

# Development Control Committee

## Minutes

Wednesday, 21 June 2017 at 18:30

Present :

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

Councillor Plant attended as substitute for Councillor Reynolds

Councillor Pratt attended as substitute for Councillor Wright

Also in attendance :-

Mr D Minns (Group Manager, Planning) Mrs G Manthorpe (Senior Planning Officer), Mr J Ibbotson (Planning Officer), Mrs E Helsdon (Technical Officer), Mr J Flack (Solicitor, Nplaw) and Mrs C Webb (Member Services Officer).

### **1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Reynolds and Wright.

## **2 DECLARATIONS OF INTEREST**

Councillor Hanton declared a Personal Interest in item 8 and Councillor Thirtle declared a Personal Interest in item 9, however in accordance with the Council's Constitution they were both allowed to speak and vote on the matters.

## **3 MINUTES**

The minutes of the meeting held on the 24 May 2017 were confirmed.

## **4 MATTERS ARISING**

There were no matters arising from the above minutes.

## **5 PLANNING APPLICATIONS**

## **6 APPLICATION 06-16-0784-F 33 MARINE PARADE GREAT YARMOUTH**

The Committee received and considered the comprehensive report from the Group Manager, Planning.

The Senior Planning Officer reported the application was a full application to change the use of the first floor of 33 Marine Parade, known as Ceasers from a nightclub to residential flats and flats at the second and third floor. The 16 flats would comprise of nine one bedroom flats and seven two bedroom flats giving a variation to the offering by providing mixed sizes. The site was located within sub market 3 as identified within the Core Strategy and therefore 10% affordable housing or a contribution in lieu of affordable housing at the Council's discretion would be required to comply with policy. In addition to affordable housing contributions shall be required for Public Open Space and children's recreation to mitigate the additional strain that the development would place upon the area as none was able to be provided on site.

The Senior Planning Officer reported that the loss of a first floor use in this location was not deemed to be significantly detrimental to the seafronts commercial vitality. There were no proposed changes to the facade of the building which was an attractive addition to the seafront. The commercial business of an arcade at the ground floor level remained unchanged and did not form part of this application. There had been no comments received from the Great Yarmouth Tourist Authority on the loss of the commercial offering at first floor level.

The Senior Planning Officer reported that following a consultation response

from Environmental Health changes to the layout had been made to seek to supply a higher standard of accommodation. The submitted plans demonstrated that the flats as proposed were adequate in size in planning terms to provide a high quality of accommodation.

The Senior Planning Officer reported that there were amended plans required to show additional windows to the western elevation and a covered stairwell but these should not be prohibit Members from deciding the planning application.

The Senior Planning Officer reported that Highways had no objections but requested that adequate cycle storage was provided. The application did not propose any parking and there were no highways objections as this was a sustainable location with good access to public transport.

The Senior Planning Officer reported that on balance, the application would provide housing in a sustainable location without having a significant adverse effect on the tourism offering. the loss of the first floor commercial use was not uncommon along Marine Parade and as such would remain in keeping with the character of the area and it was therefore recommended to approve the application with conditions as requested by consulted parties including those with noise impact assessment and additional noise impact assessment to be carried at prior to occupation those noted within the report and others as appropriate to ensure a satisfactory form of development.

A Member asked whether adequate bin storage had been allocated in the plan, the Senior Planning Officer reported that adequate bin storage would be provided at the rear of the development.

A Member asked whether the external staircase would be extended to cover all floors in case of fire, the Senior Planning Officer reported that Building Control had not asked for the stairwell to be extended to cover all floors.

Councillor Plant reported that he was disappointed that the application did not contain any parking as parking was a major problem at the seafront, he was also concerned that future residents might encounter noise nuisance from the sound of the arcade on the ground floor.

RESOLVED :

That application 06-16-0784-F be approved with conditions as requested by consulted parties, those noted within the report and any deemed appropriate to ensure a satisfactory form of development. The permission should not be issued until a Section 106 agreement in accordance with current policies was signed, the agreement should contain payment in lieu of open space and children's recreation and affordable housing.

**7 APPLICATION 06-17-0201-O WOODLAND 14 BEACH ROAD SCRATBY GREAT YARMOUTH**

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

The Senior Planning Officer reported that the application site was positioned to the south of the 14 Beach Road adjacent to the entrance to the village of Scratby, the application was for outline permission for the construction of 8 dwellings, access, layout and scale were part of the outline application with the reserved matters of landscaping and appearance to be determined at a detailed application stage, the site was given permission by the Development Control Committee in 2016 for a single bungalow directly south of 14 Beach Road which has not been started, the site was outside the village development limit for Scratby meaning the proposal was a departure from the Local Plan.

The Senior Planning Officer reported that the Committee should note an appeal decision at 14 Beach Road in 2014 the inspector found that development south of 14 Beach Road would be harmful to the character of the area, the inspector stated that the site related closely to the agricultural uses as opposed to the residential uses further north and stated that the land formed an undeveloped gap between the village of Scratby and Scratby Road the proposal would result in the loss of separation between the village, road and open countryside and this negative impact of character should be considered against local policy. The Senior Planning Officer differentiated between the current application and the appeal site. Policies relating to landscape were no longer saved and could not be taken in to consideration. The now adopted Core Strategy looks at sustainable locations near to settlements which this site is. The Core Strategy was not adopted at the time of Appeal In addition the Borough Council now has the Interim Housing Land Supply Policy which when applying appropriate weight and read in conjunction with the Core Strategy allows for development adjacent village development limits in sustainable locations. As such there are significant differences between this application and the previous appeal.

The Senior Planning Officer reported that site layout encompassed two sets of three properties and a pair of semi detached properties on the southern extent, Committee would need to weigh up the overall impact upon character it was the Officer's opinion that the layout could be deemed acceptable as it could lend itself to an attractive development, criterion (e) of the Interim Housing land Supply Policy stated that layout should reflect the density and layout of the surrounding area unless these had been mitigated by well thought out design, the layout was a matter for determination at this stage.

The Senior Planning Officer reported that the access was close to a junction and this was the subject of the only objection to the application which was raised by the Parish Council, the Parish Council had raised concerns that the junction was busy and that the visibility exiting the site was limited. Highways were consulted and they originally issued a holding objection to get amendments to the plan namely a longer area of straight road at the entrance to the site, once these amendments were made they did not object subject to condition, part of the recommended conditions from Highways were for offsite improvement works by installing a footpath this would improve the

sustainability and the safety of the site meaning walking into the village of Scratby was easier, they had also requested conditions regarding the provision of construction workers traffic.

The Senior Planning Officer reported that the development was not considered to significantly and adversely affect the neighbouring properties, there were no properties situated to the east which would be overlooked or overshadowed, to the north was 14 Beach Road itself and another site with planning permission that has not yet been built also under the ownership of the applicant. No neighbour objections were received.

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

The Parish Council representative addressed the Committee and reiterated the Parish Council's concerns regarding the busy junction and he asked that the Committee refuse the application on the grounds of highway safety.

The Senior Planning Officer referred to Condition SHC19 of the report from the Highway Officers Consultation response which stated that prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicate on the approved plan, the splay shall therefore be maintained at all times free from any obstruction exceeding 0.225m above the level of the adjacent highway carriage in the interest of highway safety and would be conditioned as such.

RESOLVED :

That application 06-17-0201-O be approved subject to all conditions ensuring a suitable development including details of landscaping and appearance as well as further details on scale, subject to highways conditions, details of boundary treatments and potential future management of the site.

## **8 APPLICATION 06-17-0313-O GRILL & GRIND 2 CLEARANCE HOUSE BEACH ROAD HEMSBY GREAT YARMOUTH**

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

The Planning Officer reported that the site to which the application related to was a small commercial unit located within Hemsby's prime commercial holiday area. The unit had been part of the neighbouring indoor market Clearance House but was now a separate unit within this larger building that otherwise remained in retail use. The Planning Officer reported that as the application was retrospective Officers from the Council's Environmental Health and Planning Department had visited the site during the time the unit was operating to assess the impact of cooking at the site in times of odours. The Council had issued a planning enforcement temporary stop notice to make

further checks and in the interim the site owner had made this planning application. The applicant had complied with the notice and had not opened since this intervention although the temporary stop notice had expired. The Planning Officer reported that no objections had been received from the nearest residential / holiday accommodation properties regarding smells or odours or loss of amenity.

The Planning Officer reported that from the letters of objections and comments from the Borough Councillor's and Parish Council it had been stated that there were 28 food related businesses out of 52 businesses located within the Beach Road area. The location of this single storey building in a predominately commercial area with no flats above and a degree of separation meant there was not a requirement for extensive odour suppression or ventilation, a requirement of a wall mounted ventilation fan was raised by Environmental Health and this had been included in the planning application. The Planning Officer reported that it was considered that the change of use to a hot food takeaway in this location would not be harmful to the amenity of neighbouring land users or residents and would be in accordance with saved policy SHP15 of the Great Yarmouth Borough Wide Plan.

The Planning Officer reported that concerns had been raised regarding parking and highways, the site was located opposite the main private visitor car park for Beach Road and the road itself had double yellow lines along its whole length so parking outside this business as was the case with the proportion of businesses on Beach Road was not permitted, therefore on balance the proposal was not considered to generate an unacceptable amount of vehicular movements that could not be accommodated at neighbouring car park areas and was therefore not detrimental to the parking or movement of traffic in the area.

The Planning Officer reported that a number of objections from businesses were received concerning the toilet provision as the use of the site was a takeaway site with no onsite seating and all food to be eaten off the premises the Council environmental health policy for toilet provision would only require staff toilets and not public toilets, the applicant had confirmed that within land owned by his landlord a waste bin could be stored and that he would enter into contract waste collection on a weekly basis from the site.

The Planning Officer that it was important to make clear that the decision taken should be based on material planning consideration and the Town and Country Planning Act allowed for retrospective planning applications and that in considering these types of applications where some or all of the work had commenced the fact that the Councils consent was not sort prior to commencing work was not a material planning consideration.

The Planning Officer reported that the application was recommended for approval.

A Member asked how many objections had been received in total, the Planning Officer reported that a total of 11 objections had been received.

The Chairman of Hemsby Parish Council addressed the Committee and reported that out of 52 shops there were 28 food outlets in the area, he reported that when the premises had been open, cars had parked illegally on double yellow lines causing traffic chaos to purchase food from the kiosk. The Chairman of Hemsby Parish Council reported that the Parish Council was unhappy that the applicant had opened the premises prior to obtaining the necessary planning permissions.

The Solicitor Nplaw reported that all planning applications had to be judged on their merit whether they were retrospective or not. He also advised that price and competition were not material planning considerations.

The Planning Group Manager reported that there had been no objections received from the Highways Agency and illegal parking on double yellow lines was an enforcement issue and not a material planning consideration.

A Member asked whether cumulative effect was a planning issue, the Planning Officer reported that cumulative effect was a planning consideration.

Councillor Weymouth, Ward Councillor reported that the map which the Planning Officer was utilising was 20 years out of date, she reported that there was a proliferation of food outlets with 28 out of the possible 52 all selling hot food and that this application did not provide customer toilets, the parking in this area was extremely difficult and enforcement of the double yellow lines would be provided by the Council's Parking Enforcement Officers who would be slow to respond to parking issues due to the number employed by the Council, she urged the Committee to refuse the application.

A Member referred to Policy SHP14 subject to the size of the proposal the conversion or redevelopment of properties to provide class A1 or class A3 uses will be permitted in the prime commercial holiday areas shown on the proposals map objective to ensure the continued vitality of designated tourist shopping areas. The Member reported that if this policy was not current it should be removed from the agenda paper as Members needed current policies, the Solicitor Nplaw reported that all policies must be read in light of any changes and this policy must be read as being supportive to the application.

The Planning Group Manager reported that the Committee should give weight to current policies and that Policy SHP15 was an adoptive policy within the Core Strategy.

RESOLVED :

That application 06-17-0313-O be refused as it was contrary to policy SHP15 (Criterion A)

Proposals for the establishment of hot food takeaways not falling to be considered under provision of Policy SHP4 will be permitted subject to the

following criteria :-

- The proposal would not create an over concentration of preponderance of class A3 uses which would significantly detract from the vitality and viability of a shopping frontage

## **9 APPLICATION 06-17-0152-O LAND NORTH OF PHILMAR LODGE ORMESBY LANE FILBY GREAT YARMOUTH**

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

The Planning Officer reported that the site involved was an area of grass land that was currently used as a paddock to the north of a bungalow known as Philmar Lodge, the site had frontage to Ormesby Lane and was currently enclosed by a hedge along the roadside boundary the proposal was an outline application for the erection of 3 dwellings with means of access to be considered at this stage and all other matters such as siting and design to be submitted as part of a detailed application if outline consent was granted. The site was outside the village development limit as shown on the Local Plan Policy map.

The Planning Officer reported that the Parish Council had objected as the site was outside the village development limit and as the Parish had already in the last two years accommodated more than the 5% Core Strategy target so this was unacceptable to permit more residential development within the Parish. The slowing, stopping and turning traffic generated at this location generated by three accesses onto this busy substandard class 3 road would be detrimental to other road users.

The Planning Officer reported that one letter of objection had been received from the occupier of Philmar Lodge who had objected saying that the site was agricultural land, too many homes had been built in Filby, highway safety and that a sewer ran through the site.

The Planning Officer reported that Anglian Water had been contacted regarding the sewer which ran through the site but had received no comments or objections.

Councillor Thirtle, Ward Councillor reiterated the concerns of the Parish Council as the site was outside the village development limit and the Parish had already accommodated more than the 5% Core Strategy target in the village the proposed homes would be luxury houses and would not be affordable housing which would benefit some local residents.

A Member raised the issue of a comment raised from the objector who lived at Philmar Lodge, stating that previous planning applications had been refused due to flood zoning restrictions, the Planning Officer reported that there were

no flooding issues associated with the application site and not within a flood zone.

The Group Manager, Planning reported that Philmar Lodge when it was built in the 1980's was built as an agricultural dwelling which had since applied to have the agricultural restriction lifted.

The Planning Officer reported that the application was recommended for approval as the proposal conformed with the aims of Policies CS1 and CS2, Core Strategy and the Interim Housing Land Supply Policy.

RESOLVED :

That application 06-17-0152-O be approved as the proposal confirmed with the aims of Policies CS1 and CS2 of the Great Yarmouth Local Plan Core Strategy and the Interim Housing Land Supply Policy.

## **10 APPLICATION 06-17-0254-F SUNNYDALE MILL ROAD BURGH CASTLE GREAT YARMOUTH**

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

The Planning Group Manager reported that the application site was on the western side of Mill Road, the site was just under 0.5 Hectares in area with an existing house which was sited towards the road frontage, there was a field to the south and caravans on part of Breydon Water Holiday Park that joined the west and northern boundaries. An area of land to the west end of the site was granted planning permission for the storage of up to 18 caravans in 1996.

The Planning Group Manager reported that Highways had no objection to the application subject to a condition requiring a visibility splay across the site frontage.

The Planning Group Manager reported that two comments had been received from local residents, one supporting the application and one objecting to the application.

The Planning Group Manager reported that there was an existing house on the site that was in a habitable condition but which would require considerable alteration and updating to bring it up to a modern standard of accommodation, Policy HOU20 which was the saved policy from the Great Yarmouth Boroughwide Local Plan allowed replacement for existing dwellings in the countryside but had criteria that limited the size design and siting of the new dwelling.

The Planning Group Manager reported that the dwelling was on a substantial plot with no immediate neighbours and it would be very difficult to refuse an application for a large extension that would greatly exceed the floor space

limitation imposed by criterion (c) of the Policy, the applicants have considered extending the dwelling which would allow them to have a larger dwelling without having to conform to Policy HOU20 but this would leave them with an older core to the house with modern attachments and the dwelling would be still be close to the road.

The Planning Group Manager reported that instead of trying to get around the policy by adopting this approach the applicants had resolved to apply for a new dwelling sited further back on the site using the part of Paragraph 55 of the National Planning Policy Framework which allowed new dwellings under special circumstances one of the which was the exceptional quality or innovative nature of the design of the dwelling.

The Planning Group Manager reported that the design of the house included a central round tower which was intended to reflect the towers of the roman fort with the main part of the building being flat roused with two storey and single storey sections, the external finish would be a mixture of cladding and render and the whole house would be constructed to a high standard of insulation and sustainability.

The Planning Group Manager reported that the application site did not comply with Paragraph 55, however did comply sufficiently with Policy HOU20

Mr Bullen, Applicants Agent reported the salient areas of the application and urged the Committee to approve the innovative design.

A Member asked if the landscape plan had been submitted with the application, the applicants agent reported that the landscape plan was not finalised but could be conditioned as part of the scheme if the application was approved.

RESOLVED :

That application 06-17-0254-F be approved as the dwelling complied with the requirements of saved Policy HOU20, the House to be built to the standard of the submitted design and access brief and the approved landscape plan conditioned.

## **11 DELEGATED PLANNING DECISIONS MADE BY THE DEVELOPMENT CONTROL COMMITTEE AND OFFICERS 1 - 31 MAY 2017**

The Committee noted the planning decisions made by the Development Control committee and Planning Officers for the period 1 - 31 May 2017.

## **12 OMBUDSMAN AND APPEAL DECISIONS**

The Chairman reported that there were no appeal or ombudsman decisions to report to the Committee.

### **13 ANY OTHER BUSINESS**

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

The meeting ended at: 20:30