

## **DEVELOPMENT COMMITTEE**

**Minutes of the meeting of the Development Committee held on Thursday, 12 October 2023 in the Council Chamber - Council Offices at 9.30 am**

<b>Committee Members Present:</b>	Cllr P Heinrich (Chairman)	Cllr R Macdonald (Vice-Chairman)
	Cllr M Batey	Cllr A Brown
	Cllr M Hankins	Cllr V Holliday
	Cllr P Neatherway	Cllr J Toye
	Cllr K Toye	Cllr A Varley
	Cllr L Vickers	

**Members also in attendance:** Cllr W Fredericks

**Officers in Attendance:** Assistant Director for Planning (ADP)  
Development Manager (DM)  
Principle Lawyer (PL)  
Development Management Team Leader (DMTL)  
Senior Planning Officer (SPO)  
Household Planning Assistant – HG (HPA – HG)  
Household Planning Assistant – MA (HPA – MA)  
Democratic Services Officer - Regulatory

### **53 TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr P Fisher, Cllr A Fitch-Tillett and Cllr G Mancini-Boyle.

### **54 SUBSTITUTES**

None present.

### **55 MINUTES**

The Minutes of the Development Committee meetings held Thursday 14<sup>th</sup> September and Thursday 28<sup>th</sup> September 2023 were approved as a correct record subject to typographical corrections to the Minutes of 14<sup>th</sup> September, Min 42 ix, to read 'exception' rather than 'expectation' and Min 42 xxii to read 'Northrepps' and not 'Northreeps'.

### **56 ITEMS OF URGENT BUSINESS**

None.

### **57 DECLARATIONS OF INTEREST**

None declared.

### **58 TRUNCH - PF/23/1531 - ERECTION OF SINGLE-STOREY EXTENSION; RAISING OF ROOF AND INSERTION OF REAR DORMER WINDOW WITH BALCONY TO CREATE HABITABLE ROOF SPACE.**

The HPA-HG introduced the officer's report and recommendation for approval subject to conditions. He affirmed the site's location, context in the local street scene, relationship with the AONB, existing and proposed floor plans and elevations, and provided photos of the site for context. The HPA-HG advised that prior approval had been granted for a similar scheme; PF/23/0318, the differences in the applications related to the addition of the rooftop balcony instead of the previously approved Juliet balcony. The key issues for consideration were the principle of development; impact on the character of the area, heritage asset and design; residential amenity; highways and parking; and impact on protected species.

The Chairman advised that whilst the application had been referred to Committee by himself, he had no personal interest in the application.

### Public Speakers

John Jones – Trunch Parish Council  
David Houlton – Objecting  
Howard Little – Supporting

### Members debate and questions.

- i. The Local Member – Cllr P Neatherway advised that as he knew both parties, he would abstain from speaking on the application.
- ii. Cllr A Brown considered that the application presented a challenge to the right to peaceful enjoyment of possessions by the neighbours. He noted that the prior application for a similar scheme had only recently been approved and questioned why the balcony had now been applied for. Cllr A Brown reflected on the representations made and expressed discomfort in supporting the officer's recommendation for approval at this stage, and so proposed deferral of the application to enable a site visit.
- iii. Cllr A Varley seconded the recommendation for deferral.
- iv. Cllr J Toye agreed that a site visit would be beneficial as it was difficult to fully appreciate the orientation on the site.
- v. Cllr L Vickers expressed her support for deferment.

**RESOLVED** by 10 votes for and 1 abstention.

**That planning application PF/23/1531 be DEFFERED to enable a site visit.**

**59 CROMER PF/23/0941 - REMEDIAL WORKS TO THE EXISTING GROYNES AND SEAWALLS. CONSTRUCTION OF ROCK REVETMENT, SCOUR PROTECTION WORKS ON A SECTION OF CLIFF AND REMEDIAL WORKS ON ACCESS RAMP ON THE WESTERN SECTION. INSTALLATION OF AN APRON ON AN EXISTING SEAWALL ON THE EASTERN SECTION. (CROMER PHASE 2 COASTAL DEFENCE PROJECT)**

The SPO introduced the officer's report and recommendation for approval subject to conditions. The Case Officer outlined that site's location, extent of proposed works including slope protection on Melbourne slope, apron encasement, access ramp

repairs, rock revetment to the west and concrete apron to the east.

### Public Speaker

Fiona Keenaghan – NNDC Coastal Engineer – Supporting.

### Members debate and questions.

- i. The DM relayed a pre-prepared statement from Cllr H Blathwayt – Portfolio Holder for Coast – who was unable to attend the meeting due to a prior commitment to speak at the Coast and Estuary conference. Cllr H Blathwayt, with reference to this and the Mundesley Coastal scheme (PF/23/0942), argued that the applications were vital for the protection of residents' homes and businesses, and are urgently required given rising sea levels and an eroding coast. The vital civil engineering work would be scheduled to work in tandem for cost, engineering, and logistical efficiencies, and to ensure that disturbance to the local population could be kept to a minimum. Cllr H Blathwayt considered that the Council's Coastal team and external Contractors were working together to ensure local communities be included and informed as the scheme develops. The benefits of the schemes patently, far out way the short-term disturbance created.
- ii. Cllr V Holliday stated it was unfortunate that such paraphernalia be added to the Coastline, however, considered there was no other option but to approve the scheme. Cllr V Holliday proposed acceptance of the officer's recommendation for approval.
- iii. Cllr A Varley seconded the officer's recommendation, affirming that these were vital works to ensure the longevity of the Coastline.
- iv. Cllr J Toye expressed his support for the application and asked how long it would take to build out the scheme?
- v. The NNDC Coastal Engineer advised the current programme was projected to be 12 to 18 months. The start date was yet to be confirmed and was dependent on receiving planning permission and sourcing additional funding.
- vi. The Chairman enquired whether the proposed steps on the rock armour could be replaced with accessible ramped access.
- vii. The NNDC Coastal Engineer advised that a DDA compliant ramped access would not be possible in this location due to lack of space. The stepped access proposed would replace the existing stepped access.

**UNANIMOUSLY RESOLVED** by 11 votes for.

**That planning application PF/23/0941 be APPROVED in accordance with the officer's recommendation.**

**60 MUNDSELEY PF/23/0942 - REMEDIAL WORKS TO THE EXISTING GROYNES, SEAWALLS AND APRONS. CONSTRUCTING A ROCK BERM ON THE WESTERN SECTION IN FRONT OF EXISTING STEEL FRAMED STRUCTURE, ROCK STOCKPILE IN FRONT/BEHIND OF THE TIMBER REVETMENT ON THE WEST. SCOUR PROTECTION WORKS ON A SECTION OF CLIFF PLUS**

## **REMEDIAL WORKS ON A SECTION OF PROMENADE ON THE EAST AND EXTENSION OF AN EXISTING APRON/RAMP ON THE EAST TO ALLOW PLANT TO ACCESS MUNDESLEY BEACH (MUNDESLEY COASTAL MANAGEMENT SCHEME)**

The SPO introduced the officer's report and recommendation for delegated approval. He outlined the site's location, proposed western armour stockpile and relationship with the existing revetment, rock berm (below the church) forward of the existing steel infilled structure, slope protection mattress, apron encasement and widening by the lifeboat station, and levelling out of some sections of the promenade and replacement of steps.

### Public Speakers

Fiona Keenaghan – NNDC Coastal Engineer – Supporting

### Members debate and questions.

- i. The Local Member – Cllr W Fredericks welcomed the proposal which would protect the village from coastal erosion and thanked officers for their hard work in bringing the scheme forward. She sought clarity from officers that a public presentation would be delivered before works commenced.
- ii. The NNDC Coastal Engineer confirmed that presentations would be arranged with a drop-in session organised akin to that held in March, subject to approval of the application.
- iii. Cllr J Toye thanked officers for their comprehensive reports and asked for an update to the Natural England response regarding the stockpile. He agreed that the application was much needed and had followed the correct processes. Cllr J Toye proposed acceptance of the officer's recommendation.
- iv. The NNDC Coastal Engineer advised conversations were still ongoing with Natural England, whose main concerns were that the rock stockpile was entering into the SSSI area in Mundesley and the geomorphologic aspects of the proposal.
- v. Cllr P Neatherway agreed that the scheme was much needed, he asked if elements of the scheme may be adopted elsewhere including Bacton.
- vi. The NNDC Coastal Engineer welcomed discussing this matter with Councillors outside the meeting, she did not have technical detail to hand for other sites.
- vii. Cllr A Varley seconded the officer's recommendation which he considered vital for ensuring the longevity of the special community and superb coastline.
- viii. Cllr V Holliday reiterated her earlier comments that it was disappointing such schemes were needed. She commented that she was happy with the application provided Natural England were satisfied.

**UNANIMOUSLY RESOLVED** by 11 votes for.

**That planning application PF/23/0942 be APPROVED in accordance with the officer's recommendation.**

**61 MUNDLESLEY - PF/23/1150 - ERECTION OF 2NO. GAZEBOS (WITH FESTOON AND LED FLOOD LIGHTS) TO PROVIDE COVERED SEATING AREAS AND RELOCATION OF EXISTING FLUE ON FRONT ROOF SLOPE OF ROADSIDE BUILDING TO REAR ROOF SLOPE (PART RETROSPECTIVE)**

HPA-HG introduced the officer's report and recommendation for approval subject to conditions. He outlined the site's location, context within the wider setting, elevations of the gazebos, details of the integrated soakaway system, relocation of the flue, and provided site photos.

The key issues for the proposal were the principle of development; the effect on the character and appearance of the area; the cost on residential amenity, coastal erosion; and highways safety.

Public Speakers

Nicholas Dent – Supporting

Members debate and questions.

- i. The Local Member – Cllr W Fredericks – expressed her disappointment regarding the retrospective nature of the application. She welcomed the proposed changes to the flue as she considered that the original placement had been an issue. The Local Member noted that information pertaining to the impact of noise and smell was missing, additionally details relating to gazebos and lighting needed to be carefully scrutinised particularly with respect of the drainage system. The Local Member was not satisfied that enough consideration had been given by the Environment Agency or officers to this component of the scheme and contended that information was lacking on water displacement and light pollution. In addition, she considered the noise impact of the flue was notable given her assertion that it was running late into the evening and beyond the opening hours of the Chip Shop.
- ii. The DM advised that the surface water matter had been discussed with the Coastal Team, who were satisfied that the proposed soakaway scheme would acceptably dispose of surface water. The gazebos were constructed with louvers which, when open, would allow for water to be discharged to the ground as it would otherwise have done. Irrespective of whether the louvers were open or closed, the Coastal Engineers had advised they were supportive of the scheme. With respect of the extractor system, the Council were still awaiting information which was required within 28 days of the date of the decision. The Environmental Health Officer had confirmed they were content for this matter to be resolved by condition. The DM advised he was confident that matters outlined could be resolved by condition.
- iii. Cllr W Fredericks asked how use of the louvers could be enforced to ensure they were opened when not in use.
- iv. The DM affirmed this was not a key issue and reiterated that the Coastal Engineers were satisfied with the scheme regardless of whether the louvers were opened or closed.

- v. Cllr L Vickers noted the public speaker's representation that the gazebos were permitted development under COVID-19 and asked if this was correct.
- vi. The DM was unable to offer precise specifications of what was permitted during COVID but confirmed that there was an expansion of outdoor seating to encourage users to sit in the open air and not within buildings.
- vii. Cllr L Vickers stated that she was persuaded by the economic merits of the proposal, with the public house employing local people and the business generating revenue within the local economy.
- viii. Cllr V Holliday considered the scheme to be intrusive and was concerned about light pollution for such a sensitive site. In response to earlier comments regarding economic merits of the proposal, Cllr V Holliday reflected that tourism was not a well-paid occupation.
- ix. The Chairman stated that whilst tourism was not a well-paid occupation it was an essential part of the local economy.
- x. Cllr A Brown agreed that tourism along with agriculture were essential to the local economy, with tourism being hardest hit when the pandemic started and was slow to get back up to prior levels. He commented that the Council were committed to supporting tourist businesses and remarked that the premises were a vital facility for local people and visitors alike. Cllr A Brown welcomed the relocation of the flue though expressed his disappointment regarding the lack of detail supplied on the impact of noise and smell of the extractor system and considered that sufficient time had passed to address such matters. Cllr A Brown accepted the use of the gazebo's would not constitute as overdevelopment, though shared Cllr V Holliday's concerns regarding light pollution. He noted the conditions proposed to restrict the operation of lights between 7am – 11pm and commented that it was always a concern whether such conditions could be enforced and monitored given how busy the enforcement team were.
- xi. Cllr J Toye expressed concerns about the proposed drainage but accepted that specialists had considered the scheme and were satisfied with the soakaway system, and noted Cllr A Brown's comments that the enforcement team were busy. Cllr J Toye asked if conditions could be applied to ensure the monitoring of the soakaways, particularly given one was sited in a car park and would be subject to movement, given the size of the soakaways he argued they could easily become soiled up resulting in them being ineffective. With the Coastal team being in situ in Mundesley over the next few years, he argued this presented an opportunity for them to monitor whether the soakaways were operating as expected.
- xii. The DM advised that it was challenging to monitor the effectiveness of bellow ground systems. Typically, the Council would ask applicants to provide details over the construction of soakaways, usually to specific standard required. Provided the soakaway was built to the correct standard, it would be very hard to monitor whether it was working as expected. The DM advised against adding a condition for the monitoring of the soakaway to the level of detail discussed and was minded that it may give a false impression to residents over the enforcement of the condition. Should issues arise on the site with increased surface water appearing on site, the Council would then enter discussions with the applicant.

- xiii. Cllr J Toye commented that if the downpipes were blocked, and the drainage system not maintained, rain would fall off in large quantities down the cliff face and not where it was intended. Monitoring the system was functioning effectively would be as simple as checking the rain was going down the downpipe and into the soakaway whilst it rained. Cllr J Toye stated that he was not seeking an onerous or complex solution, and this could be remedied by simple maintenance.
- xiv. The DM affirmed that condition 5 would address concerns over the management of the soakaways for the lifetime of the development, ensuring the soakaways were built in accordance with the manufacturers specifications and maintained as such thereafter.
- xv. Cllr J Toye reflected that residents would likely inform the Council if there were an issue with the system and reiterated his concern over the sensitive nature of the site.
- xvi. At the discretion of the Chairman, the applicant was permitted to make a further representation addressing members comments. Mr Dent advised that it was in the best interest of his business that the soakaways be maintained. He confirmed that he would ensure that there were no adverse effects and was committed that the scheme would function as expected.
- xvii. Cllr J Toye suggested that a simple check list be imposed that the drainage was checked once a month, particularly during leaf fall, ensuring the guttering was clear. This simple solution would be in the best interest of the applicant to mitigate the risk of cliff erosion.
- xviii. The applicant advised he was happy to ensure checks were undertaken. In response to earlier comments, Mr Dent confirmed that the business was going for green tourism accreditation, to receive such accreditation the business must operate to a high environmental standard, including energy efficiency. He countered that use of extraction systems and lighting when not needed would conflict with green tourism accreditation and was something which made no sense for the business to do. Whilst there may have been issues in the past, the applicant advised this would not be the case moving forward with the environmental focus of the business.
- xix. The Chairman reminded members they must consider the merits of the application on planning grounds.
- xx. Cllr M Hankins stated he was broadly in support of the application, noting it had weathered the pandemic when many other public houses had not. He affirmed it was a good attraction for tourists, though expressed concern over the proposed lighting. The officer's report detailed that there 'may' be an impact on Highways, and that Highways reserved the right to seek the removal of any lighting causing obstruction or nuisance. Cllr M Hankins asked if this issue had been discharged and whether officers were now confident that the proposed lighting was acceptable.
- xxi. The Chairman advised the proposed lighting would confirm with policies CT5 and CT6 and was therefore acceptable in policy terms.
- xxii. The DM confirmed discussions had taken place with the Highways authority

and no specific concerns had been raised about the proposed lighting. The informative note detailed was included to ensure the applicant maintained the lighting so that it would not become a nuisance from a highway perspective.

- xxiii. Cllr M Hankins sought confirmation that the lighting was policy compliant.
- xxiv. The DM affirmed the lighting was policy complaint and that Highways had raised no objections. The informative detailed was a standard note applied on developments with external lighting, highlighting to the applicant that simply because they had received planning permission, such permission did not allow for lighting to be adjusted resulting in glare onto highways. The Highways Authority would reserve the right under this condition to ask for the lighting to be removed should it cause a traffic impact or safety issue under the highways act.
- xxv. Cllr L Vickers noted with the officer's report that the lights would be fitted with cowls to direct the light downwards, she sought confirmation that this was correct.
- xxvi. The HPA-HG advised this would be conditioned via the second condition.
- xxvii. Cllr A Varley thanked officers for their thorough report. Having listened to the varied discussions and the mitigation proposed for the sensitive location, he was content to propose acceptance of the officer's recommendation.
- xxviii. Cllr K Toye stated that whilst she was initially concerned about the impact on neighbours with respect of light pollution, she considered the conditions detailed were acceptable provided they were adhered to. Cllr K Toye seconded the officer's recommendation.
- xxix. Cllr A Brown asked if there were any safety implications arising from glass perimeter fence from a building regulations perspective. Additionally, he encouraged the applicant and others to avoid submitting retrospective applications and to seek permission ahead of commencement of works.
- xxx. The DM advised that the glass balustrade was not a feature of the planning application and was considered to be permitted development. He was unable to offer guaranteed assurances without speaking to the Building Control team whether the glass fence was acceptable.
- xxxi. Cllr A Brown accepted the fence did not form part of the planning application and asked that his question be directed to the Building Control team for a response outside of the meeting.

**RESOLVED** by 10 votes for and 1 against.

**That planning application PF/23/1150 be APPROVED in accordance with the officer's recommendation.**

**62 HOLT - PF/23/1672 - REPLACEMENT OF EXISTING TOILET FACILITIES WITH NEW PUBLIC TOILET FACILITIES AT PUBLIC CONVENIENCES, 4A FRANKLYNS YARD, HOLT, NORFOLK, NR25 6LZ**

The SPO introduced the officer's report and recommendation for approval. He outlined the site's location, relationship with neighbouring properties including Grade

II listed buildings, existing and proposed floor plans and elevations, use of materials, and photographs of the site.

The key issues for consideration were the principle of development, design, amenity, protecting and enhancing the historic environment, and planning balance.

### Public Speakers

Maggie Prior – Holt Town Council

### Members debate and questions.

- i. The Local Member – Cllr M Batey – proposed acceptance of the officer's recommendation and asked, should the application be approved, that the contractors be mindful of local businesses when undertaking their work to minimise disruption.
- ii. Cllr A Varley thanked the case officer for his report and stated that as a Local Authority, NNDC took pride in its public facilities. He noted an absence of environmental consideration in the design of the scheme, and asked officers for greater detail on the environmental aspects of the proposal.
- iii. The DM noted that there was nothing explicitly clear in the application what was being done to satisfy environmental policy requirements, though that was not to say that this policy had not been considered in the application.
- iv. Cllr A Varley thanked the DM for his comments, but stated this hadn't moved the matter forward. He affirmed the Council should ensure that its facilities were of a high environmental standard and consideration given into the Council's carbon footprint.
- v. The DM advised that the building would have to comply with building regulations as a minimum. It was a judgment call for the committee whether the application complies with policy, which officers were satisfied it would.
- vi. Cllr A Brown seconded the officer's recommendation for approval. He confirmed that updating of facilities was a core feature in the corporate plan, though noted this application had arisen due to damage to the structure. Cllr A Brown stated that the Council's capital programme and the updating of its public facilities was likely the envy of many other local authorities. He stated that the concerns of local businesses needed to be considered, and whilst there was not a proposed management plan as there may otherwise be for a larger development, the effect of noise and highways matters were important considerations.
- vii. Cllr V Holliday as the Local Member for coastal villages which used Holt as a well-loved shopping centre, welcomed the application, especially the inclusion of changing places toilets. She asked if consideration had been given over the risk of anti-social behaviour and vandalism of the facilities, as this had been an issue elsewhere in the district.
- viii. The SPO advised that from a planning perspective the council had limited control over vandalism. It was a case of educating the public about preserving and respecting facilities for the good of the community.

- ix. The DM advised that vandalism was an issue the Council had faced at other sites which had taken facilities out of action until repairs were completed. Whilst not expressed in the application, the DM felt assured that the Property Services Team would have taken the replaceability and durability of items into the design of the scheme to ensure quick repair of facilities.

**UNANIMOUSLY RESOLVED** by 11 votes for.

**That planning application PF/23/1672 be APPROVED in accordance with the officer's recommendation.**

*The meeting was adjourned at 11.05am and reconvened at 11.16am.*

**63 SLOLEY - PF/23/1717 - ERECTION OF GARDEN ROOM AND FENCE (RETROSPECTIVE) - THE OLD WORKSHOP, SLOLEY ROAD, SLOLEY, NORWICH**

The HPA – MA introduced the officer's report and recommendation for refusal. He reiterated that subsequent to the publishing of the agenda, members had been circulated an email from the agent directly.

The HPA-MA outlined the site's location, site plan, and relationship with the local setting. Another application on the site had previously been to committee (PF/23/0929) in July 2023, this did not form part of the application presented before the meeting for consideration.

The Case Officer offered photos of the site and proposed elevations. Comments had been received from the Conservation and Design Officer objecting to the retention of the garden room and fence primarily due to these structures masking the juncture between the principle two storey barn and its subservient single-story wing. The fence as built out did not bare as replacement for the post and rail fence which had been approved under a conditioned discharged under application CDA/17/0495.

The key issues for consideration were; the principle of development; the design and impact upon heritage asset; design and impact on the wider landscape; and amenity.

Public Speakers

Patrick Harper-Gray (Supporting)

Members Debate and Questions.

- i. Cllr A Brown asked why a privacy fence had been proposed and not a privacy hedge.
- ii. At the Chairman's discretion, the agent was permitted to speak. The agent advised that the applicant sought a swift solution that would physically obstruct the overlooking, this would not be possible with a hedge given the length of time required for a hedge to become established. The applicant had asked officers if a temporary fence could be retained whilst the hedge grows, however officers did not support this approach.
- iii. Cllr A Brown stated that he was not convinced with the argument supplied, and further asked the PL about the treatment of property in neighbouring

disputes, as he understood that was not a planning consideration. He noted the allegations raised against the Council for a 2021 planning application, though advised he was unaware about this application despite having sat on the Development Committee during the associated period. He asked if officers could respond to the allegations.

- iv. The PL advised that matters of purely private property disputes were not material considerations for the committee, however, impact on residential amenity was a material consideration, and the committee may have regard to both the applicant's amenity issues and neighbour's amenity issues.
- v. The Chairman sought confirmation that the fence at issue was not the boundary fence, rather it was a short fence within the curtilage of the amenity area.
- vi. The HPA – MA confirmed that the fence subject to the application was set back from the boundary fence. During his site visit the HPA-MA had attended the Hay Loft and viewed the amenity area of the Old Workshop from the double doors. He advised that the new fence provided limited additional shielding in comparison to the original fence.
- vii. The Chairman clarified that application PF/22/1909 removed permitted development rights for the erection of buildings, structures, and other means of enclosures. He asked if the fence detailed was considered a permanent structure.
- viii. The HPA-MA confirmed that the fence was considered a permanent structure.
- ix. Cllr L Vickers noted the applicant's representation and their allegation that the neighbours had breached planning permission and agreement to not overlook his property. She asked officers to clarify this matter.
- x. The ADP advised there was two points at matter. First, there was a purely civil matter between the two parties as to what they may or may not have discussed or agreed. Secondly, whether the insertion into the gable end of the main building approved or not. It was his understanding that this insertion was approved, though there were queries whether the boundary had been shown correctly at the time.
- xi. Cllr L Vickers stated that she understood that the double doors in the adjoining building were approved, but asked if there were any formal conditions applied to that approval.
- xii. The ADP advised that there were none of which he was presently aware.
- xiii. Cllr J Toye thanked officers for their report. He expressed his concern that planning was being used as a means to cover up the miss-selling of the property to the applicant. He expressed every sympathy with the applicant, but argued it was the miss-selling which was the issue at fault. Cllr J Toye affirmed that the Council should not cover up the error by changing its planning policies. With respect of the application itself, he considered that concrete posts did not demonstrate a temporary structure, and that the reed boundary fence would likely fall before the 'temporary' structure. Cllr J Toye proposed acceptance of the officer's recommendation for refusal.

- xiv. Cllr A Brown considered that greater attention needed to be given to the Garden Room, also detailed in the application, which he argued was the major difficulty. As the site was in the shadow of the heritage asset, this set a high bar over what should be built, irrespective who owns certain portions of the site. He expressed his concern over the design of the Garden Room, describing the structure as looking akin to a large garden shed.
- xv. The Chairman commented it was a matter of opinion whether individuals considered whether the design was in keeping with the overall scene. He asked the applicant whether the Garden Room was in situ when they brought the property.
- xvi. The applicant advised that it was agreed that the Garden Room would be there, and that works had commenced before the they had completed on the property. The applicant stated that they had to take the now regretful decision to continue, which is why they were pro-actively seeking permission. The final product was delivered whilst they were the owners however the purchase fee did include the Garden Room.
- xvii. In response to earlier comments, the PL advised that the fencing must be on the boundary to be permitted development.
- xviii. The ADP stated that both the Garden Room and Fence detailed in the application required consent because of the history of the site.
- xix. Cllr V Holliday agreed that that main issue requiring attention was the Garden Room. She noted within the officer's report, second paragraph on p.96, that the garage had been removed, and asked if this was because the scheme had not been thought of, or if it was due to the removal of permitted development rights?
- xx. The DMTL advised the garage formed part of a separate application presented as a retrospective application to committee in July 2023. This application was refused.
- xxi. Cllr A Brown seconded the officer's recommendation for refusal. He commented that it was a matter for the applicant, had they been miss-sold the property, to consider taking independent legal advice, but that this was not a planning matter for the committee.
- xxii. The Chairman sympathised with the unfortunate set of circumstances faced by the applicant, but advised the committee could only approach the application on its planning merits.

**RESOLVED** by 10 voted for and 1 abstention.

**That planning application PF/23/1717 be REFUSED in accordance with the officer's recommendation.**

## 64 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

- i. The DM introduced the performance report and spoke positively of the maintained and improved speed and quality of decisions. He advised that meetings had been held with planning agents as part of the planning service

improvement plan (PSIP).

- ii. Cllr A Brown expressed his thanks to officers for their work for their high levels of performance. He asked if the out of time applications referenced in the report had received agreed extensions of time. Further, he asked if there would be changes to the reporting data.
- iii. The DM advised that it was challenging to secure extensions of time in situations where it was likely that the application was recommended for refusal. Officers were working hard to ensure that those extensions of time were agreed before the statutory time limit expired. With respect of the data sets, he advised as part of the PSIP that the data set was being reviewed which would offer greater insight into the planning service. Whilst there was a plethora of data available, it was important to ensure that it presented in a way which was useful.
- iv. The ADP confirmed his commitment at the Overview and Scrutiny Committee that through the PSIP the planning service would look to produce a broader suite of performance indicators. Whilst the current indicators were interesting, other indicators were also insightful and may be of greater interest to applicants and the wider public. It was the intention that in summer 2024 a new list of indicators be published and monitored; the ADP was keen that these indicators reflected what the various stakeholders consider to be important. He encouraged members to contact him, or the DM should they have an opinion on which indicators they would like to be considered. The ADP affirmed that the Council would continue to report to government on those indicators asked of it but sought to expand on the performance reporting which a rounder suite of data to the Committee and stakeholders.
- v. Cllr J Toye echoed his thanks, and relayed positive feedback received from agents and applicants following meetings with the planning service. He endorsed greater engagement and communication with stakeholders.
- vi. The ADP advised there would be quarterly meetings with agents and developers with a commitment that one meeting would be held in person annually.
- vii. The PL offered an update to the S106 obligations and offered an update for the Church Road, West Beckham application, for Broadland Housing. She confirmed that the draft S106 agreement had already been substantially agreed, though added that conversations were required with Broadland Housing. The PL advised that two applications for Broadland Housing were delayed because the developer had not yet taken an option or entered into a conditional contract to purchase the land. She stated that it was bizarre that someone should wish to make a planning application on someone else's land given the time and expense of doing so but not enter into any contract to purchase the land. The consequence of this is that there would be nothing from stopping the landowner from selling the land with the benefit of planning permission to a different developer. The PL advised that she was in discussion with the agent about this issue, but was not satisfied with the response provided. In her experience this situation would not occur with a commercial developer, as they would not commit resources to securing planning permission for someone else's land, without the guarantee that the land would subsequently be theirs.

- viii. The Chairman questioned whether the landowner at West Beckham could sell the land for something other than social housing.
- ix. The PL advised that the landowner would be bound by the restrictions detailed in the S106, but without the option to buy or purchase contract in place, the landowner would not be bound to sell the site to Broadland Housing and could instead sell the land to any registered provider. She expressed her concern that the Committee would have listened to the representations from a particular provider, yet these representations would amount nothing if the provider does not actually purchase the site.
- x. The DM informed the Committee that the Council had employed a consultant to undertake work into how the Council may enhance the speed of delivery of affordable housing. He commented that the outlined issue would be raised as a risk point, however stated that he would be surprised if the development was not built out as expected. It was disappointing that this set of circumstances would result in delays, particularly given officers consistently work to bring items to committee at the earliest opportunity.
- xi. Cllr K Toye asked if details could be included in applications whether developers had secured the land.
- xii. The PL reiterated her comments that no commercial developer would likely be in this situation and stated that, in her experience, only Broadland Housing had undertaken these risks in not having secured the purchase of the sites.
- xiii. Cllr A Brown reflected that Broadland Housing were perhaps over relying on the C certificate, however without a conditional contract or an option deed that could be registered against the master title, there was little security offered.
- xiv. The ADP confirmed that as a simple matter of planning principle anybody could apply for any use on anybody else's land providing they submit the relevant certificate related to the ownership position. A landowner did not need to consent to a planning application made on their site and did not need to consent before an application might be determined positively. It would clearly be exceedingly difficult to develop an application with permission without the owner's consent, this was further complicated in the small number of applications subject to S106 obligations, as the S106 process required those with an interest in the land to sign the S106 agreement. He advised that the PL was correct in her assertions that the developer was undertaking matters at their own financial risk, and that this would be unusual with commercial developments, however the developer did not have to secure the site ahead of the submitting the application, or before it was considered by the committee under planning law. It was disappointing that there would be a delay to the development, despite officer's efforts and agreement by the committee.
- xv. The DM advised he would take this matter away and have conversations with members of the housing team with a view to de-risk the process. Affordable housing was a corporate priority, and it was important that everything be done to ensure its delivery as quickly and safely as possible.
- xvi. Cllr A Brown asked if proprietary matters could be added to a validation list

confirming ownership, or that an option on the land had been secured.

- xvii. The ADP advised that this was encapsulated within the validation list as an ownership certificate needed to be completed on the form. Whether there was further scope was debateable. He considered it would be relevant to the committee to know whether applicants, if granted permission, were able to swiftly move forward with the S106 agreement.

## **65 APPEALS SECTION**

- i. The DM outlined the appeals report and noted the inconsistency in how long appeals were being determined, with some still outstanding over a year and others determined incredibly quickly. A decision had been reached at Blakeney following the informal hearing on 19<sup>th</sup> September, the inspector provided a split decision which allowed the chalk grassland but dismissed the dwelling. This was the second successful appeal on the site in recent months.
- ii. Cllr A Brown welcomed the outcome at Blakeney, and the common-sense approach taken by the inspector.

## **66 EXCLUSION OF PRESS AND PUBLIC**

None.

The meeting ended at 12.05 pm.

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Chairman