

**THURSDAY, 29 JULY 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 (Vice-Chairman)

Mr A Brown  
Mrs A Fitch-Tillett  
Mr R Kershaw  
Mr G Mancini-Boyle  
Ms L Withington

Mr P Fisher  
Dr V Holliday  
Mr N Lloyd  
Mr N Pearce  
Mr A Yiasimi

Mr J Toye (In place of Mrs P Grove-Jones)

Miss L Shires (Happisburgh Ward)

Mr J Rest (observer)

**Officers**

(\* attending remotely)

Mr P Rowson, Assistant Director for Planning  
Mr N Doran, Principal Lawyer  
Mr J Mann, Major Projects Team Leader  
Mr C Reuben, Senior Planning Officer  
Mr B Fraga da Costa, Planning Officer  
Miss L Yarham, Democratic Services & Governance Officer (Regulatory)  
Mr M Stembrowicz, Democratic Services and Governance Officer - Scrutiny

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

Apologies for absence were received from Councillors Mrs P Grove-Jones, C Stockton and A Varley. One substitute Member attended the meeting.

**15 MINUTES**

The Minutes of a meeting of the Committee held on 1 July 2021 were approved as a correct record and signed by the Chairman.

**16 ITEMS OF URGENT BUSINESS**

None.

**17 DECLARATIONS OF INTEREST**

Councillor J Toye declared that as Planning Portfolio Holder he had been involved in matters of procedure and process in respect of Ingham PF/21/0797, but had not been involved in any other aspects of this case.

**HINDRINGHAM PF/20/1345 - CONSTRUCTION OF 12 NO. DWELLINGS WITH ASSOCIATED PARKING, LANDSCAPING AND INFRASTRUCTURE: LAND SOUTH OF WELLS ROAD, HINDRINGHAM**

The Major Projects Team Leader presented the report by remote link. A copy of the visual presentation had previously been forwarded to the Committee. He displayed an aerial photograph indicating the location of the site and a layout plan of the site, and referred to the main issues for consideration. He recommended approval of this application as set out in the report.

The Assistant Director for Planning referred to the foul water drainage issues, which were a material consideration in this matter. Anglian Water had stated that there was capacity in the existing network as it stood to accommodate this development. He could not therefore support a condition to require the development to be delayed until remedial works had been carried out to the local network in accordance with an undertaking given by Anglian Water.

Public Speakers

Steve Dye (Hindringham Parish Council)  
Ed Mumford-Smith (supporting)

Councillor R Kershaw, the local Member, stated that he had called in the application because of the contentious situation regarding foul water drainage. He referred to the ongoing issues with overflowing sewers and problems he had witnessed with effluent entering drainage ditches and into the River Stiffkey. He was also concerned that there would be increased congestion around the school and stated that although the Highway Authority had removed its objection, it would prefer a better scheme. He was also concerned that the reptile survey had been carried out after the site had been closely mown and it was therefore unsurprising that no protected species had been found.

Councillor Kershaw considered that it would be irresponsible and environmentally damaging to proceed with additional development when there was a risk that foul water could enter the River Stiffkey. He proposed deferral of this application until Anglian Water was able to prove to the satisfaction of Hindringham Parish Council that the foul water drainage system was capable of handling the volume of effluent and water and that maintenance work had been carried out.

Councillor A Brown noted that the consultee response from Anglian Water stated that it was prepared to divert foul sewers when necessary and he considered that, in the event of approval of this application, a condition should be imposed to require such a diversion to take place. He had doubts as to whether the need for affordable housing was a sufficient material consideration in relation to this particular site as Hindringham was not a growth village and would not otherwise be considered a sustainable location for development. He seconded the proposal to defer this application.

Councillor Mrs A Fitch-Tillett considered that it was vital to separate foul water from surface water and that this case had highlighted the issue.

Councillor N Pearce stated that this Authority was trying to put affordable housing in as many villages as possible and drainage would be a recurrent issue. He considered that there was a good case for housing on this site, but it was necessary to rectify the issues before the development could go ahead.

Councillor J Toye stated that the drainage situation was unacceptable and he supported deferral of this application. He considered that the site was rather squeezed and asked if consideration could be given to removing one of the affordable dwellings from the proposal to improve the environment for all future residents.

Councillor N Lloyd congratulated Broadland Housing on the design quality of the scheme. He was disappointed with the loss of hedgerow and requested a replanting condition in the event that hedgerow plants died.

Councillor V Holliday supported deferral of this application and expressed concern regarding Anglian Water's statement regarding capacity as in her Ward it meant that effluent was taken away in tankers. She agreed with Councillor Toye that the site was tight, and expressed concern at the lack of facilities in Hindringham.

Councillor A Yiasimi commented that the hedgerow would grow in time, which would resolve the issues regarding loss of hedgerow. He considered that it was a pity that the application had to be deferred due to an Anglian Water issue.

Councillor Kershaw stated that he was happy to add the redesign of the site to his proposal.

At the invitation of the Chairman and with the agreement of Councillor Kershaw, Mr Mumford-Smith confirmed that it would be possible to remove one of the affordable dwellings from the proposal, and that the options agreement with the landowner would allow for an extension of time to enable permission to be secured. However there was a long stop if Anglian Water did not deliver on its commitments.

**RESOLVED** unanimously

**That consideration of this application be deferred until Anglian Water is able to prove to the satisfaction of Hindringham Parish Council that the foul water drainage system is capable of handling the volume of effluent and water and that maintenance work has been carried out, and to seek a revision to the scheme to achieve an improved layout.**

19 **BLAKENEY - PF/21/0692 - ERECTION OF ONE AND A HALF STOREY DETACHED DWELLING (PART RETROSPECTIVE) AT 8 LANGHAM ROAD, BLAKENEY, NR25 7PG FOR MR & MRS INGHAM**

The Development Management Team Leader 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

Rosemary Thew (Blakeney Parish Council)  
Steven Howes (supporting)

Councillor V Holliday stated that she had called in this application as, whilst there were planning reasons why it should be approved, the dwelling would appear inappropriate in the streetscape, with the main concerns being the first floor windows, scale and boundary treatment. She referred to the history of the site. She considered that the boundary treatment and gates gave an urban appearance which

was out of character with the village setting, and it appeared that the biodiversity implications of removing the hedge had not been taken into account. In her opinion, the proposal could be considered contrary to Policies EN1, EN2, EN4 and EN9.

The Chairman asked if the lighting could be conditioned and if it was possible to do anything about the gates.

The Assistant Director for Planning advised the Committee with regard to the limited weight carried by the Blakeney Neighbourhood Plan at this stage and also with regard to the imposition of conditions and the commitment given by the applicants' agent to abide by them.

Councillor J Toye stated that he had viewed the site on Google Streetview and considered that the recommendation was correct. He considered that it would be reasonable to negotiate in respect of the lighting. He understood that the gates had already been approved on a previous application. The Planning Inspector considered that the first floor was acceptable. He was disappointed that the applicants had approached the planning process in the way that they had, and stated that it was important that the storage area did not become a habitable room. He proposed acceptance of the Officer's recommendation subject to the resolution of issues regarding lighting and the gates.

Following questions to the Development Management Team Leader, it was established that the gates had not been included in the previous permission and were a technical breach of planning permission. Councillor Toye requested that appropriate action be taken to include them in the retrospective application or remove them.

Councillor N Pearce expressed his disapproval of retrospective applications and the breaches of planning law by the applicants. He did not support this application.

Councillor A Yiasimi stated that the applicants' agent had given a commitment to rectify the breaches to an acceptable standard.

Councillor R Kershaw stated that he had looked at the photographs and also viewed the site on Streetview. He was mindful of the Planning Inspector's decision and whilst he was concerned about retrospective applications, he seconded the proposal subject to consideration of the lighting and the gates.

The Assistant Director for Planning informed the Committee that the submitted plans showed a fence line and gates but did not include elevational details. The Committee could impose a condition to require details of the gates to be submitted or alternatively, to require that the gates be omitted from the proposals. However, on investigation it could be found that the gates were permitted development and if so, the local Member and Parish Council would be informed. He recommended that delegation be given to Officers to consider matters of detail regarding the gates and piers.

Councillor Toye was content that this matter should be investigated and reported back to the local Member and Parish Council, and dealt with as appropriate, provided that appropriate conditions were included.

The Assistant Director of Planning stated that recommendation included that the final wording of conditions be delegated to him.

The proposer and seconder indicated that they were happy to proceed on this basis.

**RESOLVED** by 10 votes to 1 with 1 abstention

**That this application be approved in accordance with the recommendation of the Assistant Director of Planning, subject to consideration of matters of detail of the gates and piers.**

20 **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 Development Management Team Leader 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.

The Assistant Director for Planning reminded the Committee that this application had been debated at length at a previous meeting.

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

In response to a question by Councillor J Toye, the Officers confirmed that a condition would be imposed to restrict the use of the cart shed to parking and storage only.

Councillor N Pearce asked how a scheme that had been approved in 1960 could be amended to the current scheme and be considered relevant as lawful development in the present day.

The Assistant Director for Planning explained that case law had established the right of a developer to seek a certificate of lawful development where work had commenced under a planning permission, and the type of work that could be considered as commencement. In this case, development had lawfully commenced under the 1960 permission and therefore the developer was entitled to apply for a certificate of lawful development. The developer had followed the correct process and a certificate had been granted in 2014, which established the principle of development on the site, with the fall-back position being the scheme approved in 1960.

Councillor R Kershaw seconded the proposal.

**RESOLVED** unanimously

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

21 **INGHAM - PF/21/0797 - TWO STOREY DETACHED DWELLING; DRIVEWAY AND ACCESS TO PALLING ROAD; TREE AND HEDGEROW PLANTING AND FORMATION OF POND; LAND NORTH OF PALLING ROAD, INGHAM FOR MR TOM COLLIER**

The Assistant Director for Planning presented the report. A copy of the visual presentation had previously been forwarded to the Committee. He referred the

Committee to a plan in the visual presentation entitled 'Location of Sites' which showed the location of the current application site and the approved barn conversion PU/20/0577 which was the fallback position in the event of refusal of this application. Copies of the Landscape Officer's most recent comments were circulated and time given for the Committee to read them.

The Assistant Director for Planning drew attention to the Parish Council's concerns and the comments in favour of the proposal from the local Member. He referred to the material considerations in this case relating to the principle of the development, flood risk, impact of the proposal on landscape character and the fallback position relating to the existing barn. He recommended refusal of this application as set out in the report.

### Public Speaker

Abigail Collier (supporting)

Councillor Miss L Shires, the local Member, stated that a car would be required to access local services, regardless of whether a new dwelling was built as proposed or the barn converted as previously approved. She considered that the nearest dwelling was quite close in terms of Ingham. She stated that the proposal would provide significant land on which a large number of trees would be planted, with an aim towards carbon negativity. The applicant had taken on board objections that had been raised to previous iterations of the proposal and as a result of the amendments, the Highway Authority, Green Infrastructure Team and Environment Agency had no objection. However, the Landscape Officer's objections did not take into account the additional measures to mitigate any environmental impact. She considered that the significant planting and other measures would mitigate the dark skies issue that had previously been raised. She stated that the rights on the barn would not allow significant climate mitigation through planting and the current site was the only site which was high enough in terms of flood risk.

The Chairman requested clarification in relation to a previous case where a building of exceptional architectural merit was approved contrary to Policies SS1 and SS2.

The Assistant Director for Planning referred to case law relating to paragraph 79(e) of the NPPF, which provided for buildings of outstanding architecture or innovation in isolated locations. Under the test of that case law, this site was not considered to be isolated as it was within 200 metres of the nearest dwelling and he suggested that paragraph 79(e) would not apply in these circumstances.

Councillor N Pearce highlighted the comments of the Landscape Officer and the conclusions and recommendation in the report. He considered that this application was contrary to the Council's requirement to protect the AONB, contrary to Policies SS1 and SS2 and was unsustainable. He requested clarification regarding the flood risk issues.

The Assistant Director for Planning stated that the site was in an area at risk of flooding, but the applicant had worked through solutions to enable him to build on the site and the Environment Agency considered that the mitigation measures were sufficient to withdraw its objection. It was necessary to apply the sequential test to development proposals when the technical engineering tests had been overcome. Residential use was the most vulnerable type of use with regard to flood risk and the proposal failed the sequential test.

Councillor J Toye stated that this was a very large house and it would take some time for screening to be effective. In most cases the fallback position related to properties being built on the same site and not remote from it as in this case. He referred to reports regarding the carbon footprint of construction and the significant environmental benefits of adapting and reusing old buildings. He suggested that if the land was being gifted to the applicant it should be possible to convert the barn and carry out the tree planting on the application site.

Councillor Mrs A Fitch-Tillett expressed sympathy with the applicant, but she was unable to condone development on the flood plain nor a change to the AONB. She proposed refusal of this application as recommended.

Councillor A Yiasimi considered that the environmental benefits offered by this application far outweighed the reasons for refusal.

Councillor R Kershaw stated that the proposal was for a building in the Countryside, and the offer to plant 1000 trees was welcome. However he could not see how the proposal would be carbon negative. If done properly, the fallback barn conversion could be carbon negative and would use far fewer materials than the large house proposed. In terms of sustainability, both sites were equally weighted. He seconded the proposal to refuse this application.

Councillor A Brown considered that this was a simple matter of planning policy. Policies SS1 and SS2 did not support this application as it was in an unsustainable location. The fallback position had only modest or insignificant weight in the planning balance and personal circumstances were not a material consideration. Whilst the Council was supportive of its communities and encouraged new building to sustain communities where possible, in this case it could be achieved by conversion of the existing barn, given the flood risk issues, failure to satisfy the sequential test and adverse impact on landscape character. He therefore supported the recommendation to refuse this application.

Councillor N Lloyd stated that one of the Council's primary duties was to protect the Countryside. He considered that building on a flood plain with the mitigation being to move to the first floor was not sustainable. Tree planting was part of the Council's Corporate Plan so the proposed tree planting would be welcome, but he considered that it would be within the applicant's gift to plant trees if he wanted to in any case. There was little information regarding the type of construction proposed for the new build, but traditional building was one of the highest contributors to carbon emissions. He supported the recommendation for refusal with a heavy heart.

With the permission of the Chairman, the applicant (Mr Coller) explained that the existing barn was a working agricultural building, currently used as a grain store, and would need to be replaced if converted. He explained that farmers did not like ponds or trees near agricultural buildings and the tree planting was only proposed if the house could be developed on its own without a large agricultural barn.

**RESOLVED** by 10 votes to 2

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

**WEYBOURNE - PF/21/0567 - EXTENSIONS TO SIDE AND REAR; REPLACEMENT ROOF WITH RAISED RIDGE HEIGHT; EXTERNAL ALTERATIONS; THE SEAHOUSE, TEMPLE DRIVE, WEYBOURNE, HOLT, NORFOLK, NR25 7ET**

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

Public Speakers

Steven Todd (Weybourne Parish Council)  
Steven Howes (supporting)

Councillor V Holliday stated that she had called in this application as, whilst there were planning reasons why it should be approved, it was considered that the dwelling would appear inappropriate in, and have a negative impact on, the landscape. The increases to the footprint and ridge height would be out of character with the neighbouring dwellings, which were modest in size, and whilst the plot itself was larger than the neighbouring plots and could absorb the increase, it would appear out of scale from the road. She expressed concern that the increase in glazing would impact on the adjacent Site of Special Scientific Interest (SSSI), and had the potential through light pollution to negatively impact on AONB and Kelling Heath Dark Skies Discovery Site. In her opinion, the proposal could be considered contrary to Policies HO9, EN1, EN4 and paragraph 125 of the NPPF.

The Chairman referred to the photographs of the site, which appeared to show building materials on site and groundworks in progress.

Councillor G Mancini-Boyle stated that he had also noted with concern that work appeared to have commenced, but he considered that the scheme was acceptable and proposed approval of this application as recommended.

With the permission of the Chairman, Mr Howes informed the Committee that the materials were for landscaping and garden works and did not relate to the proposed development.

Councillor R Kershaw considered that the proposed modifications and improved insulation would result in a neater and more acceptable building than currently existed, and there was no generic scheme of development in Temple Drive. He seconded the proposal.

Councillor N Lloyd stated that the rooflights were small and the site was well shielded. He supported the proposal.

Councillor Mrs L Withington considered that the development would improve the area and bring a sense of true design to the building. She considered that the building would add to the eclectic mix in Temple Drive.

Councillor N Pearce stated that he had had concerns regarding the cumulative increase in size of the building, but having heard the comments he considered that the development, although large, would be tasteful.

Councillor Mrs A Fitch-Tillett stated that given the landscaping of the site she was

content in terms of the impact of the proposal on the AONB.

Councillor J Toye considered that the windows would be effective in terms of solar gain. He noted that there would be an increase in the number of bathrooms and requested that consideration be given to adaptations to restrict water usage.

**RESOLVED** by 11 votes to 0 with 1 abstention

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

## **23** **APPEALS SECTION**

The Assistant Director for Planning stated that a previous copy of the appeals report had been attached in error to the printed agenda. An updated copy had been circulated to Members. He updated the Committee on a number of appeal matters.

### **(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.

Cley-next-the-Sea ENF/18/0164 – the Ward Member had been informed that negotiations were being concluded. A further amendment had been presented to the Council, and the applicant had been given an opportunity to comment on updated case law. The applicant had not done so and the Assistant Director for Planning had responded to the applicant regarding the amendment. A firm commitment was awaited from the applicant as to whether or not the amended plans would be put forward. The Ward Member would be kept updated on this matter. Councillor R Kershaw asked if there was a time limit on this matter.

The Assistant Director for Planning explained that the enforcement notice related to the demolition of a house and it was important to explore all avenues. The deadline for a decision was 30 September

### **(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.

Aylmerton PF/20/0691 – This decision was very disappointing as it had potential to undermine Policies SS1 and SS2 as the Planning Inspector had found in this one case for a single dwelling, with limited evidence, that the policies were not compliant with the NPPF and should not be given weight in the decision. A letter expressing the Council's concerns would be sent to the Planning Inspectorate and shared with the Chairman and Vice-Chairman of Development Committee and the Chairman of the Planning Policy & Built Heritage Working Party.

High Kelling ENF/16/0131 – the Planning Inspector had found that there was significant merit associated with the community use and did not agree with the Council's view of the harm arising from the activities in the woodland and the new build. The Inspector had imposed a number of conditions, which should be discharged within the next month. The appellant was willing to work with the Council in respect of tree planting and management of the wider community use of the site.

In response to a question by Councillor N Pearce, the Assistant Director for Planning stated that there were no costs sought or awarded in this case.

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

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

The meeting closed at 12.20 pm.

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CHAIRMAN  
Thursday, 26 August 2021