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DEVELOPMENT CONTROL COMMITTEE

22 July 2008 – 6.00 pm

PRESENT:

Councillor Reynolds (in the Chair); Councillors Barker, Blyth, Burroughs, Castle, Collins, Cook, Cunniffe, Jermany, Linden, D Thompson and M Thompson.

Councillor Ames, Ward Councillor, attended for item 2(f).

Mr D Minns (Development Control Manager), Mr T Major (Assistant Development Control Manager), Miss J Smith (Technical Assistant) and Miss S Davis (Senior Member Services Officer).

1. MINUTES

The minutes of the meeting held on 17 June 2008 were confirmed.

2. PUBLIC CONSULTATION

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

(a) **Application Number 06/08/0355/F – Alterations and Extensions to Bungalow at 28 Spencer Avenue, Gorleston**

The Committee was informed that it was proposed to form a pitched roof extension across the full width of the rear of the above bungalow extending outwards by 4.3 metres in order to provide a lounge on the ground floor and two bedrooms on the first floor. The ridge line of the proposed extension would be at the same height as the existing bungalow and it was proposed to have a gable end to the extension with a large glazed area facing down the garden. Members noted that the area consisted of semi-detached bungalows with various extensions and alterations having been carried out over the years but none had any first floor extensions to the rear that would overlook neighbouring gardens. Two bungalows on the cul-de-sac had dormer windows to the side of their roofs which faced onto neighbouring roofs. It was noted that a letter of objection had been received from the occupier of 30 Spencer Avenue who was concerned that the extension would overlook her property and those to the south. The Officer reported that discussions had taken place with the applicant regarding a compromise to address some of the objectors' concerns but he had asked for the application to be considered in its submitted form. Members were informed that it was the Officers' opinion that this application was contrary to policy and it was therefore recommended for refusal.

The applicant referred to Policy HOU18 which allowed permitted development where proposals were in keeping with the design and character of the area and drew Members' attention to

photographs on the agenda showing existing extensions at 3 and 13 Spencer Avenue. He stressed that his own site was a much larger plot than those and the extension would cover only a very small piece of his garden. Whilst he felt that the proposal would not significantly affect the amenities of the neighbouring dwelling, he stated that he was happy to remove the glazing in the gable end to ensure that there was no overlooking. He concluded that he felt the proposal did not constitute an over-development of the plot.

The applicant was asked if he realised that the proposal would turn his bungalow into a chalet bungalow in an area of predominantly bungalows and he responded that he needed the headroom within the extension or there would be no point having it. He also added that four other properties on Spencer Avenue had second floor accommodation.

The objector stated that she lived at 30 Spencer Avenue. She reiterated the points set out in her letter and stressed that she felt the proposal would impose on her property, affect her privacy, set a precedent and change the character of the area. She referred to 5 Spencer Avenue as having a similar extension but pointed out that this had a hipped roof with no windows. She stressed that she did not want to be overlooked in her garden nor her kitchen. She also felt that the gable end would look incongruous as all the other properties along the road with extensions had hipped roofs. She clarified that the rear extensions could be seen from the road and she was concerned that approval of this application would change the character of the area. She clarified that even if the extension had a hipped roof she would still object as she felt it was an over-development of the plot.

Councillor Cook, Ward Councillor, objected to the application stating that he felt this could set a precedent if approved.

Clarification was sought as to whether the applicant had been asked to consider changing the extension to include a hipped roof and it was noted that Officers had discussed this option with the applicant but he had refused. The point was made that the privacy issue could be overcome as the applicant was willing to remove the glazed windows in the gable end and it was not felt to be over-development bearing in mind it was a large plot. Another Member stated however that she felt the property already sat proud on the road which meant that any extension would be overbearing and impact on the neighbouring property. She also felt that this was an over-development even though it was a large plot.

RESOLVED:

That, contrary to the Head of Planning and Development's recommendation, Application Number 06/08/0355/F be approved, subject to the removal of the glazed window within the rear gable end as it was felt that this would maintain the privacy of the objector.

Councillors Collins and Linden declared a personal, non-prejudicial interest in the following item on the grounds that they were Members of the SHARP Board and Councillors Collins, Cunniffe and Reynolds also declared a personal, non-prejudicial interest on the grounds that they were Members of the Greater Yarmouth Tourist Authority, but in accordance with the provisions of the Members' Code of Conduct they were all allowed to speak and vote:

(b) Application Number 06/08/0397/CU – Conversion of Hotel to Ten Apartments at Hazelhurst Hotel, Norfolk Square, Great Yarmouth

The Committee was informed that the proposal sought to convert the hotel into ten two bedroom apartments. The applicant had submitted a letter from his accountant regarding his financial position and the need to consider alternative uses of the premises. It was felt however that the building was ideal for holiday use and a non-holiday use would detract from the character of the area. An e-mail and two letters expressing concern at the loss of holiday accommodation had been received, together with objections from the Greater Yarmouth Tourist Authority and expressions of serious concerns from the SHARP Planning Application Sub-Group. The latter group had recommended that the area should be classed as a Primary Holiday Area rather than Secondary. The Officer reported that the Environment Agency had not yet commented on the Flood Risk Assessment. The Officer also clarified that, whilst Secondary Holiday Area Regeneration Project had led to a lot of change of use to residential within the area, the general principle was to retain holiday accommodation. He recommended that the application be refused.

The applicant tabled a map showing Prime and Secondary Holiday Areas around the Wellesley Playing Field and, in particular, whether hotels and guest houses had vacancies on 19 July 2008, together with the reasons for his application and his responses to the objections. The applicant stressed that his was a commercial hotel and was used for primarily the commercial sector ie oil and gas industry and for people visiting the town on business, not holidaymakers. He stated that a lot of trade had been lost due to the relocation of the helicopter operations to Norwich and off-shore workers staying in the Norwich area rather than Great Yarmouth, together with the opening of various multi-chain hotel operators around Great Yarmouth and Norwich which he felt made his business no longer viable. In the last four years the hotel had been leased to two separate companies, both of which had ended in bankruptcy. He stated that the premises had been re-operating as a hotel for the past five months but was currently losing approximately £700 per month. He added that if the application was refused, whilst this would add to the holiday accommodation available, as his plan showed, this was obviously not required or needed. Bearing in mind the number of vacancies shown on his plan, he queried what hoteliers would do come September as the next time there would be a large amount of holidaymakers in Great Yarmouth would be Easter. He referred to the objector's comments regarding car parking spaces and reminded the Committee that the hotel had capacity for 20 cars ie two per proposed apartment whereas currently the hotel had 22 bedrooms and a large function room with a potential of 57 residents and 150 function guests using the area. He suggested, therefore, that change of use would actually decrease the number of car parking spaces required. He referred to the comments that approval would set a precedent over converting hotel accommodation into residential accommodation and drew Members' attention to several other properties within the immediate vicinity that had been changed to residential accommodation or to car parking. He concluded that all the proposed apartments would be two bedrooms ranging from in excess of 600sq.ft. to 1300sq.ft. and would be finished with top of the range fixtures and fittings. He aimed to sell them for £200,000 to £250,000 each. He reminded Members that the hotel had been for sale as a commercial hotel for the last three and a half years but had not sold even though the price had been dropped considerably. He drew Members' attention again to the plan which showed that on 19 July, 37 of the 41 hotels and guest houses in the immediate vicinity had displayed vacancy signs. He emphasised that the hotel had always been a commercial hotel and never been part of holiday accommodation stock and that it was impossible to make a living on five weeks trading per year.

Councillor Castle, Ward Councillor, reported that this was an attractive building which if converted to quality apartments would not ruin the environment for the other hotels in the area.

He stressed the need for attractive good quality accommodation and pointed out that if some hotels were allowed to have a change of use this would improve the prospects for other hotels. He stated that SHARP had been a good project for the area. He also pointed out that the applicant had tried to make a living out of the premises for over twenty years before admitting defeat. He felt that car parking was not an issue and seconded the applicant's comments. He recommended that the application be approved.

The point was made that the SHARP Project had been created in order to raise the area and it was felt that the policy should be maintained with each application for a change of use being looked at on its merits. In relation to this particular application, it was suggested that it should be refused as it was felt that further change of use in this particular part of the SHARP area could not sustain much more residential accommodation. The point was also made that this type of good quality accommodation might be needed in the near future bearing in mind the major developments coming to fruition within the next few years.

RESOLVED:

That Application Number 06/08/0397/CU be refused as being contrary to Policy HOU22, HOU23 and TR12 of the Borough-Wide Local Plan as the proposal would result in a cumulative increase in residential density in the holiday area, be detrimental to the character of the holiday area and result in the loss of tourist accommodation to the detriment of the attractiveness of the town, a tourist destination.

- (c) **Application Numbers 06/08/0411/A – Fascia Signs, 06/08/0412/F – Installation of Roller Shutter to Main Entrance and the Installation of Three Retractable Awnings and 06/08/0483/F – Siting Temporary Sale Stands and Ice Cream Freezer Outside Shop for Sales to the Public at H J's Candy Cabin (Former Tourist Information Office), Anchor Gardens, Marine Parade, Great Yarmouth**

Members were reminded that the former Tourist Information Office had been granted planning permission in 2005 as a retail shop, subject to no trading taking place on the forecourt. The current use of the premises for the sale of sweets, ice cream and doughnuts fell within the terms of the existing planning permission. The Officer clarified that the sale of doughnuts was considered to be ancillary to the main use of the premises as a retail shop. It was felt that the proposed signage, minus the recently added ice cream cones on the top of the building, and the canopy were considered to be acceptable. Reference was made to the street trading guidelines which included the requirement for planning permission and building consent, and it was felt that the freezers currently sited on the highway added to the clutter and it was recommended, therefore, that this application be refused. In response to a query, the Officer confirmed that this building was within a Conservation Area. The Officer reported that comments had not yet been received from the Highways Authority and he clarified that objections had only been received from other traders rather than members of the public.

The applicant reported that he felt the objections were an orchestrated campaign against him for commercial rather than planning reasons. The Chairman reminded the applicant that he was currently trading without permission and that this was a retrospective planning application as he had not obtained permission before trading. The applicant stated that he had operated other seafront concerns and was aware that Policy TR12 allowed for trading on the footprint of the building and he did not feel that his freezers and advertising boards presented a hazard to pedestrians. He reminded Members that the building had been an eyesore in 2004 and he was now proud of the way that the building looked and wanted to have a long lease to continue his success but had encountered jealousy by other local traders. He stressed that he intended to have a quality operation that contributed towards Great Yarmouth becoming a prime holiday

industry/destination. He referred Members' attention to the street trading guidelines which allowed items to be placed within two metres of the curtilage of a property. He stated that he did not do anything different to other shops in the area and had not realised that planning permission was required as this had not come up at any time in discussions with his Landlord, the Borough Council.

The Assistant Development Control Officer clarified that the street trading guidelines referred to by the applicant stated that planning permission and building control consent were required. Members considered the application and it was felt that the guidelines could appear to be confusing and the applicant had conceded that he had been in the wrong. It was not felt that the freezers and 'A' boards caused a major obstruction and it was recommended, therefore, that the application be approved.

RESOLVED:

- (i) That Application Number 06/08/0411/A be approved in accordance with the submitted drawing ie not including the newly erected ice cream cones.
 - (ii) That Application Number 06/08/0412/F be approved in accordance with Polices BNV22, TR1, TR2 and TR21 of the Borough-Wide Local Plan.
 - (iii) That, contrary to the Head of Planning and Development's recommendation, Application Number 06/08/0483/F be approved in order to regularise the existing situation, however this be restricted to the existing freezers and 'A' boards only.
- (d) **Application Number 06/08/0423/F – Conversion of Existing Church Hall to Form Four Self-Contained Units and Construction of Five Terraced Houses at Former United Reform Church, Garnham Road/Back Chapel Lane, Gorleston**

The Committee was informed of the proposals to convert an existing church hall to self-contained units and to construct five terraced houses. It was noted that a previous application submitted in 2008 to convert the church hall to form four self-contained units and construct six terraced houses had been withdrawn at the applicant's request. The Officer reported that several letters of objection and comment had been received from nearby residents. Further discussions with the agents had led to the submission of this proposal in an attempt to overcome the objections of local residents. The Officer reported that, notwithstanding the Highways Authority's comments regarding vehicular conflict within the area, they had not objected because the premises were in a "Town Centre" location where there were adequate links to public transport; the proposal would reduce the amount of vehicular movements; and given the limited duration car parking in the area and Government advice given in PPS3 and PPG13, it did not consider parking to be an issue. The Officer reported that it was not felt there would be any problems regarding refuse collections provided each unit had individual bins. Anglian Water had been consulted on the earlier application and had stated that there was adequate capacity to accommodate the new houses. The Environmental Health Officer had no objection, subject to conditions limiting the hours of work. Reference was made to the proposals for the church hall which would retain existing features, with each of the four units having private amenity space and a small garden. The new developments would result in overlooking from the rear of their dwellings but it was not felt this would be significant enough to refuse the proposal. It was also felt that the only overshadowing to the west of the houses on the High Street would take place in late afternoon. Reference was made to the objections from the occupier of 26 Garnham Road regarding the height of the boundary wall, a first floor window facing her property and various other matters. The Officer reported that the developers had now indicated that they were happy to leave the wall that height to suit the neighbour and would

relocate the window but details of this had not yet been received. He concluded that it was felt the proposal was acceptable, subject to minor amendments.

Clarification was sought in relation to whether there were graves within the site and the Officer responded that the existing wall tablets would be retained or repositioned but no comments had been received from Norfolk Landscape Archaeology. It was noted that this was a joint venture with the church who would deal with any issues relating to existing graves. The Development Control Manager added that the applicant would have to apply to the Home Office to deal with the remains so any planning permission would have that as a caveat.

The applicant's representative reported that the premises could no longer be sustained for chapel use and although a previous proposal had been submitted to demolish the chapel, it was felt that ideally it would be better to convert the building. The first application had included an additional house but this had been revised to accommodate objections. The revised application now had ample car parking and he felt that the existing use would generate more movements than this proposal would. He referred to the objections regarding overlooking and pointed out that with the distances involved, it was likely the proposal would result in only slight overlooking. He reminded Members of the need for affordable housing within the area and stated that this was a well balanced development. He clarified that there would be a large parking area inside the site and three of the new houses would have integral garages whilst one would have a space to the side. He referred to the earlier query regarding graves and stated that there were three stone memorials which had already been moved in the past and the United Reform Church Organisation did not know of any remains left on the site. He also pointed out that the Borough Council had not found any remains when they had agreed the previous extension.

The objector reported that she was representing Garnham Road/Back Chapel Lane/High Street residents who wished firstly to express their concern regarding the poor management of procedural issues as they only had three working days, minus strike days, to assimilate information required which they did not feel was sufficient time for residents to consult with each other and professionals in order to make an informed decision. She added that residents felt they had been penalised by inadequate time of notification. She also stated that six letters of objection and comment had not been attached to any of the residents' paperwork. The Residents Committee felt that the process had not been transparent with many residents unaware that the first objections were not being considered during the public consultation and the Committee felt that the clarification of this would have resulted in further objections.

With regard to the actual application, the objector reported that residents had not received any comments regarding the sacramental or historical value of the interments and were concerned as the Heritage Society thought there were a small amount of graves within the development site. Reference was made to the Highways Authority's comments and the point was made that the backyard exits to the High Street residents were used frequently with occupiers stepping out directly into the path of on-coming traffic on Back Chapel Lane. The increase of traffic it was felt directly put the occupiers of those dwellings at risk. The residents were also concerned that the Highways Authority had not considered the safety of pedestrians using Back Chapel Lane. It was felt the installation of three garages would result in pedestrians having to manoeuvre around three vehicles crossing the only pavement. Concern was also expressed in relation to disabled access as many wheelchair users used Back Chapel Lane to access the High Street because the High Street pavement was too narrow in several areas and the traffic hazardous. It was felt the implementation of three driveways would act as obstacles for those with disabilities, therefore reducing accessibility to local amenities. Concern was also expressed at the fact that Norfolk Constabulary had not objected on safety grounds bearing in mind that the Police were very aware of two vehicular collisions with Willow House and a collision with a cyclist. Norfolk

Constabulary were also aware of the hazardous exit on (from Back Chapel Lane) Garnham Road which had been an attributable factor in two major vehicle accidents on the High Street. The objector stated that residents would like to see the church as a community centre and they did not feel that this would generate more vehicles than the proposal.

It was suggested that the proposal was not an over intensive development and all the dwellings had adequate car parking and would be self-contained. The point was also made that if the church was turned back into a nursery/day centre, there would be more vehicular movements than at present. Whilst it was agreed that this was a dangerous road, the point was made that the Highways Authority had not objected. A suggestion was made therefore that the application be approved, subject to the amendments to the window and necessary approval sought regarding the removal of any remains.

RESOLVED:

That Application Number 06/08/0423/F be approved, subject to amendments regarding the height of the boundary wall and the relocation of the window, the conditions required by Norfolk Constabulary and a condition limiting the hours of work, together with the requirement for the necessary approval regarding any remains in order to accord with Policies HOU7 and HOU15 of the Borough-Wide Local Plan.

(e) Application Number 06/08/0466/F – Proposed Vehicular Entrance at Hopton Holiday Village, Warren Road, Hopton-on-Sea

The Committee was informed that the area of the proposed new access road would involve the loss of a relatively small number of caravans and the re-organisation of the remainder of the vans on this part of the site, together with the removal of a portion of hedgerow to the eastern boundary of the site to create a new access onto Warren Lane. Members received further details regarding an amended plan which had only just been received and it was suggested that the application be deferred to enable residents and interested parties to be re-consulted on the revisions.

RESOLVED:

That Application Number 06/08/0466/F be deferred to enable further consultations on the revised plans.

(f) Application Number 06/08/0472/F – Demolition of Existing Village Hall, Construction of New Single Storey Village Hall with Associated Car Parking at Hopton Village Hall, Station Road, Hopton

The Committee was informed that the proposal was to construct a new Village Hall on the northern boundary of a site owned by the Parish Council and to then demolish the existing Hall as it was felt that this 40+ year old building was no longer fit for purpose. No objections had been received from the Highways Authority, subject to conditions. The Building Control Officer had some concerns over the access and was currently in discussion with the applicants. No objections had been received from the Environmental Health Officer subject to conditions including no music after 11.00 pm and a limit on the number of events in the year to minimise impact. Comments were currently being awaited from EDF Energy regarding the sub-station on the west of the site. An objection had been received from the occupier of an adjacent property regarding visibility and loss of outlook who also considered the proposed building to be unattractive and that the height would have an adverse impact on his amenities. The Officer reported that there was general support from residents for the scheme and recommended approval of the proposal.

The applicant's representative reported that the new Village Hall was part of a Big Lottery Funding application which was now in stage two. Reference was made to the proposed design and materials for the building and he stated that if it had been a traditional build, he did not think that the application for Big Lottery Funding would have got through the first stage. He also referred to 1500 Parish Plan questionnaires of which 480 forms had been completed with 91% of those returned supporting the need for new facilities. Over 100 residents had viewed the model and the plans and the majority of the feedback had been positive. It was felt that the design was sympathetic to the area and the building would provide for recreational facilities to take place simultaneously. The proposal also provided access for the disabled, together with car parking. Clarification was sought as to the colour of the proposed cladding and the representative reported that this had not yet been decided but the Parish Council wanted it to be sympathetic whilst bearing in mind financial restraints. He concluded that the second storey was needed to enable racket sports to take place.

An objector reported that he lived at 9 Anglian Way for over 20 years and had known when buying the property that he would be living next door to a community centre. He stressed that he was not against the proposal for a Village Hall but was concerned about the location, size and style of the new one. He expressed concern that the proposed siting would have a detrimental affect on the neighbours and on the surrounding area. He felt this was an over-development and would dominate all the surrounding buildings. Originally he had thought the intention was for the new Hall to be in the north-west corner but this was now extended across the entire northern boundary. He pointed out that, as most of the houses to the west were Victorian, the proposed design was not sympathetic particularly bearing in mind it was proposed to use grey cement render and metal sheeting. He also expressed concern that the proposal would result in the overlooking of gardens and houses and block out natural daylight. The proposed building was twice as high as surrounding buildings and he felt that this would not blend in and conflicted with the character of the area as it was not similar to any other property within the Village. He circulated photographs of another old building which had been sympathetically and attractively replaced to show what could be achieved. He stressed that he did not have any objection to replacing the existing Village Hall but would like his concerns to be overcome. He also queried why the existing building could not be demolished and the new Hall built in the same place.

The applicant's representative reported that it was not possible to demolish the existing Hall first as it was necessary to maintain a revenue stream in order to demonstrate cash flow for the Big Lottery Fund Bid. He also added that it was important to continue providing facilities at the Hall.

Councillor Ames, Ward Councillor, reported that he supported the application which had been submitted following a survey carried out of Hopton residents who felt they had very few facilities. He suggested that the school might be a possible alternative site if the existing Village Hall had to be demolished first but pointed out that this would only be available outside school hours. He added that the proposed new building would be able to cater for all age groups and a range of activities. He also pointed out that the objector was not against the principle of the Village Hall but rather the design which was not yet finalised.

It was suggested that the existing building should be demolished and then replaced on the same site by the new Hall as this would alleviate any possible danger for visitors to the site while works were being carried out. The point was made however that it was not possible to obtain the Big Lottery Funding if a continued revenue stream from the existing Hall was not available.

RESOLVED:

That Application Number 06/08/0472/F be approved, subject to the imposition of conditions recommended by the Environmental Health Officer, the resolution of the Building Control Officer's concerns and the Planning Officers being satisfied as to the final finish for materials to be used in order to accord with Policy EDC5 and BNV16 of the Borough-Wide Local Plan.

3. PLANNING APPLICATIONS – APPLICATIONS LIST

(a) Application Number 06/08/0478/F – Loft Conversion to Seven Terraced Houses at 10/16 High Street, Caister-on-Sea

The Committee received details of the application which proposed a loft conversion in each dwelling to provide a bedroom and en-suite bathroom. Concern had been expressed by the Parish Council and three letters of objection had been received from occupiers of properties on the opposite side of the High Street. It was felt however that the Velux windows at the front would not be a problem and those to the rear would have obscure glazing.

RESOLVED:

That Application Number 06/08/0478/F be approved in accordance with Policies HOU18 and BNV18 of the Borough-Wide Local Plan.

4. APPEAL AND OMBUDSMAN COMPLAINTS DECISION

(a) The Committee noted the following appeal decisions:-

- Demolition of existing building and erection of five residential town houses with car spaces at land off Dock Tavern Lane, Gorleston
..... dismissed
- Change of use from flat to tea shoppe/cafe at 156 Bells Road, Gorleston
..... allowed
- Alterations and roof lift to form two residential apartments at 1 Ridgeway, Caister
..... dismissed
- Formation of shared vehicular driveway with turning spaces and erection of a detached three-bedroom single storey bungalow at infilling garden plot at 86 Station Road North, Belton
..... dismissed
- New bungalow and retention of existing 'double garage' on part of the Cliffholme site at Cliffholme, Bush Road, Winterton
..... allowed
- Erection of 6.4m wind turbine on side of garage at 1 St Nicholas Drive, Caister
..... dismissed
- Alterations and change of use of previous residential care home to form six residential flats at Green Gables, 75/77 Hamilton Road, Great Yarmouth

..... allowed

- (b) It was noted that the Ombudsman had stated that no further investigation was needed in relation to a complaint regarding the application to extend the Martham Baptist Church to form new kitchen and WC's including disabled WC.

A suggestion was made that Officers should include whether the application had been dealt with by the Committee or delegated to the Officers when listing the appeal results.

RESOLVED:

That in future, all Appeal and Ombudsman Complaints Decisions would indicate whether the original application had been dealt with by the Committee or delegated to Officers.

5. ITEMS FOR INFORMATION

- (a) **Planning Applications Cleared in June 2008 following determination by the Development Control Committee**

The Committee received the Head of Planning and Development's schedule in respect of the applications cleared during June 2008 by the Development Control Committee.

- (b) **Planning Applications Cleared in June 2008 following determination by the Head of Planning and Development under Delegated Powers**

The Committee received the Head of Planning and Development's schedule in respect of applications cleared during June 2008 under Delegated Powers.

6. RTPI ANNUAL CONFERENCE

Members received details of the above Annual Conference which this year would be held on 14 October in Cambridge.

RESOLVED:

That Conference details be emailed to Members who were then asked to contact the Development Control Manager if they wished to attend.

7. CLOSURE OF MEETING

The meeting ended at 8.50 pm.