

DEVELOPMENT COMMITTEE

**Minutes of the meeting of the Development Committee held on Thursday, 7 July 2022
in the Council Chamber - Council Offices at 9.30 am**

Committee Cllr P Grove-Jones (Chairman) Cllr A Brown
Members Present: Cllr P Fisher Cllr A Fitch-Tillett
Cllr R Kershaw Cllr N Lloyd
Cllr G Mancini-Boyle Cllr M Taylor
Cllr A Varley Cllr L Withington
Cllr A Yiasimi

**Substitute Members
in attendance:** Cllr J Rest

**Officers in
Attendance:** Assistant Director of Planning (ADP)
Development Management Team Leader (DMTL)
Planning Officer (PO)
Principal Lawyer
Democratic Services Manager

11 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Cllr P Heinrich (Vice-Chairman), Cllr N Pearce and Cllr V Holliday.

12 SUBSTITUTES

Cllr J Rest was present as a substitute for Cllr P Heinrich.

13 MINUTES

The minutes of the Development Committee Meeting held Thursday, 9th June 2022 were approved as a correct record.

14 ITEMS OF URGENT BUSINESS

The Chairman advised of her intention to vacate the Chair for the first planning application, Item 8, Planning Application PF/21/3389 for Stalham, as she had called this Item in to Committee. She recommended in the absence of the Vice-Chairman that a substitute Vice-Chairman be elected to deputise for this application and so proposed Cllr A Brown be appointed to this role for the meeting, Cllr R Kershaw seconded.

IT WAS UNANIMOUSLY RESOLVED

That Cllr A Brown be appointed Vice-Chairman for the meeting.

15 DECLARATIONS OF INTEREST

The Chairman declared a non-pecuniary interest in Item 8, Planning Application PF/21/3389 for Stalham, she is the Local Ward Member.

Cllr M Taylor declared a non-pecuniary interest in Item 8, Planning Application PF/21/3389 for Stalham, he is the Local Ward Member.

Cllr A Fitch-Tillett declared a non-pecuniary interest in Item 9, Planning Application PF/21/3221, she is the Local Ward Member.

16 STALHAM - PF/21/3389 - SINGLE AND TWO STOREY EXTENSIONS TO DWELLING TO INCLUDE INTERNAL/ATTACHED ANNEXE. LUCINDA HOUSE, MOOR LANE, THE GREEN, STALHAM, NORFOLK NR12 9QD

The Chairman vacated the Chair and Vice-Chairman for the meeting took the Chair at 9.34am.

The PO introduced the Officers Report and recommendation for approval, and advised that 12 representations had been received; 7 supporting, 5 objecting and that a late representation had been received from Norfolk Wildlife Trust which made no objection to the proposal subject to proposed conditions. The PO commented that the application had been called into Committee by the Chairman, Cllr P Grove-Jones citing concerns regarding the size of the extension and compliance with NNDC Core Strategy Policies HO8 and EN4.

The PO reflected on the wider context of the site located next to Stalham Fen, and introduced the Officers presentation detailing site plans, floor plans and elevations, an aerial view of the site as well as photographs. She informed Members that the key issues for consideration were; the principle of development, design and amenity, landscape impact, environmental matters and highways impact.

The PO advised that the development was considered by Officers to be acceptable in principle and accorded with NNDC Policies SS1 and SS2, as the proposal was considered to be in a sustainable location and extensions to existing properties was permissible.

With respect of design, the PO informed Members that the extension for an internal attached annexe was intended to provide additional occupation to enable the applicant to care for their elderly relatives. The proposal was ancillary to the main dwelling with plans revised to reduce the size of the extensions and to improve the relationship with the host dwelling through its roofline. The proposal comprised of two elements; a single story pitched roof extension to the east of the elevation, and a two-storey extension on the north elevation. The use of pallet materials were considered to be acceptable and were sympathetic to the existing property. The PO affirmed that the height, scale and materials used were in keeping and proportionate with the host dwelling and sites location.

The PO advised that the development was set within a large plot and although concerns had been raised that the proposed first floor window on the north elevation would result in overlooking on neighbours property, Officers determined that there was a significant separation distance to the existing boundary, which consisted of mature hedging and that this would not result in any significant impact to amenity. Concerns had been raised regarding the landscape impact, however Officers considered the visual impact on landscaping to be localised, noting that the proposal sits close to the residential boundary with Stalham, with large elements of development confined to the rear garden. The PO advised there had been no objection from landscaping officers subject to conditions.

In conclusion, the PO stated that the issues raised by objectors would not justify reason for refusal and reiterated Officers recommendation for approval.

Public Speakers

Mr Fiske – Supporting

Written submissions were provided by Mr Fiske (supporting) and Mr Clementson (objecting) respectively. Members were afforded a few minutes by the Vice Chairman to read through these representations.

Members Debate

- i. Local Member – Cllr M Taylor – stated that he could not find fault with the applicant's desire to house their elderly parents, but reiterated the concerns of Stalham Town Council and of objectors. He highlighted two specific areas of concern and sought clarification on these matters. First, the siting of a cart-lodge, detailed in a January 2022 report, which he considered may be unenforceable. Second that the size of the extension was too large.

In response to Cllr M Taylor's questions, The PO advised that the cart-lodge formed part of a previous application when the tree report had been commissioned, and this had been subsequently revised with reference to a cart-lodge removed. She affirmed that a cart-lodge had not been applied for, nor had it formed part of submitted plans, further the siting of a cart-lodge in this location would require planning permission. She commented that this was a generous sized plot which could support a larger scale property and would not constitute as over-development.

- ii. Cllr P Grove-Jones – Local Member- asked that the floor plans, provided by Mr Irving be displayed to Members, these demonstrated the overlays between the original and proposed application. The Local Member affirmed that she had brought this item to Committee as it had been a difficult matter ongoing since 2020. She expressed her disagreement with the Officers assessment and considered the proposed extensions contravened policy HO8 and was overbearing and overlarge compared to the original 19th century house, noting that the proposal sits within a prominent position within the plot. She affirmed that development existed within the countryside setting as designated by the current Local Plan, and should be considered within this context. Further, policy HO8 stipulated that extensions which are disproportionately large should not be permitted, and the increase in scale of 44% was disproportionately large even when accounting for the size of the plot. Cllr P Grove Jones considered that the proposed extensions contravened policy EN4, which states that extensions should preferably be 1 story, or 1 ½ stories in height. She advised she would leave this matter to Members considered judgement.
- iii. Cllr G Mancini-Boyle noted the differences in opinion between the Local Ward Members and Officers, and asked Officers how they came to their determination with regards to policy HO8, in that the proposal was not disproportionately large in its height or scale, and whether the development if granted would be considered the largest in the area, or if there were other equivalent properties with large extensions.

The DMTL advised that Officers considered the proposal within the context of the plot and the size of the existing dwelling, commenting that the size of the plot was substantial. He acknowledged that the proposal was for a large extension but Officers considered that the plot could easily accommodate the

size of the extension, which offered a degree of subservience to the existing dwelling as demonstrated through submitted plans. The DMTL noted that there were two tests for policy HO8 and summarised that Officers did not believe the proposal to be detrimentally large, nor have a wider detrimental impact on the wider landscape. He advised he was uncertain whether proposal, if granted, could be considered the largest in the area, and advised that applications were considered by Officers on a case-by-case basis.

- iv. Cllr N Lloyd stated that he was pleased that the Applicant had worked with Officers to amend plans resulting in a satisfactory outcome for both parties, promoting the collaborative approach taken for the common good. He considered that it was a very large plot which could easily accommodate the proposed extensions without affecting neighbours, noting that the distance between the property and neighbouring dwellings was large and spoke favourably of the submitted planting scheme. Cllr N Lloyd asked for clarification over the annexe condition.

The PO advised that the restrictive condition for the annexe, as recommended by Officers, was to ensure that the extension remains ancillary to the main dwelling and to restrict the occupancy to family members of the owners.

Cllr N Lloyd advised he was satisfied with this condition and so proposed acceptance of the Officers Recommendation for approval.

- v. Cllr A Fitch-Tillett noted that within the emerging Local Plan consideration had been made towards the provision of elderly care, and reflected on the personal circumstances of the applicant and their own elderly relatives. She acknowledged representations made by Officers and Members and seconded the Officers Recommendation for approval.

The DMTL advised that limited weight could be afforded to the emerging local plan till adopted. The ADP acknowledged the significant elderly demographic within the district and the need to accommodate these residents. He reflected on Members debate, and of Officers comments and advised that planning policies did offer some flexibility, identifying occasions in which the Planning Inspectorate had granted appeals for dwellings in a countryside location, as they considered that there was little or no harm caused to the landscape, and that the size of the plot could accommodate the scale of the extension. The ADP informed members that the determination of the application was a matter of planning judgement, and affirmed that Officers has carefully considered the proposal, its relationship with neighbouring properties and the context of the site and had applied the relevant policies and supplementary guidance. He stated it was understandable that there was local concern when a development may be considered the biggest on its street or area, but it was for Members to determine if the application was agreeable and if its size and scale were in keeping with the tests set out in HO8 and design policy EN4.

- vi. Cllr R Kershaw commented that whilst there would be a sizeable increase to the property, the frontage would remain broadly the same, this he considered to be sensitively done. He expressed his support for the application, specifically the condition for the annexe, and was satisfied that the applicant and Planning Officers had worked positively together.

- vii. The substitute Vice-Chairman, Cllr A Brown, affirmed that there were elements of mitigation within the proposal as the extension was located at the rear of the property. He stated that Policy HO8 was a subjective test for the Planning Authority and for the Officers concerned, and that the scale of an extension was not subject to specific mathematical restrictions limiting its size. He commented that he was reassured that the dwelling would remain in family use and that it would therefore be unlikely to be used as a holiday let or second home.
- viii. Cllr A Yiasimi thanked Officers for their excellent report, and stated that the photos supplied were especially helpful for understanding the context of the site, particularly the tree coverage. He commented that he respected the Local Member for calling in the application to Committee.

IT WAS RESOLVED by 10 votes for and 2 abstentions.

That application PF/21/3389 be approved in accordance with the Officers recommendation subject to the following conditions:

- 1. Time limit – 3 years**
- 2. Accordance with approved plans**
- 3. Materials as submitted**
- 4. Annexe restriction (remaining ancillary to main dwelling)**
- 5. Incorporation of ecological mitigation/enhancement measures**
- 6. Accordance with Arboriculture Impact Assessment to include replacement planting**
- 7. Soft Landscaping Scheme**
- 8. Replacement of new trees & shrubs**

Final wording of conditions to be delegated to the Assistant Director of Planning.

The Chairman resumed her role from the substitute Vice Chairman at 10.11am.

17 PROPOSED DEVELOPMENT COMMITTEE SITE VISIT - OVERSTRAND - PF/21/3221 - CONTINUED USE OF LAND FOR STORAGE ANCILLARY TO OVERSTRAND GARDEN CENTRE AND PROVISION OF OVERFLOW CAR PARKING FOR STAFF AND CUSTOMERS (RETROSPECTIVE)

The ADP advised that he had brought the decision for a site visit before Members, as there had been significant concerns raised by local residents and from the Council's Environmental Health Team on the impact of the proposal to residents at the Luytens Drive housing development located immediately adjacent to the proposed development at the rear Overstrand Garden Centre. He affirmed that Members were not at this time being asked to consider the application, rather were asked to consider a proposed site visit.

The ADP spoke to plans of the site, and established the relationship of the retrospective application with neighbouring properties. He recommended that Members undertake a site visit of the garden centre grounds, and of the neighbouring properties, to better rationalise the juxtaposition of host properties and to judge the veracity of arguments made. He contended that without a site visit Members may be placed in a difficult position when asked to make a planning judgement without clearly understanding the scale and intensity of the operation and relationship between properties. The ADP advised that a site visit meeting was

proposed for 21st July 2022, rather than 28th July 2022 as previously scheduled, as this date was favourable to Members.

Members Debate

- i. Cllr G Mancini Boyle asked if the visit could be arranged for when the garden centre is at its busiest, specifically at the weekend.
- ii. Cllr R Kershaw considered that HGV vehicle movements would likely occur during weekdays, and noted this was likely when issues occurred. He advised that he was away on the 21st July, but he would make his own independent visit to the site.
- iii. Cllr A Fitch-Tillett – The Local Member- expressed her support for the Officers recommendation and would be pleased to welcome Members to Poppyland on 21st July. She requested that the visit be arranged for the morning due to other commitments.
- iv. The Chairman advised that the proposed site visit would be scheduled for around 10.00am on 21st July 2022, and clarified Members would need to arrange their own transportation to the site.
- v. In response to Members representations, The ADP advised that the purpose of the site-visit was for Members to familiarise themselves with the layout of the development, and its relationship with neighbouring buildings. Whilst he understood why Members may wish to visit the site at its peak hours on its busiest days, he contended that this may skew Members opinions and re-affirmed the intended purpose of the visit. He affirmed when the Item was included on the agenda for determination that further detail would be included within the Officers report, and it was intended that a Member of the Environmental Health Team be in attendance to address Members questions.
- vi. Cllr A Yiasimi proposed acceptance of the Officers Recommendation for a site-visit. Cllr A Varley seconded.
- vii. In response to questions from the Chairman, The ADP advised that it was anticipated that this application would be presented for consideration by members for the August Development Committee Meeting, however there were issues which needed to be resolved between the Applicant and Officers. If not ready for the August meeting, the application would be brought to the September Meeting.
- viii. Cllr L Withington provided her early apologies for the 21st July site visit, she would be on leave for this date.

IT WAS RESOLVED by 11 Votes for and 1 abstention.

18 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

- i. The ADP introduced the Development Management Performance Update and advised of improvements in the performance of the Majors and Non-Majors Team, both making a significant advance for the numbers of decisions made within the agreed time limit. He commented that there would

be a couple of difficult quarters coming up, which had impacted on non-major performance, this was as a consequence of the introduction of a new planning software. The ADP stated that the quality of decision making remained exceptionally good, above national benchmarks, and he considered this in part was due to the positive relationships held between Officers and Members. Further, under 1% of all appeals in the latest 2 year period for non-majors were overturned by the Planning Inspectorate. With reference to S106 obligations, the ADP informed Members that since the last report another 5 matters had been progressed. He reflected on the impact of Nutrient Neutrality guidance on the Councils ability to progress with S106 agreements and advised that short term mitigation was not anticipated till September, with larger Mitigation predicated for February 2023. The Authority were bound by the constraints of Nutrient Neutrality guidance which would result in extensions of time for S106 obligations.

- ii. The Chairman thanked Officers for their hard work, stating that they were a privilege to work with.
- iii. Cllr R Kershaw echoed the Chairman's comments and gave a vote of thanks to the Planning Policy Manager who had presented on Nutrient Neutrality at the Town and Parish Forum held that Monday, stating this was well received.
- iv. Cllr G Mancini-Boyle asked what provision there would be to increase the numbers of Planning Officers as a result of a backlog caused by Nutrient Neutrality.
- v. The ADP advised that the Council had a Service Plan set with a 0 based budgeting system. He stated that Officers would continue to make progress with applications, and S106 agreements, and were moving things forward wherever possible. The ADP relayed the timeline for mitigation efforts and commented that he was unsure if additional officers may be required from February 2023, but that service demand was being monitored. He advised if it was determined that support was needed, short term contracts could be established to assist on a time-limited basis.
- vi. Cllr G Mancini-Boyle expressed his support for the DMTL, and relayed positive feedback received from members of his community.
- vii. Cllr A Brown expressed his thanks to Planning Officers and affirmed that contingency plans to cope with the upturn of applications when the Nutrient Neutrality embargo was resolved would be worked on. He acknowledged the challenges in implementation any new software system, but reflected that planning performance figures remained strong which he contended reflected the upholding of standard of integrity between Members and Officers in their respective roles. Cllr A Brown also thanked the Principal Lawyer for progressing with the reported S106 agreements, stating that this was good, demanding work.
- viii. Cllr L Withington reflected on the performance report and noted that around 10% of planning applications came back as invalid. She asked if there were any common causes, what the impact this had on the department with respect of resourcing, and if this figure was in line with other Councils as a standard.
- ix. The ADP reflected that the submitting of Planning Applications was

challenging, and that the 10% figure detailed was very good. He advised the Council were working to national validation levels, but were looking to generate local list, stressing the need to engage with developers and agents. The ADP advised he was delighted to report that a Planning Support Manager had been appointed and would be starting the following week, and that they would help to bridge the public with the planning service, working to manage the customer support work. He commented that the Planning Support Manager would be able to look into the common causes for applications being rendered invalid.

19 APPEALS SECTION

New Appeals

- i. The ADP introduced the Appeals report and advised Members that their feedback had been considered and he was looking at the process with the enforcement team to ensure that Members were better involved.

Inquiries and Hearings – Progress

- ii. With reference to Planning Application ENF/18/0164, Arcady, the ADP advised that the informal hearing scheduled for 22nd/23rd June had been postponed due to the significant late representation and level of information received on the eve of the hearing, with 50 additional documents submitted by the appellant. The postponing of the appeal by the Planning Inspector was permitted to allow for the community and Council to consider this late documentation. The ADP advised that the Appellant and Council had agreed a revised informal hearing date for November, however the Planning Inspectorate informed each party that they had no availability till January 2023. The ADP expressed his frustration over the protracted timeline and stated this was unreasonable for both the community and Appellant.
- iii. The Chairman acknowledged the costs associated with prolonging the Arcady appeal, and asked who was shouldering the Council's costs for the time extension. The ADP advised that this was the second instance in which a significant volume of documents had been submitted close to deadline by the Appellant, resulting in delays. He stated that it was for the Council to consider if the delay was reasonable, and affirmed that this was a complex issue with costs implications borne to the public.

Written Representations Appeals – In Hand

No questions

Appeals Decisions

No questions

Court Cases – Progress and Results

- iv. The ADP, with reference to the Appeal Decisions contained on Page 34 of the Agenda Pack, noted that all four of the appeals had been dismissed which spoke to the significant weight of success of the Council's record.

20 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 10.43 am.

Chairman