposals have been approved for more contemporary designs – for example at nos. 45, 50 and 60. Policy CS09 seeks a high standard of design and LPP2 Policy A2 states that contemporary architecture should not be prohibited but should be related to the local identity.
- 6.23 These are consistent with NPPF paragraph 130 which expects proposals to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 6.24 The importance of achieving good design that respects and acknowledges local character, and innovates where appropriate, is reiterated in the NPPF paragraph 134, which states that significant weight should be given to proposals which have *“outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*... and furthermore, supports refusal of applications which fail to do so: *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.”*
- 6.25 Marine Parade is predominantly characterised by detached dwellings. Much of Marine Parade consists of two/two and a half storey dwellings with pitched roofs, especially so within the area south of Gournay Avenue. However, it should be noted that Marine Parade does not exclusively consist of these types of dwellings and the existing property is one such example that does not comply with the norm; the application site and a number of dwellings north of Gournay Avenue are 1.5 storeys or have their first floor within the steep roofs and gables. A well-integrated proposal on the application site could continue to contribute to the mixed nature of dwellings which makes up the local distinctiveness of the area.
- 6.26 Core Policy CS09 A requires that developments respect the forms, materials and massing of the surrounding built environment. The proposal secures a successful integration into the street scene by replicating the triangular gables present on the other properties within the terrace, albeit it with a more

contemporary façade. Whilst the materials do provide a contrast to the more traditional mock-Tudor neighbouring properties, the use of modern materials is not considered unacceptable and the perforated metal façade, through the use of vertical lines, pays homage to the mock-Tudor style. Therefore, the proposed replacement dwelling is considered to be in keeping with the surrounding built context, whilst being of an innovative appearance which is reflective of recent developments along Marine Parade. The proposal is therefore considered to comply with CS09 and Policy A2 with respect to design.

Amenity

- 6.27 Policy A1 amenity expands upon CS09 F to cover overlooking and loss of privacy; loss of light and overshadowing and flickering shadow; building and structures which are overbearing; nuisance, disturbance and loss of tranquillity from waste and clutter, intrusive lighting, visual movement, noise, poor air quality (including odours and dust); and vibration.
- 6.28 There will be an impact on adjoining properties during the demolition and construction phase. Neighbours have raised concern that the proposed temporary supports to restrain the party walls detailed within the Structural Survey are not detailed enough, but these are matters for Building Regulations.
- 6.29 To ensure that impacts are sufficiently mitigated, any permission should be subject to a condition requiring a demolition and construction management plan – specifying the mitigation measures to protect the neighbouring dwellings are proposed and ensuring that they are adequate for protection of amenity.
- 6.30 Other measures to mitigate the impacts on neighbouring properties should include restricting the hours of work to between 08:00 and 18:00 weekdays and between 08:30-13:00 on Saturdays with no works to take place on Sundays and public / bank holidays.
- 6.31 In terms of the impact on neighbouring amenity once built, the replacement dwelling would have no greater impact on neighbouring amenity than the proposal as approved under 06/21/0085/F. Notwithstanding this, when assessing the existing proposal compared to the existing dwelling there is not considered to be a significant change in the impacts on neighbouring amenity. This is as the replacement dwelling will extend to a position level with the front of the existing single storey flat roof addition – or a 60 cm addition compared to the existing front gable. Given the position to the south of the adjoining dwelling, this further extension forward would result in a slight loss of sun light – especially to the upstairs window on the eastern elevation resulting in an increase in overshadowing / loss of outlook. Although, given the limited difference compared to the existing situation, the change in overshadowing is

not considered to be significantly adverse. As such, the proposal is considered to comply with A1.

- 6.32 In terms of the amenity provision for future residents, the dwelling would provide an amount of internal living space which would exceed the minimum requirements outlined in national guidance for a dwelling of this size. Moreover, whilst the garden size is smaller than the norm for Marine Parade, it is still of a size that could accommodate day to day activities for a 3 bedroom dwelling – with the gross floor area of 215sqm - The garden is the same size as the existing dwelling and is comparable with neighbouring plots, and has close access to the public open space opposite. As such the proposed dwellings should provide sufficient levels of amenity for future residents – in line with policy A1 and core policy CS09.

Highways Impacts

- 6.33 The proposal includes an off-road parking area which is an addition compared to the 06/21/0085/F approval. Neighbours have commented as to the necessity of this.
- 6.34 The Local Highways Authority (Norfolk County Council) have been consulted on the application and raised no objections subject to conditions.
- 6.35 The neighbour's primary concerns with the parking are due to potential loss of habitat and surface water runoff. The plans show that the parking area will be permeable Marshall paving so should not result in an increase in surface water. Moreover, a planting schedule shows that extensive planting (for a hedge) is proposed which should off-set the loss of lawn.

Public open space

- 6.36 Provision of the 3 bedroom dwelling involves an increase of 1 bedroom and would have no impact on the local public open space provision. A financial contribution is not required to satisfy LPP2 Policy H4.

Environmental enhancements

- 6.37 The proposal to provide a replacement dwelling to modern standards of construction within the development limits will involve redevelopment of brownfield land which is a material consideration in this proposal, supported by policy CS2 and NPPF paragraph 119.

- 6.38 The water efficiency requirements of Local Plan Part 2 policy E7 can be satisfied by conditioning a statement detailing how the replacement dwelling will accord to a water efficiency standard (110 litres/per person/per day).
- 6.39 The requirements to provide the scheme with electric vehicle charging points as per the Local Plan Part 2 policy I1 can be satisfied by conditioning a statement detailing how electric vehicle charging will be provided.
- 6.40 Biodiversity enhancements will be provided through the planting as outlined in paragraph 6.35. Measures to secure nesting opportunities can be conditioned requiring that bird boxes and bat tiles are provided. This will ensure that the proposal complies with policy CS11.

7 The Planning Balance:-

- 7.1 The proposal offers a replacement dwelling with suitable access, infrastructure and generous amenity provision, in a manner consistent with the density and siting found in the local area; the principle is therefore acceptable.
- 7.2 The replacement dwelling is considered to offer a contemporary design which responds to the form of the neighbouring dwellings and respects the mock-Tudor design of the existing dwelling.
- 7.3 Measures can be conditioned to ensure that any impact on adjoining dwellings for the period of demolition and construction can be suitably mitigated.
- 7.4 No significant impacts on neighbouring amenity have been identified and do not represent any increase in adversity in comparison with the recent approval, nor do they represent an unacceptable impact in comparison to the existing dwelling.
- 7.5 Overall, therefore, the proposal is considered to be acceptable and where any harm to the Conservation Area opposite is identified, this is considered minimal within the 'less than substantial' scale, and the small range of public benefits that it brings would be considered to outweigh any such harms.

8 Conclusion and Recommendation

- 8.1 The application is considered to comply with saved policies Core Policies CS02, CS09 and CS11 from the adopted Core Strategy and policies A1, A2, E4, E5, E7 and I1 from the Local Plan Part 2.
- 8.2 Therefore it is recommended to **Approve** the application subject to the **conditions** listed below.

Conditions

1. 3-year time condition
2. In accordance with plans

Prior to commencement (inc demolition):

3. No demolition shall commence until details of the precise colour of the proposed materials have been agreed
4. No demolition shall commence until a contract for the site's imminent redevelopment has first been provided.
5. Demolition management plan
6. Construction management plan
7. All demolition materials removed prior to commencement of new dwelling

Prior to construction beyond slab level:

8. Water efficiency statement – details and provision pre-occupation
9. EV charging statement – details and provision pre-occupation

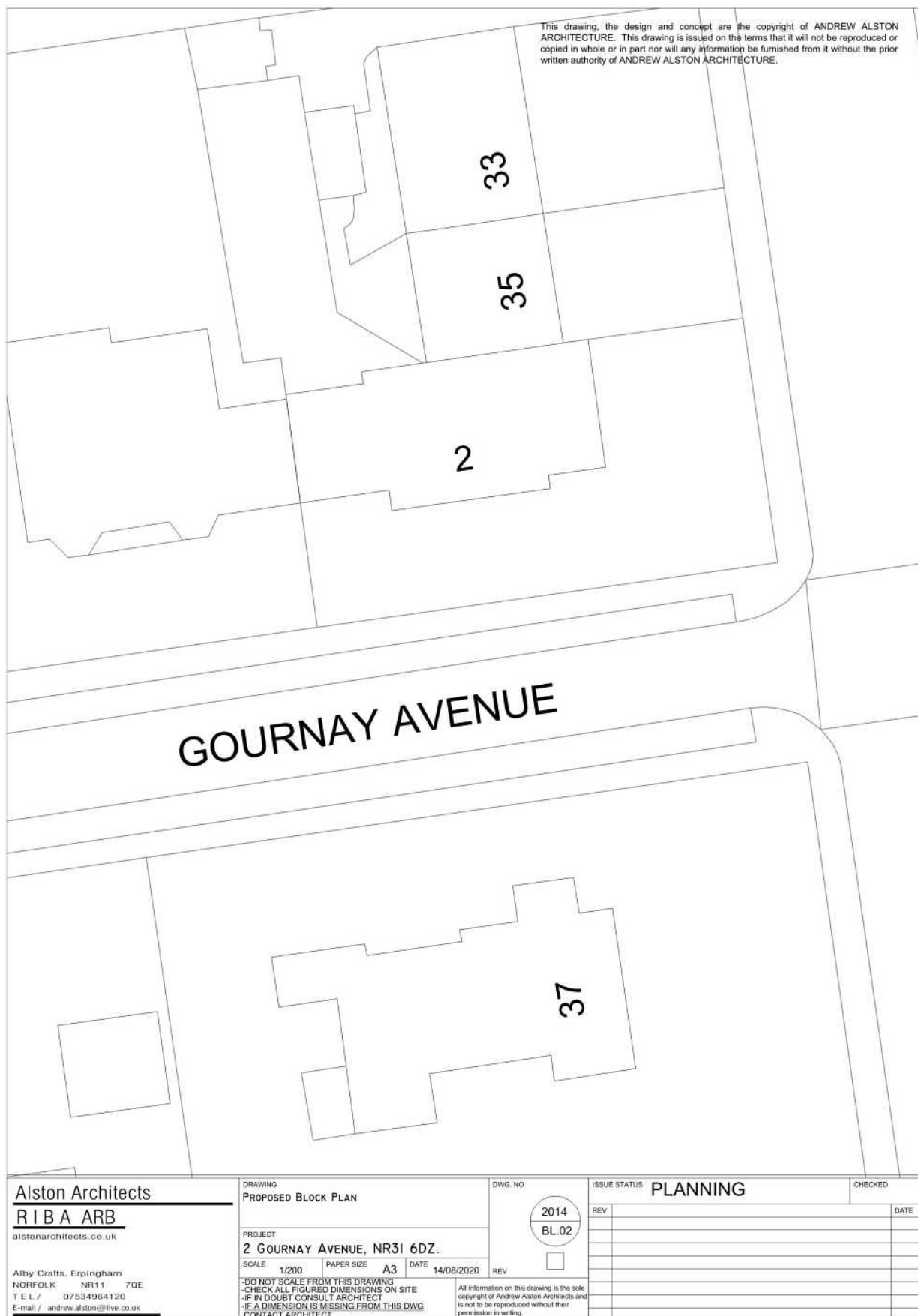
Prior to occupation:

10. Construction of new access (TRAD 3)
11. Access / parking levelled, surfaced and drained
12. Bathroom & Ensuite windows to be obscure glazed
13. Bird boxes to be installed prior to occupation
14. Landscaping to be provided
15. Retention and replacement of landscaping
16. Restrict hours of construction
17. Removal of PD rights for extensions, further windows, and outbuildings

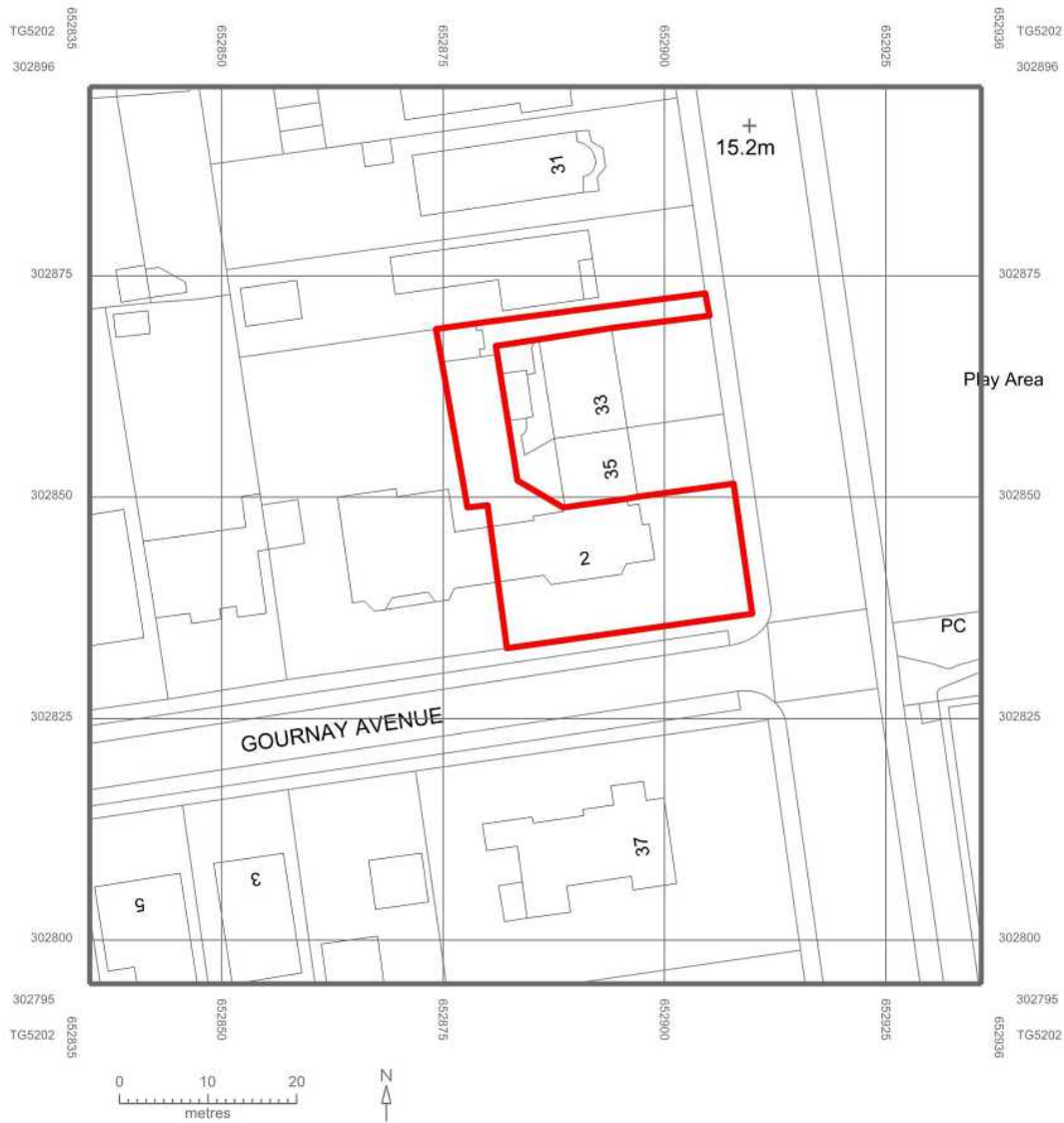
And any other conditions considered appropriate by the Development Manager.

Appendices:

1. Appendix 1 - Location plan and existing block plan
2. Appendix 2 – Existing ground and first floor plans
3. Appendix 3 – Proposed plans and site layout
4. Appendix 4 – Existing east and south elevations
5. Appendix 5 – Proposed east and south elevations
6. Appendix 6 - Aerial view



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DRAWING LOCATION PLAN			
PROJECT 2 GOURNAY AVENUE, NR31 6DZ.			
SCALE 1/500	PAPER SIZE A3	DATE 14/08/2020	REV
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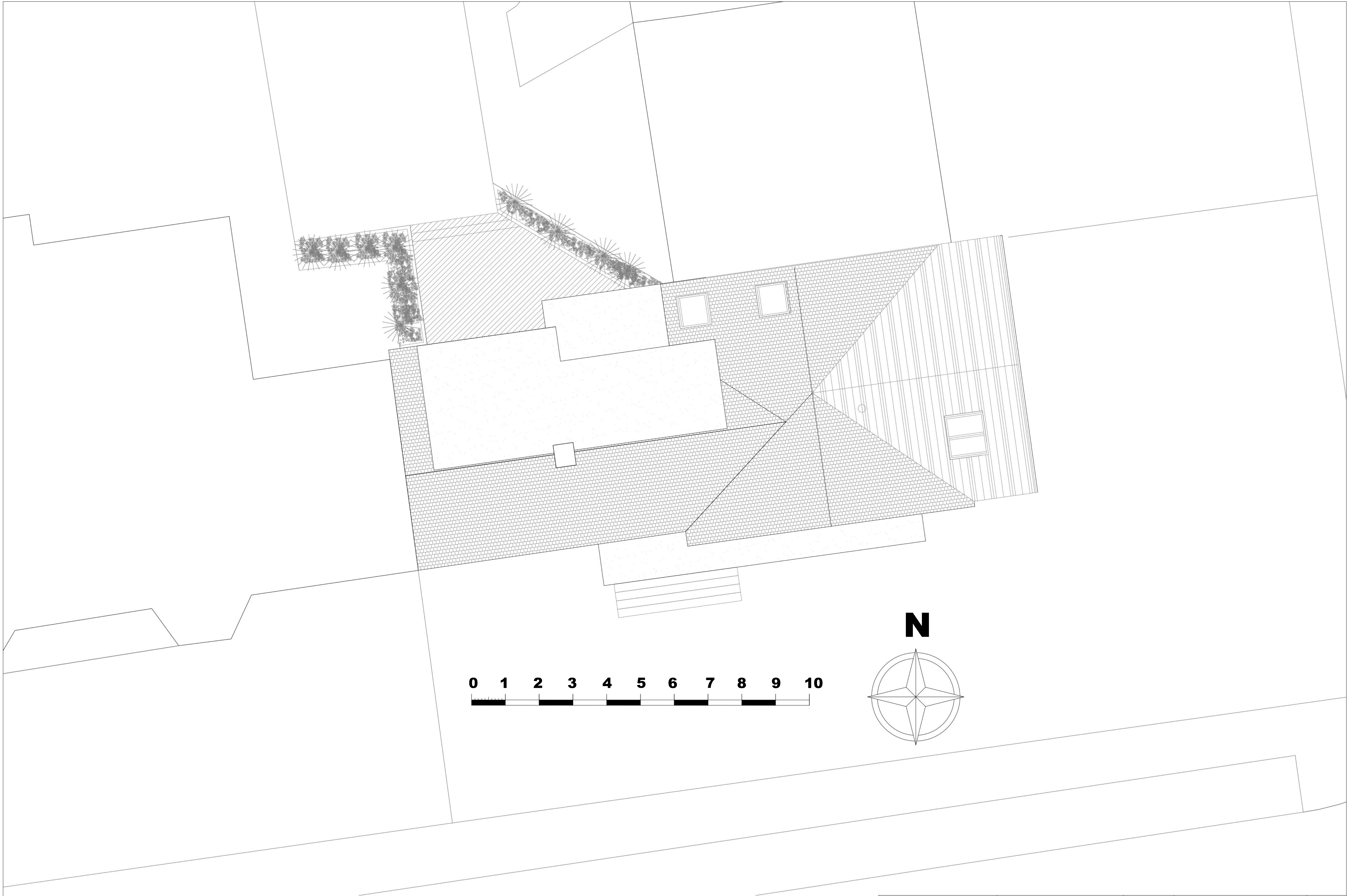


Aston Architects BIRA ABB	EXISTING NORTH ELEVATION	DATE	PLANNING	REVISIONS
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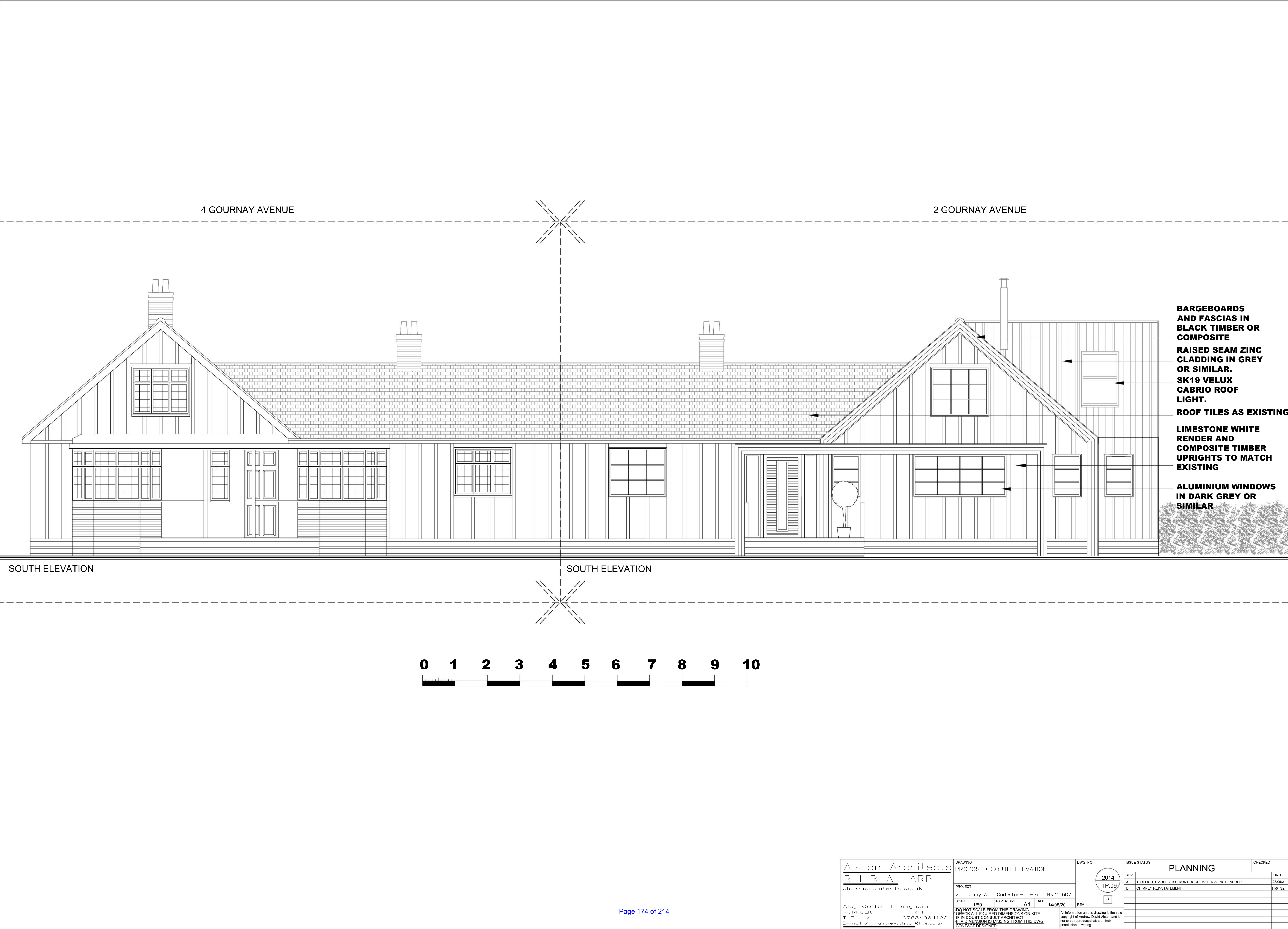


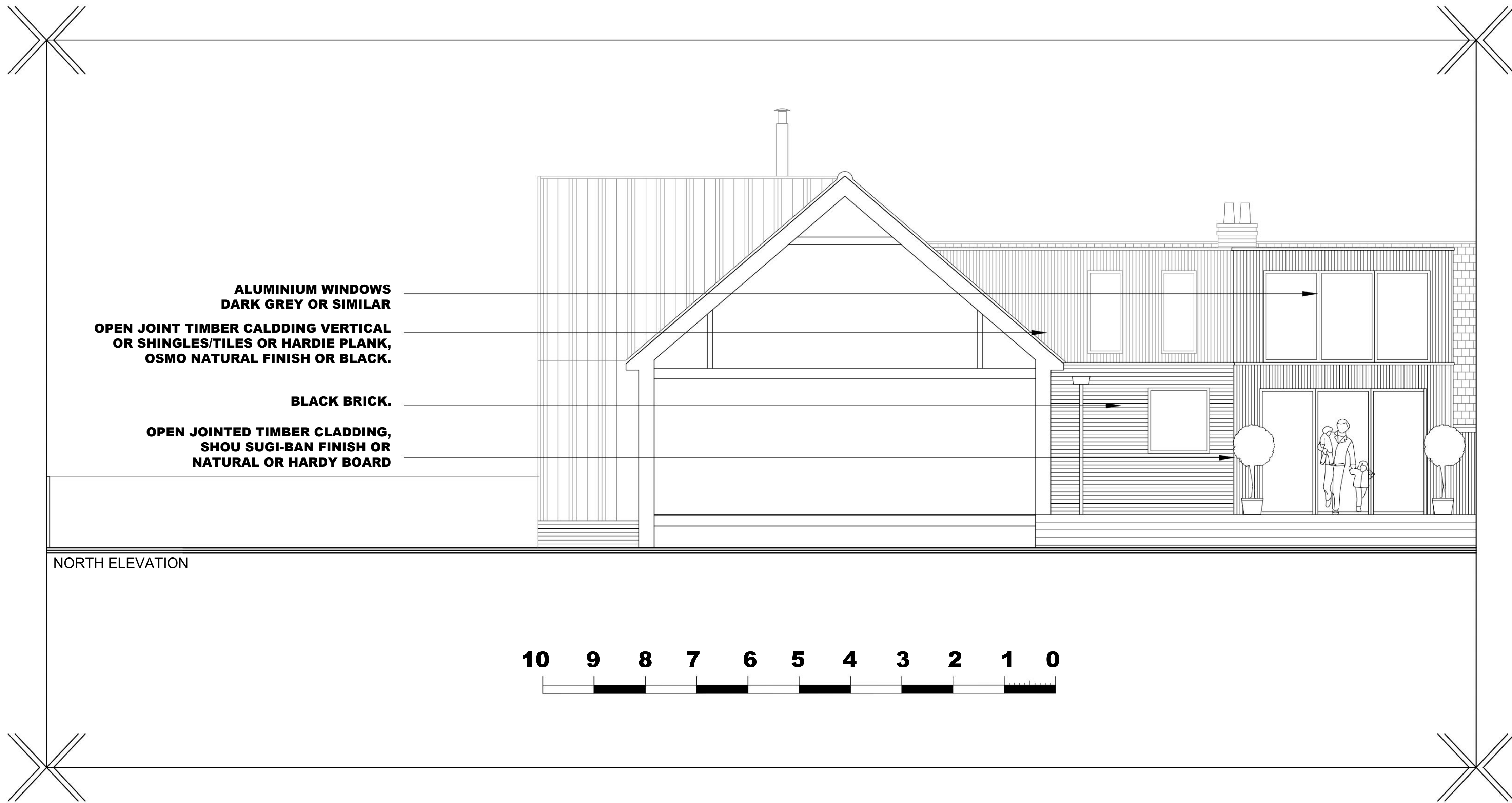
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Project Name: 2 Gournay Avenue		Client: Mr. & Mrs. J. J. O'Sullivan		Date: 10/10/2018	
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Author: J. J. O'Sullivan		Check: J. J. O'Sullivan		Date: 10/10/2018	
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<small>Alby Crafts, Erpingham NORFOLK NR11 T E L / 07534964120 E-mail / andrew.alston@live.co.uk</small>		<small>DO NOT SCALE FROM THIS DRAWING CHECK ALL FIGURED DIMENSIONS ON SITE IF IN DOUBT CONSULT ARCHITECT IF A DIMENSION IS MISSING FROM THIS DWG CONTACT DESIGNER</small>		<small>All information on this drawing is the sole copyright of Andrew David Alston and is not to be reproduced without their permission in writing.</small>																			





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Alby Crafts, Erpingham		NORFOLK		NR11		B CHIMNEY REINSTATEMENT		DATE 28/05/21	
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Reference: 06/21/0794/F

Parish: Great Yarmouth

Officer: Gordon Sutherland

Expiry Date: 13-12-21

Applicant: Great Yarmouth Preservation Trust

Proposal: Proposed change of use from retail to retail and visitor information / heritage centre on ground floor (sui generis use), and 2 no. flats on first and second floors with attic space either converted into a second bedroom for flat 2 or as an artist's studio. Enlargement of door, reinstatement of 2 windows and insertion of 1 window in southern elevation of attic.

Site: 14 King Street, Great Yarmouth

This application is brought before the Development Control Committee because the applicant's relationship to the Borough Council means this is a 'connected application'. The application was referred to the Monitoring Officer for their observations on 25 January 2022.

REPORT

1. The application

- 1.1 Proposed change of use from retail to retail and visitor information / heritage centre on ground floor (sui generis use), and 2 no. flats on first and second floors with attic space either converted into a second bedroom for flat 2 or as an artist's studio. Enlargement of door, reinstatement of 2 windows and insertion of 1 window in southern elevation of attic.

2. Site and Context

- 2.1 The property is a 3-storey building from circa 1840, the former Greenwoods retailer on the southeastern corner of King Street and Regent Street. It has been used as a shop unit on ground and first floor with storage above. It is located in Conservation Area No 4 King Street designated 25 July 1975. It is also located in the defined Great Yarmouth Town Centre, within the primary shopping area but beyond the protected shopping frontage defined in the local plan. The property is located in Flood Zone 1 and as such is not at risk of flooding and no flood risk assessment is required in this case.
- 2.2 The application has been accompanied by a historic assessment and measured survey, photographic record and proposed plans. The assessment chronicles the history of the building including historic photographs and maps that will help inform the proposed conversion and preservation works.

- 2.3 With the creation of 2 flats the application includes a shadow template habitats regulations assessment. A mitigation payment of £110/flat has been received to mitigate the potential associated recreation impact on Natura 2000 international sites designated for nature conservation.

3. Planning History

06/88/1669/F - New shopfront, new staircase to first floor and interior - Withdrawn 23-02-89

06/88/1670/A - Shop fascia sign - Withdrawn 23-02-89

4. Consultations: - All consultation responses received are available online or at the Town Hall during opening hours

- 4.1 At the time of writing no representations have been received from members of the public.

Consultations – External

- 4.2 **Norfolk County Council Fire and Rescue service.** The Fire Service raise no objection subject to compliance with the Building Regulations observing that in particular, the following areas will need to be addressed: Fire detection between the ground floor commercial premises and flats above (Level determined by the fire risk assessment) Detection linked from the flats to the communal areas. Each flat should have a protected lobbied entrance if it is single common stair.
- 4.3 This information has been provided to the applicant and will be added as an informative to this decision, but the requirements for compliance are addressed through the Building Regulations.
- 4.4 **Highways** – The Highway Authority raise no objection.

Consultation - Internal GYBC

- 4.5 **Conservation** - The applicant is the Great Yarmouth Preservation Trust. Staff within the Trust provide advice to the Council in relation to conservation and as such the Conservation Service has not commented on this application.
- 4.6 **Environmental Health** - The Environmental Health Officer (EHO) has provided advice regarding the age of the building in relation to the potential presence of asbestos which will be attached as an informative with this decision. The EHO also requested details of the proposed domestic and commercial waste storage. After visits from Great Yarmouth Borough Services (GYBS) waste management it has been concluded that the viable location for bins would be in Row 81 (between 19 and 20 King Street). GYBS has required that the bins are clearly numbered and possibly locked when not in use which is an operational matter. The EHO has confirmed that this is satisfactory.

5. Planning Policy

National policy

- 5.1** Paragraph 47 of National Planning policy Framework (NPPF) states: Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Adopted Core Strategy 2013-2030

- 5.2** Great Yarmouth Borough adopted Local Plan Policy CS7 “Strengthening our centres” identifies Great Yarmouth Town Centre as the top of the retail hierarchy for the Borough and seeks to enable it to compete as a retail centre safeguarding its retail function.
- 5.3** Policy CS10 Safeguarding local heritage assets seeks to conserve and enhance the Borough’s heritage assets and promotes heritage led regeneration.

Local Plan Part 2 (2021)

- 5.4** Policy R1 Location of retail development - reinforces CS7 focusing retail development in the town and district centres and primary shopping areas in which the site is located.
- 5.5** Policy GY1 Great Yarmouth Town Centre - seeks to support retail, office and community uses in the town centre area to support the vitality and viability of the town centre. The policy defines a primary shopping area from Priory Plain in the north along Theatre Plain, King Street and Dene Side to St George’s Theatre in the south and from Stonecutters Way in the west including Regent Street and Regent Road to the Market Gates Shopping Centre. This includes a more defined protected shopping frontage along the Market Place up to Regent Road, wherein active ground floor uses are to be retained to support the character and retail function. The policy also seeks to increase residential uses through the repurposing of vacant buildings and upper floors.

6. Local Finance Considerations:

Under Section 70(2) of the Town and Country Planning Act 1990 the Council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus or the Community Infrastructure Levy. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It

would not be appropriate to make a decision on the potential for the development to raise money for a local authority. It is assessed that financial gain does not play a part in the recommendation for the determination of this application.

7. Shadow Habitats Regulation Assessment

- 7.1** The site lies within the Orange Habitat Impact Zone more than 400m but less than 2.5Km from an internationally protected wildlife site and for developments less than 10 dwellings a template Shadow Habitat Regulations Assessment (HRA) is required. The applicant has provided a partial contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per dwelling) and the balance would be required before any permission could be granted.

8. Assessment

- 8.1 Primary Shopping Area and Protected Shopping Frontage** - The premises is located within the primary shopping area but beyond the protected shopping frontage. As such it is considered that the proposed heritage centre is a use that will maintain an active use at ground floor which supports the retail character of the centre.
- 8.2 Character and Appearance of the Locality** - the works involve the renovation of a historic building within the Conservation Area, which will breathe new life facilitating active reuse of ground and upper floors, conserving and enhancing the area. The works are largely internal to the building, alterations of the external appearance include the reinstatement of 2 windows on the northern elevation to Regent Road, the reinstatement of 2 blocked windows, the insertion of 1 new window and a replacement door in southern elevation of attic. These are not visible from street level and it is considered will not have a significant adverse impact on amenity.
- 8.3 Amenity** - The neighbouring uses are retail to the south on King Street. No. 14 is the end of a terrace with no adjoining building to the north where Regent Road adjoins. The flats will have no private amenity space, though the location in the town centre gives access to lots of public open space and is a short walk to the seafront. Waste and recycling will be provided on an adjacent alley. The reinstated windows on the northern elevation overlook Regent Road as do other windows on that elevation and the reinstated windows on the northern elevation of the attic will not give rise to any loss of privacy to adjoining property.
- 8.4** Each flat is a 2 person flat providing over 50 sqm of space including a living room, dining room, kitchen and shower room. The proposed artist studio is over 30 sqm in area and includes a toilet.
- 8.5 Re the possible Artist studio** - The application seeks that the attic space could either be used for artist studio use or as additional accommodation for the

second floor flat. In the interest of the amenity of the potential occupier of the second floor flat, permission should only be granted if the application can demonstrate suitable noise and amenity protections between the two uses (given the historic nature of the conversion), and if so the artist studio use would need to be subject to conditions that:

- 8.5.1 The attic studio shall only be used as either an artists studio, or as residential accommodation for flat 2;
- 8.5.2 Use as an artists studio shall not include use for visiting members of the public;
- 8.5.3 Use as an artists studio shall only be leased or rented out to a single person at any one time;
- 8.5.4 No use as an artists studio shall commence until the noise and amenity precautions are installed and made operational.

If the applicant was unable to demonstrate suitable noise and amenity protections between the two separate uses, a condition is recommended that the attic studio shall not be occupied separately from the second floor flat and shall either be used as workspace ancillary to the flat or as residential accommodation for flat 2.

8.6 Parking- The property is located in the town centre and has no external space for vehicle parking, the property has excellent access to public transport bus and rail. Given this is a conversion of an existing building with limitations it is not considered reasonable to require the provision of bicycle parking. Given there is no scope for off street vehicle parking with this development it is also not necessary to require the provision of electric car charging points as encouraged by policy I1.

8.7 Open Space – Policy H4 of the Local Plan Part 2 seeks the provision of 103 sqm of open space per dwelling for new housing development. While this development will provide 2 new flats, financial contributions are required, the precise amount of which will be calculated depending on the site location, scale of development and existing deficit or surplus of open space in the vicinity. The contribution would be no more than £1,800 per dwelling, but is required to satisfy policy H4 unless the scheme is proven to be unviable due to the contribution. It is noted that there is a permitted development right to create up to 2 flats above a Class E commercial use including in a conservation area in accordance with Part 3 Class G of the Town and Country Planning General Permitted Development Order, but the proposed development will create a sui generis use outside Class E so payment is still required in lieu of the provision of open space on site. The Committee will be updated at the meeting.

8.8 Water Conservation – Policy E7 of the Local Plan Part 2 requires new development to meet a high water efficiency standard of 110litres per person per day. A planning condition can be used to secure the details and provision.

9.0 Conclusion:

9.1 The proposed development will facilitate the use of the building as a shop and visitor information / heritage centre, works include the formation of 2 flats on the

upper floors, and the possible additional benefit of an artist studio use as well; all of the above is encouraged by the development plan to support the vitality of the town centre and its primary shopping area as such the application is recommended for approval.

10. RECOMMENDATION: -

- 10.1 The proposal complies with the aims of Policies CS7, CS10, of the Great Yarmouth Local Plan Core Strategy, also to Policies A1, R1 and GY1 of the adopted Local Plan Part 2.

Approve application 06/21/0794/F, subject to:

- (i) suitable details being provided to confirm that adequate measures can be incorporated (such as noise mitigation) in the designs and historic building conversion to show a stand-alone artist studio use can be compatible above an unrelated residential dwelling; and,
- (ii) receipt of the balance of the Habitats Mitigation and Monitoring Strategy payment; and,
- (iii) receipt of appropriate financial contributions for public open space; and,
- (iv) and the following planning conditions including but not limited to:

Conditions:

- 1. standard time limit;
- 2. in accordance with the submitted location plan, floor plans and elevations;
- 3. no residential occupation until water efficiency measures have been installed to each flat in accordance with a water efficiency strategy to be agreed in advance;
- 4. the attic studio space shall only be used as either an artists studio, or as residential accommodation for flat 2 (depending on the aforementioned noise mitigation and other measures);
- 5. use as artists studio shall not include use by visiting members of the public;
- 6. use as an artists studio shall only be leased or rented out to a single person at any one time;
- 7. use as an artists studio independent of the residential flat 2 below shall not commence until the noise and amenity precautions are installed and made operational (where relevant or appropriate);
- 8. in the event that suitable mitigations cannot be introduced to the attic floor for use as an independent art studio, it shall be used only as a work space ancillary to the second floor flat or as residential accommodation for flat 2.

And any others considered appropriate by the Development Manager.

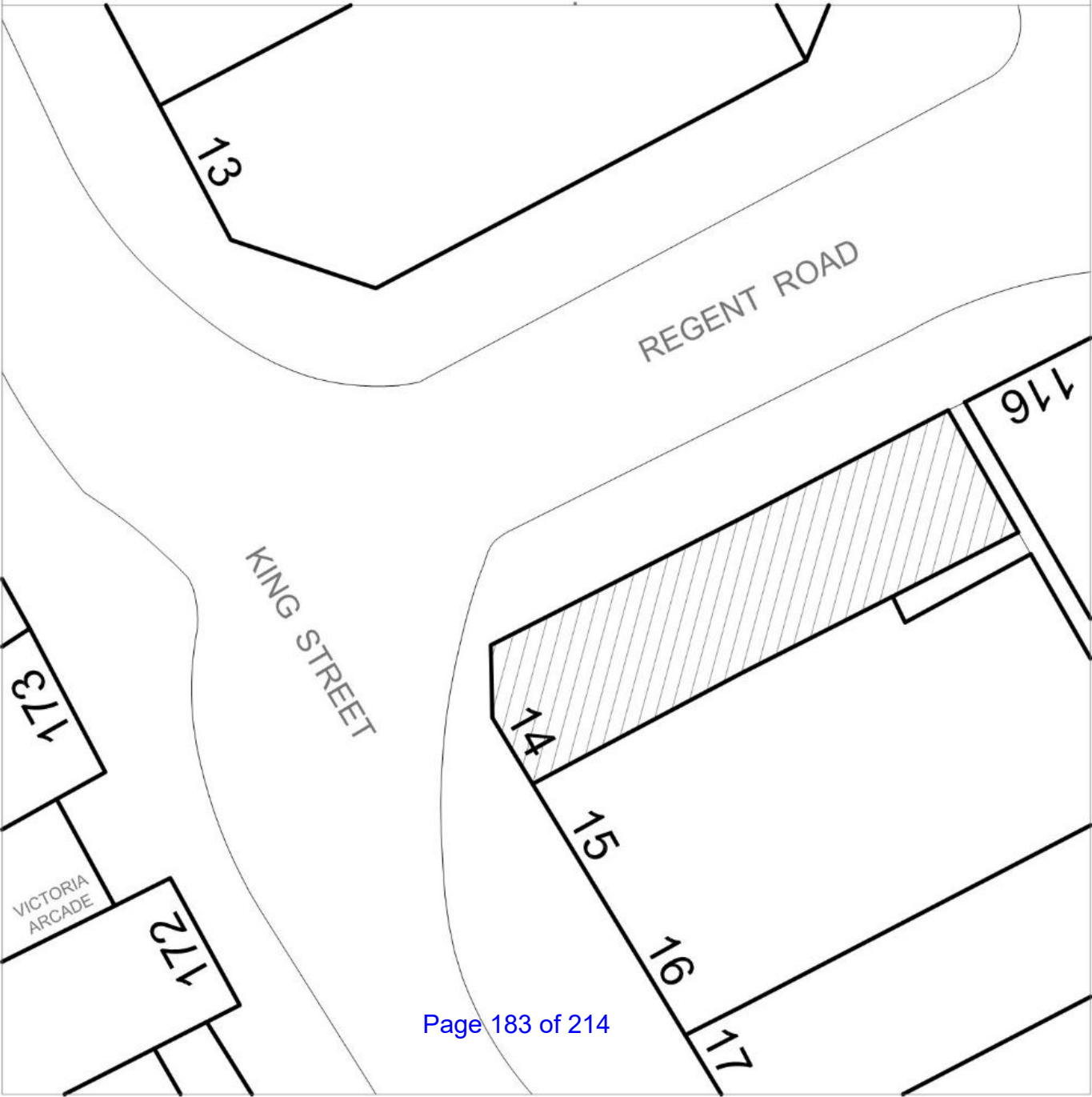
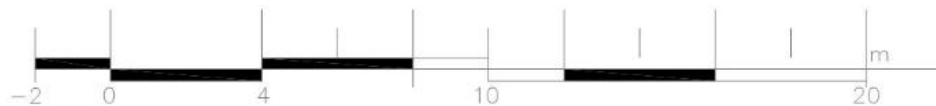
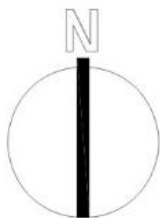
Appendices:

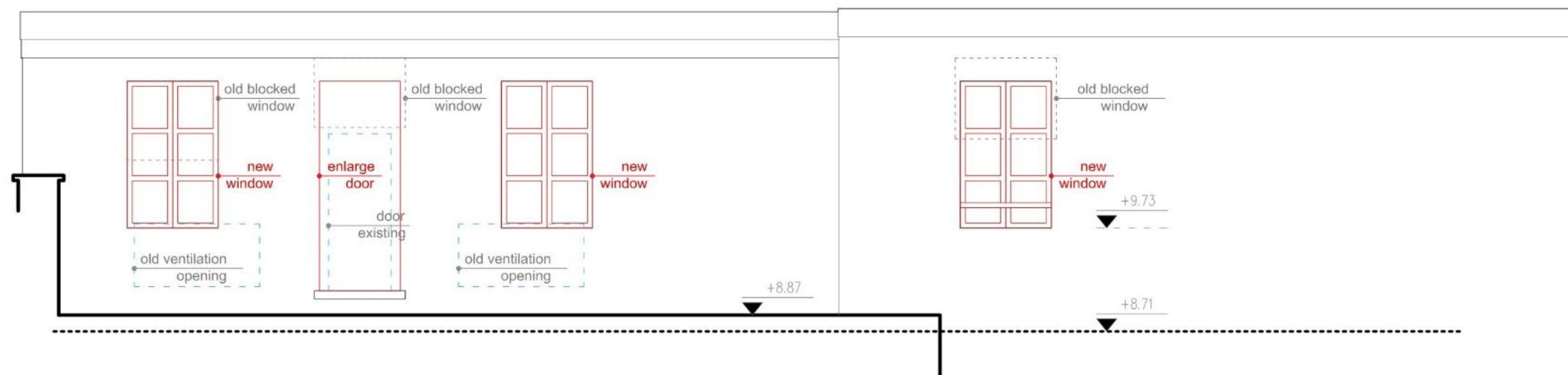
Site Location Plan and Floor Plans

MEASURED SURVEY
14 KING STREET
GREAT YARMOUTH

SITE PLAN
Scale 1:200 / A4

Lenko Grigorov, GYPT
June 2021





 New to be build
 Old to be removed

DESIGN PROPOSAL
 14 King Street, GY
 Scale 1:50 / A3

ATTIC
 ELEVATION SOUTH

Lenko Grigorov, GYPT
 September 2021

URN: 22-015
Subject: Proposed Article 4 Direction
Report to: Development Control Committee – 2 February 2022
Report by: Kim Balls – Senior Strategic Planner



SUBJECT MATTER

This paper presents to Development Control Committee the need to progress a new Article 4 Direction which would remove certain permitted development rights within parts of three conservation areas in Great Yarmouth. This is considered necessary to successfully implement the aims of the Council's High Street Heritage Action Zone (HSHAZ) and help safeguard the local historic amenity of the area.

RECOMMENDATION

It is recommended that members:

- Endorse the report; and,
- Agree that the draft Article 4 Direction be made available for public consultation.

1. Background

- 1.1. An Article 4 Direction is a direction made under the Town and Country Planning (General Permitted Development Order "GPDO") 2015 which gives local planning authorities the ability to withdraw specified permitted development rights across a defined area. This means that a particular form of development would not benefit from the "automatic" planning permission granted by statute but would instead require a planning application to be submitted.
- 1.2. National Policy advises that Article 4 Directions are only used in exceptional circumstances, for example where it is necessary to protect the local amenity or well-being of an area. They should be based on robust evidence, cover the smallest geographic area possible and be applied in a measured and targeted way.
- 1.3. The Council has Article 4 directions in place, most notably one which operates borough-wide and restricts the changes of use between dwelling-houses and houses in multiple occupation (HIMO). It is now considered necessary to introduce an additional Article 4 Direction within the Great Yarmouth High Street Heritage Action Zone (HSHAZ) and in parts of the connected conservation areas. This would remove permitted development rights in relation to new doors, windows, roofs, porches, gates, railings and some exterior painting in order to better maintain the historic fabric and heritage assets within these protected areas.

2. New Article 4 Direction

- 2.1. As part of the HSHAZ award, Historic England made it a condition upon the Council that an Article 4 direction be put in place to protect the investments that would be made on properties via its implementation, and which could otherwise be undermined by permitted development rights.
- 2.2. There are three Conservation Areas which partially fall within the HSHAZ where an Article 4 Direction could be considered (see map in Appendix 1). These are:
 - Market Place, Rows & North Quay (Conservation Area No.2)
 - King Street (No.4)
 - St Nicholas and Northgate (No.5)
- 2.3. Two of the Conservation Areas (No.2 & No.4) are currently identified on Historic England's 'at risk' register as being in a poor condition due to erosion of their character as a result of inappropriate development. Thus it has been considered that their whole inclusion within the new Article 4 Direction would help protect the local historic amenities of the areas. The St Nicholas and Northgate Conservation Area (No.5) is not at risk and, where parts of it lies outside of the HSHAZ area, it is mostly in non-residential use. Therefore it has not been considered necessary or appropriate to include all of this specific conservation area within the Article 4 Direction. The defined geographic coverage of the Article 4 direction has been agreed in liaison with the Council's Conservation Team and is presented in Appendix 2 of this report.
- 2.4. To safeguard the local historic amenities within this geographic area, the Article 4 Direction will seek to remove permitted development rights where this relates to:
 - New doors and windows, alterations to roofs and construction of new front porches on dwelling-houses;
 - Gates, fences, walls and other forms of enclosure; and,
 - The painting of the exterior of any buildings or work where the building has been previously unpainted and where this fronts the highway.
- 2.5. The Conservation Team are satisfied with the above selection of removed permitted development rights, and NPLAW have also been engaged on the exact wording of the draft order which would make the Article 4 Direction. This is presented in Appendix 2 of this report.
- 2.6. It should be noted that the Government often makes changes to the GPDO and this may create other unplanned changes within the Article 4 area which may require additional control in the future. However, the Council has the ability to revise or amend the Article 4 Direction (subject to legal requirements) which could respond to this potential threat.

3. Timeline

- 3.1. Under the Council's Constitution, the Development Control Committee have the decision-making authority to create an Article 4 Direction. There is also a legal requirement under the 2015 GPDO to undertake (at least) a 3 week public consultation and to notify the Secretary of State of the Council's intention to create one. A provisional timeline to adopt the Article 4 Direction is presented below:

Date	Committee/Action	Notes
26 Jan 2022	ELT	Endorse report to Development Control Committee
2 Feb 2022	Development Control Committee	Sign off draft Article 4 Direction for public consultation
7 Feb – 28 Feb 2022	Public consultation	3 week public consultation – comms & local advertisement. Serve notice to Secretary of State (DHLUC) of Council's intention
Early March 2022	Consultation analysis	Consider representations and any necessary changes. Re-engage NPLAW if required.
30 March or early April 2022 (tbc)	Development Control Committee	Sign off Final Article 4 Direction
Early-mid April 2022	Article 4 Direction in force	Serve notice to Secretary of State; Comms & local advertisement

- 3.2. Through this report Development Control Committee are being asked to endorse the wording of the proposed Article 4 Direction and its geographical coverage (as per Appendix 2) and to allow it to proceed to a 3-week public consultation.
- 3.3. A report will be brought back to Development Control Committee in either late March or April where members will be able to consider any representations that were received during the consultation and to seek to adopt the Article 4 Direction.

4. Financial Implications

- 4.1. In limited circumstances the Council can be liable to pay compensation to those whose permitted development rights have been withdrawn, such as if the Council would subsequently refuse planning permission for development (which would otherwise have been permitted development); or grants planning permission subject to more limiting conditions than what is prescribed in the GPDO.
- 4.2. The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. The Council can avoid compensation liability entirely if it were to publicise its intention to make an Article 4 Direction at least 12 months ahead of the direction taking effect, however this would likely incur a significant delay in the Council's ability to draw down grant funding from the HSHAZ (as set out under paragraph 2.1 of this report).
- 4.3. The cost of making the Article 4 direction relates primarily to staff resources and consultation costs. Staff resources will also be required to create a photographic record of all relevant properties to evidence any subsequently required enforcement action. It is anticipated that costs for undertaking the recording activity will be met from existing planning and conservation budgets; it is not possible to estimate what impact these proposals would have in terms of enforcement. Any planning applications that arise (for development that would previously have been permitted development) will be accompanied by a planning fee although it is widely recognised that planning fees do not cover the whole cost of determining a planning application. A rise in applications associated with this process along with any associated enforcement burden will need to be monitored moving forward.

5. Legal and Risk Implications

- 5.1. The Article 4 Direction will be prepared in accordance with the legal requirements set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 and Town and Country Planning Act 1990. Following public consultation, NPLAW will be re-engaged should Article 4 Direction require further amendment prior to the final wording of the direction being taken to Development Control Committee in late March or April for formal sign off.
- 5.2. The risk of compensation is considered to be low and time-limited from the date in which the Article 4 would take effect.

6. Conclusion

- 6.1. A new Article 4 Direction has been proposed which will remove certain permitted development rights to help safeguard the local historic amenity within the Great Yarmouth High Street Heritage Action Zone (which includes part of Conservation Area No.5 St Nicholas/Northgate Street) and all the areas lying within Conservations Areas No2 (Market Place, Rows & North Quay) and No4 (King Street).
- 6.2. It is recommended that Development Control Committee endorse the report and agree that the draft Article 4 Direction be made available for public consultation.

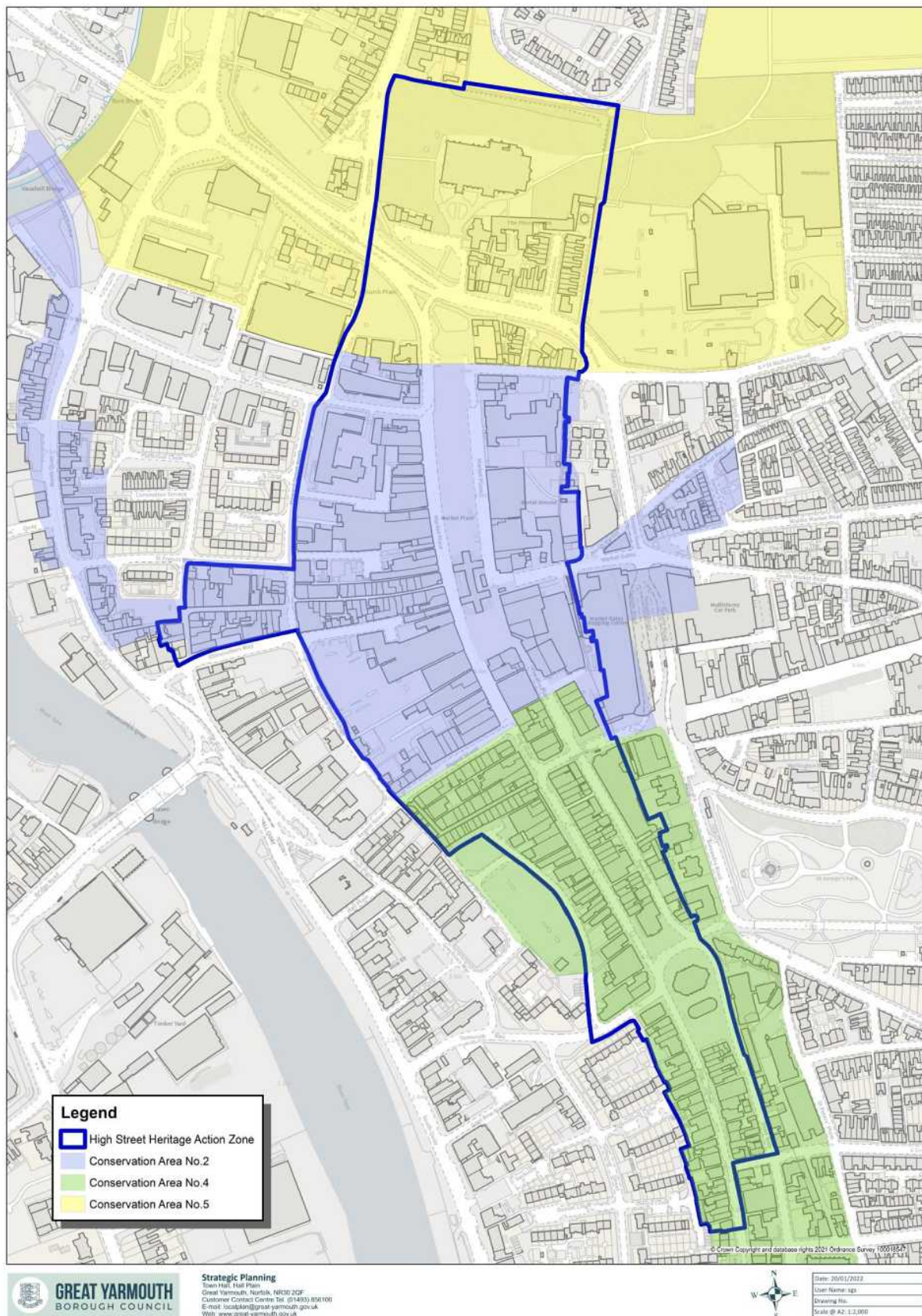
7. Appendices

- Appendix 1 –GY HSHAZ and Conservation Areas
- Appendix 2 – Draft Article 4 Direction Order and Map

Area for consideration	Comment
Monitoring Officer Consultation:	Discussed through ELT – 26 January 2022
Section 151 Officer Consultation:	Discussed through ELT – 26 January 2022
Existing Council Policies:	Local Plan Part 1: Core Strategy
Financial Implications (including VAT and tax):	See Section 4
Legal Implications (including human rights):	See Section 5
Risk Implications:	See Section 5
Equality Issues/EQIA assessment:	n/a
Crime & Disorder:	n/a
Every Child Matters:	n/a

Appendix 1 - GY HSHAZ and Conservation Areas

High Street Heritage Action Zone and Conservation Areas



**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 AS AMENDED**

DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH SCHEDULE 3 APPLIES

WHEREAS the Great Yarmouth Borough Council being the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”) , are satisfied that it is expedient that development of the description set out in the First Schedule below should not be carried out on the land shown cross hatched in blue on the plan in the Second Schedule, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 as amended.

NOW THEREFORE the said Council in pursuance of the power conferred in them by article 4(1) of the Order hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the descriptions set out in the Schedule below:

SCHEDULE 1

- 1) The installation including replacement of new doors and windows (where such installation amounts to development) comprising the enlargement or other alteration of a dwellinghouse being development comprised within Class A of Part 1, Schedule 2 to the said Order and not being development comprised within any other Class.
- 2) Alteration to the roof of a dwellinghouse (including removal, replacement, demolition and/or removal of chimneys and pots) being development comprised within Class C of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class.
- 3) The erection or construction of a porch outside any external door of a dwellinghouse which forms part of the principal elevation of the dwellinghouse being development comprised within Class D of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class.
- 4) The erection, construction, maintenance, improvement, alteration, demolition and/or removal of any parts of a gate, fence, wall or other means of enclosure being development comprised within Class A of Part 2 of Schedule 2 to the said Order and not being development within any other Class.
- 5) The painting of the exterior of any building or work where the building has been previously unpainted and forms a principal elevation and/or is visible from the highway, being development comprised within Class C of Part 2 of Schedule 2 to the said Order and not being development within any other Class.

SCHEDULE 2

This Direction shall apply to those parts of Great Yarmouth shown within the red outline on the attached Plan.

MADE under the COMMON SEAL of Great Yarmouth Borough Council this Day of20....

This COMMON SEAL of the Council was affixed to this Direction in the presence of

.....

Authorised Signatory

CONFIRMED under the Common Seal of Great YARMOUTH Borough Council thisDay of20....

This COMMON SEAL of the Council was affixed to this Direction in the presence of

.....

Authorised Signatory

Area Covered by Proposed Article 4 Direction



PLANNING APPLICATIONS CLEARED BETWEEN 01-DEC-21 AND 25-JAN-22 FOLLOWING DETERMINATION BY THE DEVELOPMENT CONTROL COMMITTEE

REFERENCE	06/21/0766/CU
PARISH	Bradwell N 1
PROPOSAL	A plot of land on Blackbird Close adjacent to my property Copperfield Mill Lane Bradwell had been left vacant
SITE	Land on Blackbird Close adjacent to Copperfield, Mill Lane B Blackbird Close Bradwell NR31 8HT
APPLICANT	Mr K Barron
DECISION	APPROVE
REFERENCE	06/21/0536/F
PARISH	Great Yarmouth 7
PROPOSAL	Proposed demolition of existing dwelling and erection of no.2 three storey detached executive dwellings
SITE	60 Marine Parade Gorleston GREAT YARMOUTH Norfolk
APPLICANT	Mr A Pembroke
DECISION	APPROVE
REFERENCE	06/21/0237/F
PARISH	Great Yarmouth 14
PROPOSAL	Demolition of existing dwelling. Construction of 6No. self-contained flats.
SITE	3 Burtons Buildings St Peters Road (rear of 13-14 St Peter's Road) GREAT YARMOUTH Norfolk
APPLICANT	Ms G Andrus
DECISION	REFUSED
REFERENCE	06/20/0156/O
PARISH	Ormesby St.Marg 16
PROPOSAL	Res Dev of 33 dwellings comprising 17 detached, 10 semi-detached & 6 affordable houses with access/open space
SITE	Foster Close (land off) Ormesby St Margaret GREAT YARMOUTH
APPLICANT	Mr D Troy
DECISION	APPROVE
REFERENCE	06/21/0771/F
PARISH	Ormesby St.Marg 16
PROPOSAL	Erection of a timber single storey granny annex for ancillary use to the main dwelling
SITE	20 Conifer Close Ormesby St Margaret GREAT YARMOUTH
APPLICANT	Mr and Mrs Wintle
DECISION	APPROVE

* * * * End of Report * * * *

PLANNING APPLICATIONS CLEARED BETWEEN 01-DEC-21 AND 25-JAN-22 FOLLOWING DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS

REFERENCE	06/21/0028/F
PARISH	Belton & Browston 10
PROPOSAL	The retention of a Single Storey Building to provide associated Reception/Retail area in connection with
SITE	Swallow Park Glamping Site Beccles Road
APPLICANT	Belton GREAT YARMOUTH
DECISION	Mr & Ms S & C Sampson & Colby APPROVE

REFERENCE	06/21/0697/F
PARISH	Belton & Browston 10
PROPOSAL	Proposed first floor rear extension and associated works
SITE	26 Broome Gardens Belton
APPLICANT	GREAT YARMOUTH Norfolk
DECISION	Mr & Mrs Lesslie APPROVE

REFERENCE	06/21/0755/F
PARISH	Belton & Browston 10
PROPOSAL	Proposed new leisure annex incorporating a swimming pool
SITE	Pipistrelle Barn Hall Farm Beccles Road
APPLICANT	Belton GREAT YARMOUTH
DECISION	Rattler Properties Ltd REFUSED

REFERENCE	06/21/0889/TRE
PARISH	Belton & Browston 10
PROPOSAL	Take tree canapes down leaving a pole for habitat wildlife
SITE	Ashmar House Farman Close
APPLICANT	Belton GREAT YARMOUTH
DECISION	Wilds Tree Surgeons APPROVE

REFERENCE	06/21/0298/F
PARISH	Bradwell N 1
PROPOSAL	Proposed two storey front and side extension, demolition of garage
SITE	59 Willow Avenue Bradwell
APPLICANT	GREAT YARMOUTH Norfolk
DECISION	Mr T Pembroke APPROVE

**PLANNING APPLICATIONS CLEARED BETWEEN 01-DEC-21 AND 25-JAN-22 FOLLOWING
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS**

REFERENCE	06/21/0735/TRE
PARISH	Bradwell N 1
PROPOSAL	T1 Cherry - Prune roots to give a minimum 1m clearance of driveway and rear garden; Reduce canopy by 1m
SITE	Adjacent 1-5 Laurel Drive Bradwell
	GREAT YARMOUTH Norfolk
APPLICANT	Mr David Riddles
DECISION	APPROVE

REFERENCE	06/21/0852/F
PARISH	Bradwell N 1
PROPOSAL	Full Planning Applications for Proposed Workshop and Offices
SITE	Applied Accoustic Engineering Ltd Marine House Marine Park
	Gapton Hall Road Bradwell GREAT YARMOUTH
APPLICANT	Mr Darling
DECISION	APPROVE

REFERENCE	06/21/0855/F
PARISH	Bradwell N 1
PROPOSAL	Conversion of garage to annex ancillary to main dwelling.
SITE	Breydon View Busseys Loke
	Bradwell GREAT YARMOUTH
APPLICANT	Ms L Popay-Blyth
DECISION	APPROVE

REFERENCE	06/21/0460/NMA
PARISH	Bradwell S 2
PROPOSAL	Non-material amendment for pp. 06/20/0412/F - Minor revision to design - Raising the window sill level in the
SITE	Ravensbourne Beccles Road
	Bradwell GREAT YARMOUTH
APPLICANT	Mr & Mrs T George
DECISION	Accept Amend Notice

REFERENCE	06/21/0885/F
PARISH	Bradwell S 2
PROPOSAL	Conversion of agricultural building to dwellinghouse, including garden area and associated external works
SITE	Sidegate Farm Sidegate Road
	Hopton GREAT YARMOUTH
APPLICANT	Mr K Hodgkin
DECISION	REFUSED

REFERENCE	06/21/0908/F
PARISH	Bradwell S 2
PROPOSAL	Internal alterations and construction of porch
SITE	6 Church Lane
	Bradwell
APPLICANT	Mr B & Mrs E Priftaj
DECISION	APPROVE

PLANNING APPLICATIONS CLEARED BETWEEN 01-DEC-21 AND 25-JAN-22 FOLLOWING
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS

REFERENCE	06/21/0915/F
PARISH	Bradwell S 2
PROPOSAL	Proposed Alterations
SITE	61 Chestnut Avenue Bradwell GREAT YARMOUTH Norfolk
APPLICANT	Mr P Nicholls
DECISION	APPROVE

REFERENCE	06/21/0938/F
PARISH	Bradwell S 2
PROPOSAL	Proposed two storey extension to side of house
SITE	18 White Clover Road Bradwell GREAT YARMOUTH Norfolk
APPLICANT	Mr M Beckett
DECISION	APPROVE

REFERENCE	06/21/0976/TRE
PARISH	Bradwell S 2
PROPOSAL	Removal of 6 conifers
SITE	Hopton House Hall Road Hopton-on-sea GREAT YARMOUTH
APPLICANT	Mr A Wood
DECISION	APPROVE

REFERENCE	06/21/1011/NMA
PARISH	Bradwell S 2
PROPOSAL	Remove 3No. dormers to rear extension and replace with 3No. roof windows; and associated internal
SITE	Ravensbourne Beccles Road Bradwell GREAT YARMOUTH
APPLICANT	Mr T George
DECISION	REFUSED

REFERENCE	06/21/0981/NMA
PARISH	Burgh Castle 10
PROPOSAL	Plots 2 and 3 ground floor addition for utility room.
SITE	Hilddrop Farmhouse, Holiday Chalets Butt Lane Burg Castle GREAT YARMOUTH
APPLICANT	Mr A Brown
DECISION	APPROVE

REFERENCE	06/21/0916/F
PARISH	Caister On Sea 3
PROPOSAL	6ft fence constructed around the perimeter of the property
SITE	2 Waterland Close Caister-on-sea GREAT YARMOUTH Norfolk
APPLICANT	Mr W Smethurst
DECISION	REFUSED

**PLANNING APPLICATIONS CLEARED BETWEEN 01-DEC-21 AND 25-JAN-22 FOLLOWING
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS**

REFERENCE **06/21/0969/PDE**
 PARISH Caister On Sea 3
 PROPOSAL Rear conservatory/garden room

SITE 16 Glenmore Avenue Caister on sea
 Great Yarmouth

APPLICANT Mr G Billingham
 DECISION **PERMITTED DEV.**

REFERENCE **06/21/0847/PDE**
 PARISH Caister On Sea 4
 PROPOSAL Single storey rear extension.

SITE 27 Lacon Road Caister on sea
 GREAT YARMOUTH

APPLICANT Mr S and Mrs B Greenwood
 DECISION **REFUSED**

REFERENCE **06/21/0562/TRE**
 PARISH Filby 6
 PROPOSAL Ash Tree - reduce the growth back to previous pruning points

SITE The Snug Church Lane
 Filby GREAT YARMOUTH

APPLICANT Mr D Snuggs
 DECISION **APPROVE**

REFERENCE **06/21/0878/TRE**
 PARISH Filby 6
 PROPOSAL T1, T2, T3 and T4 Oak Trees - Reduce long laterals by 1-2 metres, crown raise by 1 metre and dead wood T5, Ash -

SITE 4 York Villa Close Filby
 GREAT YARMOUTH Norfolk

APPLICANT Mr J C Dejean
 DECISION **APPROVE**

REFERENCE **06/21/0949/F**
 PARISH Filby 6
 PROPOSAL Proposed two storey extension/alterations

SITE 6 Ormesby Lane Filby
 GREAT YARMOUTH Norfolk

APPLICANT Ms E Lopez and Mrs P Garner
 DECISION **APPROVE**

REFERENCE **06/21/0695/CU**
 PARISH Fleggburgh 6
 PROPOSAL Proposed change of use from outbuilding used a storage to a two bedroom holiday let

SITE Lilac Cottage (Outbuilding adj to) Main Road A1064
 Billockby Fleggburgh

APPLICANT Mrs H Timms
 DECISION **REFUSED**

PLANNING APPLICATIONS CLEARED BETWEEN 01-DEC-21 AND 25-JAN-22 FOLLOWING
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS

REFERENCE	06/21/0859/TRE
PARISH	Fleggburgh 6
PROPOSAL	Sycamore Trees - Needs removing
SITE	6 Trust Close Fleggburgh GREAT YARMOUTH Norfolk
APPLICANT	Mr J Cockbain
DECISION	APPROVE

REFERENCE	06/21/0929/PDE
PARISH	Great Yarmouth 5
PROPOSAL	CONSERVATORY
SITE	11 Ivy Green Gorleston GREAT YARMOUTH Norfolk
APPLICANT	Mr G Mitchell
DECISION	REFUSED

REFERENCE	06/21/0955/F
PARISH	Great Yarmouth 5
PROPOSAL	The proposal is to replace all rosewood double-glazed timber windows with double glazed rosewood PVCu windows.
SITE	St Augustines Place Addison Road Gorleston Great Yarmouth
APPLICANT	J Fellows
DECISION	APPROVE

REFERENCE	06/21/0983/PAD
PARISH	Great Yarmouth 5
PROPOSAL	Proposed single storey extension
SITE	51 Shrublands Way Gorleston GREAT YARMOUTH Norfolk
APPLICANT	Mr and Mrs Pope
DECISION	REFUSED

REFERENCE	06/21/0475/F
PARISH	Great Yarmouth 7
PROPOSAL	Second-floor extension to the front of the hotel, comprising of 12 new rooms. Borough of Great Yarmouth:
SITE	The Cliff Hotel Cliff Hill Gorleston On Sea GREAT YARMOUTH
APPLICANT	Mr G Walker
DECISION	APPROVE

REFERENCE	06/21/0866/F
PARISH	Great Yarmouth 7
PROPOSAL	The erection of a single storey extension to the rear of the property, with internal reconfiguration to
SITE	36 and 37 Cliff Hill Gorleston GREAT YARMOUTH
APPLICANT	Mr D Allen
DECISION	APPROVE

PLANNING APPLICATIONS CLEARED BETWEEN 01-DEC-21 AND 25-JAN-22 FOLLOWING
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS

REFERENCE	06/21/0867/LB
PARISH	Great Yarmouth 7
PROPOSAL	The erection of a single storey extension to the rear of the property, with internal reconfiguration to
SITE	36 and 37 Cliff Hill Gorleston GREAT YARMOUTH
APPLICANT	Mr D Allen
DECISION	LIST.BLD.APP

REFERENCE	06/21/0877/F
PARISH	Great Yarmouth 7
PROPOSAL	Proposed extension and alterations
SITE	31 Brett Avenue Gorleston GREAT YARMOUTH Norfolk
APPLICANT	Mr and Mrs W Lodge
DECISION	APPROVE

REFERENCE	06/21/0894/CD
PARISH	Great Yarmouth 7
PROPOSAL	Change to condition 2 of pp. 06/21/0334/F - Change colour of brick to berwich multi brick and the mortar to grey
SITE	74 Marine Parade Gorleston GREAT YARMOUTH Norfolk
APPLICANT	Mrs L Muskett
DECISION	APPROVE (CONDITIONS)

REFERENCE	06/21/0945/F
PARISH	Great Yarmouth 7
PROPOSAL	Construction of detached garage including demolition of existing garage.
SITE	2 Clarence Road Gorleston GREAT YARMOUTH
APPLICANT	Mr M McEvoy
DECISION	APPROVE

REFERENCE	06/21/0272/F
PARISH	Great Yarmouth 9
PROPOSAL	Removal of existing outbuilding and construction of new dwelling within the rear garden of 36 Southtown
SITE	36 Southtown Road GREAT YARMOUTH Norfolk
APPLICANT	C Jarvis
DECISION	REFUSED

REFERENCE	06/21/0931/CU
PARISH	Great Yarmouth 9
PROPOSAL	Construction of building to provide vehicle servicing and repairs garage with MOT Testing Centre, with
SITE	Site off Thamesfield Way GREAT YARMOUTH Norfolk
APPLICANT	Mr A Ebbage
DECISION	APPROVE

PLANNING APPLICATIONS CLEARED BETWEEN 01-DEC-21 AND 25-JAN-22 FOLLOWING
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS

REFERENCE	06/21/0964/F
PARISH	Great Yarmouth 9
PROPOSAL	Renovation of existing workshop/garage and conversion to hair salon
SITE	Building Adj 1A High Mill Road Cobholm GREAT YARMOUTH
APPLICANT	Mr England
DECISION	APPROVE
REFERENCE	06/21/0860/LB
PARISH	Great Yarmouth 11
PROPOSAL	Removal of partition wall to create open plan kitchen/dining room
SITE	19 Elmgrove Road Tudor Cottage Gorleston GREAT YARMOUTH
APPLICANT	Mr M Wheeler
DECISION	LIST.BLD.APP
REFERENCE	06/21/0869/F
PARISH	Great Yarmouth 11
PROPOSAL	Erection of a new storage building
SITE	Lydia Eva Court Peterhouse Avenue Gorleston GREAT YARMOUTH
APPLICANT	Norse Care
DECISION	APPROVE
REFERENCE	06/21/0893/F
PARISH	Great Yarmouth 11
PROPOSAL	Proposed single storey rear extension
SITE	5 Kent Avenue Gorleston GREAT YARMOUTH
APPLICANT	Mrs T Richardson
DECISION	APPROVE
REFERENCE	06/21/0932/F
PARISH	Great Yarmouth 11
PROPOSAL	Two storey extension to give more space; New enclosed entrance hall; Bi-fold doors to be added into the kitchwn
SITE	9 Wedgewood Court Gorleston GREAT YARMOUTH Norfolk
APPLICANT	Mr I Sutherland
DECISION	APPROVE
REFERENCE	06/21/0831/F
PARISH	Great Yarmouth 14
PROPOSAL	Proposed barriers to become semi permanent from 1st March to 1st November
SITE	54 Marine Parade GREAT YARMOUTH Norfolk
APPLICANT	Mr J Docwra
DECISION	APPROVE

**PLANNING APPLICATIONS CLEARED BETWEEN 01-DEC-21 AND 25-JAN-22 FOLLOWING
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS**

REFERENCE **06/21/0837/F**
 PARISH Great Yarmouth 14
 PROPOSAL Proposed extension and alterations

 SITE 12 Trafalgar Road GREAT YARMOUTH
 Norfolk
 APPLICANT Mr P Hawkes
 DECISION **APPROVE**

REFERENCE **06/21/0858/F**
 PARISH Great Yarmouth 14
 PROPOSAL Proposed change of use from house in multiple occupation
 to four self contained apartment
 SITE 35 Victoria Road GREAT YARMOUTH
 Norfolk
 APPLICANT Mr G Chug
 DECISION **APPROVE**

REFERENCE **06/21/0950/F**
 PARISH Great Yarmouth 14
 PROPOSAL Warehouse store building

 SITE Site adjacent to 45 Exmouth road
 GREAT YARMOUTH Norfolk
 APPLICANT Mr R Thompson
 DECISION **APPROVE**

REFERENCE **06/21/1026/NMA**
 PARISH Great Yarmouth 14
 PROPOSAL Revised general arrangement drawing revisions
 incorporating previously agreed Condition 8 amendments
 SITE Marina Centre Marine Parade
 GREAT YARMOUTH
 APPLICANT Great Yarmouth Borough Council
 DECISION **Accept Amend Notice**

REFERENCE **06/21/0411/F**
 PARISH Great Yarmouth 15
 PROPOSAL Single & 2-storey exts to enlarge amenity space; det
 single storey staff facility bdg; increase park provision
 SITE Mildred Stone House Lawn Avenue
 GREAT YARMOUTH NR30 1QS
 APPLICANT Leaf Care Services
 DECISION **APPROVE**

REFERENCE **06/21/0854/F**
 PARISH Great Yarmouth 15
 PROPOSAL alterations including forming opening for garage door and
 store door into an existing space
 SITE 74-75 Pub On The Prom Marine Parade
 GREAT YARMOUTH Norfolk
 APPLICANT I Scott
 DECISION **APPROVE**

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**PLANNING APPLICATIONS CLEARED BETWEEN 01-DEC-21 AND 25-JAN-22 FOLLOWING
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS**

REFERENCE	06/21/0883/F
PARISH	Great Yarmouth 15
PROPOSAL	Change of use from betting shop (sui generis) to adult gaming centre (sui generis) 06/20/0303/CU Conditions(s) 3
SITE	3 Regent Road GREAT YARMOUTH Norfolk
APPLICANT	Cashino Gaming Ltd
DECISION	APPROVE
<hr/>	
REFERENCE	06/21/0906/F
PARISH	Great Yarmouth 15
PROPOSAL	Replacement of existing iron railings and gates along St Nicholas Road. Replacement with Heras TR100 Tango
SITE	St Nicholas Priory Junior School St Nicholas Road GREAT YARMOUTH
APPLICANT	St Nicholas Priory Junior School
DECISION	APPROVE
<hr/>	
REFERENCE	06/21/0954/NMA
PARISH	Great Yarmouth 15
PROPOSAL	We are seeking to make a non-material amendment (NMA) to planning permission ref. 06/20/0650/F under Section
SITE	Sainsbury's St Nicholas Road GREAT YARMOUTH Norfolk
APPLICANT	n/a
DECISION	Accept Amend Notice
<hr/>	
REFERENCE	06/21/0971/CD
PARISH	Great Yarmouth 15
PROPOSAL	Proposed replacement windows and horizontal boarding to south elevation 06/21/0446/F Conditions(s) 4
SITE	4, 10, 11, and 12 Church Court Priory Plain GREAT YARMOUTH Norfolk
APPLICANT	Mr S Brister
DECISION	APPROVE (CONDITIONS)
<hr/>	
REFERENCE	06/20/0507/F
PARISH	Great Yarmouth 19
PROPOSAL	Railings to be added to flat roof to form balcony area
SITE	42A Pavilion Road Gorleston GREAT YARMOUTH Norfolk
APPLICANT	Ms S Ward
DECISION	APPROVE
<hr/>	
REFERENCE	06/21/0029/EU
PARISH	Great Yarmouth 19
PROPOSAL	Lawful Development Certificate for an existing use - Change of use from tea shop to residential
SITE	195 High Street Gorleston GREAT YARMOUTH Norfolk
APPLICANT	Ms C Rulton
DECISION	EST/LAW USE CER.
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PLANNING APPLICATIONS CLEARED BETWEEN 01-DEC-21 AND 25-JAN-22 FOLLOWING
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS

REFERENCE	06/21/0875/F
PARISH	Great Yarmouth 19
PROPOSAL	Proposed conversion of existing shop into 3 no starter shop units with new shopfront. Demolition of
SITE	35-37 Lower Cliff Road Gorleston
APPLICANT	GREAT YARMOUTH Norfolk
DECISION	East Point Properties Ltd APPROVE
REFERENCE	06/21/0075/TRE
PARISH	Great Yarmouth 21
PROPOSAL	T1-Horse chestnut reduce to a pollard 50% of the canopy to try and stimulate fresh growth and reduce loading.
SITE	1A Crosstead GREAT YARMOUTH
APPLICANT	Ruth Langslow
DECISION	APPROVE
REFERENCE	06/21/0850/F
PARISH	Great Yarmouth 21
PROPOSAL	First floor front extension
SITE	58 North Drive GREAT YARMOUTH
APPLICANT	Norfolk Mr P Thompson
DECISION	APPROVE
REFERENCE	06/21/0806/CU
PARISH	Hemsby 8
PROPOSAL	Change of use of existing building constructed under permitted development rules
SITE	Alderly 31 Ormesby Road
APPLICANT	Hemsby GREAT YARMOUTH
DECISION	Mr and Mrs Dyble APPROVE
REFERENCE	06/21/0947/A
PARISH	Hemsby 8
PROPOSAL	See Application Form
SITE	Beach Road Hemsby
APPLICANT	GREAT YARMOUTH Norfolk
DECISION	Richardsons Leisure Ltd ADV. CONSENT
REFERENCE	06/21/0948/NMA
PARISH	Hemsby 8
PROPOSAL	Minor alteration to car park layout
SITE	Hemsby Beach Holiday Park (Seacroft) Beach Road
APPLICANT	Hemsby GREAT YARMOUTH
DECISION	Richardsons Leisure Ltd Accept Amend Notice

**PLANNING APPLICATIONS CLEARED BETWEEN 01-DEC-21 AND 25-JAN-22 FOLLOWING
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS**

REFERENCE	06/21/0828/F
PARISH	Hopton On Sea 2
PROPOSAL	Erection of detached agricultural building (Grain Store)
SITE	Farmhouse Home Farm Lowestoft Road
APPLICANT	Hopton GREAT YARMOUTH
DECISION	Suffolk CC - Corporate Service APPROVE
REFERENCE	06/21/0871/CD
PARISH	Hopton On Sea 2
PROPOSAL	Approval of remaining reserved matters (appearance, landscaping, layout & scale) for 18 dwellings, open space
SITE	Lowestoft Road (Land adj) Hopton
APPLICANT	GREAT YARMOUTH
DECISION	Mr M Newbury APPROVE (CONDITIONS)
REFERENCE	06/21/0727/CU
PARISH	Martham 13
PROPOSAL	Proposed change of use from agricultural land to a secure dog exercise park
SITE	Land adj Grange Farm Repps Road
APPLICANT	Martham GREAT YARMOUTH
DECISION	WR & PJ Tann APPROVE
REFERENCE	06/21/0804/D
PARISH	Martham 13
PROPOSAL	Revised footprint to dwelling including reduction in gabled frontage and removal of 1 car park space (whilst
SITE	10 Playing Field Lane Martham
APPLICANT	GREAT YARMOUTH Norfolk
DECISION	Mr S Sampson APP. DETAILS
REFERENCE	06/21/0823/F
PARISH	Martham 13
PROPOSAL	Erection of dwelling and associated works
SITE	10 Playing Field Lane Martham
APPLICANT	GREAT YARMOUTH Norfolk
DECISION	Mrs S Sampson APPROVE
REFERENCE	06/21/0897/F
PARISH	Martham 13
PROPOSAL	Proposed two storey side extension and porch (rear extension Permitted Development)
SITE	2 Blenheim Avenue Martham
APPLICANT	GREAT YARMOUTH
DECISION	Mr P Punchard APPROVE

**PLANNING APPLICATIONS CLEARED BETWEEN 01-DEC-21 AND 25-JAN-22 FOLLOWING
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS**

REFERENCE	06/21/0388/TRE
PARISH	Ormesby St.Marg 16
PROPOSAL	Horse Chestnut T1/T2 - to reduce height by 2.0-2.5m and reduce sides by up to 1.7m
SITE	Kraftalm 72 Station Road Ormesby St Ormesby Norfolk
APPLICANT	Mr M Kruber
DECISION	APPROVE

REFERENCE	06/21/0832/TCA
PARISH	Ormesby St.Marg 16
PROPOSAL	t1 - t11 - Re-pollard al eleven trees on southern boundary. Previous re-pollard back in 2011 your reference
SITE	5 Station Road Ormesby St Margaret GREAT YARMOUTH Norfolk
APPLICANT	Mr J Fairs
DECISION	APPROVE

REFERENCE	06/21/0840/F
PARISH	Ormesby St.Marg 16
PROPOSAL	Conversion of garage into annexe and studio
SITE	13 Yarmouth Road Ormesby St Margaret GREAT YARMOUTH Norfolk
APPLICANT	Mr & Mrs Tooley
DECISION	APPROVE

REFERENCE	06/21/0516/CU
PARISH	Rollesby 13
PROPOSAL	Change of use agric'al field to use as rehab centre for injured wildlife; cabins to accomm animals; parking
SITE	The Croft (adj) Martham Road Rollesby GREAT YARMOUTH
APPLICANT	Ms K Wolmer
DECISION	APPROVE

REFERENCE	06/21/0928/PDE
PARISH	Rollesby 13
PROPOSAL	CONSERVATORY
SITE	1 Allies Cottages Martham Road Rollesby GREAT YARMOUTH
APPLICANT	Mr G Short
DECISION	REFUSED

REFERENCE	06/21/0861/TCA
PARISH	Somerton 8
PROPOSAL	Silver Birch - Crown lift approximately 20% of the crown
SITE	White House Farm The Street West Somerton GREAT YARMOUTH
APPLICANT	Mrs D Lowe
DECISION	APPROVE

REFERENCE	06/21/0911/F
PARISH	Winterton 8
PROPOSAL	Proposed pool house, summer house and 3-bay cart shed
SITE	22 Bulmer Lane Winterton on Sea
	GREAT YARMOUTH Norfolk
APPLICANT	Mr J Clarke
DECISION	APPROVE
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* * * * End of Report * * * *

APPLICATION APPEALS DETERMINED BETWEEN 01-DEC-21 AND 25-JAN-22

Reference : **06/21/0606/F**

Unique No.

1178

Appellant : Mr & Mrs Hibbert

Site :

Stones Throw Cottage
North Market Road
Winterton
GREAT YARMOUTH

Proposal :

Single storey front extension.

Decision : **DIS**

Reference : **06/19/0409/F**

Unique No.

1169

Appellant : Mr G Miller

Site :

Strawlands (land to west of)
Mill Road
Burgh Castle
GREAT YARMOUTH

Proposal :

Proposed residential bungalow with garage

Decision : **DIS**

***** END OF REPORT *****

Appeal Decision

Site visit made on 12 January 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25TH January 2022

Appeal Ref: APP/U2615/D/21/3285491

Stones Throw Cottage, North Market Road, Winterton-On-Sea NR29 4BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Hibbert against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/21/0606/F, dated 8 July 2021, was refused by notice dated 11 October 2021.
 - The development proposed is single storey front extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Two drawings showing different designs for the front extension have been provided and the appellants request that both are considered in this appeal. However, the Council indicates that at the time of its consideration of the application, the appellants wished the application to be determined on the basis of the original drawing (ref 2149-001A) and that was the basis for its decision. For this reason and because it is unclear whether other parties were consulted on the alternative design, I have considered the proposed extension on the basis of the original drawing and have not had regard to the alternative design (ref 2149-001B).

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Winterton Conservation Area, in which the appeal property is located.

Reasons

4. The Winterton Conservation Area comprises two distinct parts; the appeal property is located adjacent to the northern boundary of the larger part, which covers predominantly residential properties as well as the nearby seafront. The appeal property is a two storey cottage in the middle of a short terrace of three cottages. This terrace is perpendicular to North Market Road and, together with other neighbouring dwellings, forms a small and distinct group of attractive cottages that appear largely to have retained their original historic
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- character and appearance. As such, the appeal property and neighbouring cottages make a positive contribution to the conservation area.
5. The adjoining property to the south-west has a small porch and a single storey element to the front close to the road, although this is also of limited size. The property to the other side, Endcot, has a more substantive single storey element to the front that appears to be of similar depth to the appeal proposal. As such, single storey development to the front of the cottages is not an uncharacteristic feature of this part of the conservation area.
 6. However, the proposed extension appears to be of greater width than the existing features on the terrace and, consequently, it would obscure more of the original frontage than is the case for the two adjoining dwellings. Moreover, unlike the features on the neighbouring dwellings, it would result in a visually awkward relationship with the upper floor windows. The cut-away of the mono-pitch roof to accommodate these windows represents an incongruous design in this setting where no such features exist and would contrast unfavourably with the simple and original frontage of the cottage.
 7. Both the size and alien roof profile of the extension would draw attention to it as an uncharacteristic form of development in this setting. The fact that there does not appear to be a conservation area appraisal in place does not alter these findings, particularly as I must have regard to the statutory requirement that in exercising planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area¹.
 8. Despite the hedge to the front, the extended dwelling would be visible from the public realm and neighbouring dwellings. While the harmful effects of development in a conservation area are not dependent on such views being available, these effects would nonetheless be readily apparent from the surrounding area.
 9. Therefore, for the reasons given, I find that the proposed extension would fail to preserve the character and appearance of the Winterton Conservation Area. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation². Based on the above findings, I consider the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
 10. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal³. I acknowledge that it is not possible to extend the property to the rear and that the extension is intended to create more living space for full-time occupation rather than use as a holiday home. However, these matters relate to occupation and use of the appeal property as a private residence and, as such, there are no public benefits that would overcome the harm that has been found with regard to the proposal.

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

² Paragraph 199.

³ Paragraph 202.

11. Therefore, for the reasons given, I conclude that the proposed extension would not preserve the character or appearance of the Winterton Conservation Area. Consequently, it is contrary to Policy CS10 of the Great Yarmouth Local Plan Core Strategy 2013-2030, concerning safeguarding local heritage assets; and to Policy HOU18 of the Great Yarmouth Borough-Wide Local Plan (2001), which requires residential extensions to be in keeping with the character of the area. Reference is also made to Policy H5 of the emerging Local Plan, although this apparently concerns rural worker dwellings and, therefore, is not relevant. The proposal is also contrary to section 16 of the Framework.

Conclusion

12. For the reasons given above it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR



Appeal Decision

Site visit made on 22 November 2021

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 07 December 2021

Appeal Ref: APP/U2615/W/21/3270189

Land west of 'Strawlands' Mill Road, Burgh Castle, Great Yarmouth NR31 9QW.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G MILLER against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/19/0409/F, dated 12 July 2019, was refused by notice dated 10 November 2020.
 - The development proposed is a residential bungalow with garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development taken from the application form does not accurately describe the development applied for. As such, I have taken the description from the Council's decision notice which more accurately reflects what has been applied for to which there is no dispute between the parties.

Main Issues

3. The main issues are:
 - Whether the site is in a suitable location for a new dwelling; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Suitable location

4. The appeal site is a flat area of paddock land located to the rear of 'Strawlands' which is a detached single-storey dwelling with accompanying stables and outbuildings located on Mill Road.
5. Saved policy HOU10 of the Great Yarmouth Borough-Wide Local Plan (2001) (GYLP) sets out criteria for development in the countryside outside development boundaries allowing for agriculture, forestry, organised recreation or the expansion of existing institutions. There is no dispute between the parties that the proposed residential development would be outside of Burgh Castle's defined village development limits boundary. As such, it would be contrary to the provisions of policy HOU10. The saved policy pre-dates the

publication of the National Planning Policy Framework (NPPF), and as a result, does not fully reflect the NPPF's approach to rural housing which does not place the same limitations. In light of this, policy HOU10 is afforded moderate weight.

6. Policy CS1(e) of the adopted Great Yarmouth Core Strategy (2015) (GYCS) seeks to support new development that provides easy access to jobs, shops and community facilities by walking, cycling and public transport. Policy CS2 of the GYCS seeks to balance the delivery of new homes with jobs and service provision. There is no evidence before me to indicate that Burgh Castle has any existing shops, services or facilities that would support day-to-day living or any evidence of employment opportunities in the village. There is no footpath or streetlighting in this part of Mill Road, which would make it less attractive for journeys to be made by foot or cycle.
7. Therefore, journeys to access employment, services and facilities would likely be made by private vehicular transport to larger settlements such as Great Yarmouth. Cumulatively, over time, these would add up to a significant number of trips which would be at odds with policies CS1 and CS2 which seek to set out a strategy to provide access to jobs and services by modes of transport other than private vehicles and reduce the need to travel.
8. In light of the above, I consider the proposed development would not be in a suitable location for a new dwelling. As such, it would fail to accord with policy HOU10 of the GYLP and policies CS1(e) and CS2 of the GYCS for the reasons set out above.

Character and appearance

9. The area of Mill Road in the vicinity of the appeal site is characterised by a linear development of predominantly single storey dwellings along the road frontage. The linear development creates a regular rhythm to the dwellings and makes a positive contribution to the character of this part of the area.
10. The appeal site itself is a flat area of paddock land located to the rear of Strawlands and would be located behind an existing menage. There would be a considerable distance between the proposed dwelling and the rear of Strawlands that would result in the proposal disrupting the linear rhythm of residential development in this part of Mill Road. Although there are stables and outbuildings to the rear of Strawlands, from my observations on site, there are no other rearward dwellings apparent in the area. As such, the proposal would adversely affect the grain of development in the area and result in the extension of residential development into the countryside.
11. In light of the above, I consider that the proposed development would result in harm to the character and appearance of the area. It would therefore fail to accord with policies HOU7 and HOU17 of the GYLP which state that proposals should not be significantly detrimental to the form, character and setting of the settlement and the sub-division of plots will be resisted where it would be likely to lead to development out of character and scale with the surroundings.

Other matters

12. The appellant has drawn my attention to other proposals granted in the village albeit no precise details have been submitted into the appeal. As such, the

circumstances in those cases may be different from those before me, and as such, have not altered my conclusions in respect of the main issues.

13. The proposal would provide a benefit through the provision of an additional dwelling of a type which may be in short supply in the area. The proposal would provide economic benefits through its construction and in the accompanying supply of materials. There would also be some social benefit as a result of the contribution of future occupiers to nearby community facilities.
14. Concern has been raised by a third party in respect of the effect of the proposal on the living conditions of nearby occupiers. However, as I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter in further detail.

Conclusion

15. Whilst the proposal would provide some benefits as set out above, as the proposal is for a single dwelling, I consider these would be limited and not sufficient to outweigh the harm identified or conflict with the development plan when read as a whole.
16. Therefore, for the reasons given above I conclude that the appeal is dismissed.

Philip Mileham

INSPECTOR

