



Development Control Committee

Date: Wednesday, 02 March 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.

To confirm the minutes of the meeting held on 2 February 2022.

- 4 **APPLICATION 06/21/1018/CU CLIFF TOP CAR PARK EAST OF
70-75 MARINE PARADE GORLESTON** 29 - 49

Report attached.

- 5 **APPLICATION 06/21/0984/F SOUTH BEACH GARDENS, MARINE
PARADE, GREAT YARMOUTH** 50 - 69

Report attached.

- 6 **SUPPLEMENTARY REPORTS** 70 - 107

Report attached.

- 7 **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.



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 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. 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 2022 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 who 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

Reference: 06/21/1018/CU

Ward: Gorleston

Officer: Mr G Bolan

Expiry Date: 11/03/2022

Applicant: Great Yarmouth Brough Council, Property and Assets Department

Proposal: Proposed change of use of land for the stationing of up to 3 no. mobile concession units for the purposes of retail (use class E1a) and/or hot food takeaway (sui generis) use

Site: Car Park East of 70-75 Marine Parade
Gorleston

Procedural note: This application is brought before committee as Great Yarmouth Borough Council is the applicant.

This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The Monitoring Officer has checked and made a record on the file that she is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

REPORT

1. Background / History: -

- 1.1. The application is for the change of use of part of the area used for car parking, for the proposed stationing of up to 3 no. mobile concession units for the purpose of retail and for hot food takeaway at land to the east of 70-75 Marine Parade.
- 1.2. The site has been utilised as a public car park according to our records from at least 1988 and is located at the southern end of the Gorleston seafront and Marine Parade. There is no formal current or past relevant Planning History to report on.
- 1.3. The car park has often included an ice cream van located in the car park throughout the summer months.

- 1.4. During the summer, autumn, and winter of 2021 the Council as landowner rented part of the car park to a mobile coffee vendor concession unit. This began as a use permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order which had extended the ability to use the land for up to 56 days in a year under the Government's 'coronavirus provisions'.
- 1.5. It has become apparent that the limited number of days that the site can be used under 'permitted development rights' has been reached if not exceeded. This application has therefore been submitted to enable the mobile coffee concession and other types of food and drink sales to continue on a permanent basis, for an unlimited number of occasions.

2. Consultations:-

- 2.1. Norfolk County Council Highways Authority – No objection
- 2.2. Environmental Health – No objection subject to conditions as follows:
 - The applicant must provide conditions to the concessions relating to the soundproofing of any generators, or other refrigeration equipment so as not to cause a noise nuisance to any neighbouring properties.
 - The applicant is requested to inform the Commercial Team in Environmental Services of any agreements made to site businesses on the car park so that we can ensure that they are duly registered and inspected to comply with food hygiene legislation.
 - Suitable separation between the users of the mobile concessions and the moving traffic must be installed and maintained.
- 2.3. Conservation Officer – No objection subject to the following:
 1. The proposed change of use is taking place within the boundaries of Gorleston Conservation area. There are concerns that the proposal might affect the character and appearance of a Conservation area where concessions are currently not a common feature.
 2. The change of use application suggests that a mobile concession and a service area would occupy two car parking spaces located within an existing operating car park in the Conservation area.
 3. The current application only includes the change of use and doesn't contain or refer to details of specific mobile units potentially occupying the space. The supporting report states, that '*appearance, design and use intended will be of uppermost importance from the outset*'. It is stated that this proposal doesn't include any additional street furniture for seating or any permanent material changes to the environment (page 2 of the submitted report). The statement says that the proposal aims to '*enhance the choice on offer to residents and*

visitors' and 'bring an element of interest' to the area. This statement suggests that any potential negative impact could be outweighed by the public benefit that this proposal would achieve. (Reference: NPPF, paragraphs 201 and 202)

4. However, the report also states that the provision of additional bins within the vicinity would be necessary (page 3). It hasn't been specified where the bins will be located or what will be their impact on the appearance of the Conservation area (if located within its boundaries). (Reference: NPPF, paragraph 199)

5. The design and visual impact of the proposal on the character and appearance of the Conservation area cannot be assessed on the basis of the current application. It is expected for the mobile units not to exceed the scale of standard vehicles which are already being parked on a daily basis at this location. Considering the mobile nature of the proposed concessions, the proposed limitation to scale and the existing car parking facility, the Conservation section does not object to the principle of the proposed change of use. (Reference: NPPF, paragraph 197)

6. There are, however, concerns in regard to the potential impact on the character and appearance of the Conservation area as excessive advertising and any additional commercial paraphernalia would not be suitable for the natural and historic characteristics of this setting. Therefore, the Conservation section suggests that the design, scale and any additional articles supporting this development should be subject to conditions and further approval by the Local Planning Authority.

2.4. Strategic Planning – No objection – complies with LPP2 policies L2 and A1.

2.5. Neighbours / Members of the public:

- 193 – Support -

The support supplied to this application have referred to the current concession "Barista Buoy's" being popular and successful over the last season he was located in the car park, with the use welcomed in this location.

- 14 – Objections

- Clustering of catering units all within close proximity on the seafront area.
- Loss of valuable car parking spaces, requiring spillage of parking to form on nearby roads and streets.
- Car park already extremely busy at peak times and always at full capacity
- The cliff top and Gorleston sea front is being over commercialised
- The existing bins around the car park and seafront area are overfull daily
- Loss of views from residential properties adjacent the car park on Marine Parade
- Will increase vermin, rodents, and seagulls into the area.

3. Relevant Policies:

3.1. The principal policies are:

Core Strategy 2013 – 2030

Policy CS6 – Supporting the local economy:

h) Encouraging the development of small-scale business units, including those that support the rural economy and rural diversification

i) Supporting the provision of development essential to sustain a rural workforce, including agricultural workers' dwellings and rural community facilities

Policy CS7 – Strengthening our centres

f) Ensure that all proposals for town centre uses outside defined centres demonstrate that there are no sequentially preferable sites available, and that the proposal can be accessed by sustainable transport. Proposals over 200sqm (net) will also be required to submit a Retail Impact Assessment demonstrating that there will be no significant adverse impact on existing designated centres, including those beyond the borough boundary, such as Lowestoft

Policy CS8 – Promoting tourism, leisure and culture

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

e) Support the development of new, high quality tourist, leisure and cultural facilities, attractions and accommodation that are designed to a high standard, easily accessed and have good connectivity with existing attractions

Policy CS10 – Safeguarding local heritage assets

a) 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

Policy CS16 – Improving accessibility and transport

c) Ensuring that new development does not have an adverse impact on the safety and efficiency of the local road network for all users

Local Plan Part 2 (2021)

Policy R1: Location of retail development

Where there are no suitable or available sites within designated centres or edge of centre sites, new town centre use development will be permitted on out of centre sites within the Development Limits providing it is otherwise in accordance with Policy CS7 (as amended by Policy UCS7), and:

- a. the location is accessible by public transport and is accessible to pedestrians and cyclists.
- b. the site has good links to the designated centre, or links can be improved.
- c. the proposed use either individually or cumulatively does not undermine the attractiveness or viability of the designated centres; and
- d. the site will not impact upon other neighbouring uses, in terms of traffic, parking and amenity issues.

In addition to the criteria above, development on out of centre sites which are also outside of Development Limits will only be permitted where:

- e. an additional need for retail development has been demonstrated to justify the development; and
- f. there is no suitable and available land within the Development Limits.

Policy R6: Kiosks and stalls

The principle of developing new retail and food outlets in the form of kiosks or stalls will be permitted within the designated Holiday Accommodation Areas, Town Centre or the Great Yarmouth Seafront Area. Applicants will need to demonstrate that:

- a) the siting of the proposal, including the curtilage of the kiosk or stall and associated street furniture, does not obstruct either local footways, promenades and esplanades;
- b) the design of the kiosk or stall is sympathetic to the surrounding environment, paying particular attention to local street scenes and where applicable, conservation areas, listed buildings and key views;
- c) the cumulative impact of the proposal, including any clustering of such uses or particular types of uses on the local area, are not significantly adverse; and
- d) adequate provision is made for:
 - i. operational refuse storage out of sight; and
 - ii. litter bin(s) for customers.

Policy R7: Food and drink amenity

When determining the impact of food and drink uses on an area, the following matters will be taken into consideration.

- a. The cumulative impact and effects of clusters of other food and drink uses, including those with unimplemented planning permissions.
- b. The impact of noise and general disturbance, smells, litter and late night activity, including those impacts arising from the use of external areas.
- c. Availability of parking, servicing facilities and public transport.
- d. Highway and pedestrian safety.
- e. Availability of refuse storage space and disposal facilities.
- f. The appearance of any associated extensions, flues and installations

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.

Policy L2: New or expanded tourist facilities outside of Development Limits and Holiday Accommodation Areas

New or expanded tourist facilities outside of Development Limits and Holiday Accommodation Areas are acceptable if they can comply with the following:

- a. are an appropriate scale to the character of the area, availability of local services and facilities, and hierarchical level of the nearby settlement.
- b. individually and cumulatively do not significantly change the character of the local countryside, landscape or (where applicable) settlement, taking into account particularly:
 - the quantity, scale, density and design of any additional buildings, structures, caravans, car parks;
 - the types and amounts of traffic movements and any impacts, including those upon the tranquillity of the area;

- the impacts of lighting, advertisements and boundary treatments on the landscape and nightscape;
 - any adverse impact on the nationally significant Broads or the Norfolk Coast Area of Outstanding Natural Beauty, but also undesignated but open rural and coastal landscapes;
 - the potential for any adverse impacts upon environmentally sensitive locations such as National Site Network habitat sites; and
- c. do not have a significant adverse impact on the living conditions of adjoining occupiers.

Small-scale countryside tourism, particularly that involving physical activity or other appreciation of the countryside for its natural or rural qualities, its conservation, or the understanding and enjoyment of the Broads, subject to the above, will be encouraged.

Policy A1: - Amenity

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 tranquillity from:
 - waste and clutter
 - intrusive lighting
 - visual movement
 - noise
 - poor air quality (including odours and dust); and
 - vibration

4. Public Comments received:

- 4.1. At the time of writing, there have been 14 objections received from nearby residents and members of the public to the application. There have also been 194 letters of support and 5 General Comments. The issues raised are summarised as below:

Material planning considerations:

- Clustering of catering units all within close proximity on the seafront area.
- Loss of valuable car parking spaces, requiring spillage of parking to form on nearby roads and streets.
- Car park already extremely busy at peak times and always at full capacity
- The cliff top and Gorleston sea front is being over commercialised
- The existing bins around the car park and seafront area are overfull daily

Non-Material Planning Considerations

- Loss of views from residential properties adjacent the car park on Marine Parade
- Will increase vermin, rodents, and seagulls into the area.

5. Assessment: -

Section 38(6) of the Planning and Compulsory Purchase Act requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Proposal

- 5.1. The application is for the change of use of land for the stationing of up to 3 no. mobile concession units for the purpose of retail and for hot food takeaway at various points within the Gorleston Cliff Top car park to the east of 70-75 Marine Parade. The hours of use proposed on the application form are stated to be proposed as "No earlier than 6am until dusk".
- 5.2. The proposal will result in 3 units occupying up to 2 demarcated car parking spaces per concession, as indicated on plan reference MH/10023464346, this shows the total area including a serving area over two spaces measuring out at a depth of 5.5m and a width of 5m. The car park spaces that are proposed to be utilised by the concessions will revert to car park spaces when the mobile units do not attend. Therefore, for example if two units were to attend there will be 4 parking bays used rather than 6 bays if all 3 units were located.
- 5.3. A further plan labelled: Application Plan & Concession Zones details the areas in which the mobile units are proposed to be located in; these areas are in 3 separate locations within the car park.
 - Location 1 – north end of the car park orientated north-south on the eastern side
 - Location 2 – south of location 1 on the eastern side
 - Location 3 – south of the entrance to the car park on the western side

The 3 zones that have been identified for the mobile units to be located approximately measure at a length of 40.26m with a width of 5.5m resulting in an area of 221.43 metres squared per zone.

The proposal has shown three zones so that the landowner can direct each of the mobile units to a suitable location across the three zones; the reason for this is due to the experience that the unit that occupied the car park in 2021 struggled to be visible when located within different areas of the car park so the landowner hopes to experiment with finding the most suitable of 3 options. It means there may be concession units in all 3 zones at any one time.

The proposal has avoided locating these three proposed zones where there are already disabled parking spaces.

Principle of Development

- 5.4 In respect of the uses proposed, retail development is a main town centre use which national policy and the Core Strategy and the Local Plan Part 2 all state should be directed first to defined town centres, as these locations are more desirable within town centre/development limits. If locations were not available for the main town centre uses proposed, a sequential test ought to provide such evidence and thereafter look towards more sequentially-appropriate locations such as 'edge of centre' sites or within the various local centres dispersed around the Borough.
- 5.5 This location is outside all such areas and is seen to not comply with the in-principle policies of the development plan. However, regard must be had to the nature of the use proposed. As mobile concession units these offer main town centre uses but do not propose a permanent fixture within the retail landscape which would be seen to provide sustained competition to the town centres or established local centres which retail policy seeks to protect as viable service centres for residential populations. Planning conditions must be used to ensure the permitted times of use and the frequency/duration of uses are not able to undermine the viability and vitality of established centres, and so the use of the site is proposed to be restricted to a maximum of 190 days per year in total, with restricted hours of operation.
- 5.6 Instead of being considered as conventional retail outlets, these concessions will offer a form of visitor attraction or facility similar in nature to out-of-centre café units along the seafront or at other tourism destinations. Local Plan Part 2 policy L2 states that:

"New or expanded tourist facilities outside of Development Limits and Holiday Accommodation Areas are acceptable if they can comply with the following:

- d. are an appropriate scale to the character of the area, availability of local services and facilities, and hierarchical level of the nearby settlement.*
- e. individually and cumulatively do not significantly change the character of the local countryside, landscape or (where applicable) settlement, taking into account particularly:*
- the quantity, scale, density and design of any additional buildings, structures, caravans, car parks;*
 - the types and amounts of traffic movements and any impacts, including those upon the tranquillity of the area;*
 - the impacts of lighting, advertisements and boundary treatments on the landscape and nightscape;*
 - any adverse impact on the nationally significant Broads or the Norfolk Coast Area of Outstanding Natural Beauty, but also undesignated but open rural and coastal landscapes;*

- *the potential for any adverse impacts upon environmentally sensitive locations such as National Site Network habitat sites; and*
- f. *do not have a significant adverse impact on the living conditions of adjoining occupiers.”*

It is considered that the proposal complies with policy L2 subject to mitigation measures which have been detailed in the report and which features as part of the recommendation.

- 5.7 The proposal is seen to not comply partially with Core Policy CS7 and not to comply with Local Plan Policy R1 however the proposal does comply with Local Plan Part 2 Policy L2. It has been assessed that on the balance the proposal will not detract from uses within the town centre locations and development limits, it is considered that the temporary nature of the use will not compete with permanent established uses within defined centres, but will be able to support the sea front and users of that tourism destination, so on balance the use is still considered acceptable within this area.
- 5.8 Other matters of principle including the location of new retail and food outlet kiosks and stalls (ref LPP2 policy R6) and the considerations for food and drink uses in particular (ref LPP2 policy R7) are discussed in detail later in the report.

Highways and Parking

- 5.9 There are 70 car parking spaces in the Cliff Top Car Park. The proposal will result in up to 6 car parking spaces being removed from use when the concession units are in place, just to accommodate the units. This is due to a maximum of 3 spaces being needed to contain the proposed 3no. mobile units, and an additional 3 spaces to allow serving and accessing the units from adjacent spaces. A typical layout of the site with the 3 concession units in place can be seen at the appendices to this report.
- 5.10 The proposal is considered to cause a temporary loss of parking when the concession units are in situ within the car park. This is due to two principal reasons: the spaces needed for the concessions and their servicing or ‘buffer spaces’ (up to 6 spaces in total), and the spaces occupied on a short-term and temporary basis by visitors to the car park to use the concessions. No transport statement or travel data has been provided to suggest how many customers might drive to the site or how frequently trips might be made, nor how many car parking spaces would be needed for customers of the concession stalls. Nevertheless, further spaces would also be used for temporary ‘shopping’ visits which removes space for longer-term parking.
- 5.11 However, when weighing up the proposal the car park is considered of substantial size (70 spaces capacity) and, even without any data on trip movements, it is considered unlikely that the use proposed would be so intensive that the highways impacts would ‘spill out’ into neighbouring areas.

- 5.12 It is noted that the car park is free to use by members of the public, and there are no time-limited parking restrictions in place for the duration that cars can be parked, however the car park is closed overnight and only in use between 7am and 9pm. There is also space to park vehicles at the opposite end of the seafront/cliff area on the Lower Esplanade and there are no restrictions to on-street parking along Marine Parade.
- 5.13 Norfolk County Council Highways Authority have raised no objections to the application but recommend that conditions are attached to any permission given to require the mobile units to not be larger than one demarcated parking space measured at 2.5m wide by 5.5m length. Officers consider that if the mobile units are not permitted to be located on the car park outside of the permitted hours of use recommended to protect the amenities of the adjacent residential properties anyway, then the proposal is not considered to cause substantial harm through the loss of 6 car park spaces.
- 5.14 Although the aim of the proposal is to offer a service or facilities to supplement the tourism attraction in the area, and these 'existing' visitors are seen as potentially important customers to the units, it is considered that there will be some trips purely for the use of the mobile concessions as much as there would be trips already made to the car park for recreation or to visit the other businesses within the seafront. The level of 'new trips' likely to be created is considered acceptable when taking into account the remaining capacity of the car park with the concessions in operation, largely due to the facilities being utilised by members of the public on existing trips. As the proposal will offer services to people visiting the sea front, the proposal is seen to offer facilities that are not on offer at the southern end of the established sea front to the north of this site, and so will attract existing visitors more so than new.

Design and Character of the area

- 5.15 The proposal is located within Conservation area No.17. Currently the car park is utilised by motor vehicles and this has been the case for 30+ years, the proposal will result in a change of use for mobile retail/catering units, the proposal has stated that they will occupy one car parking space for the mobile concession and one to allow access and serving, it is therefore considered that the units will not exceed the scale of a standard vehicle already utilising the car park. It has been considered also that there is a 2m high barrier located on the entrance to the car park which creates an existing structure and limits the height and scale of vehicles able to use the site.
- 5.16 The area is located on top of the cliff at the south end of the car park, this is a popular destination for users to park and walk along the cliff and for users in the summer months to use the beach. Located on the lower part of the esplanade 300m-420m to the north of the car park is the beach café with no further amenities until you reach the north end of the sea front.
- 5.17 With this in mind the proposal is considered comply with point (a) of Local Plan Part 2 Policy R7: Food and drink amenity, which states: "*When determining*

the impact of food and drink uses on an area, the following matters will be taken into consideration: The cumulative impact and effects of clusters of other food and drink uses, including those with unimplemented planning permissions.”, because the majority of food and drink uses are located up the northern end of the seafront.

Heritage Impacts

- 5.18 Conservation Officers have concluded the design and visual impact of the proposal on the character and appearance of the Conservation area cannot be assessed, but they consider the mobile units must not exceed the scale of standard vehicles which are already being parked on a daily basis at this location. Considering the mobile nature of the proposed concessions, the proposed limitation to scale and the existing car parking facility, the Conservation section does not object to the principle of the proposed change of use.
- 5.19 However, Conservation Officers have raised concerns over the potential impact on the character and appearance of the Conservation Area from excessive advertising and any additional commercial paraphernalia as these would not be suitable for the natural and historic characteristics of this setting. Therefore, the Conservation Officers suggest that the design, scale and any additional articles used in association with this development should be subject to conditions requiring further approval by the Local Planning Authority.
- 5.20 It has been considered appropriate that any additional articles supporting the proposal including advertisement, tables and chairs, waste areas will be conditioned to require permission from the Local Planning Authority. The proposal has been considered in line with core policy CS10 and Local Plan Part 2 policy E5, in respect of the conservation area, it is assessed that the use of the car park for the location of 3 mobile concessions will have an impact upon the conservation area and with this being a change of use application and the nature being mobile an assessment has not been achievable on the design of the mobile units.
- 5.21 It is considered that the overall impact on the setting and appearance of the Conservation Area is either neutral or very marginally detrimental and therefore represents no, or a very small, amount of harm to the heritage assets. This very low level of harm is only possible by virtue of these units being temporary fixtures and of a scale and appearance similar to the vehicles that might park there already. To achieve that, any permission should be constructed to require concessions to be removed, and used only for a limited number of occasions per year.

Residential Amenities

- 5.22 The site is adjacent 6 residential properties between 69a and 75 Marine Parade, all of which face east over the existing car park. Objections have been

received from occupiers of the adjacent properties as summarised at section 4 of this report. There has been concerns raised regarding loss of outlook from the proposal, this has been considered however with the restrictions intended with respect to the height and scale of proposed units, and with the existing use being a car park, it has been assessed that the proposal will not detrimentally impact the outlook from the residential properties compared to the impact from what is already there.

- 5.23 Concerns have also been put forward with regards to increase in vermin, rodents and seagulls and that waste is already built up in the area daily and the proposal will add to the existing issues. There are a few litter bins at the car park already, but these are easily obscured by parked vehicles and are unlikely to be adequate if used at all. The planning statement states that additional bins will be supplied as a part of the application, although these details have not been supplied within the application. However, information will be requested on the types and number of waste bins to be provided and locations they will be used. These should be possible to be supplied to the Local Planning Authority prior to any permission being issued, and a verbal update to the Committee will be provided at the meeting.
- 5.24 It is possible as an alternative that any permission should be subject to a condition that: Each concession unit shall bring its own refuse bin and position this next to its customer sales point / serving area; signs shall be used to ensure customers are aware of the presence of litter bins and shall be encouraged to use them; and, all refuse from the daily activity shall be removed from the site at the end of each days' use by the concession unit. This will ensure the permission establishes the location of the proposed additional waste bins and means to ensure collection of waste from the site.
- 5.25 It has been considered there will be an element of noise associated with the location of up to 3 mobile concession units on the car park opposite the residential properties, however it has been assessed that if there are no tables or seating associated with the application then the time spent by the consumer at the units will be minimal.

In respect of the hours of use: the proposed commencement at 6am is considered too early to be acceptable for residential amenity, but the proposed "before dusk" finishing hours could be too variable or too late for acceptable amenity. Instead it is recommended to attach a condition stating the hours where the mobile units can attend the site should be from 08:00 to 18:00 Monday to Saturday during October – April, and 08:00 - 20:00 Monday to Saturday during May – September, and 08:00 to 16:00 on Sundays, which will minimise the noise associated with the units during unsociable hours.

- 5.26 It has been considered that the 2 zones located on the eastern boundary of the car park will be more desirable for the hot food and takeaway use, due to their greater distance from the dwellings. This will allow the units to cause less harm on the residential properties in respect of fumes and noise. It is assessed that there will be fumes generated from the proposed units in respect of hot food takeaway, however this is considered to be acceptable when imposing

conditions that any hot food takeaway units should be located only on the eastern boundary of the site and with the scale of the units this will not cause such a degree of harm that it would warrant recommending refusal.

- 5.27 Environmental Health Officers have provided the following recommendations:
- The applicant must provide conditions to the concessions relating to the soundproofing of any generators, or other refrigeration equipment so as not to cause a noise nuisance to any neighbouring properties.
 - Suitable separation between the users of the mobile concessions and the moving traffic must be installed and maintained.
- 5.28 It is considered that the first of these two point relates to content of landowner-unit lease agreements, however in planning terms the application is for the change of use of land only, and no details have been provided in respect of the type of mobile units used. Planning would not be able to realistically enforce any soundproofing of generators used by a range of changing concession units, nor would it be feasible to assess these.
- 5.29 It is therefore necessary to prevent the use of external generators completely in order to reduce the noise emissions and disturbance to both local residents and visitors to the area. Furthermore, many concession units have internal or integral power generation so offer better inherent noise reduction. Whilst these may create noise, it will be much less intrusive than external generators. In addition, as suggested above, a condition is recommended that any hot food takeaway units will be located on the eastern boundary of the site for reasons of fume and noise reduction, so the increased noise and activity of those units will be distanced from local residents.
- 5.30 The Environmental Health Officer's second point, requiring details of demarcating and separating the car park spaces for use by the intended unit will be requested up front prior to any approval being granted, with conditions used to ensure the use operates in accordance with these details whilst the units are present. This will ensure the units are separated from moving traffic and will mean customers should not queue in areas used by motor vehicles.
- 5.31 The conditions proposed in response to the Environmental Health concerns will help reduce the possible impacts on nearby residential properties and will minimise the issues raised relating to the mobile units causing a nuisance.

Retail and Hot Food Takeaway Use, and Food and Drink use considerations

- 5.32 LPP2 Policy R6 relates to new retail and food outlets in the form of a kiosk or stall within designated holiday accommodation areas, town centre locations or the Great Yarmouth Seafront area. The proposal does not fall within any of the areas required by the policy so does not comply specifically with this policy.
- 5.33 However, although this doesn't comply with the locational requirements of the policy, the proposal has similarities regarding the fact they will be mobile

concessions (Kiosks/stalls) and therefore has been assessed against the criteria set out at points a-d within policy R6. Throughout the assessment above it is considered that if the proposal was within the designated areas under policy R6 then the proposal would be compliant.

- 5.34 Although the location is not desirable in terms of being a use which policy R6 would expect to be sited elsewhere, on balance the proposal is considered to be capable of being supported in this location as it will not detract from uses falling within designated holiday accommodation areas, town centre locations or the Great Yarmouth Seafront area, and will complement the Gorleston seafront as a whole.
- 5.35 LPP2 Policy R7 sets out specific criteria for minimising the visual and amenity impacts of new food and drink uses. Cumulative impact has been considered to be acceptable given the absence of other such uses (other than an established ice cream van presence). Noise and disturbance is addressed by the 'amenity' considerations and proposed conditions described above, as are the potential highways, parking and access considerations. Heritage impacts and operational issues are also considered able to be controlled by conditions.

The Planning Balance

- 5.36 Due to the temporary nature of the proposal and so that it complies with policies suggested above, it is considered that the use of the car park for the mobile concessions is acceptable in principle only on the basis that it shall only take place over 190 days in any given year; this will allow the use to be temporary and not to form a permanent use within the Conservation Area nor create a sustained impact on existing food and drink outlets in defined local or high-order centres.
- 5.37 It is considered the units will bring benefits to the public in providing visitors and residents with access to facilities that are not already available at this end of the seafront, and will encourage visitors to the area, to the benefit of other tourism outlets.
- 5.38 Although there is a conflict with development plan policy and a small degree of harm to the conservation area designated heritage asset, it is considered that the benefits of the proposal do collectively outweigh concerns about the impacts on the conservation area when considering and taking into account the temporary nature of the use and the restrictions proposed to be imposed.

Conclusion

- 5.39 The application will see a change to the existing car park and will allow 3 no. concession units, the existing site has had a singular mobile takeaway coffee unit on site over the past year and the comments received by the Local Planning Authority shows this has had a level of success.

- 5.40 The proposal will result in a temporary use of at least 6 car park spaces however this is considered acceptable due to the scale of the car park and the surrounding area. The impact upon the residential properties have been considered and overall, the proposal is not considered to detrimentally harm the amenities afforded to the residential properties. The application is considered to offer facilities not currently on offer up the southern end of the sea front and will expand the tourist facilities on offer outside of the development limits and holiday accommodation areas.
- 5.41 It is considered that the proposal is contrary to core policy CS7 and Local Plan part 2 R1 however when assessing the application and the public benefit of the proposal and the temporary nature of the application it has been considered to outweigh the negative impacts the proposal has including on the conservation area. The proposal partially complies with the aims set out in Local Plan Part 2 policy R6 and is consistent with policy R7 and the aims set out in Core Policies CS6, CS8 and CS16.

Local Finance Considerations

- 5.42 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.

6. RECOMMENDATION:-

- 6.1. It is recommended to **Approve** the application, as it satisfies the criteria of adopted policies R7, L2 and A1 of the Local Plan Part 2 and is consistent with the aims set out in Core Policies CS6, CS8 and CS16. Whilst recognising that it falls short on complying with Core Policy CS7 and Local Plan Part 2 Policy R1 and E5, when assessed on balance it is considered the public benefits the application brings are sufficient to enable a recommendation to approve the application.
- 6.2. Approval is recommended subject to the conditions suggested below.

Proposed Conditions:

- 1) Commence permission within 3 years.
- 2) In accordance with approved plans:

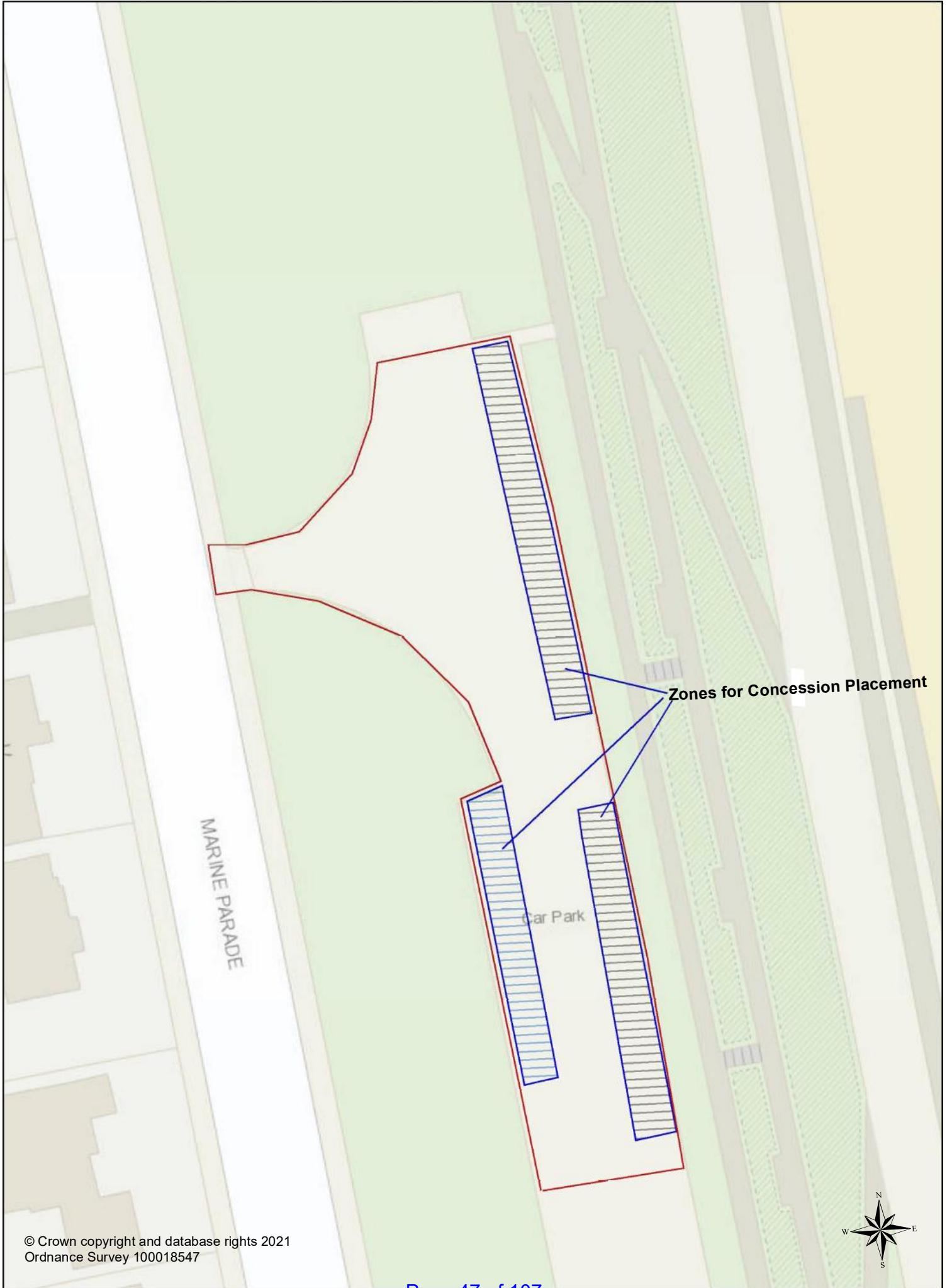
- Example and dimensions of stall areas - MH/10023464346
- Application Plan and Concession Zones

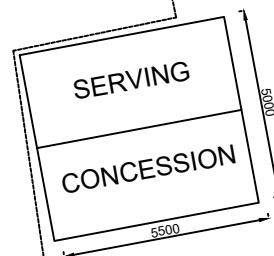
- 3) Only 3 concession units shall occupy the car park at any one time.
- 4) The car park shall only be used by mobile concession units for a total of (up to a maximum) 190 days in any calendar year, and a log of all usage shall be maintained by the applicant and shall be made permanently available for inspection at any time by the Local Planning Authority.
- 5) Mobile units providing hot food takeaway use (*sui generis* use) shall be located only in the 2 zones proposed on the eastern side of the car park, and hot food takeaway uses shall not be located within the zone on the western boundary at any time.
- 6) The mobile concession units hereby approved shall not be larger than one demarcated parking space measured at 2.5m wide by 5.5m length and shall occupy only one space at a time and shall only be sited within a single parking space at any one time.
- 7) The mobile units using the car park shall not exceed 2m in height.
- 8) The use hereby permitted shall not take place outside the hours of:
08:00 - 18:00 Monday to Saturday during October – April;
08:00 - 20:00 Monday to Saturday during May – September;
08:00 - 16:00 on any Sunday, and Bank or Public Holidays.
- 9) All mobile units shall be removed from the car park when not in use. No mobile units shall be left anywhere within the car park outside the permitted hours of use.
- 10) No mobile units using the car park shall have any externally located generators.
- 11) The use shall be undertaken in accordance with the details to be provided that will show detailing and demarcating the areas for the mobile units to use.
- 12) The use shall be undertaken in accordance with waste management plan details to be provided before the grant of permission, which shall include details on refuse provision, collection and signage for customers.
- 13) There shall be no signage, banners, separate stalls, picnic benches, tables and chairs associated with the use without express permission from the Local Planning Authority.

And any other conditions considered appropriate by the Development Manager.

Appendices.

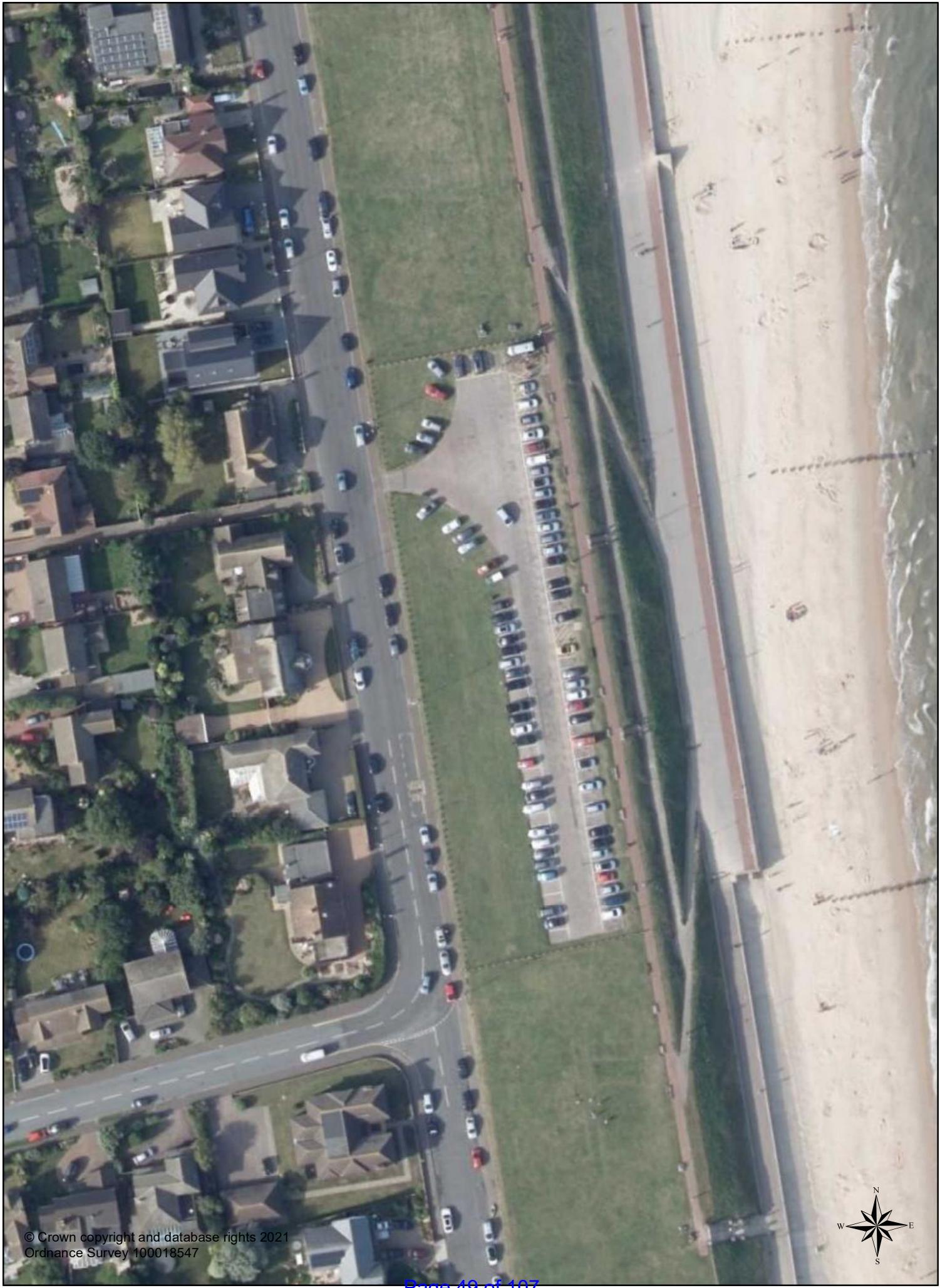
- 1) Application Plan and Concession Zones.
- 2) Example of Concession area - MH/10023464346Photograph.
- 3) Aerial Photo of the car park.





Car Park

DRAWING ISSUE	PLANNING
BOROUGH OF GREAT YARMOUTH Great Yarmouth Borough Council	
Property and Asset Management Greyfriars House Greyfriars Way Great Yarmouth, NR30 2QE	
Issued For	<input type="checkbox"/> Comment <input type="checkbox"/> Tender <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Construction
Client	Great Yarmouth Borough Council
Project	3 x Concessions Car Park Marine Parade Gorleston
Project No	MH/10023464346
Drawing Title	Block Plan
Scales	Block Plan 1:200
Planning Ref	
Building Ctl Ref	
Drawing No	MH/10023464346 / 001
Print Size	A4
Date	December 2021
Drawn	RJ Cavender
Revisions	Date



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Ordnance Survey 100018547

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Great Yarmouth Borough Council

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

Marine Parade - Car Park

1:1,000

Reference: 06/21/0984/F

Parish: Great Yarmouth

Officer: Robert Parkinson

Expiry Date: 20.04.2022

Applicant: Mr W Abbott, Observation Wheel UK Ltd

Proposal: Proposal erection of a 50m high observation wheel - including supporting structures, decking, ramp access and a ticket office - continuous permission for a period of 3 years from 1st February 2022 until 1st February 2025 - this includes provisions to install / derig the proposal

Site: South Beach Gardens, Marine Parade (east of The Royal Hotel, 4 Marine Parade, and north of the Sea Life Centre)

Procedural note: This application is brought before the Development Control Committee as a connected application by virtue of the application site being land owned by Great Yarmouth Borough Council.

The applicant has served 'Certificate B' notice on the landowner as required by Articles 13 & 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the application has been reported to the Monitoring Officer on 23rd February.

REPORT

1. The site

- 1.1 The application site is positioned on Marine Parade which forms the main tourism destination for the town of Great Yarmouth. The site is located within and at the southern end of the South Beach Garden, and is a mixture of hard standing, pavements and grassed areas of public amenity land.
- 1.2 Neighbouring uses / buildings include the Sea Life Centre and Winter Gardens to the south, the remainder of South Beach Garden to the north (which is also the site of an approved 'Slingshot' tourist attraction' [see 'planning history' below]), and the Marina Centre further to the north of that. Buildings to the west include the various hotels, restaurants, kiosks and business of the seafront.

2. Site constraints / context

- 2.1 The South Beach Garden adjoins the beach and is an area of formal open space with low level landscaping and with views out towards the sea. The site is within the No. 16 Seafront Conservation Area.
- 2.2 Following adoption of the Local Plan Part 2 (LPP2), the site is within the defined Great Yarmouth Seafront Area, relevant to LPP2 policy GY6.

3. Proposal

- 3.1 The application seeks permission to erect and operate a mobile 'Observation Wheel' tourist attraction, measuring 50m in diameter and orientated east-west.
- 3.2 A discrepancy between measurements shown on the submitted plans has been noticed which the applicant is investigating and Committee will be updated at the meeting. As submitted, the centre of the wheel will be approximately 25m above ground level. The overall height is therefore approximately 55m-60m above existing ground levels.
- 3.3 A discrepancy between plans has been noticed which the applicant is investigating and Committee will be updated at the meeting. As submitted, the main dimensions of the proposal are:
 - Ground level platform rising to 3m tall and ticket office building of 4m height.
 - Canopy above the platform base of 5m height.
 - The centre of the rotating wheel axel appears to be 32-33m above existing ground levels.
 - Wheel diameter without gondolas = 50m.
 - Overall height above ground = 62m.
- 3.4 The wheel is constructed of steel spokes and four external supporting legs spanning from the centre axel. The wheel houses 36no. 6-person gondola 'pods', which hang freely from individual spokes which circulate around the outside of the wheel. The whole structure is proposed as being white in colour.
- 3.5 The wheel is sited above a rectangular platform base sited underneath the central portion of the wheel. This platform covers an area of approximately 17.5m x 24.5m and includes entrance and exit ramps and a 'loading bay' for passengers to access the gondolas, as well as containing the supporting leg structures. The platform is of varying height to allow more customers to access the gondolas at once via steps and ramps, so the outer edges of the base platform structure rise up to 3m height and are solid in form.
- 3.6 The ticket office is single storey with curved canopy roof, rising to 4m tall, positioned on the north side of the wheel. The platform, entrances and ticket office are covered by a curved canopy roof 5m high. The design of the structure should mean that no perimeter fencing is needed to enclose structures though details of any public queuing enclosures have not been provided.

- 3.7 Groups of up to 6 people can board a capsule gondola at a time, meaning there is capacity in theory for 216 users at any one time. The facility is said to create jobs for 6 FTE employees during the operation.
- 3.8 The hours of operation / public use are proposed as:
 - 11:00 - 21:00 Monday – Friday
 - 11:00 – 22:00 Saturdays
 - 11:00 – 21:00 Sundays, Bank and Public Holidays
- 3.9 The application seeks permission to operate and decommission the apparatus at any time for 3 years until 01 February 2025. As such there is no expectation that this will be disassembled and moved off-site during the off-season.

4. Relevant Planning History

- 4.1 The same application site was used for a similar 'observation wheel' between March and November 2021, which has since been disassembled and removed from the site.

Permission 06/21/0093/F: Approved 09 April 2021 -

Proposed construction and operation of 50m tall, 48m diameter Ferris Wheel with 36no. six person capacity gondolas, supporting platform and siting of 5no. associated temporary containers for storage and site operations; for temporary use until 14th November 2021.

- 4.2 The 2021 permission was limited to the one period of use, and was justified partly by the benefits it brought to the tourism sector in Great Yarmouth and the boost it offered to the post-pandemic economic recovery.
- 4.3 In addition to this site, permission was approved in March 2021 for a visitor attraction "Slingshot" on land at the northern end of South Beach Gardens, to the immediate north of this site (application 06/20/0554). This permission allows for use only between 1st March and 31st October, and only until 1st December 2022. Outside these periods the slingshot structure is required to be disassembled and removed from the site.
- 4.4 The Development Committee also approved a similar Giant Wheel / Ferris Wheel in 2006, on land at the former boating lake south of Nelson Gardens on South Beach Parade - permission 06/06/0441/F which has since been discontinued. The wheel within that proposal was a 65m diameter wheel, so would have been taller than the current application. There were no time limits imposed in respect of the duration of that permission so it was effectively granted as a permanent permission.

5. Consultations:-

A site notice was posted, the application as advertised in the press, and neighbouring premises were written to.

- 5.1 There have been no objections raised, and no public objections received.
- 5.2 The adjoining Sea Life Centre business has expressed its support, stating:

"I fully support this application. Having had a wheel of the same size in the same location in 2021, it was clear that this was an extra asset to the Great Yarmouth sea front and really drove some great national tourism PR and looked great. The benefit of this new state of the art wheel is that it will be an all year round operation and not just seasonal. This will help to give extra reasons for more visitors to the resort as well as providing more local, secure employment."

Conservation Officer - no objection.

- 5.3 Whilst Conservation Officers declined to comment on this occasion it should be noted that comments were supplied for the 2021 observation wheel and this proposal is slightly taller and for longer duration. Their previous comments must therefore be considered a material consideration and are described within assessment in this report.

Local Highway Authority – no objection, subject to conditions.

- 5.4 Initial concerns were expressed to the original submitted plans being proposed to oversail the public highway, but these were resolved by the revised plans. There is no objection to the revised plans, subject to condition (re no overhanging / structures to affect the highway).

Environment Agency - no objection, subject to conditions and informative notes.

- 5.5 As the proposal is in Flood Zone 3, and because as no Flood Risk Assessment (FRA) has been submitted the Agency would normally object, but in this case the applicant has provided a High Tide Document including Flood Response Plan and commitment to liaise further to secure appropriate safety measures in discussion with local authority emergency planners and the Agency. It is accepted that a full FRA would not be required due to the nature of the development, but the developer should still show how the structure will be structurally sound and safe in a flood event. The submitted flood response plan should be considered by the LPA and emergency planners.

Emergency Planner – no objection subject to conditions.

- 5.6 The applicant should provide an emergency evacuation plan or evidence that the facility will not be used in severe weather events (e.g. high winds, flood threat, rain). The High Tide Statement has subsequently been confirmed to satisfy these concerns.

Relevant Policies:

Core Strategy 2015:

Policy CS6 – Supporting the local economy

To ensure that the conditions are right for new and existing businesses to thrive and grow, there is a need to continue to strengthen the local economy and make it less seasonally dependent. This will be achieved by:

- (g) Supporting the local visitor and retail economies in accordance with Policies CS7 and CS8.

Policy CS8 – Promoting tourism, leisure and culture

To ensure the tourism sector remains strong, the Council and its partners will:

- (c) Safeguard key tourist, leisure and cultural attractions and facilities, such as ... the Sea Life Centre, Marina Centre...
- (e) Support the development of new, high quality tourist, leisure and cultural facilities, attractions and accommodation that are designed to a high standard, easily accessed and have good connectivity with existing attractions
- (f) Encourage a variety of early evening and night time economy uses in appropriate locations that contribute to the vitality of the borough and that support the creation of a safe, balanced and socially inclusive evening/night time economy
- (j) Ensure that all proposals are sensitive to the character of the surrounding area and are designed to maximise the benefits for the communities affected in terms of job opportunities and support for local services

Policy CS9 – Encouraging well-designed, distinctive places

The Council will ensure that all new developments within the borough:

- a) Respond to, and draw inspiration from the surrounding area's distinctive natural, built and historic characteristics, such as scale, form, massing and materials, to ensure that the full potential of the development site is realised; making efficient use of land and reinforcing the local identity
- b) Consider incorporating key features, such as landmark buildings, green infrastructure and public art, which relate to the historical, ecological or geological interest of a site and further enhance local character

Policy CS10 – Safeguarding local heritage assets

- (a) 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
- (b) Promoting heritage-led regeneration and seeking appropriate beneficial uses and enhancements to historic buildings, spaces and areas, especially heritage assets that are deemed at risk

Policy CS13 – Protecting areas at risk of flooding or coastal change

Policy CS16 – Improving accessibility and transport

Local Plan Part 2 (LPP2) (2021):

Policy GY6: Great Yarmouth Seafront Area

Within the 'Great Yarmouth Seafront Area' as defined on the Policies Map, the Council principally aims to:

- a. encourage year-round, sustainable tourism;
- b. encourage investment in major new tourism, leisure and entertainment facilities;
- c. resist the loss of key tourism uses to non-tourism uses;
- d. conserve the seafront's heritage assets and bring them back into viable, active use where possible;
- e. promote high quality design;
- f. maintain and improve the public realm and the area's open spaces; and
- g. manage access and traffic.

Policy A1: Amenity

Policy E1: Flood Risk

Policy E5: Historic Environment and Heritage

Other material considerations:

National Planning Policy Framework (2021):

- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenge of climate change and flooding
- Section 16 – Conserving and enhancing the historic environment

6. Assessment of Planning Considerations:

Section 38(6) of the Planning and Compulsory Purchase Act requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle of development

- 6.1 The location of the development is considered acceptable in principle as it is a commercial holiday tourist attraction / use in accordance with the designated area for such attractions (the Great Yarmouth Seafront Area) defined by the Core Strategy and Local Plan Part 2, so the use in this location is deemed policy compliant.
- 6.2 Policy CS8 of the adopted Core Strategy states the potential of the holiday industry should be maximised, and new attractions of a good quality should be

supported if they are of good design and with good access and connections to its surroundings.

- 6.3 Policy GY6 specifically encourages year-round, sustainable tourism and new investment in major new tourism, leisure and entertainment facilities.
- 6.4 Policy GY6 does recognise the need to conserve the seafront's heritage assets and so securing a high quality design of facility is essential as part of this, as is the need to maintain and improve the public realm and the area's open spaces such as South Beach Gardens.
- 6.5 As such, subject to other concerns the principle of development should be considered acceptable subject to appropriate mitigations discussed within the report.

Design and amenity

- 6.6 The white colour of the wheel and supporting structure will feel less visually intrusive, whilst at ground-floor level the sides of the 3m tall platform and the ticket office are proposed to be white to match, which can be required by condition.
- 6.7 Notwithstanding the light colour, it is considered that these are likely to appear quite dominant over a large area heavily frequented by the public, and few details have been provided by way of details of these structure walls. It is therefore considered necessary and reasonable to expect more details of the articulation of these elements, and include a scheme of public art or graphic design to be added to the sides, whilst preventing their use for advertisements. This would satisfy expectations of policies CS9, GY6 and E5 to enhance the public realm and preserve setting of heritage assets.
- 6.8 The ground-level apparatus and ticket office are arranged grouped together under a series of curved roof / canopies to provide shelter but the effect creates improved unity to the overall appearance and a consolidated whole, in contrast to former iterations which arguably appeared slightly more haphazard.
- 6.9 The proposal is not considered to significantly and adversely affect the neighbouring uses, although a temporary use limited by condition will ensure that the use can be assessed.
- 6.10 Noise is not expected to be excessive for the seafront tourist attraction area, as the process is electrically powered and no generators are needed, and no music is proposed; these can also be prevented by conditions.

Highways and access

- 6.11 Initially the proposed siting as first submitted would have seen the wheel and gondolas oversail the public highway along the Marine Parade promenade, but

the proposal was since revised and moved 6m east to avoid the public highway, and oversailing is now only experienced on the east side of the site.

- 6.12 The revised plans have removed the immediate danger or obstruction caused by oversailing the public highway, so vehicle access will not be impeded.
- 6.13 The wheel is to be orientated east-west and so the scale of the wheel means that gondolas do 'oversail' some of the north-south walkways, but these are at least 5m high so pedestrian movement is not impeded.
- 6.14 Although the platform structure occupies a large area of the public garden there will remain a good inter-connection of paths across and within the site to minimise the disruption to pedestrian movement or interconnectivity of shops and services with the beach for example. Officers are not aware of any accessibility problems caused by the stationing of the 2021 wheel in this location, and local businesses have anecdotally suggested the attraction bought tourism benefits through 'linked visits'.
- 6.15 There is a good availability of public car parking in the area, public transport is good and the site is easily recognisable and accessible for pedestrians so the highways impacts of this tourism attraction are not considered significant.

Historic Environment

- 6.16 The development is within the Seafront Conservation area (No 16) and the South Beach Gardens make an important contribution to the setting of the historic frontage and the appearance of the conservation area as well as being an important part of the public realm. There would be visual scarring and damage caused to this area by the installation of such a structure for 3 years.
- 6.17 In terms of design, the structure is of significant and overwhelming scale far taller than the surrounding townscape. Whilst of modern, sleek appearance, the proposal is nevertheless considered significantly different from the historic character of the surrounding area, which includes some fine examples of Victorian and Edwardian architecture, including the impressive Windmill Theatre facing the site. However, the seafront character is mixed overall, and one of the main characteristics of the area includes the modern, eclectic forms of attractions such as the rides and similar facilities at the Pleasure Beach and Joyland, elsewhere on the seafront. These all add to the vibrancy of the area, contributed to by the amusement features along Marine Parade.
- 6.18 It is noted, as per the Conservation Officer's concerns, that a permanent placement of the wheel would cause a longer detrimental impact to the historic character overall, and the proposal will partly obscure some significant views, such as those towards the Winter Gardens when approaching from the north. However, considering the high quality of design, the inter-visibility through the structure, and the prevailing temporary character of the development, it is considered that the wheel will stand apart and be seen in a completely different

content to the heritage of the area, and this level of harm can be assessed to be "less than substantial harm" in the terms of the NPPF Paragraph 202.

- 6.19 Furthermore, the proposed white colour is suggested to by the applicant to make the structure a distinct artefact rather than a pastiche, providing clarity as to the wheel's temporary status and perhaps being more palatable to the general public. Whilst there is no suggestion from Officers that the wheel should in any way attempt to fit into the surroundings, there is merit to the idea that it appears alien enough to be distinct from the heritage value of the Borough townscape.
- 6.20 It is noted that the 'slingshot' proposal to the north has a temporary permission only, which was a pre-requisite for the acceptance of that structure by both the Conservation Officer and Historic England, the principles of which would also apply to his site.
- 6.21 No lighting on the wheel is proposed or indicated, and conditions can be used to ensure than any such proposals are agreed by the LPA, with an expectation that these will be static and not flashing, so the impact at night will be minimal and there should be no confusion with sea navigation.
- 6.22 Whilst the wheel would be compatible with the changing nature of the immediate seafront, its impact has been seen to be far-reaching across the flat landscape and low-level profile of the Borough and setting of the Broads landscapes.
- 6.23 Once installed, however, it takes on a permanent appearance, especially when the traditional tourism season ends. A temporary permission is necessary to ensure the wheel does not detract from the heritage value of the area on a permanent basis, even the defined seafront area; although three years is still a considerable period of time, it is nevertheless considered that the structure will continue to be read separately from both the urban environment and the wider landscape of the Borough and its surroundings.

Flood risk

- 6.24 The site is within Flood Zone 3 but it is not considered necessary to require the applicant to undergo a sequential test to explore alternative locations of lower risk for the development given the encouragement for such uses under policy GY6. Although a Flood Risk Assessment has not been provided sufficient alternative arrangements are made to ensure there is appropriate safety considerations and emergency plans in place. As with the 2021 proposal where the Environment Agency took the view that the vulnerability of the use to coastal flooding would not change, being a 'less vulnerable' use, there is no objection as long as the proposal includes a Flood Response Plan to be prepared and implemented.
- 6.25 Unlike the 2021 wheel and the neighbouring 'slingshot' permission, it is not proposed to dismantle or remove the structure out-of-season (Oct-March)

meaning the proposal will be able to be in operation during the winter months which often have more severe weather and greatest risk of coastal flooding. The development is unlikely to affect existing drainage / surface water flows.

- 6.26 The submitted High Tide Action Plan forms a suitable Evacuation Plan which shall be required to be used at all times to ensure there are appropriate flood warnings received to staff on-site.

Economic and Tourism impacts

- 6.27 It is considered that the proposal will provide an attraction which will improve the overall visitor appeal of the town. The attraction will have good connections to the wider holiday uses. It is not considered that the proposal will reduce the wider viability of the holiday centre by undermining existing businesses or other uses in the vicinity; if anything, this attraction is likely to boost footfall and encourage more visitors to the town to the benefit of other business.
- 6.28 Access to the beach / seafront is maintained, and the development should not interrupt the busy flow of pedestrians and holiday makers in the area.

Other material considerations

- 6.29 It is noted that the previous permission for a giant wheel at South Beach Parade considered the implications for air traffic and the defence estates safeguarding service due to the height of the structure. Whilst the wheel is at least 50m in height the nearby wind turbines at Scroby Sands are said to be 67m tall, so there are unlikely to be significant implications other than the need to advertise pilots of lower-flying aircraft such as helicopters etc and temporary updates to charts and mapping records. As with the former wheel, the developer can be required by condition to notify the defence estates and National Air Traffic Control (including Norwich Airport).
- 6.30 Similarly the Port Authority sought precautions with the former wheel, and these can be replicated in this instance.
- 6.31 It is noted that the 2006 permission for an observation wheel was for a height of 68m and that gave rise to concerns over television and other mobile communication signals. Whilst that concern was addressed by conditions, it is not considered necessary in this occasion due to the subsequent changeover to digital and fibre technologies for television, radio and broadband, and no such concerns have been raised through the consultation on this application or the 2021 permission.

Local Finance Considerations

- 6.31 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 The minor level of heritage harm and impact on the appearance of the seafront and overall historic nature of the town is considered to be outweighed by the economic benefits and the importance of social recreation, boosting the town's recovery from the Covis-19 pandemic and enhancing the town's reputation and attraction as a 'staycation' destination. As a temporary facility until November 2021 the heritage, design impacts and loss of useable public open space are all considered to be accepted as a consequence of gaining enhanced tourist attractions and boost to the seasonal economy.

8. Conclusion

- 8.1 The benefits of installing the wheel as a visual attraction within the sea front, and the benefits the temporary use will bring for the tourism economy, will help boost the attraction of Great Yarmouth and the wider Borough over the next 3 years as the economy continues to recover. Immediate jobs creation may be modest but the benefits are wider through linked trips and encouragement to invest in the town. As a tourist destination it will complement the regeneration taking place within the town, and in some respects will provide an alternative focus for visitors whilst regeneration works are ongoing.
- 8.2 Its role within the sea front should remain temporary, however, whilst there are other initiatives being concluded such as completion of the Marina Centre, the Gorleston seafront masterplan project, and the ambitions of the Local Plan Part 2 which should all be given time to be realised. Notwithstanding that the application has requested a 3 year and 'seasonal' permission, it is not considered appropriate to entertain a longer permission anyway, given the need to monitor economic benefit and heritage impact.

9. RECOMMENDATION: -

Approve - The proposal complies with the aims of Policies CS1, CS6, CS8, CS9, CS10, CS13 and CS16 of the Great Yarmouth Core Strategy, and also Policies GY6, A1, E1 and E5 of the Local Plan Part 2.

Subject to the following conditions:

1. This permission shall expire on 01 February 2025. By this date the use shall be discontinued and the structure and its associated equipment including the kiosks, shipping containers, stores, platform, fencing and all associated infrastructure shall be removed from the site and the site and garden land shall be returned to its previous state and restored with replacement landscaping as necessary within two months of the cessation of the use.

The reason for the condition is:-

The time limited restriction is imposed in order to retain control over the use of the site, to ensure that the detrimental impact on heritage assets is temporary and repairable, and in the interest of the amenities of the locality.

2. The development shall be undertaken in strict accordance with the revised plans and details.

All works shall be completed before the Wheel is first brought into use and thereafter shall be maintained in accordance with the approved scheme, unless otherwise first agreed in writing with the Local Planning Authority.

The reason for the condition is :-

In the interests of the appearance of the visual amenities of the locality and the appearance of the Seafront Conservation Area.

3. There shall be no use of the development hereby permitted until the ticket office and sides of the platform structure have first been painted white to match the colour of the wheel and its supporting structure, which shall be retained as such thereafter.

The reason for the condition is :-

In the interests of the appearance of the visual amenities of the locality and the appearance of the Seafront Conservation Area.

4. There shall be no use of the development hereby permitted until a scheme for providing detail and articulation to the external walls of the platform structure has first been submitted to and approved in writing by the Local planning Authority, which shall be installed in accordance with the approved details prior to the first use of the development, and which shall be retained as such thereafter.

The reason for the condition is :-

In the interests of the appearance of the visual amenities of the locality and the appearance of the Seafront Conservation Area and to provide a high quality of design and visual interest to support the tourism economy and reflect the heritage of the area.

5. There shall be no use of the development hereby permitted until a scheme for providing public art or graphic designs at the development, for example upon the external walls of the platform structure, has first been submitted to and approved in writing by the Local planning Authority, which shall be installed in accordance with the

approved details prior to the first use of the development, and which shall be retained as such thereafter.

The reason for the condition is :-

In the interests of the appearance of the visual amenities of the locality and the appearance of the Seafront Conservation Area and to provide a high quality of design and visual interest to support the tourism economy and reflect the heritage of the area.

6. In the event of the observation wheel ceasing to be operational for any longer than 21 consecutive days, the use hereby permitted shall cease on the site and the structure and equipment constructed or brought onto the land in connection with the use shall be removed within 3 months of the use ceasing.

The reason for the condition is :-

To ensure in the event of the observation wheel falling out of use that the site is left in a satisfactory condition.

7. There shall be no use of the development hereby permitted until all staff and operatives have first been made aware of the requirements to comply with the measures set out in the submitted High Tide Action Plan, and have first received training to implement the Flood Evacuation Plan. The High Tide Action Plan and Evacuation plan shall thereafter be maintained and retained in accordance with those submitted details for the duration of the development.

The reason for the condition is :-

In the interests of the safety of the public and site operatives in the event of extreme weather and/or flooding.

8. There shall be no use nor installation of any flashing or strobe lighting or advertisements added within the development hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

The reason for the condition is :-

In the interests of the visual amenities of the area and to ensure any lighting does not compromise navigational safety for vessels at sea and to maintain residential and neighbouring amenity.

9. There shall be no use nor installation of any amplified sound systems within the development hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

The reason for the condition is :-

In the interests of maintaining residential and neighbouring amenity.

10. There shall be no use nor installation of any advertisement or signage on the

development hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

The reason for the condition is :-

In the interests of maintaining residential and neighbouring amenity.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no fencing of any type or height shall be installed or erected or used in association with the development hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

The reason for the condition is :-

In the interests of highway safety and pedestrian movement and visual amenity.

12. The observation wheel shall not be operational outside the following times:-

- 11:00 - 21:00 Monday – Friday
- 11:00 – 22:00 Saturdays
- 11:00 – 21:00 Sundays, Bank and Public Holidays

The reason for the condition is :-

In the interests of neighbouring amenity and in accordance with the application form.

13. No part of the proposed structure (the observation wheel, including any support frames and platform etc.) shall overhang or encroach upon highway land and no gate/barriers, etc, shall be erected on the highway or door shall open outwards over the highway.

The reason for the condition is :-

In the interests of highway safety.

14. There shall be no use of the development hereby permitted until the applicant has first notified the Defence Estates Safeguarding service, and the National Air Traffic Control Service (Norwich Airport) of the following information:-

- a) precise location of development
- b) dates of intended use period and decommissioning
- d) the height above ground level of the tallest structure
- e) the maximum extension height of any construction equipment
- f) details of any illumination of the site

The reason for the condition is :-

To ensure that aeronautical charts and mapping records can be updated.

(Note - Defence Estates Safeguarding can be contacted at Kingston Road, Sutton Coldfield, West Midlands B75 7RL; and National Air Traffic Control is based at Norwich Airport).

INFORMATIVE NOTES

1. 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 applicant's title plan.

For further details please contact the highway research team at highway.boundaries@norfolk.gov.uk.

2. 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.

And any other conditions considered appropriate by the Development Manager.

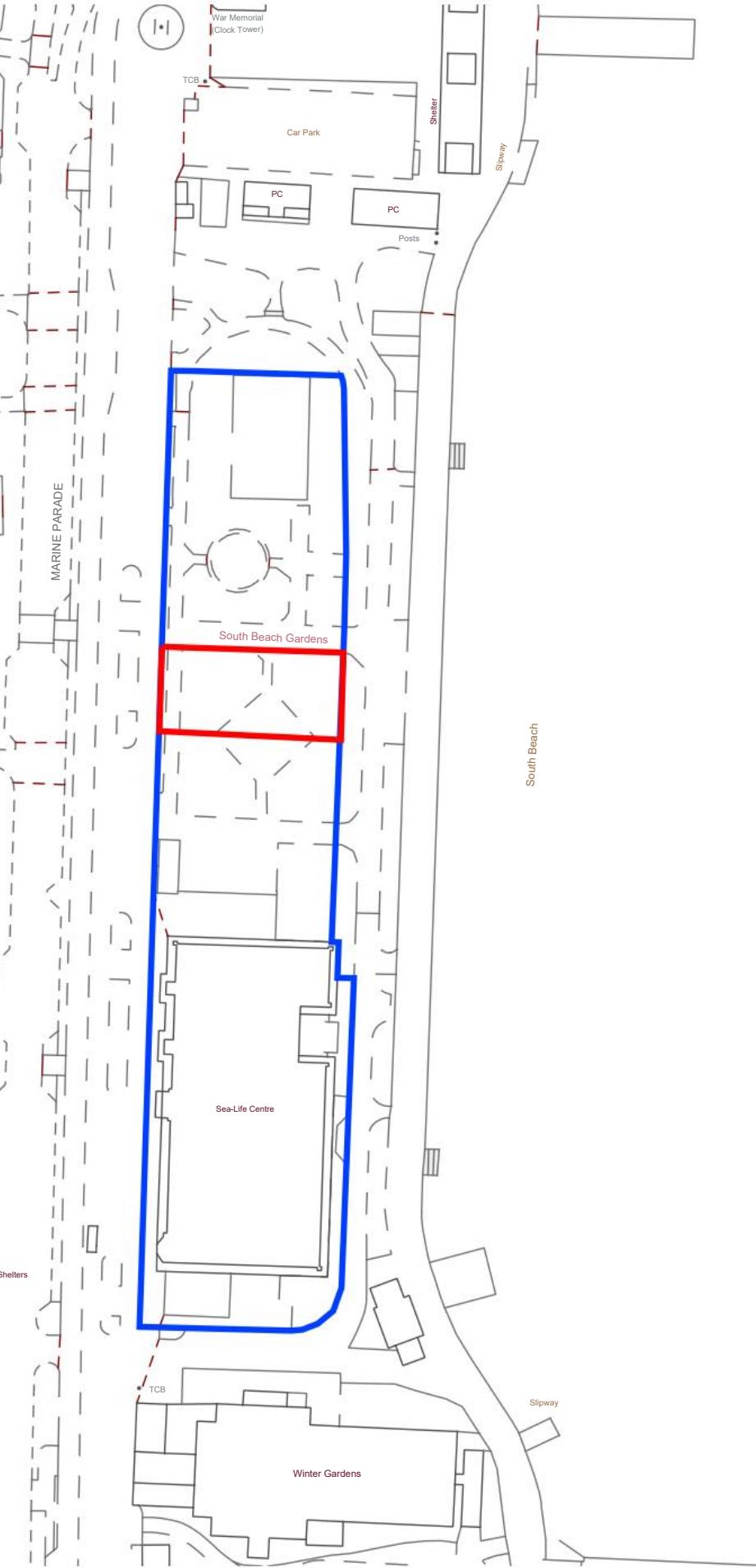
Appendices:

- 1) Site Location Plan
- 2) Proposed Site Layout Plan
- 3) Proposed Elevations - East & West
- 4) Proposed Elevations - North & South
- 5) Artists Impressions



SITE LOCATION PLAN

1:1250



1:1250

NOTES

ALL DIMENSIONS ARE TO BE CHECKED ON SITE

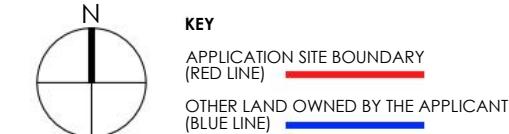
THIS DRAWING SHALL NOT BE SCALED TO ASCERTAIN ANY DIMENSIONS WORK TO FIGURED DIMS ONLY

RESTRICTIONS ON PUBLICATION: NEITHER THE WHOLE OR ANY PART OF THE REPORT NOR ANY REFERENCE TO IT MAY BE INCLUDED IN ANY PUBLISHED DOCUMENT, CIRCULAR OR STATEMENT NOR PUBLISHED IN ANY WAY WITHOUT WRITTEN APPROVAL OF THE DIRECTOR OF OBSERVATION WHEEL UK.

THIS SHALL INCLUDE RESTRICTIONS ON THE FORM AND CONTEXT IN WHICH IT MIGHT APPEAR.

CONFIDENTIALITY: THE DRAWING WILL BE PROVIDED FOR THE STATED PURPOSE AND FOR THE SOLE USE OF THE NAMED CLIENT ONLY. IT WILL BE CONFIDENTIAL TO THE CLIENT AND THE CLIENT'S PROFESSIONAL ADVISERS.

0 10 20 30 40 50 m



P1 30.11.21 Issued for Planning

STATUS STAGE 3 - PLANNING



Client: Observation Wheel UK Ltd

Proposal: Observation Wheel

Location: SEALIFE CENTRE Great Yarmouth

Drawing No: AL-10-001

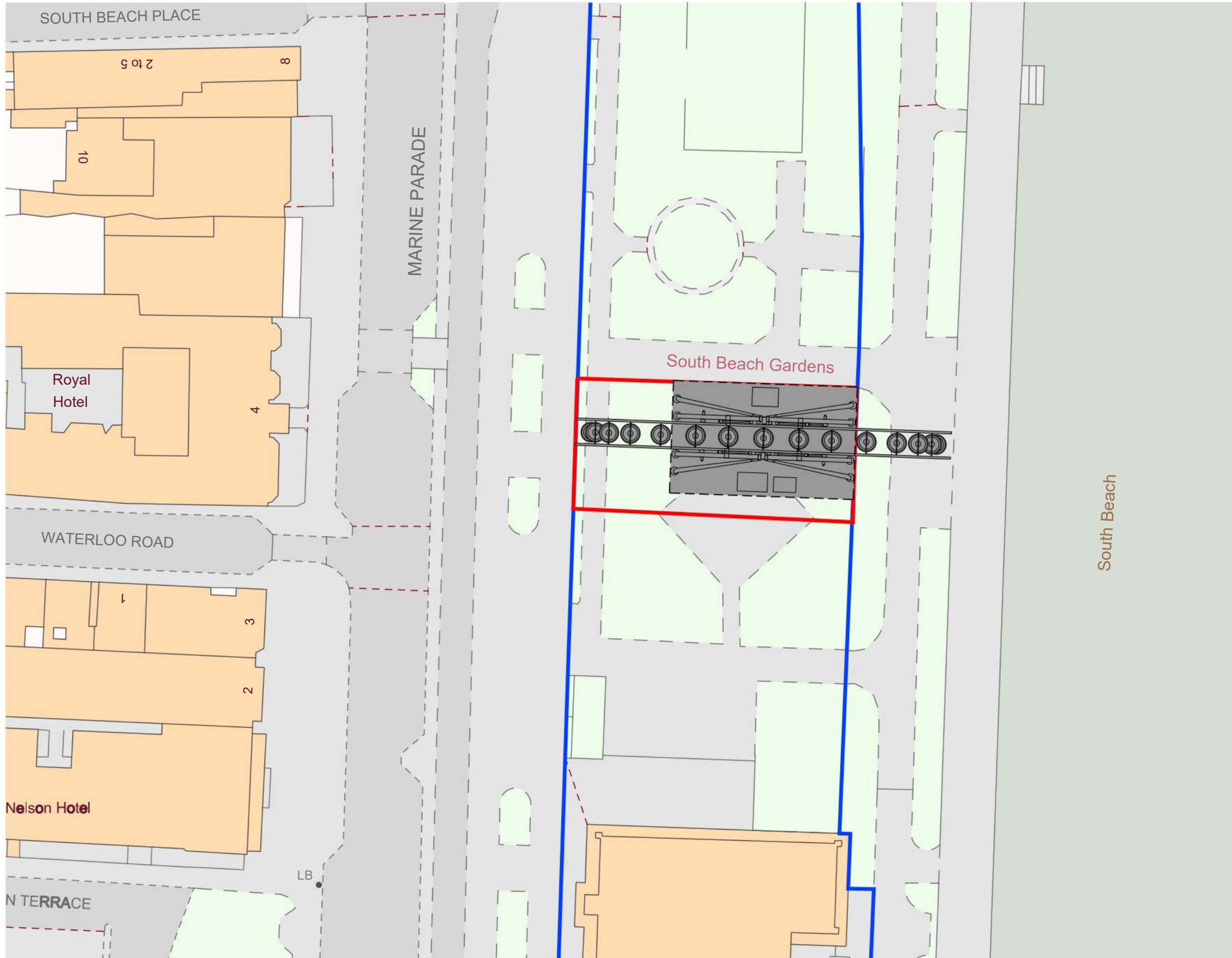
Drawing Name: Site Location Plan

Revision: P1

Scale: 1:1250 @ A3

Date: October 2021

Drawn: MS Checked:WA



NOTES

ALL DIMENSIONS ARE TO BE CHECKED ON SITE

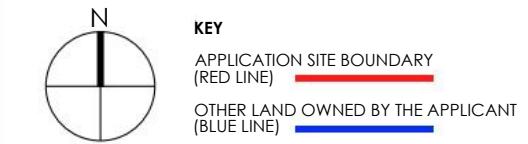
THIS DRAWING SHALL NOT BE SCALED TO ASCERTAIN ANY DIMENSIONS WORK TO FIGURED DIMS ONLY

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0 10 20 30 40 50 m



P2 22.12.21 Wheel m'vd to highway edge
P1 30.11.21 Issued for Planning

STATUS STAGE 3 - PLANNING



Client: Observation Wheel UK Ltd

Proposal: Observation Wheel

Location: SEALIFE CENTRE Great Yarmouth

Drawing No: AL-20-001

Drawing Name: Proposed Site Plan

Revision: P2

Scale: 1:500 @ A3

Date: October 2021

Drawn: MS Checked:WA

NOTES

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P1 30.11.21 Issued for Planning

STATUS STAGE 3 - PLANNING



Client: Observation Wheel UK Ltd

Proposal: Observation Wheel

Location: SEALIFE CENTRE Great Yarmouth

Drawing No: AE-20-002

Drawing Name: Proposed Elevations - East and West

Revision: P1

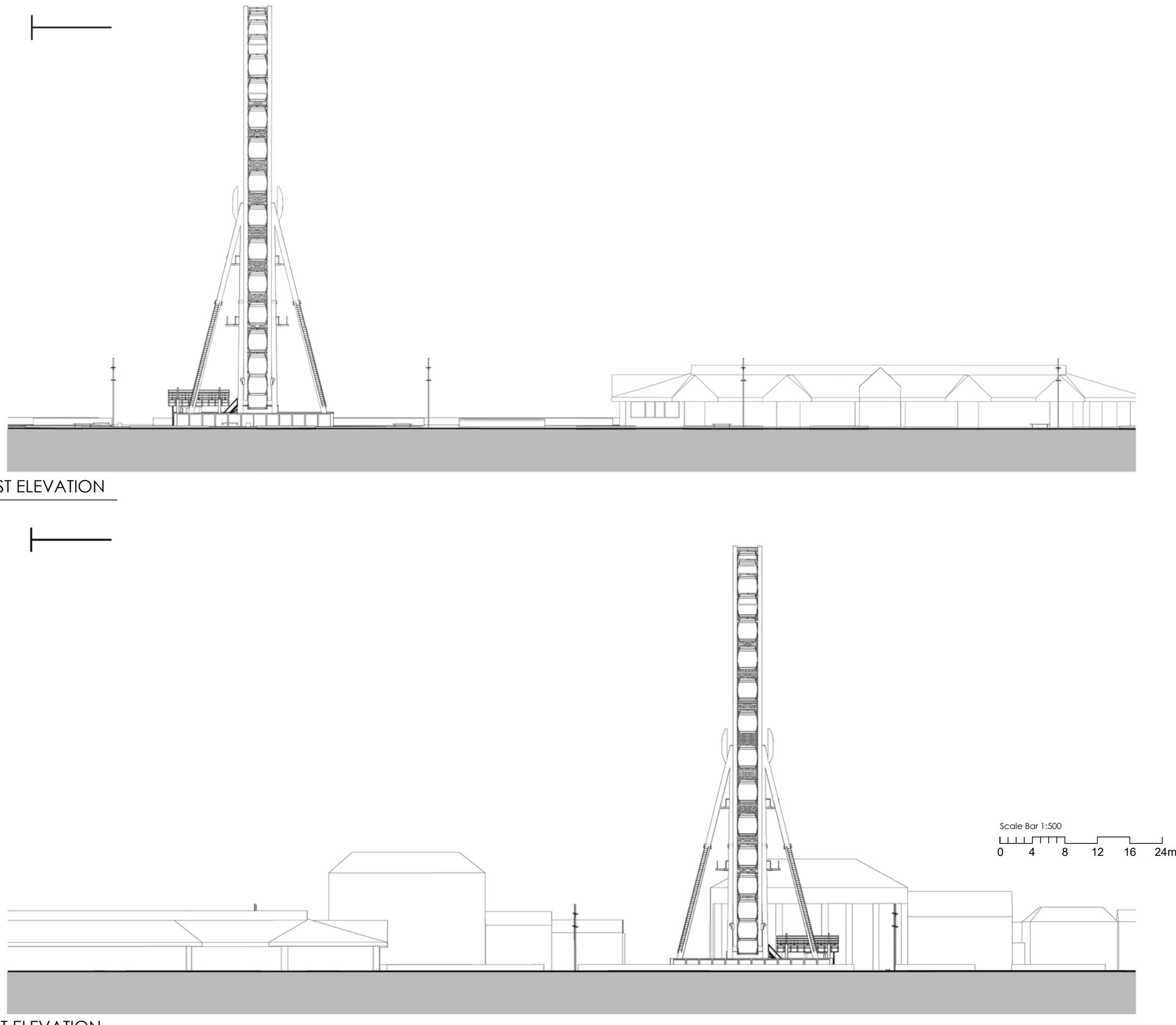
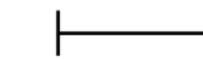
Scale: 1:500 @ A3

Date: October 2021

Drawn: MS Checked:WA



1
WEST ELEVATION
1:500



2
EAST ELEVATION
1:500

Drawn: MS Checked:WA

NOTES

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P1 30.11.21 Issued for Planning

STATUS STAGE 3 - PLANNING



Client: Observation Wheel UK Ltd

Proposal: Observation Wheel

Location: SEALIFE CENTRE Great Yarmouth

Drawing No: AE-20-001

Drawing Name: Proposed Elevations - North & South

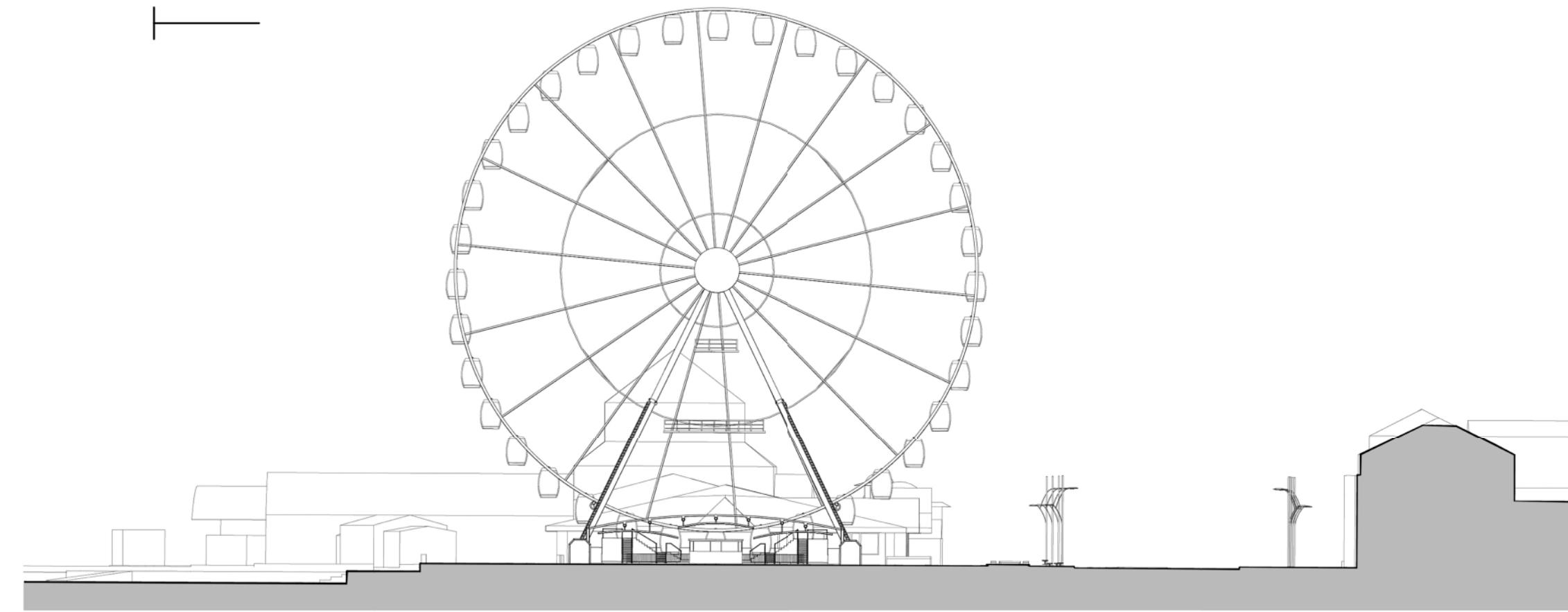
Revision: P1

Scale: 1:500 @ A3

Date: October 2021

Drawn: MS Checked:WA

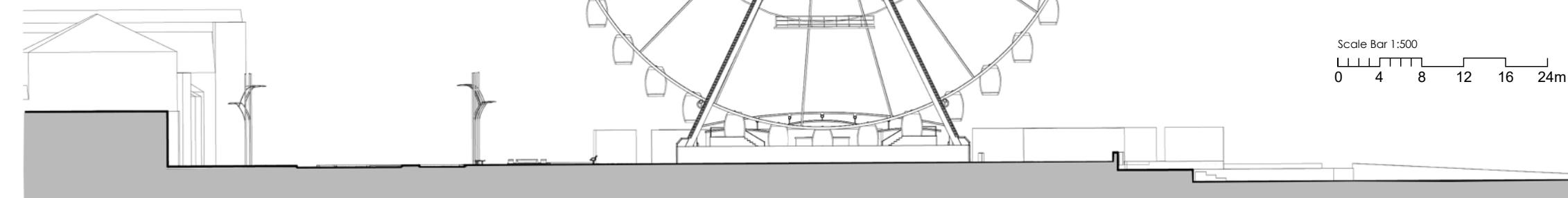
1



NORTH ELEVATIONS

1:500

2



SOUTH ELEVATION

1:500

Scale Bar 1:500
0 4 8 12 16 24m

NOTES

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P1	30.11.21	Issued for Planning
STATUS	STAGE 3 - PLANNING	
		
Client:	Observation Wheel UK Ltd	
Proposal:	Observation Wheel	
Location:	SEALIFE CENTRE Great Yarmouth	
Drawing No:	AV-20-001	
Drawing Name:	Proposed 3D Artists Impressions	
Revision:	P1	
Scale:	NTS @ A3	
Date:	October 2021	
Drawn:	MS	Checked:WA



APPLICATION APPEALS DETERMINED BETWEEN 25-JAN-22 AND 23-FEB-22

Reference : **06/20/0438/F**

Unique No. 1173

Appellant : Mr J Maitland

Site :

Asda
Acle New Road
GREAT YARMOUTH
(land adjacent)

Proposal :

Removal of condition 1 and
variation of conditions 2, 3
and 6 of planning permission
06/19/0180/CU

Decision : ALL

Reference : **06/21/0466/A**

Unique No. 1177

Appellant : Mr Gary Cockerill

Site :

Waveney Mills
Southtown Road
GREAT YARMOUTH
Norfolk

Proposal :

See Application Form

Decision : ALL

Reference : **06/20/0113/F**

Unique No. 1179

Appellant : Mr Barry Smith

Site :

Land at Plane Road
Gorleston
GREAT YARMOUTH

Proposal :

New dwelling on land at Plane
road

Decision : DIS

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 : **06/21/0136/F**

Unique No. 1181

Appellant : Mr and Mrs Souster

Site :

Oak Farm
Court Road Rollesby
GREAT YARMOUTH
(land west of)

Proposal :

Erection of 1No. detached
single storey dwelling with
integrated garage and
garden/amenity space.

Decision : DIS

APPLICATION APPEALS DETERMINED BETWEEN 25-JAN-22 AND 23-FEB-22

Reference : **06/21/0137/O**

Unique No. 1174

Appellant : Mr R Edwards

Site :

Land south of Short Road
Browston
GREAT YARMOUTH
Norfolk

Proposal :

The demolition of a stable
and the erection of a
dwelling

Decision : DIS

Reference : **06/20/0629/F**

Unique No. 1172

Appellant : Mr and Mrs Claire Smith

Site :

96 Victoria Road
Gorleston
GREAT YARMOUTH
Norfolk

Proposal :

Ground floor rear extension
with re-roof to include
accommodation over.

Decision : DIS

***** END OF REPORT *****



Appeal Decision

Site visit made on 13 January 2022

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 FEBRUARY 2022

Appeal Ref: APP/U2615/W/21/3272101

Land adjacent to Asda, New Acle Road, Great Yarmouth NR30 1RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr J Maitland against the decision of Great Yarmouth Borough Council.
- The application Ref 06/20/0438/F, dated 20 August 2020, was approved on 6 November 2020 and planning permission was granted subject to conditions.
- The development permitted is "Removal of condition 1 and variation of conditions 2, 3 and 6 of planning permission 06/19/0180/CU".
- The condition in dispute is No 1 which states that: "*This permission expires on 6th November 2025 and unless on or before this date application has been made for an extension to the period of permission and such application is approved by the Local Planning Authority the use shall be discontinued.*"
- The reason given for the condition is: "*In order to retain control over the use of the site until the effects of the proposal have been experienced and in the interest of the amenities of the locality.*"

Decision

1. The appeal is allowed and the planning permission Ref 06/20/0438/F for removal of condition 1 and variation of conditions 2, 3 and 6 of planning permission 06/19/0180/CU at land adjacent to Asda, New Acle Road, Great Yarmouth NR30 1RL granted on 6 November 2020 by Great Yarmouth Borough Council, is varied by deleting condition 1.

Application for costs

2. An application for costs was made by Mr J Maitland against Great Yarmouth Borough Council. This application is the subject of a separate Decision.

Background and Procedural Matters

3. Planning permission¹ was first granted in May 2014 for a change of use of the site to storage of pipes and metals. That permission was for a 5 year period. An extension to that time period was subsequently granted, which expires in May 2024.² The use for storage of pipes and metals had ceased by 2020.
4. In October 2019 a temporary permission³ for a 2 year period for use as open storage was granted but I understand that the site was not immediately used for that purpose. The appeal application sought to remove condition 1 and to

¹ 06/14/0132/CU

² 06/18/0212/F

³ 06/19/0180/CU

vary conditions 2, 3 and 6 of the 2019 permission. The application proposed use of the site for storage of containers.

5. This submitted details of storage containers and lighting together with an updated Habitats Regulations Assessment (HRA). Permission was granted for the variation of conditions 2, 3 and 6 in accordance with those details. Condition 1, which limited the period of the permission to 2 years was replaced by a condition imposing a 5 year time limit. It is that condition which is subject to this appeal.
6. The Great Yarmouth Local Plan Part 2 (Part 2 LP) was adopted in December 2021, after submission of the appeal. The appellant has commented on the relevant policies in that Plan. The Part 2 LP supplements the Core Strategy⁴ (CS) which together form the development plan.

Main Issue

7. The main issue is whether or not condition 1 is necessary and whether or not it meets the other tests that are set out in national policy.

Reasons

8. The site is a long and narrow area which is enclosed by palisade fencing and lies between the Asda supermarket and the A47, the latter being on a raised embankment. There are car parking areas on both sides of the supermarket and adjacent to each end of the site. Access to the site is via a road which runs to the east of the supermarket.
9. There are two rows of dark green containers which are arranged in the centre of the site. These are rented to customers for use as self-storage. There are lighting columns around the site perimeter. Solar panels are positioned above some of the containers. The approved plan shows 116 containers, 80 solar panels and a site office housed in a container next to the site entrance.
10. The site is within the Development Limits of Great Yarmouth as defined in the development plan. Policy GSP1 of the Part 2 LP supports development in principle in this area and Policy B1 of that Plan supports business development including storage subject to its compatibility with existing allocated and permitted uses in the vicinity. The storage use is compatible with the adjacent retail use and the development accords with those policies. It is in accordance with Policy CS6 of the CS which encourages the redevelopment and intensification of existing employment sites.
11. The site lies within the Waterfront area as designated in the CS. This area includes land on both sides of the Rivers Bure and Yare. Policy CS17 aims to create a unique and high quality environment for housing, shopping and offices. Proposals should seek to transform Great Yarmouth's arrival experience by developing a network of attractive, vibrant and well-connected neighbourhoods to create a new gateway to the town. The CS anticipates that regeneration of the Waterfront area will start to take place during the last six years of the Plan period, that is from 2024 to 2030.
12. Although the site is next to the A47 and visible at one of the gateways into the town, it is at a lower level than the road and partially screened from view by

⁴ Great Yarmouth Local Plan: Core Strategy 2013-2030 (2015)

trees along the embankment. To the extent that the site is seen through the trees, the lower level of the site relative to the road and the subdued colour of the containers ensure that they are unobtrusive. In the context of the bulk of the adjacent supermarket building, the containers are scarcely noticeable from that road.

13. The containers are neatly arranged in the centre of the site with hard surfacing around them and contained within the boundary fencing. The solar panels and lighting columns are limited in scale and height, the lighting columns being 5 metres high as required by condition 6 of the planning permission. The site is visible from the footpath along the river, from the railway station and from New Acle Road to the east. The development has limited visual impact however because the containers are enclosed by the boundary fencing which is limited in its extent relative to the supermarket building.
14. To the west of the site is Breydon Water which falls within The Broads Authority's administrative area. That authority did not object to the application. The Planning Officer's delegated report states that the development would not have an adverse effect on the visual amenity of the Broads and the surrounding area. The road embankment and the bridge screen the site from Breydon Water and I concur with the Planning Officer's view on this point. I find, for the reasons given that the development is visually acceptable in the context of its surroundings.
15. The Planning Practice Guidance⁵ (PPG) states that a temporary permission may be appropriate to allow assessment of the effect of the development on the area or where it is expected that the planning circumstances will change at the end of the period. The PPG goes on to state that it will rarely be justifiable to grant a second temporary permission and that further permissions can normally be granted permanently or refused if there is a clear justification for doing so.
16. The reason for condition 1 as stated on the decision refers to the Council retaining control until the effects of the development have been experienced. The site has been used for storage for approximately 7 years, firstly for storage of pipes and metals and subsequently for containers. While containers have been stored for a limited period of time there is no evidence before me that these give rise to any harmful effect, and indeed the Council does not claim that there is any such effect. An adequate period has been allowed to assess the effect of the development. On the basis that it has not resulted in any harmful effect, this would indicate that a permanent permission should now be granted.
17. There is also no evidence before me that would indicate that permanent storage use of the site would be prejudicial to the aims of Policy CS17 to regenerate the area and to create a high quality environment. While I understand that supplementary planning documents (SPD) have been produced for parts of the Waterfront area, no SPD has been produced for the part of the area including the site. The appellant points out that the location of the site beyond the supermarket together with its location in Flood Zone 3a would constrain the development options that are available. There is no evidence before me to demonstrate that the appellant's view is unrealistic.

⁵ ID: 21a-014-20140306

18. In the absence of any demonstrated harm to the character and appearance of the area, permanent use of the site for storage would not conflict with Policies CS9 and CS17 of the CS which require high quality distinctive places, or with Policy CS11 which requires safeguarding and enhancement of landscape character.
19. The site is about 50 metres from Breydon Water which is part of the Outer Thames Estuary Special Protection Area (SPA), the Breydon Water SPA and Ramsar site. This is also a Site of Special Scientific Interest (SSSI) and a Local Nature Reserve (LNR). A HRA including a shadow Appropriate Assessment has been carried out by the appellant. Natural England stated that it had no comment on the proposal.
20. The screening test carried out under the HRA concluded that storage use would have potential to pollute the designated sites. The most likely pathway for effects on the qualifying bird species would be the accumulation of toxins which could affect the health of those species and their population. The level of such effects is likely to be low in view of the limited size of the site at about 0.5ha.
21. Condition 5 of the planning permission excludes the storage of hazardous, toxic or poisonous substances at the site. That condition also restricts storage of other materials that could give rise to pollution. The lighting scheme has been demonstrated to avoid any adverse effect on the nearby habitats and condition 7 requires its retention. Subject to those conditions, I conclude that there would be no likely significant effects on both the Outer Thames Estuary SPA and the Breydon Water SPA and Ramsar site. There would be no likely adverse effect on the SSSI and LNR. The development accords with Policy CS11 of the CS which requires conservation and enhancement of designated nature conservation sites. It also accords with Policy E6 of the Part 2 LP which requires avoidance or mitigation of pollution.
22. A Flood Risk Assessment was submitted with the application which shows that the actual flood risk to the site from overtopping is high only during a 1 in 1,000 year event, allowing for climate change. In this scenario the site would be expected to flood to a depth between 0.08m and 1.58m. The assessment includes a flood warning and evacuation strategy. The development accords with Policy E1 of the Part 2 LP in this respect. The assessment was accepted by the Council and no specific concern has been raised regarding flood risk that would justify the imposition of a condition restricting the period of the permission.
23. For these reasons the limitation on the period of the permission imposed by condition 1 has not been justified as being necessary. I conclude that condition 1 is neither necessary nor reasonable. The condition therefore does not meet the tests for conditions as set out in the National Planning Policy Framework.

Conclusion

24. For these reasons I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR



Costs Decision

Site visit made on 13 January 2022

by **Nick Palmer BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 FEBRUARY 2022

Costs application in relation to Appeal Ref: APP/U2615/W/21/3272101

Land adjacent to Asda, New Acle Road, Great Yarmouth NR30 1RL

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr J Maitland for a full award of costs against Great Yarmouth Borough Council.
- The appeal was against the grant subject to conditions of planning permission for removal of condition 1 and variation of conditions 2, 3 and 6 of planning permission 06/19/0180/CU.

Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application is made on the basis that the Council introduced consideration of Policy CS17 of the Core Strategy¹ (CS) at appeal stage. This policy was not referred to in the Council's delegated report and does not appear to have been considered relevant when the application was determined. The applicant requested further information from the Council following its decision, but no final response was provided. The information requested concerned the production of a supplementary planning document (SPD) for regeneration of the Waterfront area and a development company tasked with securing regeneration.
4. The applicant states that the late introduction of these points caused him to undertake further work in connection with the appeal, whereas this would not have been necessary if these points been fully explored during the planning application process.
5. Because the site lies within the Waterfront area as identified in the CS, Policy CS17 is a relevant development plan policy. The reason given for condition 1 on the Council's decision refers to retention of control until the effects of the development have been experienced and in the interest of the amenities of the locality. Consideration of the requirements of Policy CS17 is relevant to consideration of the amenities of the locality as referred to in the reason for the condition.

¹ Great Yarmouth Local Plan: Core Strategy 2013-2030 (2015)
[Page 77 of 107](#)

6. The applicant referred to that policy in its Planning Statement submitted with the planning application. The Council does not however appear to have had regard to that policy in determining the application as it is not mentioned in the delegated report.
7. Whether or not this was the case, the Council did refer to Policy CS17 in its appeal statement and this was the correct approach. Although I appreciate the applicant's concern about an apparent change to the Council's case, this was not unreasonable behaviour.
8. Following the Council's decision, the applicant requested further information from the Council. The Council provided an initial response but did not respond to the applicant's e-mail of 26 October 2021 and did not provide the information requested. This indicates a lack of co-operation on the part of the Council which amounts to unreasonable behaviour. Further information about the production of the SPD and the development company would have been highly relevant to the applicant's case especially given the Council's focus on Policy CS17 in its appeal statement.
9. Notwithstanding this, in the absence of an SPD it seems that the Council would only have been able to provide limited information. It is not clear that the lack of cooperation by the Council in this respect necessitated any significant level of extra work or expense by the applicant in pursuing the appeal.
10. For these reasons I find that unreasonable behaviour, resulting in unnecessary or wasted expense has not been demonstrated.

Nick Palmer

INSPECTOR



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: 27 JANUARY 2022

Appeal Ref: APP/U2615/Z/21/3279761

Waveney Mills, Southtown Road, Great Yarmouth NR31 0JB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Alight Media against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/21/0466/A, dated 20 May 2021, was refused by notice dated 23 July 2021.
 - The advertisement proposed is new single illuminated 48-sheet digital advertisement display.
-

Decision

1. The appeal is allowed and express consent is granted for new single illuminated 48-sheet digital advertisement display at Waveney Mills, Southtown Road, Great Yarmouth NR31 0JB, as applied for. The consent is granted for a period of ten years from the date of this decision and is subject to the five standard conditions set out in the Regulations and to the additional conditions included in the Schedule at Annex A.

Main Issue

2. The main issue is the effect of the proposed advertisement on the amenity of the occupiers of dwellings on Plevna Terrace.

Reasons

3. The location of the proposed new advertisement is adjacent to the south-west boundary of the Waveney Mills site. It would be positioned to be visible above the boundary fence with a backdrop of siloes and other industrial structures. The advertisement would face towards Southtown Road the other side of which to the north-west are the two storey dwellings which form Plevna Terrace and immediately south of this a garage and car dealership. The surrounding area is predominantly industrial and commercial in character and appearance, with some dwellings nearby along Station Road.
 4. Views of the advertisement would only be possible from the upper floor windows of the Plevna Terrace dwellings due to boundary fencing to their rear. The terrace is at an angle to the advertisement's location and so direct views from within the rooms served by these windows would be towards the garage to the south. It would be possible to see the advertisement from positions close to
-

the windows, although the separation distance of some 75 metres and backdrop of large industrial structures means that it would not be unduly prominent in the street scene.

5. The Council's principal concern is the effects of the illumination and changing displays during the hours of darkness. I note in this regard that the appellant proposes a condition to limit the luminance level during the other hours of darkness to 300cd/m², the appropriate darkness maximum for this type of advertisement recommended in professional guidance. Moreover, conditions are proposed which would limit the extent and type of movement of the images displayed on the advertisement.
6. These controls would help to mitigate any effects of the advertisement in the views that are available and, in combination with the distance between the windows and advertisement, in terms of possible effects of light or movement being otherwise discernible within the rooms served by the rear windows. Moreover, the surrounding area includes existing ambient light from a number of street lights and other lighting associated with the industrial and commercial uses; and there is already considerable movement in front of the advertisement's location due to traffic along the busy Southtown Road. In combination with the separation distance and lack of direct views of the proposed advertisement from the dwellings' upper floor windows, these factors will provide sufficient mitigation to any potentially harmful effects that could occur to the visual amenity of the nearby residents.
7. Accordingly, for these reasons, I conclude that the proposed advertisement would not have a harmful effect on the amenity of the occupiers of dwellings on Plevna Terrace. Consequently, the appeal should succeed. I have taken into account Policy CS9(f) of the Great Yarmouth Local Plan Core Strategy 2013-2030 and Policy BNV22 of the Great Yarmouth Borough-Wide Local Plan (2001), which concern protecting residential amenity and the effects of advertisements and which, therefore, are material in this case. Given that I have concluded that the proposal would not harm amenity, it does not conflict with these development plan policies.

Conditions

8. As an advertisement is involved the consent should be subject to the five standard conditions included in the 2007 Regulations. The application is for consent for a period of ten years. While express consent is usually granted for a period of five years, this period can be shortened or extended¹. The appellant indicates that the ten year period is sought because of the high initial cost of the advertisement and that there are unlikely to be any significant changes to the locality that would have a bearing on the effects of the advertisement over this time period. For the reasons given, I see no basis not to vary the consent from the standard five years.
9. In addition to the conditions referred to above, the appellant suggests a number of conditions to ensure that the advertisements displayed do not have an adverse effect on highway safety. I agree that these are necessary in the interests of safety and note that they largely are the same as those proposed by

¹ Planning Practice Guidance, paragraph: 036 Reference ID: 18b-036-20140306.

the Highway Authority (HA). The only difference, however, between the parties is that the HA suggests a two second interval between successive displays, while the appellant proposes one second. I have had regard to the appellant's arguments in this regard, but defer to the HA's views in this particular instance, which I note in any case that the appellant is willing to accept.

Conclusion

10. For the reasons given, the appeal should succeed.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule – conditions

- 1) The luminance level of the display shall be controlled by ambient environmental control, which will automatically adjust the brightness level of the screen to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the display is maintained at a set level.
- 2) The maximum luminance of the advertisement shall not exceed 300cd/m² during the hours of darkness (dusk to dawn).
- 3) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features or equipment which would permit interactive messages/advertisements to be displayed.
- 4) The interval between successive displays shall be a 2 second (minimum) fade and the complete display screen shall change without visual effects (including swiping or other animated transition methods) between each advertisement.
- 5) The advertisement shall not contain any animation, special effects, flashing, scrolling, three-dimensional images, intermittent or video elements. No images that resemble official road traffic signs, traffic lights or traffic matrix signs shall be displayed.
- 6) The advertisement shall include controls to ensure smooth uninterrupted transmission of images.
- 7) The sequencing of messages relating to the same product is not permitted.
- 8) If the installation breaks down or is not in use it shall default to a plain, black screen.

[End of Schedule]



Appeal Decision

Site visit made on 1 February 2022

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST February 2022

Appeal Ref: APP/U2615/W/21/3279327

**Land at Plane Road, Gorleston, Great Yarmouth, NR31 8EG, 651939,
304882**

- 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 B Smith against the decision of Great Yarmouth Borough Council.
- The application Ref 06/20/0113/F, dated 6 March 2020, was refused by notice dated 5 February 2021.
- The development proposed is a new dwelling on land at Plane Road.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, the Council has adopted the Great Yarmouth Local Plan Part 2 in December 2021 (the GYLPP2), which has replaced the policies previously cited on the original decision notice. The appellant has had the opportunity to comment on the newly adopted policies and I have had regard to them in reaching my decision.

Main Issues

3. The main issues are:

- The effect of the proposed development on the character and appearance of the area;
- the suitability of the proposed parking area having regard to its usability and effects on crime and disorder; and
- the effect of the proposed development on the provision of open space.

Reasons

Character and appearance

4. The appeal proposal is sited at the end of a row of terraced properties on an area of grassed land at the corner of Plane Road and Beccles Road. The area of Plane Road in the vicinity of the appeal site has a mixed character of detached, semi-detached and terraced dwellings albeit they are predominantly set-back from the footway. The existing area of grassed land makes a positive contribution to the character of the area by providing separation between the

adjacent footpaths and the dwellings in this part of Plane Road giving the area a pleasant sense of openness.

5. The proposed development would introduce a further two storey detached dwelling at the end of the existing row of dwellings. The existing terrace of properties are positioned at angle in relation to Plane Road, and the siting of the appeal proposal would visually extend the dwellings closer to the footpath. This would reduce the separation distance to the footpath and erode the space between the footpath and residential development, harming the openness of this part of the site.
6. Directly opposite the appeal site are a pair of semi-detached properties which are also set back from the corner of Place Road and Beccles Road. These properties have a similar set-back distance from the footpath as the terrace of dwellings described above. In combination with the appeal site, their siting contributes positively to the sense of openness which is mirrored at this part of Plane Road. The siting of the appeal proposal is such that it would erode the undeveloped corner of Plane Road, resulting in the loss of symmetry to the corner of Plane Road and Beccles Road.
7. The appeal proposal would include a small area of garden land to the north-west of the site. This would be bounded by fencing which would be necessary to provide future occupants with private outdoor space. However, the presence of a fence of a height necessary to provide adequate privacy for future occupiers would further erode the space surrounding appeal site and result in an increased sense of enclosure. This would detract from the positive contribution the site makes to the wider character of the area.
8. In light of the above, I conclude that the proposed development would result in harm to the character and appearance of the area. As such, it would fail to accord with policy A2 of the GYLPP2 which seeks to ensure that development should, amongst other things, reflect and have regard to local context, including the surrounding built environment and take advantage of opportunities to enhance the immediate street scene.
9. The proposal would also fail to accord with paragraph 130 of the National Planning Policy Framework (NPPF) which states that planning policies and decisions should ensure that developments are, amongst other things, sympathetic to local character.

Parking

10. The appeal proposal includes provision for 2 parking spaces which would be located towards the southern part of the site adjacent to an existing single storey block of garages that serve nearby dwellings.
11. The parking spaces would be accessed from the proposed dwelling via a pathway which runs in front of the adjacent row of terraced properties. Whilst the parking spaces would not be directly adjacent to the proposed dwelling, they would nonetheless be positioned close to existing garages. Although their position would not be as convenient for future occupiers than if the spaces were adjacent to the proposed dwelling, I do not consider them to be sufficiently distant to be unattractive for use.
12. The pathway accessing the parking spaces is not lit, however, as it runs directly in front of the existing dwellings this would provide some opportunity

for surveillance when gaining access to and from the proposed dwelling from the parking area. Furthermore, the pathway accessing the parking is not obstructed by any significant vegetation or landscaping and has good lines of sight from Plane Road. As such, I consider that notwithstanding the absence of lighting, their location is such that they would not be unattractive for use. Furthermore, the unobstructed views of the access to the spaces would not in my view have an adverse effect on crime and disorder in the area. Any residual concerns in respect of crime and disorder could be addressed through the imposition of a condition to secure the provision of a Closed Circuit Television (CCTV) system.

13. In light of the above, I conclude the proposal would accord with policy CS9 of the adopted Great Yarmouth Core Strategy (2015) (GYCS) and A2(F) of the GYLPP2 which seek to ensure that new development provides parking suitable for the use and location of the development, and that homes and external areas should be designed to be secure and reduce the risk and fear of crime.

Open space

14. The appeal proposal would be located on an area of grassed open space at the end of a row of terrace properties. The open space surrounding the terrace is made up of a number of small parcels of land which are visible from the adjacent footpath. The site makes a positive contribution to the character of the area by providing an undeveloped setting to the terraced properties as well as providing a degree of openness to this corner of the street between Plane Road and Beccles Road.
15. Policy E3 of the GYLPP2 seeks to retain open space for visual amenity purposes subject to criteria. Criterion a) requires proposals to be ancillary to the space and will add to its function for the benefit of amenity or the community. As the appeal proposal is for residential development, this would not be a form of development that would be ancillary to the open space.
16. Criterion b) of Policy E3 indicates that the loss of open space will be resisted unless it can be demonstrated it is no longer required for open space use or an alternative open space use. Whilst the appellant has indicated that the land was previously purchased from the Council as the Council no longer wished to fund its maintenance, there is no evidence before me to indicate that the open space is no longer required for its intended purpose.
17. Criterion C) of Policy E3 requires any loss of open space to be replaced by equivalent or better replacement provision in terms of quantity and quality. Whilst the proposed development would, according to the appellant, occupy a proportion of the open space, there is no evidence before me to indicate that any alternative open space would be provided as part of the proposed development. Although the appellant has indicated that qualitative improvements could be made to the remaining area of open space, the policy nonetheless requires replacement with both equivalent quality and quantity. As such, the proposal would not accord with criterion c) of Policy E3.
18. As indicated above, the land makes a positive contribution to the area through maintaining the openness of the site. I consider that the proposed development would not fulfil any of the criteria which allow for the redevelopment of open space.

19. In light of the above, I conclude that the proposal would fail to accord with Policy E3 of the GYLPP2 for the reasons set out above.
20. The proposal would also fail to accord with the requirements of paragraph 99 of the NPPF which states that existing open space should not be built on unless it is surplus to requirements, that the loss would be replaced by equivalent in terms of quantity and quality and where the development is for alternative sports and recreation, the benefits would outweigh the loss.

Other Matters

21. The proposed development would provide economic benefits as a result of its construction in terms of labour supply and through the materials supply chain. The proposal would also provide a social benefit through the creation of a new dwelling which would make a positive contribution to meeting housing needs in the area. The proposal would also have the potential to provide some environmental benefit through local biodiversity enhancement on the remaining open space.

Conclusion and Planning Balance

22. As set out above, although the proposal would accord with adopted policies in relation to parking, I have identified harm to the character and appearance of the area and a failure to accord with adopted policy in relation to open space. Therefore, I conclude that the proposal would fail to accord with the Development Plan when read as a whole.
23. Whilst the proposed development would result in a number of benefits identified above, as the proposal is for a single dwelling these benefits would be limited and would not be sufficient to outweigh the harm I have identified.
24. In light of the above, the appeal is dismissed.

Philip Mileham

INSPECTOR



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.

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

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 1 February 2022

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2022

Appeal Ref: APP/U2615/W/21/3281701

**Land to the west of Oak Farm , Court Road, Rollesby, Great Yarmouth,
NR29 5HQ**

- 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 Trevor Souster against the decision of Great Yarmouth Borough Council.
- The application Ref 06/21/0136/F, dated 15 February 2021, was refused by notice dated 29 April 2021.
- The development proposed is the erection of 1No. detached single storey dwelling with integrated garage and garden/amenity space.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, the Council has adopted the Great Yarmouth Local Plan Part 2 (GYLPP2) which has replaced policies cited on the original decision notice. The appellant has had the opportunity to comment on the newly adopted policies and I have had regard to them in reaching my decision.
3. The Council has indicated that a previous reason for refusing the proposed development in respect of the effect on trees has been addressed through the submission of the arboricultural report and a potential planning condition. As this issue is no longer in dispute between the parties, it is not considered to be a main issue and as I am dismissing the appeal on other grounds, it is not necessary for me to address it further in my decision.
4. The Council has drawn my attention to the progression of the Rollesby Neighbourhood Plan (RNP) which has recently received its examiners report although the plan has not at the time of this decision been subject to its local referendum.

Main Issue

5. The main issue is whether the proposed development is in a suitable location for a new dwelling.

Reasons

Suitable location

6. The appeal site is a flat area of grassed land which is bordered by mature trees and hedges to the side and rear boundaries. The site is located on Court Road

adjacent to Oak Farm, with Folly Cottages nearby to the west. The proposal would be located within a small cluster of dwellings that are located away from the main part of the village of Rollesby, but also away from the nearby village of Fleggburgh.

7. Rollesby along with Fleggburgh are both identified in Policy CS2 of the Great Yarmouth Core Strategy (GYCS) as secondary villages reflecting the few services and facilities available with limited access to public transport and few employment opportunities. Policy CS2 also seeks to, amongst other things, balance the delivery of homes with jobs and service provision and reducing the need to travel.
8. The appeal site has been identified as being located outside any defined development limits boundary for the area. Policies GSP1 and H5 of the GYLPP2 indicate that land outside defined development limits is classified as countryside, and in this area, development will be limited to agriculture or forestry development, utilities or highway infrastructure, or other specific forms of development specified in the plan including the conversion of buildings, replacement dwellings and schemes to meet particular rural needs. As the proposal is not for agriculture or forestry development or a form of housing specifically allowed for within the plan, it would not accord with the requirements policies CSP1 or H5.
9. The site is located away from the main part of the villages of Rollesby and Fleggburgh. Court Road is a single-width rural road with no footpath or cycleway in the vicinity of the appeal site. Furthermore, there is no streetlighting present in the area which limits its attractiveness for walking and cycling into the village, particularly outside of daylight hours. Whilst I note the appellant considers that the proposal would allow future occupiers to live and work remotely as has been the case during the coronavirus pandemic, I nonetheless consider that future occupiers of the proposed development would be heavily reliant on private vehicles to access day-to-day services, facilities and employment opportunities in other larger settlements. Whilst the proposed development is for a single dwelling, over the lifetime of the development the cumulative number of trips made to access services and facilities elsewhere would be considerable which Policy CS2 seeks to minimise.
10. Due to the presence of adjacent properties, the proposed development would not result in an isolated dwelling that paragraph 80 of the National Planning Policy Framework (NPPF) seeks to avoid. As the proposal would not be isolated, the remaining criteria of paragraph 80 would not be engaged, including those related to design.
11. The appellant has drawn my attention to a scheme for residential development adjacent to the appeal site which was granted in 2019. However, this was granted at a time when the Council was unable to provide a 5 year supply of housing land. Whilst I note the appellant has expressed reservations in respect of the Council's current land supply situation, paragraph 75 of the NPPF allows land supply to be established in a recently adopted Local Plan as has been the case in Great Yarmouth as part of the examination into the GYLPP2. Therefore, notwithstanding the appellant's concerns about the veracity of the current level of housing land supply, the current position remains fixed until 31st October 2022.

12. In light of the above, I conclude that the proposed development would not be in a suitable location for a new dwelling. Accordingly, it would not comply with Policy CS2 of the GYCS and Policies GSP1 and H5 of the GYLPP2 for the reasons set out above.
13. The proposal would also fail to accord with paragraph 79 of the NPPF which states that housing should be located where it will enhance or maintain the vitality of rural communities.

Other Matters

14. The proposed development would be located, according to the appellants measurements, within 400m of the Broads Special Area of Conservation (SAC) and Trinity Broads Site of Special Scientific Interest (SSSI). Given the location of the appeal site to the European Sites, the Habitat Regulations¹ require an assessment to be undertaken, as to whether the proposal would be likely to have a significant effect, on the interest features of a protected site.
15. The appellant has provided evidence in support of a Habitats Regulations Assessment (HRA) document. However, there is no evidence as to how the proposed foul drainage system from the site would interact with the Broads SAC and SSSI. However, as I am dismissing the appeal for other reasons, it is not necessary for me to address this further.
16. In addition to the appellant's HRA document, the appeal proposal has also been supported by a Preliminary Ecological Appraisal (PEA) which was submitted after the appeal was lodged. The Council has indicated that the PEA has assessed the impacts of the proposal on the site, and subject to a number of potential planning conditions would enhance on-site ecology and biodiversity enhancement.
17. The Council has made reference to the lack of compliance with a number of other recently adopted policies which contain requirements in respect of open space, water efficiency and electric vehicle charging. However, as I am dismissing the appeal for other reasons, I do not need to consider these matters further.
18. The proposed development would provide some economic benefit through its construction and in the supply of materials. It would also provide some social benefit through future occupants taking part in local community life and make a contribution to meeting housing need in the area. Whilst there would be some environmental benefits through the enhancement of on-site ecology and biodiversity and through its design which would include rainwater harvesting and a green roof, the lack of evidence regarding effects of foul water discharge on European sites means that it is unclear whether there would be an overall environmental benefit.

Conclusion

19. Whilst the proposed development would result in a number of benefits as set out above, as the proposal is for a single dwelling, these benefits would be limited. As such, these would not be sufficient to outweigh the conflict with the development plan when read as a whole.

¹ The Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations)

20. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Philip Mileham

INSPECTOR



Appeal Decision

Site visit made on 4 January 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 FEBRUARY 2022

Appeal Ref: APP/U2615/W/21/3273903

Land south of Short Road, Browston, Great Yarmouth NR31 9DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr R Edwards against the decision of the Great Yarmouth Borough Council.
- The application Ref 06/21/0137/O dated 11/02/2021, was refused by notice dated 16/04/2021.
- The development proposed is described as the demolition of a stable and the erection of a dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved for future consideration, with the exception of access. I have considered the appeal on this basis.
3. The Council has drawn my attention to changes in local planning policy since the submission of the appeal I understand that the Great Yarmouth Local Plan Part 2 (2021) (the Local Plan) has been adopted. The appellant was given the opportunity to comment on this change. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issue

4. The main issue in this appeal is whether the development would be in a location suitable for a new dwelling.

Reasons

5. The appeal site is located within the village of Browston which does not have defined settlement boundaries. The site is located south of Short Road, comprising stables and grazing land for personal use. Whilst the appeal site lies within a grouping of residential properties, for the purposes of development plan policy, it is within the countryside.
6. Policy GSP1 of the Local Plan allows for development outside of defined settlement boundaries subject to criteria such as comprising agriculture or forestry development or the provision of utilities and highway infrastructure.

The proposed development does not meet the criteria outlined within Policy GSP1.

7. Policy CS2 of the Great Yarmouth Local Plan, Core Strategy 2013-2030 (the Core Strategy) sets out a settlement hierarchy for development. The policy confirms that in the countryside development will be limited to conversions/replacement dwellings/buildings and schemes that help to meet rural needs. The proposed development would replace a large stable building on the site with a dwelling however a new stable block is also proposed within the site.
8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard to the development plan is to be had then determination of an appeal must be made in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the Framework also makes it clear; the development plan is the 'starting point for decision making', not its end.
9. The Council has drawn my attention to a dismissed appeal for residential development at the site¹. Whilst there are no substantive details before me which allows comparison of that scheme with that now proposed I am mindful that access to local amenities would be similar. Nevertheless, each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.
10. The Council contends that the proposed development would be outside of any settlement boundary and there would be a reliance on private motor vehicles to access services.
11. The appeal site is adjacent residential properties fronting a narrow rural lane. Browston is classified in the Core Strategy as a tertiary village, which is defined as a settlement containing few services and facilities with limited access to public transport and very few employment opportunities.
12. In relation to accessing services and facilities, there are no footpaths or streetlights adjacent the site and accessing local services on foot would be unrealistic for some potential users of the development and at some times of the day and year.
13. There is a bus service a short walk away which I understand provides access to settlements which would meet the day to day needs of the future occupants. Notwithstanding this I have not been provided with substantive evidence confirming the regularity of services.
14. I have taking into account that opportunities to maximise sustainable transport options will vary between urban and rural locations. However, the circumstances I observed do not lend themselves to safe use by pedestrians. Similarly, the lack of street lighting would be unlikely to encourage cycling to the nearest services and facilities after dark via this narrow lane.
15. The appellant has drawn my attention to an appeal decision within Browston², which whilst dismissed considered the sustainability of the location. Substantive details have not been provided relating to the scheme, nonetheless

¹ APP/U2615/W/17/3168949

² APP/U2615/W/20/3262245

I note that proposal involved an existing business use at the site. I therefore do not consider this to be directly comparable to the proposal before me.

16. Whilst I understand that the stables at the appeal site are for personal use and current journeys to and from the site will be frequent, I am not persuaded that journeys would be reduced should the appeal be allowed given the need to travel for services, facilities and employment opportunities.
17. The appellant has provided other appeal decisions; however, again no details have been provided to allow a comparison to the appeal proposal before me. Notwithstanding this these decisions relate to sites outside the administrative boundary of the Council and therefore are not directly comparable to the appeal proposal. Nonetheless proposals must be considered on its individual merits.
18. I give limited weight to the appellants argument that the proposed development will support the rural community, local services, facilities and the economy; whilst one dwelling would contribute, I have not been provided with any substantive evidence to persuade me that this would be any more than a limited contribution.
19. On this basis I find that there would be a reliance on private motor vehicles and conclude that the proposed development would not be a suitable location for a new dwelling. The proposed development conflicts with Policy GSP1 of the Local Plan and Policies CS1 and CS2 of the Core Strategy which seeks to ensure developments are located within areas which are suitable locations, reducing the need to travel.

Other Matters

20. The appellant doubts that the Council can demonstrate a five year housing land supply however substantive evidence has not been provided to support this. The appellant advances that a five year housing land supply is not a ceiling or cap which prevents development, I agree. However, this does not persuade me that the appeal site is a suitable site for a new dwelling.

Conclusion

21. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR



Appeal Decision

Site visit made on 4 January 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2021

Appeal Ref: APP/U2615/W/21/3274259

96 Victoria Road, Gorleston, Great Yarmouth NR31 6EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mrs Claire Smith against Great Yarmouth Borough Council.
- The application Ref 06/20/0629/F, is dated 16 November 2020.
- The development proposed is described as ground floor rear extension with re-roof to include accommodation over.

Decision

1. The appeal is dismissed and planning permission for ground floor rear extension with re-roof to include accommodation over is refused.

Procedural Matters

2. The Council has drawn my attention to changes in local planning policy since the submission of the appeal I understand that the Great Yarmouth Local Plan Part 2 (2021) (the Local Plan) has been adopted. The appellant was given the opportunity to comment on this change. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issue

3. This appeal has been lodged following the Council's failure to determine the planning application. The Council in their appeal statement have referred me to an earlier refusal for the same development at the appeal site¹. The Council confirm that had they been able to determine the application the reason for refusal previously given would be unchanged with the exception of reference to Policies A1 and H9 of the Local Plan which supersedes Policy HOU18 of the Great Yarmouth Borough-wide Local Plan (2001) referred to in the previous refusal.
4. The Council considers the main issue in relation to the proposal to be the effect on the living conditions of the occupiers of the neighbouring property, No. 94 Victoria Road. I do not disagree with this.

Reasons

¹ Application Reference: 06/20/100/F

5. The appeal site is a semi-detached property within a residential area characterised predominantly by varying designs of detached and semi-detached properties, many of which have been extended or altered. The development proposes an extension to the rear of the existing flat roof single storey side addition and includes a pitched roof which extends beyond the eaves of the existing two storey property. The proposal includes accommodation at first floor within the proposed pitched roof.
6. I understand that there is an approved scheme² for the site which includes a rear extension with the same footprint as the proposal before me. However, the pitched roof approved is lower than the proposed development and does not include accommodation at first floor.
7. The adjacent property No. 94 Victoria Road has windows facing the appeal site. Whilst the proposed development would not extend the built form closer to the shared boundary, the increased height and mass would be a dominant and overbearing feature when viewed from No. 94.
8. The appellant has provided images in an attempt to demonstrate the proposed development would not result in further loss of light to the occupiers of No. 94. Notwithstanding this I am not persuaded that the proposed development would not overshadow the adjacent property given its orientation and scale.
9. I find that the proposed development would harm the living conditions of the occupiers of the neighbouring property, No. 94 Victoria Road. There is conflict with Policies A1 and H9 of the Local Plan which seek amongst other things to protect the living conditions of occupiers of neighbouring properties.
10. There is conflict with the National Planning Policy Framework (2021) which seeks to ensure development has high standards of amenity for existing and future users.

Conclusion

11. For the above reasons I conclude that this appeal should be dismissed and planning permission is refused.

C Pipe

INSPECTOR

² Application Reference: 06/20/0397/F

PLANNING APPLICATIONS CLEARED BETWEEN 25-JAN-22 AND 23-FEB-22 FOLLOWING DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS

REFERENCE	06/21/0898/F
PARISH	Belton & Browston 10
PROPOSAL	Proposed front & side, two storey extensions
SITE	19 St James Crescent Belton GREAT YARMOUTH
APPLICANT	Mr R Lark
DECISION	APPROVE
REFERENCE	06/21/1035/F
PARISH	Belton & Browston 10
PROPOSAL	Proposed single storey rear extension, first floor side and front extensions.
SITE	25 Bramble Gardens Belton GREAT YARMOUTH
APPLICANT	Mr & Mrs Addy
DECISION	APPROVE
REFERENCE	06/21/0792/F
PARISH	Bradwell N 1
PROPOSAL	Replacement of the existing White P.v.c.u tilt/turn windows with white P.v.c.u. casement type windows with no
SITE	78 Kingfisher Close Bradwell GREAT YARMOUTH Norfolk
APPLICANT	Mrs Marcou
DECISION	APPROVE
REFERENCE	06/21/0900/F
PARISH	Bradwell N 1
PROPOSAL	Two storey side extension, single storey rear extension and extension over existing garage and office/utility
SITE	1 Cob Close Bradwell GREAT YARMOUTH
APPLICANT	Miss S Heritage and Mr S Crosby
DECISION	APPROVE
REFERENCE	06/21/1004/F
PARISH	Bradwell N 1
PROPOSAL	Side and rear extension, demolish workshop and replace with brick detached garage
SITE	10 Fulmar Close Bradwell GREAT YARMOUTH Norfolk
APPLICANT	Mrs L Wilson
DECISION	APPROVE

PLANNING APPLICATIONS CLEARED BETWEEN 25-JAN-22 AND 23-FEB-22 FOLLOWING DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS

REFERENCE	06/21/0930/F
PARISH	Bradwell S 2
PROPOSAL	Front and side single storey extensions, Boundary wall amendments, external finishes amendments
SITE	8 School Corner Bradwell GREAT YARMOUTH Norfolk
APPLICANT	Mrs S Miller
DECISION	APPROVE
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REFERENCE	06/21/1024/CD
PARISH	Bradwell S 2
PROPOSAL	Proposed single storey side extension to southwest elevation to form porch, en-suite and dressing room;
SITE	210 Beccles Road Bradwell GREAT YARMOUTH
APPLICANT	Mr S and Mrs J Knowles
DECISION	APPROVE (CONDITIONS)
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REFERENCE	06/21/0920/F
PARISH	Burgh Castle 10
PROPOSAL	Remove existing conservatory and carry out internal alterations to facilitate new first floor incorporating new
SITE	Edgcove Marsh Lane Burgh Castle GREAT YARMOUTH
APPLICANT	Mr Brown
DECISION	APPROVE
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REFERENCE	06/21/0987/TRE
PARISH	Burgh Castle 10
PROPOSAL	Top Tree; Tree Shape; Remove dangerous boughs over property and road
SITE	Kingfisher Holiday Park Butt Lane Burgh Castle GREAT YARMOUTH
APPLICANT	Mr A Sales Reception
DECISION	APPROVE
-----	-----
REFERENCE	06/21/1015/F
PARISH	Caister On Sea 3
PROPOSAL	Proposed extension and alterations
SITE	29 Glenmore Avenue Caister GREAT YARMOUTH
APPLICANT	Mr G Partridge
DECISION	APPROVE
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REFERENCE	06/21/1042/F
PARISH	Caister On Sea 3
PROPOSAL	Proposed rear extension, side garage extension and conversion of carport to residential use and porch
SITE	31 Breydon Way Caister GREAT YARMOUTH
APPLICANT	Mr and Mrs Taylor
DECISION	APPROVE

**PLANNING APPLICATIONS CLEARED BETWEEN 25-JAN-22 AND 23-FEB-22 FOLLOWING
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS**

REFERENCE	06/21/0326/F
PARISH	Caister On Sea 4
PROPOSAL	Single storey side extension
SITE	70a Yarmouth Road Caister GREAT YARMOUTH
APPLICANT	Mr G Carter
DECISION	APPROVE
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REFERENCE	06/21/0993/F
PARISH	Caister On Sea 4
PROPOSAL	Single storey rear extension.
SITE	27 Lacon Road Caister-On-Sea GREAT YARMOUTH Norfolk
APPLICANT	Mr S & Mrs B Greenwood
DECISION	APPROVE
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REFERENCE	06/21/0996/TRE
PARISH	Caister On Sea 4
PROPOSAL	T1 - Horse Chestnut - reduce size by 3m off height and 2m of the lateral branches
SITE	Caister House Rectory Close Caister GREAT YARMOUTH
APPLICANT	Mr Lee
DECISION	APPROVE
-----	-----
REFERENCE	06/21/0165/CU
PARISH	Filby 6
PROPOSAL	Proposed change of use of indoor swimming pool from private use to commercial and private use, and for holiday
SITE	Black Barn Market Lane Filby GREAT YARMOUTH
APPLICANT	Mr P Thompson
DECISION	APPROVE
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REFERENCE	06/21/0985/TRE
PARISH	Filby 6
PROPOSAL	T1 - Ash tree - Fell
SITE	Linden Main Road Filby GREAT YARMOUTH Norfolk
APPLICANT	Mrs L Bevan
DECISION	APPROVE
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REFERENCE	06/21/0994/PAD
PARISH	Filby 6
PROPOSAL	Conversion of existing agricultural barn into 1 no. dwelling at Heath View, Ormesby Lane, Filby.
SITE	Heath View Ormesby Lane Filby GREAT YARMOUTH
APPLICANT	Mr S Deadman
DECISION	REFUSED

PLANNING APPLICATIONS CLEARED BETWEEN 25-JAN-22 AND 23-FEB-22 FOLLOWING DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS

REFERENCE	06/21/0731/HR
PARISH	Fleggburgh 6
PROPOSAL	See Application Form
SITE	Land opposite 1 & 2 New Cottages, Main Road Billockby Fleggburgh GREAT YARMOUTH
APPLICANT	Miss Randall
DECISION	APPROVE
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REFERENCE	06/21/0953/F
PARISH	Fleggburgh 6
PROPOSAL	Proposed 2 storey rear extension
SITE	Tower Lodge Tower Road Fleggburgh GREAT YARMOUTH
APPLICANT	Mr & Mrs Flint
DECISION	APPROVE
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REFERENCE	06/21/0919/F
PARISH	Great Yarmouth 5
PROPOSAL	Single storey rear extension
SITE	3 Claydon Grove Gorleston GREAT YARMOUTH Norfolk
APPLICANT	Mr G Baker
DECISION	APPROVE
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REFERENCE	06/21/1033/F
PARISH	Great Yarmouth 7
PROPOSAL	Proposed single storey front extension
SITE	15 The Mews Cliff Park Estate Gorleston GREAT YARMOUTH
APPLICANT	Mr S Lawson
DECISION	APPROVE
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REFERENCE	06/21/0621/F
PARISH	Great Yarmouth 9
PROPOSAL	Proposed single storey front extension extending out by 1.5m and a two storey side extension
SITE	48 Southtown Road GREAT YARMOUTH Norfolk
APPLICANT	Mr A & Mrs E Hewitt
DECISION	APPROVE
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REFERENCE	06/21/0967/CD
PARISH	Great Yarmouth 9
PROPOSAL	Discharge of condition 4 relating to pp.06/20/0053/F
SITE	Park View House 26 Southtown Road GREAT YARMOUTH Norfolk
APPLICANT	Mr A Sliwinski
DECISION	APPROVE (CONDITIONS)

PLANNING APPLICATIONS CLEARED BETWEEN 25-JAN-22 AND 23-FEB-22 FOLLOWING DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS

REFERENCE	06/21/1012/F
PARISH	Great Yarmouth 9
PROPOSAL	Change of use from warehouse to retail motorcycle sales, motorcycle clothing and accessories, motorcycle
SITE	Units 17/18 Bessemer Way Harfreys Industrial Estate GREAT YARMOUTH
APPLICANT	Mr C Day
DECISION	APPROVE
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REFERENCE	06/21/1013/A
PARISH	Great Yarmouth 9
PROPOSAL	Change of use from warehouse to retail motorcycle sales, motorcycle clothing and accessories, motorcycle
SITE	Units 17/18 Bessemer Way Harfreys Industrial Estate GREAT YARMOUTH
APPLICANT	Mr C Day
DECISION	ADV. CONSENT
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REFERENCE	06/21/1041/F
PARISH	Great Yarmouth 9
PROPOSAL	Environmental improvement works (remediation)
SITE	Gas House Quay Southtown Road/Malthouse Lane Gorleston on Sea GREAT YARMOUTH
APPLICANT	National Grid
DECISION	APPROVE
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REFERENCE	06/21/0958/F
PARISH	Great Yarmouth 11
PROPOSAL	Proposed two storey and single storey extension
SITE	4 Elm Avenue Gorleston GREAT YARMOUTH Norfolk
APPLICANT	Mr N Pryke
DECISION	APPROVE
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REFERENCE	06/21/1016/F
PARISH	Great Yarmouth 11
PROPOSAL	Proposed alterations and first floor extension above existing ground floor garage/utility room
SITE	2 Somerville Avenue Gorleston GREAT YARMOUTH
APPLICANT	Mr L Southey
DECISION	APPROVE
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REFERENCE	06/21/0895/A
PARISH	Great Yarmouth 14
PROPOSAL	Proposal for advertisement stating 'Pizza GoGo'
SITE	38-41 Camperdown The Embassy Hotel GREAT YARMOUTH Norfolk
APPLICANT	Mr K Jan
DECISION	ADV. REFUSAL

**PLANNING APPLICATIONS CLEARED BETWEEN 25-JAN-22 AND 23-FEB-22 FOLLOWING
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS**

REFERENCE	06/21/0978/F
PARISH	Great Yarmouth 14
PROPOSAL	2 storey infill extension to rear.
SITE	18 Napoleon Place GREAT YARMOUTH
APPLICANT	Norfolk
DECISION	Mr C Fish
	APPROVE
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REFERENCE	06/21/0135/F
PARISH	Great Yarmouth 15
PROPOSAL	conversion of dwelling to provide 4No. 2bed self-contained flats. Addition of full width dormer
SITE	Bramalea Guest House 114 Wellesley Road
APPLICANT	GREAT YARMOUTH Norfolk
DECISION	I Younis
	REFUSED
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REFERENCE	06/21/0934/F
PARISH	Great Yarmouth 15
PROPOSAL	Window replacement to south and west elevations
SITE	2, 3, 6, 7, 8 and 9 Church Court Priory Plain
APPLICANT	Great Yarmouth
DECISION	Mr S Brister
	APPROVE
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REFERENCE	06/21/0980/LB
PARISH	Great Yarmouth 15
PROPOSAL	Replacement sign work and lighting
SITE	The Market Tavern Public House 17 Market Place
APPLICANT	Great Yarmouth
DECISION	P Savory
	LIST.BLD.APP
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REFERENCE	06/21/0982/A
PARISH	Great Yarmouth 15
PROPOSAL	See Application Form
SITE	The Market Tavern Public House 17 Market Place
APPLICANT	Great Yarmouth
DECISION	Mr P Savory
	ADV. CONSENT
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REFERENCE	06/21/0990/LB
PARISH	Great Yarmouth 15
PROPOSAL	Proposed new entrance gates complete with keycode lock panel
SITE	Priory Day Nursery Priory Gardens
APPLICANT	GREAT YARMOUTH Norfolk
DECISION	Mr C Sterrett
	LIST.BLD.APP
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PLANNING APPLICATIONS CLEARED BETWEEN 25-JAN-22 AND 23-FEB-22 FOLLOWING DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS

REFERENCE	06/21/0960/A
PARISH	Great Yarmouth 19
PROPOSAL	See Application Form
SITE	Former Albion Tavern Public House 87 Lowestoft Road Gorleston Great Yarmouth
APPLICANT	Tesco Stores Ltd
DECISION	ADV. CONSENT
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REFERENCE	06/21/0961/CD
PARISH	Great Yarmouth 19
PROPOSAL	Proposed change of use from public house to convenience store with extension, alterations to parking layout
SITE	Albion Tavern Public House 87 Lowestoft Road Gorleston Great Yarmouth
APPLICANT	Tesco Stores Ltd
DECISION	APPROVE (CONDITIONS)
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REFERENCE	06/21/0962/F
PARISH	Great Yarmouth 19
PROPOSAL	Installation of CO2 gas cooler, 3 no. Daikin Azas 140 AC units and satellite dish to rear of ground floor unit.
SITE	Albion Tavern Public House 87 Lowestoft Road Gorleston Great Yarmouth
APPLICANT	Tesco Stores Ltd
DECISION	APPROVE
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REFERENCE	06/21/0927/F
PARISH	Great Yarmouth 21
PROPOSAL	Erection of floodlighting to existing MUGA
SITE	Great Yarmouth Charter Academy Salisbury Road GREAT YARMOUTH
APPLICANT	Inspiration Trust
DECISION	APPROVE
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REFERENCE	06/21/0986/TCA
PARISH	Hemsby 8
PROPOSAL	T1 - Walnut Tree - Fell
SITE	Stone Cottage The Street Hemsby GREAT YARMOUTH
APPLICANT	Mrs C Rundel
DECISION	NO OBJECTION
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REFERENCE	06/21/0639/TRE
PARISH	Hopton On Sea 2
PROPOSAL	Copper Beach - needs to be topped to be topped
SITE	27 Warren Road Gorleston GREAT YARMOUTH Norfolk
APPLICANT	Mr A Brooks
DECISION	APPROVE

PLANNING APPLICATIONS CLEARED BETWEEN 25-JAN-22 AND 23-FEB-22 FOLLOWING DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS

REFERENCE	06/21/0973/PU
PARISH	Hopton On Sea 2
PROPOSAL	To change from a good place to a 1 surgery dental practice. This will involve reconfiguration of the
SITE	Ex-hair and beauty retail unit Adj Franson Caravan park Warren Road Hopton on sea
APPLICANT	Miss S Godbolt
DECISION	EST/LAW USE REF
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REFERENCE	06/21/0997/F
PARISH	Hopton On Sea 2
PROPOSAL	Proposed extension to side of bungalow
SITE	1 Hopton Gardens Hopton on sea GREAT YARMOUTH Norfolk
APPLICANT	Mr P Golzey
DECISION	APPROVE
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REFERENCE	06/21/0975/F
PARISH	Martham 13
PROPOSAL	Application to allow access to customers into the shop and deliveries; Food to be made between hours of 15:00
SITE	9 The Green Martham GREAT YARMOUTH Norfolk
APPLICANT	Mr L Gilgil
DECISION	APPROVE
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REFERENCE	06/21/1009/LB
PARISH	Martham 13
PROPOSAL	Following a fire externally, roof and thatched roof covering have been fire damaged beyond salvation. The
SITE	The Gables Farm 3 Hemsby Road Martham GREAT YARMOUTH
APPLICANT	Mr A Holden
DECISION	LIST.BLD.APP
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REFERENCE	06/21/0392/F
PARISH	Ormesby St.Marg 16
PROPOSAL	New 8' brick wall to front of property incorporating a personal entrance gate and electric driveway gates
SITE	64 North Road Mill House Ormesby St Margaret GREAT YARMOUTH
APPLICANT	Mr A Barnes
DECISION	APPROVE
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REFERENCE	06/21/0989/F
PARISH	Ormesby St.Marg 16
PROPOSAL	Proposed front garage extension and porch with replacement pitched roof.
SITE	43 Barton Way Ormesby St Margaret GREAT YARMOUTH Norfolk
APPLICANT	Mr & Mrs Myhill
DECISION	APPROVE

**PLANNING APPLICATIONS CLEARED BETWEEN 25-JAN-22 AND 23-FEB-22 FOLLOWING
DETERMINATION BY THE HEAD OF PLANNING UNDER DELEGATED POWERS**

REFERENCE	06/21/0946/M
PARISH	Ormesby St.Michael16
PROPOSAL	Demolition of exisitng dilapidated buildings and replacement building with steel portal framed building
SITE	The Willows Decoy Road
APPLICANT	Ormesby St Michael GREAT YARMOUTH
DECISION	Mrs S Pigney
	REFUSED
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REFERENCE	06/22/0012/CD
PARISH	Somerton 8
PROPOSAL	Retrospective application for 1.5m high fencing around ruins of St Mary's Church. 06/21/0419/F Conditions(s) 1
SITE	Burnley Hall Estate Dark Lane
APPLICANT	East Somerton GREAT YARMOUTH
DECISION	Mr J Chapman
	APPROVE (CONDITIONS)
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* * * * End of Report * * * *

**PLANNING APPLICATIONS CLEARED BETWEEN 25-JAN-22 AND 23-FEB-22 FOLLOWING
DETERMINATION BY THE DEVELOPMENT CONTROL COMMITTEE**

REFERENCE	06/21/0684/F
PARISH	Great Yarmouth 7
PROPOSAL	Proposed application for the proposed demolition of existing structure and erection of a similar style
SITE	2 Gournay Avenue Gorleston GREAT YARMOUTH Norfolk
APPLICANT	Mrs Millar
DECISION	APPROVE
REFERENCE	06/20/0567/F
PARISH	Great Yarmouth 15
PROPOSAL	Construction of 18 residential dwellings, together with associated infrastructure works
SITE	Beach Coach Station Nelson Road North GREAT YARMOUTH (land south of)
APPLICANT	Great Yarmouth Borough Council
DECISION	APPROVE
REFERENCE	06/21/0951/F
PARISH	Hemsby 8
PROPOSAL	Proposed Application for mixed use scheme comprised of 188no. dwellings and 91no. holiday lodges to let
SITE	Former Pontins Holiday Centre Beach Road Hemsby GREAT YARMOUTH
APPLICANT	Mr G Avery
DECISION	REFUSED

* * * * End of Report * * * *