

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 20 January 2022 in the Council Chamber - Council Offices at 9.30 am

Committee Members Present:

Mr P Heinrich (Vice-Chairman)	Mr A Brown
Mrs A Fitch-Tillett	Dr V Holliday
Mr R Kershaw	Mr N Lloyd
Mr G Mancini-Boyle	Mr N Pearce
Mr A Varley	

Substitute Members Present

Officers in Attendance:

Assistant Director for Planning (ADP),
Principal Lawyer (PL),
Major Projects Manager (MPM)
Development Management Team Leader (DMTL- CR)
Development Management Team Leader (DMTL- DW)
Senior Planning Officer (SPO- JP)
Senior Planning Officer (SPO-JB)
Democratic Services and Governance Officer - Scrutiny
Democratic Services & Governance Officer – Regulatory

67 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Committee Members, Cllr P Grove-Jones (Chairman), Cllr P Fisher, Cllr C Stockton, Cllr L Withington, and Cllr A Yiasimi

68 SUBSTITUTES

Cllr T Adams, Cllr J Rest and Cllr J Toye were present as substitutes for Cllrs P Fisher, L Withington and P Grove-Jones respectively.

69 MINUTES

Minutes of the meeting held on 16 December 2021 were approved as a correct record and signed by the Chairman.

70 ITEMS OF URGENT BUSINESS

None received.

71 DECLARATIONS OF INTEREST

i. Cllr J Toye declared a non-pecuniary interest for Agenda Item 8, Planning application PF/21/2507. As the Local Ward Member he had indicated his support and would abstain from voting.

ii. Cllr R Kershaw affirmed he was the Local Member for applications PF/21/2969 and PF/21/2656, Agenda Items 10 and 11. He expressed his intention to speak and vote on each applications, as was not predetermined.

iii. Cllr T Adams advised he was the Local Member for applications PF/20/2569 and PF/21/2544, Agenda Items 9 and 13, adding he would speak on the applications, but would not vote.

iv. MPM stated, in relation to Item 11 application PF/21/2656, he had neither met nor spoken with the applicant, but his wife served as a planning agent and had been involved with the application. As such the MPM advised he would not speak on this Item.

72 TRUNCH - CL/21/0566 CERTIFICATE OF LAWFUL DEVELOPMENT FOR EXISTING USE OF LAND FOR STATIONING OF A CARAVAN - LAND EAST OF LINCOLN COTTAGE (KNOWN AS THE VINEYARD), COMMON ROAD, BRADFIELD COMMON FOR MS BELL

The SPO-JP introduced the report to Members and noted the ward should read 'Swafield and Bradfield' rather than 'Trunch'. He added that the application was for a Certificate of Lawfulness, and the determination would be based on evidence submitted rather than planning policy.

Public Speakers

Elaine Pugh – Clerk, Swafield and Bradfield Parish Council

Questions and Discussion

- i. At the request of the Chairman, the PL explained the term 'Certificate of Lawfulness'. The PL relayed Planning Policy guidance and advised the application was not for planning permission and would not take into account whether a development should be granted, rather it was a consideration of evidence to determine whether the application was lawful in planning terms.
- ii. Cllr J Toye sought clarification on how long an absence was considered to be in a planning context, and what the current and future use of the Caravan would be. The PL advised that a period of absence in planning terms would be a substantial and continuous period of time, though any sustained break would reset this period. The SPO-JP referred Members to the Report which detailed the Caravan's use for tending a small holding.
- iii. Cllr J Toye enquired whether there would be any restrictions which would legally prohibit the Caravan from being used for residential purposes in the future. The ADP affirmed that information provided to the Council suggested that the Caravan provided shelter to those who worked the area and was not proposed to be of residential use. If occupied permanently for residential use, this would constitute an Enforcement investigation.
- iv. The PL advised a change of use to residential would constitute a material change of use, and would therefore require planning permission or be subject to enforcement action.
- v. Cllr J Toye noted that he had surveyed satellite imagery of the site and a Caravan had seemingly been located on the land since 2006. As the Caravan has been in situ in excess 10 years, Cllr J Toye proposed acceptance of the officer's recommendation.
- vi. Cllr N Pearce raised concerns that the Parish Council had disputed the

legality of the Caravan over the last 10 years, and that these enquires may not have been addressed. The ADP advised each application should be determined on its material merits. Whether or not the Council had failed through its Enforcement Team to address concerns relating to the use of land, was a separate matter. Members should consider whether the Caravan had been in situ for 10 years based on material facts, or if there was evidence to dispute this.

- vii. Cllr A Brown sought clarification on whether officers were aware of any planning enforcement action that would have interrupted the period of continuous use. The SPO-JP advised he was not aware of any such action. Cllr A Brown seconded the proposal to accept the Officers recommendation.
- viii. Cllr V Holiday questioned the validity of evidence provided, and suggested that Exhibits C-K formed indirect rather than direct evidence, proving the land was used for agricultural purposes, as opposed to verifying the presence of a Caravan. She commented that a Caravan had been observed on the site, but not continuously.
- ix. The SPO-JP established that the primary evidence supplied was the signed Statutory Declaration in conjunction with the aerial photographs taken over a 10 year period. The secondary evidence adding weight to the evidence provided.
- x. The ADP acknowledged that officers were satisfied with the evidence supplied showing that a Caravan had been sited as a requirement for the management of the land to have a shelter. He added that if the land was used for agriculture, the evidence would support this as an ancillary element.
- xi. The Chairman enquired if the Caravan could be used for residential purposes. The ADP relayed that the application was largely predicated on the basis of the Caravan being cited for use as a field shelter. This was supported by the SPO-JP, who advised the Caravan was utilised as a field shelter to service the small holding. The ADP noted that an informative could be added to the decision stipulating the Caravan be used as a shelter for amenity purposes and not for residential use.
- xii. Cllr T Adams asked whether the applicant could apply for planning permission for an additional Caravan. The PL advised this would be at the discretion of the applicant, though they would be unable to apply for a Lawful Development Certificate without the suitable period of continuous breach of planning control. Cllr T Adams enquired whether changes to the field, to the exact location of the Caravan, and the Caravan itself, would form material considerations. The ADP advised that replacement or upgrading of the Caravan would not be a material consideration. He added that caravans had a limited lifespan and it was reasonable to expect replacement due to degradation. It was noted that evidence suggested the use the Caravan had been consistent over the 10 year period, and Officers considered replacement of the Caravan to be reasonable.
- xiii. Cllr J Rest, sought clarification on whether the Caravan itself was new, or whether it was new to the site, in addition to the reasonable life expectancy for a Caravan. The ADP replied that the application was for a Certificate of Lawfulness for the arrangement of a Caravan on the site as an amenity shelter, and should that structure require replacement overtime, under tests

of reasonableness this would be permissible. He added that the use of land remained the crux of the issue, rather than the condition of the Caravan.

- xiv. Cllr T Adams raised concerns that the Parish Council had not received adequate notification of the meeting, and whether a deferral would be appropriate. The Chairman noted that the Parish Council had made a representation at the meeting, and that other evidence had been brought forward. The Chairman permitted discussion on this Item to continue.
- xv. Cllr R Kershaw determined on evidence supplied, a Caravan had been located on the site for the required period. He suggested the removal of the word 'residential' from the officer's recommendation.
- xvi. Cllr J Toye proposed the amendment to his original proposition, seconded by Cllr A Brown, to include an informative that a Caravan located on the site be used for amenity purposes for shelter only, and not for residential use.

RESOLVED by 9 votes for, and 3 against.

To grant the Certificate of Lawful Development for the existing use of land for stationing of a Caravan for amenity purposes for shelter.

73 BANNINGHAM - PF/21/2507 - TWO STOREY DETACHED DWELLING (4-BED) WITH DETACHED SINGLE GARAGE AND CAR PORT TO FRONT WITH WIDENING AND IMPROVEMENTS TO VEHICLE ACCESS

The DMTL-CR introduced the report and noted that the site was subject to a prior planning application for a two-storey dwelling, reference PF/21/771, which was refused by the Development Committee on 11th January 2021. The current design was considered to be an improvement, however the proposed development remained unacceptable in respect of strategic policies SS1, SS2 and SS4. The Highways Authority had objected to the application describing the junction of the B1154 as being severely substandard, particularly with regards to visibility and with no possibility of sustained improvement. It was acknowledged that in receipt of the Highways objection, the applicant and agent had made efforts to improve junction visibility. However, Highways noted that these improvements could not be provided in perpetuity, as the applicant does not own the land subject of the improvements.

Public Speakers

Mo Anderson-Dungar – Clerk, Colby and Banningham Parish Council
Paul Harris (Supporting)

- i. Cllr J Toye- local Member, expressed his support for the application. He established the primary issues in determining the application were the sustainability and quality of the structure. With reference to sustainability, Cllr J Toye advised that Sanders Coaches ran a regular bus service, which was only a short walk from the proposed dwelling, with Banningham Village also only a short walk via Weavers Way. He added that the proposed building was sustainable with its reuse of products, recycling, and energy efficiency, and the design was of exceptional quality, reflecting high standards in architecture, significantly enhancing the immediate setting. In reference to the Highways objection, he commented that the dwelling would not make the road any more dangerous, and that there were other junctions to busier roads that were more dangerous.

ii. Cllr R Kershaw expressed his support for the application. He noted familiarity with the site and affirmed that there had not been, to his knowledge, any road traffic accidents at the junction with Mill Road. He considered the application was one of infill rather than building within the countryside. He praised the applicant's commitment to improving highways visibility by cutting the hedge at the junction.

iii. Cllr T Adams spoke in support of the application, and acknowledged representations made by the Local Member and Parish Council, and recognised the application as being sustainable and of good design.

iv. Cllr N Lloyd endorsed comments raised by Members relating to the environmental considerations, and suggested that developers should be encouraged to produce similar low carbon properties within the District. Additionally, there should be a greater distinction between the use of vehicles dependent on fossil fuels and electric vehicles which would have no impact on sustainability.

v. Cllr J Rest agreed with representations and noted concerns about the report which advised Mill Road would not be suitable for heavy construction vehicles, given that this would be for a limited time whilst construction was being undertaken.

vi. Cllr N Pearce noted the Officer's objections in relation to policies, but stated his support for the arguments made and the application itself.

vii. The ADP recommended Members consider policies SS1 and SS2 in a robust manner, and that a departure from locational strategies should be the exception. The matter of location sustainability forms part of wider considerations, and neither the current or emerging local plan would consider the location sustainable. With respect to vehicles, the ADP affirmed that car journeys using any type of motorised vehicle are considered to be unsustainable, therefore any location dependent on the use of private cars is unsustainable. He added that planning policies aim to deliver no further burden on greater car use and noted the concerns raised by Highways that hedge cutting could not be delivered in perpetuity. It was suggested that Members may consider it appropriate for the application to be permitted subject to a legal agreement with the adjacent landowners, or the use of alternative Grampian style condition.

viii. Cllr A Brown acknowledged correspondence received from the agent, and the absence of references to policy SS4 from the prior application, which had been refused. It was clarified that due regard was given to environmental policies during that discussion.

ix. In response to questions raised by the Chairman on the use of the former railway carriage located on the site, the DMTL-CR affirmed that it had been used as an ancillary overspill accommodation, and or, additional storage and not as a separate permanent dwelling.

Cllr V Holiday stated that weight should be given to the Highways assessment, and the risk of ignoring such guidance. The ADP reminded Members of comments supplied by the Highways Authority at a prior meeting, in which the Highways engineer had advised that accident statistics formed only one aspect of determining highway safety, and they still considered there to be a clear risk at the junction.

x. The Chairman noted that there was no proposer or seconder for the Officer's recommendation. The PL advised that within the Constitution, rule 17.5 stated that there was the possibility of Officer's reports being taken as both proposed and

seconded at the Chairman's discretion, which was granted.

VOTE WAS LOST by 7 votes against, 4 votes in favour.

Cllr R Kershaw proposed acceptance of the application in fulfilling policy EN4. The MPM noted that the Officers report considered the application a departure from policy EN4. Cllr R Kershaw revised his proposal and proposed acceptance of the application in conforming to paragraph 79 and 80 of the NNDC Policy guide. Cllr A Varley seconded the proposal.

xi. Cllr N Pearce stated the application should be considered a redevelopment due to the presence of existing buildings on the site. He added that the risk at the junction with Mill Road would not be significant, as the site had already been in use, and was only one proposed development.

In response to comments from the Chairman, the ADP noted that conditions made regarding the departure from planning policy be important. He added that it was important Members consider the reasons for the departure from Highways advise, and whether a unilateral agreement, or section 106 maybe a consideration, to aid with the betterment in the treatment of the junction. Cllr R Kershaw supported comments made by the ADP, and endorsed the use of a unilateral agreement to secure the improvements to in perpetuity to the junction.

RESOLVED by 7 votes for, 4 against.

That Application PF/21/2507 be approved subject to conditions relating to highways safety.

At the discretion of the Chairman a 15 minute break was taken. The meeting reconvened 11.15am.

74 CROMER - PF/20/2569 - TWO STOREY SIDE EXTENSION WITH BALCONY TO FRONT, SINGLE STOREY REAR EXTENSION AND DETACHED OUTBUILDING IN REAR GARDEN, SOMERVILLE HOUSE, 55 RUNTON ROAD, CROMER FOR MR & MRS DAVIES

The SPO-JB introduced the report and relayed the Officer's recommendation for approval. It was determined that the critical aspects of the report related to design and amenity.

Public Speakers

Phil Harris – Councillor, Cromer Town Council
Douglas Hiscock (Objecting)

i. , Cllr T Adams - Local Member expressed concerns that the scale and massing of the property would result in overdevelopment of the site. Impacts on amenity had also been noted in comments raised by public objectors. He added that the building would be of a considerably larger scale following development compared to existing properties in the area and along the Runton Road. Cllr T Adams suggested the result would be a cramped development with the host building being dominated by the extension.

ii. The MPM relayed a statement prepared by Local Member -Cllr A Yiasimi, who was unable to attend the meeting. The Local Member had advised that each

application should be considered on its merits, and expressed his support of the Officer's recommendation for approval. Cllr A Yiasimi noted that he was familiar with the area and considered the application to be acceptable in principle and on consideration of the impact on character and appearance, amenity and Highway safety.

iii. Cllr R Kershaw queried the documentation of the Parish Councils comments, with the report stating no objection, whereas the Parish Council made there objection known. He added that he shared the concerns raised by neighbours with respect to the massing of the building, and impact that the relocation of the living room to the first floor would have on privacy, and stated that he would vote against the Officer's recommendation.

iv. Cllr A Brown objected to the application, stating that whilst the application may be policy compliant, the final result would be an intensification of the site. There would be a large loss of garden, which he determined to be at the upper limit of acceptability. If the application were approved, he suggested that permitted development rights be withdrawn.

v. In response to questions raised by the Chairman, the SPO-JB advised that the remaining garden space would be permissible for the dwelling, but this was a finely balanced application. The case officer noted within the recommendation the removal of permitted rights associated with alterations and extensions as well as roof additions.

vi. Cllr J Toye agreed with concerns about the scale and massing of the development, and the loss of garden space that would result in a loss of biodiversity.

vii. Cllr V Holiday sought clarification on what percentage increase of the extension compared to the footprint of the original dwelling, and referred to the design guide defining distances between windows to neighbouring properties, as she believed the development would be very close to adjacent neighbours. She added that the single storey studio in the garden would be considered as a bedroom, given that it contained a bathroom, and with this increased bedroom capacity, the application should be considered developmental over-massing. The SPO-JB replied that he did not have footprint figures available, but, it had been a subjective and balanced assessment of the amenity relationship. It was understood that the two storey wall would create some overshadowing, and that it was a judgement whether the shorter hipped roof and reduced ridge line significantly increased concerns, though this was determined by Officers to be acceptable.

viii. Cllr N Pearce stated it was a very large extension and redesign of the property in a confined space. The rights of the existing neighbours to their privacy was paramount in deciding upon the application.

ix. Cllr G Mancini-Boyle enquired what the percentage increase of combined extensions was compared to the host dwelling. The SPO-JB advised that floor area calculations were not available. Cllr G Mancini-Boyle asked whether there was a maximum size to an extension which may be added when compared to the host building. The ADP advised that no clearly defined rule existed.

x. With no proposer or seconder for the Officers recommendation, the Chairman enacted rule 17.5 of the Constitution which deemed the officer's reports both proposed and seconded at the Chairman's discretion.

VOTE WAS LOST by 10 against, and 1 abstention.

Cllr J Toye proposed refusal of the application under policy SS7, as well as policy EN4 in that the scale and massing of the proposed development did not respect the character or landscape of the surrounding area, and would negatively impact on biodiversity through the loss of land. He added that the application was not suitability designed for the context of which it was considered to be set. Cllr N Pearce seconded, and asked that loss of privacy also be noted as a reason refusal.

RESOLVED by 11 votes for.

That Application PF/20/2569 be refused in accordance with policy SS7 and EN4, and the loss of privacy on adjacent properties.

75 BINHAM - PF/21/2926 - TWO STOREY SIDE/REAR EXTENSION TO DWELLING, 87 WARHAM ROAD, BINHAM, FOR MR & MRS WALES

The DMTL-DW introduced the report and affirmed officer's recommendation for refusal. Primary considerations related to the effect the proposed extension would have on the character and appearance of the existing dwelling and also on the conservation area. Officers considered the proposal to be harmful due to its size, appearance and proposed materials which would not be subservient to the existing dwelling, and be in conflict to it. It was noted that there were no public benefits or material considerations which would outweigh this harm, as required by paragraph 202 of the NPPF.

Public Speakers

Pennie Alford - Councillor, Binham PC

Gary Pearce (Supporting)

- i. Cllr R Kershaw - Local Member supplied photographic evidence of other properties located on Warren Road which had large extensions. He added that the application would enable a third generation farming family to live and work in the area, and better enable them to run the local tea room, adding to the local community and economy. Cllr R Kershaw proposed that members defer the application, to enable Officers and the applicant to discuss and seek a mutually agreeable decision.
- ii. Cllr A Brown seconded the proposal and acknowledged whilst the property was situated within the conservation area and would be subject to additional criteria, there was scope for further discussion.
- iii. Cllr A Fitch-Tillett noted the images supplied by the local Member were instances where the extension was more sympathetic with the existing character and appearance of the area, including use of brick and flint materials. She added that the proposed application did not adopt such traditional materials. Cllr N Pearce echoed concerns regarding the materials used for the proposed extension would consist largely of glazing and timber construction. The setting of the building within the Binham Conservation Area was a principle consideration.
- iv. The DMTL-DW noted the prior application which had an initial similar design, required amendment in order that it be agreed. Should the applicant desire to submit a new application, this would be considered within the pre-application service.

- v. The ADP referred to the previously approved design, which the committee had been informed did not meet the personal circumstances of the applicant, but noted that personal circumstances carry limited, if any, material weight because conditions could not be made on the basis that the building may not remain in the ownership of the family in perpetuity. The ADP acknowledged comments made by the DMTL-DW, which respectfully indicated that this process was felt to have been exhausted.
- vi. Cllr A Brown asked the DMTL-DW whether the use of timber cladding would be permitted as an acceptable material within a conservation area. The DMTL-DW advised that extensions carried out within permitted development stipulated that materials must match the existing dwelling, though this was not applicable for this application, as it was not permitted development. Cllr R Kershaw affirmed timber cladding had been used in the previously approved design.
- vii. Cllr V Holiday surmised from discussion that it seemed Members were in favour of a redesign rather than deferral, and questioned if deferral would be appropriate.
- viii. Cllr R Kershaw commented that he believed with some small amendments the proposal would be acceptable, and that the plug in issue was one of the major problems established within the report. He added that the use of timber had been permitted in the previous application, and should not be considered an issue. If the extension could be set back, it would address concerns contained within the officer's report.
- ix. Cllr J Toye appreciated the work of officers, but felt that a solution could be reached which would be agreeable with the Conservation Officer and the applicant.

RESOLVED by 10 vote for, 1 against.

To defer the Item to enable further discussion between officers and the applicant relating to the materials and positioning of the extension in relation to the existing building.

- x. Cllr J Toye asked for a timeline to ensure that discussions occurred in a timely manner. The ADP suggested a formal request for an extension of time for no more than three months, and that this be returned to the Committee with any requirements for determination within that three month period. If beyond the three months, further discretion would need to be sought. He affirmed, the aim is for a light touch change to the scheme only.

76 GUNTHORPE- PF/21/2656- SINGLE STOREY DETACHED DOMESTIC OUTBUILDING (RETROSPECTIVE) OLD SCHOOL HOUSE, BALE ROAD, FOR MRS DEBORAH BOON.

The DMTL-CR introduced the report and outlined the reasons for refusal. The core issue being the design of the outbuilding and its visual impact upon the setting of the grade II listed asset. It was acknowledged that the harm arising from the proposal was low, and that any harm must be outweighed by public benefits, required under paragraph 202 of the NPPF. Officers concluded that this was a finely balanced proposal but that benefits did not outweigh the identified harm, and would be in

conflict to policy EN8 and paragraph 202 of the NNPF.

Public Speakers

Debbie Boon (Supporting)

- i. Cllr R Kershaw - Local Member established his support for the application and acknowledged the retrospective nature of the application was due to incorrect planning advice received by the applicant from the former architect. He added that the applicant had made every effort to comply with the Conservation Officers recommendations, and had agreed to the removal of the separate garden shed in addition to landscape planting which may help soften the visual impact of the studio outbuilding. The local Member recognised the high level of restoration the owners had brought to the old school house, and the value that they had brought to the local community and economy. Cllr R Kershaw indicated his support for approval under SS1, SS2 and under NPPF section 14.
- ii. In response to comments made by the Chairman, the DMTL-CR advised that officers had considered the listed nature of the building and that the NNPF required great weight to be added to conserving heritage assets, and that any harm level be outweighed by public benefits. The ADP affirmed the buildings listed status and that appropriate weight be applied accordingly. He added that it was a prominent building, and the use of additional landscape planting may help mitigate the appearance of the outbuilding. It was stated that Members must consider that it was a permanent structure, which would remain in perpetuity. The ADP stated that it was for Members to consider the appearance of the outbuilding and its setting, in relation to the listed building, and apply weight appropriately any positive elements considered to be of wider public benefit.
- iii. The PL reminded Members of Section 66 of the Listed Buildings Conservation Areas Act, which stated in considering whether to grant planning permission for a development which affects a listed building or setting, that the local Planning Authority should have special regard for the desirability of preserving the building or setting.
- iv. Following questions from the Chairman, the DMTL-CR stated that the application would not be classified under permitted development, irrespective of its listed status, as it is beyond the principle elevation of the building.
- v. Cllr J Rest stated he had observed other larger buildings which had been erected in gardens throughout the District, and was therefore opposed to refusal.
- vi. Cllr N Lloyd spoke in favour of the application in supporting the economic benefits brought to the area through the development.
- vii. Cllr J Toye considered the harm associated with the structure was best determined by local residents, and noted the unanimous support for the application.
- viii. Cllr N Pearce questioned how harm to the heritage asset could be measured, and how this metric was decided. He also acknowledged the unanimous support within the local community for the application, which would bring economic benefits to the applicant and area.

- ix. The ADP highlighted the detailed comments made by Conservation Officer, noted that the harm was towards the lower end of the spectrum. He added that Members must consider the balance of wider public benefits that may accrue, or mitigation which may be delivered to help with the impact of the harm created.
- x. Cllr R Kershaw acknowledged that the applicant had demonstrated willingness to take down the existing garden shed, which would help lessen the visual impact and therefore harm on the listed building. He added that the outbuilding had previously been re-cited and therefore could not be determined to be entirely permanent.
- xi. Cllr V Holiday stated North Norfolk depended on its heritage assets which serve as an economic benefit through tourism, and should not be treated lightly. She added that any harm, even if minimal would still be considered harm.
- xii. Cllr T Adams spoke against the officer's recommendation, stating that there were public and economic benefits to the application.
- xiii. Cllr V Holiday proposed acceptance of the officers recommendation, the Chairman seconded.

THE VOTE WAS LOST by 9 votes against, to 3 votes for.

Cllr R Kershaw proposed approval of the application, in accordance with policies SS1, SS2, EN4 and EN8, noting the harm was less than substantial and outweighed by public benefits. Cllr J Toye seconded this proposal, and referred to paragraph 202 of the NNPF, adding that the development enabled the property to remain maintained and permanently inhabited, rather than as a holiday home. The benefits therefore outweighed the harm to the heritage asset.

- xiv. The ADP summarised Members discussion and noted potential conditions for the granting of the proposal, including the removal of the separate shed, and landscape agreements. He added that Members could consider the granting of permission on a temporary or long term basis, and specify a set timeframe, to aid with the mitigation of harm.
- xv. Cllr R Kershaw amended his proposal to include condition for approval to be subject to the removal of the existing garden shed, and additional planting being used to soften the visual impact the outbuilding has on the landscape.

RESOLVED by 10 votes for, 2 against.

That application PF/21/2656 be approved subject to conditions relating to the removal of the additional garden shed, and inclusion of landscape planting.

77 STIBBARD - PF/21/1630 ERECTION OF THREE TIMBER BUILDINGS TO PROVIDE WC, SHOWER AND WASHING UP FACILITIES AND INSTALLATION OF SEPTIC TANK FOR USE IN CONJUNCTION WITH THE EXEMPTED CAMPSITE (RETROSPECTIVE).

The SPO-JP introduced the report and relayed the Officer's recommendation for approval.

Public Speakers

Alex Waters (Supporting)

- i. Cllr T Adams affirmed his support and proposed acceptance of the Officer's recommendation.
- ii. Cllr A Brown seconded the officers recommendation, and expressed his disappointment that the Local Member had not made a representation at the meeting.
- iii. Cllr J Toye noted a similar development within his ward, which operated without issue, and stated that he was in support of the recommendation.
- iv. Cllr N Lloyd asked that it be placed on record his disappointment that the Local Member had not made a representation at the meeting, given the application had been brought to Committee by said Member.
- v. Cllr R Kershaw, noted the representation made by the applicant, and supported their foresight and innovation in developing a scheme for sustainable tourism.

RESOLVED by 11 votes for, and 1 against.

That application PF/21/1630 be approved in accordance with the Officers recommendation.

78 CROMER - PF/21/2544 - REPLACEMENT WINDOWS TO FIRST FLOOR APARTMENT, FLAT 1 HAGLEY HOUSE, FOR MR & MRS KIRKHAM

The DMTL-CR introduced the report and relayed the Officer's recommendation for approval. It was noted that the existing first floor windows were of poor condition and in need of replacement, and that the proposed new windows would match that existing windows installed on the second floor, as approved under application PF/20/0968. The Officer's report considered the incorporation of such windows locally, as well as on the building, and determined the benefit of unifying the style of windows with the frontage above. The Officer's recommendation established that there would not be an unacceptable level of harm caused to the host building or the Cromer Conservation Area.

Public Speakers

Tim Bartlett – Councillor, Cromer Town Council

- i. Cllr T Adams - Local Member stated his concern that no appraisal of the impact on the Grade I listed St Peters Church, located opposite the site, had been included within the report. The impact of which, Cllr T Adams determined to be significant and material to the decision making. He added that the use of UVPC plastic windows within the Cromer Conservation Area would have a detrimental effect to the visual impact of the host building, and would be noticeable from the street scene. Previous comparable applications, including 28 High Street and 14 Mount Street, had been refused, with these refusals being upheld at appeal. Cllr T Adams noted that the application did not comply with policies EN4 or EN8.
- ii. The MPM read a statement prepared by Cllr A Yiasimi -Local Member for

Cromer, who had been unable to attend the meeting. Cllr A Yiasimi detailed his approval of the Officers recommendation, and determined that the heritage white wood grain effect UPVC window frame would match the existing windows located on the second floor.

- iii. Cllr A Fitch-Tillett noted the use of UPVC windows within the Cromer Conservation Area had repeatedly been discussed at Committee, with Members historically supporting the conservation of Cromer Town by refusing such applications. She added that having declared a Climate Emergency it was important to limit the use of plastic, and suggested voting against the Officer's recommendation.
- iv. Cllr V Holiday affirmed that the ground floor and first floor should be considered together as a unit, as opposed to the first and second floor, as this would be more noticeable from the street. It was noted that the ground floor did not have plastic UPVC windows. Cllr V Holiday supported voting against the officer's recommendation.
- v. Cllr G Mancini-Boyle stated use of UPVC windows on the first floor would be noticeable to onlookers, and was considered to have a detrimental effect to the building and the Conservation Area more broadly.
- vi. Cllr N Lloyd commented that whilst he would normally support the use of double glazing for environmental reasons, on this occasion he had been persuaded by Members the use of Wood, with its insulating properties would be more suitable for the location.
- vii. In response to questions raised by the Chairman, the DMTL-CR relayed the Conservation Officers comments, in recognising that plastic windows were already in situ on the building, noting a small benefit in unifying the appearance of the first and second floors. The MPM advised the Conservation Officer had carefully considered the need to preserve and enhance the Conservation Area. Prior permission had been granted for use of plastic windows on the second floor at Hagley House.
- viii. The Chairman enquired whether the Committee should take a view against the use of UPVC in future, within a design code. The ADP advised it would be inappropriate and demonstrate pre-determination, as each application should be considered on its merits. The principle matters to be considered with respect to this application were matters of design and the impact on the Conservation Area.
- ix. Cllr A Brown noted that the Committee were not limited to following the precedent for the use of plastic windows, and questioned the absence of the conservation appraisal for the Officers report.
- x. Cllr N Pearce stated as there was a precedent for use of UPVC windows on the building, it would be difficult to substantiate an objection, and therefore proposed the Officer's recommendation for approval.
- xi. Cllr J Toye supported representations made by Members in objecting to the Officer's recommendation, noting differences to the second floor due to the existence of bay windows, making the first floor more visible from the street..
- xii. The Chairman seconded the proposal made by Cllr N Pearce.

THE VOTE WAS LOST by 6 votes against, and 5 votes for.

- xiii. Cllr V Holiday proposed refusal of the application due to associated harm caused to the heritage asset in accordance with policies EN4 and EN8.
- xiv. The MPM noted discussion from Members that the perceived harm to the character and appearance from the use of materials outlined in the application in the Cromer Conservation Area, outweighed any public benefits, under NPPF paragraph 202. The PL reminded members of Section 72 of the Listed Buildings Conservation Areas Act in determining applications, that special attention was needed in the preserving and enhancing buildings.
- xv. Cllr A Fitch-Tillett seconded the proposal, and comments made by the PL, that the application neither preserved nor enhanced the designated heritage asset, and that substantial harm was caused to the Conservation Area.

RESOLVED by 6 votes for, and 5 against.

That application PF/21/2544 be approved in accordance with policies EN4, EN8 and Paragraph 202 of the NPPF.

79 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

The ADP introduced the report to members and invited comments or questions.

80 APPEALS SECTION

- i. New Appeals
- ii. No questions.
- iii. Inquiries and Hearings – Progress
- iv. ENF/18/0164 Cley-Next-The-Sea – The ADP confirmed an appeal hearing would take place in June with the Planning Inspectorate. Amended plans were anticipated for February which would seek to remediate the building and secure historical permission.
- v. PF/20/1056 Kelling- The ADP advised that the hearing would be undertaken remotely on the 1st and 2nd of February.
- vi. ENF/20/0231 Ryburgh – The ADP relayed the appeal had been deferred to March, and would be taken in person. The appellant suggested to the Planning Inspectorate that there were a number of individuals who wished to make representations and should be heard in an informal hearing.
- vii. Written Representations Appeals – In Hand
- viii. The ADP updated members on application PO/20/0887, noting the Planning Inspector had dismissed the appeal in part for considerations relating to the Council's five year land supply.
- ix. Appeal Decisions
- x. None

81 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 1.28 pm.

Chairman