

Development Control Committee

Minutes

Wednesday, 08 February 2017 at 18:30

Present :

Councillor Annison (in the Chair); Councillors Fairhead, Flaxman-Taylor, Grant, A Grey, Hammond, Reynolds, Thirtle, Wainwright, Williamson and Wright

Councillor Bensly attended as substitute for Councillor Hanton

Mr D Minns (Planning Group Manager), Mrs G Manthorpe (Senior Planning Officer), Mrs J Smith (Technical Officer) and Mrs S Wintle (Member Services Officer)

Mr G Chetwood (Managing Director, Pasteur Foods), Mr T O'Brien (Uk Development Director, Travelodge), Mr N Mobbs (Imperial Hotel), Mr J Chapman (J. W. Chapman), Mr Duxbury (Resident) Mr T Woolner (Agent, B&Q) and Mr S McGrath (Indigo Planning)

1 DEVELOPMENT CONTROL COMMITTEE - CONSTITUTION AMENDMENT

The Chairman advised Members that a Councillor on a Planning or Licensing decision making body should not participate in the decision and / or vote if they have not been present for the whole item.

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

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

2 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Hanton.

3 DECLARATIONS OF INTEREST

Councillor Thirtle declared a Personal Interest in the item relating to Land, South of Repps Road, Martham, but in line with the Council's Constitution was allowed to both speak and vote on the matter.

Councillor Hammond declared a Personal Interest in the item relating to Land, South of Repps Road, Martham, but in line with the Council's Constitution was allowed to both speak and vote on the matter.

Councillor Wainwright declared a Personal Interest in the item relating to Pasteur Retail Park Ltd but in line with the Council's Constitution was allowed to both speak and vote on the matter.

4 MINUTES

The minutes of the meeting held on the 11 January 2017 were confirmed.

5 PLANNING APPLICATIONS

6 APPLICATION NUMBER 06-16-0332-F - PASTEUR RETAIL PARK LTD, LAND ADJACENT EAST JONES WAY(GC) PARK

The Committee received and considered the detailed report from the Group Manager, Planning which advised Members of a full planning application proposal for a demolition of existing warehouse and redevelopment to provide a 68 bed hotel, a restaurant, 2 A3/A5 drive thru A3 units with car parking spaces and associated works.

The Group Manager, Planning reported that the floor space of the development described the development as comprising C1-68 bed hotel gross internal floor space 2251sqm, A3 - Restaurants and cafes 315.8sqm and A4 -

drinking establishment as 278.7 square metres.

It was reported that the application proposed a total of 35 full time equivalent employees.

The Group Manager, Planning reported that the application was accompanied by the following documents :-

- Design and Access Statement
- Transport Assessment
- Flood Risk Assessment, Surface and Foul Water Drainage Strategy
- Strategic Flood risk Assessment
- Ground Condition Assessment
- Ecological Survey
- Noise Assessment
- Air Quality Assessment
- Energy Appraisal
- Marketing viability appraisal

The Planning Group Manager reported that the company planned to expand significantly over the coming years and to aid this expansion it wished to sell the site with planning permission, releasing capital to facilitate improvements to the wider operation. Further updated information on the operation of the business is anticipated.

It was reported that Pasta Foods needed to invest in their Great Yarmouth Factory and the value generated from this application would allow them to undertake this. Pasta Foods have confirmed that will they will sign a Legal Agreement binding them to spend £500,000 in the factory on implementation of planning consent. This investment will safeguard the long term future of the Great Yarmouth factory.

The Group Manager Planning advised that the application had been subject to two objections, one from a local hotelier and one on behalf of the owners of Market Gates Shopping Centre. He reported that a number of letters in support of the application had also been submitted from employees at Pasta Foods.

Members were advised that there had been no objections received in relation to the application from Anglian Water, Local Lead Flood Authority, Natural England, Historic Environment, Norfolk County Highways, Norfolk Fire and Rescue Service, Highways Agency, Building Control and Natural England.

The Group Manager, Planning reported that the Environment Agency having reviewed the document have removed their objection to the proposal due to a flood risk assessment and flood management plan being submitted.

The Planning Group Manager reported that as part of the application submission Travelodge in a supporting letter refer to the existing hotels at Beacon Park at Gorleston and Acle as being very busy and that they have

identified an opportunity for a hotel closer to Great Yarmouth to meet the demand for more rooms in Great Yarmouth particularly for business visitors.

The Group Manager reported since the application was submitted the applicants have provided further information in respect of the existing warehouse building which it is proposed to demolish here. The report sets out the advantages and disadvantages of the building, market demand for industrial/warehouse accommodation along with ground conditions and competing accommodation concluding that the premises in their current format provide at best basic dry storage.

Subdivision into smaller units is not viable due to the cost of direct building works and external changes. Redevelopment is not viable due to excessive build costs and absence of demand and the availability of competing lands with greater incentives such as the Council sponsored Enterprise Zone, Energy Park and Beacon Park as direct competitors. Higher land use occupiers are likely to be the only viable solution.

The report it is not evidence that the site had been marketed for 18 months as required by the Policy CS6 – but provided an understanding of local market and ground condition based on local knowledge by a respected and established company in the town. The Group Manager reported that Members would need to consider the information and accord it appropriate weight in the decision making process in relation to Policy CS6.

The Planning Group Manager reported that the application was recommended on balance for approval subject to the signing of a legal agreement ensuring investment in the existing Great Yarmouth Pasta Factory and subject to conditions as by the Highway Authority, Environment Agency, Landscaping and drainage and controlling condition to secure the development as proposed.

Councillor Williamson asked how access would be gained to the Pasta Food Factory, and he was advised by Mr Chetwood that access would be obtained via the back of the site. Councillor Williamson raised a further question was raised in relation to the number of allocated parking spaces for employees. He asked if this provision could be conditioned, the Planning Group Manager advised this could be conditioned by the requirement of a Car Parking Management Plan. The representative from Pasta Foods stated that car parking areas for the Pasta Food factory off Southtown Road would be utilised by employees.

Mr Chetwood, Pasta Foods, Managing Director, reported the salient details of the application to the Committee and he assured the Committee that £500,000 would be invested back in to the factory upon implementation of the planning consent, providing a safeguard for the long term future of the Great Yarmouth Factory, in addition to the 140 current employees Mr Chetwood advised that Pasta Food were hoping to take on seven apprentices this coming year. These apprentices would be young, local people .

A Member raised concern in relation to the level of investment required and made reference to a letter contained within the application report from Savills which highlighted the significant amounts of capital acquired and therefore asked why such funding could not have been used to invest in the Great Yarmouth Factory. Mr Chetwood advised that a £2M short term loan had been received from the LEP which had been used to fund equipment, a further £750,000 bridging loan was then received which to date is still being repaid, and he then advised that any further capital was used to fund a £3.7M loss within Pasteur Foods.

Mr Tony O'Brien, UK Development Director Travelodge summarised the Travelodge Hotels commitment to the proposed application and stated that they had legally exchanged to take a 25 year lease in the completed hotel.

Mr Nick Mobbs, Objector summarised the main objections to the proposed application to Members, he pointed out to Members that there had been a significant decline in business and that should the application be approved it would likely decline further. Mr Mobbs also made reference to the fact that the proposed area for development was safeguarded / designated employment land.

A Member asked Mr Mobbs why he had been the only hotel to submit a objection, Mr Mobbs advised that he felt other hoteliers were not aware of the proposals.

Members raised concern in relation to the application being situated on a designated employment land site and pointed out the need for Members to take note of established Strategies and Policies.

Councillor Williamson raised concern in relation to the amount of parking spaces available for employees and stated that he felt a further condition should be added to the proposal recommendation if approved to ensure a car parking management plan would be put in place.

Councillor Wainwright reiterated that the application should be refused because it is contrary to Policy CS6 relating to the retention of employment land.

Following a suggestion from Councillor Bensly, the Chairman allowed a show of hands from the employees of Pasta Foods in the public gallery if they believed that Pasta Foods would invest £500,000 in the existing building. A number of Members objected to this course of action.

RESOLVED :

That application 06/16/0332/F be approved on balance subject to the signing of a legal agreement ensuring investment in the existing Great Yarmouth Pasta Factory and subject to conditions as by the Highway Authority, Environment Agency, Landscaping and drainage and controlling condition to secure the development, and a car parking management programme as

proposed.

7 APPLICATION NUMBERS 06/16/0435/O & 06/16/0811/F - LAND SOUTH OF REPPS ROAD, MARTHAM

The Committee received and considered the detailed Senior Planning Officers report which proposed an outline planning application with all matters reserved apart from access for up to 144 new dwellings.

The Senior Planning Officer report that the application comprised of two applications, one full application for the creation of a new roundabout and access road to be formed into the adjoining land which would provide an access should the outline permission be granted for the erection of up to 144 dwellings. The application for the 144 dwellings is with all matters reserved apart from access and as such the applications are, by necessity to be considered together.

The Senior Planning Officer reported that the Parish Council had objected during the initial consultation to the application on the grounds of confusion about access to Rising Way. A secondary response had been submitted from the Parish Council which asked that the compact roundabout be considered and that a 30mph limit be extended down Repps Road. The Senior Planning Officer also advised that the Parish Council had expressed their support in the roundabout proposals.

The Senior Planning Officer reported that there had been 25 neighbour objections received in relation to the application, Members were provided with a summary of the main objections received.

The Senior Planning Officer reported that Highways had stated that they felt the roundabout should be implemented prior to the first occupation of the dwellings proposed. It was advised that the Internal Drainage Board had requested that further confirmation is required during detailed design stage.

Members attention was drawn to the detailed comments received from Strategic Planning and to the full objection detailed within the report from CPRE - Campaign to Protect Rural England.

The Senior Planning Officer reported that a number of objections were raised regarding the affordable housing homes provision on the site as the original application stated 10%. This has subsequently been amended and the policy compliant 20% shall be provided on the site. The affordable housing shall be secured by way of a Section 106 agreement.

The Senior Planning Officer reported that Natural England had advised that they would expect the developer to make a proportionate contribution to the developing mitigation strategy and that the mitigation measures should be secured via suitably worded planning conditions. Members were advised that the applicant had submitted details of a footpath that could be provided as a

public right of way, Natural England were satisfied with this route although have requested the provision of dog bins, in addition there would also be mitigation provided for the off-site impact in accordance with Policy CS14 of the adopted Core Strategy and shall form part of a Section 106 agreement.

The Senior Planning Officer reported that the site had been identified as developable and deliverable.

The Senior Planning Officer reported that outline application was recommended for approval of both applications with conditions. The creation of a roundabout prior to occupation of any of the dwellings and, for both applications 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 and current policy.

A Member asked if the amount of vehicles entering the development via Rising Way would be conditioned, the Senior Planning Officer advised breaks would be introduced and that Highways had deemed this access acceptable with a 20mph speed limit introduced. A Member questioned why full access could not be obtained via the roundabout, and he was advised that this would be subject to a separate consultation with Highways England.

James Chapman, Applicant summarised the salient details of the application to the Committee, he advised that he had worked closely with local schools and the Parish Council.

A Member asked for an assurance that construction traffic would access the development via the field, the applicant confirmed this.

Mr Duxbury, Objector summarised his main objections to the Committee, he stated that he felt that there was insignificant spare land to service a further development.

A Member raised concern in relation to roundabout access and whether full access could be obtained, Susan Chalis advised that Norfolk County Council state that a development with over 100 or more dwellings should have more than one access route.

RESOLVED :

That the outline application 06/16/0435/O and 06/16/0811/F be approved with conditions. The creation of a roundabout prior to occupation of any of the dwellings and, for both applications 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 and current policy.

8 APPLICATION NUMBER 06/16/0723/F - B & Q, PASTEUR RETAIL PARK

The Committee considered the Group Manager, Plannings report which detailed a proposal for a sub-division of existing retail unit (Class A1) to create 3 retail units for the sale of bulky comparison goods.

The Group Manager Planning reported on the salient areas of the report and advised Members that no objections had been received from the Gorleston Chamber of Commerce, Highways England, Norfolk County Council Highways and Building Control.

The Planning Group Manager reported that the Town Centre Partnership had no objections to the application subject to the following conditions being imposed :-

- None of the new units be less than approximately 1,000 square metres
- A condition be applied preventing the future sub-division of the new units
- The downsized B & Q unit has a 'DIY sales only' condition applied
- That conditions are placed on the new units prohibiting sales of certain goods eg. 'homewares' and 'soft furnishings' to ensure that they are deemed for use as 'bulky goods retail warehouse' units only

The Planning Group Manager reported that Environmental Health had stated that there was a potential for noise nuisance to local residents due to increased traffic movement, use of fork trucks, reversing alarms therefore conditions should be imposed regarding hours of goods delivery and the type of reversing alarms. It was also suggested that if any air handling plant was to be proposed a noise survey would be carried out.

Members were advised that one neighbour letter of concern had been submitted with the main concerns around trading hours and access to the rear of the building and deliveries.

The Planning Group Manager reported that Williams Gallagher acting on behalf of Market Gates Shopping Centre had stated that there is no objection to the principle of the development but concern was raised regarding the potential of the application, if approved, to facilitate the relocation of existing retailers from Gapton Hall Retail Park. It had been suggested that a condition be imposed which would prevent retailers relocating from Gapton Hall, which would ensure that the proposal did not lead to an adverse impact on the town centre. But it was advised that a condition such as above may not be considered reasonable or practical and could be difficult to enforce.

The Planning Group Manager advised that the recommendation was to approve the application as the proposal complies with Policies CS7 and CS17 of the Great Yarmouth Local Plan, Core Strategy and the NPPF.

Tom Woolner, Agent for B&Q assured Members that steps would be taken to ensure retailers from Great Yarmouth Town Centre were prevented from occupying the available units.

RESOLVED :

That Application 06/16/0723/F be approved as the proposal complies with Policies CS7 and CS17 of the Great Yarmouth Local Plan: Core Strategy and the NPPF.

9 LIST OF DELEGATED DECISIONS MADE BY DEVELOPMENT CONTROL COMMITTEE AND OFFICERS 1 - 31 JANUARY 2017

RESOLVED :

The Committee noted the Planning Applications cleared under Delegated Powers and by the Development Control Committee from 1 - 31 January 2017.

10 OMBUDSMAN AND APPEAL DECISIONS

RESOLVED :

That the Committee note the relevant appeal decisions.

11 ANY OTHER BUSINESS

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

The meeting ended at: 20:30