

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 8 December 2022 in the Council Chamber - Council Offices at 9.30 am

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

Mr A Brown Mr P Fisher
Mrs A Fitch-Tillett Dr V Holliday
Mr R Kershaw Mr M Taylor
Ms L Withington

Substitute Cllr J Toye
Members Present:

Officers in Attendance: Development Manager (DM)
Development Management Team Leader (DMTL)
Principle Lawyer (PL)
Senior Environmental Protection Officer (SEPO)
Democratic Services Officer – Regulatory

73 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr N Lloyd, Cllr G Mancini-Boyle, Cllr N Pearce, Cllr A Varley and Cllr A Yiasimi.

74 SUBSTITUTES

Cllr J Toye was present as a substitute for Cllr N Lloyd.

75 MINUTES

It was noted that the minutes of the meeting held 24th November 2022 would be presented for consideration for the Committee meeting scheduled Thursday, 22nd December 2022.

76 ITEMS OF URGENT BUSINESS

None.

77 DECLARATIONS OF INTEREST

- i. Cllr V Holliday declared a non-pecuniary interest in Agenda Item 8, Planning Application PF/22/1885, and advised she considered herself pre-disposed but not pre-determined.
- ii. Cllr A Fitch-Tillett declared a non-pecuniary interest in Agenda Item 9, Planning Application PF21/3221, she is the Local Ward Member and a customer of the business and advised as she had been consistently lobbied, she would abstain from voting.

- iii. Cllr A Brown noted that all Members had been in receipt of communication from Mr Tassie sent prior to the meeting.

78 WEYBOURNE - PF/22/1885 - ERECTION OF SINGLE-STOREY FRONT AND REAR EXTENSIONS AND RENDERING OF PROPERTY, HEATH VIEW, HOLT ROAD, WEYBOURNE

The DMTL introduced the Officers report and recommendation for approval subject to conditions. He affirmed that the main considerations were set out on p.9 of the report:

1. Whether the proposed development was acceptable in principle;
2. The effect on the character and appearance of the existing dwelling and surrounding area;
3. The effect on the living conditions of the occupiers of neighbouring dwellings;
4. Whether the proposed development would result in a detrimental impact upon the surrounding landscape/AONB, and;
5. The impact of the proposed development on highway safety and parking.

The DMTL noted that the concerns contained in the representations from the public and Parish Council related to over-development, the effect on neighbouring dwellings, light pollution, proximity of the extension to the shared driveway, use of render being different to other buildings in the vicinity, lack of parking and increased traffic with cars having to reverse onto the road.

He advised that Officers were satisfied that the proposal accorded with core strategy and national planning policies and was therefore considered acceptable subject to conditions.

The DMTL proceeded to go through the presentation, establishing the sites location, relationship with neighbouring buildings within the wider context of the built up settlement and AONB, as well as site plans, existing and proposed elevations, proposed floor plans, and photographs of the site.

Cllr M Taylor arrived at 9.45am

Public Speakers

Charlie Harrison – Weybourne Parish Council

Lyndon Swift – Objecting

Christopher Harwood – Supporting

Members Debate and Questions

- i. The Local Member – Cllr V Holliday – disagreed with the Officers assessment, and considered that the proposed development did not accord with NNDC Core Strategy Policies HO8, EN1, EN4, EN9 and paragraph 185 of the NPPF. She noted that the extensions would result in a 50% increase in the footprint of the dwelling, which was in conflict with policy HO8, creating a disproportionately large increase to a modest dwelling. Further, the proposed use of glazing would approximately double the glazing on the southern elevation, triple the glazing on the eastern elevation, and would add a roof lantern on the rear extension, which she argued contravened policy EN1 and would result in light pollution, adversely impacting the nearby Kelling Heath Dark Skies Discovery Site.

The Local Member considered the close proximity of the proposed rear extension, 0.8m to the southern neighbour, and argued this was counter to policy EN4, as was the application of render was not commonplace in the village or neighbouring dwellings. Cllr V Holliday further considered the development in conflict with policy CT5, with the number of bedrooms increasing to four, and considered that cars accessing the site would be forced to reverse onto a busy road. With regard to EN9, Cllr V Holliday argued there had been a loss of a biodiversity rich hedge, removed without requirement for planning permission, but with no mention of a replacement planting scheme or another planting scheme which may otherwise mitigate the development. The Local Member stated, if approved, she would expect the conditioned application of reduced visible light transmission factor glass of 0.5 for the large areas of glazing and less than 0.4 for the roof lantern, as recommended in other AONB sites, controls on external lighting, and a planting scheme with biodiverse rich features such as bird boxes.

- ii. Cllr A Brown noted on p.9 of the report, that the site was located within Weybourne's designated settlement boundary, therefore policy HO8 would not apply as this applied dwellings in designated countryside only. Consequently, he contended that extensions of up to 50% of the ground area of the property would be permissible under planning policy, and considered the potential margin of increase between any potential permitted development and the proposed scheme.
- iii. Cllr A Fitch-Tillett advised, as Vice-Chairman for Norfolk Coast Partnership (the governing body for the AONB), that she supported the concerns raised by Cllr V Holliday with respect of light pollution, and sought for the inclusion of conditions which would prevent increased light pollution to the sky or over the open countryside to the rear of the site. Cllr A Fitch-Tillett reflected on the hedge removal, though noted this was not a material consideration.
- iv. The DM confirmed that the site was not contained in the designated countryside, and therefore affirmed policy HO8 would not be applicable.
- v. The DMTL advised that the proposed parking scheme complied with the core strategy. Further, with respect of permitted development, the DMTL advised under permitted development a rear extension could be erected up to 4m without the need for planning consent (the proposed scheme was 5m deep), though it would not be able to project beyond the side elevation of the property. He noted that a full glazed conservatory could be erected under permitted development.
- vi. The Chairman asked if permission was required for the removal of the hedge.
- vii. The DMTL advised that permission was not required, and understood that the hedge was not a native species.
- viii. Cllr P Heinrich reflected on the DMTL comments regarding permitted development rights, and the associated risk that this may result in a fully glazed scheme. He noted that the proposal was for a large extension but contended that it was both acceptable and well designed. He considered that the street scene would be improved, and understood the application of render was proposed, drawing on his experience that matching exactly existing brick could be challenging. He considered that the application would

bring a non-descript 1970's bungalow into the 21st century, which would be an overall improvement. Cllr P Heinrich proposed acceptance of the Officers recommendation.

- ix. Cllr J Toye seconded the Officers recommendation, and noted, with respect of light pollution, that people did not leave Velux windows open during the night emitting light pollution, and the application of ground source heat pumps in the proposal further evidenced that curtains and blinds would be closed for energy conservation.
- x. Cllr L Withington appreciated the concerns relating to the AONB and light pollution and asked if a condition could be added for the type of glass used, which may serve to alleviate issues.
- xi. The DM acknowledged this had been used in the past, and noted the presence of the applicant at the meeting should they wish to respond.
- xii. The Applicant indicated they were supportive of the glazing condition requested by Members

IT WAS RESOLVED by 8 votes for a 1 against.

That Planning Application PF/22/1885 be APPROVED subject to conditions to cover the matters listed below and any other considered necessary by the Assistant Director – Planning

- **Time limit for implementation**
- **Approved plans**
- **Materials as submitted**

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

The meeting was suspended from 10.09am and resumed at 10.13am

79 OVERSTRAND - PF/21/3221 - CONTINUED USE OF LAND FOR STORAGE ANCILLARY TO OVERSTRAND GARDEN CENTRE AND PROVISION OF OVERFLOW CAR PARKING FOR STAFF (RETROSPECTIVE): OVERSTRAND GARDEN CENTRE, MUNDESLEY ROAD, OVERSTRAND

The DM introduced the report and the Officers recommendation for approval subject to conditions. He noted that a site visit had been held in July 2022 which enabled Members to see the relationship between the application site and the neighbouring dwellings.

Since the site visit Officers from Planning and Environmental Health had worked with the Applicant to try and address some of the issues which were preventing a positive resolution. The primary issues centred on the surfacing of the application site, discussions of HGV deliveries and forklift truck impacts.

The Applicant had subsequently removed the gravel from the site, following concerns raised about the noise of passing vehicles, which left a hard-core surface.

In relation to addressing the impacts on HGV and forklift trucks, the Applicant had

produced an updated noise impact assessment and layout plan, referred to within the Officers report. Further, since the site visit, the Applicant had acquired a new forklift truck for the site, and noted concerns about the noise impact of the former forklift truck. The change in equipment had been reflected in the noise impact assessment.

The DM noted the changes in the proposed application layout, amended since the site visit, with the final submission seeking to retain the 9m wide landscape buffer, removal of the pedestrian access from the site (effectively removing public access from this portion of the site), and inclusion of 3m high acoustic fence located on the edge of the landscape buffer strip.

6 public representations had been received since the Agendas publication, which touched upon many of the points raised in pages 15 and 16. Comments included concerns that the land would be operated on from 8am till 6pm, disturbing residents and spoiling their use and enjoyment of their home and garden, concerns that the scheme was not dissimilar to the last with the exemption of public parking, and concerns that the new forklift truck was just as noisy as the old one. Suggestions had been made to condition the use of staff parking from 8.30am – 5.30pm Monday to Saturday and 9.30-4.30pm Sunday and Bank Holidays, with forklift and delivery movements restricted to 10am at the earliest to 4.00pm at the latest Monday – Friday only. Further controls had been suggested to minimise the number of deliveries on the site, the DM noted that the applicant had advised that there would be 9 HGV deliveries across the year, however concerns were raised that this may increase if unmonitored.

The DM advised that a copy of draft conditions had been circulated subsequent to agenda publication, and highlighted that HGV conditions were still a matter for consideration. It had proposed that a 10am – 4pm Monday – Friday HGV delivery restriction be imposed, though noted the Applicant would prefer this to be a 9am-5pm Monday-Friday which the Environmental Protection team had indicated they were agreeable to.

Further Forklift truck hours of use were to be agreed, with the Applicant wishing to align permission with opening hours.

The meeting was suspended at 10.24am and reconvened at 10.53am

Public Speakers

Gordon Partridge - Overstrand Parish Council

Mark Tassie – Objecting

Alan Preslee – Supporting

Members Questions and Debate

- i. The Local Member – Cllr A Fitch-Tillett reflected on the necessity for the garden centre to continue its operations, being both important to the village and to the local economy. She congratulated the Applicant and Officers for working together, and noted the lengthy discussions made. The Local Member reiterated that she would abstain from voting on the application, but encouraged Members to support the application and the business.
- ii. The SEPO advised that Officers had considered noise and disturbance from

a nuisance perspective as well as assessing the planning application, with the aim to positively address issues and areas of concern. She advised that Officers were content with the draft conditions, and stressed the importance of having appropriate protective measurements in place to ensure local residential amenity could be achieved. The SEPO was minded that this was an operational garden centre, which wished to grow and expand.

- iii. Cllr R Kershaw spoke in support of the application and stated that the business was an asset to the community, and he was encouraged to see it prospering during challenging economic times. He thanked the Applicant and Officers for working together to form a comprehensive set of draft recommendations and conditions, which he believed encompassed the core issues. Cllr R Kershaw understood the concerns of local residents but considered that the majority of concerns would be addressed by conditions. He was therefore satisfied with the application and so proposed acceptance of the Officers recommendation subject to conditions.
- iv. Cllr V Holliday questioned whether an acoustic fence higher than 3m could be utilised, and noted discrepancies with the number of HGV movements as being either 9 or 12 per annum, and the operating hours of forklifts on a Saturday.
- v. The DM advised that the noise report referenced 9 HGV movements, and although originally Officers did not consider limiting the number of HGV movements as it would be challenging to enforce, it was asked as a condition that the applicant record the number of HGV movements. The slightly higher figure of 12 movement would allow some flexibility, whilst remaining a sensible figure, and was not considered to cause an unacceptable impact should the control measures be in place. With respect of forklift movement times, it was noted that the Applicant would prefer greater flexibility, the DM advised it was for the Committee to consider this request and whether times could be extended.

With reference to questions about the acoustic fence, the DM commented that was a matter of balance, as a taller fence would have a greater visual impact. Officers contended that the 3m fence would achieve the necessary noise reductions without having as much of a visual impact. Further, the impact would be softened through the conditioned introduction of landscape planting, though it was noted that the planting would take some time to establish.

- vi. Cllr V Holliday asked if HGV movements being permitted to a later time would have an adverse impact on local roads.
- vii. The SEPO advised that HGV movements could be restricted per annum, and reflected that a concession had been made to prevent deliveries on Saturday, Sundays and Bank Holidays. She considered the versatility of the forklift truck in performing a number of tasks on site, and stated that whilst the number of movements could not be limited, the time of operation on the application site could be considered.
- viii. The Applicant's Agent was permitted by the Chairman to address Members questions. He clarified the business request that forklift truck hours (detailed in Condition 16) be aligned with HGV times, preferably 9.00am – 5.00pm Monday – Friday and 9.00am – 1pm on Saturday. He further requested, with

relation to staff parking (Condition 20), that the hours be extended to enable staff to park on site an hour before and after the business opening times. The Agent also commented on Condition 12, and noted that as drafted the condition required measures to reduce glare and reflection from stored pallets and materials, but he considered that other conditions including the 3m acoustic fence and landscape buffer would preclude views of the pallets. He stated it would be onerous on the business for the Committee to expect the pallets to be uncovered and recovered at regular intervals.

- ix. The Chairman asked how many staff cars there would be on average at any one time, and noted previously that staff were arriving many hours earlier than when the business opened.
- x. The Applicants Agent advised there would be approximately 6 or 7 staff cars at any one time. The Applicant confirmed that the General Manager would arrive for work at 7.00am but that that measures had been put in place so that they would not access the application site before 8.00am. They would make use of the car park to the front of the property.
- xi. The DM noted that the operating hours of the Forklift on Saturday was a matter of contention and it was for Members to determine if there would be additional harm though extended hours.
- xii. Cllr J Toye asked if natural features could be used on the acoustic fence, and that this be considered when the design and materials be agreed. He considered natural planting would aid to soften the glare and noise coming from the site on neighbouring dwellings.
- xiii. The DM advised that the purpose of the 9m planting scheme was to soften the visual impact of the acoustic fence, and advised that bird and bat boxes had been included as a condition to enhance the biodiversity of the area. The DM assured Members that the acoustic fence would meet specifications, and commented it was important to ensure that nothing interfered with the primary function of the fence.
- xiv. Cllr J Toye was satisfied with the recommendations and was encouraged by the Applicants willingness to with the community and Officers towards an acceptable scheme, and so seconded the Officers recommendation.
- xv. Cllr P Heinrich thanked Officers and the Applicant for their efforts in producing an acceptable scheme. He sought to confirm that native species would be used within the planting scheme, given the nature of the business. With respect of potential noise, he considered that 1 HGV movement a month was not excessive. Through good management of the site, and implementation of conditions, he was content to accept the Officers recommendation.
- xvi. Cllr A Brown echoed Members thanks to Officers and the Applicant, and to Mr Tassie in his communication. He questioned the landscaping scheme and asked if trellises could be added to the fence, with vine planting to help mitigate the effect of the site until such time as the planting scheme matured.
- xvii. The DM commented that the higher the plant stock, the greater for the risk of failure, and the greater the need for maintenance. He advised that Officers were satisfied with the proposed mitigation which would be secured by

condition, and noted the Applicant was in attendance and may be happy to address Members additional queries.

- xviii. The Applicants Agent advised that they had secured a Landscape Architect to prepare a scheme, and it was envisioned that this would include some standard species as well as a mixture of whip plants. The exact planting was still to be agreed with the Landscape Architect.
- xix. Cllr L Withington noted that Applicants request that the conditioned Forklift use hours be brought in line with the conditioned HGV hours, and reflected that the weekend would likely be the busiest time for the business, therefore there may be some impact on the ability of the business to function if the Forklift hours were limited on Saturdays.
- xx. The DM advised that the use of hours had be thoroughly considered to seek a balance between the interests of all parties. Officers contended that forklift movements were necessary to respond to HGV deliveries on weekdays, the conditioned forklift hours commencing on Saturday were not considered to have a detrimental impact on the business, and that through forward planning the business could still prepare for Sunday trading within the realms of the proposed condition.
- xxi. The SEPO advised that from the noise report, and Officers own monitoring that background noise levels in the area were very low, particularly at certain times of the day. She commented that a forklift was a very versatile piece of equipment which would reduce the impact on staff through manual handling, and that its use on the main site (not the application site) was not for discussion. The Forklift truck could still be used as needed on the core site. The SEPO reaffirmed the Environmental Health Teams recommendation for a 10am forklift start on Saturday.
- xxii. Cllr J Toye clarified Members discussion and proposed an amendment to the Officers recommendation that the HGV and Forklift be conditioned for use between 9am to 5pm Monday to Friday, and Forklift use be conditioned to remain as 10am to 1pm on Saturday. This was accepted by Members.

IT WAS RESOLVED by 9 votes for and 1 abstention.

That Planning Application PF/21/3221 be APPROVED subject to conditions to cover the matters listed below

- 1. No new grounds of objection from consultees following re-consultation period;**
- 2. The imposition of appropriate conditions (detailed list of draft conditions to be provided to Development Committee ahead of the meeting); and**
- 3. Any other conditions that may be considered necessary at the discretion of the Assistant Director for Planning**

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

Cllr V Holliday and the SEPO left the meeting at 11.35am

80 DILHAM - RV/21/3306 - VARIATION OF CONDITION 2 (APPROVED PLANS) OF PLANNING PERMISSION PF/18/1928 TO ALLOW FOR CHANGE OF MATERIAL FROM GALVANISED STEEL TO OAK STRUCTURE (RETROSPECTIVE), NORTHBROOK COTTAGE, CHAPEL ROAD, DILHAM

The DM introduced the Officers report for a variation of condition on a previous planning application for use of galvanised steel to an oak structure. He advised that the application was not a designated fire escape under building control, and therefore this was not a material consideration. The DM noted that the key issue was whether the change to galvanised steel was acceptable in planning terms. Officers contended within the report that there were no planning reasons to object to the proposed change, and therefore their recommendation was one for approval.

- i. Cllr P Heinrich noted that the stairwell was not a fire escape and would simply be a timber access stairwell, which he did not see issue with. Cllr P Heinrich proposed acceptance of the Officers recommendation.
- ii. Cllr A Brown seconded the Officers recommendation, and considered the change a non-material amendment.
- iii. The DM, in response to Members questions, advised that as this was a Section 73 application, a variation of condition, which created a new planning permission, therefore any conditions on the original application would need to be re-imposed. He advised that he would ensure this was included.

IT WAS UNANIMOUSLY RESOLVED by 9 votes for.

That Planning Application RV/21/3306 be APPROVED subject to conditions to cover the matters listed below and any other considered necessary by the Assistant Director – Planning

- In accordance with approved plans
- Materials as submitted

Final wording of conditions to be delegated to the Assistant Director – Planning.

81 EXCLUSION OF PRESS AND PUBLIC

Not applicable.

The meeting ended at 11.43am.

Chairman