

# Development Control Committee

## Minutes

Tuesday, 17 December 2013 at 18:30

**PRESENT:**

Councillor Castle (in the Chair), Councillors Collins, Cunniffe, Fairhead, Field, Germany, Marsden, Reynolds, Robinson-Payne, Shrimplin and D Thompson.

Councillor J Smith attended as substitute for Councillor Holmes.

Councillors Jeal, Linden and M Thompson attended as Ward Councillors.

An apology for absence was received from Councillor Holmes.

Mr D Minns (Planning Group Manager), Miss J Smith (Technical Officer) and Miss S Davis (Senior Member Services Officer).

**1. Minutes**

The minutes of the last meeting held on 15 October 2013 were confirmed.

**2. Public Consultation**

In accordance with the agreed procedure for public consultation, the Committee considered the following applications:

**2a Application No. 06-13-0538-F - Two Bears Hotel, Pasteur Road, Cobholm**

The Committee received details of the application for the demolition of the Two Bears Hotel and its replacement with an A1 (Bulky Goods) unit with associated works, including a totem pole sign at the front of the site.

The Planning Group Manager reported that 14 letters of objection had been received expressing concern with regard to increased traffic, delivery times, the need for another shop unit, method piling at that the existing building or at least the frontage should be retained. An additional letter had also been received in relation to the loss of parking and concern over vehicular movements. It was noted that the Highways Authority had not objected to the proposal, subject to conditions, including restricting

deliveries to 7.5 tonnes rigid goods vehicles and a loading restriction being put in place along the Mill Road frontage between Pasteur Road and High Mill Road. The Environment Agency also had no objections, subject to conditions that the floor levels be raised. The Conservation Officer had requested that the front range and facade be retained as they were regarded as a heritage asset. The Planning Group Manager reported that although the building had been put forward for "local listing" in the emerging Local Plan, this did not afford it any protection and it could still be demolished. He added that the applicant considered that it would not be viable to retain the facade. The Environmental Health Officer had requested that conditions be imposed regarding hours of work and details of any external lighting and ventilation/air conditions systems be submitted for approval. The Committee was informed that a retail sequential test had taken place but in reality the size of the store was below normal threshold requirements. A flooding sequential test had also been carried out, however, the risk was mitigated due to the use class of the building changing from a hotel to retail. It was added that the proposal would lead to 15 full time jobs, 12 in store and 3 on deliveries.

The Planning Group Manager concluded that the application was recommended for approval, subject to conditions restricting the type of goods to be sold, Highways Authority conditions, which included hours of use, working hours and method of piling (if required) as well as standard application conditions.

Members were informed that there were 26 parking spaces available on site and lorries would access the site from Pasteur Road/Mill Road into the site. It was added that a condition could also be imposed to restrict the use to A1 which meant that any proposed change would require a new planning application. Concern was expressed that the name of the applicant had not been disclosed, however, the Group Manager pointed out that Members needed to consider the application on its merits irrespective of who the applicant was.

The applicant's agent reported that the costs of refurbishing the existing building and/or retaining the facade were prohibitive. He added that the site was defined as edge of town centre and the existing building had been granted permission for various different uses, none of which had proven viable. He also informed Members that he did not know who the end user was. Following a query, the agent indicated that other locations had been considered, including the former Bennetts Store but it was too small and very expensive to bring up to the standard they want.

A local resident indicated that he supported the preservation of local landmark buildings and felt that this site did not show any signs of structural defects so should be saved as the loss of this prominent Edwardian building would be a loss to the local area. With regard to the proposed design, he suggested that it was bland and mediocre, lacking in local character. He requested that the existing benches remain. He clarified that he was not opposed to the proposal for retail use but was against the loss of the facade.

Councillor Linden, Ward Councillor, sympathised with the objectors on the grounds that this was a locally important building that should be preserved, especially bearing in mind its position as an iconic gateway to the town. She stated that she had received an email from a resident asking for the two bears on the top of the building to be rescued and relocated. She pointed out that other local buildings of historic interest had been rescued over the years and suggested that this could have become a Conservation Area. She expressed disappointment at the mediocre design and that no details were available regarding the end user. Notwithstanding this, she endorsed the proposed conditions if Members were minded to approve the application.

Councillor Castle, Ward Councillor, pointed out that local residents had objected to other planning applications in the past eg a marquee to the rear which, if approved, might have saved the hotel. He added that the Committee was now faced with a derelict building in a prominent position that needed to be developed. He clarified that the end user of the site was not a Planning Committee consideration.

The Committee considered the application and the point was made that this was an important gateway into the town which needed to be made attractive and whilst there was some sympathy in retaining the facade, it was felt that it was not practical to retain it bearing in mind the costs.

**RESOLVED:**

That Application No. 06/13/05/38/F be approved, subject to a condition restricting the type of goods to be sold, Highways Authority conditions, hours of use, working hours and method of piling (if required) as well as standard application conditions, in order to comply with Policies TCM9 and EMP10 of the Great Yarmouth Borough-Wide Local Plan and in line with the requirements of the NPPF and emerging Core Strategy Policy CS7.

**2b Application No. 06-13-0472-O - Northgate Hospital, Northgate Street, Great Yarmouth**

The Committee considered the Outline Planning Application for the demolition of two existing buildings and the residential development of up to 79 units including of the Silverwood Centre and associated highway works. Members also received an indicative layout and noted that the means of access was to be considered as part of the proposal. The Planning Group Manager reported that access to the site would be from Beaconsfield Road and would include a new roundabout. Access to the Hospital would still be available from Churchill Road. There were also a number of Tree Preservation Orders on the site.

The Planning Group Manager outlined the Environment Agency's consultation response, together with that of Anglian Water. Members noted that the site was within Zone 3 of the Environment Agency's Flood Risk Maps and was in a critical drainage area for surface water. Whilst a significant amount could be accommodated by soakaways and undergrounds storage tanks, Anglian Water had stated that no additional water could enter existing sewage pipes and, therefore, a Surface Water Drainage Plan was required to show how the issue would be dealt with. The Highways Authority had no objection in principle but did not support the indicative layout and had suggested restrictions and footpaths along the frontage. A letter of objection had been received from a resident concerned at the noise during demolition and parking for residents although the latter should be mitigated by the retention of 12 public car parking spaces on the edge of the site, together with parking spaces within. The Officer clarified that the detailed planning application would consider the type of houses which included the height. He added that the application was recommended for approval, subject to conditions.

Reference was made to the Cranbrook Centre and it was noted that, whilst this would be demolished, Archaeologists had requested a condition that a historic recording of the building be undertaken.

The Applicant's agent reported that a review of services had concluded that half the site was surplus to requirements and, therefore, redevelopment had been explored to enable the income to be re-invested for the Trust. He explained that the development

accorded with National and Local Plan Policies in that it was in a sustainable location and was an effective re-use of the land. It was added that whilst this was an outline application, the infrastructure had been submitted and this showed it would not have an adverse impact on the hospital or nearby residents. He added that buildings of significant value would be retained. He informed Members that following a public consultation exercise a number of changes had been made including the retention of public car parking to the north of the site. Discussions were ongoing with Norfolk County Council and it was now proposed to create a roundabout on Beaconsfield Road. He referred to the fact that their proposals would mitigate the concerns of Environment Agency and Anglian Water. It was clarified that the majority of the site was owned by the NHS Trust with a small strip owned by Great Yarmouth Borough Council.

A resident reported that she was concerned with regard to the proposed roundabout on Beaconsfield Road bearing in mind this would result in the loss of on-street parking which would be detrimental to the many elderly and disabled residents who lived on the Road. She pointed out that many spaces were also taken up by GYBS Depot workers. She asked that the hours of work during development be adhered to as residents were concerned about the level of noise. She clarified that she was not opposed to the residential redevelopment of the site itself.

Councillor Castle, Ward Councillor, reported that this was an ideal site for residential development bearing in mind its sustainable location but agreed with the concerns expressed regarding the potential impact on parking in the area. He concluded that this was only an outline application and suggested this should be supported in principle whilst also supporting the residents regarding parking issues.

It was clarified that there would be a 10% provision of affordable homes on the site.

**RESOLVED:**

That Application No.06/13/0472/O be approved, subject to the applicant entering a Section 106 Agreement regarding affordable housing, contributions required by the County Council, together with a commuted payment and capitalised maintenance sum in respect of the shortfall of open space provision, together with the imposition of conditions required by the Highways Authority, Environment Agency, Anglian Water, Planning Archaeologists and the Emergency Planning Officer in order to comply with Policies HOU4 and HOU15 of the Borough-Wide Local Plan and NPPF.

**Councillors Cuncliffe and Shrimplin declared a personal, non-prejudicial interest in the following item on the grounds that they were acquainted with the applicant but were allowed to speak and vote:**

**2c Application No. 06-13-0559-F - Beach Road, Kiosk Site and Land, Hemsby**

The Committee considered the application to convert an existing retail kiosk (A1) to provide a takeaway hot food kiosk (A5) with outdoor tables and chairs, together with the conversion of adjacent land to a Go-Kart Track with raised viewing area. Members were informed that the applicant had now agreed that the Go-Karts would be electric rather than motorised.

The Planning Group Manager reported on several letters of objection, however, it was noted that the Parish Council had not objected to the Go-Kart track with customer toilets but did feel that there were enough takeaway hot food facilities with outdoor

tables and chairs in the area. He pointed out that not all of these facilities were open all year round. It was proposed that the Go-Kart track would be open from 9am-10pm Monday to Friday & Sundays, and 9am-10.30pm Saturdays. The Committee noted that the application, as amended by the use of electric Go-Karts, was recommended for approval, however, Members were asked to consider whether they wished to restrict the kiosk's hours of use which was proposed to be open from 8am-1.30am Monday to Saturdays, and 8am-12am Sundays.

The applicant reported that he had secured a 10 year lease and wished to invest £100K in the site to provide a year round attraction in an area that was predominantly seasonal which was why he needed the kiosk to remain open for as long as possible. He confirmed that, following conversations with Environmental Health and other local business owners, he was now proposing to use electric Go-Karts that were three times more expensive but had no noise output or exhaust emissions. He indicated that most Beach Road operators were supportive with only a few objectors who appeared to be mainly from the same family. He referred to the other Go-Kart facilities in the area and pointed out that his would be for adults and give a different offer to visitors. He added that the facility would provide several permanent jobs.

The owner of the nearby Belle Aire Caravan Park reported that he no longer objected to the application if electric Go-Karts were used as his main concern had related to noise nuisance, although he did query whether the owners would use any loudspeakers/music that could create a disturbance. He concluded that other local business owners had asked him to point out that there were other Go-Kart operations and hot food takeaway outlets in the vicinity.

Councillor Jermany, Ward Councillor, reported that similar attractions using electric Go-Karts in the Borough had not generated any noise nuisance.

The point was made that, whilst there were several similar attractions in the area, these were aimed predominantly at children and most of the takeaways did not operate during the winter so this application would provide an all-year round facility.

**RESOLVED:**

That Application No. 06/13/0559/F be approved as amended by the use of electric Go-Karts for the hours as detailed above in accordance with Policies SHP15, SHP16, TR2, TR5 and TR7 of the Borough-Wide Local Plan, together with Emerging Core Strategy Policy CS8 and the NPPF.

**2d Application No. 06-13-0583-CU - Waveney House, Priory Road, St. Olaves**

The Committee considered the application for a change of use from holiday lets to two residential dwellings of the former stable block/outbuildings which were located to the north of the main dwelling.

The Planning Group Manager reported that the buildings had previously been used as holiday accommodation, however, they were not performing as well as had been anticipated and it was, therefore, being suggested that residential occupancy would be more economically viable. No objections had been received to the proposed change of use and there was sufficient amenity space and parking areas to cater for all the properties. He reported that the application was recommended for approval but suggested that, if Members did approve it, then the residential curtilage and parking areas should be comprehensively defined and permitted development rights removed from both the dwelling and the curtilage in order to ensure that over-development of the site did not occur.

The applicant's agent referred to the fact that permission had been granted in 2012 for one residential unit with 7/8 bedrooms which meant that the principle of residential units had already been established. He added that no external works would be required to change the building into two residential units. He pointed out that the NPPF was about creativity and requested Members support the proposal as a way of keeping the property going.

Councillor M Thompson, Ward Councillor, indicated that he had asked for the application to be considered by the Committee after he had been approached by residents on Priory Road who were concerned that the applicant would not need to contribute towards the upkeep of this private road. He queried whether a condition could be imposed or Section 106 Agreement entered into requiring that there would be no further development on the site or that Herringfleet road be used as the access/egress. The Planning Manager clarified that this was not reasonable on a private road given the existing use.

**RESOLVED:**

That Application No. 06/13/0583/CU be approved in accordance with Policies HOU11 and TR19 of the Borough-Wide Local Plan.

**2e Application No. 06-13-0569-F - The Hollies, High Road, Burgh Castle**

The Committee considered the application for the demolition of a store and stable block with the erection of a new three bay garage block with storage over, together with a retrospective application for changes to the main house. It was noted that the latter included the alteration of the integral garage into a study, amendments to the design of the porch and the installation of a velux roof-light on the southern elevation.

The Planning Group Manager reported that the Broads Authority had expressed concerns about the proposed new garage which could be overcome by reducing the number of roof-lights to make it appear less domesticated. It was also noted that the Parish Council were concerned that this included a retrospective application and that works had commenced already, however, the application still needed to be made on its own merits and it was considered that the alterations as submitted were acceptable. He concluded, therefore, that the application be approved.

The Applicant's agent reported that the owner had originally intended to sell the property but now wished to reside there himself which had led to the original design being amended to suit his personal taste. He added that as these were relatively minor amendments to the original planning permission, it had been their understanding that further permission was not required.

The Parish Council representative expressed concern that the applicant had commenced works without permission being granted and that this was not the first time he had done so. The Officer reported that, unless a building was within a Conservation Area, it was not illegal to submit retrospective permission. He clarified that the Planning Enforcement Officer had requested the applicant submit an application.

Councillor M Thompson, Ward Councillor, reiterated the Parish Council's comments. He pointed out that this practice was putting the Parish Council in a difficult position and he suggested that guidance should be given to them and applicants on this issue.

RESOLVED:

That Application No. 06/13/0569/F be approved in accordance with Policy HOU18 of the Borough-Wide Local Plan.

### **3. Planning Applications**

The Committee considered the remaining application on the Planning Group Manager's schedule as follows:

#### **3a Application No. 06-13-0600-F - 18 Copperfield Avenue, Great Yarmouth**

The Committee considered the application for a two-storey 3m wide extension across the full width of the rear of the property with new dormers over existing first floor windows. The Planning Group Manager reported that, whilst there would be minimal additional overlooking, the main issue was the detrimental impact on the neighbour in terms of loss of outlook and, therefore, on balance the application was recommended for refusal.

Councillor Jeal, Ward Councillor, reported that he had asked for the application to be considered by the Committee because he felt the two storey proposal was overbearing on the neighbours and would create a precedent. He suggested that a single storey, smaller extension would be more appropriate. He also queried whether the extension would be an over-development bearing in mind how far out it would come into the garden.

Councillor Robinson-Payne, Ward Councillor, reiterated Councillor Jeal's concerns and added that this proposal if approved would be out of keeping with the rest of the estate, as was the dropped kerb and driveway which had previously been approved by Officers.

RESOLVED:

That Application No. 06/13/0600/F be refused as being unacceptable development and contrary to Policy HOU18 of the Borough-Wide Local Plan.

### **4. Planning Applications Cleared between 1 October-30 November 2013**

The Committee received the Planning Group Manager's schedule in respect of applications cleared during the period 1 October and 30 November 2013 under delegated powers, together with those determined by the Development Control Committee.

### **5. Ombudsman and Appeal Decisions**

The Committee noted that, whilst there were no Ombudsman decisions to report, the following Appeal decisions had been received:

06/13/0306/F – Single storey side extension at 29 Grove Road, Martham, Great Yarmouth

..... Appeal dismissed (Officer delegated refusal)

06/12/0711/F – New single storey bungalow at land to rear of 20 North Road,

Ormesby St Margaret

..... Appeal dismissed (Officer delegated refusal)

06/12/0740/EU – Application for a certificate of lawfulness validity of Condition 4 of PP:06/98/0969/O to allow unit 1 to be used for unrestricted use within use class A1 – B & Q Plc, Thamesfield Way, Great Yarmouth

..... Appeal dismissed (Officer delegated refusal)

06/12/0741/EU – Application for a certificate of lawfulness validity of condition 3 of PP:06/03/0538/F to allow units 2-4 to be used for unrestricted use within use class A1 – Units 2-4, Thamesfield Way, Great Yarmouth

..... Appeal dismissed (Officer delegated refusal)

06/12/0742/EU – Application for a certificate of lawfulness validity of condition 1 of PP:06/03/1112/F to allow unit 5 to be used for unrestricted use within use class A1 – Argos Ltd, Thamesfield Way, Great Yarmouth

..... Appeal dismissed (Officer delegated refusal)

The meeting ended at: 20:25