



Development Control Committee

Minutes

Wednesday, 02 February 2022 at 18:00

PRESENT:-

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

Councillor Candon attended as a substitute for Councillor Myers.

Mr D Glason (Director of Planning & Growth), Mr M Turner (Planning Manager), Mr R Parkinson (Development Control Manager), Ms C Whatling (Monitoring Officer), Mr K Balls (Senior Strategic Planner), Mr G Sutherland (Senior Planning Officer), Mrs S Wintle (Corporate Services Manager) & Mrs C Webb (Executive Services Officer).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mogford & Myers.

2 DECLARATIONS OF INTEREST

Councillor G Carpenter declared a personal interest in items 4, 5 & 9. Councillor G Carpenter was the County Councillor for the wards in items 4 & 9. Regarding item 5, Councillor G Carpenter declared that he was predetermined and would therefore leave the meeting and would take no part in the determination of that item.

Councillors Fairhead, Freeman & Williamson declared a personal interest in item 9 as they were Board Members of the Great Yarmouth Preservation Trust. However, in accordance with the Council's Constitution were allowed to both speak and vote on the item.

3 MINUTES

The minutes of the meeting held on 8 December 2021 were confirmed.

Councillor Flaxman-Taylor referred to page 10 of the minutes and highlighted that Councillor Williamson had requested the additional condition that the building could not be used as an Air B'n'B but purely as an annex to the main dwelling house.

Councillor A Wright asked officers for clarification in regard to the reasons for refusal given at the resolution for items 9 & 10. The Chairman reported that there would be no debate on the minutes. Councillor Candon raised a point of order. The Monitoring Officer reported that this was not the platform to correct or amend the minutes, it was purely the accuracy of the minutes which was to be considered.

Councillors Jeal & Williamson wished it to be noted that they had been informed at very short notice of the site visit to Lichfield Road for items 9 & 10 and had other commitments at the same time which they were unable to rearrange and as they were unable to attend the site visit, they were excluded from the determination of the application and therefore had to leave the meeting.

Councillor B Wright wished it to be noted that Councillor A Wright and herself had left the meeting after item 10.

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

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

The Senior Planning Officer reported that Members of the Committee may have previously read an earlier version of this report from November 2021 before the application had to be withdrawn from the agenda. The application has since been amended in respect of the impacts on protected species and on-site drainage, and on the existing building on site. These amend the recommendation slightly, and Members are invited to consider the entire report afresh at this meeting.

The Senior Planning Officer reported that the site includes a protected tree in the north-east corner; an Alder tree, TPO reference No.3 1998.

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
- Soak-away Test Report
- Flood Risk Assessment
- Drainage Strategy Report
- SUDS Maintenance and Management Plan
- Preliminary Ecological Appraisal

The Senior Planning Officer reported that 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. 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.

The Senior Planning Officer reported that 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. 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. 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.

The Senior Planning Officer reported that one representation has been received from a member of the public, which seeks to retain the existing building and convert it.

The Senior Planning Officer reported that 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

The Senior Planning Officer reported that the planning application is accompanied by

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. 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. 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.

The Senior Planning Officer reported that the application was recommended for approval with conditions as 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.

Councillor A Wright asked for clarification as to why the s106 contributions would be put towards primary education rather than health provision. The Development Manager reported that for sites less than 50 dwellings NHS does not seek a contribution and that due to the maximum occupancy of the new development by families, it was envisaged that this would increase the need for primary education.

Councillor Jeal asked why the old building could not be re-developed. The Senior Planning Officer advised that conversion of the existing building would constrain the number of affordable houses that could otherwise be provided on this site, significantly compromising the layout of the development and impacting the viability of the scheme.

Mr Stentiford, applicant's agent, reported the salient areas of the application and urged the Committee to approve the application.

Councillor Jeal asked that a condition be placed on any grant of approval to ensure that the flint wall which ran around the site was protected. The Senior Planning Officer reported that this was a possibility and the applicant's agent agreed to this as an additional condition.

Councillor A Wright reported that it was a shame that a protected Alder tree would be lost as part of the development but that he was pleased that the scheme would result in 30 affordable homes for the Borough.

Councillor Freeman reported that he felt that this application was long overdue and that the development should be approved and the building works to commence as soon as possible. Councillor Freeman so moved the officer recommendation for approval.

Councillor G Carpenter reported that as the County Councillor for the ward that he was delighted to see this application before the Committee and would therefore second the motion for approval.

Following a vote; it was RESOLVED:-

That application number 06-20-0618-F be approved as 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; subject to the following conditions:-

(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 5.64m AOD
 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 Ramm-Sanderson 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 lower 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.
 - 28. No works of alteration to the wall shall take place without first gaining the express written permission of the Local Planning Authority.
- and any others considered appropriate by the Development Manager.

5 APPLICATION 06-21-0925-F AND 06-21-0926-A - CAR PARK AT BURGH CASTLE ROMAN FORT, BUTT LANE, BURGH CASTLE, NR31 9QB

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

Councillor G Carpenter left the meeting during the determination of the application.

The Development Manager reported that 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. There is a separate application for advertisement consent for the information signage required to clearly inform drivers that they are expected to pay for using the car park. 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.

The Development Manager reported that accompanying the proposal are the following documents:-

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

The Development Manager informed the Committee that this application is brought before the Development Control Committee because of the considerable public objection raised, ranging from neighbours to visitors to the site, including objections from the Parish Council, and potential objection from a statutory consultee, Norfolk County Highways, should a Traffic Regulation Order not be pursued.

The Development Manager reported that the Rector of St Peter & Paul Church has concerns regarding the consequences of pay to park being introduced as the church has a small area of land, a 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.

The Development Manager reported that Norfolk County Council; Local Highways Authority has objected unless mitigation is provided. 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.

The Development Manager reported that it is recommended by the Local Highways Authority that 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. 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.

The Development Manager reported that 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. 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. 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.

The Development Manager reported that 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. 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”.

The Development Manager reported that both the applications for planning permission and the advertisement consents are recommended for approval. 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. 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.

The Development Manager reported that 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. 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. 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. 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.

The Development Manager reported that 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. 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. 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.

The Development Manager reported that in conclusion, both the applications for planning permission and the advertisement consents are recommended for approval. 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. 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.

The Development Manager reported that the full application 06/21/0925/F was recommended for approval 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; and

that application 06/21/0926/A was recommended for approval 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.

Mr Warnock, applicant, reported the salient areas of the application to the Committee and asked that they approve it to help fund the ongoing maintenance and repair costs of the Roman Fort.

Councillor Fairhead suggested that the car park should offer the first hours parking free of charge to aid the many dog walkers who used the car park on a regular basis. The Chairman reported that the parking fees did not fall under the remit of planning.

Ms Bunn, Rector of St Peter & Paul Church, had concerns regarding the consequences of pay to park being introduced as the church has a small area of land, a 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. She asked the Committee to refuse the application.

Councillor Smith, Leader of the Council and County Councillor for the area, was unable to attend the meeting but had sent a written representation and asked the Executive Services officer to read it out to the Committee on his behalf, which strongly opposed the application.

Mr Swann, Chairman of the Parish Council, reported the reasons why the Parish Council strongly opposed the application and urged the Members to

refuse it. Councillor A Wright asked Mr Swann if there had been any discussions between the Norfolk Archaeological Trust and the Parish Council regarding parking fees when the car park was opened. Mr Swann responded that no such conversation had taken place.

Councillor Jeal reminded the meeting that people liked free parking and was concerned how an emergency vehicle would access Butt Lane if displaced cars were parked there and he opposed the application on highways grounds.

The Development Manager whilst appreciating those concerns expressed, ultimately they were concerns which planning could not address unless it could be proven that they would have a severe, unacceptable impact on the NPPF. The Development Manager suggested that County Highways should be asked to clarify their definitive position in planning terms regarding the impact on the access to the car park which was a concern to local residents.

Councillor P Hammond suggested that an honesty box could be installed in the car park for public donations to help raise funds to support the Fort.

Councillors Candon, Fairhead, A Wright & Williamson supported the Development Managers suggestion that County Highways should be invited to attend the Committee to explain their stance and proposed that this application should be deferred.

Councillor Jeal put forward a motion that the application be refused on highway safety grounds. The Development manager reported that this application was not a change of use for the site and the grounds of highway safety would not stand up if challenged at appeal.

Councillor Hanton proposed that the application be deferred to the next meeting and to invite County Highways to attend the meeting and clarify their position. This motion was seconded by Councillor P Hammond.

Following a vote; it was RESOLVED:-

That application numbers 06-21-0925-F and 06-21-0926-A be deferred.

6 APPLICATION 06-21-0951-F - FORMER PONTINS HOLIDAY CENTRE, BEACH ROAD, HEMSBY, NR29 4HJ

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

The Senior Planning Officer reported that Members will recall from the Committee meeting in February 2021 that when planning permission was given the applicant's case for requesting relief from the provision of some elements of anticipated community infrastructure; i.e. 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.

The Senior Planning Officer reported that 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 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. As such, Officers have approached the applicant for their agreement to amend the description of development approved by permission 06/20/0422/F and reissue 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."

The Senior Planning Officer reported that 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. Condition 4 of the planning permission 06/20/0422/F is currently as follows:

"The caravan/holiday units shall 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. The effect of such a change would be that all 88 chalets and holiday lodges shown on approved Masterplan 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. 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.

The Senior Planning Officer reported that Hemsby 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. At the time of writing three representations have been received from members of the public. One 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. Two 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 which would continue to be required. One letter considers that occupation should not be permanent but be restricted to 10 months in the year. One advises the nearest holiday block is 30 feet from their property which affects the privacy enjoyed and would be impacted by year-round occupation. 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 bed spaces 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.

The Senior Planning Officer reported that 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.

The Senior Planning Officer reported that 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. 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. 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.

The Senior Planning Officer reported that 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.

The Senior Planning officer reported that 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.

The Senior Planning Officer informed the Committee of the Cancelled Circular 11/95, which stated that a condition should simply specify that the permitted accommodation should be used for holiday use only and the convention that a restriction on the period during which a caravan or mobile home may be occupied by reference to a season defined by a date range, to aid enforcement, was only appropriate where a unit is unsuitable for occupation all the year round because of its light construction. This advice was undoubtedly prompted by the judgement in *Chichester D.C. v SoS & Holdens Farm Caravan Park Ltd* 18/3/92. Here the court held that an inspector was right to alter a "seasonal" restriction condition by substituting it for one which allowed all year round occupation but only for holiday purposes. The judge stated that it was not the court's task to consider whether a condition was enforceable and on a

prosecution for failure to comply with an enforcement notice, the magistrates would have little difficulty on the facts as they emerge in deciding whether a chalet was being used for holiday accommodation or for occupation as a permanent residence.

The Senior Planning Officer reported that for the above reasons a condition normally imposed today will be a version of "The units hereby approved shall be used only for holiday accommodation and not for permanent residential accommodation". Model conditions in retained Appendix A of Circular 11/95 (the main circular itself cancelled by NPPG 2014), suggest wording for a seasonal occupancy condition for caravans on seasonal sites to the effect that "[No caravan on the site shall be occupied] [No caravan shall remain on the site] between [date] in any one year and [date] in the succeeding year". This condition can be used to prevent occupancy of static caravans and chalets which are unsuited to continuous residential occupation.

The Senior Planning Officer reported that 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 for approval, that applications

06/21/0915/F to vary original planning permission & 06/20/0422/F by removing the original condition 4, subject to conditions.

Councillor Hanton asked for clarification regarding Cancelled Circular 11/95 which concerned him as the Committee who were unaware of this information might have refused similar applications in the past which was a little disconcerting. The Development Manager informed the Committee that this was based on case law but was still utilised as good practice.

Councillor A Wright was also concerned regarding Cancelled Circular 11/95 and whether this should have been considered when determining a similar application relating to Kingfisher Park in the past.

Mr Avery, applicant, explained the salient areas of the application and why they were asking for the condition 4 of the original grant to be removed.

Mr Kyriacou, Chairman of Hemsby Parish Council, reported the concerns of the parish Council to the Committee and urged them to refuse the application. He suggested that instead of asking for condition 4 to be removed, Mr Avery should consider reducing the asking price of his holiday lets.

Councillor Galer, Ward Councillor, highlighted planning policies CS1, CS2, CS6 & CS8 and that these supported the retention of holiday accommodation in the village of Hemsby and not 12 month occupation of these holiday units and asked the committee to keep to their original resolution and to refuse the application.

Councillor Jeal reported that he agreed with Ward Councillor Galer and moved that the application be refused on the grounds that the original grant had been for holiday use only.

The Monitoring Officer reminded Members that they needed solid planning policy reasons to refuse an application. Ward Councillor Galer had cited planning policies CS1, CS2, CS6 & CS8 as reasons for refusal and she suggested that members take advice from the planning officers.

Councillor A Wright reported that he was concerned and that he felt for the Parish Council and local residents and reiterated that the Committee should set and agree the conditions at the time of granting an application and then stick to them.

Councillor P Hammond suggested that a condition could be imposed for a time limit of no more than 60 continuous days of stay which would make the offering all year round giving year round guaranteed income for the site.

The Development Manager reported that without the lifting of Condition 4, the holiday lodges and associated infrastructure, i.e. the swimming pool for mixed tenure use might be compromised through lack of investment in the site and the holiday units could be used continuously for 11 months of the year already in the current permission so any shortening of the occupancy period would not be reasonable.

The Senior Planning Officer reported that the applicant had more restrictive conditions remaining than the "flexible" Condition 4 which he was asking to be removed.

Councillor Candon reported that he could see no problem with the removal of Condition 4 providing the applicant kept an up to date register of occupiers which could be inspected at any time by the Local Authority.

Councillor Jeal asked whether the GYBID had been consulted in regard to this application. The Development Manager reported that they had not been consulted.

The Chairman took the motion for refusal which had been proposed by Councillor Jeal and seconded by Councillor A Wright, citing planning policies CS8(b) & CS6(g). The Development Manager provided further advice and context to the policy situation.

Following a vote; it was RESOLVED:-

The application number 06-21-0951-F be refused as it was contrary to planning policies CS8(b) & CS6(g). As the proposal does not fall within the specific circumstances for allowing holiday accommodation in this location to be changed to alternative uses, the proposal would lead to a detrimental material change of use of a significant number of accommodation units within a defined Holiday Accommodation Area and would fail to safeguard the stock of holiday accommodation across the Borough. The proposal is therefore considered contrary to policies CS6(g) and CS8 of the adopted Core Strategy (2015), and policy L1 of the adopted Local Plan Part 2 (2021), and would also represent a significant loss of the intended area to be retained for tourism use within the allocated site defined by policy HY1 of the Local Plan Part 2. As no material considerations have been presented which are considered sufficient to outweigh this conflict with the development plan, it is considered that the application should be refused.

7 APPLICATION 06-21-0329-F - POP'S MEADOW, PAVILION ROAD, GORLESTON

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

The Senior Planning Officer reported that 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.

The Senior Planning Officer reported that when this matter was reported to Committee previously, it was envisaged that the applicant would resolve with the Planning Authority those elements, namely the fencing, that were found to be unacceptable. If this had happened it would have been possible to proceed with the original recommendation.

Unfortunately this has not happened and the application remains undetermined, leaving residents and applicants with a sense of uncertainty.

The Senior Planning Officer reported that the revised recommendation granted planning permission for the use of the site which was operational immediately because this was a retrospective application and, by condition, required the removal of the fencing; furthermore permitted development rights were removed to ensure that any replacement fencing must be the subject of a planning application, giving affording control to the Planning Authority.

The Senior Planning Officer reported that the relevant condition would require the removal of this fencing within a period of 4 months. If the applicant did not do so, the Authority could serve a Breach of Condition Notice on the applicant, which cannot be appealed. Four months seemed like an excessive period of time but, if the applicant wished to secure his site, this gave him time to apply for alternative fencing, and for the Authority to determine the application, before the existing fencing must be removed. Any new application would also need to demonstrate an appropriate visibility splay at the corner of Fiske's Opening and Pavilion Road in the design.

The Senior Planning Officer reported that the revised recommendation was as follows;

That application 06/21/0329/F should be approved, subject to following conditions:-
Conditions:

Re fencing:

1. Remove the fencing erected in 2021 from the site perimeter within 4 months (by 01 June 2022), including the close board timber fencing alongside the southern boundary adjacent the neighbouring terraced housing at Marine Terrace.

Prior to 'first use':

2. By 1st March each year (including 2022), a schedule of the rides and a site structures layout plan shall be provided to the LPA for its written approval, and the site shall be operated thereafter in accordance with those details.

3. By 1st March 2022 submit a flood warning and evacuation plan to the LPA for its approval and operate as such thereafter.

4. By 1st March 2022 submit details of the portacabin base anchor system, and the anchor shall be retained for the duration of the stationing of the portacabin within the site;

5. By 1st March 2022 submit details of means to provide screening and landscaping between the field and the adjoining terraced houses at Marine Terrace to the south (with evidence of attempts to liaise with those properties / landowner to find common ground), and provide that approved screening within 1 month of approval;

Duration of permission:

6. 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).

7. Permission for the portacabin, refreshment cabin and cash/token cabin would expire on 1st Sept 2023.

Operational requirements:

8. No rides or structures shall be used on the site other than those specifically included in the schedule to be agreed under Condition (2).

9. No rides or structures shall be sited within 10m of the boundary with Marine Terrace.

10. Use of the site for children's rides shall not be open to customers outside of 10am-8pm seven days a week.

11. There shall be no use of loudspeakers and public address systems (Except for safety announcements).

12. There shall be no use of external amplified music.

13. There shall be no installation of any external lighting whatsoever without the details first being submitted to and approved in writing.

14. Permitted development rights would be removed for the erection of any additional Gates, Walls, Fences, or other means of enclosure; and any others considered appropriate by the Development Manager.

The Senior Planning Officer reported that at the previous meeting in September 2021, the Committee was shown an image that the applicant had provided to illustrate the type of fence the applicant had in mind at the time. This had been discussed with the Conservation Officer prior to the meeting, who agreed that the proposed fencing would be suitable in principle, but who recommended the proposed fence shown should have a painted finish. The minutes of the meeting, as amended, recorded 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.

The Senior Planning Officer reported that in the debate which followed, 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 provided, 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.

The Senior Planning Officer reported that the current Committee decision is that a design for a replacement fence needed to be submitted and it needed to meet with the approval of the Conservation Officer. However, the applicant has now submitted some proposed details, but these varied significantly from those which the Conservation Officer and the Committee considered at the time of their decision. Officers considered that the details departed so significantly from the expectation of the Committee's decision that Officers could not in good faith, proceed to approve the details and issue a permission under the current delegated authority from September 2021.

The Senior Planning Officer reported that the applicant had 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.

The Senior Planning Officer reported that 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. The 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. 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 season begins. A replacement fence should still be required to be installed before the 2022 Easter school holidays began on 11th April 2022. 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 Conservation area. Planning law and local development planning policy all required the development to enhance the appearance of the Conservation Area.

The Senior Planning Officer reported that 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 it remains unenforced. Officers recommended that the proposals should be rejected and revised proposals should be required as soon as possible. Failure to meet these timescales would require Officers to recommend that Committee refuses to grant permission overall, and initiate renewed planning enforcement proceedings. 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.

Councillor Williamson asked for clarification as to the height of the fence for Option 2. The Senior Planning Officer reported that it would be 8 ft tall. Councillor Williamson was concerned that this would be too tall for the Conservation area.

Councillor A Wright queried the terms and conditions and asked why the permission would expire on the 1 September 2023 and not on the 1 October 2023 when the summer season would be over and the children back at school. The Development manager reminded the committee that this was the decision that the Committee had made in September 2021.. However, the Committee could extend this date if they so wished. but it might prejudice the amenity enjoyed by local residents.

Mr Gray, applicant, addressed the Committee and asked for the deadline to be extended for the erection of the fence due to supply difficulties as a result of the pandemic. A few extra months, perhaps to September, would give him time to have the fencing manufactured and installed.

Councillor Williamson reported that he would support giving Mr Gray additional time to have fencing option 2 installed on the site and he supported extending this until 1 September 2022.

Councillor Jeal voiced his concern that Mr Gray might just replace the security fencing

to the front of the site and not the complete perimeter.

Councillor P Hammond reported that he sympathised with Mr Gray and confirmed that building materials were difficult to source at the moment and that he endorsed that Mr Gray should be given more time.

Councillor B Wright agreed that Mr Gray should be given until 1 September 2022 to complete the fencing as pops meadow was a delightful asset for the town.

Councillor Flaxman-Taylor reported that Mr Gray was genuine and open in his wish to work with the Council to resolve the fencing issue and therefore proposed that he be given until 1 September 20-22 to complete the work. This motion was seconded by Councillor Williamson.

The Development Manager reported that if the Committee were minded to approve the revised recommendation before them this evening, they might wish to grant delegated powers to officers to approve the choice of replacement fencing which would help to save much needed time in this matter. The Development Manager reported that he could see no reason whilst the date for the removal of the security fence around the perimeter of the site could not be extended until 1 September 2022 to give the applicant more time as requested by the Committee.

Following a vote; it was RESOLVED:-

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

Re fencing:

1. Remove the fencing erected in 2021 from the site perimeter within 4 months (by 01 September 2022), including the close board timber fencing alongside the southern boundary adjacent the neighbouring terraced housing at Marine Terrace.

That application 06/21/0329/F should be approved, subject to following conditions:
Conditions:

Re fencing:

1. Remove the fencing erected in 2021 from the site perimeter within 4 months (by 01 June 2022), including the close board timber fencing alongside the southern boundary adjacent the neighbouring terraced housing at Marine Terrace.

Prior to 'first use':

2. By 1st March each year (including 2022), a schedule of the rides and a site structures layout plan shall be provided to the LPA for its written approval, and the site shall be operated thereafter in accordance with those details.
3. By 1st March 2022 submit a flood warning and evacuation plan to the LPA for its approval and operate as such thereafter.
4. By 1st March 2022 submit details of the portacabin base anchor system, and the anchor shall be retained for the duration of the stationing of the portacabin within the site;
5. By 1st March 2022 submit details of means to provide screening and landscaping between the field and the adjoining terraced houses at Marine Terrace to the south (with evidence of attempts to liaise with those properties / landowner to find

common ground), and provide that approved screening within 1 month of approval;

Duration of permission:

6. Permission for the children's rides would expire on 1st Sept 2023 (by which time the applicant will have benefited from 3 Easter holidays and 3 full summer seasons).

7. Permission for the portacabin, refreshment cabin and cash/token cabin would expire on 1st Sept 2023.

Operational requirements:

8. No rides or structures shall be used on the site other than those specifically included in the schedule to be agreed under Condition (2).

9. No rides or structures shall be sited within 10m of the boundary with Marine Terrace.

10. Use of the site for children's rides shall not be open to customers outside of 10am-8pm seven days a week.

11. There shall be no use of loudspeakers and public address systems (Except for safety announcements).

12. There shall be no use of external amplified music.

13. There shall be no installation of any external lighting whatsoever without the details first being submitted to and approved in writing.

14. Permitted development rights would be removed for the erection of any additional Gates, Walls, Fences, or other means of enclosure; and any others considered appropriate by the Development Manager.

8 APPLICATION 06-21-0684-F - 2 GOURNAY AVENUE, GORLESTON, GREAT YARMOUTH, NORFOLK, NR31 6DZ

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

The Development Manager reported that 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. 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. 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.

The Development Manager reported that 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 facade 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. 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.

The Development Manager reported that the main issues in the assessment of this current application are:

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

The Development Manager reported that 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. 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.

The Development Manager reported that 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.

The Development Manager reported that in regard to the new development as follows:-

The design proposes to replicate the following aspects in the new proposal:

Composite timber uprights on the southern elevation

Use of matching tiles on main roof of dwelling

Installation of brick chimney

The new design will not replace the following:-

Single storey flat roof addition

Replication of existing front gable

Existing back windows and side porch

Eastern chimney replaced with metal flue

White timber windows to be replaced by dark grey aluminium casements

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. 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. As described above, it is considered that the ambitions of policies CS10 and E5 are met through the improved or neutral impact the development would have on the setting of the conservation area.

The Development Manager reported 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. 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. Measures can be conditioned to ensure that any impact on adjoining dwellings

for the period of demolition and construction can be suitably mitigated. 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. 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.

The Development Manager reported that 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 L1 from the Local Plan Part 2. Therefore it is recommended to approve the application subject to the conditions outlined in the agenda report. The Development Manager reported that the dwelling had visible signs of entry points in the building for birds and bats, so a bat survey would be required before demolition as an additional condition.

Councillor Williamson referred to paragraph 2.3 on page 145 of the agenda report as he was very concerned regarding the effect that the demolition of this property would have on the adjoining neighbours property. Councillor Williamson asked how the party wall would be protected between the pair of semi-detached properties during the demolition phase. This concern was endorsed by Councillor Flaxman-Taylor. The Development Manager reported that the demolition was acceptable in principle subject to the conditions as outlined in the demolition report which formed part of the application and demolition was an issue for Building Control not planning.

Councillor Flaxman-Taylor asked whether Building Control had visited the neighbouring property and talked to the owners to try and allay their concerns that the foundations might be compromised during the demolition phase. The Development Manager reported that this would not have taken place at this stage of the application process. Councillor Flaxman-Taylor hoped that an agreement could be reached between the owners of the two properties with assistance from Building Control and that the demolition process would be covered under the Party Wall Act 1996.

Mr Alston, applicant's agent, reported the salient areas of the application and respectfully requested that the committee approve the application to demolish and rebuild on the application site.

Councillor Williamson asked Mr Alston for his assurance that the party wall would be protected during the demolition phase. Mr Alston assured members that a specialist Party Wall Surveyor would be employed to put together a comprehensive scheme to protect the party wall during the demolition phase with all costs to the applicant.

Mr Richardson, neighbour and objector, reported his concerns, and those of many of his neighbours who resided on Gournay, Bendish Avenue and Marine Parade, to the Committee. He asked them to refuse the application as the existing property could be brought up to standard without the need to demolish and that the property suffered from historic subsidence and demolition would result in foundation movement across the two properties.

Councillor B Wright reported that she could not support this application as she did not approve of properties being demolished and felt that the existing property could be refurbished and brought up to standard. Councillor Flaxman-Taylor reported that she could not support the application either due to her concerns regarding the protection of the party wall during demolition.

The Monitoring Officer asked the Development Manager to clarify whether the proposed demolition was a material consideration for Members to consider when determining this application and whether concerns arising from the demolition phase was a valid reason, under planning law, for refusal of an application. The Planning Manager confirmed that the methods of demolition was not a material planning condition but the management of the impacts could be, for example, include dust control which would be dealt with under the demolition management plan/method statement which formed part of the conditions if members were minded to approve the application and was not a valid reason, under planning law, for refusal.

Councillor A Wright questioned why this application had come to Committee for determination if their hands were tied as to what decision they could reach, under planning law, if they were not happy with the application before them. It appeared to be a fait accompli and Members were merely present to rubber stamp the officer recommendation which made a mockery of the democratic process. The Development Manager assured Councillor A Wright that although the demolition process and the party wall arrangements could not be debated there were a number of other planning impacts which formed part of the application which necessitated Member debate.

Councillor P Hammond reported that demolition companies were experts in this field and that the party wall would be well protected during demolition and therefore moved the motion to approve. This was seconded by Councillor Candon seconded the motion for approval.

Following a vote, which was tied, the Chairman had the casting vote, and it was RESOLVED:-

That application number 06-21-0684-F be approved, as 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 L1 from the Local Plan Part 2. Therefore it is recommended to approve the application subject to the conditions outlined below:-

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
18. Pre-demolition bat survey and related mitigation measures and any other conditions considered appropriate by the Development Manager.

9 APPLICATION 06-21-0794-F - 14 KING STREET, GREAT YARMOUTH

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

The Senior Planning Officer reported that this application was brought before the Committee because the applicant's relationship to the Borough Council meant that this was a connected application. The application was referred to the Monitoring Officer for observations on 25 January 2022.

The Senior Planning Officer reported that the proposal outlined the 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 the door, reinstatement of 2 windows and insertion of 1 window in southern elevation of attic was also detailed.

The Senior Planning Officer reported that the application accorded to Great Yarmouth Local Plan Core Strategy, also Policies A1, R1 and GY1 of the adopted Local Plan Part 2 and was recommended for approval with conditions as outlined in the report.

It was noted that Councillor Williamson did not vote on this item as he was the Chairman of the Great Yarmouth Preservation Trust.

This application was proposed for approval by Councillor Jeal and seconded by Councillor Hanton.

RESOLVED:-

That application number 06/21/0794/F be approved subject to the following conditions:-

- (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 mitigation's 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 other conditions considered appropriate by the Development Manager.

10 ARTICLE 4 DIRECTION FOR KING STREET AND HAZ ZONE

The Committee received and considered the report from the Senior Strategic Planner.

The Senior Strategic Planner reported that this paper presented to the 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 was 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.

RESOLVED:-

That the Committee endorse the report; and, agree that the draft Article 4 Direction be made available for public consultation.

11 PROPOSED PLANNING VALIDATION CHECKLIST

The Development Manager asked the Committee to note Officers' proposals to introduce an up to date Local Validation Checklist for use in the registration of applications. The current requirements for submitting planning applications are limited to national minimum expectations. Having a local list of planning application requirement is allowed by legislation to enable LPAs to respond to local policies and circumstances of their area. Any local list used by LPAs should be reviewed and refreshed every two years. Currently Officers have to ask for additional information late in the process to address local policies or requirements of consultees; it is proposed to use a local checklist to identify these requirements for submission of applications to improve the speed of assessing applications. Whilst it will cause some additional cost and time for applicants when preparing applications it will save considerable time and resource for both the LPA and the applicant at the latter stages of the application decision process. It is important to stress the information being requested is always bespoke to the type of application, the policies that apply to a development, the location, and the scale of development, so will always be pragmatically applied and reasonable in the level of detail requested. It is especially pertinent now that the Local Plan Part 2 has been adopted and at least 3 Neighbourhood Plans are in force as a part of the development plan. The proposal will be subject to consultation with public, agents, developers and parish councils. Members will be introduced to the process with a specific meeting in due course.

RESOLVED:-

That the Committee note the report.

12 SUPPLEMENTARY REPORTS

The Committee received and considered the supplementary reports.

RESOLVED:-

That the Committee note the supplementary reports.

13 ANY OTHER BUSINESS

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

The meeting ended at: 20:00