

THURSDAY, 23 SEPTEMBER 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
Mr R Kershaw
Mr G Mancini-Boyle
Ms L Withington

Mr P Fisher
Mr N Lloyd
Mr N Pearce
Mr A Yiasimi

Mr C Cushing (In place of Dr V Holliday)
Mr J Rest (In place of Mrs A Fitch-Tillett)

Officers

(* attending remotely)

Mr P Rowson, Assistant Director for Planning
Mr N Doran, Principal Lawyer
*Mr D Watson, Development Management Team Leader
*Mr R Arguile, Planning Officer
Miss L Yarham, Democratic Services & Governance Officer (Regulatory)
Mr M Stembrowicz, Democratic Services and Governance Officer - Scrutiny

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

Apologies for absence were received from Councillors Mrs A Fitch-Tillett, Dr V Holliday, Dr C Stockton and Mr A Varley. Two substitute Members were in attendance. Councillors Stockton and Varley had been unable to find any available substitutes.

33 MINUTES

The Minutes of a meeting of the Committee held on 26 August 2021 were approved as a correct record.

34 ITEMS OF URGENT BUSINESS

The Assistant Director for Planning stated that he would report the Development Management Performance Update under item 10 of the agenda.

35 DECLARATIONS OF INTEREST

None.

36 CROMER - PF/21/1049 - REPLACEMENT WINDOWS AND DOORS, 15A CLIFF ROAD, FOR MRS DEBRA FITCHETT

The Development Management Team Leader 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.

Written statements from Tim Bartlett (Cromer Town Council) and Debra Fitchett (supporting) had been circulated to the Committee prior to the meeting. Members confirmed that they had read the statements.

It was noted that the local Member had called in this application but was not present at the meeting, nor had she submitted a statement. The Chairman requested that it be placed on record that she disapproved of Members calling in applications without attending the meeting or submitting a statement to the Committee, as call ins created a great deal of work for Officers and the Committee.

Councillor G Mancini-Boyle asked if the next door property had uPVC or wooden window frames. He considered that the proposed replacement windows and doors would be an improvement on the existing mismatched units.

The Development Management Team Leader stated that he did not know what type of windows were used in the neighbouring dwelling.

Councillor A Yiasimi stated that he had visited the application site. He considered that the proposal would have no impact and that the applicant's Human Rights under Article 8: the right to respect for private and family life was an important consideration. He proposed approval of this application in accordance with the recommendation.

Councillor N Pearce stated that that the dwelling already had some low quality uPVC windows and doors and there was a mismatch with the remaining wooden windows, which could fail within a few years. The applicant was proposing to change the wood and low quality uPVC for a unified appearance, which he considered would be an improvement and better meet the conservation objectives. He stated that the proposed windows and doors did not face onto Cliff Avenue and would only be seen from the drive. He seconded the proposal.

Councillor R Kershaw considered that it was a sensible proposal to improve the insulation of the property in a time of fuel poverty.

The Chairman stated that the design of uPVC units had improved over time to be more in keeping.

The Principal Lawyer advised the Committee of the statutory presumption in favour of the preservation and enhancement of the appearance of the Conservation Area in considering this application.

RESOLVED unanimously

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

The Assistant Director of Planning referred to the concerns of the Cromer Town Council with regard to the preservation of the character and integrity of historic assets within the Cromer Conservation Area. He considered that it would be appropriate to broaden the discussion with the Town Council with regard to potential Article 4 Directions and to consider whether or not it would be possible to take forward an Article 4 Direction through the Planning Policy & Built Heritage Working Party.

HOVETON - PF/20/1811 - CONSTRUCTION OF THREE BAY CAR PORT WITH ROOM WITHIN ROOFSpace TO FRONT OF DWELLING; HOLMWOOD, TUNSTEAD ROAD FOR MR AND MRS WILLIAMS

The Planning Officer presented the report by remote link. He recommended approval of this application as set out in the report, to include a restriction to ancillary use to the main dwelling. A copy of the visual presentation had previously been forwarded to the Committee.

A statement by Councillor N Dixon, local Member, was read verbatim to the Committee by the Assistant Director for Planning. In summary, Councillor Dixon considered that the enclosure of the staircase and minor changes to the dimensions had confused or convinced the Planning Officers that the reasons for the refusal of application PF/20/1171 were no longer applicable. He considered that the reduction in volume and dimensions were marginal and fell far short of the reductions needed to satisfy the previous reasons for refusal. The proposal would establish a precedent for allowing residential development above a garage, cart lodge or car port in the front garden of dwellings along Tunstead Road, and there was strong local opposition to changing the character of the area in that way. The proposed building would be much more visible from the road as the applicant had recently removed much of the vegetation that would help to shield the majority of the building from view. He considered that the building would be an inappropriate and out of character form of residential development because of its size, scale and massing, easily visible from the roadside, and result in an unacceptable level of overlooking and loss of privacy to the neighbours. He requested that the Committee refuse this application on grounds that it fails to comply with Policy EN4.

Councillor N Pearce considered that loss of privacy needed careful consideration. He stated that the proposal would radically alter the unified appearance of the road and the heritage aspect of the area. He considered that the reduction in massing and alterations to the staircase did not satisfy the previous reasons for refusal.

Councillor G Mancini-Boyle, local Member, stated that the dwellings were well established and nicely set back, with some of the dwellings hardly being altered, if at all, since they were built. The main issue was the office development in the roof space that extended the roofline. He considered that the building as proposed would be out of character and ruin the area.

Councillor J Rest asked what the policy was regarding the fitting of doors to cartshed-type buildings after construction.

The Assistant Director for Planning stated that there was no clear policy, but the extent of physical change to a building would determine whether or not planning permission was required. The Government was keen to relax planning requirements for residential developments and case law was evolving in line with the Government's wishes.

Councillor Rest explained that he was aware that some cartshed buildings had doors fitted and were being used for accommodation. He considered that the same could be the case with this building. He agreed with Councillor Mancini-Boyle with regard to the development at first floor level.

The Assistant Director for Planning explained that the use of a building within the curtilage of a dwelling for accommodation ancillary to the use of the main dwelling

might not require further planning permission. The recommendation included a condition to require the building to remain ancillary to the main dwelling and there were no facilities in the building. The Enforcement Team would investigate any concerns regarding breaches of condition.

In response to a question by Councillor Mrs L Withington, the Planning Officer clarified the roof height of the building, its comparison with neighbouring buildings and the volume of the building as calculated by the applicant's agent in comparison with the previously refused scheme.

Councillor N Lloyd considered that the building was well shielded from the road and other properties, and noted that the size of the neighbour's garage was significant and in a similar location in relation to their dwelling. He proposed approval of this application as recommended by the Officer.

Councillor R Kershaw seconded the proposal.

Councillor A Brown stated that he was not entirely sure that the previous objection had been overcome by scaling down the proposed structure by 26%, and in his view it remained imposing. He accepted that the issue relating to tree protection had been satisfied. He considered that a garage in the proposed location would be more consistent with the historical context of the existing properties and the introduction of office space in the loft was a new type of development.

Councillor P Heinrich stated that he could understand the reasons for the objections, but there was a large garage next door and he considered that the proposed building was of a better design in terms of its relationship. The proposed building would be well screened, and overlooking would be addressed by the use of obscured glazing. He stated that there was increasing demand for home office structures. On balance, he supported the application.

The Chairman drew attention to the Officer's report in respect of the acceptability of ancillary home office use given the increase in homeworking since the pandemic, and also in respect of the relationship with the neighbouring garage and the submission of a tree protection plan.

The Principal Lawyer advised that the erection of the structure would not, of itself, change or sub-divide the planning unit, which would remain in residential use. As a matter of law, ancillary residential use of the structure would not amount to development requiring planning permission.

RESOLVED by 7 votes to 5

That this application be approved in accordance with the recommendation of the Head of Planning, to include the restriction to ancillary use to the main dwelling.

38 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - SEPTEMBER 2021

This matter was considered as an item of urgent business.

The Assistant Director for Planning presented an update on Development Management performance, which had been circulated to the Committee prior to the meeting. The main points (summarised):

- Performance retained at 80% of major applications being agreed in time or within extensions of time.
- 80% of non-major decisions within the time period in quarter 8 (78% over 2 years).
- There is stabilisation and improvement in decision making on non-major applications.
- Influencing factors are capacity, software updates, illness and consultation responses.
- Steps are being taken to improve performance and business processes will be considered with the new Director for Place and Climate Change.

Councillor G Mancini-Boyle stated that customer service was his main concern and asked how the issues would be addressed.

The Assistant Director for Planning stated that he had previously emphasised the importance of officers contacting the applicant and agent to update them at the end of the consultation period. The difficulty lay with the number of people who commented on applications and the lack of capacity to contact those interested parties proactively. He suggested that a self-service process would enable people to contact the case officers through the planning application inbox. He accepted that there were issues with communication and he would continue to press those issues with the Team Leaders and through team meetings.

Councillor Mancini-Boyle suggested that the pressure on case officers could be eased if additional officers were taken on at a lower level to assist with communication with applicants.

The Assistant Director for Planning stated that this was a helpful suggestion. A recruitment process was in hand for entry level officers to replace officers who had left, and forward facing communication would be part of their learning process.

In response to a question by the Chairman, the Assistant Director for Planning outlined the current staffing levels within the Development Management and Major Projects Teams. These were supported by a Planning Processing Unit. There was a good level of staffing at the current time, however there had been a significant influx of cases over the last three months and he would be assessing the number of cases per officer.

The Chairman acknowledged that the caseload per officer was currently very high.

Councillor C Cushing noted that performance on major projects was compared with national statistics, but there was no benchmarking of the overall figures against other authorities. He considered that the required minimum performance level was extremely low at 70% and asked what target this Council was aiming for. He asked why the Planning Department had not applied for apprentices when most other departments had done so.

The Assistant Director for Planning stated that there was an effective apprenticeship scheme already in place for both Planning and Building Control. An apprentice was currently in post and two recent graduates had gone through the trainee programme. There was an issue in that the nearest course for planning apprenticeships was many miles away and distance learning was not currently well established. There was a desire in the planning profession to ensure that good learning facilities were established in the area.

With regard to performance targets, the Assistant Director for Planning explained that the key performance indicator was a national position, which over a two year period was 60% for major applications and 70% for non-majors. The Council was seeking performance above 90% for both application types. The target for major applications was difficult in North Norfolk due to the small number of major applications that were received. He explained that major applications required significant partnership working and took longer to bring to a conclusion. He was pressing officers to keep in touch with customers and ensure that extensions of time were agreed for major developments. He welcomed the Committee's support with regard to capacity issues.

Councillor N Pearce thanked the Assistant Director for Planning for being frank about the problems he was facing. Members cared about the work of the Planning Service, and any improvements that could be made would in turn improve the work of the Committee. He was concerned at the number of appeals that were lodged, particularly in relation to non-major applications, and the impact they had on caseload.

The Assistant Director for Planning stated that Councils were also assessed on quality as well as speed. The Council's appeal record was extremely strong, and the emphasis needed to be on improving speed of non-major decisions.

The Chairman stated that there had been a tremendous increase in non-major applications and it was extremely important to deal with them. Applicants were allowed to appeal if their applications were refused, and it was important to explain to them the likelihood of their appeal being unsuccessful.

Councillor A Brown asked if any measures were proposed to deal with non-major applications that remained undetermined for a considerable time.

The Assistant Director for Planning stated that the Government had introduced a planning guarantee some time ago which required the planning fee to be returned if applications were undetermined after 26 weeks without an agreed extension of time. Some applications required careful consideration and negotiations to achieve an acceptable scheme, which avoided an appeal and resubmission. He referred to the Hoveton application that had been approved at this meeting as an example. He suggested that it might be helpful to provide information for the Committee on the number of applications over one year old and proposals for dealing with them.

Councillor J Rest asked if IT issues had caused some of the problems.

The Assistant Director for Planning stated that this matter had been discussed at the previous meeting. The transition from the old software to the Uniform package had been carefully managed, but there had been a big step between the two systems. A Support Manager role had now been created to take the lead in the development of the software, troubleshooting and liaison with the IT team and the software provider. The transition had had an impact on performance figures but it had been a necessary step to take as the old system would no longer be supported by the provider.

Councillor Mrs L Withington noted that there appeared to be a pattern where the workload was significantly higher at certain times of the year and there was a higher number of out of time applications in those periods as a result. She asked if consideration had been given to working practices to pre-empt the increased

workload and address pressures on staff.

The Assistant Director for Planning stated that there had been a significant increase in smaller applications during the pandemic. There had been significant periods of illness for five members of staff that had impacted on performance. It was clear that some of the increases were cyclical and could be planned around. There was substantially more work going through the system that did not form part of the performance report and consideration would be given as to how that additional burden would be managed.

Councillor P Heinrich expressed concern that there were some instances where additional information was requested late in the process, causing applications to be delayed. He referred to a case in his Ward. He considered that some of the delays could be resolved if applicants were made aware at an early stage that further information was required.

The Assistant Director for Planning stated that case officers should contact the agents and applicants at the end of the consultation stage to tell them if further information was required and he needed to understand where this had not happened and what this issues were. Regular team meetings and case conferences took place to help prioritise work. However, the key issue for him was to make it clear that officers must update the applicant and agent at the end of the consultation period.

39 APPEALS SECTION

The Assistant Director for Planning stated that he would be working with the Director for Place and Climate Change as part of the business process to see what measures could be taken to reduce the number of appeals. The processing of appeals by the Inspectorate had slowed down.

Councillor R Kershaw asked how many appeals related to applications that were considered by the Development Committee.

The Assistant Director for Planning explained that the vast majority of planning applications would not come to Committee as over 90% of applications were determined under delegated powers. Ward Members were consulted on applications in their Ward and Members had the right under the Constitution to call in applications for consideration by the Committee if necessary. It had also been agreed that pre-application engagement on both major and non-major applications would include local Members.

(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.

Cley-next-the-Sea ENF/18/0164 – the Assistant Director for Planning informed the Committee that final amended plans were awaited and it was anticipated that the remediation proposal would come before the Committee in October. The appeal would not proceed until the planning application was determined.

Ryburgh ENF/20/0231 – a date had been received for the hearing and the local Member had been updated.

In response to a question by the Chairman, the Assistant Director of Planning informed the Committee that there was no time limit within which an appeal had to be determined. Once submitted, it had to be heard unless withdrawn by the appellant.

(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

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

The following appeals had been dismissed:

Corpusty & Saxthorpe PU/20/0398

Skeyton PF/21/0461

(d) APPEAL DECISIONS

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

North Walsham PP/20/0160 – there was an error in the report and this appeal had been ALLOWED.

(e) COURT CASES – PROGRESS AND RESULTS

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

The meeting closed at 11.08 am.

CHAIRMAN
Thursday, 21 October 2021