



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Minutes

Wednesday, 08 December 2021 at 18:00

PRESENT:-

Councillor Annison (in the Chair); Councillors G Carpenter, Fairhead, Flaxman-Taylor, Freeman, Hanton, Jeal, Mogford, Myers, Williamson, A Wright & B Wright.

Mr D Glason (Director of Planning & Growth), Ms C Whatling (Monitoring Officer), Mr R Parkinson (Development Control Manager), Mr G Bolan (Planning Officer), Mr C Green (Senior Planning Officer) & Mrs C Webb (Executive Services Officer).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor P Hammond.

2 DECLARATIONS OF INTEREST

Councillors Annison, G Carpenter, Flaxman-Taylor, Freeman, Hanton & Mogford declared a personal interest in item 4 as they were friends of the applicants, Mr P & Mrs D Hammond.

Councillor Annison declared a personal interest in item 8, as the applicant, Mr

A Pembroke, was known to him.

Councillor Freeman declared a personal interest in item 9 as he was the Ward Councillor & Parish Councillor for Ormesby St. Margaret. The Chairman reported that all of the remaining Councillors of the Committee would declare a personal interest in item 9, as the applicant, Mrs S Wintle, an employee of the Council, was known to them.

However, in accordance with the Council's Constitution, they were allowed to both speak and vote on the matter.

3 MINUTES

The minutes of the meeting held on 10 November 2021 were confirmed.

4 APPLICATION 06-20-0618-F LAND EAST OF CHURCHILL ROAD & NORTH OF ESCOURT ROAD, GREAT YARMOUTH

The Development Control Manager reported that this item had been withdrawn.

5 APPLICATION 06-21-0766-CU LAND ADJACENT TO (COPPERFIELD), BLACKBIRD CLOSE, BRADWELL

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

The Planning Officer reported that the application is for the retrospective change of use of land at the rear and adjacent to Copperfield, Mill Lane, Bradwell and to the west of 73 Blackbird Close. Copperfield is a single storey property which occupies a corner plot between Blackbird Close and Mill Lane. The area of Land concerned by the current application is located to the rear (east) of Copperfield. The site was land formerly used for siting an electricity pylon. Until recently, the site was enclosed only on the west, south and east by the 1.8m brick garden walls of Copperfield and 73 Blackbird Close.

The Planning Officer reported that the application is retrospective, and the applicant has already enclosed the area of land with a 1.8m high close boarded fence as an extension to the Copperfield garden. The area of land enclosed measures out to a length of 8.5m and a width of 9.5m but the proposal within this application does not enclose all the open land of the former pylon site, and there is a depth of 4.5m x 9.5m of land remaining open and not included in the inclusion of residential curtilage. This smaller 57sqm area adjoins the pavement of Blackbird Close, The area of land was originally used by Eastern Power Networks to place and maintain a pylon, the pylon has since been removed from the site, there has not been an exact date supplied or obtained regarding the removal of the pylon on which is a bus stop.

The Planning Officer reported that at the time of writing the agenda report, there have been 5 objections received to the application, 3 of which are from ward councillors, 1

objection from Bradwell Parish Council and 1 objection from a member of the public. Many of the objections raised to the application refer to the applicant not owning the land which has been enclosed. As a part of the application process the applicant has signed certificate D, and certificate D states that it should be used when: Certificate A can not be issued for this application; all reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, was the owner and/or agricultural tenant of any part of the land to which the application relates, but I have/the applicant has been unable to do so.

The Planning Officer reported that the applicant published a notice in the Great Yarmouth Mercury on the 29th October 2021 as required under certificate D, and the Borough Council is not aware of any potential owners coming forward, it is therefore considered that the applicant has satisfied the criteria for validation of the planning application and the application has been considered on Planning merits only. Members will be aware that land ownership and/or property values cannot form a material planning consideration in the determination of planning applications. However, the ownership situation of the site now appears to have been very recently progressed, because on 29th November the applicant contacted the LPA to say that they have found and contacted the landowner, a Mr Tubby, and completed the purchase of the land from them. According to the applicant their ownership of the land includes both the planning application site enclosed by the fence, and the area between fence and footpath. This has not yet been verified by the Land Registry because on 29/11/21 the sale registration documents had not yet been completed, but the applicant has provided documentation relating to a Bill of Sale concerning land title NK348966. The land sale title plan and updated site plan showing applicant interests are included within the appendix to the agenda report. Notwithstanding the above, a change of use permission is still required, and the application is assessed below on its planning merits.

The Planning Officer reported that some concerns have been raised around this setting a precedent. Due to the limited number and sporadic nature of the open spaces in the estate it is not considered that a precedent would be set for the loss of open space in this or any other estates. The development does not affect the area at the back of the pavement which remains open, and specific planning permission would be needed to bring that into residential curtilage use in the future. Other open spaces in larger housing estates are usually intentional strategic spaces serving a design or recreation purpose and are often protected by section 106 agreement or condition to remain as open space, and usually planning permissions are needed for their residential use, and assessments would be made at that time against the impact of any losses to character or public recreation. Given the unique former use of this land it is a very unusual circumstance which need not be the start of any onward trend.

The Planning Officer reported that some concern is raised that the land would better suited to house a bus shelter given there is a bus stop there. Whilst this idea has merit, there still remains adequate space at the back of the pavement to house a bus shelter which would be unaffected by this application. The small section of land is not formalised play space or open space and does not contribute significantly to

play or leisure opportunities for residents. The land is of poor-quality landscaping and does not positively contribute to the character of the area. The change to garden space, subject to conditions retaining control of further development through restricting permitted development rights, would have at worst a neutral effect and positively contribute to the area.

The Planning Officer reported that the application was recommended for approval with conditions as outlined in the agenda report.

Councillor Myers asked for clarification that no outbuildings/extensions could be erected on the land without obtaining planning permission. The Planning Officer reported that a planning application would be required and Policy A1 of LPP2, visual amenity of the area, would be paramount in its determination. Councillor Williamson asked if this would prevent the erection of a gazebo on this area of land.

Mr Barron, applicant, addressed the Committee and reported the salient areas of his application and asked the Committee to approve it.

Councillor Flaxman-Taylor asked Mr Barron for confirmation that he had purchased both parcels of land. Mr Barron reported that he was the owner of both areas of land. Councillor A Wright asked Mr Barron if the Parish Council had approached him directly regarding the siting of a bus shelter on the land. Mr Barron reported that they had not approached him. The Monitoring Officer reminded the Committee that neither the bus stop or ownership of the land was a planning consideration.

The Chairman informed the meeting that Councillors Candon and Smith would not be speaking in objection to the application.

Councillor Williamson reported that as the land was in the ownership of Mr Barron he would be responsible for its upkeep and maintenance and it would not become a piece of overgrown land as was the case in several areas of the Shrublands Estate. The Planning Officer advised that it was felt that the gazebo that was already installed was acceptable because it maintained open views, and it was proposed that it should be except from needing permission.

RESOLVED:-

That application number 06/21/0766/CU be approved, as it satisfies the criteria of core policies CS09 and CS15 of the adopted Core Strategy and is consistent with the aims set out in emerging policy A1 of the Local Plan Part 2. The use hereby permitted shall only be for residential purposes associated with the dwelling house at Copperfield, Mill Lane, Bradwell, NR31 8HT and permission shall apply only to the land shown within approved plans drawing references:-

Site Location Plan – TQRM21239120131464;

Proposed Block Plan - TQRM21239115302642; received by the Local Planning Authority on the 30th August 2021.

Except for the gazebo installed notwithstanding, the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that order) no outbuildings or other structures shall be erected within the application site hereby approved without the express written permission of the Local Planning Authority; and any other conditions considered appropriate by the Development Control Manager.

6 APPLICATION 06-21-0536-F - 60 MARINE PARADE, GORLESTON, GREAT YARMOUTH, NORFOLK

The Committee received and considered the report from the Development Control Manager.

The Development Control Manager reported that the application sought the demolition of the existing two-storey flat roofed dwelling at 60 Marine Parade, and then proposed to subdivide the site and erect two, three-storey properties to replace it. Both dwellings were proposed to be the same size, 8.2 metres in height, this compared to the existing dwelling which was 6.5m in height, with footprints of 18.8 metres by 8.4 metres. The dwellings would be 4 to 5 bedroomed properties respectively. The proposed dwellings used a more contemporary material palette than the existing dwelling, making use of white silicone rendered panels, grey bricks and black aluminium casement windows. Plot 1 would retain the existing vehicular access off Buxton Avenue with a pedestrian access to Marine Parade. Plot 2 had its vehicular access to the front, with a pedestrian access to Alder Avenue. The dwellings were stepped to reflect the curve of the road.

The main issues in the assessment of this application were:-

- Principle of development
- Design
- Heritage impacts
- Amenity
- Highways, access and parking
- Landscape and ecology.

The Development Control Manager reported that the application site was located within the development limits for Gorleston and sought the erection of 1 net new dwelling. Within Gorleston, the principle of new residential development was considered acceptable and being located within Gorleston, the site was located within walking distance to a range of shops, services, amenities, and employment. There was a bus stop 35 metres distance away from the site. Therefore, there would not be a total reliance on the private motor vehicle and the development would be located in a sustainable location, meeting the aims of paragraph 8 of the NPPF and Core Policies CS01 and CS02.

The Development Control Manager reported that the proposal sought to sub-divide the site, increasing the density of development. Saved Policy HOU17 resisted sub-division of plots where it would be likely to lead to development out of character and scale with the surroundings. In this instance, the sub-division of the plot would replicate the density of the two dwellings to the north of the plot; 23 Buxton Avenue and 59 Marine Parade. The principle of subdividing the site and providing 1 net additional dwelling is therefore acceptable subject to being able to demonstrate compliance with other policies within the development plan.

The Development Control manager reported that the application was recommended for approval with the conditions as outlined in the agenda report.

Councillor A Wright highlighted the number of objections which had been received. The Development Control Manager reported that they had not all been from local residents but from holiday makers and members of the public in general.

Mr Taylor-Davidson, objector, addressed the Committee and outlined his concerns to the application and urged the Committee to refuse it.

RESOLVED:-

That application number 06/21/0536/F be approved, as the application was considered to comply with saved policies HOU07 and HOU17 from the Borough-Wide Local Plan, Core Policies CS02, CS09 and CS11 from the adopted Core Strategy and emerging policies A1, A2, E4 and E5 from the Local Plan Part Two (Final Draft), subject to the conditions:-

- 3-year time condition,
- In accordance with plans,
- Construction management plan,
- All demolition materials removed prior to commencement of new dwelling,
- All materials and samples thereof to be agreed (at DPC level),
- Construction of new access (TRAD 3),
- Restriction of access to only those approved,
- Widening of existing access,
- Access / parking levelled, surfaced and drained,
- Removal of PD rights for extensions, further windows, and outbuildings,
- Removal of PD rights to convert the roof of the rear elevation family room to a useable balcony,
- Bathroom & ensuite windows to be obscure glazed,
- Full height 2nd floor stairwell windows to be obscure glazed,
- No use of the southern elevation balconies without the 1.8m tall opaque screens being installed first,
- Bird boxes to be installed prior to occupation; and
- Landscaping plan to be submitted; and any other conditions considered appropriate by the Development Control Manager.

7 APPLICATION 06-21-0771-F 20 CONIFER CLOSE, ORMESBY ST MARGARET

The Committee received and considered the report from the Senior Planning Officer.

This application is brought before the Development Control Committee as one of the applicants is an employee / serving officer of the Borough Council. This application was reported to the Monitoring Officer on 01 December 2021 as an application submitted by an officer in a personal capacity and on land in their ownership. The Monitoring Officer has checked and made a record on the file that she is satisfied that it has been processed normally and the officer has taken no part in the Council's processing of the application.

The Senior Planning Officer reported that this dwelling is a detached bungalow amongst detached bungalows on larger corner plot. There is a larger bungalow on a smaller plot to the north east against the boundary where the annex is proposed. The

site whilst having large areas of highway facing gardens has private garden space created by the use of tall evergreen hedging planted up to the footway along both Conifer Close and Pine Close, and running all around the site and over 3m high in most part.

The Senior Planning Officer reported that the proposal is for a single-storey flat roofed recycled composite timber/plastic clad annex with two bedrooms. The proposal would be light touch in terms of its site impact with foundations by short screwed (non-impact) piles.

A statement of personal need has been provided. A submitted design and access statement also clarifies acceptance of a planning condition limiting usage to ancillary functions. There is also reference made to appeal and court case history supportive of special consideration of personal need. The annex would be at the north end of the site set substantially in front of the building line on Pine Close, the road to the west of the site, but partly concealed by the boundary planting against the road. There is some screening on the north boundary within the neighbour's garden at 13 Pine Close but this is much more modest than the beech hedges found on the applicant's site.

The Senior Planning Officer reported that the original submitted plans show the annex is proposed to be sited 1m from the northern boundary with 13 Pine Close, though revisions have been requested to consider whether further space is needed from the boundary due to screening / visibility concerns and for protection of the trees and hedges on the north boundary.

Accompanying the proposal are the following documents:-

- Planning Application Forms and Certificates of Ownership;
- Application drawings as detailed on the Drawing Register;
- Design and Access statement
- Flood Risk Assessment and mitigation and evacuation proposals
- A letter assessing lack of sequentially preferable site availability
- Habitat Regulations Assessment

The Senior Planning Officer reported that it is considered that the site is appropriate for an annex, in this position forward of the prevailing building line, only by virtue of existing screen planting and opportunity to provide additional screening and reduce visibility to the north.

The applicant has cited weight to be accorded to personal circumstances, however the principle of ancillary buildings of the scale and height proposed here are considered acceptable subject to the hedge and screening to be provided remaining, so the personal circumstances need not be accorded weight in justification as the proposal is acceptable and its impacts can be mitigated by conditions. The proposal is acceptable with the hedge screening in situ, and if suitable separation distance and screening from the north boundary can be secured, both of which will need to remain in place in order for the impact of this modest building not to be felt.

The Senior Planning Officer reported that subject to receipt of revised plans, that this application was recommended for approval.

Councillor Flaxman-Taylor questioned condition number 8 as asked if the hedge could be replaced by a fence. The Senior Planning Officer reported that a hedge would be preferable to fit in with the existing street scene but a fence would be acceptable.

Councillor Wainwright asked for an additional condition so that the building could not be used as an Air B'n'B but purely as an annexe to the main house. This was agreed by the Senior Planning Officer.

RESOLVED:-

That application number 06/21/0771/F be approved with submission of revised plans detailing; (i) appropriate screening provision to the northern boundary, (ii) amended siting of the building as necessary to protect existing planting and allow any new planting to thrive on the north boundary; and, (iii) amended floor plan and elevation showing re-positioned window; and subject to the conditions including:-

- (i) Time limit,
- (ii) Drawings,
- (iii) Use as an annex only – and only to be ancillary to host dwelling,
- (iv) The annex building shall remain in the same ownership as the host dwelling,
- (v) Hedges alongside the road to be maintained at a level no lower than the highest point of the new building being constructed,
- (vi) Screening solutions to the north boundary to be agreed and provided prior to erection of the annex building and to be retained thereafter,
- (vii) Hedges alongside the road and new boundary screening along the north boundary are to be retained for the lifetime of the annex development and in the event that any part of the hedge / screening fails, those failed sections to be replaced with hedge/replacement screening of equal stature, or details to be agreed, in the next growing season,
- (viii) The annex building is to be removed within 3 months of the hedge ever being removed and any other conditions considered appropriate by the Development Control Manager; and
- (ix) The building is not to be used as an Air B'n'B .

8 APPLICATION 06-21-0415-F - LAND AT SOUTH DENES ROAD AND SOUTH BEACH PARADE GREAT YARMOUTH, NR30 3QF

The Committee received and considered the report from the Development Control Manager.

This application is brought before the Development Control Committee as the Borough Council is the applicant and principle landowner. As such this application was reported to the Monitoring Officer on 01 December.

The Development Control Manager reported that the application site lies at the southern end of the Great Yarmouth port, representing the southernmost area of land on the north side of the River Yare and within port operational land. Vehicular and pedestrian access along the west of the headland is only currently possible from South Denes Road, a classified C-road, as far as a turning head at the southernmost tip of the road where security gates and kiosk prevent further access. Public vehicle access from South Beach Parade, also a classified C-road, along the east side of the headland ends at a security gate and kiosk just south of Hartmann Road on the north side of the Outer Harbour. Beyond both sets of security gates entry is limited to personnel and servicing within the port operational land.

The Development Control Manager reported that part of the application site is owned

by the Great Yarmouth Port Authority (GYPA) within the proposed temporary works area; the applicant has served notice to the GYPA under Article 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, though they also remain a statutory consultee to the application.

In its most basic form, the application seeks to:

- (i) build an extension to South Denes Road, as an access to future buildings and parking areas;
- (ii) provide new quay headings and quay wall for more vessel docking areas at a berth alongside a new quay wall to the west of the site;
- (iii) create a new pontoon area for new berthing with linkspan bridges to connect to the shore; and,
- (iv) provide parking and storage areas on land ahead of future permanent development.

The Development Control Manager reported that the proposed site is within flood zones 1, 2 and 3 and contains identified contaminated land and the west of the headland is a hazardous development area due to the presence of utility lines and activities taking place. The site is within the Coastal Change Boundary; much of the south-eastern parts of the site fall on the seaward side of the Coastal Change Boundary but the Shoreline Management Plan confirms Yarmouth will be protected, as is the case with the Outer Harbour, for example. The site is adjacent to protected wildlife areas of national and international importance, including the Special Protection Area of the Outer Thames Estuary, including the coast and River Yare, and the Southern North Sea Special Area of Conservation which adjoins the south eastern boundary of the site. As the site is visible from the southern side of the river it has a possible impact on the visual setting of the No. 17 Gorleston Conservation Area Extension, designated in 2009, and the Cliff Hill Conservation Area. Much of the site is part of the designated port operational land. It is both a safeguarded employment area and in addition to planning designations the eastern half of the site falls within the South Denes area of the Great Yarmouth and Lowestoft Enterprise Zone.

The Development Control Manager reported that the application is an Environmental Impact Assessment application and is accompanied by an Environmental Statement (ES) which addresses the impacts relating to development of the road, external storage areas, parking, construction of the sea wall / quay heading and creation of the berthing facilities. Pre-application discussions were held with the LPA planning service regarding the scope of the ES and the various supporting documents required.

The Development Control Manager reported that planning application submitted to GYBC as Local Planning Authority concerns only those elements which are located above 'mean high water springs' level. Other aspects of the project, such as the use and siting of pontoons in the estuary or the deepening of the navigational channel are subject to a separate application(s) for a Marine Licence which has been made to the Marine Management Organisation (MMO). The MMO has also been consulted as part of this planning application but no comments have been received to date.

The application includes:

- Location and layout plans
- Environmental Statement covering: Air quality; Cultural heritage; Biodiversity; Geology and soils; Water environment; Noise and vibration; Major accidents and disasters; and, Cumulative effects

- Planning and regeneration statement
- Pre-application consultation report
- Shadow Habitats Regulations Assessment
- Surface water drainage strategy
- Transport statement.

The Development Control Manager reported that the land included in this application is also covered by the South Denes Local Development Order (LDO) which was introduced in 2012 and lasts to 2022. The South Denes LDO is currently being reviewed to consider whether and how it should be extended beyond 2022.

However, certain developments cannot take place through the LDO process, such as:

- proposals which are EIA development;
- proposals which present a high risk to the water environment; or,
- proposals where use of the land first needs to fulfil pre-commencement conditions or where activities are restricted by condition. Effectively, this requires that any project that intends to come forward through the LDO process can only do so if the project is first compliant with any conditions attached to any formal planning permissions on that land. As the land for the wider O&M Campus site is in the applicant's ownership and application site red line area, and is being opened-up by this access road development, it can be subject to conditions which require matters to be addressed and approved before that LDO development commences. As an example, if an archaeology condition(s) is imposed on the temporary works area land in this application site, a developer aiming to benefit from the LDO permitted development right would have to undertake works required by the archaeology conditions to shape the scheme into a suitable form for archaeology purposes, before their proposal becomes eligible to qualify as Permitted Development through the LDO.

The Development Control Manager reported that this meant the decision maker on this application can impose conditions through this permission which shape how developments should take place in the wider O&M Facility site, despite the presence of the LDO. This is particularly relevant in the case of highways, drainage and archaeology concerns raised and discussed below, but any material considerations can be addressed in this way, so long as they meet the tests for planning conditions set out in the NPPF, i.e. being necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are necessary to be pre-commencement there should be clear justification for doing so.

The main considerations for this application concern:-

Principle of development,
 Highways and access,
 Fluvial and tidal flood risk,
 Surface water drainage,
 Impact on ecology / biodiversity inc. designated sites,
 Residential and commercial amenity; and
 Construction impacts.
 Other material considerations:-
 Contaminated land,
 Design, heritage and archaeology,
 Navigation and vessel safety,
 Economic considerations,

Public site access,
Environmental Statement; and
Links to future applications.

The Development Control Manager reported that the new sea wall along the northwest river channel edge would be installed in front of the existing failing seawall. It would likely comprise a new sheet pile wall 1m in front of the existing quay wall, supported by another sheet pile rear anchor wall behind that. The quay wall will provide a berth area for larger craft known as Service Operation Vessels (SOVs) which might have a gross tonnage of 6,000 tonnes each. No precise details have yet been submitted but the positions are known and the precise construction details can be required by conditions prior to commencement. The concerns of the Port Authority are noted, but the incursion into the river channel is only 1m as permanent development with some temporary construction barriers and pontoons etc likely to be needed. The hydrological impacts on the behaviour of the river are mitigated by the new quay wall being positioned in front of the existing so there will be very minimal effect on river flows and the function of the spending beach. As such there are not considered to be any lasting impacts on the use of the river or the operations of the Port. The Marine Management Organisation will assess developments and operations on the riverbed. The Environment Agency will also give careful consideration to the seawall and other structures that affect flood defences as part of the Environmental Permitting consents process.

The Development Control Manager reported that the O&M Campus will complement the role of the Outer Harbour and help deliver regeneration through jobs creation and employment innovation, as well as helping the Great Yarmouth Port on the River Yare and increasing the Outer Harbour's operating capacity. The O&M facility will provide support for investment in the offshore wind farm maintenance sector in particular, which is increasingly relevant as national Government is currently considering the expansion of existing wind farms and the creation of new wind farms in the southern North Sea in particular. The expansion of employment facilities is supported by Core Strategy policies CS1, CS2, CS6 and CS12 so long as it can provide transport by means other than the private car.

The Development Control Manager reported that this development will enable construction of buildings and facilities which are likely to be presented for 'prior approval' through the Local Development Order process; once such buildings address any pre-commencement conditions they would be otherwise approved by virtue of being permitted development through the LDO, unless they are EIA developments in themselves.

The Development Control Manager reported that finding a suitable surface water drainage solution for the site is interwoven with its ecological sensitivities and physical site constraints, as well as the restricted options available due to the end uses proposed. The application's surface water drainage strategy has proposed a scheme for the roads, external storage and parking areas. However, it is of some concern because whilst it has attempted to address the drainage hierarchy it does not do so adequately and the system proposed will be likely to cause harm to the ecological assets around the site. The Lead Local Flood Authority (LLFA) is rightly keen to ensure the development addresses the drainage hierarchy, meaning the scheme needs to fully explore options for infiltration, and if not suitable or feasible then consider discharge to watercourse, ie the River Yare, and if that is not suitable then consider discharge to public sewer treatments. The applicant considers this acceptable largely because some small portions of the wider site already discharge into the River Yare. Their position is not supported by the LLFA who believe the

scheme is not sufficiently detailed for the full planning permission, but this needs to be considered by the decision maker. Officers are reluctant to take an opposing view to that of the LLFA but in this exceptional instance do consider that the site can address the surface water drainage requirements by careful use of planning conditions. However, this will have implications for the O&M campus site delivery, as conditions must be pre-commencement and 'Grampian' in nature, as at this stage using these conditions involves a degree of uncertainty which offers no firm guarantee of being resolvable without further investigation.

The Development Control Manager reported that Natural England raise significant concerns in respect of both the evidential basis to justify the modest works proposed in this application, and in respect of the operations of the development once constructed. The Shadow Habitats Regulations Assessment (HRA) report provided by the applicant has been viewed with concern by Natural England. They raise a number of reasons why in their opinion the LPA as Competent Authority for the purposes of the Habitat Regulations should not approve the development just yet because it is not possible to confirm that the proposal will not result in adverse effects on the integrity of the internationally designated sites in the vicinity. The LPA relies on the advice of Norfolk County Council's Natural Environment Team for ecological advice and to receive recommendations on the HRA process. The HRA should not be passed if there is any likelihood that the integrity of internationally protected sites will be adversely affected by the development. No advice has been received yet but it is fair to assume the HRA stage will not be passed and therefore mitigations are likely to be needed and an Appropriate Assessment should most likely be undertaken.

The Development Control Manager reported that in respect of passing the requirement of the Appropriate Assessment pursuant to the Habitats Regulations: It is recommended that any decision to view the application favourably should first require the following factors to be understood before a final decision is made, so that the decision on the Appropriate Assessment can be made favourably, and if necessary plans for mitigation through proposals can then be agreed before the development is finally permitted as these issues are unable to be addressed by conditions:

- (i) The overall development will need to provide further survey data in respect of vulnerable marine bird species which rely on the area for feeding and breeding,
- (ii) The overall development will need to quantify the severity and duration of noise from its operations and construction and propose a noise mitigation plan if this is not within acceptable tolerances; and
- (iii) Air quality impacts should be better understood and an emissions management plan agreed for use during the overall site construction.

The Development Control Manager reported that it is recommended that the severity and relevance of Natural England's concerns to this development should be discussed further before the HRA process is undertaken. This process has begun but a recommendation to approve this application must come with the caveat that any permission cannot be issued until the HRA and in all likelihood Appropriate Assessment is completed by the LPA as competent authority, and then reviewed and approved by Natural England. Resolving to issue a permission without first fulfilling the HRA requirements to Natural England's satisfaction would be open to legal challenge and may need prior referral to Government under the EIA procedure.

The Development Control Manager reported that it is acknowledged there is a minor and low-level impact on the setting of designated heritage assets but these less than

substantial in their degree and short- medium term in their nature and are outweighed by the wider public benefits of the development. In the interests of economic investment and with acknowledgement that this is the first stage of longer-term regeneration at the site, it is not proposed to impose onerous limits on the style, design, height or activity of the permanent external storage areas, though it is considered necessary to require specific measures to contain certain goods or materials stored there. Approval of the application in its current form involves a degree of uncertainty as to the final details of the infrastructure being provided to serve the wider O&M Campus Facility. However, there are sufficient reasons and grounds to reassure the decision maker that the development proposed, and that which will be enabled by this development, can be designed, constructed, and operated in a manner which satisfies the concerns of development plan policy, statutory stakeholders and consultees. Those mitigation measures lie in part with the local planning authority and in part with the role played by other regulatory regimes, but in as far as they are required for the purposes of making the planning application acceptable these can be secured by any permission being subject to carefully considered conditions, and agreement of further details prior to the commencement of developments on this application and in the adjoining site.

The Development Control Manager reported that the delivery of the wider employment site and regeneration benefits will be expedited by ensuring a degree of progress can be maintained in a timely fashion through approval of this application. To do so will begin a process of development that will create significant public benefits through economic investment and jobs creation for both the Borough and the region, as well as enabling expansion of the renewable energy sector to make a modest but valued contribution to the national de-carbonisation and climate change agenda. The application as it stands has gone a long way towards addressing the impacts of this development as identified through the Environmental Statement but requires the HRA and Appropriate Assessment process to be completed so that the necessary mitigation measures required pursuant to those can be contained in the development. Thereafter, a monitoring programme can be instigated to ensure compliance, so that in combination the mitigation and monitoring built into the development process will prevent likely significant effects on the environment and avoid significant detrimental effects on internationally designated sites.

The Development Control Manager reported that the way to proceed was:-

- (i) To first complete the Habitats Regulations Assessment process and include any Appropriate Assessment mitigations into the scheme as necessary, followed by review and approval by Natural England; and
- (ii) Then to approve; subject to the use of conditions as set out below, the proposal will comply with the aims of policies CS1, CS2, CS3, CS9 and CS11 of the Great Yarmouth Local Plan: Core Strategy, Paragraphs 8, 62, 111 and 130 of the NPPF, and is consistent with the aims set out in emerging policies of the final draft Local Plan Part 2.

Councillor Jeal asked for clarification as to whether he should declare a personal interest in this item as he was a member of the Member Working Group which had approved this project. Councillor Smith, Leader of the Council, asked the Chairman for permission to speak and explained that many of the Committee members had sat on the Great Yarmouth Town Centre Masterplan Member Working Group or Economic Development Committee and had approved this project but this should not preclude them from taking part in the debate this evening. The Monitoring Officer agreed that all Members who had set on the Member Working Group or Economic

Development Committee did not have to declare a personal interest and could take part in the deliberation of the application this evening provided that they did not feel conflicted in any way and their mind was open to the planning considerations required to make a sound and informed determination of the application.

However, Councillor Jeal reported that he not declare an interest and would stay during the determination of the item but would not speak or vote.

Councillor Myers asked for further clarification in regard to the run off of surface water from the site as he had concerns with the proposal as outlined in the agenda report. He reported that he would like the drainage strategy to be re-visited as he did not think the surface water should be discharged into the public sewer system.

Councillors A Wright & Mogford were concerned that the application would narrow part of the river resulting in flooding and habitat issues as the construction of the Outer Harbour had on the coastline to the south.

The Monitoring Officer questioned the wording of the recommendation as she was concerned that the Committee were being asked to approve the application prior to the required mitigation being achieved as requested by Natural England, as the present resolution appeared to be assumptive. The Development Control Manager agreed that the wording of the resolution should be amended as follows at the end of paragraph (a); that the Council has strong confidence that the Habitat Regulations Assessment will be approved by Natural England.

Councillor Fairhead was concerned of the impact that this development would have on The Broads and that she had never come across holding objections on a planning application before. The Development Control Manager reported that these were objections which were held on-record until they were resolved.

RESOLVED:-

That application 06/21/0415/F be approved;

(i) To first complete the Habitats Regulations Assessment process and include any Appropriate Assessment mitigations into the scheme as necessary, followed by review and approval by Natural England. The Council has strong confidence that the Habitat Regulations Assessment will be approved by Natural England.

(ii) Then Approve –

Subject to the use of conditions as set out below, the proposal will comply with the aims of policies CS1, CS2, CS3, CS9 and CS11 of the Great Yarmouth Local Plan:

Core Strategy, Paragraphs 8, 62, 111 and 130 of the NPPF, and is consistent with

the aims set out in emerging policies of the final draft Local Plan Part 2. The proposed conditions to be attached with approval as follows; the final form of conditions will be confirmed in liaison with the applicant but the following general summarised terms are required:-

- 1) The development must be begun not later than three years beginning with the date of this permission,
- 2) The development shall be carried out in accordance with the application form and approved plans received by the local Planning Authority on 19th March 2021 drawing reference:
 - Site Planand in accordance with the revised plans received by the Local Planning Authority on 6th September 2021 drawing reference:
 - 2022-044 – Proposed and Existing Elevations
 - 2022-005 – Proposed Floor Plans
 - 2022-006 – Proposed Floor and Sectional Plans,
- 3) Developments and uses on the land adjoining this development shall be restricted to those serving port-operational and energy sector activities only,
- 4) Notwithstanding the LDO, remove permitted development rights for the use of new buildings and land to be used initially for port and energy sector uses but then change to other uses,
- 5) Surface water drainage scheme to be agreed for the road, car parking, turning/access areas, substation, and permanent external storage areas – pre-commencement,
- 6) No surfacing or hardstanding to be installed in the temporary works areas without express permission being granted, and that application shall provide details of surface water drainage to follow principles at condition 3 above,
- 7) The permanent car parking area within this permission shall be limited to no more than 64 spaces as applied for,
- 8) Flood warning and evacuation strategy for this application (pre-use),
- 9) Flood mitigation & protection designs and tidal flood water storage scheme to be agreed for the wider O&M Campus site – pre-commencement in O&M,
- 10) Flood warning & evacuation strategy for later phases on O&M site (pre-use),
- 11) Foul drainage scheme to be agreed for the later O&M campus development,
- 12) Sea wall / quay works – details to be agreed to inc piling (vibro-piling as preference, with soft-start piling if not),
- 13) Ecological Clerk of Works is needed to oversee the works to sea wall and shoreline activities, to carry out marine mammal observations 30 minutes prior to any percussive piling being undertaken to ensure that there are no marine mammals within 500m of the proposed works,
- 14) Ecology protections set out at report paragraph 4.67 points (i) – (x),
- 15) Ecological enhancement plan to be agreed,
- 16) Landscape scheme principles to be proposed for the whole site for use in subsequent phases of development,
- 17) Hours of construction should be restricted,
- 18) Construction traffic and management plan to be agreed,
- 19) Dust control,
- 20) Contamination investigations and remediation,
- 21) Further contamination precautions during development,
- 22) No removal of the existing turning head on South Denes Road without (i) first beginning the process of a TRO to stop up the highway, and (ii) confirming the intended extent of adoptable highway, and (iii) providing construction details of the extended roads to adoptable standard, and (iv) ensuring there are suitable designs agreed for a new turning head at the end of the newly extended adopted highway

area. The area of highway shall remain open until an adopted turning area is provided to standard,

23) No development of the roads shall commence until:

- a. construction details of the road with a permanent continuous 3.0m w footpath/cycleway along one side of the new road have been agreed; and,
- b. details of temporary safe pedestrian route along the road for use until such time as the path is provided, are agreed; and,
- c. details of phasing plan for footpath provision to be agreed; and,
- d. details to show how provision will be made to enable future footpath links along South Denes Road; and,
- e. details to show how provision will be made to enable future public transport connections into the site,

24) With the exception of temporary construction works, no use of land or the external storage areas until the adoptable-standard 3.0m footpath has connected that site up to the closest public highway footpath,

25) Precise details of the new substation, to ensure adequate area exists and/or to provide wall enclosure and screening thereof,

26) Precise details of the sea wall / quay heading construction to be agreed,

27) Limits on uses to be allowed on the adjoining temporary works area lands, to restrict activities to those involved in constructing the O&M Campus only,

28) Restrict uses allowed in the permanent external storage areas and removal of PD rights to change uses,

29) Restrictions on heights of materials or structures to be stored in the permanent external storage areas,

30) Any 'loose' materials to be stored need to be within enclosing structures,

31) Sea wall and quay heading construction details to be agreed,

32) Restrict permanent storage areas to the 2no. areas shown in the layout plan,

33) Provide monitoring regime for the impacts of the development; and
and any other conditions considered appropriate by the Development Control Manager.

9 APPLICATION 06-21-0356-F EX-EDWARD WORLLEDGE SCHOOL SITE, LAND WEST OF 63-78 LICHFIELD ROAD, GREAT YARMOUTH

The Committee received and considered the report from the Senior Planning Officer.

The Senior Planning Officer reported that this application is brought before the Development Control Committee as the landowner at the time of application being submitted is a company whose owners and Directors are two serving Borough Council Councillors, Councillor Paul Hammond and Councillor Donna Hammond, and their immediate family member, Mr Lee Hammond. The land at both this application site and some adjoining land which is material to the determination of this application is also owned by the same company. As such this application was reported to the Monitoring Officer on 01 December 2021.

Councillors Jeal and Williamson had left the meeting as they did not attend the site visit which was undertaken on Tuesday, 7 December 2021 at 10am and therefore could not take part in the determination of this application.

The Senior Planning Officer reported that the proposal for 5 dwellings on the site is a row of three-storey town houses terraced together and fronting Lichfield Road. These have garaging and utility rooms to the ground floor and living accommodation at first and second floor surmounted by a ridged roof with gabled dormers over each plot along the whole terrace. The terrace is set back from the highway by the depth of a parking bay giving a distance between the terraced housing existing opposite and the

proposal of 20m. Integral garaging is shown, measuring 6 x 2.9m internally. This is below the 3 x 7m standard set out in the County Highways recommended parking standard for the interior of garages, which is intended to allow a car (5m) & storage space for things like white goods appliances and cycles.

The Senior Planning officer reported that each terrace house has a private rear garden measuring approximately 11m and 52sqm area, and being similar to the footprint of the dwelling. However, it is not clear how much of the site the built development occupies and rear garden access is not shown in the plans. Bin storage may have to be located at the front but would require a suitable design solution, but if there was no rear garden access this would preclude cycle storage unless at the front and compromise use of the garden. Given there is a private access path along the north side of the site it may be intended to access gardens from there.

The Senior Planning Officer reported that behind the terrace houses and their gardens, on adjoining land, there is a flat roof single-storey shed/storage building remaining from the school. This is part of the adjoining site and in the planning application for that site there are proposed to be nine outside parking bays shown proposed for use as 'nursery parking' although the nursery use has finished the ex-nursery building would be removed if this scheme is approved and the building demolished. Within the Design and Access Statement the applicant has proposed that the double-yellow line parking restrictions on the east side of Lichfield Road could be moved to the west side in front of this site.

Accompanying the proposal are the following documents:-

- Planning Application Forms and Certificates of Ownership,
- Application drawings as detailed on the Drawing Register,
- Design and Access statement,
- Flood Risk Assessment and mitigation and evacuation proposals; and
- Habitat Regulations Assessment.

The Senior Planning Officer reported that 6 letters of objection had been received from local residents and consultation responses from external bodies can be found on pages 17 to 20 of the agenda report.

The Senior Planning Officer reminded Members that the following policies should be considered by Members when they made their decision; Borough Local Plan 2001: HOU7 (New housing within settlements) and Core Strategy 2013: policies CS9, CS10, CS15.

Other material considerations are as follows:-

Emerging policies of the draft Local Plan Part 2 (Final Draft) (LPP2):

- GSP1 (Development limits)
- GSP8 (Planning obligations)
- H3 (Housing density)
- H4 (Open space provision for new housing development)
- A1 (Amenity)
- A2 (Design)
- E1 (Flood risk)
- E4 (Trees and landscape)
- E7 (Water conservation)
- C1 (Community facilities)
- I1 (Vehicle parking for developments)
- I3 (Foul drainage).

The Senior Planning Officer reported that for the reasons described within the

report and the links to policies expressed therein, that the application is recommended for refusal on the following grounds:-

- Design,
- Amenity for residents,
- Amenity impacts on neighbours,
- Over-development, including compromised accessibility and security for cyclists and absence of landscaping,
- No bat surveys provided,
- No biodiversity enhancements offered,
- No HRA impacts mitigation payment has been made to international sites,
- Lack of supporting evidence to suggest that the flood risk sequential test can be satisfied and therefore cannot justify new housing in this high flood risk location; and
- Lack of development-specific flood risk assessment to prove flood safety.

Mr Hart, applicant's agent, reported the salient areas of the application to the Committee and asked them to approve the application.

Councillor Waters-Bunn, Ward Councillor, reported that she strongly objected to this planning application. The proposed properties will block the natural light to the properties on the opposite side of the road. This proposal will also cause further parking issues on a street that is already very hard to find parking spaces in due to double yellow lines. This road is the main service road to the college for deliveries and this proposal will make this far more difficult. These new homes will not fit in with the current street scene with all the other houses along the terrace having just a ground floor and first floor. However, the biggest fear I have with this proposal is the safeguarding of the children in the school playground that these properties will overlook. How will the new owners tenants of these homes be vetted. Overlooking a playground at a school that has a specialist resource base facility in it needs to be taken into account. These children are already vulnerable, and no school child should need to be worrying about who are looking at them when they are having their playtime or lunch breaks. Councillor Waters-Bunn was aggrieved that she had not been invited to attend the site visit as Ward Councillor.

Councillor Flaxman-Taylor asked for clarification regarding paragraphs 3.3 and 4.0 of the agenda report.

Councillor G Carpenter reported that recommendations on page 32 of the agenda report contradicted each other.

Councillor A Wright asked for clarification regarding the provision of affordable homes on the site.

Councillor Fairhead was concerned that the rear of the properties would overlook the school playing field and that this raised safeguarding issues. She was also concerned regarding the loss of parking which was at a premium in the area and that the increase of hardstanding areas in the area would not help surface water drainage which was another concern.

Councillor A Wright reported that he would support the officer recommendation for refusal of the application as it was unsuitable from the demolition to design

phase and it overlooked the school playground. However, if the proposal had been submitted as a courtyard design, similar to the nearby Flagship development, he would have supported the application.

A Member asked if the demolition had had permission, the Planning Officer advised that this did require permission and this had been raised with the developer but the developer had chosen not to apply for the permission required under planning

Councillor Flaxman-Taylor reported that she would not support the officer's recommendation for the reasons outlined in paragraph 6.5 of the agenda report and moved that the application be approved. The principle of residential development – The development within this application proposal offers new housing on an unused now vacant brownfield site. The Council has a healthy 5-year land supply position, and the 'windfall' development of new housing in accessible sites makes an important contribution to the housing supply, but it is not reliant on windfall sites to maintain the supply. Nevertheless this is an important contribution of housing, and is a sustainable and accessible site.

This motion was seconded by Councillor G Carpenter and a recorded vote was undertaken.

The Development Control Manager asked if Members wanted any conditions to be attached to the grant of planning permission. The Committee agreed that conditions did not require referral back to Committee unless these conditions could not be agreed by Planning Officers and the Chairman of the Committee.

RESOLVED:-

That application number 06/21/0356/F be approved with required conditions agreed in consultation between the Development Control Manager and the Chairman.

Recorded Vote as follows:-

For:- Councillors Annison, G Carpenter, Flaxman-Taylor, Freeman, Galer, Hanton & Mogford.

Against:- Councillors Fairhead, A Wright & B Wright.

10 APPLICATION 06-21-0796 F - EX- EDWARD WORLLEDGE SCHOOL, LAND WEST SIDE OF LICHFIELD ROAD, GREAT YARMOUTH

The Committee received and considered the report from the Senior Planning Officer.

The Senior Planning Officer reported that this application is brought before the Development Control Committee as the landowner at the time of application being submitted is a company whose owners and Directors are two serving Borough Council Councillors, Councillor Paul Hammond and Councillor Donna Hammond, and their immediate family member, Mr Lee Hammond. The land at both this application

site and some adjoining land which is material to the determination of this application is also owned by the same company. As such this application was reported to the Monitoring Officer on 01 December 2021.

Councillors Jeal & Williamson had left the meeting as they did not attend the site visit on Tuesday, 7 December at 10 am and were therefore unable to determine the application.

The Senior Planning Officer reported that this site is on a smaller part of the land formerly occupied by the Edward Worlledge school building, a late 19th or early 20th century single storey school building. Parts of the school have been demolished and the larger adjacent site cleared. Although the original school building has been partly removed there remains on this smaller site two bays, initially retained for nursery use, though this use is now confirmed as not continuing, leading to this application to redevelop the site for residential purposes.

The Senior Planning Officer reported that although technically single storey, the remaining former school building features the typical high ceiling rooms of the traditional school and features a slate roof with terracotta parapet and lintels and other architectural embellishments. The remnant two bays of the school comprising this application site were last used as a nursery facility, though it is understood that this role has now ceased. A war memorial that had been within this part is reported contractually as being required to be re-sited as part of the private sale contract with the education authority. This is not part of the application but is only a planning consideration in that it is a non-designated cultural/ heritage asset. The adjoining cleared land to the south and west forms application site 06/21/0356/F. As the adjoining land covered by application 06/21/0356/F is within the ownership of the applicant at the time of the application both become a material consideration in the determination of this current proposal. This position is established in case law.

The Senior Planning Officer reported that the proposal for 5 dwellings on the site is a row of three-storey town houses terraced together and fronting Lichfield Road. These have garaging and utility rooms to the ground floor and living accommodation at first and second floor surmounted by a ridged roof with gabled dormers over each plot along the whole terrace. The terrace is set back from the highway by the depth of a parking bay, giving a distance between the terraced housing existing opposite and the proposal of 20m. Integral garaging is shown, measuring 6 x 2.9m internally. This is below the 3 x 7m standard set out in the County Highways recommended parking standard for the interior of garages, which is intended to allow a car (5m) & storage space for things like white goods appliances and cycles.

The Senior Planning Officer reported that each terrace house has a private rear garden measuring approximately 11m and 52sqm area, and being similar to the footprint of the dwelling. However, it is not clear how much of the site the built development occupies and rear garden access is not shown in the plans. Bin storage may have to be located at the front but would require a suitable design solution, but if there was no rear garden access this would preclude cycle storage unless at the front and compromise use of the garden. Given there is a private access path along the north side of the site it may be intended to access gardens from there.

The Senior Planning Officer reported that behind the terrace houses and their gardens, on adjoining land, there is a flat roof single-storey shed/storage building remaining from the school. This is part of the adjoining site and in the planning application for that site there are proposed to be nine outside parking bays shown proposed for use as parking for the nursery, although the nursery use has finished

and the ex-nursery building would be removed if this scheme is approved and the building demolished. Within the Design and Access Statement the applicant has proposed that the double-yellow line parking restrictions on the east side of Lichfield Road could be moved to the west side in front of this site.

Accompanying the proposal are the following documents:-

- Planning Application Forms and Certificates of Ownership,
- Application drawings as detailed on the Drawing Register,
- Design and Access statement,
- Flood Risk Assessment and mitigation and evacuation proposals; and
- Habitat Regulations Assessment.

Relevant Policies to be considered as follows; Borough Local Plan 2001: HOU7 (New housing within settlements) and Core Strategy 2013: policies CS9, CS10, CS15.

Other material considerations are as follows:-

Emerging policies of the draft Local Plan Part 2 (Final Draft) (LPP2):-

- GSP1 (Development limits)
- GSP8 (Planning obligations)
- H3 (Housing density)
- H4 (Open space provision for new housing development)
- A1 (Amenity)
- A2 (Design)
- E1 (Flood risk)
- E4 (Trees and landscape)
- E7 (Water conservation)
- C1 (Community facilities)
- I1 (Vehicle parking for developments)
- I3 (Foul drainage).

The Senior Planning Officer reported that it is considered that the site is appropriate for some degree of residential dwelling development in principle, given the emergent policy background. However, the proposal fails to provide a design appropriate to the site as a result of vertical scale and massing, and poor resultant privacy for existing residents, and a failure to provide a building to enhance the area when compared to the un-designated heritage asset that is proposed as removed. The layout constraints, designs, impact on neighbours and lack of access to private gardens within the site proposals also represent over-development of the site, with questionable safety and practicality in the site circulation, and little scope for safe and secure access and storage for cycling and lack of frontage. The absence of appropriate access to the private amenity space, in combination with a lack of landscaping to soften a hard environment, creates an unacceptable living environment and poor urban design, and is not supported.

The Senior Planning Officer reported that in the absence of a protected species survey, concerning bats in particular, does not allow the Local Planning Authority to sanction the amendment or removal of a building that has potential to house protected species. Furthermore, the lack of biodiversity enhancement measures fails to address local or national policy, and the absence of HRA impact mitigation payment fails to address the impacts on internationally designated wildlife sites. With no evidence to demonstrate that the scheme of up to 5 houses cannot be provided anywhere else in Great Yarmouth at a site of lower flood risk; as such there is no

means to pass the flood risk sequential test and therefore it is unsafe in principle to allow new residential dwellings in this high flood risk site.

The Senior Planning Officer reported that in combination with the application for the adjoining site (06/21/0356/F), the division of this wider school site into two parts is considered to create a situation where policy requires an affordable housing contribution. If the development in combination is deemed to be viable with some degree of affordable housing contribution, this proposal would be contrary to both emerging and adopted policy. However, the planning balance would shift if appraisal is deemed convincing by independent review and the scheme is deemed unviable with affordable housing, but the physical demerits identified would remain. The only public benefit offered in this proposal is the provision of additional open-market residential units on a brownfield site, but this is not an allocated site and the Council's healthy 5-year supply position does not rely on this site to maintain an up-to-date development plan. Therefore, there are not considered to be any material considerations which weigh sufficiently in favour of this application to justify taking an opposing view to that of the development plan's requirements for a scheme of improved quality overall.

The Senior Planning Officer reported that refusal of this application is both consistent with the adopted local development plan, and supported by emerging policy, and is in line with the expectations of the National Planning Policy Framework and National Design Guide.

Members should be mindful that the principle of residential development in this location is considered acceptable. However, because these failings are considered capable of being overcome to some degree through a reappraisal of the site layout, siting and possibly density, whether or not in combination with the adjoining site, a timely refusal is suggested in order that a further application might be submitted with substantial improvements required.

The Senior Planning Officer reported that for the reasons described within the report and the links to policies expressed therein, the application is recommended for refusal on the following grounds:

- Design,
- Amenity for residents,
- Amenity impacts on neighbours,
- Over-development, including compromised accessibility and security for cyclists and absence of landscaping,
- No bat surveys provided,
- No biodiversity enhancements offered,
- No HRA impacts mitigation payment has been made to international sites,
- Lack of supporting evidence to suggest that the flood risk sequential test can be satisfied and therefore cannot justify new housing in this high flood risk location; and
- Lack of development-specific flood risk assessment to prove flood safety.

Furthermore, Members need to consider whether there is potentially an additional reason for refusal on grounds of potential non-compliance with policy on affordable housing provision in combination with the adjoining site.

Officers are recommending that the application be refused on the following grounds of:-

1. Inappropriate scale, form and articulation creating inadequate design,
2. Unsuitable and inadequate amenity for residents,
3. Unacceptable detrimental impact to amenity impacts of neighbours,

4. Over-development, including compromised accessibility and security for cyclists,
5. Lack of landscaping provision,
6. Lack of bat surveys to confirm no impact on protected species,
7. Lack of biodiversity enhancement proposals,
8. Lack of impact mitigation payment towards internationally designated sites,
9. Lack of supporting evidence to suggest that the flood risk sequential test can be satisfied,
10. Lack of suitable development-specific flood risk assessment to demonstrate flood risk mitigation through construction methods; and possible non-compliance with policy on affordable housing provision in combination with the adjoining site.

Councillor Waters-Bunn, Ward Councillor, reported that she strongly objected to this planning application. The proposed properties will block the natural light to the properties on the opposite side of the road. This proposal will also cause further parking issues on a street that is already very hard to find parking spaces in due to double yellow lines. This road is the main service road to the college for deliveries and this proposal will make this far more difficult. These new homes will not fit in with the current street scene with all the other houses along the terrace having just a ground floor and first floor. However, the biggest fear I have with this proposal is the safeguarding of the children in the school playground that these properties will overlook. How will the new owners tenants of these homes be vetted. Overlooking a playground at a school that has a specialist resource base facility in it needs to be taken into account. These children are already vulnerable, and no school child should need to be worrying about who are looking at them when they are having their playtime or lunch breaks.

Councillor Flaxman-Taylor moved to approve the application with a condition that a flood risk assessment be submitted for the same reasons as the previous application number 06/21/0356/F as outlined in paragraph 6.5 of the agenda report. This motion was seconded by Councillor G Carpenter.

Councillor A Wright asked for clarification as to the reasons for approval. The Monitoring Officer reported that this was effectiveness of land and brownfield site use.

The Committee agreed that conditions did not require referral back to Committee unless these conditions could not be agreed by Planning Officers and the Chairman of the Committee.

RESOLVED:-

That application number 06/21/0796/F be approved subject to the submission of a Flood Risk Assessment.

11 DELEGATED DECISIONS BETWEEN 1 NOVEMBER 2021 AND 30 NOVEMBER 2021

The Committee received and noted the delegated decisions made by the Planning Officers and Development Control Committee between 1 and 30 November 2021.

12 POST COMMITTEE DECISIONS DETERMINED BETWEEN 1 NOVEMBER 2021 AND 30 NOVEMBER 2021

The Committee received and noted the post-committee decisions made between 1 November and 30 November 2021.

13 APPEALS DETERMINED BETWEEN 1 NOVEMBER 2021 AND 30 NOVEMBER 2021

The Committee received and noted the Appeals Decisions determined between 1 and 30 November 2021.

14 ANY OTHER BUSINESS

The Development Control Manager reported that, in consultation with the Chairman, that the next Development Control Committee meeting scheduled to take place on 12 January 2022 would be cancelled as officers were unable to meet the agenda deadline due to the Christmas break and the next meeting would be held on Wednesday, 2 February 2022 at 6 pm.

Councillor Flaxman-Taylor reported that she had not been informed of planning applications in her ward and referred specifically to application 06/21/0536/F which had been discussed this evening. She had brought this matter up at Committee 6 months ago, obviously to no avail. The Development Control Manager apologised and reported that he would double check all Councillor email details he also advised that all applications were included on the weekly list that is circulated to Members and he would now arrange for Members to receive consultations as a matter of course in their ward.

15 EXCLUSION OF PUBLIC

The meeting ended at: 20:00