

Development Control Committee

Minutes

Wednesday, 16 October 2019 at 18:30

PRESENT

Councillor Annison (in the Chair); Councillors Bird, Fairhead, Flaxman-Taylor, P Hammond, Lawn, Mogford, Myers, Wainwright, Williamson, A Wright & B Wright.

Mr A Nicholls (Head of Planning & Growth), Ms C Whatling (Monitoring Officer), Mr D Minns (Planning Manager), Mrs G Manthroe (Senior Planning Officer), Miss J Smith (Technical Officer) & Mrs C Webb (Executive Services Officer).

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

Councillor Bird declared a personal interest in item 5 as he was Honorary President of Great Yarmouth Tourist & Business Improvement Area and was also involved in the hospitality industry.

3 MINUTES

The minutes of the meeting held on 11 September 2019 were confirmed.

4 PLANNING APPLICATIONS

5 06-18-0271-F 5 NORTH DRIVE GREAT YARMOUTH

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

The Senior Planning Officer reported that the application was a full application for the change of use of an existing hotel to 10 no. residential dwellings. The external appearance of the was proposed to change significantly and, through consultation with the Conservation Officer prior to the submission of the application, the design proposed drew on the nearby residential flats located to the south of the application site.

The site was located within a conservation area and as such, the benefit of the existing building to the amenity of the area must be assessed. The appearance of the building as existing does not provide an attractive addition to the area and could be said to detract from the visual appeal of nearby buildings. The existing building, not solely looking at the unkempt appearance, had no stand out redeeming features or areas of heritage example which should be retained and, as such, the remodelling of the external appearance could be supported when assessed against the Planning (Listed Buildings and Conservation Areas) Act 1990, s72, which stated that special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. The revised frontage in particular would add to the character of the area and contribute a more attractive building to a prominent location.

The Senior Planning Officer reported that one letter of objection had been received which outlined the objections of seven residents. The objection had stated that there were no drawings of the principle elevation, however, these were available and had been submitted with the application documents. The drawings submitted by the applicant demonstrated that the applicant had taken on board the comments made by the Conservation Officer who supported the application.

The application site was located within Flood Zone 2 and the property being changed to a residential development from a holiday usage, was defined as a more vulnerable development and as such, a Flood Risk Assessment (FRA) was required and had been submitted. One of the reasons for refusal of the previous application was that the applicant had failed to demonstrate that the development was safe for its lifetime in relation to flood. The current

application had been supported by an FRA and the Environment Agency did not object to the application, subject to conditions, and the application passing the sequential and exemption tests. The Resilience Officer had stated that provided that the recommendations within the FRA were followed, there was no reason for the application not to proceed.

In accordance with the National Planning Policy Framework, the application must pass the sequential and the exemption test. It was known that there was not significant land within the urban area for residential development and, as such, it was reasonable that the development could not be located elsewhere. The development was the re-use of an existing building with extension and will not exacerbate the flood risk elsewhere and, in accordance with the comments from the Resilience Officer, would not pose a risk to future occupier's subject to the recommendations within the FRA being undertaken.

The Environment Agency were satisfied that subject to a condition ensuring that the finished floor levels were such to ensure the safety of the occupants. The FRA detailed the floor levels and the applicant had provided a drawing showing the finished height of the building and its relationship to the next-door hotel which assisted in demonstrating that the development as proposed would be in keeping with the street scene whilst dealing adequately with the flood risk. The FRA had stated that occupants of the ground floor flats would have access via the stairwell to the first-floor landing if required, and this, was in accordance with the development being carried out to the details submitted within the FRA, which would be conditioned.

One neighbour consultation requested that the development should provide quality accommodation. The flats, as shown on the drawings, were all of adequate size to meet the national space standards, and as such, the quality of accommodation was demonstrated. A number of flats exceeded by some margin, the space standards which would provide a high-quality offering which was welcomed within these applications.

Highways had not objected to the application although they had requested a condition to ensure that adequate bike storage was provided. The objection noted the loss of car parking spaces for the hotel. However, Highways, having assessed the application in relation to the existing use as a hotel had stated that there was a likelihood that the application would cause displaced parking to the public. Highways, did not see this as a reason to refuse the application. The application site was in a sustainable location with good access to public transport and walking/cycling links to local services although it was accepted that there was still likely to be a reliance on car use. The National Planning Policy Framework at paragraph 109 stated that development should only be refused on highways grounds if there were justifiable reasons. In the absence of an objection from the Highway

Authority it was found that there were no highway reasons to refuse the application.

There were documents submitted in support of the application demonstrating how the business had fared over recent years. These were not in the public domain as they contained financial information. Having assessed the documents and the statement that there would be reinvestment in the existing hotel, it was found that the application complied with policy CS8 of the Core Strategy. One objector had noted a previous planning application at a different site, where monies were secured for a specific purpose and this was suggested with this application. It was suggested that a sum of money, to be negotiated as part of the s106 agreement, be reinvested into the existing hotel use, to improve the provision of accommodation in accordance with Policy CS8.

An important factor when determining applications, was whether a Local Authority had the ability to demonstrate a five-year housing land supply. If a Local Planning Authority could not show that they were meeting this requirement, their policies with regard to residential development would be considered to be "out of date". There was currently a housing land supply of 2.55 years. Although this did not mean that all residential developments had to be approved, the presumption in favour of sustainable development must be applied.

The location of the development was a sustainable one and the land proposed to be developed was previously developed land. The loss of the tourism accommodation was deemed acceptable given the agreement to reinvest in the remaining tourism use of the adjoining land. The application was a full application that demonstrated that the development was deliverable and could positively contribute to the Local Authority Housing Land Supply.

The Senior Planning Officer reported that the application was recommended for approval as subject to a s106 agreement securing payment of s106 money in lieu of children's recreation and public open space and reinvestment in the existing tourism use, all conditions were required to secure a suitable form of development. The proposal complied with the aims of Policies CS2, CS8, CS9 CS11 and CS14 of the Great Yarmouth Core Strategy.

Councillor Wainwright asked for clarification in regard to the s106 agreement. The Senior Planning Officer reported that this was in lieu of the provision of public open space. Councillor Wainwright was uncertain as to how the Council could enforce that the proceeds from the sale of the adjoining flats must be reinvested in the Sea Princess Hotel. The Planning Manager reported that this would be conditioned as to be similar to the Pasteur Road planning permission conditions.

Councillor A Wright voiced his concerns, and that of other Councillors, that the development would become a House of Multiple Occupation (HMO) which was undesirable in this primary holiday accommodation area.

Councillor Mockford was concerned that the obscured glazing could be removed. The Senior Planning Officer reported that this could be conditioned in perpetuity.

Mr Delf, objector, spoke on behalf of Jason & Nick Delf and Nick Mobbs and urged that the Committee refuse the application unless there was an assurance that the development would result in the provision of up-market, luxury flats, similar to the flats at the adjacent Esplanade Court.

Councillor Talbot, Ward Councillor, reported that she objected to the application and that the Council should protect this historic prime holiday and conservation area and urged the Committee to refuse the application.

Councillor A Wright reported that the Council must support tourism and as he was concerned that the proposed development would become a HMO, he could not support the application. Councillor Wainwright reported that he was in agreement with Councillor Wright.

Councillor Myers reported that he believed that developers were holding the Council to ransom with the standard of planning applications they were submitting as they knew the Council only had 2.55 years of available housing land supply which forced the tilted balance to be applied in their consideration.

Councillor Bird reported that the Council must protect the primary and secondary holiday areas and that this application should be refused as the 4* hotels along the Golden Mile were the jewels in the Council's crown.

Mr Masrani, applicant, addressed the Committee and explained the rationale behind his application and how it would benefit the refurbishment of the adjacent Sea Princess Hotel and asked the Committee to grant the application.

Councillor Williamson, asked Mr Masrani why the proposal did not include the provision of a lift, ensuite bathrooms and parking as a development of luxury flats would require this as standard. Mr Masrani reported that the design could be reconfigured to include a lift if the target market demanded one. Councillor P Hammond agreed with Councillor Williamson's sentiments.

The Senior Planning Officer informed the Committee of the sizes of the proposed ten flats.

The Chairman asked whether the Committee was minded to defer the application pending further consultation with the applicant.

Councillor Lawn proposed a motion that the application be refused. Councillor Bird seconded the motion.

The Committee felt that the application should be refused as it was contrary to Policy CS8 as it did not improve the offer of quality bed spaces and it did not meet the economic objectives of the National Planning Policy Framework. It

was also contrary to Policy HOU22 as it would result in the loss of holiday accommodation in a prime holiday area.

The Head of Planning & Growth asked whether the Committee felt that the application significantly harmed and demonstrably outweighed the benefits.

Following a vote, it was RESOLVED:-

That application 06/18/0271/F be refused as the application is contrary to saved policy HOU22 of the 2001 Borough Wide Local Plan by seeking to provide permanent residential accommodation within an area designated as prime holiday accommodation. The loss of holiday accommodation in this location would damage the tourism offering and vitality of the area by creating sections of residential frontage and reducing footfall contrary to CS8. Failure to adequately demonstrate that the loss of holiday accommodation would benefit the remaining tourism use on the site and as such has not complied with policy CS8 of the adopted Core Strategy and the impact of the loss of holiday accommodation in this specific area significantly and demonstrably outweighs the benefit of providing housing in a sustainable location.

6 06-17-0697-F WELLINGTON ROAD PAMELA'S RESTAURANT GREAT YARMOUTH NR30 3JJ

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

The Senior Planning Officer reported that the application was for a total of seven flats and not nine as stated in the agenda. The Senior Planning Officer reported that three letters of objection had been received and a further letter of objection had been received today citing increased noise nuisance, anti-social behaviour and overlooking.

The application was a full application to demolish an existing garage and erect a pair of dwellings to the frontage of the site and a block of nine flats to the rear of the site. The development had undergone changes in design and the number of dwellings had been reduced to seek to overcome the concerns and incorporate the ideas of the Conservation Officer.

The application site is adjacent a listed building with other listed buildings within the vicinity and as such is assessed against the Planning (Listed Buildings and Conservation Areas) Act 1990 s66. The site was located within a Conservation Area and as such the benefit of the existing building to the amenity of the area must be assessed. The appearance of the building as existing did not provide an attractive addition to the area and could be said to detract from the visual appeal of nearby properties. The existing building took up all of the floor area of the site and was a garage building which did not have any architectural value. There was no heritage reason for the retention of the existing building. The loss of the building and replacement with an attractive alternative could be supported when assessed under the Planning (Listed

Buildings and Conservation Areas) Act 1990, s72, which stated that special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.

The two dwellings at the Wellington Road frontage were attractively designed and would enhance not only the conservation area but also the listed building to the north of the application site. The dwellings were three storey and had a central arch to access the flats to the rear. The distance from the dwellings to the residential property to the south varied from approximately 2.24m – 2.44m (measured from scaled plans online). The neighbour at the southern boundary objected to the application in the original format owing to loss of light. The existing building is roughly the same distance away from the proposed development although was not as tall so there would be an additional loss of light through the proposed development owing to the increase in height. The loss of light was mitigated by the location of the proposed dwellings being to the north of the neighbouring dwelling. The loss of light was not assessed as being so significant to warrant refusal of the application.

There were objections to the flats, owing to the proposed proximity to neighbouring properties. Through the application process, the flats had been revised several times which had resulted in the current design. The design had been amended to reduce the number of dwellings and reconfigured to reduce the scale and massing. Owing to the location and proximity to the Listed Buildings and being situated within a Conservation Area, the design had been carefully considered to take inspiration from surrounding heritage assets such as the nearby arch. The flats had a decorative arch defined by materials which would offer an attractive view through the entrance arch and add to the setting of the Listed Building. The materials would need to be of high quality to ensure that the setting of the Listed Building, Pamela's, was enhanced. The design would improve the setting of the nearby and adjacent Listed Building and was in accordance with s66 of the Planning (Listed Buildings and Conservation Areas) Act.

The reduction in the height of the flats offered a central third floor comprising of a single flat gave an attractive design which kept the bulk of the development to a central point which reduced any impact on the adjoining properties. There were objections to the proximity of the development to the existing buildings, however, the reduction in scale and massing had reduced this to an acceptable level. The windows which were proposed would affect the privacy of the occupants of the properties to the north and south, however given the built-up character of the area and the existing degree of overlooking this was not a significant adverse impact on the enjoyment of the buildings. The distance to the majority of the windows was increased, as many of the buildings to the north and south were 'L' shaped and had windows to the east or west with the main windows on the inset on the north or south elevations.

There have been concerns raised about parking for the proposed development from a neighbour. The comments from the Highways Officer indicated that there was an internal configuration to provide four parking spaces to the two

dwelling houses and adequate cycle storage for the flats. The Highways Officer was satisfied that parking can be accommodated on site and that the flats do not require designated parking. The location of the development was a sustainable one and as such, it was assessed that parking was not required to be provided on site.

An important factor when determining applications was whether a Local Authority had the ability to demonstrate a five-year housing land supply. If a Local Planning Authority could not show that they were meeting this requirement, their policies with regard to residential development would be considered to be "out of date". There was currently a housing land supply of 2.55 years. Although this did not mean that all residential development had to be approved, the presumption in favour of sustainable development must be applied.

The location of the development was a sustainable one and the land proposed to be developed was brownfield. Development on brownfield land was supported by s117 of the National Planning Policy Framework, as being land that could be best used for the redevelopment of land for residential purposes. The application was a full application that demonstrated that the development was deliverable and could positively contribute to the Local Authority's Housing Land Supply.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions to ensure an adequate form of development. The proposal complied with the aims of Policies CS2, CS9, CS11 and CS14 of the Great Yarmouth Core Strategy.

Councillor Mockford requested details as to the placement of the wheelie bins. The Senior Planning Officer reported that there was ample room within the development for the housing of wheelie bins off of the street frontage.

Councillor A Wright suggested that the Committee should undertake a site visit prior to determining the application.

RESOLVED:-

That application number 06/17/0697/F be deferred pending a site visit.

7 PLANNING APPLICATIONS CLEARED UNDER OFFICER DELEGATION OR BY COMMITTEE BETWEEN 1-30 SEPTEMBER 2019

The Committee received and noted the planning applications cleared under delegated officer decision and by the development control committee for the period of 1 to 30 September 2019.

8 OMBUDSMAN AND APPEAL DECISIONS

The Committee noted the ombudsman decision as reported by the Planning Manager.

9 ANY OTHER BUSINESS

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

10 EXCLUSION OF PUBLIC

The meeting ended at: 20:20