

Development Control Committee

Minutes

Wednesday, 08 August 2018 at 18:30

PRESENT:

Councillor Hanton (in the Chair); Councillors Annison, Bird, Fairhead, Flaxman-Taylor, Galer, A Grey, Wainwright, A Wright & B Wright.

Councillor G Carpenter attended as a substitute for Councillor Drewitt.

Councillor Plant attended as a substitute for Councillor Reynolds.

Councillor B Walker attended as a substitute for Councillor Williamson.

Mr D Minns (Planning Manager), Mrs G Manthorpe (Senior Planning Officer), Mr J Ibbotson (Planning Officer), Ms C Whatling (Monitoring Officer), Miss J Smith (Technical Officer), Mr G Bolan (Technical Officer) & Mrs C Webb (Member Services Officer).

Mr A Willard (NCC Highways).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Drewitt, Reynolds & Williamson.

2 DECLARATIONS OF INTEREST

Councillors A Grey, Fairhead & B Wright declared a personal interest in item number 5, Councillors Annison, G Carpenter, Hanton & Plant declared a personal interest in item number 7 and Councillors Annison & Flaxman-Taylor declared a personal interest in item number 8. However, in accordance with the Council's constitution they were allowed to both speak and vote on the matters.

3 MINUTES

The minutes of the meeting held on 19 July 2018 were confirmed.

4 PLANNING APPLICATIONS

5 APPLICATION NUMBER 06-17-0247-F ST MARY'S ROMAN CATHOLIC SCHOOL, LAND REAR OF, EAST ANGLIAN WAY, GORLESTON

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

The Senior Planning Officer reported that this application had been presented to Committee on two occasions, the 13th September 2017 and 8th February 2018 and a site visit was undertaken on the 27th September 2017. During the site visit, the applicant requested that the decision on the application be deferred to enable other access options to be assessed and discussed with the Highway Authority. This request was confirmed in writing via e-mail.

The Senior Planning Officer reported that the applicant had then submitted a revised application which increased the number of dwellings from 71 to 96, removed the car park and pick up/drop off point and car park which would have been gifted to the school and reconfigured the site to provide open space. A strip of land would be formed adjoining the existing recreation ground would act as a land swap to compensate for a revised access. The revised access sought to provide a permanent access from Church Lane.

The Senior Planning Officer reported that the revised application was consulted on and a petition was received with 1592 signatures and an additional 133 objections compared to 27 objections received in response to the first two applications. Upon reversal of the application to the 71 dwellings

with a temporary access off of Church Lane, a further four objections from three people were received. The consultation letters which were sent out stated that previous consultation responses would be considered as part of the application. The 133 objections mainly centred on the loss of public open space which would be utilised for the roadway and highway safety concerns.

The Senior Planning Officer reported that the application site had been surveyed for protected species including bats, reptiles, plants, barn owls and breeding birds and no protected species had been found. However, the provision of bat boxes and bird nesting boxes on site could be conditioned if the application was approved.

The Senior Planning Officer reported that the mitigation payment was being discussed with the applicant and be addressed against the criteria set out within paragraph 56 of the revised NPPF (2018). As of April 1st 2017, the Council had a 4.13 year supply of housing land and this was a significant material consideration in the determination of this application.

The Senior Planning Officer reported that Sport England had requested mitigation for the temporary loss of part of the recreation ground and a financial contribution to be secured from the applicant to bring back into use the artificial cricket wicket when the temporary access road was no longer required. Should permission be granted, it was requested that this was granted with the delegated authority to negotiate the payment requested by Sport England.

The Senior Planning Officer reported that as the application site was bounded by Gorleston Recreation Ground which was maintained by the Council, a children's play area at East Anglian Way and open space at Meadow Park, it was not deemed necessary for there to be any open space provided on-site. The submitted plans show that open space was being offered by the applicant. However, private open space could be provided with payment in lieu of provision of £480 per dwelling paid. If the developer wished to provide public open space, the resolution should include that the Local Authority would take no ownership or liability for the open space and the s106 agreement would secure the provision of a management company to manage the open space in perpetuity.

The Senior Planning Officer referred to the recent court case regarding European Protected Sites which was upheld and which could have some bearing on this application. Further advice was being sought from Natural England and legal advice from nplaw and it was requested that if the application was approved, that delegated authority be given to officers to secure the required Natura 2000 payment, or if this failed, the matter would be brought back to Committee.

The Senior Planning officer reported that an objection had been received from a resident of no. 56 Spencer Avenue regarding overlooking. The applicant had agreed to amend Plot 50 to be a bungalow thus mitigating any overlooking concerns due to the significant differences in land levels across the site.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions to ensure a satisfactory form of development.

Mr Gilder, applicant's agent, reiterated the salient areas of the application and asked that the Committee determine the application after 13 months of deliberation.

A Member asked Mr Gilder whether access from the application site onto Beccles Road had not been pursued due to cost implications. Mr Gilder reported that access onto Beccles Road had been declined by Norfolk County Highways.

Members were greatly concerned regarding highway safety and access to/from the site which was still the main sticking area in determining the application.

Mr Baker, objector, reported the objections from the local residents who were concerned regarding the proposed inadequate access, highway/parking issues and access by the Emergency Services when required and asked that the Committee refuse the application as it was unsafe and not viable.

Mr Willard, Norfolk County Highways, answered several questions regarding the highway access to the site and reported that the proposed access was considered adequate to serve the number of dwellings proposed. If the application was approved, Highways could consider the addition of yellow lines at the access to the school drop off/pick up point to discourage parking in this sensitive area. Enforcement would then be a matter for the Parking Enforcement Officers and not Highways.

Members were concerned that Highways had undertaken a desk top exercise and not undertaken a full traffic assessment on site. Mr Willard reported that he had visited the site on numerous occasions.

A Member reported that when the site had first been developed it was always envisaged that the access would be onto Beccles Road and asked what could the Council do to change Highways stance. Mr Willard reported that the Highways Development team had considered a priority junction or a signalled access from the proposed site onto Beccles Road in 2014 but these had not been viable.

Ward Councillor Fairhead thanked Mr Gilder for all of his hard work to try and secure a safe access to the site but reported that she still held grave concerns re highways safety and could not support the application.

Councillor Wainwright proposed that the application should be refused as the Committee still had serious concerns regarding the access. Councillor B Walker seconded the motion for refusal and following a vote, it was;

RESOLVED:

That application number 06/17/0247/F be refused as the application was contrary to policy HOU7, 3.4 (C) Suitable access arrangements can be made.

6 APPLICATION NUMBER 06-18-0173-F MITCHELL DRIVE AND JONES (GC) WAY (LAND OFF) PLOT 3

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

The Senior Planning Officer reported that the application was a full application for the erection of a single storey building for a mixed use A3 & A5 as a restaurant and hot food takeaway with drive thru and advertisements to be displayed on site. The site area comprised 0.29 hectares of undeveloped land which was currently vacant land. The site was located within Flood Zone 3a and in planning policy terms was an out of Town Centre location. The Senior Planning Officer reminded the Committee that nearby to the application site, permission had been granted for a 68 bed hotel with pub/restaurant and two "drive thru" restaurants.

The Senior Planning Officer reported that representations opposing the application had been received from agents on behalf of two interested parties. Williams Gallagher on behalf of Market Gates Shopping Centre and Indigo on behalf of Pasteur Retail Park. One of the concerns highlighted was that new employment opportunities at the new development could be off-set by the closure of the KFC outlet in Regent Road, Great Yarmouth and/or the KFC Marine Parade outlet which could adversely impact upon the Town Centre as it was contrary to Local Plan policy and the potential closures should be a material consideration.

The Senior Planning Officer reported that as part of the additional information submitted, the applicant had stated that they were willing to enter into a legal agreement to keep open two of the existing KFC businesses, these being Regent Road, Great Yarmouth & High Street, Gorleston for a five year period. KFC would also need to be party to the agreement and had indicated their willingness to do so. By entering into a legal agreement to keep the two units open, it would help to mitigate any adverse impact on the town centres.

The Senior Planning Officer reported that following the submission of the additional information and the removal of the objection by Strategic Planning, the policy reasons for refusal were sufficiently answered. When weighing the material considerations, the National Planning Policy Framework approach to make best use of land with specific reference to previously developed land and the compliance with the Core Strategy, the application, on its merits, was in accordance with the current and local planning policy, and was therefore recommended for approval subject to conditions as requested by consulted parties and the signing of a legal agreement.

A Member highlighted the clearance of dykes along William Adams Way and asked if the Internal Drainage Board had been consulted on the application.

Mr Beamish, applicant's agent reiterated the salient areas of the planning application and urged the Committee to approve the application which would create 60 much needed jobs in the Borough.

A Member reported that he welcomed this application in the Borough. Another Member raised concerns that the traffic queuing to use the "drive thru" could lead to traffic tailbacks onto the main road arterial network similar to what occurred at Pasteur Road due to the position of the "McDonalds drive thru".

RESOLVED:

That application number 06/18/0173/F be approved subject to conditions as requested by consulted parties and the signing of a legal agreement. The legal agreement shall, in accordance with the additional information submitted in support of the application on the 18th June 2018, be drafted to ensure that the KFC located at Gorleston High Street and the KFC located at Regent Road, Great Yarmouth, shall remain open for a period of five years with the time taken from the date that the new unit was opened.

7 06-18-0046-F & 06-18-0047-LB 43 MARKET ROW GREAT YARMOUTH

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

The Planning Officer reported that the application site was positioned within the town centre area of Great Yarmouth as designated by policy CS7 of the adopted Core Strategy and was located on the corner of Stonecutters Way to the south, Howard Street North to the west & Market Row to the north. The site was partially formed of two Listed Buildings and was located within a conservation area and the area was currently designated a secondary retail frontage under the Local Plan.

The Planning Officer reported that the report referred to the full planning application and the associated listed building application. The proposal was to change the use of the ground floor from a retail use (Use Class A1) to a mixed use of retail and cafe (A1 and A3). The upper floors were proposed as 7 no. residential units with proposed external changes to facilitate the change of use.

The Planning Officer reported that four objections, a petition with 52 signatures registering an objection against the cafe and a member of the public had raised concerns in relation to the application. The Rows Association had objected to the application for loss of retail and a proliferation of similar cafe/restaurants businesses in the area. The residential units had also been objected to due to littering and anti-social behaviour already experienced on

The Rows from other flats.

The Planning Officer reported that in regard to a development which would affect a listed building or its setting, the local planning authority must have regard to Sections 16 and 66 of the planning (Listed Buildings & Conservation Areas) Act 1990 which required the Council to have special regard to the desirability of features of special architectural or historic interest, preserving listed buildings and their settings in the exercise of planning functions. Overall, the many alterations to the listed building had not eroded its importance and had added to the interest of the site.

The Planning officer reported that Environmental Health had recommended a number of conditions including an operation and opening condition which was absent from the application.

The Planning Officer reported that the proposal was considered to be acceptable and broadly complied with policy aims by providing a suitable use of a prominently located unit in the Town Centre area. Although a number of objections had been received, the proposal was considered to overcome those concerns and planning could not refuse an application on the grounds of competition.

The Planning Manager reported that the proposed opening times of the cafe/restaurant were 9 am to 11 pm but if earlier opening times were required, for example 7:30 am, this would require additional sound insulation to be installed between the flats to negate any possible noise nuisance but this would be a matter for the Licensing Committee to resolve.

A Member asked for confirmation that secure bin storage would be provided by the applicant to ensure the development and surrounding area was kept free of littering. Another Member reported that he would have preferred the whole of the ground floor to be retained as retail.

RESOLVED:

That application numbers 06/18/0046/F and 06/18/0047/LB be approved subject to all conditions ensuring a suitable development, including those recommended by the Highways Department and Environmental Health, a condition providing further and exact detail on the works being undertaken to the listed building and detail of shutters for the bin store.

8 APPLICATION NUMBER 06-18-0341-F GORLESTON GOLF CLUB WARREN LANE GORLESTON

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

The Planning Officer reported that no.31 Warren Road, which was the main property affected by the car park extension. The car park as constructed and

approved by the retrospective planning application 06/16/0478/F, was approximately 2.8 m longer than the dimension shown in the application. This area was not demarcated for parking and a condition restricted this, however, the area had been used intermittently since the planning permission was granted by visitors and staff and this had resulted in complaints to the Planning Authority. The tarmacked area had planning permission, however, Condition 1 of the permission limited part of its use and restricted parking on the area to the rear of no. 31 Warren Road.

The Planning Officer reported that the breach of condition had been sporadic and site visits made over the past year by Planning Officers had found either no parking in the disputed area or that the area had been in use, for example, when a wake was being held at the club.

The boundary treatment at no. 31 Warren Road was only 1.00 m which was nearly 1.00 m lower than could be erected under permitted development rights which would legitimately reduce outlook and block views of the car park from this neighbouring property's garden. There was a potential opportunity by a condition to screen the car parking site by a hedge along the southern boundary of the car park. Once established, this would restrict parking on the grassed area to the south of the car park and would restrict views into the car park from the south from the adjacent properties on Warren Road.

The Planning Officer reported that one letter of objection had been received from the neighbouring resident at no. 31 Warren Road.

The Planning Officer reported that the application was recommended for approval of removal of Condition 1 of planning permission 06/17/0229/F.

Mr Everard, a Committee member of Gorleston Golf Club, reported that the car park had been built to the dimensions advised by a Council Officer. The Golf Club were asking for the removal of Condition 1 to ensure that visitors had access to safe parking at busy times, when in the past, this would have resulted in visitors parking on grassed areas.

A Member asked whether the height of the proposed screening could be conditioned so that the neighbouring resident was not faced with a massive hedge which would obscure the visual amenity which he currently enjoyed. Mr Everard reported that the Golf Club would adhere to any height restriction of the screening if the Committee approved the application.

Ward Councillor Flaxman-Taylor reported that she was disappointed that the Golf Club had submitted this application as she felt they had not done enough to enforce the parking restrictions in this area of the car park area which had been designated as a turning area only. If the Committee was to lift this condition but, at the same time, impose another condition, this would be nonsensical and therefore she did not support the application.

The Leader of the Council reported that the club were not protecting their neighbours visual aspect and enjoyment of his property and therefore, he did

not support the application.

Councillor Wainwright proposed that the application be approved and this was seconded by Councillor A Wright. However, following a vote the motion was lost.

Councillor Plant proposed that the application be refused on the grounds that it would result in the loss of visual aspect and enjoyment of the property of the neighbouring resident and this was seconded by Councillor Flaxman-Taylor.

RESOLVED:

That application number 06/17/0229/F be refused as the application would result in the loss of visual aspect and enjoyment of the property of the neighbouring resident.

9 DELEGATED PLANNING DECISIONS MADE BY DEVELOPMENT CONTROL COMMITTEE AND OFFICERS JULY 2018.

The Committee noted the planning decisions made by Officers & the Development Control Committee for the period 1 to 31 July 2018.

10 OMBUDSMAN AND APPEAL DECISIONS

The Planning Manager reported that there were no Ombudsman or Appeal decisions to report.

11 ANY OTHER BUSINESS

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

The meeting ended at: 21:35