

Development Control Committee

Minutes

Tuesday, 15 October 2013 at 18:30

Attendees:

Mr Bert Collins (Member), Mr Barry Cuniffe (Member), Mr George Jermany (Member), Mr Jim Shrimplin (Member), Mr David Thompson (Member), Mr Anthony Blyth (Vice Chairman), Mr Michael Castle (Chairman), Mrs Marlene Fairhead (Member), Ms Marie Field (Member), Mr John Holmes (Member), Mr Charles Marsden (Member)

Apologies for Absence:

Mr Charles Reynolds (Member), Mrs Kerry Robinson-Payne (Member)

Absent:

No Members Absent

Also in attendance at the above meeting were:

Councillors Plant and J Smith attended as substitutes for Councillors Reynolds and Robinson-Payne respectively.

Mr D Minns (Planning Group Manager), Mrs E Helsdon (Technical Officer) and Miss S Davis (Senior Member Services Officer).

1 Minutes

The minutes of the meeting held on 17 September 2013 were confirmed, subject to Councillor Plant being added to the list of Members present as the substitute for Councillor Collins.

2 Public Consultation

In accordance with the agreed procedure for public consultation, the Committee considered the following applications:

a) **Application No. 06-13-0025-F - Beacon Park (land at) Beaufort Way, Gorleston (Sainsbury's)**

The Committee received details of the application which included the erection of a foodstore, 4 retail units, petrol filling station and car wash with associated car parking, landscaping, access and highway works to form Beacon Park Neighbourhood Centre, together with permission for an advertising "totem pole" on the existing A12 roundabout entrance for five years.

The Planning Group Manager outlined the history to the site and the relevant Local Plan policies. He also reported on the various consultation responses received including an additional one which was tabled from the occupier of 19 The Fairway who was in favour of the development but had expressed concern in relation to car parking particularly for Hospital staff and visitors and had asked whether the units could be occupied by takeaways. The Committee noted that the parking issue was being discussed by the Gorleston Area Committee and the units could be takeaways, retail or office use. It was reported that the Highways Agency had originally objected as they were concerned about whether the existing A12 roundabout would be able to cope with the additional traffic without having traffic lights installed but had then withdrawn their objection following the new guidance on traffic impact being issued which meant they did not have to consider the first five years impact. The Officer also reported on the various conditions which were being suggested if the application was approved. He explained that, in his view, the site met the requirements of the sequential test in that there were no sites that could accommodate the identified need and demand for a food store in a sequentially preferable location, and the fact that the identified need was specific to Beacon Park was an important material consideration in the overall assessment. He also referred to the Retail Study that agreed there were no other suitable sites. Notwithstanding that, he indicated that he felt there was a material consideration in relation to Morrisons even though this was outside the current defined Town Centre for Gorleston and was actually classed as "edge of centre". He stated that Members needed to decide what weight they wished to give it bearing in mind the fact that it was not in the Town Centre and it was felt that it was not significantly adverse enough to refuse the application. He added that Members also needed to bear in mind the existing Policies had been approved in 2001. On balance, therefore, he recommended the application for approval subject to conditions. He clarified that, due to its size, if Members were minded to approve the application, it would still need to be referred to the Secretary of State prior to any decision being issued.

The applicant's agent reported that there had been a good response from local residents at the public exhibition held in the nearby Travelodge with 94% in favour of the proposals. He added that many attendees had said they didn't shop locally in Gorleston so welcomed the store which meant there would be a significant clawback to the local community. He referred to the fact that this was a state of the art superstore that was highly sustainable and accessible. It would also provide some 300-400 full and part time jobs for local people who usually lived within one mile of a store. He concluded by saying that the addition of the new roundabout and store should be seen in the overall context of the wider growth of the area that also included the proposed residential dwellings nearer to Bradwell.

The agent was asked if hospital staff would be allowed to park at the store as a representative had led Members to believe during the consultation phase, however,

he responded that the car park would be for shoppers only and it was likely would be time limited. Following a query, he also stated that Sainsburys did not use Zero Hours Contracts for their staff but had flexible working arrangements bearing in mind the store was open 7 days per week. He added that some two thirds of the overall staff numbers were likely to be full time equivalent positions. He also stated that it was not the applicant's intention to close the Great Yarmouth store as Gorleston was a growth area and it was felt the market would be strong enough for Sainsburys to sustain two stores. Reference was made to the fact that the Section 106 monies for the Travel Plan appeared to be inadequate and the agent indicated that he was negotiating with Officers regarding this issue.

A resident referred to her letter which expressed concern in relation to the spur road which provided exits for buses onto Woodfarm Lane and stressed that this needed to be widened at the same time as the store was built because there was a safety issue for residents and their children crossing to the nearby play park. She also asked for details of how the road would be widened and whether this meant pavements would be lost. The Officer clarified that details still needed to be worked out but he would take on board the resident's comments.

Councillor Collins, Ward Councillor, indicated he had no specific comments to make on the application.

Members considered the application and it was agreed that the application would be good for the local economy, give residents more choice and as part of the wider development of the area provided much needed facilities and indeed may not actually be a large enough store in the future.

RESOLVED:

That Application No. 06/13/0025/F be approved, subject to conditions as detailed in the report, a limit on the percentage of goods to be sold ie convenience/comparison goods in the store and the Section 106 Agreement as necessary, in order to accord with the National Policy Framework and emerging and current Local Plan Policies providing a sustainable form of development, economic benefits and employment in the Borough.

b) Application No. 06-13-0469-F - 1 Coastguard Cottages, Caister

The Committee received details of the application to replace an existing garden and decking with a three storey three bedroom dwelling at the end of a row of a terrace of coastal cottages. It was noted that the proposed design was very modern with an unusual style of roof although this did not go higher than the height of the existing adjacent terrace houses. The Parish Council had objected as they were concerned about the impact on flood defences, however, the Coastal Protection Manager had not overtly objected provided a 5m zone was left between the building and the flood defences to retain unimpeded access. Letters of objection had also been received from neighbours who were concerned that the design was out of keeping with the existing traditional terrace houses. It was noted that letters of support had also been received from the occupants of two other houses in the row, however, these were from tenants of the applicant and there was concern from objectors that these may be biased. The Officer reported that the site was not within a Flood Zone despite its proximity to the sea, although it was within the Coastal Protection Area. He added that the site was within the Village Development Limit and recommended, therefore, that the application be approved, subject to the removal of Permitted Development Rights.

The applicant's agent reiterated the Officer's comments that the site was not within a Flood Zone and therefore there was a lower risk of flooding. He also referred to CS13 regarding the Shoreline Management Plan which stated the site did not carry any risk in the medium term provided defences stayed in place. He indicated that confirmation had been received from the Coastal Protection Manager regarding the location of the building and the foundation would be partitioned to enable the existing flood defences to be maintained. He concluded that, in his view, the design would add a unique property that could only enhance the beach front.

The Parish Council representative indicated that he had no further comment to make and did not oppose the proposal.

RESOLVED:

That Application No. 06/13/0469/F be approved, subject to conditions suggested by the Coastal Protection Manager and the Highways Authority as outlined in the report in accordance with the provisions of the adopted Borough-Wide Local Plan, emerging policies of the Core Strategy and the National Planning Policy Framework.

Councillor Jermany declared a personal interest in the above item on the grounds that he was acquainted with the owner but in accordance with the Members Code of Conduct was allowed to speak and vote.

c) Application No. 06-13-0274-F - Back Lane-Hemsby Road, Martham

The Committee considered the application for the resubmission of change of use from employment land to residential and the development of three 4 bedroom "barn style" dwellings with associated parking and amenity space. It was clarified that the site was outside the Village Development Limit, was zoned as employment land in the Local Plan and was proposed to move forward as such into the emerging Core Strategy as no objections or proposals to change the use had been submitted during the public consultation exercise. A number of previous applications for change of use on the site had been withdrawn or refused, however, the land was currently empty following the demolition of the building that originally stood on the site and the applicant stated that he had been trying to sell it since 2004, although there was little evidence to support this. The Planning Group Manager stated that, whilst the report recommended refusal, Members might wish to consider the fact that, as the applicant had demonstrated there was no local demand for this employment land and there was provision elsewhere locally, the National Planning Policy Framework was a material consideration that carried greater weight. He also pointed out that the adjoining site was potentially allocated for residential development as a sustainable location. Members were informed that a letter of support had also now been received from the adjacent landowner. With regard to the design, it was felt that this would sit well beside the adjoining residential barn development and would not have a significant or adverse impact on the visual amenities of the area or the adjacent residents.

In response to a query, the Officer confirmed that employment units had been encouraged to move out of the village away from residential developments to create an employment centre.

The applicant's agent indicated that, in his view, the scheme was well designed and appropriate to nearby dwellings including the converted barns. He acknowledged the site was designated for employment use within the emerging Core Strategy, however,

it had been marketed unsuccessfully for the last 18 months possibly due to the fact that it was in a secondary location and had no street frontage. He also pointed out that there was considerable square footage available for employment use locally and to construct a warehouse on this site would be unviable. He concluded that CS6 and the National Planning Framework offered an alternative use and bearing in mind several letters of support had been received, including one from the adjacent Warehouse owners, he asked Members to approve the application.

The owner of the adjacent warehouse reported that he was speaking on behalf of himself and six residents of the nearby barn conversions who were in support of the proposal as they felt any businesses close to the barns would be detrimental to them. He added that his only concern was to ensure that the road was tidied up and split to provide separate entrances to his warehouse and the new dwellings before construction was started and this had been agreed by Officers.

Councillor B Coleman, Ward Councillor, reported that he now supported the application following clarification being provided of the issues raised by the Parish Council. He added that he felt it did accord with Policy HOU15 and it could be demonstrated that this was no longer a suitable site for employment use bearing in mind the nearby barn conversions and surrounding residential developments.

RESOLVED:

That, on balance, Application No. 06/13/0469/F be approved, subject to the imposition of conditions suggested by the Highways Authority, Environment Agency and the Norfolk Historic Environment Service as detailed in the Officer's report.

3 Planning Applications

The Committee considered the Planning Group Manager's schedule of planning application as follows:

a) Application No. 06-13-0413-F - Lidl Foodstore, Pasteur Road, Great Yarmouth

The Committee was reminded that the application to provide a left turn egress onto Pasteur Road from the Lidl Car Park had been deferred at the last meeting in order for the Highways Authority to consider representations from the applicant with regard to traffic movements. It was noted that the Highways Authority had now withdrawn their objection subject to a barrier being installed to prevent the area from becoming a "rat run".

Councillor Holmes, Ward Councillor, indicated that he supported the application bearing in mind the amount of congestion on Station Road and the impact this had on residents.

The point was made that if this application was approved, it would only leave the adjacent B&M Store with no egress onto Pasteur Road. It was suggested, therefore, that the two companies could liaise with a view to sharing an egress.

RESOLVED:

That Application No. 06/13/0413/F be approved, subject to the installation of a barrier and conditions required by the Highways Authority in accordance with Policy TCM13 of the Borough-Wide Local Plan.

Councillor Castle declared a personal interest in the above item on the grounds that he was also a Norfolk County Councillor who were a statutory consultee on the application, but in accordance with the Members' Code of Conduct he was allowed to speak and vote.

b) Application No. 06-13-0447-SU - Land North of Marina Centre, Great Yarmouth

The Committee received details of an application for the change of use of hard and soft landscaped areas to car parking and alterations including new replacement ice cream parlour. It was noted that, following objections, the proposal had been amended to retain some toilet facilities, a baby changing area and disabled toilets together with the new kiosk on the site.

RESOLVED:

That Application No. 06/13/0447/SU be approved, subject to the Highways Authority's conditions, in accordance with Policies BNV10 and BNV18 of the Borough-Wide Local Plan.

Councillors Plant and J Smith declared a personal interest in the above item on the grounds that they were appointed by this Authority to the Sports and Leisure Trust Board who managed the Marina Centre, but in accordance with the Members' Code of Conduct they were allowed to speak and vote.

c) Application No. 06-13-0439-SU - Oxford & Brasenose Avenue, Gorleston

The Committee received details of the application to change the use of communal grass areas into communal parking areas and it was noted that, although there had been one objection, the proposal would provide much needed parking in the area and in general the need for the parking was supported by local residents.

RESOLVED:

That Application No. 06/13/0439/SU be approved, subject to conditions as detailed in the Officer's report, in accordance with Policy TCM13 of the Borough-Wide Local Plan.

4 Planning Applications Cleared in September 2013

The Committee received the Planning Group Manager's schedule in respect of applications cleared during September 2013 under delegated powers, together with those determined by the Development Control Committee.

5 Ombudsman and Appeal Decisions

The Committee noted that, whilst there were no Ombudsman decisions to report, the following Appeal decisions had been received:

APP/U2615/C/13/219648 (Appeal A) - Land at Hall Farm, Hall Road, Martham
..... Appeal dismissed and the enforcement notice is upheld with corrections.

APP/U2615/A/13/2194611 (Appeal B) - Land at Hall Farm, Hall Road, Martham
..... Appeal dismissed.

The meeting ended at: 19:55