

# Development Control Committee

## Minutes

Wednesday, 06 February 2019 at 18:30

### PRESENT:

Councillor Hanton (in the Chair); Councillors Annison, Bird, Fairhead, Flaxman-Taylor, Galer, Hammond, 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 Manthorpe (Senior Planning Officer), Mr J Back (Planning Officer), Mr G Bolan (Technical Officer) & Mrs C Webb (Senior Member Services Officer).

### **1 APOLOGIES FOR ABSENCE**

There were no apologies for absence received at the meeting.

### **2 DECLARATIONS OF INTEREST**

Councillor Annison declared a personal interest in item 8 as he was the Ward Councillor and had spoken to local residents on this issue. Councillor G Carpenter declared a personal interest in item 7 as he was a close neighbour to the academy. However, in accordance with the Council's constitution, they were allowed to both speak and vote on the matter.

### **3 MINUTES**

The minutes of the meeting held on 9 January 2019 were confirmed.

### **4 PLANNING APPLICATIONS**

### **5 APPLICATION 06-18-0582-F, NORTHGATE HOSPITAL (SITE ADJACENT)**

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

The Senior Planning Officer reported that the application was a full application for 76 dwellings revised to 69 dwellings at a brownfield site, a mixture of 14 flats and 2 & 3 bedroom townhouses. within the urban area of Great Yarmouth. The revised proposed vehicular access will be off Churchill Road and there would be pedestrian access off Northgate Street. The amendments had also rotated the block of flats proposed at the north east corner to reduce any potential overlooking to the properties at Beaconsfield Road.

The Senior Planning Officer reported that there were 10 objections received to the original application and 1 to the revised plans from local residents. Building Control had noted the requirement for sprinklers to be installed in the flats but the issue of fire safety would be dealt with under building regulations. Strategic planning had raised no objections and supported the application.

The Senior Planning Officer reported that the application stated that no public open space would be provided on site and this was deemed acceptable considering its location in the Borough. In order to comply with policy CS14, the draft Natura 2000 Monitoring and mitigation Strategy, the comments from Natural England and the findings of the HRA submitted in support of the application, £110 per dwelling was sought to go towards the monitoring or implementation of mitigation measure for designated sites and information leaflets provided for future occupants. The design and wording of the leaflets was to be agreed and secured by condition.

The Senior Planning Officer reported that the site was located within flood zone 3. The application was required to pass the sequential and exemption tests as laid out within the NPPF, paragraphs 158-160. The application has had a site specific flood risk assessment submitted in support, however, there is an objection from the Environment Agency to the previous plans showing 76 dwellings. The Environment Agency have not responded on the revised plans of 69 dwellings where the ground floor of flats have been removed and the development is recommended for approval on the basis that there are no

further objections from the Environment Agency. The application was being presented to Committee at this stage in an effort to offer the developer some certainty as they were keen to commence building as soon as possible.

The Senior Planning Officer reported that an objection had been received from the residents at 136 Northgate Street citing overlooking of their property. However, giving the location there will be a degree of overlooking but there will be a minimum of 25 metres between the new properties and Northgate Street and this is deemed as being sufficient.

The Senior Planning Officer reported that as it was a full application, details such as materials had been provided. The Conservation Officer had requested that the wall to be retained, barring access to the eastern boundary to Churchill Road instead of the proposed materials of wrought iron railings.

The Senior Planning Officer reported that Highways had no objection to the application but had recommended conditions and had not objected to the revised access off of Churchill Road and this access did not cross land owned by the Borough Council. Parking complied to Norfolk County Highways requirements but they had noted that internal parking arrangements could be reconfigured slightly which could be achieved as a minor amendment with the applicant if the application was approved.

The Senior Planning Officer reported that should the application be approved, there would be financial gains for the Local Planning Authority through additional Council Tax income, contributions secured under any s106 agreements and potentially, new homes bonus from the Government. The Committee should also note that the Borough currently had a housing land supply of 2.6 years as at the end of 2017/18, a significant shortfall to the required 5 years. The location of the site was considered to be in a sustainable location.

The Senior Planning Officer reported that the development as proposed, would be a significant boost to the housing supply in accordance with Paragraph 59 of the NPPF and the report identified conformity with a range of relevant Local Plan policies. Provided that the EA objection could be adequately dealt with, no other significant harms were identified that were judged to outweigh the benefits arising from the need for housing, given that the Appropriate Assessment had confirmed that there would be no significant adverse impact on Natura 2000 sites (subject to mitigation). It was acknowledged that the application would be brought back to Committee if there were any material changes prior to the issuing of a planning permission such as amendments to numbers or types of dwellings proposed, in excess of 69.

Mr Shaw, Objector, reported his concerns regarding flooding in the area and the additional pressure the proposed housing units would place on the pumping station off Northgate Street.

Councillor A Wright reported that Anglian Water had carried out remedial

works to the pumping station over and above what was necessary. The Senior Planning Officer reported that secondary comments had been received from Anglian Water stating that there was sufficient capacity in their system for the proposed development.

Councillor Walch, Ward Councillor, reported that he thought that the design of the proposed development was well designed and he supported the application although he still had reservations regarding flash flooding in the immediate neighbourhood.

Councillor Bird reported his concerns regarding flooding of residential homes in nearby Caister Road and was concerned that local residents would suffer greater flooding as a result of this development. Councillor Hammond was concerned that the application could be approved prior to approval by the Environment Agency.

Councillor Williamson reported that the site had been heavily used in the past as a hospital and there had been no resulting flooding issues.

The Senior Planning Officer reported that the application was recommended for approval with conditions and obligations in accordance with Local & National Planning Policy.

Following an extensive debate the motion for approval was duly proposed and seconded and following a vote; it was RESOLVED:-

That application number 06/18/0528/F be approved with conditions and obligations in accordance with Local & National Planning Policy Framework. Permission would not be issued prior to the signing of an agreement under s106 for provision of infrastructure, County Council requirements, habitat mitigation, affordable housing, open space, children's play equipment/space or payment in lieu at the discretion of the Local Authority and management agreement noting that the LPA will not take responsibility for any open space, recreation or drainage. All obligations secured will be in accordance with Regulation 123 of the Community Infrastructure Levy Regulations 2010.

The development as proposed, would be a significant boost to the housing supply in accordance with Paragraph 59 of the NPPF and the agenda report identified conformity with a range of relevant Local Plan policies. Provided that the Environment Agency objection could be adequately dealt with no other significant harm identified that were judged to outweigh the benefits arising from the need for housing, given that the Appropriate Assessment had confirmed that there would be no significant adverse impact on Natura 2000 sites (subject to mitigation). It was acknowledged that the application would be brought back to Development Control Committee if there were any significant material changes prior to the issuing of a planning permission such as amendments to numbers or types of dwellings proposed in excess of 69 dwellings.

## **6 APPLICATION 06-18-0247-F, CHERRY TREE HOLIDAY PARK, MILL ROAD, BURGH CASTLE**

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

The Senior Planning Officer reported that the application site was located within Burgh Castle and was adjacent to the established Cherry Tree holiday park. The application sought to increase the size of the site by an additional 107 caravan bases. The site was located in close proximity to the Breydon Water Special Protection area (SPA).

The Senior Planning Officer reported that the Parish Council objected to the application as there were major concerns regarding the increased volume of traffic. Three objections from local residents had also been received citing additional traffic, increased air pollution, waste collection and heavy vehicle usage would increase through the village, dangerous local road network, increased noise and light pollution, overlooking, loss of wildlife habitat, too many holiday parks already in the village, existing users trespass and speeding through the village.

The Senior Planning Officer reported that Strategic Planning had highlighted Policy CS16 to members of the Committee to consider when determining the application. The Senior Planning Officer reported that Highways had not objected to the application and requested no conditions. Paragraph 109 of the NPPF stated that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Senior Planning Officer reported that a public meeting was held with members of the public and the Parish Council which was attended by the agent for the application. Following the meeting, amended plans were submitted which correctly represented the layout of the existing holiday park and the agent provided details of the proposed boundary treatment. The boundaries to the east, west and south would be secured with a 1.8 m high green plastic coated chain link fence. This fence is still included at the northern boundary as per the application as submitted prior to the additional information. In addition to the boundary treatments proposed additional planting would be conditioned to mitigate the visual appearance of the development and provide ecological enhancements.

The Senior Planning Officer reported that it was the assessment of the Local Planning Authority that the application, if approved, would not adversely affect the integrity of Natura 2000 sites provided that the mitigation sought by natural England was secured.

The Senior Planning Officer reported that the application was recommended

for approval as it complied with Policies CS2, CS6, CS8 and CS16 of the adopted Core Strategy but planning permission should not be issued until the monies required to comply with Policy CS14 of the adopted Core Strategy had been secured.

Councillor Annison requested clarification regarding foul water drainage on the site.

Councillor Williamson asked whether the provision of a bus bay on either side of the road near the site access could be conditioned as this would assist with road safety near the corner of Market Road. The Senior Planning Officer reported that this suggestion could be investigated with the applicant and Highways if planning permission was granted.

Following a vote, it was RESOLVED:-

That application number 06/18/0247/F be approved as the proposal complied with Policies CS2, CS6, CS8 and CS16 of the adopted Core Strategy. A grant of planning permission should not be issued until the monies required to comply with Policy CS14 of the adopted Core Strategy had been secured.

## **7 APPLICATION 06-18-0683-F GREAT YARMOUTH CHARTER ACADEMY**

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

The Planning Officer reported that the application was multi-faceted; the largest element was the creation of a new two storey science block to the rear, south-west corner of the site on existing amenity space. To facilitate the expansion of the school, new car and cycle parking had been provided and Multi-Use Games Areas (MUGA). The proposal also involved alterations to the existing school with the creation of new entrances and windows. The Planning Officer reported that obscure glazing to the side windows could be conditioned if Members were so minded.

The Planning Officer reported that Highways had no objections subject to conditions. The Fire Service had requested that a further access was opened off Beaconsfield Road to give access for the emergency services and a new fire hydrant to be conditioned. In addition they noted that fire evacuation lifts were required at each end of the school buildings.

The Planning Officer reported that the application site was not within Flood Zone 2 or 3. The Lead Local Flood Authority had been consulted and had not objected to the proposal.

The Planning Officer reported that three trees would be lost but the Arboricultural Report stated that these trees were of poor quality. The Planning

Officer reported that no neighbour objections had been received and the proposal was not considered to significantly and adversely impact upon neighbours.

The Planning Officer reported that the application was recommended for approval subject to all conditions ensuring a suitable development.

Councillor A Wright asked for clarification as to whether the proposed MUGA would be floodlight as this could affect the amenity of nearby residents. The Planning Officer agreed to look into this issue and reported that hours of lighting could be conditioned.

Mr Riley, applicant's agent, reported the salient areas of the application and he thanked the Planning Department for all their assistance during the planning process and asked that the Committee approve the application to enable work on site to commence as soon as possible.

Following a vote, it was RESOLVED:-

That application number 06/18/0683/F be approved subject to all conditions ensuring a suitable development. The full conditions recommended by the Highway Department, Lead Local Flood Authority and Sports England. Details of materials, a Flood Response Plan and adequate Ecology mitigation. The proposal should be carried out in accordance with the submitted reports and should be subject to an obligation for a fire hydrant.

## **8 APPLICATION 06-18-0327-F, 21 CRAB LANE, BRADWELL**

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

The Planning Officer reported that the application site consisted of a chalet bungalow located towards the Crab Lane frontage of the plot with a large rear garden. The plot measured 87 m long and was 24 m wide at the front and rear sections and was 35 m wide at the wider central area. There are three trees in the application site which were subject to a Tree Preservation Order. A fourth protected tree was felled without consent and a replacement replanted after enforcement action, however, this has since failed to take.

The Planning Officer reported that the current proposal was to build two, two storey houses at the front of the site which would be in line with the existing properties to either side with a new vehicular access in the centre of the Crab Lane frontage leading to a parking/turning area and two detached bungalows at the rear of the site. The three trees that are subject to a TPO would all be retained.

The Planning Officer reported that a previous application, 06/17/0199/O had been refused on the grounds of over-development, loss of protected trees ,

loss of residential amenity and out of character with the street scene. A subsequent appeal had been dismissed.

The Planning Officer reported that there had been three objectors to the application from local residents citing overshadowing, loss of privacy, additional traffic, drainage, loss of trees and noise nuisance. The Parish Council strongly objected to the application as it was concerned that the protected trees might be removed and no enforcement undertaken.

The Planning Officer reported that the proposal conformed with the aims of Policies CS1, CS2, CS3 and CS11 of the Great Yarmouth Local Plan: Core Strategy and saved Policies HOU7 and HOU17 of the Great Yarmouth Boroughwide Local Plan.

The Planning Officer reported that the application was recommended for approval with conditions as requested by Highways, details of measures to protect the TPO trees during construction and surface water drainage. The Planning Officer reported that if the Committee was minded that the proposed parking spaces for the houses fronting Crab Lane could be moved to the front to give a larger green space between the houses and the bungalows.

Councillor Annison requested clarification of the distance between Plot 2 and 23 Crab Lane. The resident at 23 Crab Lane had been assured that there would be a minimum distance of 2 m between the properties to allow for a pathway between the properties and whether the hedge would be retained. The Planning Officer measured the distance on the submitted plans and reported that there would be a distance of 1 m only. Mr Stone reported that the proposal would improve the street scene and that he would not be adverse to moving the parking for the houses to the front.

Members raised concerns about planning applications which contained trees with existing TPO's on them and whether appropriate enforcement measures were undertaken by Council officers if they were harmed or felled. The Chairman requested that the relevant policy be circulated to all Members for information.

Mr Stone, applicant's agent, reiterated the salient areas of the application to the Committee and clarified the earlier response given to Councillor Annison by reporting that there was 1 m separation between Plot 2 and the fence adjacent 23 Crab Lane then 1 m separation from this fence to 23 Crab Lane which equalled a distance of 2 m.

Councillor Annison asked Mr Stone for an assurance that no trees covered by a TPO would be removed from the site and the boundary hedge be retained if approval was given. Mr Stone reported that one or two scrubby type trees which were not covered by a TPO might need to be removed to allow for construction but that the site would retain all the trees covered by an existing TPO. Councillor Annison also requested that the hours of work be limited to between 8am and 5pm Monday to Friday only so as not to disturb the amenity of the neighbours during the construction period.



Mr Francis, Bradwell Parish Council representative, reported that the site had originally contained 9 trees covered by a TPO which meant that 6 had been illegally felled and asked for an assurance that the Council had taken appropriate enforcement action in each case.

Councillor A Wright proposed that a condition should be added to any approval stating that the 4th tree which had been covered by a TPO and subsequently felled should be replaced by another tree during the next planting season and prior to the occupation of the properties.

Following a vote, it was RESOLVED:-

That application number 06/18/0327/F be approved. The proposal conformed with the aims of Policies CS1, CS2, CS3 and CS11 of the Great Yarmouth Local Plan: Core Strategy and saved Policies HOU7 and HOU17 of the Great Yarmouth Borough-wide Local Plan. Approval to be subject to the conditions requested by Highways, details of measures to protect the TPO trees during construction and surface water drainage.

## **9 APPLICATION 06-18-0648-F, 24 ROWAN ROAD, MARTHAM**

The Senior Planning Officer reported that this item had been brought to Committee as it had been submitted by a member of staff and had been objected to by a neighbour to ensure transparency of planning decisions.

The Senior Planning Officer reported that the application was for the erection of a two storey rear extension which would also connect to the existing garage which would remain single storey. The garden was of sufficient size to accommodate the development and did not constitute over-development of the site. The materials proposed would match the existing dwelling in compliance with saved policy HOU18 of the Borough Wide Local Plan.

A letter of complaint had been received by a neighbour citing that the size of the proposed extension was disproportionate to the original dwelling, there were no other extensions on that part of Rowan Road and the extension would bring forward the southern facing window causing overlooking of their property.

The Senior Planning Officer reported that the application was recommended for approval subject to a condition to ensure that the development was built in accordance with the approved plans.

RESOLVED:-

That application number 06/18/0648/F be approved subject to a condition to ensure that the development is built in accordance with the approved plans.

## **10 PLANNING APPLICATIONS CLEARED BETWEEN 01 JANUARY 2019 AND 30 JANUARY 2019**

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

Councillor Williamson referred to page 137 of the agenda, 158 Burgh Road, and requested that a condition be added to the planning approval stating that the applicant to keep the dyke at the rear of the property clear to prevent flooding in the immediate vicinity. The Planning Manager reported that he would speak to the Internal Drainage Board on this matter.

RESOLVED:

That the Committee note the planning applications cleared by Officers under delegated authority and by the Development Control Committee between 1 and 31 January 2019.

## **11 OMBUDSMAN & APPEAL DECISIONS**

The Planning Manager reported that there were no planning ombudsman or appeal decisions to note.

## **12 ANY OTHER BUSINESS**

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

## **13 EXCLUSION OF PUBLIC**

The meeting ended at: 20:39