

Development Control Committee

Minutes

Tuesday, 20 October 2015 at 18:30

PRESENT:

Councillor Reynolds (in the Chair): Councillors
Annison, Collins, T. Wainwright, Wright, Jermany, Linden, Sutton and Grant.

Councillor Pratt attended as a substitute for Councillor Blyth.

Mr D Minns (Group Manager Planning), Miss G Manthorpe (Senior Planning Officer),
Miss J Smith (Technical Officer), Mr G Jones (Information Officer), Mrs S Wintle
(Members Services Officer)

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Lawn.

3 MINUTES

The minutes of the meeting held on 24 September 2015 were confirmed subject to an amendment relating to those present, Elaine Helsdon GYBC officer was in attendance at the meeting.

PLANNING APPLICATIONS

4 06/15/0390/F VARIATION OF PLANNING CONDITION 4 OF PP 06/98/0969/0 TO ALLOW SALE OF BULKY GOODS USE OF BUILDERS YARD FOR 4 RETAIL UNITS AT THAMESFIELD WAY (B&Q SITE), GREAT YARMOUTH

The Committee considered the report from the Planning Group Manager.

The Planning Group Manager reported that application 06/15/0390/F was the forming of four retail units within the area of the existing builders yard. The Planning group manager reported the existing B&Q warehouse has a total gross floor area of 11,763sqm of which 1,894SqM comprises the builders merchant element, 2,158SqM the garden centre and 7,711SqM the internal sales area, with the proposed subdivision being Unit A - 1765SqM, Unit B - 802SqM, Unit C - 700SqM, Unit D - 470SqM, total 3737SqM. The Planning Group Manager reported the remaining floor area is proposed as a smaller B&Q unit but subject to the existing DIY sales condition. The Planning Group Manager reported that the statement states the application will protect existing local jobs and create up to 46 full time equivalent new jobs and that significant weight should be placed on the need to secure sustainable economic growth and employment.

The Planning Group Manager explained the report from Carter Jonas.

There were no objections from Highways, County Highways, Environment Agency, and the Chamber of Commerce

Following consultations 2 objections had been received.

A member asked about the legality of preventing retailers from the town centre moving over to the retail park and it was explained that if a condition were included it could be subject to appeal. A member asked for clarification on the 4 units and could they be broken down further and it was explained members were to consider the 4 units and not any future changes.

The Group Manager reported that the application did not fail the sequential test but did fail the impact test.

The Chairman asked for clarification as to the event of B&Q being put on the market, what would happen to these units, it was explained the conditions would remain the same and any such change would need to be varied by appeal.

Mr T Rainbird, agent for applicant, highlighted that B&Q were only considering 4 units and no further, and that the proposals made related to existing buildings. It was stated that there were no longer plans to place a roof over the existing garden area as in the proposal. The agent informed the committee, that B&Q are working pro-actively to keep the Yarmouth store protected from closing. The Agent reported that they have been actively communicating with potential retailers, these include DFS, Mattress man and Dreams, and that the proposed retailers would also conform to strict controls of bulky goods only. The agent expressed to members that this application would be investment captured not lost, and that they would pose no threat to the town centre.

A Member asked what were the chances of B&Q staying in Yarmouth and was informed that B&Q are looking to downsize the Yarmouth store to prevent closure but at this time a definite answer could not be given.

The Town Centre Manager, Mr Newman highlighted his objections to the application, and he reminded members that the Town Centre is still in a fragile state, and that future investments will only be better without the further use of out of town shopping.

A Member expressed concern that it was Council policy to protect the Town Centre and that this application contradicted this. It was stated that policies should be adhered to protect town centre.

A Member stated that the Town centre has had new retailers occupying units recently, and that if the application proposed made B&Q more viable the application should be approved to retain jobs.

The Chairman expressed concerns of further damage to the town centre.

RESOLVED :

That application number 06/15/0390/F be refused as recommended by Planning Group Manager.

5 CHANGE OF USE, EXTENTION AND ALTERATIONS TO FORM PUBLIC HOUSE, 176/177 HIGH STREET, GORLESTON.

The Committee considered the report from the Senior Planning Officer.

The Senior Planning officer reported that the application site is not in a conservation area but the buildings immediately to the south are. The Senior Planning Officer reported that there we no issues with respect to building control or waste collection.

Members were advised that there were no objections from Gorleston Chamber of Trade. There were no objections from Highways, subject to a condition requiring the existing vehicular access to be closed and the foot way reinstated. Environmental Health had recommended various conditions regarding hours of work, noise, odour, deliveries and lighting. Two letters of objection and one of support have been received.

RESOLVED :

That application 06/15/0481/F be approved as a permanent consent subject to the submission of a satisfactory acoustic report and restriction on the hours of use of the beer garden to ten o'clock.

6 RENEWAL OF PP 06/10/0509/F FOR PLAY AREA AT CHILDRENS NURSERY, HOUSE OF FUN NURSERY , ENGLANDS LANE, GORLESTON

The Committee considered the report from the Planning Group Manager.

The Senior Group Manager reported that planning permission was granted temporarily for one year in 2004 for the use of the land as a play area for the adjacent children's nursery, with conditions restricting the hours of use to 09:30am - 11:30am and 2:00pm - 4:00pm and by no more than 12 children at any time. This was again granted in 2005 on a temporary basis but for a longer period of five years.

The Senior Group Manager reported that further temporary permission was granted in 2010 with the same conditions, the applicant had asked if permission could be granted on a permanent basis, there had been objections from residents so it was felt the conditions should continue the same. The applicant appealed the conditions. The appeal was partly allowed with regard to hours of use which were extended to 9:00am to 4:30pm, but the number of children was to remain the same. Permission was granted on a temporary basis.

The Senior Planning Group Officer reported that the applicant had asked for the application renewal to be made permanent and increase the amount of children from 12 to 16.

There were no objections from Environmental Health, or Highway. One letter of objection signed by five residents, had been received with, the main concern being noise levels from the play area, affecting residents gardens and houses. A Member expressed concern over the lack of evidence as to why the amount of children could not be increased from 12 to 16. A Member asked had any complaints been received from Environmental health and was informed no complaints had been received.

Kim Collins, the applicant, stated that several measures had been put in place to elevate noise outside such as a large indoor hall, and that certain toys had also been removed from the outside area.

The applicant stated that she had visited neighbours to address their concerns, and that in the last 5 years there had been only one complaint regarding a child crying outside. The applicant reported that the services provided were fully supported by Ofsted and Children's Services.

A Member asked what were the applicants assessment of noise levels, and was informed that indoor activities have been actioned and that the garden has been changed to elevate noise.

Mr Fowler-Dixon, an objector, summarised his objections to the proposal. The Chairman asked why had a complaint never been made before. Mr Fowler-Dixon stated that one neighbour used to complain on behalf of residents. A Member asked why there was no concern over other neighbouring schools.

RESOLVED :

That application number 06/15/0476/F be approved with the conditions limiting the hours of use to 9am to 4:30pm and Children numbers be increased from 12 to 16.

7 PLANNING APPLICATIONS CLEARED BETWEEN 1 SEPTEMBER AND 30 SEPTEMBER 2015

The Committee received and noted the planning applications cleared between 1 and 31 September 2015 by the Planning Group Manager.

8 OMBUDSMAN AND APPEAL DECISIONS

The Chairman stated item 4 Application - 06-14-0109-F from 11th November 2014 meeting, appeal made had been withdrawn.

9 EXCLUSION OF PUBLIC

10 ELECTION OF VICE CHAIRMAN

Councillor Sutton and Councillor Jermany were proposed and seconded.

RESOLVED :

Councillor Jermany was appointed Vice Chairman and will remain for the year

2015/2016.

The meeting ended at: 19:50