

Development Control Committee

Minutes

Wednesday, 09 August 2017 at 18:30

PRESENT:

Councillor Annison (in the Chair), Councillors Andrews, Bird, Fairhead, Flaxman-Taylor, Hammond, Hanton, Thirtle, Wainwright & Wright.

Councillor B Coleman attended as a substitute for Councillor Hanton.

Councillor Jeal attended as a substitute for Councillor Williamson.

Mr D Minns (Planning Manager), Mrs G Manthorpe (Senior Planning Officer), Mr J Ibbotson (Planning Officer), Miss J Smith (Technical Planning Officer), Mr John Flack (Solicitor, nplaw) and Mrs C Webb (Senior Member Services Officer).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B Coleman & Jeal.

2 DECLARATIONS OF INTEREST

The Chairman declared a personal interest in agenda items 5 & 6, Councillor Fairhead declared a personal interest in agenda item 7 & Councillor Flaxman-

Taylor declared a personal interest in agenda item 5, but in line with the Council's Constitution were allowed to both speak and vote on the matter.

3 MINUTES

The minutes of the meeting held on 12 July 2017 were confirmed.

4 PLANNING APPLICATIONS

5 APPLICATION 06/17/0168/F

The Committee received and considered the comprehensive report from the Planning Manager for the application for the sub-division of gardens to form the plot for a detached 2 bedroom house at 31/33 Station Road, Hopton-on-Sea, Great Yarmouth.

The Planning Officer reported that 31 & 33 Station road were two semi-detached dwellings which faced onto Station Road. Vehicular access was from a lane which ran to the west of the properties. There was a garage with hardstanding which formed a rear boundary with 12 St Clements Mews. The adjoining property to the north was 81b Potters Drive and this property faced westwards over the rear garden of 83 Potters Drive.

The Planning Officer had been subject to a previous planning application; 06/13/0071/F, which was refused in part due to its siting in relationship to neighbouring dwellings as well as the position of some windows. However, additional details have been provided as part of this application to show how access, turning and parking would be provided.

The Planning Officer reported that this application was an amended scheme following negotiations taking on board concerns raised by the Planning Officer,, NCC Highways Officer, the Parish Council and local residents.

The Parish Council had objected on the grounds that it was over-development, did not meet parking standards, insufficient turning area for vehicles, infringe on footpath, increase traffic movements and demolition of garage would remove the shared boundary and cause overlooking to 12 St Clements Mews.

The Planning Officer reported that five letters of objection had been received which reiterated the concerns of the Parish Council. The owners of 81a Potters Drive asked that if the application was approved that a condition requiring a 1.8m high fence be erected between the application site and their property.

The Planning Officer reported that the owners of 83 Potters Drive raised concerns that the development would harm their amenity. The Planning Officer reported that whilst this would cause a degree of over-looking, it was not considered sufficiently severe to warrant refusal.

The Planning Officer reported that whilst the application would result in some compromises, on balance the benefits of providing a new dwelling in a sustainable location, outweighed the minimal harm that would be caused by this development. The application was therefore recommended by officers for approval, subject to conditions as requested by highways, requiring boundary treatment details to be provided including the retention of the rear 2.4 m wall, requiring cycle sheds to be provided, the first floor rear bathroom window and smaller bedroom window to be obscure glazed, removal of permitted development rights and restriction the hours of construction.

The Planning Officer reported that the two host properties would only have a single parking space each but NCC Highways had advised that this would not be sufficient reason to refuse the application. The Planning Officer reported that the application accorded with policy HOU7 of the Great Yarmouth Boroughwide Local Plan.

A Member raised concerns that there would be insufficient parking spaces for the new property and the two donor properties and he enquired as to whether the applicant had applied for planning permission to allow him to park on the front garden at 31 Station Road.

The Planning Manager asked the Planning officer to clarify whether 31 Station Road was outlined in red or blue on the submitted plans. The Planning Officer reported that 31 Station Road was contained within the blue outlined area.

The Solicitor reported that this would indicate that the land which number 31 Station Road was built on was in the same ownership as the application site and should not cause a problem when planning permission was applied for. This was known as a Grampion Condition i.e. works to be carried out outside the application site.

Mr Duffield, applicant's agent, reported the salient areas of the application which met the presumptive planning requirements and was acceptable to the Planning Officers and, he therefore, respectfully requested that the Committee approve the application.

Mr Garret, Parish Council representative, reported that the Parish Council objected strongly to the application as it was over-development of the site and raised access, safety, parking and boundary concerns and asked the Committee to refuse the application.

A Member asked for clarification that if the garages were demolished that a stable, boundary wall would remain with the boundary to 12 St.Clements Mews.

A Member raised concerns over the future maintenance of the access road. The Solicitor reported that as NCC Highways had raised no concerns then the future maintenance would be carried out by them. The Member asked whether this could be included in the deeds to the property to ensure that the new

owners were aware of future maintenance issues.

The Planning Manager reminded Members that they must apportion weight to criteria (A), (B) & (C) of Policy HOU7 of the Great Yarmouth Boroughwide Local Plan when determining this application.

Some Members were concerned that this application would be detrimental to the form, character and setting of the area, would result in over-development of the site and would be detrimental to the residential amenities of adjoining neighbours.

A motion was proposed and seconded to approve the application. However, the vote was tied, and the Chairman therefore used his casting vote.

RESOLVED:

That application number 06/17/0168/f be refused as Members felt it was over-development of the site and was contrary to criteria (A), (C) & (E) of Policy HOU7 of the Great Yarmouth Boroughwide Local Plan.

6 APPLICATION 06/07/0340/F

The Committee received and considered the comprehensive report from the Planning Manager for the removal of Condition 5 of PP 06/15/0043/F & Condition 3 of PP 06/14/0099/F to allow annexe to be used as a separate dwelling at The Manor Barn, Browston Lane, Browston.

The Senior Planning Officer reported that The Manor Barn was a detached building to the south of The Manor House, which was a Grade II listed building standing in large grounds to the west of Browston Lane. The building was a former cart shed which was granted approval for conversion to an annexe in 2014 and was lived in by the applicant's grandmother until she passed away in February 2016. The building is currently unoccupied.

The Senior Planning Officer reported that the proposal was to remove condition 5, of planning permission number 06/15/0043/F and condition 3 of planning permission number 06/14/0099/F which was the original approval for the annexe, as follows:

"The additional accommodation hereby permitted shall only be used by the occupiers of The Manor House, or their dependants, and shall not be used as a separate dwelling or let separately for holiday purposes."

The Senior Planning Officer reported that a similar application was refused earlier this year and subsequently dismissed on appeal, in the decision letter, the Inspector did not consider that the use of the annexe as a separate dwelling would detract from the setting of the listed building or cause any harm to the character and appearance of the countryside. The reasons for

dismissing the appeal were there were no services in Browston, that travel by private motor vehicle was the only realistic option on a day to day basis and the proposal was contrary to the aims of Policy HOU10 and paragraph 55 of the national Planning Policy Framework which aimed to restrict the spread of new housing in the countryside. The Inspector considered whether there was a shortfall in housing land supply within the Borough but decided that the adverse impacts of granting permission would significantly outweigh the benefits and the proposal would not be sustainable development.

However, the Senior Planning Officer, reported that since the appeal was dismissed, the applicant's personal circumstances had changed and there was a need for his parents to live in the annexe to help to look after family members who were suffering from ill health. They could do this with the existing conditions being in place but were reluctant to do so with the conditions attached as they would like to purchase the property and move there full time and they would have to move out if The Manor House was sold in the future.

The Senior Planning Officer reported that there would be little difference in traffic movements if the parents occupied the annexe with the conditions in place or as a separate dwelling, so it might be considered that on further consideration, the reasons for dismissing the appeal could be overcome.

The Senior Planning Officer reported that the Planning Statement which accompanied the application referred to two recent approvals for conversion of buildings to dwellings in the nearby area at Hobland House & High House. These applications were different in that they were empty, unused buildings which could be considered as acceptable for conversion under saved Policy HOU11 which allowed for the conversion of rural building to dwellings.

The Senior Planning Officer reported that the Parish Council had objected to the application and stressed that the dwelling must be retained within the curtilage of the main property and not sold as a separate dwelling. Two local residents had also objected to the proposal for the same reason as the Parish Council. The Senior Planning Officer reported that the Strategic Planning Officer supported the application.

The Senior Planning Officer reported that as the previous application was dismissed on appeal earlier this year, the Officer's recommendation was to refuse the application. However, members might consider that, taking into account the exceptional circumstances in this case, the use of the annexe as a separate dwelling without complying with the conditions would not cause any harm to the character of the area or result in any significant increase in traffic movements and an exception to Policy might be made in this instance.

Mr Smith, applicant, reported the personal reasons why he had applied for the conditions to be removed from the planning applications which would assist with the continued well-being of his family unit. He asked that the Committee consider his application with empathy.

A Member reported that he could see no reason why this application should be refused as local people were aware that there were no services in Browston and that a car was necessary to access them.

The Solicitor, nplaw, reported that all factors must be taken into account when appraising an application, however, a decision should not set a planning precedence. The Committee should remember the recent decision taken by the Planning Inspector and the repercussions if the Committee were to approve this application.

The Chairman reported that there were unique family circumstances to consider when determining this application. The Senior Planning Officer asked whether the Committee felt that the applicants personal circumstances had changed since they had been reported to the Planning Inspector.

Members felt that the applicant's personal circumstances had changed, unfortunately for the worst and there would be little difference in traffic movements if the applicant's parents occupied the annexe as a separated dwelling, so that on further consideration, the reasons for dismissing the appeal could be overcome.

RESOLVED:

That application number 06/17/0340/F be approved, as the Committee agreed that the applicant's personal circumstances had changed since the appeal was dismissed by the Planning Inspectorate and was deemed that the annexe was located in a sustainable location.

7 APPLICATION 06/17/0354/F

The Committee received and considered the comprehensive report from the Planning Manager for the variation of Condition 2 of PP 06/14/0780/F to allow a variation of design at rear of 33 Nelson Road, Gorleston, Great Yarmouth.

The Senior Planning Officer reported that a planning application for the demolition of an existing garage on the site and the erection of a dwelling was refused by the Development Control Committee on 20 January 2015. The applicant appealed against this decision and the appeal was allowed on 5 May 2015.

The Senior Planning Officer reported that the dwelling was now nearing completion and this application was for a variation to allow some amendments to the design, the changes being the creating of an additional first floor room over what was originally shown as a car port, a door to the car port to form a garage and a set of steps to the front entrance door.

The Senior Planning Officer reported that the original application was refused on the grounds of over-development, adverse effect on the character of the

area and adverse effect on the amenities of the occupiers of adjoining dwellings.

The Senior Planning Officer reported that two neighbour letters of objection had been received citing height and bulk of the dwelling, bin storage, land ownership and extra traffic.

The Senior Planning Officer reported that the fact that most of the work which was subject to this application had already been carried out, was not by itself, a reason to refuse planning permission. The Committee had to consider the application on its merits, taking into account the effect on the character of the area and amenities of neighbours.

The Senior Planning Officer reported that the first floor extension and increase in building height would not have any adverse effect on neighbours or the character of the area. It would be difficult to justify refusal of the garage door as this could be carried out as permitted development once the dwelling was occupied.

The Senior Planning Officer reported the the steps leading to the front door were reported to have been built on land which was not in the ownership of the applicant. However, this was a civil matter and not a planning consideration.

The Senior Planning Officer reported that the application was recommended for approval as the proposal complied with save Policy HOU7.

The Solicitor, nplaw, reminded the Committee that a retrospective planning application should be determined on merit and not judged differently because it was retrospective.

A Member asked whether the property had been signed off by Building Control. The Planning Manager reported that the property did not have a completion certificate.

Members were minded to refuse the application as they felt that it was overdevelopment of the site.

RESOLVED:

That application number 06/17/0354/F be refused as it would result in over-development of the site.

8 APPLICATION 06/17/0346/F

The Committee received and considered the comprehensive report from the Planning Manager for an application for a two storey extension, internal alterations and conversion of part of existing garage to form a habitable space at Rose Havre, Stepshort, Belton, Great Yarmouth.

The Planning Officer reported that this application had been referred to Committee as the applicant was a Councillor.

The Planning Officer reported that the proposed development included internal alterations and the conversion of part of the existing garage to form a habitable space. This would not require planning permission but the proposed two storey extension would. The extension was in keeping with the design of the dwelling and would not have any adverse effect on the amenities of the neighbours or the character of the area.

The Planning Officer reported that there had been no objections from Highways, Parish Council or local neighbours.

The Planning Officer reported that the application was recommended for approval as it complied with saved Policy HOU18 of the Great Yarmouth Boroughwide Local Plan.

RESOLVED:

That application number 06/17/0346/F be approved as the proposal complied with saved Policy HOU18 of the Great Yarmouth Boroughwide Local Plan.

9 DELEGATED PLANNING DECISIONS MADE BY THE DEVELOPMENT CONTROL COMMITTEE AND OFFICERS 1-31 JULY 2017

The Committee noted the planning decisions made by the Development Control Committee and Planning Officers during July 2017.

10 OMBUDSMAN AND APPEAL DECISIONS

The Planning Manager reported the salient details of the appeal decisions to the Committee.

RESOLVED:

That the Committee note the appeal decisions.

11 ANY OTHER BUSINESS

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

12 EXCLUSION OF PUBLIC

The meeting ended at: 20:15