



GREAT YARMOUTH
BOROUGH COUNCIL

Development Management Committee

Minutes

Wednesday, 24 January 2024 at 18:30

PRESENT:-

Councillor A Wright (in the Chair); Councillors Annison, Bird, Boyd, Capewell, Freeman, Galer, Green, Martin, Mogford, Murray-Smith & Williamson.

Councillor P Carpenter attended as a County Councillor.

Mr A Chrusciak (Interim Head of Planning), Ms C Whatling (Monitoring Officer), Mr R Parkinson (Development Manager), Mr N Harriss (Principal Planning Officer), Mr M Joyce (Principal Planning Officer), Mr M Brett (IT Support) & Mrs C Webb (Democratic Services Officer).

01 APOLOGIES FOR ABSENCE

There were no apologies for absence given at the meeting.

02 DECLARATIONS OF INTEREST

Councillors Bird, Boyd & Freeman declared a personal interest in item 4 as they were Ward Councillors whose ward included the application site or part of.

Councillor Annison declared a personal interest in item 5 as he was a County

Councillor for the Breydon Division.

Councillor Williamson declared a personal interest in item 5 as he lived in the vicinity of Rose Farm, Belton.

Councillor Murray-Smith declared a personal interest in item 5 as he was a Ward Councillor and in item 6 as he owned a holiday home adjacent to the application site.

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

03 MINUTES

The minutes of the meeting held on 18 December 2023 were confirmed.

04 APPLICATION 06 23 0616 D - Land at Nova Scotia Farm, west of Jack Chase Way, West Caister

The Committee received and considered the report from the Principal Planning Officer and the update addendum report dated 24 January 2024.

The Principal Planning Officer gave a presentation to the Committee and reported that the circumstances relating to this application were considered to be unusual, and a timely decision was essential to assist the provision of ongoing housing delivery at Caister and support the local construction industry, whilst avoiding the seasonal embargo which prohibited works on the strategic highway network at Jack Chase Way during the summer months. In light of these circumstances, it was recommended that the Committee agree to delegate full powers to the Interim Head of Planning, in consultation with the Chairman of Development Management Committee, to determine the application reference 06-23-0616-D.

The Principal Planning Officer reported the updates which had been received since the DM Committee agenda had been published to ensure that Members were aware of all the salient information to enable them to reach an informed decision.

Councillor Galer asked for confirmation as to whether the application had suffered from any particular delay. The Principal Planning Officer reported that the application process was where it was expected to be at this time.

Councillor Freeman asked for clarification as to whether the dates of the highways embargo was set in stone. The Principal Planning Officer reported that the embargo was set by NCC.

Councillor Murray-Smith asked for clarification as to when a decision would need to be made. The Interim Head of Planning reported that he could not give a definitive date as this was reliant on the outstanding consultation responses and third party consultation responses and the amount of work needed to address them.

Councillor Murray-Smith suggested that as this was a major, sensitive application, an

additional DM Committee meeting could be held in February to allow the Committee to make the decision. The Interim Head of Planning reported that the consultation period ended on 5 February 2024 and the next DM Committee was scheduled for 24 February 2024, which would be too tight to avoid the highways embargo. An additional meeting would also require the reports to be published in the public domain for 5 clear working days prior to the meeting. Councillor Murray-Smith asked for clarification that the delegation of the decision would therefore save 5 working days. The Interim Head of Planning confirmed that this assumption was correct.

Debi Sherman, applicant's agent, addressed the Committee and reiterated the salient points for the need for the decision to be delegated to the Head of Planning following the closure of the public consultation on 5 February 2024 to allow works to commence on-site in early March 2024 on the access to the site at Ormesby Road at a cost of up to a £1m. This would beat the time concerns in relation to the highways embargo and Judicial Review matters in mid-March. Otherwise works would not be able to commence until September 2024 and Persimmon would not be able to deliver any homes this year resulting in a loss of £340k in s106 payments and numerous redundancies on-site.

Parish Councillor, Kevin Wood, addressed the Committee and reported the concerns of local residents. The main concern was the loss of any hedgerows and mature trees as a result of the planned development on the site. The parish Council had real concerns regarding environmental issues associated with the development and were awaiting correspondence from Persimmon detailing the outcome of a recent meeting.

County Councillor P Carpenter informed the Committee that she did not wish to address them this evening.

Councillor Annison reported that he had served on the DM Committee for several years and it did not sit right with him to give delegated powers to officers in regard to such a contentious application which generated much public interest and that he wished the whole process to be transparent and therefore he could not support the officer recommendation.

Councillor Freeman, Boyd, Murray-Smith & Galer reported that they strongly supported the views of Councillor Annison.

Councillor Annison proposed that the application be brought back to Committee as a one item agenda at the earliest opportunity in February.

Councillor Capewell asked the Monitoring Officer if there was a way of getting around the 5 clear working days CMIS publishing of the agenda rule, as if the homes were not built, this would be a serious loss to the borough. The Monitoring Officer confirmed that the 5 clear working days rule could not be altered and that Members could either defer the item to the next scheduled DM Committee meeting of the 24 February 2024 or hold another meeting in February, the exact to be determined outside of this meeting following the closure of the consultation period on 5 February 2024.

The Interim Head of Planning confirmed that an additional meeting could be scheduled for 17 February 2024. He reminded the Committee that this was a Reserved Matters application and the first phase of several phases. Approval had already been granted for the application and the Reserved matters would just put the "meat on the bones" for the design and layout and it would not revisit the principles of the development.

Following a vote, the recommendation that the Committee agree to delegate full powers to the Head of Planning, in consultation with the Chairman of Development Management Committee, to determine the application, was lost.

Councillor Annison proposed that the application be brought to the Development Management Committee for determination as soon as officers have completed their assessment. Consideration to be given to holding an additional meeting of the Development Management Committee at the earliest opportunity to prevent delays. This proposal was seconded by Councillor Mogford.

Following a vote, it was RESOLVED:-

That the application be brought to the Development Management Committee for determination as soon as officers have completed their assessment. Consideration to be given to holding an additional meeting of the Development Management Committee at the earliest opportunity to prevent delays.

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05 APPLICATION 06 22 1104 F - Rose Farm Touring Park, Stepshort, Belton

The Committee received and considered the report from the Development Manager which was detailed on pages 17 to 62 of the agenda pack and the updated addendum report which was published on 24 January 2024.

The Development Manager reported that the proposed application was to regularise the use of existing holiday accommodation as residential with year-round occupancy. The proposal amounted to a new residential development across a site of more than 1ha in area. The application site was located behind Rose Cottage, the cottage was outside the application site but inside the development boundary. The expiry date of the application was 3 May 2023 and an extension of time was agreed to 30 May 2023 but the application was now subject to an appeal against non-determination.

The Development Manager reported that as the application was subject to an appeal made against the Council for non-determination of the application, the application as presented to Committee as the Planning Inspectorate must be informed of the intended outcome of the decision maker, were they still able to make the determination. Therefore, the Committee was asked to consider the application on the basis of the application and documentation as submitted, irrespective of the appeal. Although a decision notice from the LPA will not be issued, Officers will submit the minutes of the committee meeting and an associated LPA Appeal Statement to the Planning Inspectorate in due course.

The Development Manager reported that the Housing & Enabling Strategy Manager had commented that touring caravans did provide valued housing for Gypsy and Traveller Communities but reiterated that the use of touring caravans for permanent residential use outside of these communities was not something the Council would endorse.

The Development Manager informed Committee that a press advert and new site

notices had been issued to advise the public of the application being both a major development and contrary to the development plan. The consultation period expired on 16 February 2024 and any representations received will be sent to the Planning Inspectorate. The Development Manager reported an update to the report on paragraph 10.3 on page 30 of the agenda pack in regard to the Housing Officer's comments.

The Development Manager gave a detailed presentation, which detailed each of the 17 reasons why the Officers proposed that the application should be refused as the application presented many conflicts with the adopted development plan and was contrary to policies concerning:-

- the principle of development and development in the countryside;
 - the principle of residential development in inappropriate locations;
 - insufficient accessibility and connections with services, facilities and public transport links;
 - inadequate links to existing highways infrastructure networks;
 - inadequate facilities, infrastructure and standards of accommodation for future residents;
 - inadequate design and landscaping provision;
 - inadequate protection and integration of trees and hedges;
 - unacceptable impacts on landscape character and unacceptable development within the strategic gap between the settlements;
 - unacceptable impacts on ecology;
 - inadequate provisions for securing and providing the route of a strategic cycle and pedestrian route;
 - lack of affordable housing provision;
 - lack of provision for community infrastructure and planning obligations;
 - inadequate protection and mitigation for the effects on designated wildlife sites;
 - inadequate assessment and provision for flood risk and surface water drainage requirements;
 - inadequate assessment of the capacity of foul water drainage systems;
 - lack of suitable mitigation measures to minimise contributions to climate change;
- and,
- detrimental impacts from a loss of tourism accommodation and associated jobs and investment in the tourism sector.

As such the proposed development is considered to not accord with policies CS1, CS2, CS4, CS5, CS6, CS9, CS11, CS13, CS14, CS16 of the Great Yarmouth Core Strategy (2015) and does not accord with policies GSP1, GSP3, GSP4, GSP5, GSP6, GSP7, GSP8, UCS4, H2, H4, H5, H8, H11, A2, E1, E4, E6, E7, I1 and I3 of the Local Plan Part 2 (2021), and fails to address various requirements of the NPPF and the Conservation of Habitats and Species Regulations 2017, and should therefore be refused.

There are not considered to be any material considerations of sufficient weight to justify or overcome the conflict with adopted policy, and as such the application should be determined in accordance with the adopted development plan.

Councillor Williamson reported his concerns in regard to the transmission of pollution from the site to the ground water and local watercourses which was contrary to Policies E6 and CS11 and requested that an amendment be made to the recommendation citing this as a further reason for refusal. The amendment was seconded by Councillor Galer. Following a vote, this amendment was unanimously

carried by the Committee.

Councillor Annison was concerned in regard to the vast highways improvements which would be required and the width of the footpath provision especially the pinch-point at the telegraph pole which severely obstructed the footpath. He requested that an amendment be made to the recommendation citing the telegraph pole obstruction to the footpath as another reason for refusal. This amendment was seconded by Councillor Galer. Following a vote, this amendment was unanimously carried by the Committee.

The Interim Head of Planning suggested that the recommendation as detailed in the agenda report be agreed subject to the following amendments:-

- Amendment to Reason for Refusal 3 to add specific reference of the telegraph pole obstruction to the footpath
- Addition Reason for Refusal to raise concern about lack of information to address concerns regarding the transmission of pollution from the site to the ground water and local watercourses, contrary to Policies E6 and CS11.

Councillors Freeman reported that he strongly supported the officer recommendation to refuse the application.

RESOLVED:-

That in regard to application 06-22-1104-F, the Committee resolve to:-

(i) Confirm that, had the power to determine the application have continued to rest with the, they would have REFUSED the application for the reasons set out in pages 57-61 of the agenda report.

(ii) That powers be delegated to officers to amend or remove any of these reasons should it prove necessary to protect the Council's interests.

(iii) That an amendment to Reason for Refusal 3 to add specific reference of the telegraph pole obstruction to the footpath and an addition Reason for Refusal to raise concern about lack of information to address concerns regarding the transmission of pollution from the site to the ground water and local watercourses, contrary to Policies E6 and CS11.

06 APPLICATION 06 23 0678 VCF - Former Pontins Holiday Centre, Beach Road, Hemsby - THIS ITEM HAS BEEN DEFERRED.

The Chair reported that this item had been deferred.

07 APPLICATION 06 23 0837 F - Site adjacent the ladies' Public Convenience, The Jetty, Marine Parade, Great Yarmouth

The Committee received and considered the report from the Planning Officer which was detailed at pages 79-87 of the agenda pack.

The Development Manager informed the Committee that there was no further information detailed in the update addendum report in regard to this application which was for the proposed erection of a beach wheelchair store adjacent to the Ladies' Public Convenience, The Jetty, Marine Parade, Great Yarmouth. This was a connected application as the Council was both the applicant and landowner and that the application had therefore been referred to the Monitoring Officer.

The Development Manager reported that the application would provide a building of acceptable design and one which facilitated a public benefit. Having considered the details provided, the application is considered to comply with policies CS1, CS8, CS9, CS10 and Cs13 from the adopted Core Strategy, and policies GSp1, GSP4, GY6, E3, E5 and A1 from the adopted Local Plan Part 2 and the application was recommended for approval, with the conditions as set out on page 86 of the agenda report.

Councillor Galer asked for clarification as to whether the store would house only one wheelchair. The Development Manager reported that as these wheelchairs were rather large and bulky that there would only be room for one.

Councillor Mogford asked for an assurance that the building would be fit for purpose and that a users wheelchair could be safely stored and locked away whilst the beach wheelchair was in use. The Development Manager confirmed that the building was secure and lockable.

RESOLVED:-

That application 06-23-0837-F be delegated to the Head of Planning to approve subject to:-

- (i) Prior receipt of appropriate confirmation of proposed materials and design; and
- (ii) The conditions listed on page 86 of the agenda report, with any required amendment to their wording; or the inclusion of other conditions and/or informative notes; as considered to be appropriate by the Head of Planning.

08 APPLICATION 06 23 0139 F - Brush Quay Car Park, Quay Road, Gorleston

The Committee received and considered the report from the Principal Planning Officer which was detailed at pages 88 to 99 of the agenda pack and the update addendum report which was published on 24 January 2024.

The Principal Planning Officer reported that the application was for a proposed replacement compound for the storage of bins, barrows and ancillary equipment with separate access off Quay Road with the erection of a steel store and a 2m high steel perimeter fence. This was an application submitted by the Council as applicant, for determination by the Council as Local Planning Authority, and as such, had been referred to the Monitoring Officer.

The Principal Planning Officer reported the salient points of the application to the Committee and that additional information had been received since the agenda had been published and the applicant had confirmed that they agreed with the proposed use of a condition limiting this to a two-year temporary permission to allow for a review.

The Principal Planning Officer concluded that the proposal represented sustainable development, and, when subject to conditions requiring mitigation, could be broadly in accordance with the relevant planning policy and guidance. Subject to conditions as set out on pages 96-98 of the agenda report, the proposal was recommended for approval.

Councillor Mogford asked whether the structure would be "seagull proof". The Principal Planning Officer confirmed that it would.

RESOLVED:-

That application 06-23-0139-F be approved subject to the conditions as set out on pages 96-98 of the agenda report and the additional condition limiting this to a two-year temporary permission to allow for a review.

09 ADDENDUM REPORT- 24 January 2024

The Committee received and considered the Committee Update Addendum report dated 24 January 2024.

10 ANY OTHER BUSINESS

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

The meeting ended at: 20:30