

## **DEVELOPMENT COMMITTEE**

**Minutes of the meeting of the Development Committee held on Thursday, 4 August 2022 in the Council Chamber - Council Offices at 9.30 am**

**Committee** Cllr P Grove-Jones (Chairman) Cllr P Heinrich (Vice-Chairman)  
**Members Present:**

Cllr A Brown	Cllr P Fisher
Cllr V Holliday	Cllr R Kershaw
Cllr N Lloyd	Cllr G Mancini-Boyle
Cllr N Pearce	Cllr L Withington
Cllr A Yiasimi	

**Substitute** Cllr J Toye  
**Members Present:**

**Officers in Attendance:** Major Projects Manager (MPM)  
Planning Officer (SPO)  
Principal Lawyer  
Democratic Services Officer - Regulatory

### **21 TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr A Fitch Tillett, Cllr A Varley and Cllr M Taylor.

### **22 SUBSTITUTES**

Cllr J Toye was present as a substitute for Cllr A Varley.

### **23 MINUTES**

The minutes of the Development Committee Meeting held Thursday 7<sup>th</sup> July 2022 were approved as a correct record.

### **24 ITEMS OF URGENT BUSINESS**

None.

### **25 DECLARATIONS OF INTEREST**

Cllr V Holliday declared a non-pecuniary interest for agenda item 8, Planning Application reference PF/21/3073, which was located within her ward, she considered herself to be pre-disposed but not pre-determined.

### **26 BLAKENEY - PF/21/3073 DEMOLITION OF EXISTING SINGLE STOREY DWELLING AND ERECTION OF TWO DWELLINGS AND GARAGES: 43 NEW ROAD, BLAKENEY**

The SPO introduced the Officers Report and recommendation for approval subject to conditions. She noted a correction was required to p.18 of the report which should read that the Norfolk Coast Partnership made no objection to the proposal, but raised concerns with regards of light spill.

The SPO affirmed that Officers considered the principle of development to be acceptable and presented to Members aerial images, design plans, context of the site, and its relationship with the AONB. She advised that the proposed dwelling on plot 1 would sit slightly forward of neighbouring property 45, with the second bungalow set further back from the road than neighbouring property 41b. The character of new road was considered to be generally modern, single storey or one and a half storey dwellings of a variety of scale and massing's, generally set back from the road. The SPO highlighted that there was a precedent for infill development within the area.

The SPO advised that the key issues were detailed on pages 21-23 of the Officers report and re-affirmed the Officers recommendation for approval.

### Public Speakers

Mr A Donohoe – Blakeney Parish Council

Ms Joyce Sutcliffe – Supporting

- i. The Local Member – Cllr V Holliday expressed her support for the concerns raised by the Parish Council and residents that not enough consideration had been given to the Blakeney Conservation Area appraisal and the North Norfolk design guide. Additionally that, if granted, the development would set a precedent for replacement dwellings on New Road. The Local Member agreed with neighbours' concerns regarding the issue of overlooking on the northern elevation, which she considered could have been remediated with the removal of the window on the north elevation of plot 1, or through the use of opaque glass. She affirmed that community feedback was that the dwelling on plot 2 would have an overbearing and overshadowing effect on neighbouring properties, noting that the ridge height of plot 2 was only 21cm less than the one and a half storey gable of plot 1. Further, plot 2 was considered to overlook several neighbouring properties with no visual break between the properties by way of landscaping. Cllr V Holliday considered that the footprint of both plots exceeded the expectation set out within the design guide, being larger than that of neighbouring properties, adding that plot 2 had not been subject to a Conservation Assessment. With reference to the design guide, the Local Member reiterated that the use of timber remains the preferred option on visual and sustainability grounds, and noted the proposed use of aluminium windows within the planning application. The use of windows had formed part of Norfolk Coast Partnerships concerns, which were considered to threaten the dark skies, a key feature of the AONB. Mitigation for black out blinds had been utilised on the eastern elevation, but not the west or northern elevations. The Local Member asked that this be clarified to address community concerns, and surmised that the proposal failed to comply with NNDC policies EN1, EN2 EN4 and EN8.
- ii. Cllr N Lloyd praised the Applicant for constructively working with Officers to overcome issues before the application came before Committee, and spoke favourably of the proposed planting scheme. He expressed disappointment that references to Climate Change and the Climate Emergency had not been considered within the proposal, though acknowledged there was no statutory duty to do so. Cllr N Lloyd, with reference to p.21 of the Officers Report – Impact on the AONB, asked what Officers considered to be the tipping point on the cumulative effect of development.

The MPM advised that Officers came to their determination on a case by

case basis and would take into consideration the surrounding area, character of the area, and what steps could be taken to address concerns including the imposition of planning conditions. He reiterated that Officers were satisfied that the application was acceptable subject to conditions, and compliant with planning policy.

Cllr N Lloyd thanked the MPM and recognised the challenges for Officers in coming to their determination. He reflected that the plot of land was large enough to sustain the two properties, and recognised other infill development had been introduced to the surrounding area. Cllr N Lloyd so proposed acceptance of the Officers recommendation.

- iii. Cllr L Withington asked for clarification on the acceptable distance between building lines, and if a condition could be implemented to ensure a hedge be retained for the benefit of both curb side appeal, and environmental reasons, beyond the conditioned 5 years.

The SPO commented that although she did not have the exact figure with regards to building distance, though considered it to be less than a metre.

The MPM advised that the landscape condition was included to ensure that any planting became established and Officers contended that, typically, 5 years was sufficient time to enable this. In more exposed areas this may be 10 years. He commented it would be onerous for a Planning Authority to condition the retention of hedge planting in perpetuity, but that there was an expectation that the hedge be retained and maintained after the 5 years. However, he advised that if the hedges were removed after the 5 years, they would not require planning permission.

- iv. Cllr J Toye noted the positive aspects of the proposal, and the benefits from sustainable design. Historic farm houses utilised the use of light and heat by placing large windows to the south, and smaller windows in the north, which he considered to be good planning practice. He noted that a neighbouring property had windows on the third floor facing the site, additionally they had a conservatory to the front which would contribute to light spill. He stated, on balance, considering the surrounding infill, and mitigation conditions contained within the proposal, he considered the application to be agreeable. However, expressed concern that the garage maybe used as a Holiday Cottage in future, which he considered would constitute as overdevelopment, and was keen to ensure the removal of permitted development rights for the garage. Cllr J Toye seconded the Officers recommendation for approval.
- v. Cllr N Pearce stated that this was a finely balanced application, and acknowledged that within planning terms, individuals did not have a right to a view, rather, they had a right to sunlight. He sought clarity if the proposal would result in overshadowing, and the loss of light, particularly during winter months.

The MPM affirmed that this matter had been taken into consideration by Officers. It was considered that the application, if approved, was unlikely to result in overshadowing as a result of either property.

- vi. Cllr A Yiasimi agreed that applications should be considered on their merits, and that he was supportive of the Officers recommendation.

- vii. The MPM reflected on Member's debate and advised, with respect of the garage located on plot 2, the potential use as a Holiday property would surmount to a material change which would require planning permission. He reflected on changes to building regulations in June and advised that these would not come into full effect till June 2023, though contended they would influence building and design.
- viii. Cllr A Brown enquired if the use of smart glass could be implemented as a planning condition, as recommended by the Norfolk Coast Partnership.
- ix. Cllr J Toye advised for the benefit of Members, that smart glass made use of an electrostatic layer that, when charged, would enable the windows to become dark. The use of this glass was a feature in tall buildings and had only recently been utilised in North Norfolk.
- x. The MPM stated that, if agreed by Members, a condition could be added to the list of recommendations to secure the use of smart glass or other appropriate glass as supported by a specialist.
- xi. Cllr G Mancini-Boyle enquired why Policy EN6 was not included in the Officers Report, and whether it was the responsibility of the Authority of the Applicant to produce 'Green' schemes. He expressed his firm support for the use of environmentally conscious design and the use of solar panels and air source heat pumps in new builds.

The MPM advised that EN6 had been drafted under the Local Plan but was since outdated. The MPM stated that Officers recognised the Climate Emergency, and worked to enhance the environment in the wider public interest. He commented that Officers worked in accordance with policy framework but that, at present, such policies were outdated and therefore Building Regulations acted as the minimum standard expected. It was anticipated that the new Local Plan, once passed, would benefit in raising standards.

**RESOLVED** by 11 Votes for and 1 against.

That Planning Application PF/21/3073 be APPROVED subject to conditions relating to the following matters and any others considered necessary by the Assistant Director for Planning.

- Time limit for implementation
- Approved plans
- Full details of external materials to be submitted to and agreed in writing with the Local Planning Authority
- The development shall be carried out in full accordance with the submitted Preliminary Ecology Appraisal
- The landscaping works shall be carried out in accordance with the approved details and prior to the first occupation of either of the dwellings
- Any tree, shrub or hedgerow forming part of the approved landscape scheme which dies, is removed or become seriously damaged or diseased, within a period of five years from the date of planting, shall be replaced during the next planting season following removal with another of a similar size and species as that originally planted, and in

- the same place
- Vehicular access/crossing over the verge/footway for plot 1
  - Access gates/bollard/chain/other means of obstruction
  - Parking and turning area
  - Remove certain permitted development rights
  - External lighting

Final wording of conditions to be delegated to the Assistant Director for Planning

## **27 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

- i. The MPM introduced the Development Management Performance Update Report and advised of an upwards trajectory for the department, reflecting on the very positive statistics with regards to Officer Workload. He thanked the Principle Lawyer for her work with S106 agreements and invited questions and comments from Members.
- ii. Cllr J Toye thanked Officers for managing performance through difficult times, citing issues with Nutrient Neutrality.

## **28 APPEALS SECTION**

- i. The MPM introduced the Appeals report and provided an update on the Arcady hearing (ENF/18/0164) which was expected to be heard in January 2023, such delays were brought as a result of late information received by the Appellant.
- ii. Cllr R Kershaw considered such actions as delay tactics, and enquired if this matter had been taken with the Planning Inspectors to ensure NNDC did not run out of time. The MPM advised that this matter needed to be considered carefully and advised that the Authority would engaged with the Planning Inspector on this matter, adding that a resolution would be for everyone benefit.
- iii. Cllr N Pearce reflected that this had been a running issue, and expressed his concerns for the delay tactics used by the Appellant. He stated he was perplexed and disappointed with the continued delays as result of late documentation, and asked if this may occur again. The MPM commented that whilst he did not know the thought process of the Appellant, he could not envisage a reason in which additional documentation would be required. He contended that this was a matter for the Planning Inspector to manage, and NNDC would convey their wish that informal hearing be heard at the earliest opportunity.
- iv. Cllr V Holliday acknowledged the concerns of the local community caused by the delay, conjoining of the appeals, and complexity of the case, and contended that strong pushback was required. She added that community feedback had also been received regarding Blakeney, the Pastures, Planning Application PF/21/0390, and the way in which it had come through. The MPM noted issues with PF/21/0390 and affirmed this was a matter for the Planning Inspector to decide whether to grant appeal.
- v. Cllr G Mancini-Boyle expressed his frustration that valuable Officers time was

spent on appeals, some of which he considered to be wasteful. The MPM stated that NNDC had an exceptional record at appeal and with decision making. He remarked that other authorities were also affected with time delays by consequence of the appeals process, but that he didn't wish to see a situation in which appeals were dropped as this may put the Authority at risk. He reflected that future performance reports could include the data capture for the time undertaken by Officers with appeals, noting that this would likely be a considerable amount of time spent.

- vi. The Chairman asked what the timeframe for appeals was and whether there was a maximum permitted time. The MPM advised that under the 'Planning guarantee' 6 months was afforded to the Authority to make their decision, and 6 months for the Planning Inspector, however, such timeframe was not often met by the Planning Inspecting Service.
- vii. Cllr J Toye asked if the Authority had made representations when it considered that the Planning Inspector had taken too long. The MPM advised that yes, the Authority does have a dialogue with the Planning Inspector and referenced the Kelling Application (PF/20/1056) on p.32 of the Agenda Pack, and stated that NNDC had politely asked the Planning Inspector for an update on their decision.
- viii. Cllr A Brown asked if costs may be awarded to the Council due to the delays caused by the Appellant, and whether this would be automatically granted. The MPM advised that the decision as to whether to award costs was determined by legislative guidance regarding unreasonable behaviour. This would not have to be put to the Appellant at this stage, but could be put to the Planning Inspector who would make a separate judgement to the appeal. The matter of apportioning, and justifying costs was challenging, with an agreement needing to be reached by both sides.

## **29 EXCLUSION OF PRESS AND PUBLIC**

None.

The meeting ended at 10.37 am.

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Chairman