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DEVELOPMENT CONTROL COMMITTEE

15 September 2005 – 9.30 am

PRESENT:

Councillor Plant (in the Chair); Councillors Blyth, Burroughs, Castle, Cunniffe, Giles, Jeal, Linden, Reynolds, D Thompson, Wainwright and Weymouth.

Councillor Ames attended as substitute for Councillor Cosaitis.

Apologies for absence were received from Councillors Cosaitis and Cook.

Councillor Williamson (Ward Councillor) attended for Item 2(b) and Mr T Edmonds (Norfolk County Council Highways Authority) also attended for discussion of Item 3(i).

Mr D Minns (Assistant Development Control Officer), Mrs E Helsdon (Technical Assistant) and Miss S Davis (Senior Member Services Officer).

1. MINUTES

The minutes of the meeting held on the 25 August 2005 were confirmed subject to the resolution of Item 3 – Protocol for Site Visits, being amended to reflect that the Head of Planning and Development and the Council's Solicitor would produce a draft Protocol for consideration at a future meeting.

2. PUBLIC CONSULTATION

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

- (a) **Application Number 06/05/0583/D – Erection of Seven Linked Two Bedroomed Houses and One Detached Three Bedroomed House with Parking at Mill Lane/Burgh Road Bradwell Great Yarmouth**

The Committee received details of the application and Members were reminded that they had granted outline planning permission last year. The Assistant Development Control Officer reported that the proposed design accorded with the Norfolk Design Guide and the development would screen the store from general view due to the reinforced planting, new 1.8 metre fence on the boundary and a new two metre high wall around the store. It was noted that seven letters of objection had been received, one with 28 signatures, from local residents who were concerned over various issues including the fact that the highway was already too congested, here should be no further development on the site and it would spoil their views. Members were reminded, however, that these particular concerns had been

addressed at the outline planning stage and therefore they needed to concentrate on the proposed design only. The Officer also referred to the Parish Council's comments that there had not been sufficient consideration given to the Crime and Disorder Act 1998 but pointed out that the Police did not have any objection to the outline application and this was also one of the reasons why the store wanted a housing development in order to prevent vandalism and anti-social behaviour. He recommended therefore that the application be approved.

An objector who lived opposite the site reported that she would prefer to see it used commercially rather than residential. She indicated that, as proposed, the properties would face the three storey Rainbow store and a generator was on 24 hours a day which was clearly audible to existing properties across the road. She referred to the proposed bin storage area which would be opposite her property and pointed out that no provision had been made for access from the rear of the dwellings to the area which meant that the bins would be in situ seven days per week and could lead to rubbish being thrown all over the area. She also pointed out that large lorries made early morning deliveries to the Rainbow store which would upset the occupiers of the new dwellings. The Police had also been called out several times because of anti-social behaviour etc. Members were asked to bear in mind that the majority of properties in the vicinity were bungalows and the store owners had not finished landscaping around it to screen it off from the adjoining properties.

Councillor Wainwright, Ward Councillor, reported that he opposed this development as it was the only piece of land in the area still zoned for commercial use. He suggested that the proposal was an overdevelopment of the site but if development had to take place the preference would be for bungalows bearing in mind that there were no two storey houses in the vicinity. He also suggested that if possible a restriction be placed on them that they be for sale rather than rent because he felt it was unlikely people would want to live there due to the noise rubbish nuisance and vandalism etc.

Concern was expressed that the proposed car parking was inadequate and the bin compound area was not in an ideal location. A suggestion was made that it would be preferable for a brick wall to be erected around the site to screen it. Members were reminded that tenure was not an issue which they should be considering as a Planning Authority but rather they should concentrate on the design and proposed layout on the site. It was noted that the two bedroomed units proposed made good use of the land available and the one and a half storey dwellings were slightly lower than two storey and would fit in reasonably well within the street scene. A suggestion was made that determination of this application should be deferred to enable Officers to discuss the concerns raised by Members and to suggest that a proposal containing bungalows would be preferable for this site.

RESOLVED:

That determination of Application Number 06/05/0583/D be deferred to enable further discussions between Officers and the applicant.

(b) Application Number 06/05/0605/F – Demolition of Garage; Erection of Two Storey Extension to Side; Front Porch and Extensions to Rear at 46 Claydon Grove Gorleston

Members received details of the application and it was noted that the last one had been refused on appeal due to the impact on the neighbour and the height of the two storey extension. The Officer reported that the current application tried to address some of the Inspector's concerns and on balance he recommended approval in its amended form.

The applicant reported that he had tried to address the concerns expressed by neighbours, Inspectors and Officers by moving the bedroom area forward and moving the garage away

from the boundary which should leave a walkway thereby improving the light to the neighbour's property. He referred to the Ward Councillor's suggestion that the extension be built on the back of the property but reported that the internal layout of the dwelling did not enable this to take place. He concluded that he wanted the plan to be sympathetic to the street scene and also to the neighbours.

The Committee received a letter of support from Councillor Burroughs, one of the Ward Councillors. Councillor Williamson, one of the other Ward Councillors, reported that the neighbour did not feel that the proposal addressed his concerns sufficiently bearing in mind that the height of the extension at the front would still be five metres high which meant that the gutter height would be seven metres to the roof. He also clarified that the neighbour's small conservatory referred to was in fact the main living room and the kitchen window was a bedroom and the neighbour was concerned that she would lose even more light to her kitchen as the extension would be quite large.

A suggestion was made that if the side of the extension facing the neighbour was painted in a light colour this would reflect more light.

RESOLVED:

That Application Number 06/05/0605/F be approved subject to the imposition of a condition requiring the side of the extension to be rendered in a light colour to reflect light in order to be consistent with Policy HOU18 of the Borough-Wide Local Plan.

Councillor Plant declared a personal, non-prejudicial, interest in the following item on the grounds that he was acquainted with the objector who would be speaking on the item but in accordance with the provisions of the Members' Code of Conduct was allowed to speak and vote:

(c) Application Number 06/05/0582/F – Flood Lighting to Synthetic Sports Pitch at Lynn Grove VA High School Lynn Grove Gorleston

The Committee was reminded that they had granted planning permission for a new sports building and all weather court in September 2003 and it was noted that the current application was to provide eight floodlights over the synthetic sports pitch. The Assistant Development Control Officer reported that six letters of objection had been received to the proposal. It was noted that this provision of the all weather pitch would necessitate the removal of approximately three trees but the remaining line of trees would be unaffected and whilst the lights would have a presence in the area Members needed to consider what impact they would have on local residents. He indicated that a lux diagram had been produced by certified lighting engineers showing what area was likely to be covered by light and explained that if installed as proposed there should be hardly any light spillage beyond 10 metres beyond the pitch or glare because of the angle of the lights which conformed to best practice. He also suggested that if Members were minded to approve the application that a monitoring condition be imposed to require the installation of bafflers if required to restrict the light even further and to ensure there was no glare or light spillage. In relation to the hours of operation, the Parish Council had suggested that the pitch be closed at 8.30 pm, however, it was noted that to ensure the viability of the scheme the pitch would need to be in operation until 10.00 pm. The Officer suggested that the application be approved, bearing in mind that conditions could be imposed to control the use of the floodlights and the fact that the school was erecting a fence around the perimeter to stop children climbing into residents' gardens and to form a residents committee to deal with any subsequent problems.

The applicant's representative reported that the school's aim was to improve sporting provision for the community in accordance with Government and local policies. He added

that it was hoped that the funders' requirements could be met whilst also taking account of residents' concerns. He indicated that the plan had been submitted following discussions with the Football Association, Officers and light experts in an attempt to minimise light spillage. He also stated that, in an attempt to minimise the noise, a six foot high fence would be erected along the perimeter and anyone hiring the pitch would need to adhere to the rules and would be refused if they broke them. In relation to the hours of use, it was reported that the preference would be for the lighting to be available from 8.00am to 10.00pm but a compromise would be 9.30pm Mondays to Thursdays, until 9.00pm Fridays, 8.00pm Saturdays and Sundays and 6.00pm on Bank Holidays. He clarified that if these hours were not approved the funding would be lost.

Clarification was sought as to the arrangements for funding the scheme and it was suggested that if the intention was to use Section 106 funding from the Blue Sky Holiday Park, an alternative would be to use the funding in a better location such as Mill Lane as this would possibly benefit the community more than the proposed location. The supporter reported that he had to demonstrate that there was a need to the Football Association and planning permission needed to be granted first. He added that he would be delighted to work with Bradwell residents on the committee and stated that the proposed facilities for sport were not available anywhere else locally. He also pointed out that the lights would only be on during supervised activities and reiterated that if anyone misused the pitch they would not be allowed to hire it out again

An objector reported that her house was located off Beccles Road and she regularly received damage from school children trespassing on her property and being abusive. She indicated that she felt the proposal to install floodlights would make the situation worse and would place her family in a dangerous position bearing in mind that some children had recently attacked her neighbour. She clarified that she felt her house would be more of a target if it was illuminated by the floodlights. She indicated that she was convinced that the lights would provide a lot of glare bearing in mind that six of her windows in her property faced the lights including four bedrooms and the lounge. In relation to the hours of operation she indicated that weekend usage particularly during the summer and noise on the field was unacceptable and she concluded that the proposal would be detrimental to her family.

Councillor Wainwright, one of the Ward Councillors, reported that in his opinion the floodlights were in the wrong place and that such a proposal might be better in a different location where it could be used by all the community such as Mill Lane. He expressed concern that the proposed residents committee at Lynn Grove would not happen leaving residents to suffer without no-one listening. He also pointed out that a number of trees would have to be removed and the proposal would lead to the pitch being used seven days per week even on a Sunday which would not help the community. He suggested that Officers look at whether this type of facility was needed in Bradwell and at possible alternative locations or that consideration be given to the Parish Council's recommendation that the pitch only be used from 8.00am to 5.00pm on Sundays.

Councillor Plant, one of the other Ward Councillors, reported that the school currently closed at 4.00pm and if the proposal was approved this could result in noise disturbance and traffic until at least 10.00pm. He clarified that Members need to make a decision on the floodlighting but pointed out that this was a community problem. Whilst sympathy was expressed with the argument for the need for sports facilities, it was felt that this proposal would be to the considerable detriment of residents.

RESOLVED:

That, contrary to the Head of Planning and Development's recommendation, Application Number 06/05/0582/F be refused on the grounds of light intrusion, noise disturbance and being un-neighbourly.

3. **PLANNING APPLICATIONS – APPLICATIONS LIST**

(a) **Application Number 06/05/0616/F – Regularisation of Existing Fence on Flat Roof at rear of property at 24 Cobholm Road Cobholm Great Yarmouth**

The Committee received details of the application and it was noted that four letters of objection had been received from neighbours who were concerned over possible overlooking, loss of privacy and the fence being visually intrusive and out of character with the area.

RESOLVED:

That Application Number 06/05/0616/F be refused as being contrary to Policy HOU18 of the Borough-Wide Local Plan and enforcement action be authorised to seek the removal of the fence.

(b) **Application Number 06/05/0260/O – Dwelling and Garage for occupation in connection with existing equine enterprise at Church Farm Liver Church Walk Bradwell Great Yarmouth**

The Assistant Development Control Officer suggested that determination of this application be deferred to enable further discussion between the applicants and the Officers as there did not appear to be any direct connection between the land and the owners.

RESOLVED:

That determination of Application Number 06/05/0260/O be deferred.

(c) **Application Number 06/05/0519/F – Car Sales at front and rear of site, Portakabin, Valet Shed and Customer Parking on land adjoining Hopton Service Station Lowestoft Road Hopton**

The Committee was informed of the details of the application and it was noted that complaints had been received from the neighbours and one of the Ward Councillors.

RESOLVED:

That Application Number 06/05/0519/F be refused as being contrary to Policy EMP18 of the Borough-Wide Local Plan.

(d) **Application Number 06/05/0590/SU – Single Storey Extension to form new Reception/General Office and internal alterations to form larger Waiting Room at Great Yarmouth Crematorium Oriel Avenue Gorleston Great Yarmouth**

The Committee received details of the application and it was noted that no objections had been received.

RESOLVED:

That Application Number 06/05/0590/SU be approved in accordance with Policy BNV18 of the Borough-Wide Local Plan.

- (e) **Application Number 06/05/0593/F – Erection of Two Storey Extension and Demolition of Greenhouses at Oak View Mill Road Burgh Castle Great Yarmouth**

The Committee received details of the application and it was noted that the scheme did not constitute over-development on this very large site and would not significantly impact on any neighbour.

RESOLVED:

That Application Number 06/05/0593/F be approved subject to the imposition of conditions relating to materials, highways recommendations, the removal of permitted development rights, the requirement to demolish existing greenhouses, the completed development not to be occupied other than as a single dwelling and to it being annexed to the main house in accordance with Policy HOU18 of the Borough-Wide Local Plan.

- (f) **Application Number 06/05/0338/A – Pylon Signs (comprising three number double sided illuminated box signs measuring one metre by 0.8 metre fixed to two poles five metres in height) at Oasis Amusements and Martins Bingo Beach Road Hemsby Great Yarmouth**

The Committee received details of the application and it was noted that, although the Parish Council felt the sign would be out of character with existing advertising signs, the proposed pylon signs were similar to the draped flags contained within the Design Guide prepared by the Hemsby Initiative in 2000.

RESOLVED:

That Application Number 06/05/0338/A be approved as being consistent with Policies BNV22 and BNV25 of the Borough-Wide Local Plan.

- (g) **Application Number 06/05/0520/F – Relocation of existing 0.3 metre diameter dish on new 2 metre prefabricated pole extension above existing head frame at Prospect Nurseries Prospect House Main Road Ormesby St Michael Great Yarmouth**

The Committee received details of the application and it was noted that one letter of objection had been received. The Officer reported that he did not feel the proposed siting would impact on the landscape or on the objector who lived quite a distance away.

RESOLVED:

That Application Number 06/05/0520/F be approved as being consistent with Policies INF6, NNV2 and NNV5 of the Borough-Wide Local Plan.

- (h) **Application Number 06/05/0557F – Installation of 25 metre high monopole, three number antennae, one number 300 mm and one number 600 mm transmission dish, equipment cabinet and ancillary development at Prospect Nurseries Prospect House Main Road Ormesby St Michael Great Yarmouth**

The Assistant Development Control Officer reported that this application was similar to the previous one although more objections had been received. He added, however, that because of the distance and the number of trees he did not feel that this would be as visible in the landscape. A query was raised as to why the two masts could not be put together on the same pole and he responded that this was not the company's preference but in any case he did not feel that it would be significantly visible due to the surrounding area.

RESOLVED:

That Application Number 06/05/0557/F be approved as being consistent with Policies INF6, NNV2 and NNV5 of the Borough-Wide Local Plan.

- (i) **Application Number 06/05/0080/CU – Creation of Children’s Multi-Use Activity Centre and reopening of Cafeteria at Heliport Terminal Yarmouth Road West Caister Great Yarmouth**

In accordance with the Committee’s decision at the last meeting, Tim Edmonds, Norfolk County Council, attended to provide clarification on the issue of corporate manslaughter and the reasons for the Highways Authority’s recommendation in relation to this particular application. Mr Edmonds reported that as a statutory consultee the Borough Council had to have regard for the County Council’s advice and it was their opinion that the change of use from a heliport to a multi-use children’s activity centre would generate more traffic manoeuvres and would encourage people to make a dangerous right turn across four lanes of traffic. He indicated that the Highways Authority had a responsibility/duty to manage the highway network and had powers to improve the highway through a system of prioritisation. He added that they advised if the road was safe in highway terms only and the Borough Council needed to take this into account. He clarified therefore that if the Council permitted something which the Highways Authority felt was unsafe then they needed to take responsibility for that decision and also show how they came to that view.

A suggestion was made that signs could be erected to try to stop people crossing the road to access the site and the view was expressed that vehicle manoeuvres previously would be far higher than the Multi-Use Centre. Mr Edmonds reported that even if signs were erected it was possible that people would not heed them and the preference would be for the installation of an island which was a long and expensive process. He added that the second Local Transport Plan was a strategy for the Great Yarmouth and Lowestoft road network and if Members so wished the reconfiguration of roads could be considered. In relation to the comment regarding traffic use, he stated that it was the Highway Authority’s view that this use would create more traffic movements.

Clarification was sought as to whether the Highways Authority was concerned at the pedestrian access to the site and Mr Edmonds responded that the Highways Authority recognised that this was a car-orientated business, bearing in mind its proposed location. He agreed that there were ways in which to cross the road in the vicinity but pointed out that most pedestrians would use the shortest route, not necessarily the crossings provided. He clarified that, although the site had good access and visibility, the Highways Authority’s only issue of concern was the dangerous right hand manoeuvre into the site. A query was raised as to whether the Highways Authority would support a filter in the middle of the road but Mr Edmonds responded that, whilst this was a possibility, he did not feel the width of the road should be reduced just for a commercial premise and he also did not advocate taking away free flow of traffic on this part of the road.

The Committee considered the advice from the Highways Authority’s representative but pointed out there had been few accidents along this stretch of road over the last few years particularly when considering the large volume of traffic which the previous use of the site had generated. A suggestion was made that if Members were minded to approve the application a condition could be imposed that any literature given out to users of the Centre include a request that they not undertake a right-hand turn out of the site and a sign be erected at the exit directing people to go left round the roundabout.

RESOLVED:

That, contrary to the Head of Planning and Development's recommendation, Application 06/05/0080/CU be approved subject to the imposition of conditions requiring signage and literature to show a suitable egress from the site, on the grounds that it was felt there would be less traffic movements than the previous use and there was an opportunity for access using other routes rather than a right-hand turn.

- (j) **Application Number 06/05/0603/CU – Change of Use from storage use to retail outlet at Unit A Kitchener Works Kitchener Road Great Yarmouth**

The Committee received details of the application and it was noted that two letters of objection had been received concerning noise and potential fire hazard. Members were informed that a letter from the operator had also been received. The Officer suggested that bearing in mind the close proximity to neighbours a temporary planning permission be granted to assess the situation. Concern was expressed in relation to the access and noise nuisance bearing in mind the site was within a residential area and adjacent to the cemetery.

RESOLVED:

That, contrary to the Head of Planning and Development's recommendation, Application Number 06/05/0603/CU be refused as being un-neighbourly, bearing in mind the close proximity to residents and the adjoining cemetery.

4. APPEAL DECISIONS

The Committee noted the following appeal decision:-

- (a) Demolition of Broiler House and Feed Silo and Erection of Two Storey Cottage on land adjoining Mill Cottage Mill Road Fleggburgh
.....dismissed

5. ITEMS FOR INFORMATION

- (a) **Planning Applications cleared in August 2005 following determination by the Development Control Committee**

The Committee received the Head of Planning and Development's schedule in respect of applications received during August 2005 following determination by the Development Control Committee.

- (b) **Planning Applications cleared in August 2005 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 in August 2005 under delegated powers.

6. CLOSURE OF MEETING

The meeting ended at 12.55 pm.