

**THURSDAY, 5 MARCH 2020**

Minutes of a meeting of the **Development Committee** held in the Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN at 9.30 am when there were present:

**Councillors**

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

Mr A Brown  
Mr P Fisher  
Mrs W Fredericks  
Mr N Lloyd  
Mr N Pearce  
Mr A Yiasimi

Mr C Cushing  
Mrs A Fitch-Tillett  
Mr R Kershaw  
Mr G Mancini-Boyle  
Mr A Varley

Mr J Toye – Erpingham Ward  
Mrs L Withington – Sheringham North  
Mrs E Spagnola - observing

**Officers**

Mr P Rowson, Head of Planning  
Mr N Doran, Principal Lawyer  
Mr D Watson, Interim Development Manager  
Mr G Lyon, Major Projects Manager  
Owen, Planning Officer  
Mr C Reuben  
Witton, Landscape Officer  
Miss L Yarham, Democratic Services & Governance Officer (Regulatory)

**113 TO RECEIVE APOLOGIES FOR ABSENCE AND DETAILS OF ANY SUBSTITUTE MEMBER(S)**

None.

**114 MINUTES**

The minutes of meetings of the Committee held on 23 January and 6 February 2020 were approved as a correct record and signed by the Chairman.

**115 ITEMS OF URGENT BUSINESS**

None.

**116 DECLARATIONS OF INTEREST**

<u>Minute</u>	<u>Councillor:</u>	<u>Interest</u>
117	Mrs A Fitch-Tillett	Knows applicant well and will not participate.
120	Mr P Fisher	Knows the Town Council representative

The Chairman stated that Members had received numerous emails regarding applications on the agenda.

117 **COLBY - PF/19/1974 - CONVERSION OF BARN TO 2NO.DWELLINGS (PART RETROSPECTIVE); HEPPINN BARN, NORTH WALSHAM ROAD, BANNINGHAM, NORWICH, NR11 7DU FOR MRS JONES**

Public Speakers

Mo Anderson-Dungar (Colby and Banningham Parish Council)  
Dr Ken Craig (supporting)

The Senior Planning Officer (CR) presented the report. He displayed plans and photographs of the site, including plans that had been approved under Class Q of the General Permitted Development Order (GDPO) and photographs of the building prior to development and as currently existing. He also displayed photographs of conversion works being carried out at Brick Kiln Farm, North Walsham, which had been permitted in 2019, to show the extent of original fabric which was required for conversion in comparison with the application site. He recommended refusal of this application as set out in the report.

Councillor J Toye, the local Member, gave a detailed account of the circumstances that had led to the current situation. He stated that the applicant and her builder had decided that replacing the walls with the same materials in the same position amounted to maintenance, which the applicant had previously been told she could carry out. The building had not been demolished and as much as possible of the original fabric had been retained. He referred to Policies EN8 and HO9, and considered that the fact that the conversion of the building had been approved twice under Class Q represented an acceptable plan. He referred to the amount of local support for the proposal, and considered that it would improve the environment both visually and environmentally. He considered that there would be no change to the final result if this application were approved as the proposal had the same footprint and visual appearance. He requested the approval of this application under Policy HO9 as the proposal was for conversion with maintenance being carried out during the process.

In response to a question by Councillor N Lloyd regarding Brick Kiln Farm, North Walsham, the Interim Development Manager confirmed that although an application had been refused by the Committee in 2018, the most recent application had been approved under delegated powers. There had been an appeal at some stage but he did not know when.

Councillor Lloyd stated that the principle of development of the application site had been set on two occasions and he considered that it was common sense to allow the applicant to complete the build. He considered that refusal of the application would result in a further application and involve much time and expense for both the Authority and the applicant.

The Interim Development Manager explained that the principle had been established under the GDPO for conversion of the building, but not rebuilding. If the applications had come originally forward for the building as now existing they would not be acceptable. Policy SS2 sought sustainable patterns of development, whereas the GDPO did not.

The Principal Lawyer stated that the concept of conversion in this case was difficult. He advised the Committee with regard to Class Q, and referred to a recent appeal decision where the Planning Inspector had determined that the totality of works

required in that case constituted rebuilding and could not be considered a conversion as the building as it stood was not capable of functioning as a dwelling.

Councillor N Pearce referred to the Officer's report which demonstrated compliance with a number of Local Plan policies. He supported the application.

The Head of Planning advised the Committee that the application had to be considered on the basis of its compliance with Policy HO9 and referred the Committee to the policy requirements set out on page 4 of the Officer's report.

Councillor P Heinrich considered that the prior approvals had clearly been based on inaccurate information and it was a pity that the applicant had not commissioned her own survey. He stated that many buildings of this nature had been erected cheaply for a short term purpose, and were never intended for long-term use or conversion. He considered that the building had not been suitable for conversion in the first place, it was not a replacement barn, and the proposal amounted to a new residential building. Whilst he had sympathy with the applicant, he proposed refusal of this application as recommended.

Councillor Mrs W Fredericks asked what proportion of the building should remain to meet the requirements for conversion.

The Principal Lawyer stated that there was no definitive case law which defined how much amounted to conversion and what did not. It was a matter of planning judgement for the Committee.

Councillor R Kershaw seconded the proposal to refuse this application.

On being put to the vote, 6 Members voted in favour and 6 against, and on the casting vote of the Chairman it was

## **RESOLVED**

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

**118 SHERINGHAM - PF/19/1490 - CHANGE OF USE OF LAND AND EXISTING BUILDING (COMPRISING OF GARAGE/WORKSHOP/STUDIO/STORE/GARAGE) AND EXTENSION TO BUILDING TO CREATE A DWELLING HOUSE; DEMOLITION OF SHED AND CONSTRUCTION OF A GARAGE WITH A WC; BENNY'S YARD, SADLERS LANE, SHERINGHAM, NR26 8HS FOR MR SMITH**

There was a short adjournment prior to the commencement of this item to allow the Committee to view a model of the proposed development that had been provided by the applicant, and to read a submission by the applicant that had been circulated to the Committee immediately prior to the meeting.

### Public Speakers

Stephen Pegg (Sheringham Town Council)  
Paula Prince (objecting)  
Bernard Smith (supporting)

The Interim Development Manager presented the report. He displayed plans and photographs of the site, including Sadlers Lane. He also displayed photographs of

the applicant's model with shadowing effects which indicated that there would be no impact on the neighbour, and photographs that had been supplied by the applicant showing views from inside the building and the external space. He reported that the plans had been amended to remove the entrance gates and the applicant had confirmed that a north-facing window at first floor level could be obscurely glazed. Further advice had been received from the Landscape Officer with regard to bats and a further objection had been received from the occupiers of 18 Cromer Road, both of which had been circulated to the Committee.

In presenting the recommendation contained in the report, the Interim Development Manager explained that the building had bat roost potential and it would therefore be unlawful to grant planning permission without a full understanding of the impact on protected species.

The Head of Planning stated that the applicant's submission that had been circulated, and which Members had been given the opportunity to read, was in response to a request to the applicant to address the material planning considerations and had been received after office hours on the previous evening.

The Head of Planning reported that no further information had been received from Cllr C Heinink but his reasons for calling in the application were included in the report.

Councillor G Mancini-Boyle asked if a traffic survey had been conducted on Sadlers Lane.

The Interim Development Manager explained that a traffic count would not be carried out as Sadlers Lane was not a public highway. An estimate of 6 vehicle movements a day had been calculated using TRICS data.

Councillor P Heinrich considered that the conversion was well-designed, the access appeared to be adequate for the likely number of traffic movements and the proposal complied with Local Plan Policies SS1 and EN4 and the Design Guide. He understood the objector's concerns but they had largely been addressed, and he did not consider that the concerns regarding the roof terrace were relevant. He proposed acceptance of the Officer's recommendation.

The Head of Planning stated that the recommendation gave him delegated authority to approve the application subject to prior completion of a Preliminary Roost Assessment which may also result in the need for a bat emergence survey(s). The advice of the Landscape Officer indicated that the bat emergence survey could not be undertaken until May, although it could be done slightly earlier if there was a warm Spring.

Councillor N Lloyd asked what would happen if bats were found to be present.

The Landscape Officer explained the process for determining the presence of bats. In the event of bats roosting in the building, it would be necessary to consider the impact of the development on the bats and the mitigation measures that would be required to comply with the relevant legislation.

In response to a further question by Councillor Mrs A Fitch-Tillett regarding the timescale for the survey work, the Landscape Officer explained that the conclusion of the work could be between May and the end of the summer depending on the number of surveys that would be required.

Councillor Lloyd asked for the Officers' view on the concerns raised by the objector in relation to the wall adjoining her property.

The Officers explained that maintenance of the wall would be covered by the Party Wall Act and Building Regulations. It was not relevant to the determination of the planning application.

Councillor Mrs A Fitch-Tillett seconded the proposal by Councillor Heinrich.

Councillor N Pearce asked if there was any merit in a site inspection given the necessary delay for the bat surveys and contentious nature of the application.

The Head of Planning advised that bearing in mind the importance to the parties concerned that a decision was made, and the photographs and model supplied, he considered that little would be gained from a site inspection.

Councillor Pearce asked that his concerns be noted regarding the condition and width of the roadway and access, and possible loss of privacy.

Councillor A Yiasimi stated that the report was excellent and the model had been very helpful. He supported the application on that basis and also taking into account that there would be no highway impact and bat surveys would be carried out.

The Chairman commented that there were many small alleys in towns and villages which were used for vehicular access. The Highway Authority had raised concerns but had taken a view that an objection could not be justified.

In response to a question by Councillor C Cushing, the Head of Planning stated that the applicant would be responsible for commissioning the bat survey work at his own expense.

**RESOLVED** unanimously

**That subject to the completion of a Preliminary Roost Assessment together with any additional surveys incorporating their recommendations into the proposal, the Head of Planning be authorised to approve this application subject to the conditions listed in the report and any other necessary conditions.**

119 **SHERINGHAM - PF/19/1943 SINGLE STOREY REAR EXTENSION FOLLOWING DEMOLITION OF EXISTING SINGLE STOREY REAR EXTENSION: FLAGSTAFF HOUSE, 23 THE DRIFTWAY, SHERINGHAM, NR26 8LD FOR MR TEMPLEMAN**

Public Speakers

Stephen Pegg (Sheringham Town Council)  
Steven Howes (supporting)

The Senior Planning Officer (JO) presented the report. She displayed plans and photographs of the site, including a plan showing the relationship of the site to the AONB and 3D images of the proposed development. She recommended approval of this application as set out in the report.

Councillor L Withington, the local Member, expressed concerns regarding the design

of the extension. The building was one of the oldest in the town and she considered that the scale of the extension and proposed materials would not enhance the Conservation Area. The expanse of glass was also a concern as it would be a significant source of light, contrary to the dark skies initiative in Sheringham, and the extension would be seen from the beach at low tide.

Councillor Mrs A Fitch-Tillett referred to a comment made by the supporting speaker that design was subjective. In her opinion, it was a wonderful design. She stated that the building next door had a very large panoramic window and there was already a street light on the promenade which was necessary for safety. She stated that she was Vice-Chairman of the AONB Partnership, which had raised no concerns. She commented that the glass appeared to be tinted and asked if it was non-reflective.

At the invitation of the Chairman, Mr Howes explained that the glass would be sun control glass and would have a slight tint, although it appeared darker on the photographs.

Councillor Mrs A Fitch-Tillett proposed approval of this application as recommended.

Councillor A Brown considered that the design was challenging as it was in a Conservation Area. He stated that the scale of the extension was constrained by the existing 1970s extension, but he considered that it was overbearing in its dimensions and had the appearance of a large conservatory, and that more sympathetic materials would be preferable. He considered that the application should be refused.

Councillor A Yiasimi considered that the proposed extension would enhance the existing building. He seconded the proposal for approval.

Councillor P Heinrich stated that it was necessary to bring the building up to modern standards and accept that buildings would grow and change. The proposal would replace the existing extension with a contemporary design. He supported the application.

Councillor G Mancini-Boyle stated that he liked the design but would not want to see a balcony erected on the extension in the future.

The Chairman stated that a further planning application would be required for the erection of a balcony.

Councillor C Cushing considered that the design was attractive. He considered that the concerns regarding dark skies were insufficient to refuse the application as the extension would only be seen off the coast, and Sheringham itself was a light source.

**RESOLVED** by 11 votes to 1

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

**REFURBISHMENT THROUGHOUT. NEW BOUNDARY TREATMENT TO SOUTH FACING GARDEN; CROFT HOUSE, CROFT YARD, WELLS-NEXT-THE-SEA, NR23 1JS FOR MR & MRS BUCKE**

Public Speakers

Roger Arguile (Wells Town Council)  
Cheryl Curtis (objecting)  
Sasha Edmunds (supporting)

The Interim Development Manager stated that the final paragraph on page 19 of the report should read "Croft House is a residential property sited within Wells Conservation Area" and that the remainder of the paragraph should be deleted.

The Interim Development Manager presented the report. He displayed plans and photographs of the site, including visualisations of the proposal. He also displayed photographs that had been supplied by the applicant showing the extent of existing overlooking. He recommended approval of this application as set out in the report.

Councillor P Fisher, the local Member, stated the reasons he had called in the application had been well covered by the Town Council representative and the objector. He added that the existing windows were historically there and people were likely to look out in passing, whereas the tower was designed specifically to sit and view and people could look down into the yards of all properties along the lane.

Councillor R Kershaw stated that the nature of the area was that all properties were overlooking each other. He considered that the design of the proposal was excellent and would enhance the area. He proposed approval of this application as recommended.

Councillor Mrs A Fitch-Tillett considered that there were no planning reasons to refuse the application and the issues had been addressed. She seconded the proposal.

Councillor N Lloyd considered that the existing building was in need of major refurbishment and he liked the contemporary design. With regard to overlooking, there were modern buildings adjacent to the site which looked directly into each other, and the photograph taken from the existing bedroom window demonstrated that there was already a good splay of visibility.

Councillor G Mancini-Boyle referred to the pinch point on the lane and the parking layout, which he considered was acceptable.

The Head of Planning advised the Committee that the Conservation and Design Team Leader considered that the design issues were finely balanced but had taken a positive view.

Councillor N Pearce referred to the public right of way on foot and a condition to maintain a right of way on foot with an emphasis on safety.

The Head of Planning explained that the right of way was a civil issue but an informative note could be added to say that there was a right of way on foot which should not be restricted.

Councillor A Brown considered that the proposed extension was more sympathetic

to the host building than the previous case at Sheringham and he supported the application.

**RESOLVED** by 12 votes to 0 with 1 abstention

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

**121 APPLICATIONS RECOMMENDED FOR A SITE INSPECTION**

None.

**122 APPEALS SECTION**

**(a) NEW APPEALS**

The Committee noted item 12(a) of the agenda.

**(b) INQUIRIES AND HEARINGS - PROGRESS**

The Committee noted item 12(b) of the agenda.

**(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND**

The Committee noted item 12(c) of the agenda.

**(d) APPEAL DECISIONS**

The Committee noted item 12(d) of the agenda.

The Interim Development Manager reported that an appeal against non-determination in respect of planning application Sustead 19/0603 had been dismissed. An appeal against refusal of Briston PF/19/0135 had also been dismissed.

The Major Projects Manager updated the Committee in respect of the wind turbine appeals at Bodham and Selbrigg, both of which had been allowed by the Inspector. A decision was yet to be made with regard to any further action to be taken by the Authority in this matter and a press statement would be issued in due course.

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

The Committee noted item 13(e) of the agenda.

The meeting closed at 12.20 pm.



