

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 17 February 2022 in the Council Chamber - Council Offices at 9.30 am

Committee Members Present: Mrs P Grove-Jones (Chairman) Mr P Heinrich (Vice-Chairman)

Mr A Brown	Mr P Fisher
Mrs A Fitch-Tillett	Dr V Holliday
Mr R Kershaw	Mr G Mancini-Boyle
Mr N Pearce	Mr A Varley
Mr A Yiasimi	Mr M Taylor

Substitute Members Present: Cllr T Adams – On behalf of Cllr N Lloyd
Cllr J Rest – On behalf of Cllr L Withington

Members in Attendance: Cllr S Bütikofer (Item 9), Cllr L Shires (Item 8)

Officers in Attendance: Assistant Director for Planning (ADP)
Principle Lawyer (PL)
Development Management Team Leader (DMTL)
Democratic Services & Governance Officer – Scrutiny
Democratic Services & Governance Officer – Regulatory

16 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Committee Members Cllr N Lloyd and Cllr L Withington.

17 SUBSTITUTES

Cllr T Adams and Cllr J Rest were present as substitutes for Cllr N Lloyd and Cllr L Withington respectively.

18 MINUTES

Cllr A Varley noted his name was absent from the list of Committee Members present at the previous meeting, though he had been in attendance. Subject to this amendment the Minutes of the meeting held on the 20 January 2021 were approved as a correct record and signed by the Chairman.

19 ITEMS OF URGENT BUSINESS

None.

20 DECLARATIONS OF INTEREST

The Chairman declared a non-pecuniary interest for Agenda Item 8, Planning Application PF/21/2469, she is known to the applicant's sister though advised she has not discussed the application with her, and stated did not preclude her to speak and vote on the application.

21 EAST RUSTON - PF/21/2469 - ERECTION OF 7 SINGLE STOREY HOLIDAY LODGES IN CONNECTION WITH THE PUBLIC HOUSE, ASSOCIATED CAR PARKING AND AMENITY AREAS; BUTCHERS ARMS, OAK LANE, EAST RUSTON, FOR MR M OAKES

The DMTL introduced the report to Members and the recommendation for approval subject to strict planning conditions. It was noted that this was a revised planning application following the refusal of planning application PF/19/1816, which had been for 9 units. The revised application was considered acceptable by Officers in principle, subject to conditions including those to mitigate noise, controls regarding external lighting and strict conditions controlling of the use of the site. The Public House and application site were designated as an Asset of Community Value (ACV), and whilst the proposed development would result in the partial loss of an ACV, the revenue from the development would contribute towards the ongoing survival of the other half of the ACV; the Butchers Arms Public House.

At the discretion of the Chairman, Members were furnished with copies of written statements from East Ruston Parish Council and from a local resident, objecting to the development. These representations were received after the deadline for public speaking at the meeting had closed.

Public Speakers

Malcom Dixon – Agent

- i. Cllr L Shires – Local Member, expressed her support for the concerns raised by the Parish Council and of residents on the impact to their quality of life by result of increased noise levels, loss of privacy, as well as the loss of greenspace and inadequate provision of parking. She thanked the DMTL for his engagement with both herself and local residents and for considering residents' concerns as reflected in the strict conditions placed on the application subject to approval. Cllr L Shires asked the Committee to consider a possible extension to the Butchers Arms to accommodate rooms within the Pub as opposed to permitting a separate structure, or a further reduction in number of external units to 4 or 5.
- ii. The ADP advised the Committee of the planning process and affirmed that any extension of the Public House would require a different planning application. He advised Members to consider the application before them, and noted the Applicant had previously revised their application and may not wish to revise it further.
- iii. The DMTL commented that the Applicant and their Agent had reluctantly reduced the number of units from 9 to 7, which Officers determined to be agreeable.
- iv. At the discretion of the Chairman the Planning Agent was permitted to make an additional representation for the purposes of clarity. The Agent advised that a further reduction in the number of units would erode at the viability of the business.
- v. Cllr P Heinrich commented that he was very familiar with the Butchers Arms Public House, and acknowledged that the Pub had always required a second revenue stream to remain viable. He acknowledged the revised application subject to conditions was much improved. He sought assurances with

respect to the impact of the external lighting on the dark skies policy. On balance, and considering the economic benefits, Cllr P Heinrich proposed acceptance of the officer's recommendation.

- vi. Cllr J Rest stated his concern that the Public House had not yet been refurbished, and in its present condition would be unable to provide amenity to the holiday lodges. He questioned why the redevelopment of the Pub had not been done first, and what would happen to the units should the Public House fail.
- vii. The DMTL advised should the Pub fail in the future, this was not directly relevant to the consideration of the planning application. The ADP added to the DMTL comments and referenced page 25 of the officer's report, and that the accommodation would be formally tied to the Public House. The accommodation was key to the diversification of the offer the ACV and part of an investment strategy. The ADP advised, should Members be so minded, they could apply conditions that should the Public House close, the accommodation would also be required to close, as the units were intended to provide diversification to the ACV and additional value to the Public House. Alternatively, permissions could be applied which would require the removal of the units after a set period of time, though the addition of too many conditions would not be advisable.
- viii. Cllr N Pearce expressed his concerns over the visual appearance of the units which would not be in keeping with the historic setting. He supported comments made that the Pub should be developed first and stated that this was a challenging planning application, as reflected in the number of conditions attached with the officer's recommendation. He believed that the application would have an adverse effect on the rights of local residents to a calm environment without undue interruption or nuisance. Whilst he understood the needs of the business to trade, he commented he would not support the officer's recommendation.
- ix. Cllr A Fitch-Tillett stated that Pubs in rural settings were important to their local community, and that the Butchers Arms had successfully been designated as an ACV. It would therefore be difficult to close the Pub given its ACV status, and it was important to ensure that it remained a viable business. Cllr A Fitch-Tillett seconded the proposal to accept the officer's recommendation.
- x. Cllr G Mancini-Boyle expressed his support for the application and noted that the Applicant had demonstrated willingness to compromise and revise their application on the advice from Officers. He commented that whilst the noise generated from the air source heat pump was not desirable, this type of infrastructure was better for the environment. The units were set back from housing which would aid in minimising the impact on residents.
- xi. Cllr A Brown commented he would prefer the use of restrictions to ensure that the units could not be sold separately to the Pub, and that this be applied with a planning agreement rather than as a planning condition. He expressed his disappointment over the loss of greenspace, and was sympathetic to comments made by other Members with respect to the visual appearance of the units. Whilst the accommodation would be visually constrained behind the Pub, the use of materials including zinc roofing were undesirable and more effort should have been made in using sympathetic materials to the

area. He acknowledged the economic growth unit's report and hoped, should the application be approved, the development would aid to sustain the Butchers Arms Pub.

- xii. In response to questions by Cllr A Brown, the PL advised of the guidance that where restrictions can be imposed by either planning condition or by agreement, it was preferred that it be by planning condition. Securing restrictions by legal agreement would not prevent that agreement to be varied, and would therefore provide no greater protection than a planning condition. ACV status would not prohibit development or the sale of the Pub, rather it would allow for the community to submit a bid to purchase, though it would not be guaranteed to be sold to the community.
- xiii. Cllr V Holliday stated that the extensive conditions placed on the application indicated that the development was not suitable. The Pub was not currently operating and therefore could not provide amenity to the units, this would impact on carbon emissions with tourists requiring a car to access alternate services, which contradicted the Councils Net Zero Strategy.
- xiv. Cllr A Yiasimi expressed his support for the officer's recommendation and commented that this was a finely balanced planning application. He acknowledged that the Applicant had addressed the issues raised with the prior application including the inclusion of solar panels, electric charging points, drainage concerns, and noise and light pollution.
- xv. The DMTL advised with respect of external lighting, should this be proposed in future, that a condition would be added which would require the prior approval of any external lighting on the units. Such lighting would need to adhere with Council guidelines in being both low energy and downward facing.
- xvi. Cllr R Kershaw spoke against the officer's recommendation, and remarked that the money intended to be spent on the 7 units could have been used on developing the food offering and kitchen of the Pub in addition to temporary outside accommodation, which would have aided with the viability of the business. The volume of conditions applied to the application would make it challenging to enforce.
- xvii. The Chairman reflected on a similar development within the district which had been positively received and had resulted in the increased use of that Public House.

RESOLVED by 6 votes for, and 6 against.

That planning application PF/21/2469 be approved subject to conditions contained within the officer's recommendation.

- 22 BEESTON REGIS & THE RUNTONS - PF/21/2593 - REMOVAL OF EXISTING OUTBUILDING AND RAISED PAVING AND STEPS TO REAR OF BUILDING; TWO STOREY SIDE EXTENSION; NEW OUTBUILDINGS TO SIDE AND REAR; RAISED REAR SEATING AREA AND GLASS WIND SCREEN TO REAR OF BUILDING INCORPORATING RAMP AND STEPS; NEW FIRE ESCAPE STAIR;**

PERGOLA AND GLASS WIND SCREEN TO FRONT OF BUILDING; REPLACEMENT OF 2 NO. ROOF WINDOWS BY DORMER WINDOWS; CHANGE WINDOW TO BI-FOLD DOORS FROM RESTAURANT TO OUTSIDE SEATING AREA; 2M HIGH SCREEN FENCE TO EASTERN BOUNDARY (RETROSPECTIVE); DORMY HOUSE HOTEL CROMER ROAD WEST RUNTON NORFOLK NR27 9QA, FOR MR S BRUNDLE.

The DMTL introduced the report to Members and detailed the officer's recommendation for refusal. Prior planning permission had been granted for planning application PF/19/1682, however the current application proposed amendments to the approved scheme and was predominantly retrospective in nature given that some of the works had been commenced or completed. The application was considered to be contrary to Policy EN4 of the North Norfolk Core Strategy, Section 12 of the NPPF, and design principles set out in the North Norfolk Design Guide.

Public Speakers

Steve Brudle (supporting)

- i. Cllr S Bütikofer – Local Member, noted this was a difficult application and a balance between supporting a local business whilst being equitable across the whole district. She expressed concerns over the protection of the undeveloped coast, specifically with regard to North Norfolk Core Policy EN3, para 3.3.9 She noted that the frontage of the property had altered significantly in recent years, and developed a higher profile on the coast road to the detriment of the gentle coastal landscape. She added it was important for new developments to compliment local surroundings whilst being safe and accessible for all, as established in the North Norfolk Core Strategy's vision and aims. She considered there to be an inadequate provision of parking, and that customers at busy times would need to park on the road which would further lead to the detriment of the local area, and to highway safety. Cllr S Bütikofer supported officer's comments that the extension built was contrary to North Norfolk Core Strategy policy EN4 and to the NPPF. Whilst sympathetic to the needs of businesses, and the tourist economy, she determined that no one business should be exempt from the rules. The Local Member asked the Committee to consider a middle way which would ensure remedial work was undertaken with respect of the application, accepting there were many aspects of the application which had been compliant. If the Applicant were unwilling to make such changes, Cllr S Bütikofer urged the Committee to consider the officers recommendation for refusal.
- ii. Cllr R Kershaw stated his disappointment with respect to the part retrospective nature of the application, and whilst he was not satisfied with the development in its current form, he wished for an agreement to be reached with the Applicant which would remediate those aspects which were unacceptable. He commented that he was sympathetic to the significant financial difficulties of the hospitality industry as a consequence of the Covid-19 pandemic.
- iii. The ADP advised Members that the application being considered offered a total form of development which must be determined. Should the application be refused, enforcement action would commence for those aspects which would not otherwise be granted planning permission. As highlighted by the DMTL the matter of enforcement action would relate to the side extension, and may not extend to other works undertaken which may otherwise have

been granted planning permission. The opportunity would be available for the Applicant to submit a further application, free of fee, for those elements that would have otherwise been granted planning permission. If this application was deferred, further discussion would take place with the Applicant regarding the side extension. The ADP affirmed that proportionate enforcement action would be undertaken, and enforcement notices would only be served if the enforcement negotiations had been entirely exhausted.

- iv. Cllr V Holliday stated the importance of protecting coastal areas, and that this application failed in doing that.
- v. Cllr N Pearce supported the officer's recommendation for refusal, and was assured by the ADP's guidance that refusal of the application would not result in an immediate enforcement notice, opening an avenue for meaningful dialogue with the Applicant to ensure the matter was resolved.
- vi. Cllr A Fitch-Tillett endorsed the need to support and preserve the coast, and commented that the establishment had increased in size significantly in recent years. She considered the development to be visually unappealing and that it must be stopped. Cllr A Fitch-Tillett proposed acceptance of the officer's recommendation for refusal.
- vii. Cllr A Brown seconded the proposal and hoped that the enforcement team would engage in a proactive and constructive manner with the Applicant. He commented it was important to encourage hospitality businesses to recover from the pandemic, and the central role tourism plays in North Norfolk.
- viii. In response to comments made, the PL advised it was unlawful to carry out development without planning permission, and that it was a criminal offence to fail to comply with an enforcement notice.
- ix. Cllr P Heinrich expressed his support for the officer's recommendation and acknowledged the economic need of the area and of the business, and commented that the issue was with the side extension which was not compliant with granted planning permission.
- x. Cllr A Yiasimi stated his support for the officer's recommendation and sought assurances that everything would be done to assist the Applicant going forward in an expedient manner.
- xi. The ADP advised should the application be refused by Members, the Applicant would be open to appeal the decision, allowing the possibility for a conjoined appeal with an enforcement notice. He affirmed that the planning process was both fair and reasonable.
- xii. The Chairman permitted the Local Member to make an additional representation. Cllr S Bütikofer asked whether the application may be granted subject to conditions that issues on the development be rectified within the next 12 months.
- xiii. The ADP commented that the enforcement process would be best applied in this circumstance, and it would stretch the bounds of a planning condition in law to ask the Applicant to take remedial action to impose a proposal which was previously approved.

- xiv. The PL endorsed comments made by the ADP, and counselled Members that it would not be lawful to require works to be undertaken, and that this was the purpose of the enforcement process. A planning application is one to permit development, not to require it, imposing a condition to require development would be unlawful.

UNANIMOUSLY RESOLVED.

That planning application PF/21/2593 be refused in accordance with the officer's recommendation.

23 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

- i. The ADP introduced the report to Members. He advised that from March an appendix would be added using a traffic light system for negotiations which were ongoing relating to Section 106 agreements that had been agreed by the Development Committee subject the completion and issue of decision. This would enable Members to have a greater understanding as to the status of Section 106 agreements and where delays may reside. Both Major and Non-Major Planning performance for February 2022 remained above the national average.
- ii. Cllr G Mancini-Boyle enquired about the customer service figures with respect of the planning department. The ADP advised that the Development Management Performance report was intended to report on key performance indices and national performance indices. Planning performance improvement progress was being considered by the Overview and Scrutiny Committee.
- iii. Cllr N Pearce asked for conformation that the computerised planning system was operating satisfactorily. The ADP advised that there were regular updates to the computer system and that there were dedicated officers who managed this system. Issues relating to the use of servers, which had created some difficulties had been picked up by the IT team and Planning Officers and were now resolved.

24 APPEALS SECTION

- i. New Appeals
- ii. No questions.
- iii. Inquiries and Hearings – Progress
- iv. ENF/18/1064 Cley-Next-The-Sea - The ADP updated Members and advised that the enforcement appeal hearing would take place in Cley Village Hall on the 22nd and 23rd June.
- v. Written Representation Appeals – In Hand
- vi. PO/20/1327 Sheringham – The ADP advised Members that the planning application had been dismissed by the planning inspectorate. It was noted that all appeals detailed within the report had been dismissed. The appeal record for the Council remained very good, and well above national statistics.

vii. Appeal Decisions

viii. No questions.

25 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 11.15 am.

Chairman