

THURSDAY, 26 AUGUST 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

Mrs P Grove-Jones (Chairman)
Mr P Heinrich (Vice-Chairman)

Mr A Brown
Mrs A Fitch-Tillett
Mr N Lloyd
Mr N Pearce
Mr A Yiasimi

Mr P Fisher
Dr V Holliday
Mr G Mancini-Boyle
Ms L Withington

Mr J Toye (In place of Mr R Kershaw)

Officers

(* attending remotely)

Mr P Rowson, Assistant Director for Planning
Ms F Croxen, Lawyer
Mr C Reuben, Senior Planning Officer
Mr B Fraga da Costa, Planning Officer
Miss L Yarham, Democratic Services & Governance Officer (Regulatory)
E Denny, Democratic Services Manager

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

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

25 MINUTES

The Minutes of a meeting of the Committee held on 29 July 2021 were approved as a correct record.

26 ITEMS OF URGENT BUSINESS

None.

27 DECLARATIONS OF INTEREST

None.

28 SALTHOUSE - PF/21/0666 - SINGLE STOREY REAR EXTENSION TO REPLACE CONSERVATORY; VERTICAL TIMBER CLADDING OVER BRICKWORK ON REAR ELEVATION; DOOR OPENING IN NORTH ELEVATION OF DWELLING; EXTERNAL ALTERATIONS TO SEMI-DETACHED GARAGE INCLUDING ROOFLIGHT AND FLUE (PART RETROSPECTIVE); 1 BLOOMSTILES, SALTHOUSE, HOLT, NORFOLK, NR25 7XJ

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 Speaker

Joanna Latham (objecting)

The Chairman stated that a supporting statement had been submitted by the applicant's agent and had been circulated to the Committee prior to the meeting. The Committee Members confirmed they had read the statement.

Councillor V Holliday, the local Member, referred to the retrospective nature of the application. She had brought the matter to the Committee to question the point of the planning system if developments were allowed to take place without prior statutory consultee or parishioner input, and stated that the neighbours' concerns could have been debated had the usual planning process been followed. She considered that the sunroom had the potential to create more light pollution than a conservatory, due to the nature of its use and location in the AONB and dark skies area. She referred to the Design Guide in relation to the siting and form of extensions, and considered that the larch cladding would be out of keeping with neighbouring properties. She referred to concerns regarding the parking impact of the garage conversion, air pollution, position of the flue in relation to the neighbour's bedroom and impact of light from the garage rooflight on the neighbour. She understood that there were issues relating to foul water discharge from the study. She referred to a comment from the Conservation and Design Officer that the built structure was at variance with the plans.

In response to a question by Councillor P Heinrich, the Planning Officer confirmed that with the exception of the cladding, the development could have taken place under permitted development rights.

Councillor G Mancini-Boyle expressed concern that the flue had been located on a low level garage within a development of two-storey dwellings and that the type of installation was not good for the environment or local residents.

The Assistant Director for Planning explained that the health implications and appropriateness of the flue extraction would be dealt with through Building Regulations. The planning considerations related to the visual impact of the flue.

Councillor N Pearce asked if the extension was contrary to Policy EN8. He expressed concern at its design and the impact that its appearance would have in the future. He did not support the Officer's recommendation in this case.

In response to a question by Councillor J Toye, the Assistant Director for Planning explained that developments carried out under permitted development were subject to Building Regulations. He explained the difference between planning permission and Building Regulations. He confirmed that in this case, both the garage conversion and the sunroom would be subject to Building Regulations.

Councillor Mrs A Fitch-Tillett shared the concerns regarding light pollution and asked if it was possible to impose a condition to prevent external lighting.

The Assistant Director for Planning explained that the recommendation was balanced in its requirement for the submission of an external lighting scheme, which

would be expected to adhere to reasonable standards in dark sky areas. If the Committee considered a balance in favour of no external lighting Members would need to consider the reasonableness of such a condition, bearing in mind that a number of the properties at Bloomstiles already had external lighting.

Councillor Mrs Fitch-Tillett considered that there was no need for external lighting in a dark sky area and a torch could be used if necessary.

Councillor A Brown stated that he had been surprised that this application had come before the Committee as applications in compliance with the Development Plan should be approved unless outweighed by material considerations. He noted that there had been no objection from the Parish Council or statutory consultees. He considered that there were genuine concerns regarding loss of parking but this was not sufficient to refuse the application. He stated that the timber cladding would weather over time and become less prominent. He proposed approval of this application as recommended. This was seconded by Councillor Heinrich.

Following questions regarding conditions and advice given by Officers, Councillor Brown stated that whilst he had sympathy with Councillor Mrs Fitch-Tillett's comments regarding dark skies, there was national guidance on this matter and he was mindful that the Council would be open to challenge if it did not follow that guidance. He was content with the Officer's recommendation as it stood but asked that the best possible scheme be negotiated.

Councillor Holliday explained that the Parish Council had tried to object but it was out of time and did not realise that comments could be submitted by email as well as via the Planning Portal.

The Assistant Director for Planning stated that Officers would be pleased to assist Parish Councils to engage with the planning process. With regard to dark skies, he explained that national advice from the Institute of Lighting Engineers was followed and Officers would ensure that the development would adhere to that guidance. Officers would update Councillor Holliday in respect of the approved lighting scheme.

RESOLVED by 9 votes to 3

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

29 **WIVETON - PF/20/1228 - RETENTION OF GARDEN BUILDING AND DECKING AREA ON AMENITY LAND ASSOCIATED WITH PARVA COTTAGE, THE STREET, WIVETON AT PARVA COTTAGE, WIVETON FOR MR AND MS J EASTERBROOK**

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. He reported that Wiveton Parish Council had submitted an updated response in the light of recent changes. The Parish Council considered that its original comments remained valid, requested a condition to require appropriate landscaping to reduce substantially the visibility of the building to the south and east and across the Glaven Valley, and supported conditions to reduce the impact of internal or external lighting on the dark skies and to restrict its use as ancillary to Parva Cottage and not to be let for holiday or permanent use.

Public Speakers

Marny Ryder (objecting)
Stephen Pegg (supporting)

Councillor N Pearce requested clarification regarding right to light. He referred to the neighbours' concerns that the building as now erected shadowed their properties and blocked their light, and he considered that light would be further blocked by the planting of a 2m hedge.

The Assistant Director of Planning referred to the location plan indicating the relationship between the properties and the relationship between Parva Cottage and the parcel of land subject to the Lawful Development Certificate. He explained that right to light was an issue of amenity and it was adequately covered in the Officer's report and recommendation. The Hedgerow Regulations was subsidiary legislation that governed antisocial behaviour relating to excessively high hedges.

Councillor V Holliday, the local Member, stated that the site was in a very sensitive location and there were local concerns that could have been debated under the normal planning process had it not been retrospective. She referred to the main concerns that had been raised. She considered that if grown to the proposed height, the hedge would be intrusive on the neighbour's property and in the meantime, the sunroom would be highly visible from the east where the land fell away sharply. She considered that it would require more than scrub vegetation on that side to mitigate the impact of the large glazed area on the Glaven Valley. In the event of the building being retained, she requested conditions to require no lighting, mains or otherwise, and significant landscaping on the east as well as the south.

The Development Management Team Leader confirmed that there was no electricity in the building and the agent had also stated that there was no light or power to the building.

Councillor N Lloyd commented that there were two other sheds already in the vicinity. He welcomed the biodiversity gain offered by this application and the pledge not to use the building for residential or holiday use. He proposed the Officer's recommendation to approve this application. This was seconded by Councillor Mrs A Fitch-Tillett.

Councillor A Brown asked if it was possible to remove permitted development rights to prevent any further creep of this development.

The Assistant Director for Planning explained that permitted development rights were very limited in the AONB. Removal of permitted development rights meant that a planning application would be required for further buildings on the land. It would not prevent further development if proposals were acceptable.

The Development Management Team Leader explained that the granting of the Lawful Development Certificate established that the land did not benefit from permitted development rights.

The Assistant Director for Planning stated that he appreciated the strong feelings that Members had with regard to retrospective planning applications. It was legitimate to make a retrospective planning application and case law required that they were determined no differently from a planning application made before

development had commenced.

RESOLVED by 9 votes to 3

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

30 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - AUGUST 2021

The Assistant Director for Planning presented a report that set out performance in relation to the determination of planning applications in both Development Management and Majors teams on the basis of speed and quality of decisions against national benchmarks.

Councillor G Mancini-Boyle asked if the 25% shortfall in April 2020 was due to staffing and Covid issues.

The Assistant Director for Planning stated that there had been some implications due to Covid, and processes had been lengthened. However, there were more significant issues that had impacted on performance, which were referred to in the report. He accepted that as a group, Officers were accountable for their performance.

Councillor A Brown asked if the planning software had been commissioned correctly, if there had been the right support from the company that had helped to install it and if officers had been adequately trained. He referred to a statement by the former Development Manager that the system would significantly improve efficiency and deal with applications more expeditiously, and nine months on he did not consider that this was happening.

The Assistant Director for Planning explained that it had been necessary to switch off the system periodically, which caused a rippling effect through the process, with delays in validation and the case officers receiving the applications. He did not consider that the right support had been received from the company throughout the process, but it had been appropriate towards the end and the company's helpdesk continued to provide support when issues arose, although it was not always completely effective. There had been concerns regarding training before delivery of the system, but it was coming up to speed and training continued to be delivered. Whilst there had been teething problems, he considered that performance and efficiency had improved since the latest update to the system in May 2021.

Councillor Brown stated that some of his concerns had been allayed but he was concerned that difficulties were still being put down to 'teething problems' after nine months.

The Assistant Director for Planning stated that the performance figures had not solely been due to the software issues.

Councillor N Pearce commended the Assistant Director for Planning for his honesty. He considered there had been a number of major factors involved in the reported performance and he looked forward to the improvements that were being sought.

Councillor N Lloyd congratulated the Assistant Director for Planning and Portfolio Holder for the way the data had been presented and welcomed the regular reporting of performance in the future. He noted that there had been a large increase in the

number of applications compared to other years. He considered that from experience, it took some time to experience the benefits of software changes unless full resources were in place. He was hopeful that with training there would be benefits from the investment in the software.

Councillor P Heinrich considered that there should be regular contact with applicants when there were delays in dealing with applications.

The Assistant Director of Planning agreed that it was necessary to improve communication with customers, and some officers were already very good at doing so. He would be meeting with each team in the next two weeks and would take the point forward. He would also discuss opportunities to communicate more effectively with Parish Councils and other parties involved in the process.

The Chairman fully endorsed the comments regarding communication. She considered that in most cases it was handled well but there were some complaints, although they were in the minority.

Councillor J Toye expressed his gratitude for the report. He stated that the upgrade had been huge, with a considerable requirement for training and adaptation. The pandemic had also been a factor. It was necessary to balance the issues with the number of applications that had been decided. Satisfied customers did not contact the Council. He considered that it would be good to have a regular report to keep the Committee informed, and he would also continue to report to Full Council. He thanked the Assistant Director for Planning and his staff for the great work they were doing.

The Chairman stated that some applicants had communicated their appreciation to her.

The Assistant Director for Planning stated that he was aware that there were good reports about the officers' performance and it was not just a question of speed. Decisions were robustly defended through the appeal process and the exemplary record should be taken into account. Officers were delivering excellent performance in wider areas and there were many reports of good officer contact and positive relationships.

Councillor Mrs L Withington stated that it was obvious that an increasing number of applications were being handled and in her Ward there were many applications for extensions due to increased pressure on housing. She was pleased to see that capacity was being addressed. She considered that there should be acknowledgement that the workload would increase.

The Assistant Director for Planning stated that staff turnover within the Department gave an opportunity for officers to progress to more senior positions and additional recruitment opportunities were being offered for a trainee officer and household planning officer, with further possible recruitment as capacity was challenged.

The Committee noted the report.

31 APPEALS SECTION

Councillor N Pearce asked if there had been a significant increase in the number of applications for conversion of buildings to dwellings.

The Assistant Director for Planning explained that the prior notification process for change of use of buildings in the Countryside had put pressure on the planning system. Prior notification approval was used as a backstop for further changes to buildings and more ambitious schemes. The Council had a good reputation for dealing with prior notification appeals and consideration of schemes following prior notification approval.

Councillor J Toye stated that he was aware in his Ward that annexes were being advertised for let. He considered that there was a need to look at the number of approvals and whether they were properly conditioned. He referred to the comment made under the previous item by Councillor Mrs Withington regarding housing pressures and considered that it was necessary to understand the needs in North Norfolk.

The Assistant Director for Planning stated that the pressure to convert buildings was an issue in rural areas and would continue due to the value of housing at the present time.

(a) NEW APPEALS

The Committee noted item 10(a) of the agenda.

(b) INQUIRIES AND HEARINGS - PROGRESS

The Committee noted item 10(b) of the agenda.

Cley-next-the-Sea ENF/18/0164 – the Assistant Director for Planning updated the Committee on the current position with regard to the amended plans. He would ensure that the local Member was kept updated on progress.

(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

The Committee noted item 10(c) of the agenda.

(d) APPEAL DECISIONS

The Committee noted item 10(d) of the agenda.

The Assistant Director for Planning informed the Committee that an appeal decision had recently been received in respect of North Walsham PP/20/0160 relating to permission in principle. The Inspector had allowed the appeal but had found that the Council's policies were up to date with the latest version of the NPPF and the Council had a sustainable land supply. Referring to the appeal decision reported at the previous meeting in respect of Aylmerton PF/20/0691, the Assistant Director for Planning reported that a letter had been sent to the Planning Inspector challenging his view that the Council's policies were out of date and a response was awaited.

(e) COURT CASES – PROGRESS AND RESULTS

The Committee noted item 10(e) of the agenda.

The meeting closed at 11.13 am.

CHAIRMAN
Thursday, 23 September 2021