

Development Control Committee

Minutes

Wednesday, 25 May 2016 at 18:30

PRESENT:

Councillor Annison (in the Chair); Councillors Andrews, Flaxman-Taylor, Grant, A Grey, Hammond, Hanton, Reynolds, Thirtle, and Williamson.

Councillor Jeal attended as a substitute for Councillor Wright and Councillor Robinson-Payne attended as a substitute for Councillor Wainwright.

Mr D Minns (Planning Group Manager), Miss J Smith (Technical Officer), Mr J Beck (Planning Officer) and Mrs C Webb (Member Services Officer)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Fairhead, Wright & Wainwright.

2 DECLARATIONS OF INTEREST

The Committee noted the following personal Declarations of Interest: Councillor Reynolds reported that with regard to Item 8, that one of the applicants named on the application, Mr D Mavroudis was a Councillor and a member of the Conservative Group and known personally to all Conservative

members on the Committee.

Councillor Williamson reported that with regard to Item 10, that he was a Trustee of Seachange Arts.

However, in accordance with the Council's Constitution, all Members concerned were allowed to speak and vote on the items concerned.

3 MINUTES

The minutes of the meeting held on 5 April 2015 were confirmed.

4 PLANNING APPLICATIONS

5 APPLICATION NO. 06-15-0673-0 MARTHAM BROILER FARM, ROLLESBY ROAD, MARTHAM, GREAT YARMOUTH

The Committee considered the comprehensive report from the Planning Group Manager.

The Planning Group Manager reported that the site comprised of 2.36 hectares of broiler farm and adjoining agricultural land. The application site was triangular in shape and generally flat. The broiler farm buildings and associated infrastructure were located towards the southern edge of the site with undeveloped land to the north and east. The application was an outline application which included the proposed access off Arcadia Avenue which was accessed via Willow Way off Rollesby Road.

The Planning Group Manager reported that the site was adjacent to the village development limits of Martham and was considered to have good access to a range of facilities. The Highways Authority had indicated that they would not object to the site subject to local improvements and achieving a safe access, which were traffic calming measures, the introduction of a 20 mph zone and a construction management plan. Although the proposed development lied outside the village development limits, the Interim Housing Land Supply Policy stated that developments specifically those for housing outside of the village development limits could be assessed with a view to meeting housing targets prior to the adoption of the site specific allocations. The Core Strategy identified that 30% of new housing development should be located within key service areas or primary villages and Martham was designated as a primary village.

The Planning Group Manager reported that 17 neighbourhood objections to the application had been received. The County Council had reported that there was sufficient capacity at Martham Primary School and Flegg High School so no contributions would be sought for education provision. A contribution would be required for Martham Library and Norfolk Fire Service.

The Planning Group Manager reported that concerns had been raised by objectors and the Parish Council regarding the surface water drainage on the site. Anglain Water had reported that, provided the surface water disposal was not via connection to the public sewer, it would not object.

The Planning Group Manager reported that Natural England had requested information pertaining to a mitigation payment for the impact that the development would have on the Natura 2000 site. It would be conditioned that any relevant Tree Preservation Orders would be served prior to development to ensure that specimens of value were retained.

The Planning Group Manager reported that the application was recommended for approval.

Several Members voiced their concerns regarding the proposed access to the site and possible drainage issues as the local area was prone to flooding. A Member asked if the site had any contamination issues and asked for an assurance that the recommended level of affordable housing units would be provided. A Member was concerned regarding over-development of the site and requested that single storey dwellings be conditioned on the outskirts of the development to prevent overlooking on to the existing bungalows.

A Member requested assurances that the sewerage infrastructure would be in situ before development was commenced. Another Member was concerned that Martham was being targeted by developers and would become a small town rather than a village.

Mr Hartley, applicants agent, reiterated the salient areas of the application and asked that the Committee grant permission for the proposed high quality scheme on the only brownfield site identified in the SHLAA suitable for development.

Mr Bush, an objector, addressed the Committee and reported his concerns regarding access to the site via Acacia Avenue and the blind bend. The increase in vehicular movements could be a safety issue as children often played in the streets and if a delivery lorry was delivering in the area, Maple Close, where he lived would be completely blocked.

Mr Hooper, Parish Councillor, reported that Acacia Avenue was not wide enough to act as the main access to the application site and asked the Committee to condition that the nearby pedestrian crossing be upgraded to a zebra crossing if permission was granted. The Parish Council was concerned that no affordable housing would be provided by the developers and Martham needed affordable housing to allow its children to remain in the village.

Councillor Coleman, Ward Councillor, reiterated that the proposed access via Acacia Avenue and Maple Close was unsuitable and access from the site onto Rollesby Road or Rowan Road was dangerous. The recent number of planning applications in the village was unacceptable as it was piecemeal planning in the absence of a Neighbourhood Plan which would be more

beneficial for the village and its community.

A Member asked if the Ward Councillor would prefer the only access to the site to be via the present unmade road which was used at present by farm vehicles. Councillor Coleman reported that this would cause visibility problems for vehicles exiting the site due to the position of an existing bungalow. Councillor Coleman reported that the proposed parking area would not be utilised as people preferred to park outside their homes. However, he did concede that a 20 mph speed limit and traffic calming measures would be helpful.

A Member stressed the importance of the Council to adopt its Site Specific Plan to prevent similar future planning applications. He was concerned regarding the access to the site and the sewerage implications of the development, to Ormesby, but as the application accorded with the Interim Plan and provided the s106 provision was agreed, he felt that the Committee was in a difficult position and he had no other alternative but to propose the recommendation to grant the application with the agreed conditions as suggested by the officers.

RESOLVED:

That application number 06/15/0673/0 be approved.

It was accepted that the application was outside of the village development limits and contrary to the adopted Borough Wide Local Plan 2001. However, the site had been identified as develop-able and deliverable and there was no objection in planning terms to the development going ahead prior to the formal adoption of the site specific allocations subject to conditions to ensure an adequate form of development and submission of reserved matters. The Interim Housing Land Supply Policy sought to assist in meeting the Local Authorities housing targets and noted that sites that came forward should commence development within two years, it was therefore recommended that the time for the submission of reserved matters is one year from the date of the permission was issued as opposed to the standard three years. With the inclusion of this condition and the submission of reserved matters, the application was in line with the Interim Housing Land Supply Policy (2014).

The application be approved subject to conditions as recommended by consulted parties and those to ensure a satisfactory form of development and obligations as set out by Norfolk County Council and mitigation measures in line with the aims of the Natura 2000 Sites Monitoring and Mitigation Strategy. The recommendation is such that the permission be not issued prior to the signing of an agreement under section 106 for provision for infrastructure, mitigation, affordable housing, children's play equipment/space, Tree Preservation Order and management agreement.

6 APPLICATION NO. 06-16-130-CU 38 MARINE PARADE GREAT YARMOUTH

The Planning Group Manager reported that this application had been withdrawn from the agenda at the applicant's request.

7 APPLICATION NO. 06-16-0139-CU 31 MARINE PARADE GREAT YARMOUTH

The Planning Group Manager reported that this application had been withdrawn from the agenda at the applicant's request.

8 APPLICATION NOS 06-16-105-CU & 06-16-0106-A 34 MARINE PARADE GREAT YARMOUTH

The Committee considered the comprehensive report from the Planning Group Manager.

The Planning Group Manager reported that the application site was situated on Marine Parade amidst the main visitor attractions and the Golden Mile. The unit itself was formally Yesterdays World which not a museum in the traditional sense and was a mixed use themed exhibit including the uses A1, A3 and largely D2 uses. The proposal was to change the use of the unit to a family entertainment centre. Phase 1 which is to the front of the site is proposed as amusements whilst phase 2 to the rear, is proposed as D2 use, both of which will adjoin to the existing amusements at 35 Marine Parade. Phase 2 will be a children's play area under D2 use with a restaurant/cafe under A3 uses. The Committee is asked to note that both D2 and A3 uses were already utilised by Yesterday's World but the amusements would be categorised as Sui Generis.

The Planning Group Manager reported that with reference to the public objection, the application had been amended to include Mr D Mavroudis and the address 35 Marine Parade. The red line on the plan now includes 35 Marine Parade for the advert consent and the application form had been deemed to be satisfactorily completed upon these amendments being made.

The Planning Group Manager reported that the application was recommended for approval subject to conditions.

The Planning Group Manager reported that the proposed uses were suitable within a prime commercial holiday area and were in character with the wider holiday area. Policy CS8 of the Core Strategy aimed to improve the holiday offer and upgrade facilities. However, it was recognised that the development would represent an increase in amusement floorspace contrary to policy TR9. However, if Members were minded to take a pragmatic approach to Policy TR9 (13), given that this property had been used for amusement use, the application maintained the status quo and hence the officer recommendation for approval.

The Planning Group Manager reported that the development would involve alterations to the frontage and a second application had been submitted for

the installation of an advertisement.

The Planning Group Manager reported that 10 letters of objection had been received but that 1 letter of objection had been received representing 11 businesses on the seafront. One of the concerns raised was that the application was incorrectly completed including one of the applicants was not included on the application, the doors had been omitted, 35 Marine parade was not included in the application, the incorrect description of the use class as D2 and that questions had not been completed.

A Member voiced her concerns that works to the doors had been undertaken before the application had been considered by Committee. A Member cited these works as a retrospective planning application and accepted works to the interior of the premises but not to the frontage and the doors.

A Member could not understand why local businesses had objected to the application, as to his mind, the premises was just reverting to its former use as an amusement arcade.

A Member asked why one of the applicants, who was also a Councillor, had omitted his name from the original application and had only included it once the Planning Department had received letters of objection.

Louise Mantell, applicants agent, reported the salient areas of the application and asked that the Committee grant the application to take the premises back to what it once had been. She also reported that the application would result in more local employment opportunities.

Mr Nichols, objector, reported his objections with regard to the categories of gaming machines allowed in the premises, the conflict of the application in regard to policy TR9 and the planning applications had been poorly advertised resulting in sub-standard public consultation.

The Planning Group Manager assured the Committee that Building Control had been attending the site on a regular basis to oversee the building works but that this was not a planning consideration. He reiterated that there were two applications; one for change of use and one for the advertisement and that all information had been placed in the public domain and on the Council's website.

A Member recalled when the application site had been the Holkham Hotel and when it had closed, the site had been empty and boarded up for a long period of time and he did not wish this to happen again in a prominent position along the Golden Mile.

A Member reported that he was concerned that if the Committee granted the application, which was contrary to policy TR9, that a precedence would be set for future applications along the Golden Mile. He felt strongly that the Committee should adhere to its policies and proposed that the application be refused. The motion for refusal was duly seconded but was lost on vote.

A Member proposed that the application be approved. A Member asked that an addendum be added to the proposal requesting that the siting of the games machines on the floor plan be clarified (as per the plan on page 86 of the agenda).

RESOLVED:

That application numbers 06/16/0105/CU and 06/16/0106/A be approved subject to conditions regarding Advert consent and the conditions put forward by the Highways Department.

Change of use: A restriction on gambling machines (fruit machines and one-arm bandits) in accordance with the further information and their position within the floor plan as indicated on the application form. Subject to Highway conditions, opening hours will need to be agreed as indicated on the application form. Opening to 12:30 could be considered and no amplified sound/music played outside the building, within the building it should be limited until 11:30.

9 APPLICATION NO 06-16-0125-F FORMER PERENCO SITE THAMESFIELD WAY GREAT YARMOUTH

The Committee considered the comprehensive report from the Planning Group Manager.

The Planning Group Manager reported that the application was for the removal of two conditions attached to the original consent for the site which restricted the use of the buildings and land. The conditions restricted the use of the site to open storage, offices, warehouse and ancillary parking and prevented the offices from being used separately to the open storage and only in connection with offshore related activities.

The Planning Group Manager reported that removal of the conditions would allow the sites to be used by companies other than offshore and allow for subdivision of the site into smaller units. In addition, other changes, such as the proposed school for the academic year 1st August to 31st July 2016, under permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 would also be permissible. The site reverted to its previous lawful use at the end of the academic year or planning approval sought for continued use. A planning application would need to be submitted for continued use of the site as a school.

The Planning Group Manager reported a letter received today from the Directors of Tank Hire, which were adjacent to the former Perenco site, stating that if this application was approved that it would affect their plans to expand their business as they were hoping to acquire the site.

The Planning Group Manager reported that on letter of support from a County

Councillor and two letters of objection. He reported that the application was recommended for approval as it was considered that the removal of the conditions complied with the aims of Policy CS6 of the Core Strategy in that it would allow a wider use of the site.

A Member asked if there was any contamination on the site as he was concerned that children would be present on the site if the proposed school went ahead. Another Member raised concerns that the proposed site was in a very congested area and he had fears for the safety of the schoolchildren.

Catherine Seddon, Education Trust representative, reported that a Phase II Contamination Survey had been carried out prior to a PDR submission to prove to the Minister concerned that the site was safe. A Travel survey had been undertaken and if approved, the Minister would evoke Emergency Powers to ensure the site was open in September for the 150 children who had enrolled.

Councillor Waters-Bunn, Ward Councillor, reported her concerns regarding the unlit footpath which ran down the side of B & Q which the school children would be expected to use, the heavy traffic in the area and a potential contamination issue on site.

A Member reported his concerns regarding potential contamination from the Tank Hire premises next door to the proposed school. Another Member reported that he was certain that the Department of Education would not allow a school to open on this site if the contamination survey revealed any contamination.

A Member stated that he would feel more secure if the Minister could assure the Committee that they would not be held accountable if they passed the application and contamination issues arose at a latter date.

RESOLVED:

That application number 06/16/0125/F be approved as the proposal complied with Policy CS6 of the Great Yarmouth Local Plan Core Strategy.

10 APPLICATION NO 06-15-0782-F ST. GEORGES PARK

The Committee considered the comprehensive report from the Planning Group Manager.

The Planning Group Manager reported that the application site was within St. Georges Park, which is a Conservation Area, in Great Yarmouth. The proposed Fountain Bar would be positioned central to the park between two of the pathways. the bar would be an open bar/cafe with a central water feature, which could be open outwards to provide a canopy for the seating area and retracted when closed. The bar area would serve drinks and sell cold and hot food for consumption under the canopy making an A3 (cafe/restaurant) use. The area was designated open amenity space under Policy REC11 of the

Borough Wide Local Plan. However, the creation of commercial enterprises within an area of open space was largely contrary to REC11. However, the park has a relatively limited amount of food and drink sellers within the vicinity so if the Committee was minded to approve, a temporary permission was recommended to assess the wider impact, to ensure the structure did not decline in appearance and the impact on the wider area.

The Group Manager Planning reported that subsequent correspondence with the applicant has suggested a take-away unit under A5 and A1 use rather than a cafe/bar.

The Planning Group Manager reported that the structure would be decorated by local artists and Environmental Health had raised serious objections to the development in relation to toilet provision and Legionella disease as the water feature was a possible hazard without specific preventive measures and the scheme did not provide toilets for customer or staff use. Staff would use the toilets in the Drill House which was situated on York Street. The Planning Group Manager reported that the unit would be portable and could be moved to other sites.

The Planning Group Manager reported that further correspondence had been received from the applicant stating that no alcohol would be sold to negate the issue of alcohol related anti-social behaviour, the cafe would have no more than 10 seats to negate the need for customer toilets and the hard standing surface would be Indian sandstone slabs.

The Planning Group Manager reported that the original proposal had indicated a cafe in the Park, however, subsequent correspondence with the applicant had indicated a take-away unit under A5 and A1 use which raised further issues of possible anti-social behaviour and loss of amenity value to the park.

The Planning Group Manager reported that in light of the further correspondence received from the applicant, he was happy to support the application by Seachange Arts to show the Council's support for local community based projects.

A Member was concerned that local artists would decorate the attraction with graffiti which would be unacceptable. Another Member raised concerns regarding toilet provision under the Provision of Public Conveniences Act 1976 and asked whether the Council had a specific policy. The Planning Group Manager reported that for 10 seats or below, no toilet provision was required.

A Member asked if alcohol would be sold from the premises. The Planning Group Manager reported that this would be a matter for the Licensing Committee to decide but he suggested that if the Committee were minded to approve the application then alcohol sales could be restricted.

Joe Mackintosh, MD, Seachange Arts, reported the salient areas of the application and stated that it would be a unique structure in England which had been funded by Arts Council; England and that Seachange Arts were working

in partnership with the Council. Any profit from the cafe would help to sustain youth activities undertaken in the Drill Hall. He reported that he was happy to follow the advice from Environmental Health and Building Control. The cafe would be secured at night via the external aluminium panels which folded down and acted as shutters.

Mr Macintosh reported that it was proposed to name the premises "Mermadelica".

A Member asked when the facility would be open to the public. Mr Macintosh reported that it would be open between April and October in the park and as it was a mobile structure, it was hoped to explore the Festival circuit to generate additional income. It was envisioned that two staff would be on duty at all times.

A Member reported that the provision of a cafe in the park had been discussed at numerous meetings of the Yarmouth Area Committee but a proper installation would have been preferable to the proposed fold away cafe. He requested an assurance that piped music played would not be at a level or at a time when it would upset local residents. Another Member reported that he had tried to get services laid to the park for such a structure during the development phase of the inteGREAT project for the seafront to St. Georges Theatre.

Mr Mackintosh reported that he envisaged that the cafe would not remain open past 10 pm at the latest but it would be the Licensing Committee who would ultimately determine the hours of operation. The Planning Group Manager suggested that if the Committee were minded to approve the application that they should grant temporary permission for a two year period.

A Member asked whether the bar/cafe had gone out to public consultation to ensure that the local community had been given the opportunity to comment on the proposal. He also asked whether the bar/cafe had gone out to tender as this was a good vehicle for the Council to obtain some revenue from.

Members were minded to approve the application for a temporary period of two years with conditions regarding the times for the playing of piped music outside the premises, the conditions requested by Environmental Health and that the matter be referred to the Council's Property department with a view to the permanent provision of services and toilets on the site and to investigate the tender for this business opportunity within the Borough.

RESOLVED:

That application number 06/15/0782/F be approved for a temporary period of two years with the conditions; restricted alcohol sales, pipe music restrictions, submission of an environmental risk assessment and ground conditions. Lighting restrictions subject to Environmental Health opinion.

11 PLANNING APPLICATIONS CLEARED BETWEEN 1 - 30 APRIL 2016

The Committee noted the planning applications cleared between 1 - 30 April 2016 by the Planning Group Manager.

12 OMBUDSMAN AND APPEAL DECISIONS

The Committee noted the following appeal decision:

06/15/0682/CU – Change of use from guest house to HMO at Kingsley House Hotel, 68 King Street, Great Yarmouth – appeal dismissed.

The original application was an officer delegated refusal.

13 ANY OTHER BUSINESS

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

14 EXCLUSION OF PUBLIC

The meeting ended at: 21:30