

THURSDAY, 20 MAY 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 P Fisher
Mrs W Fredericks
Mr N Lloyd
Mr N Pearce

Mr C Cushing
Mrs A Fitch-Tillett
Mr R Kershaw
Mr G Mancini-Boyle

Mr J Toye (In place of Dr C Stockton)

Officers

(* Attending by remote link)

Mr P Rowson, Assistant Director for Planning
Mr N Doran, Principal Lawyer
Mr D Watson, Development Management Team Leader
Mr R Stock, Senior Planning Officer (Major Projects)
Mrs E Denny, Democratic Services Manager

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

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

Apologies for absence were received from Councillors Dr C Stockton and A Varley. One substitute Member attended the meeting as shown above.

96 MINUTES

The Minutes of a meeting of the Committee held on 8 April 2021 were approved as a correct record.

97 ITEMS OF URGENT BUSINESS

None.

98 DECLARATIONS OF INTEREST

Councillor J Toye stated that he was the local Member for Wolterton PF/20/2072 and would abstain from voting as he was predetermined on this matter.

99 SHERINGHAM - PF/21/0405 - USE OF LAND FOR SITING OF SHIPPING CONTAINER TO STORE WATER SPORTS EQUIPMENT FOR A LIMITED PERIOD FROM BEGINNING OF APRIL UNTIL END OF SEPTEMBER (2021 AND 2022), WITH REMOVAL OF CONTAINER OUTSIDE THOSE DATES; LAND ON THE PROMENADE, SHERINGHAM, NORFOLK

The Senior Planning Officer (Major Projects) presented the report by remote link and

recommended refusal of this application as set out in the report. A copy of the visual presentation had previously been forwarded to the Committee.

Public Speakers

Stephen Pegg (Sheringham Town Council)
Lewis Gray (supporting)

The Chairman informed the Committee that the local Member, Councillor Mrs L Withington, was unable to attend the meeting but had submitted her comments.

The Assistant Director for Planning stated that Councillor Mrs Withington's full comments were contained within the report. She had in addition submitted the following explanation as to why she had called in the application, which he read to the Committee: "This application has been very controversial and I have received many emails, telephone calls and comments in regard to both sides of the discussion. It would seem that this application may also determine precedents for future uses of promenade areas in Sheringham. Therefore I felt it was important that the decision was considered on planning terms in an objective, open and transparent arena."

Councillor A Brown requested clarification with regard to the relationship of the site with the Conservation Area boundary.

The Senior Planning Officer explained that the application site was 16 metres outside the Conservation Area boundary for Sheringham, but there were concerns with regard to the impact of the proposal on the setting and significance of the Conservation Area.

Councillor Mrs A Fitch-Tillett declared that she was very involved with water sports and would abstain from voting on this matter. Whilst there were many planning reasons why the application should not be approved, she considered that there were Human Rights issues to take into account in view of the importance of outdoor recreation in the pandemic. Whilst siting a container where proposed would be a problem, there was nowhere else to operate from as paddleboards had to be within sight of a lifeguard. She considered that it would be restrictive for the applicant to transport the paddleboards to and from the Promenade and the proposal would be a very good tourist offer.

The Chairman pointed out that the benefits of the proposal had been highlighted in the report but it was necessary to consider the planning issues.

Councillor P Heinrich stated that he understood the desire to expand the business but was not convinced that it was appropriate to place a container on the Promenade, which could not be compared with the situation at Cromer as it was much more constrained. Whilst he was supportive of small businesses, it could not be at the expense of the landscape and other aspects of tourism. The container would be an ugly structure and it would be difficult to improve its appearance. He considered that the Officer's report had balanced the issues well. He proposed refusal of this application in accordance with the Officer's recommendation.

Councillor N Lloyd expressed sympathy for the applicant, who was trying to make a success of his business, and referred to the benefits of outdoor activities in the current circumstances. However, he was disappointed that the proposed structure was a shipping container and there were no proposals to mitigate its appearance.

Councillor R Kershaw considered that this was the right business but in the wrong place. He considered that the proposed container would be a blot on the landscape of the Promenade. He seconded the proposal to refuse this application.

The Chairman stated that the Committee would welcome the business but the shipping container was the issue on which the Committee had to make its decision.

Councillor N Pearce stated that his comments were included in the report as the consultation had been sent to him in error. Whilst the proposal contravened a number of policies, the new business would provide economic benefits and the container was not a permanent structure. It was a novel use of the coastline and the tourist season was expected to be busy. He commended the applicant on his business venture and considered that a one-year permission would help the applicant.

The Chairman asked the applicant how he would get the container onto the Promenade.

Mr Gray explained that it would be delivered onto the Promenade on a low loader.

Councillor A Brown considered that the applicant should be applauded for bringing his venture to Sheringham to satisfy visitor demands and promote tourism in the town. He had reservations regarding the application as there was a need to consider the public realm. He hoped the Council would work with the applicant to find alternative premises or alternative arrangements that would assist him to move forward with his business venture.

RESOLVED by 9 votes to 2 with 1 abstention

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

The Assistant Director for Planning confirmed that he would be happy to discuss with the applicant as to alternatives to mitigate the scheme and include the Town Council in discussions.

100 **WOLTERTON - PF/20/2072 - ERECTION OF DWELLING WITH ATTACHED DOUBLE GARAGE; PARK FARM OFFICE, WOLTERTON PARK, WOLTERTON FOR MR & MRS MICHAEL AND CLARE MCNAMARA**

The Development Management Team Leader presented the report by remote link and recommended refusal of this application as set out in the report. A copy of the visual presentation had previously been forwarded to the Committee.

Public Speaker

Guy McNamara (supporting)

Councillor J Toye, the local Member, stated that whilst he understood the Officer's arguments and conclusion, he considered that there was an alternative balance in favour of the proposal. Although in the Countryside, this was an infill plot in terms of the overall site. The current office and storage uses already generated vehicle movements and human activity. He considered that the land currently used for storage could become a garden area and provide benefits for wildlife and

biodiversity. He considered that the extant permission, if implemented, would result in development that would not sit well in its surroundings or in the context of the location. He referred to the Conservation and Design Team's view that the current proposal did no harm, and to the amount of local support for the proposal. With the exception of Policies SS1 and SS2, all other policies had been satisfied. He considered that the proposed development complied with NPPF paragraph 78 as the site was located in a group of settlements with a range of facilities. He considered that the proposal would be a significant enhancement of the site in accordance with NPPF paragraph 79. Whilst Policies SS1 and SS2 were good strategies to protect the Countryside, they did not fit all circumstances and in this case he considered that it would be sensible to acknowledge local opinion. This was an infill proposal within a built compound of development on land that had an extant planning permission. He considered that the proposed dwelling was well designed, appropriate for the space and would be a visual enhancement with improved wildlife capacity and potentially fewer traffic movements. He requested that the Committee reconsider the balance in this case.

At the request of the Chairman, the Assistant Director for Planning reiterated the main points of the Development Management Team Leader's presentation as the sound had been slightly muffled on the video link.

Councillor N Pearce considered that this was a good scheme that would be of economic benefit and enhance the existing development. He considered that the potential harm would be outweighed by the benefits of the scheme and the application should be approved.

Councillor P Heinrich accepted that there were arguments in favour of the proposal in that it would complete the development and replace the storage yard, but it was in a very isolated location and the facilities in adjacent villages were not within sensible walking distance. The former barns and other farm buildings had been converted under different regulations. He referred to a recent application for barn conversions on a site where there had been a house and considered that it did not set a precedent for the replacement of a portable building. Although he considered that the proposed house was well designed, it was a market dwelling and not a local exceptions proposal. The Committee had always attempted to uphold Policies SS1 and SS2 and he therefore reluctantly proposed the Officer's recommendation to refuse this application.

The Principal Lawyer reminded the Committee that it was necessary to make its decision in accordance with the Development Plan unless other material considerations indicated otherwise.

Councillor N Lloyd considered that the proposal would clearly generate additional traffic movements. It was in a Countryside location and would contravene the Council's Countryside policies. There was no mitigation for climate change in terms of electric vehicles, charging points, renewable energy or sustainable heating. He considered that there were insufficient material reasons to outweigh the Officer's recommendation. He seconded the proposal to refuse this application.

Councillor R Kershaw did not consider this to be a brownfield site. He referred to a recent refusal of an application for a new dwelling in the Countryside on the site of a demolished farmhouse, which had a railway station and pub nearby. The current proposal would be a building in the Countryside and he considered that it would be unwise to break the strategy in this particular case.

Councillor Mrs A Fitch-Tillett endorsed Councillor Lloyd's comments. She stated that climate change was an issue and additional vehicle movements had to be prevented where possible.

The Chairman stated that barn conversions were covered by a different classification and legislation to this application. The conversion of the existing portable building on the site could take place under the extant planning approval.

RESOLVED by 10 votes to 1 with 1 abstention

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

101 **APPEALS SECTION**

(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.

The Assistant Director for Planning updated the Committee on the following appeals and answered Members' questions:

Holt PO/18/1857 – A decision was still awaited. The Assistant Director for Planning would continue to press the Inspector for a determination date.

Cley-Next-The-Sea ENF/18/0164 – the consultation period for the planning application would shortly expire. The applicant would be given the opportunity to address any concerns that had been raised and further consultation would take place on any amendments, if necessary. It was anticipated that the application would be brought before the Committee in July.

North Walsham ENF/18/0339 – a planning application was currently under consideration by Officers.

Itteringham ENF/17/0006 / CL/19/0756 – a decision on this appeal was still awaited.

(c) **WRITTEN REPRESENTATIONS APPEALS - IN HAND**

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

The Assistant Director for Planning informed the Committee that he would be meeting the Planning Inspector on site later that day in respect of High Kelling ENF/16/0131 and would press for a speedy decision.

(d) **APPEAL DECISIONS**

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

Wiveton ENF/18/0061 and PF/19/0856

The Assistant Director for Planning informed the Committee that the Inspector had upheld the Council's case that a planning application was required and the position

given by Counsel relating to the existing permission for the existing antenna on the site, but had not agreed with the Council's material weighting in this matter. He did not agree with the Inspector's weighting of the landscape impact, but there were no technical flaws that could be challenged. The claim for costs against the Council had been defended robustly and costs were not awarded.

(e) COURT CASES – PROGRESS AND RESULTS

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

The meeting closed at 10.45 am.

CHAIRMAN
Thursday, 3 June 2021