

## THURSDAY, 2 APRIL 2020

Minutes of a remote meeting of the **Development Committee** hosted at 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 Varley

Mr C Cushing  
Mrs A Fitch-Tillett  
Mr R Kershaw  
Mr G Mancini-Boyle  
Dr C Stockton  
Mr A Yiasimi

Mr E Seward – North Walsham East Ward  
Mrs L Withington – Sheringham North Ward

Mr J Rest  
Mr J Toye - observing

### Officers

Mr P Rowson, Head of Planning  
Mr N Doran, Principal Lawyer  
Mrs S Ashurst, Development Manager  
Miss L Yarham, Democratic Services & Governance Officer (Regulatory)

#### **123 PURPOSE OF MEETING**

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The Head of Planning explained that it was unlawful to determine planning applications at meetings conducted by way of remote attendance under the Local Government Act 1972. Measures were being put in place by the Government under the Coronavirus Act 2020 to facilitate remote decision making. The Act had received Royal Assent, but the regulations authorising remote meetings and decision taking had not yet been formally enacted and remote decision making remained unlawful at the present time.

Following discussions with the Head of Legal and Democratic Services Manager to secure a process to allow business to continue, it had been agreed that Members should be engaged in the Development Committee to give direction to the Head of Planning as to the decisions to be made. Those decisions would then be exercised appropriately by him under his emergency delegated authority, which would allow decisions to be made legally and transparently.

Members indicated that they were clear as to the process to be followed.

The Principal Lawyer explained that the Council's Constitution allowed powers to be delegated to officers in the event of an inability to hold meetings. This was the situation the Council was in at the present time due to Government restrictions

arising from the Covid-19 pandemic. The formal legal decision would be taken by the Head of Planning in exercise of his delegated powers. He could take into account relevant opinions, but the ultimate decision was his. The role of Committee Members at this meeting was as consultees and not decision makers.

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

None.

**125 MINUTES**

Members indicated that the Minutes of the meeting of the Committee held on 5 March 2020 were a correct record, subject to formal ratification at the next formal meeting.

**126 ITEMS OF URGENT BUSINESS**

None.

**127 DECLARATIONS OF INTEREST**

<u>Minute</u>	<u>Councillor:</u>	<u>Interest</u>
128	Mr P Heinrich	Had meetings with the Park Owners' Association and attended a meeting with Council Officers, NWWPOA representatives, the applicant and agent.

**128 NORTH WALSHAM - PF/19/2003 - PROPOSAL TO REMOVE CONDITION 2 [REQUIREMENT TO USE EACH CARAVAN AND CHALET AS HOLIDAY ACCOMMODATION ONLY, AND NOT AS THE SOLE OR MAIN PLACE OF RESIDENCE FOR ITS OCCUPIERS] OF PLANNING PERMISSION PF/04/1449 (USE OF CHALET AND CARAVAN PARK WITH ABILITY TO OCCUPY CARAVANS ALL YEAR ROUND FOR HOLIDAY PURPOSES), TO ALLOW CARAVANS TO BE USED AS BOTH 12 MONTH HOLIDAY ACCOMMODATION OR RESIDENTIAL USE, INCLUDING AS A MAIN OR SOLE RESIDENCE; ALDER COUNTRY PARK, BACTON ROAD, NORTH WALSHAM FOR EXCLUSIVE LUXURY LODGES LTD**

The Head of Planning referred to the report and slide handout previously supplied to the Committee.

The Head of Planning read verbatim the written statements that had been received from the following person:

Mr Hankins (Residents' Association) (supporting)

Councillor E Seward, local Member, referred to the amount of local support for this application and stated that he was not aware of any local opposition. He considered that the overriding material consideration was that approval of this application would allow residents to live permanently at the park. It would remove a potential homeless situation for 30 older residents, some of whom had challenging health issues, and the removal of the uncertainty would improve their health and wellbeing. The situation had arisen as they had been led to believe by the previous owners of the park that they could live permanently at the site. The future viability of the park was likely to be based on permanent residents as well as tourists. He referred to

comments by the Lead Local Flood Authority that the park was susceptible to flooding. He referred to historic flooding in the area in 2008 and stated that this did not involve the Alder Valley County Park. No flooding had occurred since 2008 and there was in reality not a flooding issue in the area. He fully supported the application.

Councillor P Heinrich, local member, stated that there was a long history behind this application, particularly regarding actions of the previous owner, and there was a large number of permanent residents on site for whom it was their sole address. They had purchased the lodges in good faith with assurances that permission for permanent residence was in place. Approval would regularise the situation and would ensure many of the elderly and vulnerable residents could remain in their homes, which was particularly important given the current situation, and ensure that the site would remain sustainable and beneficial to the local economy. The site had existed in various forms and under various owners for many years, it did not cause a problem in the locality, was readily placed for access to the shops and other services and was well managed under current ownership. There had been clear assurance from the applicant that any flooding would be managed and residents relocated outside the flood zone. However, he was not aware of any flooding issues in this locality. He considered that maintenance to the trees on the site was good management. He proposed that the recommendation of the Head of Planning be supported.

Councillor N Lloyd stated that he had previously been a Member for North Walsham East Ward. He endorsed the comments of the current Ward Members. His family had experience of the site and he could confirm that there had been no incidents of flooding since the 1980s. He stated that approval of this application would remove uncertainty for the residents, and he seconded the proposal.

Councillor A Brown stated that if this were a new build proposal in an area outside the settlement boundary it would probably not be allowed. He asked why the condition was being relaxed on the whole site, and not just the units concerned or 50% of the site as suggested by the Town Council and Norfolk County Council. He asked if this was likely to lead to the loss of the site for tourism.

The Head of Planning explained that the application had come before the Committee as it was a departure from Local Plan policies SS1 and SS2. Relaxation of the condition would allow both holiday and residential uses across the site. He explained the licensing regimes that would govern the use of the units on the site and allow it to remain in mixed use, which he understood was the owner's intention. It was not anticipated that the site would become a wholly residential site, but it would allow the existing permanent residents peace of mind.

Councillor N Pearce stated that this was an opportunity to clear up longstanding issues. Whilst he was not in favour of retrospective applications and relaxation of conditions, it was necessary to be pragmatic and consider each case on its merits, and on this basis he supported the Officer's recommendation.

The Chairman allowed Councillor J Toye to speak on this matter. Councillor Toye asked if it was possible to require some of the units to be used for homeless accommodation or social rented housing.

The Head of Planning explained that he had discussed this matter with the applicant. The applicant was willing to promote residential use where appropriate across the site, and the units would be more affordable than open market units because of their

nature. The Housing Team would continue to work with the residents on the site and would now be able to effectively grant aid any adaptations needed for people with disabilities. However, the applicant was not willing to enter into a Section 106 Agreement to secure homeless accommodation or affordable rented housing.

The Chairman suggested that it would be appropriate to increase the timescale for relocation to 24 months given the current situation.

The Head of Planning explained that the recommendation had been written prior to the Covid-19 social distancing rules and he was happy to extend the timescale under the circumstances.

**The proposal by Councillor Heinrich, seconded by Councillor Lloyd was put to the vote and by a clear indication of support it was agreed that the view of the Committee was that the Head of Planning should exercise his delegated authority in accordance with his recommendation, subject to increasing the timescale for relocation to 24 months.**

129 **CLEY-NEXT-THE-SEA - PF/19/1893 - INSTALLATION OF 3NO. PAY AND DISPLAY MACHINES (2NO. IN THE VISITOR CENTRE CAR PARK AND 1NO. AT THE CLEY BEACH ROAD CAR PARK); CLEY MARSHES VISITOR CENTRE & CLEY BEACH ROAD CAR PARK, COAST ROAD, CLEY-NEXT-THE-SEA, HOLT, NR25 7SA FOR MR MORRITT**

The Development Manager referred to the report and slide handout previously supplied to the Committee. She referred to the Highways section of the Appraisal and stated that Policy CT6 was not relevant to this matter. It was also recommended that approval should be for a limited period of 18 months and not one year as stated in the printed recommendation.

The Development Manager read verbatim the written statements that had been received from the following persons:

Dr V Holliday (Cley Parish Council)  
Mr N Morrirt (supporting)

The Development Manager read verbatim the comments of Councillor Ms K Ward, the local Member. Councillor Ms Ward was opposed to this application as she considered that it offered no public benefit to outweigh the harm, the proposal was contrary to Local Plan policies EN1, EN2 and EN3 and there was evidence that parking displacement already occurred as a result of charging at the Beach Road car park. She also considered that the application was contrary to Policies CT5 and CT6 as considerable thought had been given to hiding the car parking from wider views in the landscape when the original application for the visitor centre was approved, and the current application would risk cars being parked along the coast road in one of the most iconic views on the coast. Given the Council's commitment to reduce the carbon footprint, she considered that solutions which reduce the impact of car traffic should be explored in this sensitive natural location.

Councillor C Cushing asked if the proposal was intended to formalise an existing charging regime or introduce charging for the first time.

The Development Manager stated that the Norfolk Wildlife Trust had acknowledged that charging at Cley beach road car park had been in place for a number of years. Charging for car parking did not require planning permission. The current

application related to the siting of pay and display machines only.

Councillor A Fitch-Tillett stated that she concurred with the concerns of the Norfolk Coast Partnership and Cley Parish Council. She stated that visitor pressure was already harming designated areas in the District and she could not support this application.

Councillor P Heinrich stated that this proposal would enable the Norfolk Wildlife Trust to charge efficiently instead of having an attendant or relying on visitors going into the visitor centre to pay. Parking was a problem and there was little the Council could do about it, apart from asking the Highway Authority to impose a clearway restriction. He proposed that the recommendation of the Head of Planning be supported.

Councillor N Lloyd considered that proposed machines would be unobtrusive. He seconded the proposal.

**The proposal was put to the vote and it was agreed by 12 votes to 2 that the view of the Committee was that the Head of Planning should exercise his delegated authority in accordance with his recommendation.**

**130 CROMER - ADV/20/0047 - NON ILLUMINATED ADVERTISING SIGN MEASURING 2.4M X 0.9M AND 3 NO. NON-PERMANENT SAIL FLAG BANNER SIGNS MEASURING 3.2M X 0.5M; MARRAMS PUTTING GREEN, RUNTON ROAD, CROMER, NR27 9AU FOR MR DEAKIN**

The Development Manager referred to the report and slide handout previously supplied to the Committee. She stated that the Human Rights section should refer to part approval, part refusal.

Councillor T Adams, local Member, considered that the proposed signs were modest and that there would be no considerable or irreversible permanent detrimental impacts arising from them. He asked the Committee to take into account the modest size of the signs, bearing in mind other highway signage of equal or larger size, the economic benefits that the business brought to the town, which would be particularly important during the period of recovery from the pandemic, and the contribution the business activity brought to the designated open space area which enhanced its recreational use. The improved advertisements would increase the viability of the business, and increase the viability and usage of the open space. The business contributed to the tourist offer of Cromer. Putting had taken place on The Marrams since 1946 and its continued viability was of social and heritage interest to the town as a whole. He urged the Committee to support the application, including the post mounted signs.

Councillor A Yiasimi, local Member, supported the comments by Councillor Adams.

Councillor R Kershaw asked for details of the materials. He concurred with Councillor Adams and considered that the post mounted sign would not be a problem provided it was not illuminated.

Councillor N Pearce proposed that the Head of Planning be directed to approve the application as submitted.

Councillor Mrs A Fitch-Tillett also supported the views expressed by the local Members and stated that she preferred the post mounted sign to the flags.

The Development Manager stated that she could not confirm the materials as she did not have the file available. However, the posts were wooden and she understood that the sign itself would be made of a composite material but would not be illuminated. She referred to Paragraph 132 of the NPPF and stated that the economic benefit to the business was not a material consideration in this matter.

The Head of Planning stated that there were no static signs in the immediate vicinity and the long distance views would be impacted by the post mounted sign. It could also create a precedent for other business in the vicinity which could lead to a proliferation of signage in the undeveloped part of the Conservation Area.

Councillor A Varley considered that the proposed signs would not have a detrimental impact and he was happy to second the proposal.

The Head of Planning stated that he would take account of Members' direction in this matter and requested a material reason to support the static sign which he could consider in making his decision. No valid material reasons were put forward.

Councillor Mrs W Fredericks expressed concern that approval of the sign could set a precedent for other signs and there was a danger of creating a billboard effect along the seafront.

The Chairman asked if there was any support for the recommendation of the Head of Planning. No Members indicated that they supported the recommendation.

Councillor P Heinrich proposed that the Head of Planning be directed to negotiate further on the design of the static sign to achieve an acceptable size, height and design.

The Head of Planning stated that Members had indicated that they were broadly supportive of the fixed sign and disagreed with the assessment of the Landscape Officer and the recommendation in the report.

The Development Manager referred to the slide handout showing the view from the coastal path. She stated that the proposed static sign would stand above the hedge line and as a consequence would obliterate the view of the pavilion and interrupt the view of the Victorian buildings on the opposite side of the road. For this reason it was considered to result in visual harm to the Conservation Area.

Councillor G Mancini-Boyle stated that he did not like the flag advertisements and the fixed sign was over-large. He supported deferral of this application.

Councillor N Lloyd asked if there had been any negotiation with the applicant regarding the size and location of the signs.

The Development Manager explained that pre-application advice had been sought by the applicant. He had been advised to site the fixed sign in front of the hedge but he had not followed the advice.

The Head of Planning sought direction as to the deferral of this matter.

**The proposal was put to the vote and it was agreed that it was the view of the Committee that the Head of Planning should negotiate with the applicant in respect of the static sign to achieve an acceptable size, height and design with**

**regard to its impact on the wider landscape and the Conservation Area. Two Members voted against the proposal.**

The Head of Planning stated that if a satisfactory amendment could be negotiated he would issue a decision under his delegated authority, otherwise he would bring the matter back to the Committee.

**131 OVERSTRAND - PF/19/1649 - DEMOLITION OF DWELLING AND ERECTION OF REPLACEMENT TWO-STOREY DETACHED DWELLING AND GARAGE; 8 THURST ROAD, OVERSTRAND, CROMER, NR27 0PR FOR MR & MRS MASTERS**

The Development Manager referred to the report and slide handout previously supplied to the Committee. She stated that the recommendation should be amended to include a condition to remove permitted development rights for windows in the flank elevation.

The Development Manager read verbatim the comments of the Coastal Partnership East, which recommended refusal of the application on grounds that the proposal would increase the magnitude of the property and did not take into account the coastal erosion risks or guidance documents, contrary to Local Plan policies EN11 and EN12. Alternatively, if the Committee took a different view of the magnitude of redevelopment, Coastal Partnership East would welcome further discussions on a condition to require timely removal of the building at a point where coastal erosion became an imminent risk.

The Development Manager stated that Officers did not consider that the objections altered the recommendation for approval of this application. Coastal erosion had been considered in the report and the scheme found to be compliant with EN11 and EN12. She recommended that the Committee direct the Head of Planning to approve this application subject to the conditions listed in the report and as amended above.

The Development Manager read verbatim the written statements that had been received from the following persons:

Mr G Partridge (Overstrand Parish Council)  
Mr N & Mrs J Masters (supporting)

Councillor Mrs A Fitch-Tillett, the local Member, referred to the considerable amount of objection to this application. She could not understand why the Officers continued to recommend the approval of this application in the light of the comments from Coastal Partnership East. She referred to the Shoreline Management Plan. She stated that the coastal erosion maps had been drawn up in 2004 and the Coastal Special Interest Group was urging the Environment Agency to update them. There had been many cliff slumps all along the coast, including an area near to the application site which had dropped by 1.5 metres. These slumps were random and it was not known when and where they would occur. She considered that approval of a new build property in a coastal erosion area would set a very dangerous precedent. She proposed that the Head of Planning be directed to refuse this application.

Councillor C Stockton stated that the application proposed in effect a much larger new build house within the 50 year erosion line. He considered that it would be highly irresponsible of this Authority to approve this application in the light of its

stance on lobbying the Government with regard to adaptation, as it would add to the problem. The Government was showing signs that it was starting to understand the issue and as one of the Councils with the worst coastal erosion problems in the country, it would give the wrong impression if such development was allowed to take place within the 50 year line.

The Development Manager read Policy EN11 to the Committee. She advised the Committee that the proposal was not for new build development as it was a replacement dwelling and if members were minded to direct refusal of this application, the reason should be based on the intensification of the existing development.

Councillor N Pearce supported the views of Councillors Fitch-Tillett and Stockton. He acknowledged the clarification of the policy but considered that it would be foolhardy and irresponsible to approve the application when the Council was trying to protect its coast

Councillor Stockton considered that this proposal was intensification as it was currently a single storey 2 bedroomed bungalow and would increase to a two storey 4 bedroomed house.

Councillor Mrs Fitch-Tillett stated that Coastal Partnership East was working on a new policy for the Council's Local Plan. The policy had already been accepted by East Suffolk Council and was being rolled out to other coastal authorities.

The Head of Planning explained that Policy EN11 carried full weight at the current time and the decision had to be made in accordance with it. He referred to the slide handout which showed the existing layout along with the proposed floorplan and elevations. In accordance with Policy EN11, the intensification had to be significant and demonstrable, and the Committee's direction had to be based on the assessment of change in the building and increased incremental risk to life, taking into consideration that the existing building remained capable of habitation.

Councillor Stockton stated that he remained of the view that the proposal represented considerable intensification. It appeared that the applicants wanted to change from a two-bedroomed holiday home to a four-bedroomed permanent home. He considered that there was considerable risk and approval would send out the wrong message in terms of the Council's stance on defending communities from coastal issues.

The Principal Lawyer advised the Committee that it was formulating its response as consultees and it was not necessary to follow the procedure of first rejecting the Officer's recommendation.

The proposal to refuse this application on grounds related to coastal erosion was put to the vote and rejected by 5 votes to 8.

**It was agreed that it was the view of the Committee that the Head of Planning should approve this application in accordance with his recommendation and with the amended condition to remove permitted development rights for windows in the flank elevation.**



## **FOR MR N VITHLANI**

The Development Manager referred to the report and slide handout previously supplied to the Committee.

Councillor Mrs L Withington, local Member, referred to the concerns expressed by Sheringham Town Council and local residents regarding the growing number of this type of residential home in this locality. Dalmeny House was one of four care homes with specialism in residents with complex mental health illness which were located in a small and compact area of the town centre. A satellite building nearby housed 5 residents who used the facilities of the main house and for whom the rear garden area of Dalmeny House was their only amenity space. She considered that further development of the amenity space would detract from its secluded character. She referred to concerns that had been raised with regard to disturbance and light pollution, including the impact on bed and breakfast businesses adjacent to the rear of the property, and the number of crimes at the home itself or in the town. She expressed concern at the growing concentration of this type of home in an area which served as the main tourist route to the beach and housed many of the town's bed and breakfast establishments. She considered that approval of this application could set a precedent for similar developments, and the associated crime and social issues would further damage the character of this important route in a town which was predominately dependent on tourism. She considered that the proposal would increase the density of housing in the area and questioned whether it would enhance the traditional characteristics of this part of the Conservation Area. She requested the Committee to consider refusal due to concerns regarding the changing character of a premier road in the town, failure to enhance the Conservation Area and the extra pressure that would be placed on mental health services.

Councillor G Mancini-Boyle stated that an adjacent property would look out onto the site. He considered that the site was already crowded and questioned the need for the development.

The Head of Planning advised the Committee that the material planning issues related to the character of the building and its potential impact on local amenity. He stated that there was a principle in planning law which related to the "Perception of Fear". The home continued to be licensed, and whilst he understood the concerns relating to crime, the "Perception of Fear" was balanced through the licensing process which was governed by different legislation.

The Chairman referred to a previous application for an existing pod at the site, when there has been discussion as to whether or not it was an annexe due to its distance from the house, but she could not recall any concerns being raised regarding noise and disturbance. She considered that the pods were not very attractive but they were tucked down behind a wall and provided an important step-down facility to help people get back into the community.

Councillor P Heinrich supported the Chairman's comments. He considered that the proposed pod related well to the other units on the site. He proposed that the Head of Planning be directed to approve this application as recommended.

Councillor A Varley seconded the proposal.

**It was agreed unanimously that the view of the Committee was that the Head of Planning should approve this application in accordance with his**

**recommendation.**

**133 SITE INSPECTIONS**

Site inspections are currently suspended.

**134 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 Development Manager reported that the appeal against refusal of Aylmerton PF/19/0676 had been dismissed. This had been a very good decision and would be brought to a future meeting.

In response to questions regarding the operation of the Planning Inspectorate during the current restrictions, the Head of Planning stated that the Inspectorate would not be holding meetings in public at the present time. This meant that public inquiries and hearings and local plan examination in public could not take place. There had been some debate as to whether written representations appeals would be determined, either by carrying out unaccompanied site visits or determining them without a site visit. Fast track householder appeals which did not require a site visit could continue.

The Chairman asked what the current situation was regarding the wind turbine appeals.

The Head of Planning explained that a press statement had been issued stating that the Council would not make any further challenge to the Inspector's decision. Counsel's opinion had been sought, which concluded that there was little prospect of success. It was not anticipated that any work would take place on the site during the current restrictions.

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

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

The meeting closed at 11.35 am.

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CHAIRMAN  
Thursday, 30 April 2020