

# Development Control Committee

## Minutes

Tuesday, 05 April 2016 at 18:30

### PRESENT:

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

Councillor Fairhead attended as a substitute for Councillor Blyth.

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

### 1 DECLARATIONS OF INTEREST

The Committee noted the following declaration of interest:-

Councillor Annison declared a non-pecuniary interest in item 4 and in accordance with the constitution was allowed to both speak and vote on the matter.

### 2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Blyth.

### 3 MINUTES

The minutes of the meeting held on 8 March 2016 were confirmed with the following proviso:-

(i) That with regard to minute 4, application 06/15/0441/O, Former Pontins Holiday Centre, Beach Road, Hemsby, the Planning Group Manager reported that he had not issued the notice of refusal as had sought advice from a Barrister regarding the Committee's reasons for refusing the application, to ascertain whether the reasons for refusal under Policy TR4 and CS8 criteria (b) of the Core Strategy would stand up robustly at appeal.

#### **4      06/15/0486/F - 10 WHITE STREET MARTHAM**

The Committee received and considered the comprehensive report from the Planning Group Manager as detailed in the agenda.

The Senior Planning Officer reported that the application was for the redevelopment of a previously developed site including the demolition of a dwelling house to accommodate the access and the erection of 100 residential dwellings with associated infrastructure and public open space. There would be a mix of properties ranging from 2 to 4 bedrooms. Conservation Area consent had been approved for the demolition of 10 White Street, Martham.

The Senior Planning Officer reported the outcomes of the statutory consultations which had been undertaken and that thirteen objections had been received from local residents which cited concerns regarding the closure of Back Lane, inadequate sewerage and rain water removal provision and local infrastructure concerns. One comment had been received in support of closing Back Lane providing adequate turning could be provided had also been received.

Martham Parish Council raised concerns that there was a discrepancy regarding comments received from Anglian Water, clarification was required for the ownership and ongoing responsibility of the open space, the traffic solution of blocking off Back Lane, increased pressure on the struggling Doctor's practice and low mains water pressure in the village.

The Senior Planning Officer reported that in terms of highways and access, Norfolk County Council had commented on the SHLAA in terms of highways and access are now satisfied that a singular access off White Street with off-site highway improvements to form a cul-de-sac to include two turning heads and a zebra crossing were acceptable for the development. This conclusion had been decided following extensive negotiations between the developer and NCC and will prevent the road becoming a rat run and protect the amenities of the residents.

The Senior Planning Officer reported that resident's fears of over-looking had been reduced by conditioning that the three storey properties were designed so that the second floor was velux windows to be 1.7m from the floor level to reduce overlooking.

The Senior Planning Officer reported that Policy CS4 of the Core Strategy outlined the provision of affordable housing for the Borough which would equate to 20 dwellings in this development. The applicant had stated that this would make the site not viable. This is being assessed by the District Valuation Officer and negotiations will continue if permission is granted. Negotiations are still ongoing with regard to s106 agreements to mitigate the effect on the Natura 2000 sites, open space and play area. The open space will be managed through s106 agreement by a management company in perpetuity.

A Member raised concerns of the distance between the properties which flanked the pumping station. The Senior Planning officer reported that these properties would be sited 15 metres away and only a partial amount of the garden of these plots would be affected.

The Senior Planning officer reported that the application was recommended for

approval with the conditions reported at Committee.

Mr Heel, applicant's agent addressed the Committee and reiterated the salient areas of the application and its benefit to the residents of Martham by developing a local eyesore. He asked that the Committee approve the application.

Mr Hooper, Vice-Chairman of Martham Parish Council, reported that the parish council was in favour of the development which had been an eyesore for a number of years. The closure of Back Lane and the formation of a cul-de-sac would create a potential traffic hazard at the junction of the alternative access with Hemsby Road. The Parish Council stressed the need for affordable homes within the village to allow local residents to get their foot on the housing ladder within the village.

A Member reported that he welcomed the application as new homes were required in the Northern parishes and he proposed that the application be approved.

**RESOLVED:-**

That application 06/15/486/F be approved as it was accepted that the application was outside the village development limits and was contrary to the adopted Borough Wide Local Plan 2001. However, the site had been identified as a brownfield site which was developable and deliverable and there was no objection in planning terms to the development commencing prior to the formal adoption of the site specific allocations subject to conditions.

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. Permission not to be issued prior to the signing of an agreement under section 106 for provision for schools, infrastructure, mitigation, affordable housing, children's play equipment/space and open space management.

## **5      06/15/00769/F - 32 MARINE PARADE, ATLANTIS COMPLEX, GREAT YARMOUTH**

The Committee received and considered the comprehensive report from the Planning Group Manager as detailed in the agenda.

The Senior Planning Officer reported that the application was for the conversion of three floors of a disused hotel to 18 residential flats. The Atlantis complex comprised three floors of commercial use which included an amusement arcade, food sales and drinking establishments. In 2003, planning permission was granted for a refurbishment which included external improvements to the appearance.

The Senior Planning Officer reported that the applicant had provided a feasibility statement within the design and access statement outlining the cost and viability of re-opening the site for holiday accommodation.

The Senior Planning Officer reported that the conversion of the hotel to residential use was contrary to Policy TR4 of the Borough Wide Local Plan, however, provision was made within the Core Strategy to change the use of existing holiday or commercial uses if they were not viable. The closure and disrepair of the building and the cessation of the holiday use was not alone in proving a lack of viability. However,

this, together with the distinct character and size of this building added weight to the argument and compliance with CS8.

The Senior Planning Officer reported that the proposal involved the removal of the balconies and the existing windows would be replaced with white UPVC. The Conservation Officer had noted that the rear of the building could benefit from the ramp being removed but were not deemed intrinsically linked to the approval of the application and would require a separate application. Sufficient parking was being provided for the development and policy CS4 required 10% affordable housing for new residential development over 15 dwellings within this area which equated to two units.

The Senior Planning Officer reported that this application was recommended for approval with the suggested conditions as reported at Committee.

A Member was concerned that visitors to the complex would be able to gain access to the accommodation via the lift which would not be acceptable. The Chairman reported that this was not a planning issue but was a management issue for the applicant.

A Member welcomed this much needed investment in the Golden Mile and reported that he supported the application.

**RESOLVED:-**

That application number 06/15/0769/F be approved as the loss of the holiday accommodation would not have a significant adverse effect on the existing holiday accommodation or commercial uses and would provide housing in a sustainable location. The application should be subject to all conditions appropriate to secure a satisfactory form of development. Permission not be issued until the Section 106 agreement securing the affordable housing provision had been agreed and signed.

## **6      06/16/0028/F - MARINE PARADE, SEALIFE CENTRE, GREAT YARMOUTH**

The Committee received and considered the comprehensive report from the Planning Group Manager which was detailed in the agenda.

The Senior Planning Officer reported that the application was for the erection of three kiosks along the frontage of the Sealife Centre for use as mixed use A1 (retail) and A5 (hot food takeaway). The facade would be incorporated within the existing Sealife Centre frontage. The kiosks were partially under the existing canopy of the Sealife Centre. Materials used for the kiosks would incorporate blue painted steel box section frames to match the existing main entrance to the building and roller canopy to the kiosks which would be in keeping with the street scene. The Senior Planning Officer reported that the Sealife Centre itself contained retail and cafeteria areas.

The Senior Planning Officer reported that Policy SHP16 was unequivocal in stating that the Borough Council will not permit proposals to establish new refreshment or food outlet kiosks/concessions on the seafront to the east of Marine Parade, Great Yarmouth. Alterations and extensions to seafront refreshment or food outlet concessions/kiosks east of Marine Parade, Great Yarmouth will be permitted provided the applicant can demonstrate that a kiosk does not obstruct the highways and does not result in a loss of open space.

The Senior Planning Officer reported that the kiosks were new additions to the building and not linked to the existing retail or cafeteria areas in the existing Sealife building and therefore, strictly speaking, could not be regarded as extensions to the existing offer but as an independent retail offer. This would therefore exclude A5 (hot food takeaway) from the application as it was against PolicySHP16.

The Senior Planning Officer reported that there had been two objections received from members of the public citing an over-concentration of takeaways, particularly in light of a number of takeaway units in close proximity and the disruption to the holiday trade. They had also raised concerns regarding how the application was advertised.

Mr Melton, applicant's agent, addressed the Committee and reported the salient areas of the application and asked that the Committee approved the application for A1 and A5 use.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions regarding restricting the use to A1, ie non-hot food and that she had conveyed this information during a telephone conversation with Mr Melton.

The Chairman reiterated that the application was restricted to A1 use as A5 use was contrary to Policy SHP16 which had been in force for over 20 years.

Mr Melton reported that he was unaware of this and asked if he could consult with his client. The Chairman agreed to his request and asked Mr Melton if he would like a deferment.

RESOLVED:

That application number 06/16/0028/F be deferred.

## **7 PLANNING APPLICATIONS CLEARED UNDER DELEGATED POWERS AND BY DEVELOPMENT CONTROL COMMITTEE FROM 1 MARCH TO 31 MARCH 2016**

The Committee noted the planning applications cleared under delegated powers and by the Development Control Committee from 1 March to 31 March 2016.

## **8 OMBUDSMAN AND APPEAL DECISIONS**

The Committee noted the appeal decision.

## **9 ANY OTHER BUSINESS**

There was no other business as was determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.

## **10 EXCLUSION OF PUBLIC**

The meeting ended at: 20:10