

# Development Control Committee

## Minutes

Wednesday, 13 September 2017 at 18:30

Councillor B Williamson (in the Chair), Councillors Annison, Fairhead, Flaxman-Taylor, Hammond, Hanton, Lawn, Reynolds, Thirtle, Wainwright & Wright.

Councillor Stenhouse attended as a substitute for Councillor Andrews

Councillor Walch attended as a substitute for Councillor Bird.

Mr D Minns (Planning Manager), Mrs G Manthorpe (Senior Planning Officer), Mrs E Helsdon (Technical Officer), Mr J Flack (Solicitor, nplaw) & Mrs C Webb (Member Services Officer).

### **1 APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors Andrews & Bird.

Councillor Stenhouse attended as a substitute for Councillor Andrews and Councillor Walch attended as a substitute for Councillor Bird.

## **2 DECLARATIONS OF INTEREST**

Councillor Hammond declared a Disclosable Pecuniary Interest in Item 6 and left the room whilst the matter was dealt with.

Councillors Annison, Stenhouse & Walch declared a Personal Interest in Item 6. Councillor Hanton declared a Personal Interest in Items 6 & 7. Councillor Thirtle declared a Personal Interest in Items 6 & 9. 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 9 August 2017 were confirmed.

It was noted that Councillor Lawn had been omitted from the list of attendees and that Application number 06/07/0340/F was incorrect and should be Application number 06/17/0340/F, The Manor Barn, Browston Lane, Browston.

## **4 APPLICATION 06/17/0247/F**

The Committee received & considered the comprehensive report from the Planning Manager.

The Senior Planning Officer reported that the application was a full application for the erection of 71 dwellings with associated open space and infrastructure. The access would be off East Anglian Way with a separate access for construction traffic off Church Lane.

The Senior Planning Officer reported that the site comprised of 3.8 hectares of land which was formally allotments. The land is generally level although overgrown in places and was situated in the heart of Gorleston with surrounding land being mainly residential. The land was allocated for housing as part of the 2001 Borough Wide Local Plan and was included within the Strategic Housing Land Availability Assessment (SHLAA) as deliverable & developable. The Senior Planning Officer reported that there had been no previous applications on the site.

The Senior Planning Officer reported that in terms of highways and access, NCC had implied during the SHLAA that the site was unacceptable and that no further development should take place from East Anglian Way. However, Highways had no objections to the amended layout and the access was therefore deemed acceptable. However, highway condition SHC 40 would need to be tweaked concerning the TRO if the application was approved. It was noted that the site could only be developed in conjunction with a

temporary access across Gorleston Recreation Ground, with permission of the Council, with access off Church Lane.

The Senior Planning Officer reported that Anglian Water had no objection to the application. The sewerage system at present had capability for these flows. From the details submitted to support the planning application, the method of surface water management did not affect Anglian Water operated assets.

The Senior Planning Officer reported that there had been 11 neighbour objections to the application citing reasons such as loss of wildlife and trees on the site, increase in traffic movements, inadequate access, loss of views, potential flooding and increase in noise and disturbance. East Norfolk Sixth Form College had requested that the construction access at Church Lane should be restricted to hours outside those which students arrive and depart the College.

The Senior Planning Officer reported that two further communications had been received since the agenda had been published citing possible damage due to construction traffic movements, traffic fumes, the danger that the temporary access might be made permanent, they were not made aware of the plans, extra traffic on Church Lane and construction traffic would be a danger to children and dogs in the park. The Property & Asset Manager had provided evidence that the Council would grant a licence to Badger Builders for temporary access across the recreation ground, providing they absorbed all related costs.

The Senior Planning Officer reported that all statutory notices had been undertaken, thirty eight letters had been sent out resulting in 13 responses and a site notice had been posted which was evidenced by a photograph shown to the Committee.

The Senior Planning Officer reported that the access road off East Anglian Way led to a new proposed car park and drop off point for the adjacent school to alleviate congestion. The car park will be gifted by the developer to the school and the agreement to take it over had been confirmed by e-mail from the Diocese.

The Senior Planning Officer reported that no.56 Spencer Avenue had complained of overlooking due to significant differences in levels. After discussions with the developer, plot 50 had been amended to be a bungalow to mitigate any overlooking. The other two storey houses were placed at such an angle that overlooking was not so significant to warrant a recommendation for refusal.

The Senior Planning Officer reported that the application was located on a site identified for housing with no objections from statutory consultees, excluding neighbours, and located within a sustainable location accords with saved policies of the Boroughwide Local Plan, the Core Strategy and the National Planning Policy Framework.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions as recommended by consulted parties and others to ensure a satisfactory form of development.

A Member asked for clarification as to whether the foul water connection for the site would be at the White Horse roundabout which already experienced significant flooding issues. The Senior Planning Officer confirmed that this was correct.

Mr Gilder, applicant's agent, reported the salient areas of the application and that the current application was only 60% of the number of dwellings which had been agreed by Officers when the land was allocated in 2001. Mr Gilder questioned why the Council had refused to take on the maintenance of the open space in the proposed development which adjoined the recreation ground. The Council could not produce a minute stating that the Council had resolved not to take on the maintenance of open spaces in future planning applications and the developer had to set up a maintenance agreement. Mr Gilder reported that further conversations would be held with officers on this issues.

Mr Allen, objector, reported that one access road to serve 166 dwellings from East Anglian Way on to Church Lane was insufficient and dangerous. The Police Architectural Liaison Officer had commented that the proposed school drop off and pick up point was dangerous. Mr Allen could not understand why Highways had stated in 2002 that the access road was unsuitable to serve any further development but had not objected in 2017 as nothing had changed in the interim period. Mr Allen was unhappy that no traffic surveys had been undertaken as part of the application and he requested that the committee undertake a site visit at school times before determining the application.

Councillor Wright, Ward Councillor, reported that the proposed access road between numbers 9 & 11 East Anglian Way was too narrow and dangerous to serve the proposed development and requested that a site visit be undertaken.

Councillor Fairhead, Ward Councillor, seconded the proposal for a site visit to be undertaken.

A Member asked for clarification regarding the Right to Connect under the Water Act to the Anglian Water network. The Right to Connect was confirmed by the Planning Manager.

A Member reported that he could find no reason to refuse the application as most areas where there were schools in the borough experienced heavy traffic congestion during school drop off and collection times.

A Member asked for clarification regarding the applicants reticence to organise a management company to undertake the future maintenance of the open space. The Solicitor, nplaw, reported that the Committee was considering the full application before them this evening and any proposed changes would need to come back as a new application.

A Member asked whether an additional access on to Beccles Road was feasible. Mr Gilder reported that this was not financially feasible for the developer as it would entail the complete resignalling of Beccles Road near the bypass.

RESOLVED:

That determination of application number 06/17/0247/F be deferred pending a site visit.

## **5 APPLICATION 06/17/0225/F**

The Committee received & considered the comprehensive report from the Planning Manager.

The Senior Planning Officer reported that this was a full application for the erection of three buildings to comprise 22 dwellings of a mix of one and two bedroom flats. Undercroft parking and external parking would provide 22 parking spaces to serve the development which was deemed acceptable. The site was located within Flood Zone 3a and the Environment Agency had requested that the habitable first floor levels were set to an appropriate height. The Port had noted that there might be disturbance to future occupiers by ongoing and pre-existing port operations.

The Senior Planning Officer reported that the Lead Local Flood Authority had objected to the proposal, but following additional work details being submitted by the developer to mitigate an amount of the medium flood risk, the objection had been removed and was not a reason for refusal.

The Senior Planning Officer reported that the site was located within land that was currently designated employment land under Policy CS6 of the Core Strategy. Information submitted in support of the application stated that the land had been marketed since 16 February 2016 and that no interest in the land had been received from commercial operatives. It was considered that Policy CS6 had been complied with as a commercial use had been sought for the site and the applicants would retain a brick built office building at the north east corner of the site in accordance with Policy CS6 of the Core Strategy which sought to retain some employment on mixed sites where possible.

The Senior Planning Officer reported that Environmental Health had requested a contaminated land condition and amendments to the acoustic protection measures to minimise the impact on future occupiers.

The Senior Planning Officer reported that one letter of objection had been received from a neighbour citing that there were no details of materials, the four storey section of the development was set close to a junction which would limit visibility and the proposed development should be set further back.

The Senior Planning Officer reported that Building Control had stated that the timber cladding must be in hardwood capable of achieving class 1 9c-s3-d2) surface spread of flame without the adoption of treatment systems.

The Senior Planning Officer reported that the application was recommended for approval, subject to conditions, as it complied with Policy CS6 of the Core Strategy and was in accordance with the National Planning Policy Framework (NPPF) which stated that LPA's should not seek to protect available employment land over that longer period. There were no objections from statutory consultees, one objection from a neighbour and the site was located within a sustainable location in accordance with the adopted Core Strategy and the Core Principles of the National Planning Policy Framework.

RESOLVED:

That application number 06/17/0225/F be approved, subject to conditions as recommended by consulted parties and those deemed appropriate, whether expressly noted within the agenda report or not, to ensure a satisfactory form of development and obligations as set out by Norfolk County Council and Great Yarmouth Borough Council. Permission to not be issued prior to the signing of an agreement under section 106 for provision for infrastructure, mitigation, affordable housing, children's play equipment, open space, payment in lieu of open space if required, and management agreement.

## **6 APPLICATION 06/17/0066/F**

Councillor Hammond declared a pecuniary interest in this item and left the meeting.

The Committee received & considered the comprehensive report from the Planning Manager.

The Senior Planning Officer reported that the application was a full application for the erection of 13 houses with associated curtilage and parking. The application originally included the retention of an industrial unit however, following consultations with Highways, this was removed and replaced with two houses in this position. Highways have requested conditions but have no objections to the application. The site is subject to Policy CS6 which had been complied with as evidence had been submitted to prove that the site had been marketed for commercial use for a period in excess of 18 months with no interest.

The Senior Planning Officer reported that the site was located within Zone 3a and consultations had been carried out with the Environment Agency. The Environment Agency had noted the potential risks to the site by flooding and that the Lead Local Flood Authority (LLFA) should advise if the mitigation

through flood resilient construction measures and water entry strategy as shown in the Flood risk assessment submitted in support of the application was acceptable.

The Senior Planning Officer reported that the LLFA had objected to the application as they did not believe that the application site was safe for its lifetime owing to the actual risk of flooding, with potential rapid inundation of 0.5m depth as demonstrated by the Great Yarmouth Strategic Flood Risk Assessment. Anglian Water had stated that the details submitted were unacceptable with regards to the surface water management strategy/flood risk assessment and requested additional consultation with them and LLFA.

The Senior Planning Officer reported that the applicant had not complied with policy CS13 of the adopted Core Strategy or the national Planning Policy Framework (NPPF) with regards to flood risk and drainage. The applicant had requested that it be noted that a meeting was arranged with the LLFA but was subsequently cancelled and not re-organised.

The Senior Planning Officer reported that it was recommended to refuse the application as the application had failed the exception test as it had not been demonstrated that the development was safe for its lifetime and contrary to policy CS13 on flood and drainage grounds and the NPPF and the consultation response from the LLFA.

Mr Wilkins, applicant's agent, reported the salient areas of the application. He reminded the Committee that the Environment Agency had not objected to the application and that the LLFA did not fully understand the flood risk in the application site and had cancelled the planned meeting with his client. Mr Wilkin's reported that his client might be agreeable to install a holding tank on site to alleviate concerns with the level of attenuation and that the Committee could condition this if they were minded to approve the application.

The Chairman asked whether the applicant had considered building three storey dwellings with the ground floor offering parking and storage but no accommodation as the application site was situated in a flodd zone.

A Member asked whether the proposed development would help with the surface water issue on site as it would alleviate the vast areas of concrete with garden areas which would soak up any excess water. He also asked whether any grant of permission could have the conditon attached to it which had been requested by the applicant's agent.

Mr Taylor, Solicitor, representing Mr Everard a local businessman, reported that that applicant had a reserved right of way across his land which had not been utilised for the past 34 years which would affect the safety of his business site if it was initiated. Mr Everard had not had the obligatory Certificate B Notice served on him 21 days prior to the Committee meeting.

The Senior Planning Officer reported that Planning had received confirmation from the applicant that the Certificate B Notice had been received and signed.

The Solicitor, nplaw, reminded the Committee that they should only attach conditions to a grant of a planning application if they were confident that they could work and with flooding and drainage issues, it was difficult to state whether a condition could adequately solve this type of issue.

A Member reported that he agreed with the officer's recommendation that the application should be refused as it did not comply with our policy CS13.

RESOLVED:

That application number 06/17/0066/F be refused for the reasons stated within the consultation response from the LLFA and that the application had failed the exception test as it had not been demonstrated that the development was safe for its lifetime and was thus contrary to policy CS13 on flood and drainage grounds and the NPPF.

## **7 APPLICATION 06/17/0485/F**

The Committee received & considered the comprehensive report from the Planning Manager.

The Planning Manager reported that this was a retrospective application for the change of use of the building formally to a House in Multiple Occupancy. Proposed internal alterations to provide 14 bedrooms and a basement flat raised an issue of policy compliance. Saved policy HOU23 of the Great Yarmouth Boroughwide Local Plan was a set of criteria by which to measure the potential impact of the development.

The Planning Manager reported that factors to be considered were the impact upon the amenities of neighbours, the affect upon the character of the area and quality of accommodation for future residents.

The Planning Manager reported that the previous application which had been for the change of use was withdrawn at the may 2017 Committee meeting as it had shown the layout and amenities as they existed. The letting room sizes and amenities were not considered to be of sufficient quality for use as a HMO and it was suggested that any improvements the applicant wished to make should be included in a revised application which had resulted in a decrease in letting rooms from 18 to 14. The applicants had stated that they would be willing to have a personal condition imposed on the property to tie the management and occupancy to the permission. Information had been supplied that the guest house use had proven to be unviable as a business and that the rental of rooms on a permanent basis had allowed it to remain open.

The Planning Manager reported that whilst each application was considered on its individual merits this application was similar to appeal number APP/U2615/C/16/3151866 which was refused and dismissed at appeal by the



Inspector on the basis of the size of rooms and quality of accommodation for residents.

The Planning Manager reported that the application was recommended for refusal.

The Chairman asked for confirmation that the stated room sizes included the bathroom facilities.

A Member asked for clarification regarding the difference between Bed & Breakfast and HMO accommodation for use by visiting contractors. The Solicitor, nplaw, reported that the background to the application did not matter and the applicant could apply for a Certificate of Lawfulness, if they could prove length of operation as 10 years or over, as opposed to applying to the Committee to a change of use from guest house to HMO.

Councillor Walch, Ward Councillor, spoke in support of the application as this type of safe, secure housing was required in the Borough.

RESOLVED:

That application 06/17/0485/F be refused as the current use of the site as a HMO was considered to be contrary to policy CS1, CS2, and CS3 of the Great Yarmouth Local Plan - Core Strategy and Saved Policies HOU23 of the Great Yarmouth Boroughwide Local Plan. The over-intensive use of the building, lack of parking, storage or amenity areas and quality of accommodation would result in harm to the character of the area, upon the amenity of neighbouring residents, visitors and businesses and provide inadequate amenity and accommodation for current and future residents.

## **8 APPLICATION 06/17/0238/F**

The Committee received & considered the comprehensive report from the Planning Manager.

The Planning Manager reported that this was a full application for the construction of four dwellings and the conversion of the barn. The access position was proposed to be altered to enter the site from a safer westerly position. Highways had been consulted and have no objections on the condition that the current access was permanently closed.

The Planning Manager reported that site was outside the village development limit for Ormesby which was a departure from the Local Plan. However, as it was development on three sides, this would represent an infill of the village and would not be isolated in the countryside. The location of the development was considered acceptable in principle and contributed to the supply of housing as set out in the adopted Core Strategy.

The Planning Manager advised Members that the site was located in a Conservation Area and that there was a Listed Building within the vicinity of the site and that special regard had to be paid to Sections 16 & 66 of the planning (Listed Buildings and Conservation Areas) Act 1990, which required the Council to have special regard to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest, and also, that Section 72 required that special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. He advised that the proposal had minimal impact upon the setting of the Listed Building and the Conservation Area.

The Planning Manager reported that the individual designs of the properties were considered acceptable and were in keeping with the farming heritage of the site. The car port was designed to resemble a cart shed and overall the design and layout was considered acceptable.

The Planning Manager reported that a full landscaping plan would be conditioned. The trees at the rear provided good screening of the site whilst those to the front and adjacent the access and pond provide good aesthetic value. The design and access statements stated that planting would occur to strengthen the tree belt.

The Planning Manager reported that the Parish Council did not object to the proposal but requested that the culvert near the access was maintained and the site was adequately drained. Two letters of objection had been received from local residents citing concerns regarding loss of trees, loss of privacy and peace, impact to wildlife, overlooking and access and light pollution.

The Planning Manager reported that the application was recommended for approval with conditions.

Mr Kelf, applicant's agent, reported the salient areas of the proposal and asked the committee to approve.

Councillor Reynolds, Ward Councillor, reported that this was a welcome application which he had no hesitation to support.

**RESOLVED:**

That application 06/17/0238/F be approved subject to conditions ensuring a suitable development including; conditions relating to landscaping, highways conditions, details of boundary treatments, Environmental Health conditions and conditions relating to water drainage, suitable mitigation to protect bats and newts and conditions ensuring the integrity of the barn was retained.

The Committee received & considered the comprehensive report from the Planning Manager.

The Planning Manager reported that the application site lied outside of the development limits of Rollesby, but as it was classed as a secondary village and the site was adjacent to the development limit boundary, the Interim Housing Land Supply Policy and Policy CS2 of the Great Yarmouth Core Strategy, would in certain circumstances, allow this type of development which would not adversely harm the landscape. The application site was therefore deemed to be in a sustainable location.

The Planning Manager reported that the Parish Council had requested a Traffic Management Plan to ensure construction vehicles did not use the full length of Back Lane and accessed the site from the west end of Back Lane to avoid undue traffic disruption. Highways had not objected to the proposal but had suggested conditions to be attached to any grant of permission.

The Planning Manager reported that one resident had object to the proposal whose property adjoined the western boundary of the application site, citing that the application site was outside the village development boundary, had no supporting policies and strongly opposed the bungalows intended for plots 2 and 3. However, they did not oppose the remainder of the proposed development.

The Planning Group Manager reported that the application was recommended for approval with conditions.

RESOLVED:

That application 06/17/0316/F be approved subject to conditions. Whilst the site was located outside of the current development boundary, weight was given to the Interim Housing Land Supply Policy, and the relative sustainability of the location, which had access to a range of services from the nearby footpath and village. On balance, and considering both Policy CS1 of the Great Yarmouth Local Plan Core Strategy, and giving some weight to the Council's Interim Land Supply Policy (2014), the site was a sustainable location suitable for residential development.

## **10 DELEGATED PLANNING DECISIONS MADE BY THE DEVELOPMENT CONTROL COMMITTEE AND OFFICERS 1 - 31 AUGUST 2017**

The Committee noted the planning decisions made by Development Control Committee and Officers for the period 1 - 31 August 2017.

## **11 OMBUDSMAN AND APPEAL DECISIONS**

The Committee noted the following appeal decision:-

Application reference 06/16/0529/0 - proposed 3 no. new dwellings at Burgh Hall Leisure Centre, Lords Lane, Burgh Castle, NR31 9EP - Appeal Dismissed - Original Committee Refusal.

## **12 ANY OTHER BUSINESS**

There was no other business as was determined by the Chairman as being of sufficient urgency to warrant consideration.

## **13 EXCLUSION OF PUBLIC**

The meeting ended at: 21:00