

7 NOVEMBER 2019

Minutes of a meeting of the **DEVELOPMENT COMMITTEE** held in the Council Chamber, Council Offices, Holt Road, Cromer at 9.30 am when there were present:

Councillors

Mrs P Grove-Jones (Chairman)
Mr P Heinrich (Vice-Chairman)

Mr D Baker
Mr A Brown
Mr P Fisher
Mrs A Fitch-Tillett
Mrs W Fredericks

Mr R Kershaw
Mr N Lloyd
Mr G Mancini-Boyle
Mr N Pearce
Mr A Varley

Mr J Toye - Erpingham Ward
Mr J Rest – Lancaster South Ward

Mr H Blathwayt - observer

Officers

Mr P Rowson – Head of Planning
Mr N Doran – Principal Lawyer
Mr D Watson – Interim Development Manager
Ms N Levett – Interim Development Management Team Leader
Mr C Neal – Senior Planning Officer
Ms J Smith – Senior Planning Officer
Mr R Arguile – Planning Officer
Miss L Yarham – Democratic Services and Governance Officer

61 APOLOGIES FOR ABSENCE AND DETAILS OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Dr C Stockton following commencement of the meeting. There were no substitute Members in attendance.

62 MINUTES

The Minutes of a meeting of the Committee held on 10 October 2019 were approved as a correct record and signed by the Chairman.

63 ITEMS OF URGENT BUSINESS

None.

64 DECLARATIONS OF INTEREST

<u>Minute</u>	<u>Councillor:</u>	<u>Interest</u>
67	Mr D Baker	Had been contacted by the applicant and had given advice on the procedure for calling in applications and contacting officers, but had not given any opinion on the application.
68	Mr D Baker	Knew one of the speakers as she was a schoolteacher who had taught his daughter.

PLANNING APPLICATIONS

65 FAKENHAM - PF/19/1421 - Change of use from dwelling (Class C3) to mixed use (dwelling & hair and beauty salon); Tree Tops, Heath Lane, Fakenham, NR21 8LN for Mrs Pawley

The Senior Planning Officer (CN) presented the report and displayed plans and photographs of the site and surroundings, including an interior photograph to demonstrate the current domestic use of the extension. He stated that whilst the description was technically correct, in effect the proposal related to a person working from home. He recommended approval subject to the conditions listed in the report.

Councillor J Rest, local Member, stated that he had been asked by several residents of Heath Lane to put forward their concerns and he was expressing their opinions. Residents had raised concerns regarding the siting of a commercial business in a residential road. There were 12 known hairdressing/beauty salon businesses in the town. Based on the applicant's expected customers, 4 to 5 additional cars could be parked either in the applicant's driveway or on the road, albeit not at the same time. Contrary to the Highway Authority's opinion, the exit at the bottom end of Heath Lane was not easily accessible by vehicles. Heath Lane was an unadopted road which was maintained by residents' contributions. Concerns had also been raised with regard to chemicals used in the business. He asked if there was any evidence of a trade waste contract being taken up.

Councillor R Kershaw acknowledged the concern relating to additional vehicles. However, he considered that this was not a strong argument as there could be additional traffic to and from other residents, such as online shopping deliveries.

Councillor N Pearce stated that he knew the area very well and agreed with Councillor Rest that the access at the bottom of Heath Lane was almost non-existent. He expressed concern that additional parked vehicles could cause difficulty for delivery vehicles.

Councillor P Heinrich considered that there would be no problem with a small scale business. He supported the application.

It was proposed by Councillor R Kershaw, seconded by Councillor G Mancini-Boyle and

RESOLVED unanimously

That this application be approved in accordance with the recommendation of the Head of Planning.

66 LUDHAM - PF/19/1499 - Single storey extension following demolition of conservatory; 20 Broad Reaches, Ludham, Great Yarmouth, NR29 5PD for Mr and Mrs Blathwayt

The Planning Officer presented the report and displayed plans and photographs of the site. He reported that the site notice would expire on 8 November and recommended delegated approval subject to no new material comments being received on expiry of the notice, conditions as listed in the report, the final wording of those conditions to be delegated to the Head of Planning.

Councillor A Varley, the local Member, stated that he had no concerns regarding this application. He reported that the Parish Council had supported the application.

In response to a question by Councillor G Mancini-Boyle, the Planning Officer confirmed that the neighbouring dwelling had been extended.

It was proposed by Councillor Mrs W Fredericks, seconded by Councillor A Brown and

RESOLVED unanimously

That the Head of Planning be authorised to approve this application subject to no new planning grounds of objection upon completion of the consultation period and subject to the imposition of appropriate conditions.

67 RUNTON - PF/19/1472 - Proposed single storey rear extension; The Old Mill Studio, Mill Lane, East Runton, Cromer, NR27 9PH for Mrs Pitcher

Public Speaker

Mr Pitcher (supporting)

The Acting Development Manager presented the report and displayed plans and photographs of the site and surrounding area, including aerial photographs taken from the Old Mill. He reported that three further representations had been received in support of this application. A meeting had been held with the applicant and her agent to explore possible alternatives, given the personal circumstances and recommendation for refusal. The agent had responded by email, explaining the reasons for siting the extension as proposed, why the extension could not be sited elsewhere, the nature of the existing outbuildings which meant they could not be converted and the reasons why a temporary building would not be acceptable.

The Acting Development Manager recommended refusal of this application for the reasons set out in the report.

The Chairman referred to the comments of Councillor Mrs S Bütikofer, the local Member, which had been circulated prior to the meeting. Members confirmed that they had read the comments.

The Head of Planning stated that this was one of the most difficult applications to consider. Discussions had taken place to explore alternatives, from which it was clear that the applicant's preference was for an extension as proposed. It was appreciated by Officers that the extension as now proposed was smaller than a previous application to provide accommodation for grandparents. He explained that Officers could only give advice on planning decisions based on planning policy. Officers had identified a material level of harm to the listed buildings and their settings. The harm was considered to be towards the middle to lower end of the spectrum of harm, but the Council had a duty to protect the listed buildings. He advised the Committee with regard to the assessment of harm and the weighing of public benefit which had led to the recommendation, and the issues for the Committee to consider in this case. On the basis of planning policy and case law, the application was recommended for refusal.

Councillor D Baker considered that the report was positive, but it had concluded with a recommendation of refusal. There had been no objections, the Parish Council was sympathetic and he considered that a great deal of weight should be given to the lack

of objection from occupiers of the heritage asset. The proposal did not contravene Policy HO8 and would be well screened. He understood that planning decisions could not be made on compassionate grounds. However, Government planning guidance gave substantial weight to children's interests and he considered that this was an extraordinary case. The Head of Planning had stated that the harm to the listed buildings would be less than substantial and the height of the extension would not have an impact on the listed building. He stated that he would be proposing approval of the application.

Councillor N Pearce considered that there was more than enough scope to say that the level of harm was not substantial. He considered that this was a situation where approval could be given to ensure that the family could look after their child, who would need an increasing level of care.

The Head of Planning and Principal Lawyer advised the Committee with regard to the presumption in favour of the protection of heritage assets and the need to weigh the public benefit against the harm to the heritage assets. Officers had provided a professional assessment of the issues.

There being no proposer for the Officers' recommendation, the Chairman put the recommendation to the Committee and it was lost with no Members voting in favour.

The Head of Planning requested delegated authority to draw up any conditions, in conjunction with the Chairman. In view of the urgency of this matter pre-commencement conditions would be kept to a minimum.

Councillor D Baker considered that there was enormous public benefit to the development for the family, their friends and the local community which was supporting the family, to give comfort for the family to be able to move forward.

It was proposed by Councillor D Baker, seconded by Councillor N Pearce and

RESOLVED by 11 votes to 0 with 1 abstention

That this application be approved subject to the imposition of appropriate conditions.

Reasons: The public benefit arising from this application is considered to outweigh the less than substantial harm to the heritage assets.

- 68 SUSTEAD - PF/19/0603 - Change of use of a former scaffold yard to a self-storage facility (B8 Storage) including installation of storage containers & office/welfare unit and laying out of storage compounds; Wheelwrights, The Street, Sustead, NORWICH, NR11 8RU for Wild Boar Properties Ltd**

Public Speaker

Mrs Bowland (Sustead Parish Council)
Mrs Williamson (objecting)
Mr Temperton (supporting)

The Acting Development Manager explained that since deferral of this application at the previous meeting, the applicant had submitted an appeal against non-determination to the Planning Inspectorate and the Committee now had to confirm the decision it would have made.

The Acting Development Manager updated the Committee with regard to the matters for which the application had been deferred. No further information had been submitted by the applicant to demonstrate that the 2008 permission to extend the scaffold yard had been implemented. However, photographs had been supplied by the neighbour which indicated that, on the balance of probabilities, the permission had not been implemented.

The Highway Authority considered that the highway impact of the proposed use would be similar to the scaffold yard use and the access had been improved in the past. The movement of the containers would be short-lived and similar to construction traffic bringing materials to the site and other traffic movements associated with the use would be by private vehicles. The Highway Authority could therefore not substantiate an objection to this application.

It was considered that surface water run off could be dealt with by conditions.

The Acting Development Manager presented the report and displayed plans and photographs of the site and surrounding area. He referred to a letter that had been received from the Chair of the Felbeck Trust, which had been circulated to Members. Given the established use of the site, with reluctance, the Acting Development Manager recommended the Committee to confirm that it would have approved the application subject to conditions.

Councillor J Toye, the local Member, referred to the comments he had made at the previous meeting. He considered that it was clear that everyone, including the applicant, considered that the site was not the right place to put containers. He referred to the reluctance with which the Acting Development Manager made his recommendation. The question of housing had been raised, and whilst he was open to discussion on that matter, it was not an issue which could be discussed at this meeting and would require a separate application. He considered that the current proposal was very different from a scaffolding yard, which only had a few traffic movements in the morning and evening, and was likely to generate ongoing traffic movements involving several vehicles on a daily basis. He considered that the proposal was not right or suitable for Sustead.

The Chairman referred to the comments of Councillor Mrs S Bütikofer, which had been circulated prior to the meeting. Members confirmed that they had read the comments.

Councillor N Pearce referred to the conclusion to the Officer's report which stated that if this was a new proposal it would not be acceptable in this rural location. He considered that this was a new proposal and he did not support it due to its location. He considered that residential use would be better for the village and the applicant had offered a way forward.

Councillor P Heinrich considered that it was unfortunate that the previous application for residential use had not been brought before the Committee. He stated that he wished to propose refusal of this application.

The Head of Planning cautioned the Committee against lengthy discussion of the principle of residential development as there was no application currently on the table and there was a danger of predetermination. The applicant had an opportunity to engage with the community and undertake a pre-application process, and the Committee could consider any formal proposals which were subsequently put forward at the appropriate time.

There being no proposer for the Officers' recommendation, the Chairman put the recommendation to the Committee and it was lost with no Members voting in favour.

It was proposed by Councillor P Heinrich, seconded by Councillor P Fisher and

RESOLVED unanimously

That the Committee indicates that it would have refused this application for the following reasons:

- 1. In the opinion of the Local Planning Authority the scale of the proposed development in terms of number of storage containers in the compound in combination with lighting and the nature of the use would result in noise and disturbance from general activity and comings and goings that would be harmful to the residential amenity of occupiers of nearby dwellings. The proposal is therefore contrary to adopted Core Strategy Policies EN4 and EN13.**
- 2. In the opinion of the Local Planning Authority the proposal is for a new business in the area designated as Countryside. It has not been demonstrated that the proposal requires rural location or there is a particular environmental or operational justification as to why it should be located in the Countryside. The proposed development is therefore contrary to policies SS1 and SS2.**

69 TRUNCH - PF/19/0962 - Retention of land for private recreational use, retention of summerhouse; retention of shed; retention of electricity meter cabinet and mains water stop-cock cabinet; retention of pedestrian access gate; retention of vehicular entrance and gate; Land opposite School Cottage, Back Street, Trunch for Mr Amis

The Interim Development Management Team Leader presented the report and displayed plans and photographs of the site. She recommended approval of this application subject to the conditions listed in the report.

Councillor Mrs A Fitch-Tillett considered that the proposed condition to prevent use of the summerhouse for residential habitation addressed any concerns. She proposed approval of this application as recommended.

The Head of Planning explained the background to this case and confirmed that the summerhouse was used as additional amenity space when the site owners, who had a longstanding connection with Trunch, visited family and friends.

Councillor A Varley seconded the proposal.

RESOLVED unanimously

That this application be approved subject to the conditions listed in the report and any other conditions considered necessary by the Head of Planning.

70 WIVETON - PF/19/0856 - Retention of an electronic communications base station without removing the existing 12.5m high monopole mast and attached transmission dish (as required by condition 5 of prior approval ref. no. PA/17/0681); Telephone Exchange, Hall Lane, Wiveton for Arqiva Limited

Public Speaker

Mr Shamash (supporting)

The Senior Planning Officer (JS) presented the report and displayed plans and photographs of the site, including views from the surrounding area. She recommended approval subject to the conditions listed in the report.

The Chairman referred to the comments of Councillor Ms K Ward, the local Member, which had been circulated prior to the meeting. Members confirmed that they had read the comments.

Councillor Mrs A Fitch-Tillett stated that she was Vice-Chair of the Norfolk Coast Partnership. She stated that the masts were in a sensitive location and asked if it would be possible to share the apparatus within the tower of Blakeney Church. There was a suggestion through central government to make operators share apparatus. She did not support this application.

Councillor N Pearce stated that the Local Authority was tasked with protecting the AONB and heritage, and questioned the need for a second mast on the site. He considered that insufficient thought had been given to the siting of the mast at the outset. He did not support the application.

The Head of Planning explained that the existing monopole had planning permission to be on the site. The second mast also had planning permission, subject to the removal of the original mast. He advised that in the event of refusal of this application, which sought to retain both masts, it would be necessary to consider enforcing either the condition relating to the brown mast or to have the brown mast removed.

Councillor R Kershaw stated that the issue seemed to be that one mast was acceptable and one should be removed. The contractor had made a basic error in placing the 15m mast where there was no clear line of sight and he did not understand why the 12.5m mast could not be replaced by a 15m mast. He understood that the equipment within Blakeney Church tower had recently gone live. There would be a community benefit by bringing money into local churches and he understood alternative sites at Wiveton and Cley churches had not been explored.

There being no proposer for the Officers' recommendation, the Chairman put the recommendation to the Committee and it was lost with no Members voting in favour.

Councillor Mrs A Fitch-Tillett proposed refusal of this application on grounds relating to additional harm to the AONB.

The Head of Planning advised the Committee with regard to identification of the level of harm and weighting against the public benefit. He stated that he had delegated authority on matters of enforcement and would seek the retention of one of the masts and full compliance with one of the planning permissions which were in place.

It was proposed by Councillor Mrs A Fitch-Tillett, seconded by Councillor R Kershaw and

RESOLVED unanimously

That this application be refused on grounds that the harm to the AONB, Glaven Valley Conservation Area and the impact on the setting of the adjacent Conservation Area is not outweighed by the wider public benefit which arises from the proposal.

71 APPLICATIONS RECOMMENDED FOR A SITE INSPECTION

None.

72 APPEALS SECTION

The Head of Planning reported that the Planning Inspectorate was currently taking 40 weeks to deal with written representations enforcement appeals, around a year for hearings and 70 weeks for public inquiries, which was of great concern. He referred to enforcement cases at Cley and High Kelling for which a date had not yet been received. He would continue to press the Planning Inspectorate on these outstanding matters.

Councillor N Pearce considered that the Council's success with appeal decisions showed that it was on the right track, and as much pressure as possible should be put on the Inspectorate.

Councillor A Brown endorsed Councillor Pearce's comments. He expressed gratitude to the Planning Team for the handling of the cases. He considered that it was not widely appreciated by the public that the work done by the Planning Team on appeal cases helped to protect the Council's finances. He wondered if the delay in dealing with appeals was symptomatic of a lack of resources, finances or skills in the Inspectorate, and asked the Head of Planning to comment on how the situation could be improved, if there was any recognition of the problem at Government level and if the problem was being addressed.

The Head of Planning stated that he would send a link to the Inspectorate's web page so Members could keep themselves apprised as to the length of time appeals were taking. The concern was principally around enforcement appeals, where there was a shortage of enforcement experts, the cases were difficult and decisions directly affected people's lives and livelihoods. He would continue to raise the issues with the Portfolio Holder and Chairman and keep Members up to date with the progress on individual cases.

(a) NEW APPEALS

The Committee noted item 14(a) of the agenda.

(b) INQUIRIES AND HEARINGS - PROGRESS

The Committee noted item 14(b) of the agenda.

(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

The Committee noted item 14(c) of the agenda.

(d) **APPEAL DECISIONS**

The Committee noted item 14(d) of the agenda.

(e) **COURT CASES – PROGRESS AND RESULTS**

The Committee noted item 14(e) of the agenda.

The meeting closed at 11.35 am.

CHAIRMAN
5 December 2019