

# Development Control Committee

## Minutes

Tuesday, 25 February 2014 at 18:30

**PRESENT:**

Cllr Castle (chair), Cllrs Blyth, Collins, Cunniffe, Fairhead, Field, Holmes, Marsden, Reynolds, Robinson-Payne, Shrimplin, D Thompson

Cllr B Coleman attended as a substitute for Cllr Jermany.

Mr D Minns (Planning Group Manager), Mrs J Smith (Technical Officer), Ms G Manthorpe (Senior Planning Officer), Mrs C Webb (PA to CEO)

**1 MINUTES**

The minutes of the meeting held on the 21<sup>st</sup> January 2014 were confirmed.

**2 PUBLIC CONSULTATION**

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

**3 PLANNING APPLICATIONS**

**a Application No. 06-13-0736-F - 7 May Cottages, Back Road, Winterton**

The Group Manager Planning reported that the group of houses known as May Cottages consisted of a terrace of traditional red brick and tiled properties on the east side of Back Road. Number 7 May Cottages is on a larger plot than any of the other houses with a sizeable garden to the side as well as to the front. To the east of May cottages are Winterton dunes, and to the south of the application site was a property in a large garden called Manor House. The section of Back Road which served May Cottages is an unadopted,

unsurfaced road which has a right angle bend at the south end where it joined the adopted part of Back Road and a similar junction at the north end where it joined Old Chapel Road. The site was within the Winterton conservation area

The Group Manager in Planning reported that in 2012 an application for a similar proposal albeit with larger extension was refused under delegated powers. However this application was for two storey and single storey extension and the formation of a care home at ground floor level. The applicant had submitted a planning statement explaining how the property would operate and also how the applicant felt that the current proposal overcame the reasons for refusal of the previous application.

The Group Manager Planning reported that 8 letters of objection and a petition signed by 15 people had been received. However 1 letter of support and a petition supporting the proposal signed by 82 people had also been received. Brandon Lewis MP had also written on behalf of constituents who were concerned about the application. The main reasons for objection were access, the effect on the conservation area and lack of services. The Parish Council had also expressed concern as access was very restricted due to a narrow entrance to the unadopted road at both ends. Environmental Health had raised concerns about potential effects of construction noise and that if permission was granted an hours of work condition should be imposed.

The Group Manager Planning reported that criterion A of policy HOU21 required new homes to have good access and approach roads which obviously do not apply in this case. However that policy is intended to relate to new residential homes or nursing homes of a larger scale than what is proposed here. Class C3 of the Town and Country Planning (use classes) order allowed for up to six residents living together as a singled household including where care was provided. In this case it was felt that the use fell within class C2 because the applicant would live separately to the elderly residents and the extensions were being built specifically for this purpose but with only some minor changes to the operation, it could be argued that planning permission was not required for the use of the care home.

The Group Manager Planning reported that it was considered that the proposal complied with all of the other policy criteria, and it would be difficult to justify refusal of the property on traffic grounds alone. The recommendation was therefore to approve the application with a condition restricting the number of residents of the care home to the maximum of three people.

Mr Lees, applicants agent reiterated the salient areas of the application. The turning area for vehicles would be enlarged and there was sufficient provision for car parking. Most of the proposed build would be obscured and the 3 nursing places would offer much needed care in the community.

Mr Poles, objector, reported the difficulties for large vehicles, for example the dust cart or oil delivery lorries proved difficult and that an ambulance or a fire engine would find access difficult, especially when cars were parked at the

side of the access road.

A member proposed that a site visit should be undertaken to allow members to view the access to the site before determination.

Resolved that application number 06-13-0736-F be deferred pending a site visit.

**b** **Application No. 06-13-0679-F - Elmhurst Court Estate, Leman Road, Gorleston**

The Group Manager Planning reported that the application originally showed a football area and play trail at the north of the site and the rest of the equipment including a bbq area on the large area of open space banded by dwellings on Deborah Road to the West and South and Leman Road to the East and North. However, following the receipt of objections to the inclusion of a bbq area, this has now been removed from the application.

The Group Manager Planning reported that 5 letters of objection had been received, the main objection was possible antisocial behaviour from the seating area and the other concern was nuisance caused by teenagers using the play equipment and possible danger from its proximity to the main A12 highway. The Tree and Landscape Officer had requested that a tree protection plan should be agreed prior to construction to ensure correct practices were met.

An objector reported that he was concerned that the proposed seating areas would again become a night time gathering point for noise, antisocial behaviour and alcohol abuse. As in the not too distant past, Orbit Housing had to remove all existing benches on the Elmhurst Estate because of antisocial behaviour.

He also stated that he disagreed that 76 consultation letters had been sent out to dwellings around the application site, and that those letters which had been received did not give enough time for objectors to write in to the Council, taking into account the Christmas and New Year period.

The Group Manager Planning reported that 76 consultation letters had been sent out to dwellings around the consultation site and only 5 objections had been received so it would therefore appear that the majority of people in the vicinity had no objections to the proposal.

The Chairman asked the objectors that if the siting of the picnic benches was changed, or the proposed picnic tables removed from the application, would the objectors be happy.

Cllr T Wainwright Ward Councillor reported that the children of the area had been waiting 37 years for play equipment and that he had attended many MESH meetings where this subject had arisen. Cllr Wainwright disagreed with

the siting of the picnic benches but could see no problem with the goal posts and fitness trail.

Members were concerned regarding the siting of picnic benches and requested further information as to what equipment would make up the fitness trail.

A Member proposed deferment of the application for further information, however this motion was not seconded.

A Member reported his concerns regarding low level antisocial behaviour caused by teenagers who were drawn to play area across the Borough and its effect on surrounding residents.

Resolved, applicant be informed that committee were minded to refuse the application if the picnic tables were not withdrawn from the application plus more details were required on the fitness trail.

**c Application No. 06-13-0601-O - Glenegales (Land adjacent), Butt Lane, Burgh Castle**

The Group Manager Planning reported that the land subject to the application was waste scrub land located on the Western side of Butt Lane between Louis Dahl Way and Hilldrop Cottages. It was not within a conservation area and was adjacent to but not within development limits as defined in the Adopted Great Yarmouth Borough Wide Local Plan. However the site might be classed as a windfall site. Windfall sites were areas that have come forward unexpectedly and had not been identified for housing within the Local Plan. They were generally small infill sights within the urban area.

The Group Manager Planning reported that there had been 1 letter of objection received from a local resident in relation to the proposed development reiterating the fact that the land was outside the village development limits. Drainage from Butt Lane and the fact that the land had been raised by approximately 1 meter and visually oppressive nature of the buildings proposed and direct overlooking of the property opposite the sight and the proposed use of separate entrances.

The Group Manager Planning reported that whilst these were all valid issues the application was made in outline form only and the lay out shown was indicative of what could be achieved and could be conditioned for approval at the detail stage should Members consider the development a windfall site and therefore suitable for development. Design, layout, access, drainage, levels and landscaping were all usual and reasonable conditions to be addressed at the detail stage and would adjust the objectors concerns.

The Group Manager Planning reported that overall it was considered that the scheme was well thought out and achievable and could enhance the visual amenities of the area by removing the currently unsightly appearance of the area and would complete the build form of the village by utilising unused land

and was therefore recommended for approval.

Mr Parrott, applicants agent reiterated the salient areas of the application and reported that the development would tidy up an unkempt area of the village. The applicant was willing to work with the objectors at the design stage and would even consider siting a bungalow opposite their property if this would allay their fears.

Cllr M Thompson, Ward Councillor, address the committee in favour of the application as this would tidy up this area and the proposed development would fit in with the street scene and he asked that the committee approve the application.

Resolved that application number 06-13-0601-0 be approved as the proposed development was considered acceptable in this particular location and accords with the general provisions of both the National Planning Policy Framework and Policies BNV20, HOU15, HOU17, NNV7 of the Adopted Great Yarmouth Borough Wide Local Plan and the emerging Core Strategy in conjunction with the Draft Interim Housing Land Supply Policy.

**d Application No. 06-13-0551-O - Lichfield Road, Southtown, Great Yarmouth**

The Group Manager Planning reported that this was an outline application for the demolition of 48 lock up garages and the erection of 8 houses. The application site was an area of land containing 48 lock up garages and was situated between Lichfield Road to the west and Southtown Road to the east. On the south side of the site were two story flats on Portland Court and to the north there were gardens to the properties on Southtown Road. The site had vehicular access from Lichfield Road. The first 35 meters of the access road leading into the site was adopted highway.

The Group Manager Planning reported that 2 letters of objection had been received from neighbours, the occupiers of 29 and 30 Southtown Road expressing concerns that the access they had from the garage site would be blocked by the proposed development.

The Group Manager Planning reported that the houses would be designed with a garage and utility room on the ground floor and lounge, kitchen and bathroom on the first floor and bedrooms in the roof space. The houses would be arranged in 2 blocks of 3 to the south of the access road and a pair of semi detached houses on the other side. The layout would include 5 visitor parking spaces. There would inevitably be some overlooking from the new houses but this was an urban area where mutual overlooking already existed so the proposal was unlikely to have a significant adverse effect on the amenities of adjoining dwellings.

The Group Manager Planning reported that the site was within flood zone 3 as is most of the Southtown and Cobholm area. However the Environment Agency were not objecting providing the Council considered the development to be safe for its lifetime. This was a brownfields site which is in a sustainable location. The development would provide much needed housing and would improve the appearance of the area and it was considered that for this reason that it pass the exception test.

Mr Taffin, applicant reiterated the salient areas of his application and informed the committee that he would gate the entrance and maintain the access road and was prepared to alter the layout to provide access to ensure that the residents of 29 and 30 Southtown Road retained vehicle access to the rear garden from the garage site.

Mrs Howkins, objector reiterated her need for vehicle access to the rear garden from the garage site. She reported that the development would improve the area.

Cllr Holmes, Ward Councillor, reported that both he and Cllr Linden had been called to this site numerous times regarding fly tipping. They considered this application a very significant improvement to the area and supported the application providing that the committee agreed the removal of permitted development rights.

Resolved that application number 06-13-0551-0 be approved as the proposal complied with policies HOU7 and HOU15 of the Borough Wide Local Plan. Approval should be subject to conditions removing permitted development rights and details of flood resilient construction methods and an acceptable flood response plan to be submitted plus outstanding reserved matters.

**e Application No. 06-13-0672-F - Land adjoining 6 The Naze, Belton**

The Group Manager Planning reported that the site involved was roughly a triangular area of land fronting on to Yare Road. At the south eastern corner of the site there is a large oak tree which is covered by a tree preservation order, There is a lay by which provides on street parking along part of the road frontage. The current application was for the erection of a 4 bedroom house and a detached garage with vehicular access from Yare Road.

The Group Manager Planning reported that 2 letters of objection had been received citing loss of open space, loss of privacy and light to neighbouring properties together with parking and access problems.

The Group Manager Planning reported that prior to the planning application submitted in 2009 it had been assumed that this land was public open space that had been provided when the estate was built. The Council had been maintaining it and had even erected a sign saying 'no ball games' on the land. However it has since turned out that the land was in private ownership and since the appeal was dismissed the site has been fenced off by the owner and

it can no longer be used as public open space as was previously the case.

The Group Manager Planning reported that the levels of the site would need to be considered to ensure that the properties sat down properly on the site.

Mr Parrott, applicants agent, reiterated the salient areas of the application and reported that the current application overcame the reasons the appeal was dismissed in that there was no longer a highway objection and that the land was no longer available as a public open space. It would therefore be difficult for the committee to justify refusal of the application.

Resolved that application number 06-13-0672-F be approved as the proposals complied with policies HOU7, HOU15 and REC11. Approval should be subject to conditions removing permitted development rights for windows, extensions and garden buildings and conditions to protect the oak tree as recommended in the Arboricultural Impact Assessment.

#### **4 PLANNING APPLICATIONS CLEARED BETWEEN 1-31 JANUARY 2014**

The committee received the Planning Group Managers schedule in respect of applications cleared during the period 1<sup>st</sup> January to 31<sup>st</sup> January 2014. Under delegated powers together with those determined by the Development Control Committee.

#### **5 OMBUDSMAN AND APPEAL DECISIONS**

The committee noted that there were no appeal or ombudsman decisions.

#### **6 ANY OTHER BUSINESS**

The chairman reported that there was no other business to discuss.

#### **7 EXCLUSION OF PUBLIC**

The meeting ended at: 19:55