

# Development Control Committee

## Minutes

Tuesday, 17 September 2013 at 18:30

### **Attendees:**

Mr George Jermany (Member), Mr Charles Reynolds (Member), Mr Jim Shrimplin (Member), Mr David Thompson (Member), Mr Anthony Blyth (Vice Chairman), Mr Michael Castle (Chairman), Mrs Marlene Fairhead (Member), Ms Marie Field (Member), Mr Charles Marsden (Member), Mrs Kerry Robinson-Payne (Member)

### **Apologies for Absence:**

Mr Bert Collins (Member), Mr Barry Cuncliffe (Member), Mr John Holmes (Member)

### **Absent:**

No Members Absent

Also in attendance at the above meeting were:

Councillor Linden attended as Ward Councillor for items 3(a) and (b) and Councillor Jeal also attended.

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 meeting held on 22 August 2013 were confirmed.

### **2 Public Consultation**

There were no applications discussed during the public consultation item.

### **3 Planning Applications - Applications List**

The Committee considered the Planning Group Manager's schedule of planning applications as follows:

**(a) Application No. 06-13-0413-F - Lidl Foodstore, Pasteur Road, Great Yarmouth**

The Committee considered an application to provide a left turn egress onto Pasteur Road from the Lidl Car Park. The Group Manager stated that the applicant had submitted further representations regarding vehicular movement figures but, unfortunately, the Highways Authority had not yet had the opportunity to respond to that representation. He suggested, therefore, that the application be deferred until a response was received. It was clarified that the applicant was happy for the item to be deferred.

**RESOLVED:**

That Application No. 06/13/0413/F be deferred pending the Highways Authority's comments regarding the applicant's additional representation on the number of vehicle movements in and out of the site.

**Councillor Castle declared a personal interest in the above item on the grounds that he was also a Norfolk County Councillor who were a statutory consultee on the application, but in accordance with the Members' Code of Conduct he was allowed to speak and vote.**

**(b) Application No. 06-13-0422-F - Lidl Foodstore, Pasteur Road, Great Yarmouth**

The Committee received details of the application to vary Condition 4 of Planning Permission 06/04/0317/F to permit deliveries on Sundays and Bank Holidays during the hours 8am to 6pm. It was noted that, despite the plan showing an accoustic fence, no details had been provided. Members were reminded that an application to vary the hours had been refused in 2007. The Group Manager drew attention to the Environmental Health Manager's comments indicating that, whilst they had not objected because they had not received any complaints, this did not mean that complaints had not been received by the Planning Department regarding lorries arriving too early and waiting on roads with their engines on. The applicant had tried to address this point and keep noise to a minimum by setting down some controls for their deliveries. The point was made, however, that it was difficult to control how drivers would deliver their goods as Environmental Health only had control over them whilst they were on site and not whilst they were parked on roads. The Highways Authority had no objection as they had agreed that the access was suitable as part of the original application. The Manager recommended refusal until the applicant demonstrated that it would be able to mitigate the impact of Sunday and Bank Holiday deliveries on residents. He clarified that there had been no material changes since the previous application to vary the condition had been refused, however, complaints had been received from residents regarding noise nuisance during normal delivery times and when drivers breached the conditions.

Members noted the applicant's letter stating that they have a new management plan in place and compliance was now very good, however, they wanted to have deliveries daily to ensure the store had fresh produce. They had also referred to the proposed erection of an accoustic fence which would, hopefully, provide a barrier against the noise. They had added they would accept a restriction of one delivery per day on Sundays and Bank Holidays and during the trading hours of 10-4.

Councillor Linden, Ward Councillor, pointed out that much of the noise nuisance for residents came from the loading bay adjacent to Station Road regardless of any traffic noise from Pasteur Road. She added that the bay had been built slightly underground which added to the noise as lorries had to break sharply to enter and exist. She expressed concern that Lidl had breached the existing restriction many times in the past even though it had been put in place to give residents a break from the noise at least one day per week. She added that, whilst the adjoining B&M store had daily deliveries, their loading bay was the other side of the site nearer to Pasteur Road so didn't cause as much nuisance. She referred to the proposed accoustic fence and stated that she did not think this would be a planning "gain", querying why residents would want to see a fence permanently erected in front of their houses just so Lidl could have one extra delivery per day. She concluded by asking the Committee not to approve the application even for a temporary period but to refuse it.

The Group Manager reported that a wall had previously been erected to act as an accoustic barrier but this had not alleviated residents concerns. Whilst the Officer's recommendation was to refuse the application, he suggested that if an accoustic fence was erected this might alleviate some of the issues and temporary permission could be granted in order to assess the impact.

The Committee discussed the application and it was considered that Lidl was an important employer in the town that gave nearby residents access to a local store with fresh produce and, therefore, if temporary permission was granted and the fence erected this would enable any impact to be assessed.

**RESOLVED:**

That Application No. 06/13/0422/F be approved for a temporary period of six months to commence only after an accoustic fence had been erected.

**(c) Application No. 06-13-0436-SU - North Drive Car Park, Great Yarmouth**

The Committee considered the application for a change of use and alterations of two further tennis courts to additional car parking and it was noted that no objections had been received.

Councillors Field and Castle, Ward Councillors, indicated that they had no objection to the proposal on the basis that the courts were underused and additional car parking on the seafront was needed. The point was also made that car parks along the seafront should be open at weekends during the winter for visitors.

**RESOLVED:**

That Application No. 06/13/0436/SU be approved in accordance with Policies REC9, REC11, TR21, BNV9 and BNV10 of the Borough-Wide Local Plan.

**4 Planning Applications Cleared in August 2013**

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

## **5    Ombudsman and Appeal Decisions**

There were no Appeals or Ombudsman decisions to note.

The meeting ended at: 19:10