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DEVELOPMENT CONTROL COMMITTEE

4 August 2005 – 9.30 am

PRESENT:

Councillor Plant (in the Chair); Councillors Blyth, Cook, Cosaitis, Cunniffe, Garrod, Howard, Jeal, Linden, D Thompson and Wainwright.

Councillors Ames and Hacon attended as substitutes for Councillors Giles and Castle respectively.

Councillors Hudson and Jermay (Ward Councillors) attended for items 3(d) and 2(b) respectively.

Apologies for absence were received from Councillors Castle and Giles.

Mr E Gilder (Development Control Officer), Mrs E Helsdon, Ms J Smith (Technical Assistants) and Miss S Davis (Senior Member Services Officer).

1. MINUTES

The minutes of the meeting held on 14 July 2005 were confirmed.

2. PUBLIC CONSULTATION

In accordance with the agreed procedure of Public Consultation, the Committee considered the following applications:-

(a) Application Number 06/05/0456/O – Outline planning permission for the erection of a single bungalow at Breckland, Porters Loke, Burgh Castle, Great Yarmouth

The Development Control Officer reported that the main issue was that a mobile home had been on the site for many years but planning permission for a dwelling had now lapsed. The site was outside the Village Development Limit which meant that the presumption was that planning permission would not be granted. Members were reminded, however, that permission could be granted if there were significant material considerations to be taken into account but, in this particular case, it was not felt that there were any sufficient to justify departure. It had been suggested to the applicants that they make representations through the Local Development Framework process to extend the Village Development Limit thereby including the site. The Parish Council had indicated they would support that extension. It was noted that, although the Environment Agency had objected on the grounds that a flood risk assessment had not been submitted, the applicant had now stated that he was prepared to change the floor levels. The Development Control Officer suggested that if Members

were minded to approve this application it should be subject to the receipt of a satisfactory flood risk assessment.

The applicant reported that planning permission had originally been granted in 1972 for a caravan which had been replaced in 1982 by a mobile home. He explained that, although bungalows had been built at Woodland and Briarcroft adjacent, it appeared that it was not deemed acceptable to build on his land. He added that the mobile home was high on maintenance and insulation and could not be insured because it was not on registered site. He also stated that the reason why he had not renewed the planning permission was due to his mother's poor of state of health at the time.

The Development Control Officer clarified that permission had been given for the adjacent bungalows but this site's planning permission had lapsed and the renewal of it had been subject to appeal which had not been allowed as the presumption had been that where there a Local Plan was in force it should be adhered to. Whilst concern was expressed that approval of the application could set a precedent for development outside the Village Development Limit, the point was made that the site was likely to be included within the Limit during the Local Development Framework process, was surrounded by bungalows and it would enhance the appearance of the area.

RESOLVED:

That, contrary to Head of Planning and Development's recommendation, Application Number 06/05/0456/O be approved, subject to the Highways Authority's recommendations and, if felt appropriate by Officers, the removal of permitted development rights, on the grounds that the mobile home was a permanent structure which had existed for a long time, the site was surrounded by existing brick built structures and due to its location within the settlement.

Councillors Ames, Cunniffe, Linden and Plant declared a personal, non-prejudicial interest in the following item on the grounds that Councillor Ames operated holiday accommodation within the Borough, Councillors Linden and Plant had been appointed by this Authority to the Greater Yarmouth Tourist Authority and Councillor Cunniffe ran a small business in the area, but in accordance with the provisions of the Members' Code of Conduct were allowed to speak and vote:-

Councillor Jermany, Ward Councillor, who attended the meeting for discussion of this item only also declared a personal, non-prejudicial interest on the grounds that he owned holiday accommodation in the area, but in accordance with the provisions of the Members' Code of Conduct was allowed to speak and vote:-

- (b) **Application Number 06/05/0509/F – Variation of Condition Number 7 of Planning Permission 06/77/0954/F – Change to six week occupancy restriction – Allow occupancy from 01/03 to 14/01 at Bermuda Holiday Park, Newport Road, Hemsby, Great Yarmouth**

The Development Control Officer reported on the details of the application and it was noted that objections had been received from two residents and the Parish Council. He recommended approval provided the flats were used as holiday accommodation and suggested therefore that a condition should be imposed that they not be occupied between the 31 January and 31 March or by any group or person for longer than a 28 day period thereby allowing the Council to control the use of the premises.

The owner of the holiday park where the flats were sited reported that he did not support the application as he felt the area was not suitable to be used in the winter. He referred Members' attention to the problems experienced since the adjacent Holiday Park opened all year round and stressed that he felt security would be a big problem. He also stated that the flats were not full at present and queried how the applicant could justify using opening them in the winter. The site was within a Prime Holiday Area and he stressed that it should be used for that purpose from March to October only. The objector clarified that the applicant owned 15 flats on the site and he was concerned that approval of the application would create a precedent. He also added that the four month closure period enabled essential maintenance work to take place without any danger to visitors.

A Parish Council representative reported that they were opposed to the application bearing in mind the problems caused by the year-round opening of the adjacent holiday park. She also added that the site was empty at the beginning and end of the summer which meant that the applicant's reason for extending the holiday period did not really apply.

Councillor Jermany, Ward Councillor, stated that, whilst he supported an extension to the holiday season, he did not feel that there were sufficient local facilities available in the winter to support the site and the flats themselves were unsuitable for holiday lets during the winter.

Concern was expressed that approval of the application would set a precedent and would create the same problems as the adjacent holiday park.

RESOLVED:

That, contrary to the Head of Planning and Development's recommendation, Application Number 06/05/0509/F be refused due to the lack of facilities in the area in the winter months to serve an extended holiday season.

3. PLANNING APPLICATIONS/APPLICATIONS LIST

- (a) **Application Number 06/05/0441/F – Renewal of planning permission for play area for adjacent children's nursery on a permanent basis at House of Fun Day Nursery, 45 Longs Industrial Estate, Englands Lane, Gorleston**

The Committee was reminded that they had approved a change of use to play area for a temporary permission of one year. The Development Control Officer reported that, although Norfolk County Council Childrens Services supported the application, two letters of objection had been received from residents regarding noise disturbance from children playing. In the light of this, he recommended that the permission be extended for a temporary period of five years. One of the Ward Councillors reported that residents had complained about the noise and they had been unaware that they could complain during the past year. The point was made that the site had previously been an industrial estate where the noise nuisance was likely to have been greater.

RESOLVED:

That Application Number 06/05/0441/F be approved for a temporary period of five years in accordance with Policy REC1 of the Borough-Wide Local Plan.

- (b) **Application Number 06/05/0223/F – Change of use from shop with accommodation at first floor level to three residential dwellings with extensions at rear at 102 Northgate Street, Great Yarmouth**

The Committee was reminded that following their meeting on 23 June, they had resolved to grant delegated authority to the Head of Planning and Development to approve the application subject to him being satisfied that the situation regarding the windows, bin storage etc were resolved. Following that meeting a letter had been received from the objector complaining about the way in which the application had been dealt with at the meeting and the applicant had subsequently submitted an amended plan covering the points raised. The Development Control Officer reported that a further letter had now been received from the neighbour regarding the amendments to the application. He indicated that, given the objector's comments, Members were being asked whether they wished to reaffirm their decision and accept the amended details.

RESOLVED:

That Application Number 06/05/0223/F, as amended, be approved in accordance with Policy HOU15 of the Borough-Wide Local Plan.

- (c) **Application Number 06/05/0270/F – Erection of new bungalow at 19 Easterley Way, Hemsby, Great Yarmouth**

The Development Control Officer reported on the details of the application and it was noted that, although two letters of objections had been received from neighbours, no objection had been received from the Parish Council or Highways Authority.

RESOLVED:

That Application Number 06/05/0270/F be approved subject to the Highways Authority's requirements, the removal of permitted development rights regarding any enlargement of the dwelling or the construction of any windows or other openings in the roof space in accordance with Policies HOU8, HOU15 and HOU17 of the Borough-Wide Local Plan.

- (d) **Application Number 06/05/0503/F – Temporary siting of two mobile classrooms for use as changing rooms and toilets, and shed for equipment storage at Martham Playing Field, Rollesby Road, Martham, Great Yarmouth**

The Development Control Officer reported on the details of the application and it was noted that the occupant of the dwelling adjacent to the western boundary of the site had objected on the grounds of drainage, overlooking and disturbance from the structures. The Committee was informed that the applicants had agreed to relocate the classrooms and lower the floor levels to overcome the objections.

Councillor Hudson, Ward Councillor, reported that temporary permission had been applied for in order to give sufficient time to raise enough money to erect a brick built permanent building.

RESOLVED:

That Application Number 06/05/0503/F be approved subject to the classrooms being relocated and the floor levels lowered, for a temporary period of five years together with an agreement being reached concerning external treatment in order to comply with Policy REC1 of the Borough-Wide Local Plan.

4. APPEAL DECISIONS

The Committee noted the following appeal decisions:-

- (a) One 2 bedroomed house at Kontiki, Wapping, Ormesby St Margaret
.....dismissed
- (b) Ancillary unit of accommodation to be occupied in connection with Marshland and conversion of existing buildings into stables at Marshland, Billockby
.....dismissed in respect of ancillary accommodation; and
.....allowed in regard to conversion of existing building into stables (unopposed by the Borough Council)
- (c) Demolish existing poultry farm and erect five bungalows with new access at former Windmill Poultry Farm, River Way, Belton
.....dismissed
- (d) Detached bungalow with private single garage at plot adjoining 3 Mede Court, Low Road, Repps with Bastwick
.....dismissed

5. CLOSURE OF MEETING

The meeting ended at 11.30 am.