

THURSDAY, 3 JUNE 2021

Minutes of a meeting of the **Development Committee** held in the Council Chamber - Council Offices at 9.30 am when there were present:

Councillors

Mr P Heinrich (Chairman)

Mr A Brown

Mrs A Fitch-Tillett

Dr V Holliday

Mr N Lloyd

Mr N Pearce

Mr P Fisher

Mrs P Grove-Jones

Mr R Kershaw

Mr G Mancini-Boyle

Mr J Toye (In place of Dr C Stockton)

Mrs G Perry-Warnes – Holt Ward

Officers

(* Attending by remote link)

Mr P Rowson, Assistant Director for Planning

Mr N Doran, Principal Lawyer

Mrs J Owen, Senior Planning Officer

Miss J Smith, Senior Planning Officer

Miss L Yarham, Democratic Services & Governance Officer (Regulatory)

Mr M Stembrowicz, Democratic Services and Governance Officer - Scrutiny

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

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

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 HIGH KELLING - PF/20/1904 - DEMOLITION OF EXISTING TB ANNEX AND ERECTION OF REPLACEMENT ONE AND A HALF STOREY DWELLING AND CART SHED AT LAND SOUTH OF BRACKENWOOD (OLD TB ANNEX), CROMER ROAD, HIGH KELLING FOR MR FORSTER.

The Senior Planning Officer presented the report by remote link and recommended approval of this application as set out in the report. A copy of the visual presentation had previously been forwarded to the Committee.

Public Speakers

Professor Mike Hoxley (objecting)
Mr Mark Forster (supporting)

Councillor Mrs G Perry-Warnes, local Member, stated that the dwelling permitted under the Certificate of Lawfulness was significantly smaller than the current proposal. She considered that the size and design of the dwelling now proposed would have a greater impact on the neighbours and would contravene Local Plan policies EN8 and HO8. She was concerned at the increased traffic accessing the busy A148 via a difficult junction. She considered that the proposal contravened Policy EN9, Section 15 of the NPPF, the Conservation of Habitats and Species Regulations 2017, and the Wildlife and Countryside Act 1981 in respect of the resident bat population and, in conjunction with other problems associated with the application, it firmly tipped the balance towards refusal. There was a realistic concern that the shared use driveway would be used much more by residents of a four-bedroomed house than the chalet bungalow already permitted, which would have a substantial impact on neighbours. In addition, the construction traffic associated with the larger build would have difficulty navigating the narrow driveway, with associated nuisance and hazard. Although the neighbours did not object to a house being built, they did object to a house of the size now proposed. She requested that the application be refused.

The Chairman asked officers to comment on a statement by Professor Hoxley that an objection letter had been omitted from the public website.

The Senior Planning Officer stated that she could not comment as to why one of the objections had not appeared on the public website, but she had referred to both objections in her report and assured the Committee that she had considered them during the application process.

The Assistant Director for Planning confirmed that Members of the Committee were in possession of the full details from both objectors and the decision making was not prejudiced. He undertook to investigate the matter following the meeting.

Councillor Mrs P Grove-Jones asked why it was necessary to demolish the TB building and establish an alternative bat roost.

The Senior Planning Officer explained that the collective impact of the buildings and structures on the site would appear to be overdevelopment. The current application proposed the removal of all buildings and replacement with a dwelling and cartshed. The Landscape Officer was satisfied that the mitigation in terms of a new bat roost would overcome the issue of relocation of the bats and that a protected species licence would be granted by Natural England. Detailed conditions would be attached to the planning permission and require further details to be submitted by the applicant's ecologist.

Councillor Mrs A Fitch-Tillett stated that Natural England would not allow any disturbance to protected species so the Committee could have confidence that the proposed bat boxes would mitigate the removal of the TB building. She considered that there was no reason to refuse this application and proposed acceptance of the Officer's recommendation.

In response to a request by Councillor N Lloyd with regard to the reduction in height of the proposed dwelling, the Senior Planning Officer explained that it was no longer possible to scale off the original 1960s plans, but judging from the pitch of the roof it was assumed that the roof height of that proposal was approximately 6.5m to 7m.

The current application was a substantial decrease compared to the plans submitted in 2018 and at 6.6m was considered to be similar to the height of the 1960s proposal.

Councillor Lloyd considered that the decision was finely balanced. He stated that there was nothing in the plans to mitigate climate change, and whilst it was not a material planning consideration it affected his judgment of the proposal.

Councillor N Pearce expressed concerns that the 1960s proposal bore no resemblance to today's world and that it had taken 60 years to try to get a building on the site. He considered that the climate change concerns were valid. He considered that this was a very difficult decision.

The Assistant Director for Planning referred to the applicant's design and access statement, which gave some commitments under Policy EN6. Those commitments could be secured by a planning condition if required.

Councillor J Toye stated that the design and access statement referred to the opportunity to use photovoltaic panels but did not state that they would be used. He considered that a prefabricated structure could achieve a zero carbon dwelling. He stated that the disturbance to bats and minimal environmental benefits carried weight in his consideration of this proposal.

Councillor Dr V Holliday expressed concern regarding the extent of glazing and in particular, the use of rooflights, which would be more intrusive in terms of light distribution than traditional windows. She also considered that the proposed materials did not sit comfortably with the vernacular of High Kelling. She asked if those issues could be addressed.

The Assistant Director for Planning stated that matters had been raised that were outside of the current proposals. He advised that the proposals should be considered and voted on as submitted and if found to be unacceptable then other options could be considered.

Councillor A Brown considered that the design did not take sufficient account of the impact of the open aspects and extensive glazing, and he was not convinced that the metal roof was appropriate in this location. He considered that the dwelling could be better designed to fit into its setting. He proposed refusal on grounds related to design and impact on the dark skies area of Kelling Heath.

Councillor N Pearce stated that he would have proposed deferral but was prepared to second refusal and deferral of this application.

The Principal Lawyer advised that this application could either be refused or deferred, but not both. Refusal would give the applicant the right to appeal, whereas deferral delayed the application for further consideration. He added that the lawfulness of building out the 1960 permission had been agreed in 2014.

At the request of the Chairman, Councillor Mrs P Grove-Jones seconded deferral of this application. The Principal Lawyer explained that the Committee could vote on the deferral of this application without first voting on the Officer's recommendation.

The Chairman clarified that in the event of deferral the Committee required negotiations in respect of environmental standards, dark skies, management of bat roosts and materials, particularly in respect of the roof.

The Assistant Director of Planning stated that access for construction vehicles could be covered by a construction management plan. This matter could be dealt with by the imposition of a condition but details could be sought at this stage if the application was deferred.

RESOLVED by 9 votes to 2

That consideration of this application be deferred for negotiations in respect of environmental standards, dark skies, management of bat roosts, materials (particularly in respect of the roof) and to seek details of access for construction vehicles.

5 TRUNCH - PF/20/2005 RESIDENTIAL DEVELOPMENT COMPRISING UP TO THREE DETACHED SINGLE STOREY DWELLINGS INCLUDING DETACHED GARAGE TO PLOT 3 (OUTLINE APPLICATION INCLUDING ACCESS, ALL OTHER MATTERS RESERVED): ITARSI, CHAPEL ROAD, TRUNCH, NORWICH WALSHAM: MR HOWCHIN

The Senior Planning Officer presented the report by remote link and recommended approval of this application as set out in the report. A copy of the visual presentation had previously been forwarded to the Committee.

There were no public speakers present at the meeting. The applicant had sent an email in support of his application, copies of which were circulated at the meeting. The Chairman paused the meeting to allow Members time to read the submission.

Councillor N Lloyd expressed concern regarding the felling of trees on the site prior to the application. He considered that there was a danger of rewarding people who arbitrarily removed trees for profit. It appeared that the trees were not subject to a Tree Preservation Order as permission had not been sought to remove them.

The Principal Lawyer confirmed that it was not necessary to seek consent to fell trees if they were not in a Conservation Area or covered by a Tree Preservation Order (TPO). The Local Authority had the power to make a TPO but the process often commenced as a result of local representation.

Councillor Mrs P Grove-Jones expressed disapproval that the Member who had called in the application was neither present nor had submitted his comments in writing.

Councillor N Pearce considered that it would be wrong to allow three dwellings to be built on this site in contravention of the Council's Countryside policies. Whilst Trunch was a bustling, self-contained village, he considered that there were issues in respect of transport.

Councillor A Brown requested clarity as to the weighting of paragraph 78 of the NPPF against the Council's Policy SS2. It appeared that greater consideration was being given to paragraph 78 over the Council's policies in this case as this development would support the rural economy of Trunch. He considered that the site would be more suitable for two dwellings, rather than three, and that the proposal gave the impression of 'garden grabbing'. He requested that it be made clear to the developer that a landscaping scheme of a very high specification would be required to replace the trees that had been removed.

The Senior Planning Officer explained that the description of the development of up to three dwellings allowed flexibility at the detailed application stage in respect of the number of dwellings, trees and replacement planting. The assessment of this application had been based on the assessment of other recent cases in Trunch.

The Assistant Director for Planning explained that the Council's Local Plan was aged and the NPPF had introduced the concept of sustainable development. Where proposals were considered to depart from Local Plan Policies SS1 and SS2, it was necessary to consider the three criteria in the NPPF relating to sustainable development. The new Local Plan would be led by the NPPF of 2019 and would look to bring forward development in smaller settlements where the sustainability criteria could be met, of which Trunch was one such settlement. The emerging Local Plan currently carried very limited, if any, weight and so this application had been assessed against the sustainability criteria in paragraph 78. On that basis, Officers considered that this was an acceptable, otherwise sustainable location.

Councillor J Toye considered that the proposal was acceptable in principle. He referred to the applicant's design and access statement in respect of the use of sustainable materials and green technology. Whilst the new Local Plan carried little weight at the present time, it was likely to be much further advanced by the time a full application was submitted and he hoped that the detailed proposals would come close to, or possibly exceed, the environmental standards set out in the new Plan. He proposed approval of this application in accordance with the Officer's recommendation.

Councillor R Kershaw considered that the site was not in the Countryside as it was surrounded on three sides by buildings, and five other sites in Trunch had been approved for development. He seconded the proposal.

Councillor G Mancini-Boyle asked if the design included electric charging points and expressed concerns regarding the environmental credentials of the buildings. He considered that the proposed development was crammed into the site.

The Senior Planning Officer stated that this application sought outline permission for the principle of the development and access at this stage, and all other issues including the layout would be for consideration at the detailed stage. The layout shown was indicative only.

Councillor Dr V Holliday expressed concern that the access could necessitate an incoming vehicle reversing back out onto the road if another vehicle was trying to exit at the same time. She queried whether sufficient weight had been given to this matter.

The Senior Planning Officer stated that a refusal on highway grounds would be difficult to substantiate as the Highway Authority had no objection subject to conditions.

RESOLVED by 9 votes to 2

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

The Assistant Director for Planning stated that an informative note would be added to the permission suggesting that the applicant enter into discussions regarding the layout prior to submission of a detailed planning application.

6 **APPEALS SECTION**

(a) NEW APPEALS

The Committee noted item 8(a) of the agenda.

(b) INQUIRIES AND HEARINGS - PROGRESS

The Committee noted item 8(b) of the agenda.

Holt PO/18/1857 – A decision was still awaited. The Assistant Director for Planning would write to the Inspector to seek a timescale for a decision on this application, which had implications for the progress of the Council's Local Plan. (*The Inspector's decision was received shortly after the meeting had concluded*).

(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

The Committee noted item 8(c) of the agenda.

High Kelling – a site inspection had been carried out by the Inspector. The Inspector had indicated that he would issue a decision in 5 weeks from the date of the inspection.

(d) APPEAL DECISIONS

The Committee noted item 8(d) of the agenda.

Edgefield PF/20/0761 – This case related to an appeal against non-determination, where the applicant unwilling to negotiate further with the Council. Officers had submitted a response explaining why the scheme was unacceptable. However the Planning Inspector considered that the proposals were otherwise in accordance with Policy EN4.

Itteringham ENF/17/0006 & CL/19/0756 – the appeal had been dismissed and the occupancy of the annexe as a stand-alone dwelling would be required to cease within 6 months of the date of the Inspectors decision. The Council would work with the appellants to ensure their housing needs were met. The Assistant Director for Planning paid tribute to the work carried out by Kevin Peacock of the Enforcement Team on his first appeal case.

(e) COURT CASES – PROGRESS AND RESULTS

The Committee noted item 8(e) of the agenda.

The meeting closed at 10.47 am.

CHAIRMAN
Thursday, 1 July 2021