

# Development Control Committee

## Minutes

Wednesday, 12 July 2017 at 18:30

Present :

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

Councillor B Coleman attended as a substitute for Councillor Reynolds.

Also in attendance :-

Mr D Minns (Group Manager, Planning), Mrs G Manthorpe (Senior Planning Officer), Mr J Ibbotson (Planning Officer), Mr J Flack (Solicitor, nplaw), and Mrs S Wintle (Member Services Officer).

### **1 APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Reynolds.

### **2 DECLARATIONS OF INTEREST**

Councillors Grant, Hammond, Hanton and B Coleman declared a Personal Interest in item 6, but in line with the Council's Constitution all were allowed to speak and vote on the matter.

Councillor Williamson declared a Pecuniary Interest in item 8 in his capacity as a Trustee of the SeaChange Arts.

### **3 MINUTES**

The minutes of the meeting held on the 21 June 2017 were confirmed.

### **4 MATTERS ARISING**

There were no matters arising from the above minutes.

### **5 PLANNING APPLICATIONS**

### **6 APPLICATION 06/17/0218/O - PLEASURE BEACH SOUTH BEACH PARADE GREAT YARMOUTH**

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

The Group Manager, Planning reported that the application was a hybrid application comprising a full Planning application for an 81 bedroom Premier Inn hotel; associated pub/restaurant and ancillary works and an outline application for a large casino with internal restaurants, bars, etc. Cinema with restaurants / bars and indoor play centre.

The Group Manager Planning reported that the Design and Access Statement submitted with the application sets out the description of the development. It stated the following :-

The original strategy was to :-

- Separate the functions based on whether they were family or adult orientated uses
- Orientate family uses within the Golden mile, to naturally extend from the existing amusement Park.
- Create a public, pedestrian friendly central point
- Relate to the existing leisure structures of Pleasure Beach and to the adjoining industrial area.
- Position the car parking / ancillary uses away from the main pedestrianised areas.

Members were advised that in keeping with the original strategy the site had been revised and the previous analysis had been utilised to inform and enhance the revised proposals. Massing, Zones, Linkages and Public Realm strategies have been retained to respond to the sites context and commercial

requirements.

The Group Manager, Planning reported that the illustrated drawings showed the scale, massing, and location of the buildings and soft and hard landscaping of the development and range of external finishes that could be used on the buildings. The proposed development would be brought forward in three distinct phases :-

Phase 1 - The Premier Inn hotel with Beefeater restaurant to the ground floor together with associated car parking (total of 152 car parking spaces)

Phase 2 - The leisure boxes (Cinema, Play Centre and Restaurants), along with multi storey car park and temporary car parking to be created where the casino would be sited (total of 612 car parking spaces); and

Phase 3 - The Casino together with associated car parking (total of 685 car parking spaces)

The Group Manager, Planning reported that the applicant and agents held a public exhibition and consultation on 30 January 2017, where 111 people had attended. The proposals were also presented to a number of Members of the Council, which was followed by a public exhibition to enable members of the Public to provide comments on the revised scheme. He advised that the applicant had reported that the scheme had been well received.

The Group Manager, Planning reported that there had been a number of planning applications / approvals on the site in the past, of particular relevance to this application the two planning permissions that were granted in 2006 and 2011 were summarised in detail. It was reported that the applications were subject to Section 106 Agreements. The Planning Group Manager advised that the previous planning permissions and the most recent in particular albeit expired and the National Planning Policy Framework are material considerations in determining the application and that changes in planning policy terms since the 2011 planning permission should be taken into consideration.

The Group Manager, Planning reported that there had been 1 letter of support received in respect of the application, Peel Ports had no objection to the application in principle providing concerns raised are noted, Highways England, had raised no objection and Norfolk County Highways had also raised no objection subject to a number of conditions appertaining to the development.

The Group Manager, Planning reported that the Local Lead Flood Authority (LLFA) Norfolk County Council had initially raised a number of objections to the proposal which the applicant's had sought to address, the applicants have now provided the additional information requested by the LLFA and the LLFA response was verbally reported to Members.

The Group Manager Planning reported on comments that had been received

previously from English Heritage in respect of concerns raised in relation to the height of the hotel and its impact on the 'iconic and recognisable' Nelson's Monument, he reported that the applicants had addressed the concerns by engaging with consultees and as a result a number of amendments were made to the proposals.

The Group Manager, Planning reported that Historic England had no objection to the application on heritage grounds in light of the previous consented scheme and the more sympathetic response offered by the current proposals, however they considered the proposal would entail some harm to the significance of Nelson's Monument and the scenic roller coaster and suggested that conditions to address this matter to meet the requirements of the NPPF paragraphs 60,61 and 131.

In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), Members were reminded that they must have special regard to the desirability of preserving listed structures or their settings or any features of special architectural or historic interest which they may possess in the decision making process. This means that Members must accord considerable significance and weight to any harm to a listed building or its setting. This requires that the harm be weighed against the public benefits of the proposal, giving great weight to the conservation of the listed buildings and their setting.

The Group Manager considered although the harm to the setting of the two listed buildings would be modest and the harm to the setting of the listed buildings had to be balanced by the considerable public benefits of the proposal in terms of employment and other economic benefits and contribution to the regeneration and character of the area.

The Group Manager, Planning reported that the application is recommended for approval subject to satisfying the requirements of the LLFA and conditions outlined and Section 106 agreement requested by the Highway Authority. The site is a brownfield site with a recent approval on site for a similar development that is supported by the Core Strategy and will potentially add to the offer available in the Great Yarmouth area and enhance the all year offer of the town in addition to being a job creator. All of which accord with the Council ambitions for the town.

Mr Laister, applicants agent, reported the salient areas of the application advising the Committee of the three phased development which would provide a large scale visitor attraction and urged the Committee to approve the multi million pound design.

A Member asked what guarantees could be offered to Members that phases 2 and 3 of the design brief would be delivered, the applicant's agent reported that discussions were underway with operators to gain further understanding of what is required to undertake phase 2 but that these were at a very advanced stage and could commence October / November 2018, he advised that phase 3 was in working progress and that the applicant was aware and

acknowledged that there would be licensing issues surrounding the casino.

Councillor Jeal, Ward Councillor stated that he was pleased that the application had been re-applied for, however raised some concern in respect of the play area to be situated near to a residential area due to car enthusiasts. Councillor Jeal stated that he was pleased the car park had been moved back to allow for the Nelson's monument and asked whether a pathway leading to the beach had been included within the plans. The Applicant's agent advised that a pathway had been included within the plans.

RESOLVED :

(i) That application 06/17/0218/O be approved subject to the conditions and Section 106 agreement set out within the Group Manager's Planning report and being compliant with the Local Plan policies set out in response from Strategic Planning also set out within the Group Manager's Planning report.

(ii) That the outline application be approved with all matters reserved which will be subject to a detailed application.

## **7 APPLICATION 06/17/0266/O - DECOY ROAD ORMESBY ST MARGARET GREAT YARMOUTH**

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

The Senior Planning Officer reported that the application was for outline permission for the construction of six dwellings. The access and layout are part of the outline application to be determined at this stage with the reserved matters of scale, landscaping and appearance to be determined at a detailed application stage. The site is outside the village development limit for Ormesby meaning the proposal was a departure from the Local Plan; however the village development limit is adjacent to the eastern boundary.

The Senior Planning Officer reported that there had been no objection received from the Parish Council, however they had stated that they would like consideration to be given to the road which is used by farm traffic and horses and consideration given to the developments location outside the village development limit, a request had also been made that the pump station remained maintained.

The Senior Planning Officer reported that no objection had been received from Highways subject to conditions including highways works such as the installation of a footpath and the reduction of the speed limit to 30mph.

The Senior Planning Officer reported that no objections had been received from Building Control, Strategic planning, Environmental Health, Essex and Suffolk Water and UK Power Networks. The Senior Planning Officer reported that 7 objections had been received from the Public Consultation, one common area of objections are against the access and the suitability of the road.

The Senior Planning Officer reported that the location of the Development is considered acceptable in principal and contributes to the supply of housing as set out in the adopted Core Strategy. She advised that appropriate weight should be given to policies CS2 and CS3 of the adopted Core Strategy and in addition the Interim Housing Supply Policy does provide criteria for new housing that is positioned outside the village development limit but still adjacent. The Strategic Planning team were consulted and had no objections as the development would contribute to the Boroughs supply of housing.

The Senior Planning Officer reported that the site is considered broadly sustainable once highway improvement works have been completed in accordance with the highway department's consultation response. Highways have recommended the installation of a footpath which the applicant has included on their plans and they have recommended a condition to ensure work does not start until the speed limit is lowered. With these works undertaken the access is considered acceptable and the site is deemed sustainable.

The Senior Planning Officer reported that the proposal was outline only and did not include the final appearance or scale, the indicative appearances are considered acceptable in a rural location and the design principals are considered to outweigh the contrast to the traditional style of the adjacent properties. The landscaping was also indicative at this stage, however the applicant has stated that no trees will be removed and has shown on the layout plan reasonable extensive planting, particularly to the boundaries.

The Senior Planning Officer reported that the application was recommended for approval subject to all conditions ensuring a suitable development including reserved matters of landscaping, scale and appearance. Subject to highway conditions, details of boundary treatments, Environmental Health conditions and potential conditions relating to utilities and water drainage and conditions relating to a bat survey.

A Member asked in respect of an objection that had been raised in regard to loss of view from properties, the Senior Planning Officer advised that the issue raised was not a planning matter.

A Member raised concern in respect of flooding within the development area, the Senior Planning Officer advised that the development site was not located within the flood zone area and that no objections had been received in relation to flooding issues.

A Member asked whether the width of the road would be decreased to enable a pathway, and it was advised that the road width would remain the same and the pavement would be added as an addition to the road.

Mrs Storey, Objector reiterated the main concerns and objections that had been raised by neighbouring properties.

Mr Cheetman, Parish Councillor reported that whilst the Parish Council had not raised an objection to the development he stated that the Parish Council had concerns in relation to the pumping station and the need for consideration in respect of speed of traffic.

A Member pointed out that the pumping station would not be the responsibility of the Borough Council and suggested that the Internal Drainage Board be contacted.

RESOLVED :

That application 06/17/0266/O be approved subject to all conditions ensuring a suitable development including the reserved matters of landscaping, scale and appearance, subject to highway conditions, details of boundary treatments, Environmental Health conditions and potential conditions relating to utilities and water drainage and conditions relating to a bat survey.

## **8 APPLICATION 06/17/0220/F AND 06/17/0221/LB - THE DRILL HOUSE YORK ROAD GREAT YARMOUTH**

In light of his Pecuniary Interest in the item to be debated the Chairman left the meeting.

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

The Senior Planning Officer reported that the application site adjoined the Drill House (commonly referred to as the Drill Hall) had recently been granted approval for a change of use and physical alterations. The land between the gates, where it is highways land, is reported within the design and access statement as highways land is subject to a stopping up order which had not yet been confirmed. It was reported that there was a section of land adjacent to the Town Wall which had previously been in the Borough Council's ownership had since been transferred to Sea Change Arts.

The Senior Planning Officer reported that at the time of publication of the report in respect of the above application there had been no objections received, however since publication a letter of objection had been received, this letter was read verbatim to Members of the Committee as follows :-

"Dear Mr Minns,

Please excuse my late submission as I have only found out that our previous objections regarding the gating of the area around the Drill Hall can not be carried forward without an updated letter for this purpose.

The residents that subscribed to previous objections did not expect to be in this position again of having to convince the planning committee that the gating of a public thoroughfare is completely unacceptable to the local residents as it will deny access and enjoyment of our local section of the historic wall.

It will deny the local residents in Deneside who do not fall in the Resident parking scheme and are subject to double yellow lines, the opportunity to park near their own properties.

It will allow for a gated compound to be formed for the sole use of Seachange Arts to use as they see fit. They have already in the past eluded to the siting of caravans, overnight accommodation of travelling acts, scenery workshops etc. We have already experienced the noise and activity during these periods of these arts projects.

We have already eluded to the "noise funnel effect" this area produces due to the high walling of the surrounding buildings.

I respectfully request that the committee consider not just the output of Seachange Arts a couple of times a year but the 52 weeks a year impact the residents do and will incur with this ever expanding arts venture.

There is no room for expansion of this project here in this area without a detrimental impact on the surrounding area.

I therefore request this application be turned down in view of it being inappropriate for the surrounding area and detrimental to the amenities of the immediate area. "

The Senior Planning Officer reported that since publication of the agenda comments had been received from the Conservation Officer as follows :-

"Conservation supports a contemporary approach to the design of gates in this location and the use of Corten steel cladding (to both sets) is seen as acceptable. There is a concern that actual construction will require modification to the graphic forms illustrated and details will need to be submitted for approval."

The Senior Planning Officer reported that the agent had stated that the gates would not physically be attached to the Drill House although this was unclear from the drawings submitted and as such would need to be conditioned should Members be minded to approve the application.

The Senior Planning Officer reported that the design and access statement



stated that access would be available during weekday daylight hours when safe and appropriate to do so, at other times it is stated that the keys will be made available for residents whose properties adjoin the yard for repair. In order to comply with the Core Strategy access should be maintained to historic assets such as the Town Wall.

In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), members were reminded of the need to special regard to the desirability of preserving listed structures or their settings or any features of special architectural or historic interest which they may possess. Also of the need to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas, as required by section 72(10) of the LBCA. In addition, the Town Wall is an Ancient monument subject to the provisions of the Ancient monuments Acts. However, given the conditions proposed and that the Conservation Officer had not objected to the proposal, officers were satisfied that the proposal would not result in harm to the listed building or conservation area.

The Senior Planning Officer reported that should Members be minded to approve the application a condition would be recommended to be placed upon the land to retain access during the opening hours of the Drill House, although this would not comply fully with policy CS10 as the access would be restricted it is reasonable to restrict access when the historic asset would not be visible owing to light levels.

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

A Member asked how the Council would police the gates to ensure they were being opened and closed at the correct times. It was advised that should a complaint be received in relation to the gates opening and closing times, enforcement action could be taken.

A Member asked if the application was approved, why gates would be erected on highways road, John Flack, nplaw, advised that the applicant had submitted an application to Norfolk County Council for a stopping up order which, if successful, would result in the road ceasing to be highways owned.

Some concern was raised in relation to the design for the gates, it was advised that further information would be sought as the design brief was unclear.

A Member asked for clarification in relation to residents parking rights if the gates were closed, John Flack, nplaw, advised that if a successful stopping up order was obtained from Highways, then this area would cease to be a public right of use area.

Mr Cross, Applicant, summarised to the Committee the salient reasons for the application, he advised that the main concern was safety and that it was hoped the gates would provide security and prevent crime.

A Member asked for clarification in relation to the gates being closed at 11 pm, who would be responsible for the closing of them at this time. The applicant advised that this was a matter to be decided.

Councillor Robinson-Payne, Ward Councillor raised her concerns in respect of the application and stated that she felt insufficient information had been submitted to enable the Committee to make a decision on the application, she pointed out that the application did not comply with the Core Strategy and urged Members to refuse the application.

Councillor Jeal, Ward Councillor stated that he had supported Seachange in many aspects of their work, however, he felt that the access needed to remain open to residents of the Borough and tourists alike.

A Member asked whether a condition could be implemented to ensure that access could be maintained during daylight hours. The solicitor, nplaw, advised that this could be applied for via an Access Management Plan.

Following a debate, a motion was put forward to refuse the application, as it was against Policy CS10, of the Great Yarmouth Boroughwide Local Plan, however, following a vote this motion was lost.

RESOLVED :

That application number 06/17/0220/F be approved, subject to a management plan for access, all conditions to ensure an adequate form of development and a condition requiring the gates to be open during operational hours of the Drill House.

## **9 APPLICATION 06/17/0331/A - 9 THE GREEN MARTHAM**

The Committee received and considered the comprehensive report from the Senior Planning Officer.

The Senior Planning Officer reported that the application was for the retention of an illuminated advertisement in a conservation area. The advertisement, when originally displayed, was subject to a number of complaints and as such advice was given stating that the advertisement did not benefit from deemed consent under the Advertisement regulations and consent was therefore required for the display.

The Senior Planning Officer reported that the main objections to the application, including the Parish Council's objections, were in relation to the illumination of the advertisement and that the advertisement, by illumination, changed colour. It was reported that in discussing the concerns with the applicant the white illuminate lettering could be conditioned to white which could mitigate the appearance of the advertisement.

The Senior Planning Officer reported that the site is located within a conservation area and of the need to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas, as required by section 72(1) of the LBCA. As such, the appearance of the venue should be assessed when considering the application. It was reported that the advertisement was similar to the previous sign at the premises and as per the Conservation Officer's comments, was acceptable given the utilitarian appearance of the building.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions required to provide a satisfactory form of development, those requested by Highways and a condition ensuring that the illumination is not on outside of the hours that the business is open.

Councillor B Coleman, Ward Councillor raised his concerns in relation to the application and stated that he felt the signage should be replaced with signage in keeping with the village area and should not be illuminated as this was completely out of character for the area.

RESOLVED :

That application number 06/17/0331/A be approved, subject to conditions required to provide a satisfactory form of development, those requested by Highways and a condition ensuring that the illumination is not on outside of the hours that the business is open.

#### **10 APPLICATION 06/17/0348/F - MARINE PARADE (FORMER AMAZONIA REPTILE ZOO) GREAT YARMOUTH**

The Committee received and considered the comprehensive report from the Planning Assistant.

The Senior Planning Officer reported that there was an amendment to Paragraph 1.2 of the application report in that the attraction would be released on steel ropes not elastic.

The Senior Planning Officer reported that the application was for a change of use from vacant land to the siting of a 'Slingshot' amusement ride, along with the erection of fencing and installation of matting.

The Senior Planning Officer reported that there had been no objections received in respect of the application, a number of consultees had returned comment, the British pipeline raised a number of points to be considered when developing near to major pipeline, Norfolk Constabulary had recommended security measures for the applicants consideration. It was reported that the site is within a flood zone and accordingly a flood risk assessment was provided,

however the Lead Local Flood Authority had not commented as the application is below the threshold in terms of size for a comment to be put forward. The application site is within the conservation area, but was not immediately adjoining any listed buildings.

The Senior Planning Officer reported that the application was recommended for approval subject to all conditions ensuring a suitable development including a temporary permission and conditions ensuring the units removal when not in use (off-season).

Mr Knowles, applicant advised the Committee that hoped the attraction increased the footfall within the Town Centre and Seafront and asked the Committee to approve the application.

RESOLVED :

That application 06/17/0348/F be approved, subject to all conditions ensuring a suitable development including a temporary permission and conditions ensuring the units removal when not in use (out of Season).

#### **11 DELEGATED PLANNING DECISIONS MADE BY THE DEVELOPMENT CONTROL COMMITTEE AND OFFICERS 1 - 30 JUNE 2017**

Resolved :

The Committee noted the planning decisions made by the Development Control Committee and Planning Officers for the period 1-30 June 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.

#### **14 EXCLUSION OF PUBLIC**

The meeting ended at: 20:30