

Development Control Committee

Minutes

Tuesday, 17 November 2015 at 18:30

PRESENT:

Councillor Reynolds (in the Chair); Councillors Andrews, Annison, Collins, Grant, Lawn, Myers, Jermany, Linden, Sutton, T Wainwright and Wright.

Councillor Walker attended as a substitute for Councillor Blyth.

Councillors Cutting and Connell attended as Ward Councillors for Item 5.

Mr D Minns (Planning Group Manager), Miss G Manthorpe (Senior Planning Officer), Mrs E Helsdon (Technical Planning Officer) and Mrs C Webb (Senior Member Services Officer)

1 MINUTE'S SILENCE

The Chairman asked that all those present at the meeting to stand for a minute's silence in memory of those who had lost their lives in the recent Paris terrorist attacks.

2 DECLARATIONS OF INTEREST

It was noted that Councillor Jermany declared a Personal Interest in Item 9 as he was the Chairman of the Licensing Committee and in accordance with the constitution was allowed to both speak and vote on the matter and a Disclosable Pecuniary Interest in Item 5 and therefore left the room whilst the matter was dealt with.

Councillors Andrews and Annison declared a Personal Interest in Item 6 and in accordance with the constitution were allowed to both speak and vote on the matter.

Councillors Lawn and Reynolds declared a Personal Interest in Item 5 and in accordance with the constitution were allowed to both speak and vote on the matter.

3 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Blyth.

4 MINUTES

The minutes of the meeting held on 20 October 2015 were confirmed.

5 PLANNING APPLICATIONS

6 06/15/0309/F CONSTRUCTION OF 194 DWELLINGS AND ASSOCIATED INFRASTRUCTURE.

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

The Chairman reported that there was an error in the report and that the proposed dwellings designated schools would be the infant and junior schools in Ormesby and the high school in Martham and the parish precepts and S106 agreements would have to be recalculated to take this into account.

The Chairman reported that the application was, if approved, to be subject to a holding order which would prevent the decision being issued. This would be so that the Secretary of State can assess the application to see if it was to be called in for consideration.

The Senior Planning Officer reported that the application site was located within the parish of Ormesby St.Margaret with Scratby adjacent to Caister and the current land use was agricultural with hedgerow boundaries. There was a portion of land to the north of the application site which was not part of the application which was used for equestrian purposes.

The Senior Planning Officer reported that the application had undergone amendments which had reduced the numbers from 194 to 189 proposed homes and that this is the number under consideration.

The Senior Planning Officer reported the details of the consultations which had been undertaken, Caister Parish Council, Ormesby St Margaret with Scratby Parish Council's and neighbours were summarised. It was noted that there were 65 letters of objection with 10 additional being received after the report had been published and a petition signed by 172 individuals and one letter of support. The primary reasons for objection were summarised as: lack of facilities such as doctors and dentists, lack of schools within walking distance, the development would remove the boundary between Caister and Ormesby, Great Yarmouth's' Core Plan sought to maintain strategic gaps between settlements to prevent coalescence, increased traffic, the effect on Reynolds Avenue; concerns over loss in value of homes, difficulty trying to sell property, overflowing cemetery, contrary to Local Planning Policies HOU6 and HOU10, disruption caused by noise, building works, dust, loss of Grade One Agricultural Land, foul water pumping station badly located, inappropriate when there were brown field sites available, lagoon makes this development unsuitable, traffic increase would be detrimental to public safety, proposed buildings were out of character with the area, the site was green belt and should not be built on, merging Caister with Ormesby, flood risk, single access point, wildlife would suffer, drains cannot cope and a smaller development would be better, noise from the bypass, loss of views, loss of land used for growing food, no jobs in Caister and the precept would go to Ormesby St.Margaret with Scratby Parish Council.

It was reported that a selection of objections were attached to the report before the Committee.

Ormesby St.Margaret with Scratby Parish Council's objections were summarised and commented on. The objections were that there were driveways leading onto Ormesby Road, the Senior Planning Officer noted that the plan had been amended in accordance with these and Highways comments and the amended plans showed shared access off of Ormesby Road, not direct access for vehicles. One access was inadequate, the Senior Planning Officer noted that the emergency access had been amended to be a second access to the site, in accordance with these and Highways comments, the joining up of Caister with Scratby, open space to be included to the south of the site abutting Reynolds Avenue, impact of additional traffic on Ormesby St.Margaret, clarification of the cycle link, lack of bus services, footpaths and street lighting, an undertaking that the figure of 194 houses would not be exceeded, disappointed at the loss of Grade One agricultural land and the urbanisation of a very special rural environment.

Caister Parish Council objections were summarised as too close to the Caister Boundary, over-development of the site, there should be a gap of 500 metres between the boundaries of Ormesby and Caister, development on green belt land, local doctor's and dentist's surgeries were already over-subscribed, utilities could not cope with the demand at present time, sewerage plant overloaded and the infrastructure of the village could not take any more development.

It was reported that there had been amendments in line with some of the comments received, including the additional access, the re-orientation of buildings and access at the Ormesby Road frontage, the additional bungalows adjacent the new proposed development at Meadowcroft House. It was further noted that the site was not green belt and it was explained that green belt was a legal term and there was no green belt land within the Borough. The site was Grade One agricultural land.

The Senior Planning Officer reported that the ground levels between the site and the surrounding areas varied with the site lying lower than the surrounding land. It was reported that the location of the bungalows and the difference in land levels would reduce the overlooking and potential effect on the properties adjoining the site. It was reported that the difference in land levels and the attenuation basin would take surface water as detailed in the submitted details.

It was reported that there had been an objection from the RSPB and that following an amended Shadow Habitats assessment, the objections were still in place. It was reported that the Little Terns, whilst not present on site, could be affected by an increase in numbers of dog walkers to the surrounding areas. It was reported that a mitigation figure based on the draft Natura 2000 Planning Policy had been agreed with the applicants and this could be secured under S106 Agreement if the application was approved. It was reported that there were no protected species present on the site.

The Senior Planning Officer reported that with regard to paragraph 4.14 of the agenda, that bespoke advice was still awaited on this issue.

A Member was concerned that a policy of the upcoming Core Strategy had been omitted from the report. The Senior Planning Officer reported that the current policies of the adopted plan also covered loss of agricultural land and this had been considered in the report and that all applications were dealt with as they arrived and,

given the make-up of the Borough, agricultural land would come forward for housing.

A Member was concerned that hedgerows would be removed from the borders of the application site which were vital habitats for local wildlife.

A Member raised concerns that this application would result in no clear green land division between the parishes of Ormesby St. Margaret with Scratby and Caister.

A Member raised concerns that two large water mains supply pipes ran underneath the proposed site and that possible flooding events could occur during the development if the water pipes were burst. The Senior Planning Officer reported that there were no objections from the water provider other than the planting of trees would have to be amended owing to the proximity of the water line. It was reported that in the absence of an objection the houses would not have an adverse effect on the water line.

A Member asked what made land green belt and was told that green belt and was told that green belt land was legally designated and that this land was not designated.

A Member was concerned regarding the inclusion of a play area in the scheme as the Council's Sport and Leisure Strategy aimed to reduce the numbers of play areas in the Borough and the associated maintenance costs. The Planning Group Manager reported that as part of negotiations, a Maintenance Company would be set up to deal with this issue.

Laura Towns, applicant's agent, reported the salient areas of the application and asked the Committee to support the Planning Group Manager's recommendation.

Members were concerned that the Developer had miscalculated the number of children who would reside on the development and require school places. They raised concerns over drainage issues on the site and questioned why the Developers had not applied to build on available Grade III land in Ormesby.

Mr Lavan, objector, re-iterated the concerns of local residents and strongly urged the Committee to refuse the application and save the integrity of their village of Caister-on-Sea.

Mr Freeman, Chairman of Ormesby St.Margaret and Scratby Parish Council reported that the Parish Council supported the application as it ticked all the boxes of the Council's Core Strategy and could not be refused on planning grounds. There had been no housing development in Ormesby and Scratby for the last fifteen years and the villages must accept that they needed to accept their fair share of future housing developments required by the Government.

A Member reported that the updated Core Strategy would not be adopted by Council until 21 December 2015. The Planning Group Manager reported that, to date, the Core Strategy had been through a rigorous inspection process by the Planning Inspector and although it had not been adopted by Council, the document must be acceded to.

Mrs Connell, Caister Parish Council, detailed the objections from Caister Parish Council and other residents within Caister. Mrs Connell stated that the wildlife would be affected and that the application would remove natural boundaries. Mrs Connell stated that there could be flooding problems on the site and that there had been localised flooding in the area which could be made worse by the development. Mrs

Connell stated that there was insufficient infrastructure in Caister to deal with the additional housing and that there were already long waiting times at the doctors and pharmacy. Mrs Connell noted the distance that the children would have to travel to school and that Caister school would get children and their associated traffic as it was not in walking distance. Mrs Connell stated that the application would affect Caister but be in Ormesby and that there was Grade Three agricultural land available to build on it Ormesby. Mrs Connell showed a map to Members giving the location of a Grade Three agricultural site and stated that this should be built on first. Mrs Connell requested that Members refuse the application as Caister was a village which wanted to remain a village and was proud of its individuality and heritage.

Councillor Myers asked why this brownfield site was not being built on and the answer given was that applications came forward and were assessed on their merit. It was noted that the site in question would probably also come forward for development and could be assessed at this time.

The Chairman, who was also a Ward Councillor, reported that the Borough had been set a target by Government to build 7,240 houses over the next fifteen years and the Flegg villages would be required to take their fair share. He had spent the last thirty years trying to protect his ward but there were no valid planning grounds to refuse this application.

A motion was made to refuse this application on the grounds that it would lead to the loss of Grade I Agricultural Land, as it was contrary to Policies NNV16, HOU4(f), HOU6(j), HOU11(i) and would lead to the loss of boundary segregation as it was contrary to Policy NNV5 of the adopted Boroughwide Local Plan 2001 was proposed and seconded.

Following a vote, the motion was lost.

A second motion was made to approve the application in line with the recommendation of the Planning Group Manager.

RESOLVED:

That application number 06/15/0309/F be approved subject to conditions as recommended by consulted parties and any additional to ensure a satisfactory form of development and, not to issue prior to signing of an agreement under section 106 for obligations as set out by Norfolk County Council, provision for schools, infrastructure, mitigation, affordable housing, children's play equipment/space and open space management mitigation measures in line with the aims of the Natura 2000 Sites Monitoring and Mitigation Strategy and that the permission be for a maximum of 189 houses only.

It was also noted that the decision could not be issued until the Secretary of State made a decision in respect of the call-in.

7 06/15/0521/CC DEMOLITION OF RAYNSCOURT HOTEL, 83 MARINE PARADE, GREAT YARMOUTH

The Committee received and considered the comprehensive report from the Planning group Manager.

The Senior Planning Officer reported that the application site currently comprised a substantial sized hotel located in a prominent corner position within a Conservation Area and a Secondary Holiday Accommodation Area as defined within the Boroughwide Local Plan. The proposal sought to demolish the existing hotel in order to create an area for additional car parking to serve the adjacent Raynscourt Lodge which would require a separate planning application.

The Senior Planning Officer reported that the application contravened Policy BNV9 and TR1 of the Boroughwide Local Plan 2001 and was recommended for refusal.

However, if the Committee were minded to approve the application, any approval of permission should be subject to the following conditions:

(i) The works of demolition hereby authorised shall begin not later than 3 years from the date of this consent.

(ii) The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

A Member asked whether the hotel was a Listed Building. The Senior Planning Officer reported that it was not a Listed Building.

Mrs Hammond addressed the Committee in support of the application for demolition. She reported that the hotel had been for sale for four years but a buyer could not be found.

Members were concerned that if the hotel was not demolished that it would fall into disrepair and affect the remainder of the seafront street scene.

RESOLVED:

That against the recommendation from the Planning Group Manager, that application number 06/15/0521/CC be approved subject to the recommended conditions and those required to form a satisfactory demolition and the following conditions:

(i) The works of demolition hereby authorised shall begin not later than 3 years from the date of this consent.

(ii) The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

8 06/15/0548/F & 06/0550/CC DEMOLITION OF VACANT PUBLIC HOUSE & ERECTION OF PETROL FILLING STATION AND LANDSCAPING WORKS

The Committee received and considered the comprehensive report by the Planning Group Manager.

The Senior Planning Officer reported that the application site comprised of the existing Sainsbury's supermarket car park and a vacant public house, the Tudor

Tavern, which was owned by Sainsbury's and fronted on to St.Nicholas Road to the South. The site was located within a Conservation Area and Edge of Centre Area as defined under the adopted Boroughwide Local Plan. The proposal included a sales kiosk, forecourt and canopy with a corporate sign.

The Senior Planning Officer reported that nine letters of objection had been received together with a petition containing 402 signatures. One letter of support had also been received.

The Senior Planning Officer reported that the Conservation Officer did not support the application as the public house was a reasonable building in the Conservation Area which could be utilised as the shop/payment point for the new petrol filling station.

The Senior Planning Officer reported that Highways and the Environment Agency did not object to the proposals but had suggested conditions if permission was granted. The application accorded with Policies SHP12, BNV10 and BNV15 of the Great Yarmouth Boroughwide Local Plan 2001 and was therefore recommended for approval.

A Member was concerned that the building works could have a detrimental affect on traffic which used St.Nicholas Road.

A Member was concerned that the demolition could lead to the tenants who occupied the flats above the public house to become homeless.

A Member was concerned that the new petrol filling station could lead to unfair competition with the existing petrol filling station located nearby. The Chairman reported that, unfortunately, competition was not a planning consideration.

Mr Peplar, Agent, reported the salient areas of the application to the Committee. He reported that it was a modest application for four petrol pumps which could service eight cars at a time. The proposal could create between ten to fifteen full and part-time jobs.

Mr Oldberry, Objector, reported that the development would have a detrimental affect on the St.Nicholas and Northgate Conservation Area and that the apparent reduction in footfall for Sainsbury's, as seen through the number of empty car parking spaces during peak shopping times, did not warrant a second petrol filling station. The excess parking spaces would serve a better use if they were used to public advantage in the Conservation Area.

A Ward Councillor reported that he held concerns regarding light and noise pollution emanating from the site but the enhanced planting scheme would mitigate these concerns.

RESOLVED:

That applications 06/15/0548/F and 06/15/0550/CC be approved as the proposal complied with Policies SHP12, BNV10 and BNV15 of the Great Yarmouth Boroughwide Local Plan 2001. Approval should be subject to the conditions recommended by the Local Highway Authority and Environment Agency.

Approval should be subject to conditions to ensure satisfactory form of development and those recommended by the Highways Authority and the Environment Agency.

9 06/15/0534/F FIXED LEISURE FACILITIES TO HAVE PERMANENT PLANNING APPROVAL.

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

The Senior Planning Officer reported that the application was for permanent approval to the existing facilities which included children's play equipment, a go-track track and a wooden maze. In addition, a new permanent cafe would replace the existing temporary structures. The cafe would remain on site all year as opposed to the existing structures which currently are removed outside of the season.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions as it conformed to Policies TR1 and TR2 of the Boroughwide Local Plan 2001.

A Ward Councillor reported that he welcomed the application and the investment in tourism and local employment opportunities in Hemsby.

Mr Hirst, applicant, reported that further discussions were required with the planning department to agree the screening measures required adjacent to the cafe so as not to create a vermin problem.

A Member was concerned that the condition regarding the seasonal opening times of March till November could be restrictive. Mr Hirst reported that he would like to open at Easter and close after half-term in October. The Chairman reported that he did not see this request as a problem and that the Planning Group Manager could agree this under delegated powers.

RESOLVED:

That application number 06/15/0534/F be approved subject to conditions set out in paragraph 5.1 of the agenda, to include opening times from March to November the 6th, as the application represented an improvement to existing tourism facilities which already has permission to remain for several years meaning the proposal conforms to Policy TR1 and TR2 of the adopted Boroughwide Local Plan 2001.

10 06/15/0540/F VARIATION OF CONDITION 2 OF PP 06/76/901/F & 06/08/0059/F & CONDITION 3 OF PP 06/15/0153/F

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

The Planning Group Manager reported that the application proposed to open the restaurant from 8am to 1am on any given day. The site included 4/5 Beach Road and 16 Limmer Road and the area was predominantly residential. Highways had not objected to the proposal as the increased opening hours is unlikely to significantly impact upon the existing parking and access or create additional traffic congestion.

The Planning Group Manager reported that the application was recommended for approval with conditions as listed in paragraph 5.1 of the agenda.

The Chairman suggested that approval should only be granted for a trial 12 month period and that the extended opening times could be limited to weekends (Friday and

Saturday).

A Member was concerned that Environmental Health had opposed the application and recommended refusal as it would be detrimental to the quality of life for local residents but that it had been recommended for approval by the Planning Group Manager.

A Member suggested that a three month trial basis would be more acceptable in this case.

A Ward Member reported that this proposed extension would adversely affect the lives of local residents as the premises would be operating more like a nightclub than a restaurant and asked the Committee to refuse the application.

RESOLVED:

That against the recommendation from the Planning Group Manager, that application number 06/15/0540/F be refused to avoid noise pollution giving rise to significant adverse impact on health and quality of life for local residents.

11 PLANNING APPLICATIONS CLEARED BETWEEN 1 - 31 OCTOBER 2015

The Committee received and noted the planning applications cleared between 1 and 31 October 2015 by the Planning Group Manager and the Development Control Committee.

12 OMBUDSMAN AND APPEAL DECISIONS

a Item Title

The Committee noted the appeal decision.

b Item Title

The Committee noted the appeal decision.

c Item Title

The Committee noted the appeal decision.

13 ANY OTHER BUSINESS

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

14 EXCLUSION OF PUBLIC

The meeting ended at: 21:20