

6 JUNE 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 A Yiasimi

Mr N Housden – substitute for Dr C Stockton

Ms K Ward – Coastal Ward

Mr P Bütikofer – observing

Officers

Mr P Rowson – Head of Planning
Mrs S Ashurst – Development Manager
Mr N Doran – Principal Lawyer
Mr G Lyon – Major Projects Manager
Mr J Mann – Senior Planning Officer
Ms J Smith – Senior Planning Officer
Ms J Owen – Planning Officer
Mrs C Bye – Senior Environmental Protection Officer
Miss L Yarham – Democratic Services and Governance Officer

1 APOLOGIES FOR ABSENCE AND DETAILS OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Dr C Stockton. There was one substitute Member in attendance.

2 MINUTES

The Minutes of a meeting of the Committee held on 23 April 2019 were approved as a correct record and signed by the Chairman.

3 ITEMS OF URGENT BUSINESS

None.

4 DECLARATIONS OF INTEREST

<u>Minute</u>	<u>Councillor:</u>	<u>Interest</u>
5	Mr D Baker	Director of C T Baker Ltd, pecuniary interest declared given nature of the proposal.
11	R Kershaw	Known to applicants for Felmingham PF/18/1700 which is subject of an appeal.

PLANNING APPLICATIONS

Where appropriate the Planning Officers expanded on the planning applications; updated the meeting on outstanding consultations, letters/petitions received objecting to, or supporting the proposals; referred to any views of local Members and answered Members' questions.

Background papers, including correspondence, petitions, consultation documents, letters of objection and those in support of planning applications were available for inspection at the meeting.

Having regard to the above information and the Officers' reports, the Committee reached the decisions as set out below.

Applications approved include a standard time limit condition as condition number 1 unless otherwise stated.

5 NORTH WALSHAM - PF/19/0143 - Erection of a single storey warehouse building for use as either: Storage and Distribution (B8 Use class, with ancillary offices); and/or plumbers/builders/tiling/flooring wholesale merchants (sui generis with ancillary trade counter, showroom, offices). With associated car parking and cycle store; Unit 1, Hornbeam Road, North Walsham for Birchwood Building

The Committee considered item 7 of the agenda.

Public Speaker

Simon Gardener (supporting)

The Senior Planning Officer presented the report and displayed plans and photographs of the site and surrounding development. He reported the following updates:

- The numbering of the conditions in the report had been updated.
- References to "floorspace" contained in the report related to *gross* floorspace.
- The Environment Agency was content with the proposed condition 7 relating to drainage.
- An additional condition was proposed to restrict delivery times to between 07:30 to 17:30 hrs Monday to Friday, 07:30 to 17:00 hrs on Saturdays and no deliveries on Sundays, Bank or Public Holidays.
- Condition 17 to be amended to require vehicle access to be provided to a standard to be agreed with the Highway Authority.

He recommended approval of the application subject to the conditions listed in the report and conditions in respect of delivery hours and vehicle access.

Councillor N Lloyd, a local Member, explained that he had called in the application due to the incremental changes which had occurred as the application had progressed. He was not opposed to the application. He referred to the controversial nature of the proposal in proximity to the residential area. However, the masterplan for the site had designated the area for employment use. He considered that the proposed tree planting would mitigate the impact of the proposal and he welcomed the jobs which would be created.

The Senior Environmental Protection Officer explained that there were concerns in respect of opening and delivery hours, particularly in relation to noise from HGVs. She stated that restrictions on delivery hours could mitigate the impact and considered that the compromise suggested in the proposed planning condition was appropriate. She welcomed discussions on this matter with the applicant.

The Chairman asked the Senior Planning Officer if there had been discussions with the applicant with regard to opening hours.

The Senior Planning Officer explained that there was a difference between the hours requested by the applicant and the hours recommended by Environmental Health. This matter would be discussed with Environmental Health and the applicant. The proposed conditions set out the hours which planning officers considered to be appropriate.

Councillor N Housden stated that Screwfix served the trade. Most builders and workmen would be on site by 07:30 – 08:00 hrs and wanted to collect their materials beforehand. He considered that the proposed opening hours did not facilitate the trade at the beginning and end of the day. He considered that it was more important to control HGV movements than restrict the main business of serving the trade.

Councillor Mrs A Fitch-Tillett was pleased that the site was being developed. She considered that the conditions were appropriate. She proposed approval of this application subject to the conditions which had been recommended.

Councillor N Pearce seconded the proposal.

RESOLVED by 13 votes to 0 with 1 abstention

That this application be approved subject to the conditions listed in the report and subject to an additional condition to restrict delivery times to between 07:30 to 17:30 hrs Monday to Friday, 07:30 to 17:00 hrs on Saturdays and no deliveries on Sundays, Bank or Public Holidays, and an amended condition to require vehicle access to be provided to a standard to be agreed with the Highway Authority.

6 BINHAM - PF/18/1524 - Proposed conversion of an agricultural barn to a dwelling; Westgate Barn, Warham Road, Binham, Fakenham, NR21 0DQ for Mr & Mrs Bruce

The Committee considered item 8 of the agenda.

Public Speaker

Peter Gidney (supporting)

The Principal Lawyer referred to a letter which had been received from Solicitors acting for the applicant and which had been forwarded to Committee Members. He advised the Committee on the content of the letter, which suggested that the previous Committee on 28 March had approved the application by its rejection of the Officer's recommendation, raised issues regarding the Officer's recommendation and expressed concerns regarding the handling of the application.

The Principal Lawyer explained that the resolution to defer this application was clear and unambiguous and the minutes had been formally approved by the former Committee on 23 April. He advised that the rejection of the Officer's recommendation

at the meeting on 28 March did not mean that the officers had to reject their objective, qualified, professional opinions and in the absence of significant changes to material considerations it was consistent to again recommend refusal of the application.

The Principal Lawyer advised that there was no such concept as indirect approval and an expression of predisposition could not fetter a councillor's discretion. Predetermination would be unlawful and would make any decision vulnerable to legal challenge.

The Principal Lawyer stated that the handling of the application was a reflection of its complicated nature. The application had to be considered objectively, on its merits and as an application to carry out development on the land irrespective of the land ownership issue.

The Head of Planning presented the report and displayed plans and photographs of the site. He reported that a representation had been received from former Councillor Mrs A Green stating that she considered that planning permission had been granted at the 28 March meeting and that leniency had been offered to the conversion of farm buildings at recent Development Committee meetings. He referred to the advice given by the Principal Lawyer with regard to the previous resolution.

The Head of Planning confirmed that the building would be timber clad and not faced with brick as stated in the report. He clarified that the barn was 4.5 metres in height and the proposed garage would be 5.8 metres in height.

The Head of Planning recommended refusal as set out in the report.

Councillor R Kershaw, the local Member, stated that he had attended the Binham Parish Council meeting and no objections had been raised in respect of this application .

Councillor N Pearce considered that the proposal was an innovative solution to a dilapidated barn. He had viewed the site from further along the Warham Road and the infill would hardly be seen. He requested clarification as to whether or not the garage counted as floor space and as part of the building.

The Head of Planning explained that Policy HO9 related to the amount and extent of change. The infill area and garage were new build and had to be considered in combination.

Councillor Mrs A Fitch-Tillett welcomed the attempt to improve the glazing proposals. However, this was still a building in the countryside, and an agricultural building which had been amended and extended. The development was contrary to policy and with a heavy heart, she proposed refusal of this application as recommended.

Councillor N Housden asked if sections showing the height and bulk of the garage building had been requested and whether or not the applicants had been requested to reduce its scale.

The Head of Planning explained that the heights were shown on the plan and he considered that sections were not necessary as the differences were apparent. He had met with the applicants following the deferral of the application and had offered an opportunity to reflect on and discuss changes to the size and scale of the building in the light of the recommendation.

Councillor N Lloyd welcomed the geothermal heating proposals but he understood that once installed, it would not be possible to plant anything over the top of it.

The Chairman invited Mr Wyndham Spice, on behalf of the applicant, to respond to Councillor Lloyd's comment.

Mr Spice explained that he had installed a number of geothermal systems. Pipework would be installed at a depth of 1200 mm and anything could be planted on top of it.

Councillor Lloyd expressed concern at the precedent that would be set if this application were approved.

Councillor D Baker stated that policies and procedures were important but it was necessary to exercise common sense. The proposal would not impact anybody and no objections had been raised. The proposal would reuse a derelict barn which had no agricultural use. The site was not in a Conservation Area. The infrastructure was environmentally friendly and he considered there was no reason to refuse this application.

Councillor P Heinrich considered that there was a need for flexibility depending on circumstances. It was a good design and very sympathetic to the existing building. It would not make a dramatic change to the landscape and he could not see a reason to refuse the application.

Councillor A Brown appreciated the concerns with regard to breaching Policy HO9 but considered that compromise should be applied to this application. He suggested that the impact could be ameliorated by screen hedging to make the site less visible in the surrounding area, limiting the height of the garage to 4.5 metres to be consistent with the existing barn and an open cart shed design for the garage. He considered that it was good to bring buildings back into use and the proposal would provide new housing.

The Head of Planning summarised his views with regard to the balance in this application. There would be a slight impact on the landscape and Conservation Area, which had to be balanced against the benefits. Policy HO9 allowed conversion of rural buildings with limited change. The building was currently a simple U shaped barn but this would no longer be the case if the proposal was built. There had been many good changes to the proposal during the process. In making their decision, it was paramount that Members balanced the harm to policy and the landscape against the positive issues. However, he referred Members to his recommendation and the fundamental changes which were outstandingly detrimental to the understanding and appreciation of the building in the area.

The Principal Lawyer referred to Mr Gidney's statement that there was a presumption in favour of development. He advised that the issue was more complicated as the presumption was to determine the application in accordance with the development plan unless material considerations indicate otherwise.

The Chairman seconded the proposal to refuse this application. She had tremendous sympathy for the applicants but the application was contrary to policy.

RESOLVED by 9 votes to 5

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

7 CLEY-NEXT-THE-SEA - PF/19/0089 - Demolition of existing agricultural building & erection of agricultural workers dwelling; Land west of, Holt Road, Cley-Next-The-Sea, NR25 7UA for Mr Starling

The Committee considered item 9 of the agenda.

Public Speakers

Cley Parish Council was unable to send a representative to speak in person and its comments were read out by the Development Manager.

Gary Pearce (supporting)

The Senior Planning Officer presented the report and displayed plans and photographs of the site. She reported that the Environment Agency had maintained its objection on the basis that insufficient information had been provided to determine the correct levels.

Councillor Ms K Ward, the local Member, stated that she had spoken to former Ward Councillor Young who had called in the application. His reasons for doing so were that the Parish Council and local community supported the application and were keen for the family to be within Cley, which had a high proportion of second homes and dwellings were expensive. Mr Young's had requested that the Committee weigh Policy HO5 in terms of encouraging local economic development in coastal communities against other policy issues.

Councillor Mrs A Fitch-Tillett stated that she was a member of the Regional Flood and Coastal Committee appointed by the Environment Agency. There was a risk from coastal flooding and also flooding from the River Glaven and the Council could not put people's lives at risk. She proposed refusal of this application as recommended.

Councillor N Pearce stated that this application was contrary to many policies. The Council had recognised climate emergency which could result in more flooding and danger. He seconded the proposal.

Councillor D Baker supported the previous speakers and although he was mindful that the family had a farming background he considered that the site was clearly not the right place for residential development.

RESOLVED unanimously

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

8 FAKENHAM - PF/19/0487 - Erection of a pair of one bedroom semi-detached affordable dwellings; Land North of 77, St Peters Road, Fakenham for Victory Housing Trust

The Committee considered item 10 of the agenda.

The Senior Planning Officer presented the report and displayed plans and photographs of the site. She reported that the agent had confirmed that the applicant would enter into a Section 106 Agreement to retain the dwellings as affordable in perpetuity, in addition to the provision of alternative play space. A plan had been submitted indicating where alternative play provision could be located which Officers

had not had sufficient time to consider. However, it demonstrated a willingness to put forward a scheme.

The Senior Planning Officer recommended approval of this application to be delegated to the Head of Planning as set out in the report and subject to a Section 106 Agreement in respect of affordable housing in perpetuity.

Councillor Mrs W Fredericks expressed disappointment that the dwellings would be one-bed houses and that there was no more accommodation on offer to house families in that area. She requested that the replacement play equipment should be accessible to children of all abilities and that accessibility should be a consideration in all future applications involving play space.

The Development Manager confirmed that the play equipment could be discussed with the applicant and that the Council could ensure that any equipment was DDA compliant.

Councillor D Baker considered that it was important to consider the size of the replacement play space in comparison with the existing. He requested confirmation of ownership of the existing site.

The Senior Planning Officer explained that discussions were needed with regard to the play space provision. The size shown on the submitted plan was not to scale. Consideration needed to be given as to whether or not planning permission would be required for the replacement play space. The whole of the estate was owned by the applicant.

The Head of Planning explained that the outstanding issues would be dealt with under his delegated authority. He considered that the concerns which had been raised could be resolved. Phasing of delivery would also require discussion. The application would be brought back to the Committee if these issues could not be resolved satisfactorily.

Councillor N Housden asked if the provision of the site included the provision of equipment.

The Development Manager explained that the Council's policy required equal or greater provision. As a minimum, the provision would need to be the same as the existing but with modern, DDA compliant equipment.

Councillor P Heinrich considered that this was a win-win situation. Whilst two-bed properties would be preferable, he appreciated that one-bed dwellings with reasonable floor space were appropriate given the size of the site. In addition, there was an opportunity to provide a modern play space which was attractive to children, which the current provision was not.

Councillor G Mancini-Boyle expressed concern that the play area would be moved closer to the road and if the suggested site were the only option, fencing should be insisted upon.

The Development Manager explained that the site was indicative and if it was agreed she was confident that boundary fencing would be provided.

It was proposed by Councillor P Heinrich, seconded by Councillor D Baker and

RESOLVED unanimously

That the Head of Planning be authorised to approve this application subject to the conditions set out in the report and to the completion of a Section 106 Agreement to provide off site play space within the St Peter's Road estate and to retain the dwellings as affordable in perpetuity.

9 OVERSTRAND - PF/19/0399 - Insertion of door openings with glass balustrade to form Juliet balcony; Fern House, 19B High Street, Overstrand, CROMER, NR27 0AB for Mr McGibbon

The Committee considered item 11 of the agenda.

Public Speaker

Gordon Partridge (Overstrand Parish Council)

The Planning Officer presented the report and displayed plans and photographs of the site and neighbouring development. She recommended approval of this application as set out in the report.

Councillor Mrs A Fitch-Tillett stated that she had been lobbied by several local residents and would therefore speak as local Member but abstain from voting on this application. She referred to the number of listed buildings in Overstrand, much of which was designed by Lutyens. Fern House had been built very much in the genre of the village. The proposed balcony at the front would be seen from the High Street in the winter months and was virtually opposite the White Horse public house. There was a great deal of tourism in the village and she requested Members to consider very carefully if the proposal was appropriate.

Councillor D Baker proposed approval of this application.

Councillor N Pearce requested clarification of overlooking and loss of privacy issues.

The Development Manager explained the orientation of the building and relationship with adjacent properties. There was an existing balcony with seating area at first floor level which already overlooked part of the neighbour's amenity space. However, people could not come out onto the proposed balconies and there was an area of the neighbour's amenity space which would not be overlooked.

The Chairman seconded the proposal.

RESOLVED by 12 votes to 0 with 2 abstentions

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

10 APPLICATIONS RECOMMENDED FOR A SITE INSPECTION

None.

11 APPEALS SECTION

(a) NEW APPEALS

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

(b) INQUIRIES AND HEARINGS - PROGRESS

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

(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

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

(d) APPEAL DECISIONS – RESULTS AND SUMMARIES

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

(e) COURT CASES – PROGRESS AND RESULTS

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

The Development Manager stated that an update report on current court cases would be submitted to a future meeting for the benefit of new Members.

The meeting closed at 12.20 pm.

CHAIRMAN
18 July 2019