

THURSDAY, 14 JANUARY 2021

Minutes of a meeting of the **Development Committee** held in the remotely via Zoom at 9.30 am when there were present:

Councillors

Mrs P Grove-Jones (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 (In place of Dr C Stockton)

Mr T Adams – Cromer Town Ward
Mr E Seward – North Walsham (East) Ward

Officers

Mr P Rowson, Assistant Director of Planning
Mr G Lyon, Major Projects Manager
Mr D Watson, Interim Development Manager
Ms F Croxen, Lawyer
E Denny, Democratic Services Manager
Miss L Yarham, Democratic Services & Governance Officer (Regulatory)

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

Apologies for absence were received from Councillors P Heinrich and Dr C Stockton. One substitute Member was in attendance as shown above.

The Chairman proposed that Councillor Mrs A Fitch-Tillett be appointed Vice-Chairman for the meeting in order to provide support in the absence of the Vice-Chairman. This was seconded by Councillor A Brown and **RESOLVED** unanimously.

53 MINUTES

The Minutes of a meeting of the Committee held on 10 December 2020 were approved as a correct record.

54 ITEMS OF URGENT BUSINESS

None.

55 **DECLARATIONS OF INTEREST**

<u>Minute:</u>	<u>Councillor:</u>	<u>Interest:</u>
57	A Yiasimi	Sits on Cromer Town Council with Mr Bartlett and Councillor T Adams

56 **NORTH WALSHAM - PP/20/0160: PERMISSION IN PRINCIPLE FOR THE DEMOLITION OF THE EXISTING BUILDINGS ON SITE AND THE ERECTION OF FOUR DWELLINGS WITH ASSOCIATED PARKING AND GARDENS AND AN EXTENSION OF 30MPH SPEED LIMIT; LAND EAST OF BACTON ROAD, NORTH WALSHAM, NR28 0RA; FOR CINCOMAS LTD**

The Major Projects Manager presented the report and highlighted the issues that could be taken into account when considering permission in principle. He recommended refusal of this application as set out in the report.

Public Speaker

David Taylor (supporting)

Councillor E Seward, local Member, stated that it had always been accepted that the site was outside the designated settlement boundary. However, there was residential development on two sides of the site, good proximity to town centre facilities and public transport, and the site could not be described as remote or isolated. Development would have no adverse visual impact on the countryside, and the demolition of the existing ugly agricultural building would be a great improvement. There was no local opposition or material highway concerns, and the suggested footpath could be provided. He stated that National Planning Policy Guidance recognised that decisions should follow policy, but also that local circumstances should be taken into account to reflect the character, needs and opportunities of each area, and advice from a planning lawyer had stated that brownfield sites could be brought back into reuse even though they were not within the settlement boundary. He considered that there would be no planning harm given the modest scale of development, it would make better use of the site and there were no material highway issues. He considered that there were sufficient benefits to outweigh any technical conflict with policies SS1 and SS2, but emphasised the need for clarity as to the reasons for departing from policy given the interests that had been expressed in building in the Countryside surrounding the town.

Councillor N Lloyd stated that he had been the former Ward Councillor for 8 years and knew the site very well. He accepted that the site was within the designated Countryside area, but it was completely surrounded by residential development, a farm and a holiday park. He considered that the site was brownfield, and the Government was pushing towards making it easier to develop such sites. The existing building had been vacated by businesses that had moved on, and the site as it stood was ugly. He considered that there could be a net biodiversity gain in developing the site with planting included. He stated that he would vote against the Officer's recommendation as he considered that planning policy did not fit the actual circumstances and he did not consider that the Countryside would be damaged by developing the site.

Councillor J Toye asked the Committee to consider if more weight could be attached

to policies EN2: enhancing the landscape and settlement character, and EN8: enhancing the historic environment, and requested guidance from the Officers as to the correct interpretation.

Councillor R Kershaw stated that he had been surprised at the amount of development surrounding this site, which was only 10 metres north of the speed limit on the approach to the town. He considered that the existing building was an eyesore and there would be no harm in its demolition. He considered that the development would benefit the town, it would be sustainable as shopping facilities were within walking distance and modest development would be an improvement.

Councillor G Mancini-Boyle supported the views that had been expressed by the previous speakers. He questioned why a large house in the countryside was considered to be acceptable, whereas four small dwellings were not. He considered there was an ideal opportunity to introduce heat source pumps and solar energy into any development on this site.

The Chairman reminded the Committee that this application was concerned with location and the use of the land at this stage, and not matters of detail.

Councillor N Pearce requested clarification with regard to Policies SS1 and SS2 as it appeared that they were sometimes applied quite rigidly and at other times a pragmatic and sensible approach was taken. He considered that this proposal appeared to be a sensible development which would remove an eyesore and benefit the local economy and ecology.

Councillor Mrs A Fitch-Tillett stated that an unsightly site did not justify a departure from policy. She considered that a dangerous precedent would be set if this application were approved.

Councillor A Yiasimi reminded the Committee that each application should be taken on its own merits and the balance should be considered.

Councillor Mrs W Fredericks stated that there was a desperate need for housing in North Walsham. She supported Councillor Yiasimi's comments and referred to a large stately home at Holkham that had recently been permitted in the Countryside because of its merits.

The Assistant Director of Planning explained that the basis for making planning decisions remained the current Local Plan that had had been adopted in 2008 and the material planning policies were those that were compliant with the NPPF. He explained that the Holkham application had been an exceptional case which accorded with paragraph 79 of the NPPF and was policy compliant. In the current case, the proposal was not within the existing development limit for North Walsham, although it was close to that limit. Under current adopted Local Plan policy, there was a requirement for the development to be within the development limit and it was therefore correct to consider it as a departure from policy. Emerging policy that would allow development to be considered if it was adjacent to or well related to existing development limits carried no weight at the present time and could not be applied to this application. He advised that there should be exceptional and unique circumstances to depart from policy and that significant wider benefit would need to be identified. The Officer's consideration of this application had not identified any overwhelming wider benefit to justify a departure from policy in this case.

The Major Projects Manager outlined the issues that Members had identified as

being material to the consideration of this application, which they could explore further if they decided to reject the Officer's recommendation:

- the reuse of previously developed land;
- close proximity to North Walsham so people could walk or cycle into town to meet their day to day needs, which was one of the main strands of sustainability;
- the proposal would not result in harm to the wider landscape or settlement character of North Walsham (Policy EN2); and
- the proposal would help enhance the setting of adjacent heritage assets (Policy EN8).

The Lawyer reiterated that the law required that planning applications should be determined in accordance with the Development Plan unless there were material considerations that would indicate otherwise.

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

RESOLVED by 7 votes to 6

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

57 **CROMER - PF/20/1052 - REPLACEMENT OF WOODEN SINGLE GLAZED SASH WINDOWS WITH LIKE-FOR-LIKE UPVC DOUBLE GLAZED SASH WINDOWS; 9 MOUNT STREET, CROMER, NR27 9DB FOR MRS S COE**

The Interim Development Manager presented the report and referred to the slide presentation that had been circulated to the Committee prior to the meeting. He recommended approval of this application as set out in the report.

Public Speaker

Tim Bartlett (Cromer Town Council)

Councillor T Adams, local Member, considered that the proposal did not preserve or enhance the character of the Conservation Area and the applicant had not justified the use of the proposed materials or considered more suitable alternatives. He considered that the Heritage Statement lacked the necessary level of detail and was a poor appraisal of the heritage contribution of the building, its features or group value. The building was in a prominent corner location on a principal route through the town, within the Conservation Area and close to locally listed buildings. He considered that the proposed materials would be a garish contrast with the brickwork. He expressed concern that the Conservation Area Appraisals were not valued in the way they had been in the past, as the erosion of character was becoming profound and this part of the Conservation Area was particularly suffering due to the cumulative impacts of such changes. He referred to an appeal case against the refusal of a similar proposal in a similar location, which had been dismissed by the Planning Inspector. He questioned why such changes were considered to be appropriate in this case but not on the opposite side of the road. He considered that good quality timber would be much more appropriate.

Councillor Mrs A Fitch-Tillett supported the views of the Town Council and Councillor Adams. She considered that the Conservation Area should be protected. In

addition, having declared a climate emergency, the Council should not be encouraging the use of plastic. She proposed that the application be refused.

Councillor A Brown also supported the views of the previous speakers. He was concerned that the report appeared to suggest that policy could only be rigorously enforced if a building were listed, whether or not it was in a Conservation Area, and questioned how the character and environment of Conservation Areas could be best protected if the Council did not enforce policy uniformly within them. He considered that comparisons with nearby buildings that had reverted from wood to plastic were misguided, as the subject building was in a prominent location, the windows were at street level and he considered that plastic windows would not support the character of the building. He referred to the views of the former English Heritage that replacement windows were not necessary and that insulation could be achieved by augmenting existing windows. He seconded the proposal.

The Chairman reminded the Committee of the need to vote firstly on the Officer's recommendation.

Councillor N Lloyd supported the Officer's recommendation in this case. He considered that the benefits of double glazing for the occupants outweighed the aesthetics. He trusted the officers to manage the sympathetic replacement of the windows.

Councillor N Pearce supported refusal of this application. He referred to the responsibilities in respect of the Conservation Area and the climate emergency. He understood the requirements of the applicants to have insulation but considered that timber would be appropriate and would protect the heritage of the area.

Councillor A Yiasimi, local Member, emphasised that the application proposed a wood grain finish and each application had to be assessed on its own merits. He was keen to preserve Cromer as it should be. He referred to the Human Rights issues, but considered that the assets of the town were also important and a balanced judgment had to be made.

The Assistant Director of Planning stated that the application had been brought to the Committee at his request. He stated that Officers valued Cromer and the character of its Conservation Area. It was not necessarily inappropriate to use uPVC windows, although it was not desirable or recommended. The subject building was in the Conservation Area, but it was not listed and that was the context for consideration. The Committee had to consider if the proposals enhanced or protected the character of the Conservation Area, the appropriateness of the materials and the opening mechanisms of the proposed windows. The detail of the windows was contained in the presentation pack. The Officers' view was that the proposed windows were appropriate and although they did not enhance the Conservation Area, they would protect its character as there would be a neutral impact.

It was proposed by Councillor J Toye, seconded by Councillor N Lloyd and

RESOLVED by 7 votes to 6

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

58 **APPEALS SECTION**

(a) NEW APPEALS

The Committee noted item 9(a) of the agenda.

(b) INQUIRIES AND HEARINGS - PROGRESS

The Committee noted item 9(b) of the agenda.

Holt PO/18/1857 - The Major Projects Manager reported that a decision was still awaited.

Cley-Next-The-Sea ENF/18/0164 – Site notices would be posted and local people would be alerted as to how they could take part in the virtual hearing.

North Walsham ENF/18/0339 – Negotiations were taking place for a planning application to be submitted, which would allow the activity to be controlled by suitable conditions. The Planning Inspectorate had been requested to allow more time by the Authority and the contraveners. The Ward Members, the Portfolio holder and Chairman would be updated on the outcome of that request.

The Chairman referred to difficulties in the Planning Department with staffing levels because of illness etc. The Assistant Director of Planning explained that staff were now returning to work.

(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

The Committee noted item 9(c) of the agenda.

High Kelling ENF/16/0131 – The Planning Inspectorate was being pressed for a date to undertake a site inspection and local Members would be kept informed.

Wiveton PF/19/0856 – At the request of the Chairman, the Assistant Director of Planning explained the details this case, which related to the retention of a mast which was required to be removed under the terms of the planning permission, effectively retaining two masts on the site.

(d) APPEAL DECISIONS

The Committee noted item 9(d) of the agenda.

Field Dalling PO/19/1249 – The Assistant Director of Planning gave an outline of this case. He stated that the outcome was very disappointing and would need to be borne in mind in discussions with agricultural consultants in the future. In effect the Inspector had allowed a retirement property for an existing agricultural worker and a new dwelling for an essential worker at the site.

The Chairman stated that she had previously assumed that agricultural workers' dwellings were associated with livestock.

(e) COURT CASES – PROGRESS AND RESULTS

The Committee noted item 9(e) of the agenda

The meeting closed at 11.00 am.

CHAIRMAN
Thursday, 11 February 2021