

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 22 June 2023 in the Council Chamber - Council Offices at 9.30 am

Committee Members Present:	Cllr P Heinrich (Chairman)	Cllr R Macdonald (Vice-Chairman)
	Cllr M Batey	Cllr A Brown
	Cllr P Fisher	Cllr A Fitch-Tillett
	Cllr M Hankins	Cllr V Holliday
	Cllr G Mancini-Boyle	Cllr J Toye
	Cllr K Toye	Cllr L Vickers

Substitute Members Present: Cllr L Paterson

Officers in Attendance: Development Manager (DM)
Principle Lawyer & Deputy Monitoring Officer (PL)
Planning Officer (PO)
Development Management Team Leader (DMTL)
Democratic Services Officer - Regulatory

10 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr P Neatherway and Cllr A Varley.

11 SUBSTITUTES

Cllr L Paterson was present as a substitute for Cllr P Neatherway.

12 MINUTES

The minutes of the Development Committee Meeting held on 25th May 2023 were approved as a correct record.

13 ITEMS OF URGENT BUSINESS

None.

14 DECLARATIONS OF INTEREST

- i. At the invitation of the Chairman the PL recited advice circulated to Members of Development Committee prior to the meeting pertaining to pre-determination and the perception of bias with regards planning application PF/22/3010. This guidance related to those Members of the Committee who had attended Full Council 27 July 2022 in which the Friends of North Lodge Park planning application was discussed as part of a levelling up bid.

“Whilst the North Lodge Park scheme formed but a small part of one of two larger proposed sites for which the Council was seeking funding via the levelling up bid, the following section of the Officers report to Full Council is particularly pertinent as it forms the basis for the proposal that has been submitted:

“Re-model and landscape dilapidated North Lodge Park – new and improved facilities to include new multi-purpose space for themed events, splash pad, public toilets, and creation of concessions. Improvement in the local economy - creation of jobs with splashpad and concessions/event space, visitor dwell time increased and attract visitors away from more crowded and/or environmentally sensitive locations. Access to improved green spaces for local residents/visitors.”

I appreciate there was limited discussion at the full council meeting directly relating to the North Lodge Park scheme, and that this formed only a small part of one of two locations which you were asked to consider for a levelling up bid, however, your role went beyond expressing a view (a predisposition) and to voting in favour, or not as the case may be, of a bid for funding to support this scheme. This appears to suggest an inclination as to your views in this matter. Add to this the fact that the land in question is Council owned and the applicant is the Cromer Town Council, I would suggest you are moving into territory where a fair minded and informed observer, having considered the facts, might conclude there was a real possibility of bias or indeed predetermination, and beyond the saving provision of the Localism Act 2011 (which clarifies certain situations where a member is deemed not to have a closed mind). Whether it would be of sufficiency to stand up to judicial scrutiny remains to be seen, but certainly it is fair to say that in light of the outcome of the vote at full council, a member of the public might suppose that the application would equally be considered favourably at development committee by the members who participated at full council. This is further compounded that this involves a number of councillors.

The PL asked Member's to consider whether they should participate in and vote on the proposal at Development Committee, and noted that it was a decision for each individual Member to decide whether they considered themselves to be pre-determined or subject to apparent bias.

- ii. The Chairman advised he would abstain from voting on application PF/22/3010 (Item 8) as he had attended and voted on the levelling up bid in July 2022. He confirmed he would continue to serve as Chairman for this item. In the event that there be a tied vote, he stated he would pass the casting vote to the Vice Chairman, Cllr R Macdonald.
- iii. Cllr J Toye advised, with regards PF/22/3010 (Item 8), that he was a Member of Cabinet when the Council agreed to award Friends of North Lodge Park/Cromer Town Council the bid for the site, and had received separate advice on this matter. He confirmed he would abstain from voting on this item and participating in any discussion. Cllr J Toye additionally declared a non-pecuniary interest in application PF/22/1708 (Item 9), he is a member of the Camping and Caravan Club, but did not consider this influenced his views.
- iv. Cllr A Fitch-Tillett declared a non-pecuniary interest with regards application PF/22/1708, as with Cllr J Toye she was a serving Member of Cabinet when the bid was accepted. She confirmed she would abstain from voting on the application.
- v. Cllr V Holliday stated, in relation to application PF/22/1843 (Item 10), that she was Chairman of Cley Parish council and considered herself pre-disposed but not pre-determined.

- vi. Cllr A Brown advised he would abstain from voting on application PF/22/3010 (Item 8) as he had been in attendance and voted on the levelling up bid, but that he would participate in the debate. Cllr A Brown raised a concern that Cllr V Holliday as Chairman of Cley Parish Council would have considered the application at Cley (PF/22/1843 Item 10), and may have voted on forming a response to NNDC for the application, in effect indicating a preference on the application. He asked whether there was a recorded vote to evidence decision making on this application at Cley.
- vii. Cllr V Holliday commented that there was not a recorded vote for the application when it was considered by Cley Parish Council, but that she would be happy to change her position and abstain from voting on the perception of predetermination.
- viii. Cllr K Toye declared a non-pecuniary interest in application PF/22/1708 (Item 9), she is a member of the Camping and Caravan Club, but did not consider this influenced her views.
- ix. Cllr P Fisher advised, with regards PF/22/1708 (Item 9) that he is also a member of the Caravan and Camping Club.

15 **CROMER PF 22 3010 DEMOLITION OF FORMER BANDSTAND AND STORAGE BUILDING; REDEVELOPMENT OF FORMER TENNIS COURTS CONSISTING OF ERECTION OF 2NO. PUBLIC TOILET BUILDINGS, COMMUNITY SHED BUILDING, POLYTUNNEL AND ASSOCIATED FENCING CONTAINING HORTICULTURAL HUB, 2NO. CURVED WALLS WITH CANOPY FOR ENTERTAINMENT SPACE, MULTI-USE SPACE FOR POP-UP MARKET STALLS/LEISURE ACTIVITIES AND ASSOCIATED ON-SITE CAR/CYCLE PARKING, VEHICULAR AND PEDESTRIAN ACCESS POINTS, AT NORTH LODGE PARK OVERSTRAND ROAD, CROMER.**

Officers Report

The PO introduced the Officer's report and recommendation for approval subject to conditions. The PO affirmed the sites location within North Lodge Park, a designated area of public realm and open space in policy terms. The park also forms the setting of the Grade II listed North Lodge with the formers tennis courts being considered an accessory to this.

The PO advised the site, as existing, is comprised of a 1950's brick built bandstand and large concreted slab, both of which had been unused for several years and had fallen into a state of disrepair, although the concreted area remains level and in reasonable condition.

Images were provided of the site, the proposed block plan and structures, with visualisations provided by the architect offering some idea of how the multi-use area could be utilised. Containers were proposed at the South West corner of the site, which were to be clad in timber to match the shed and would provide food banks for the community. The horticultural hub is formed of a polytunnel and community shed and would be secured with an area of fencing. Vehicular access is available from Carriage Drive along the western boundary of the site and would be secured with a lockable gate and further up additional pedestrian access. Space had been set aside for occasional parking, with cycle racks also proposed.

The PO advised that Officers considered the scheme acceptable in design terms, with the majority of structures proposed being temporary and would have a low impact on the existing hard standing. Whilst concerns had been raised through public representations with regards to design and durability of the structures, Officers considered the structures lend to the flexibility of the site which is designated as open land.

Officers further identified that there would be some heritage harm as a result of the appearance and concentration of structures in this area, however contended that this would be less than substantial when addressing the planning balance, the harm being considered to be outweighed by the public benefits accruing from the scheme such as the provision of new public facilities and bringing the currently disused and dilapidated former tennis courts back into use.

Highways concerns had also been raised due to the vehicular access on site. Access proposed for maintenance and space for 7 parking spaces to be used for vendors at the proposed pop up markets. The PO advised that Officers had worked proactively with the agent to reduce the number of vehicle movements on site, and that the frequency of the markets would be limited. Further, a traffic management plan had been submitted to manage these movements.

Public Speakers

Emma Spagnola – Cromer Town Council
Jerry Foulkes – Objecting

Members Questions and Debate

- i. The Local Member – Cllr E Spagnola spoke in support of the application and added to her comments made as Major of Cromer Town Council. She commented that the scheme would contribute positively to the run-down site which had been disused for 20 years, noting that the applicant had sought to install temporary structures as per NNDC's guidance. The Local Member conceded that whilst the structures were not the most aesthetically pleasing, but they were considered the best option in meeting the temporary structures remit.

Cllr E Spagnola commented that the food hub would help support local residents and the polytunnel would supply fresh fruit and veg to the food hub, as well as aiding to improve the look of North Lodge Park. In addition, the community shed would provide a range of activities to help fight loneliness and improve mental health. She considered the stage space provided an exciting opportunity for young people to develop and hone their talents, and add to the vibrancy of the site.

The Local Member expressed her firm support for the proposed changing spaces toilets, and noted the benefits these would bring to the town with the site laying on the east side of Cromer it was closer lift access to the beach.

- ii. Cllr A Brown advised that he was very familiar with the site, and reflected that it was predominantly used as a transit route to and from the Town as opposed to being a destination location. Whilst he welcomed revitalisation to

the site, he was not convinced that the scheme could be improved. Cllr A Brown expressed his concern over the visual impact of the polytunnel which he considered failed to accord with the North Norfolk Core Strategy, both failing to preserve or enhance the Conservation Area in which the proposal would be sited. With regards the large shed and shipping container, Cllr A Brown stated that a shipping container, no matter how well disguised was contentious, and remarked the Council were, in many other instances, perusing enforcement action with individuals for the siting of shipping containers. He affirmed that his main issue was the lack parking for visitors, and concluded that whilst there were many positive elements to the application he considered the overall scheme to be deficient.

- iii. The Chairman noted the Officers report and the exert from NNDC Conservation and Design Officer's representation on P.15 detailing 'less than substantial harm' The Chairman asked that this phrase be clarified for the public's benefit.
- iv. The DM advised that the NNPF introduced the concept, in heritage terms, of assessing harm. This included 'substantial harm' equating to the total loss of a heritage asset, as well as 'less than substantial harm'. With respect of the application, the Conservation and Design Officer acknowledged that there would be some harm to the designated heritage asset and to the character of the site by consequence of the proposed structures in North Lodge Park, but concluded that as the structures were removable they posed 'less than substantial harm'. With cases of 'less than substantial harm' it was a matter of planning judgement whether the public benefits attributable to the scheme could outweigh the heritage arising harm.
- v. Cllr V Holliday expressed her concerns that the community views for a café and community park would not be achieved through the scheme. She stated she would prefer that the hard standing be replaced with grass, which would contribute to the open green space of the town.
- vi. Cllr L Paterson commented that whilst he was supportive of the aims of the scheme, the structures proposed were not appropriate for the Victoria Seaside Town.
- vii. Cllr K Toye agreed that the site was in need of improvement, but she was not convinced by all elements of the proposed scheme. She considered that the site should be kept vehicle free and commented that the shipping containers would not be in keeping with the setting. Cllr K Toye expressed her preference that site be utilised as an open green space with consideration given to North Norfolk's elderly residents who would perhaps struggle to get down to the beach but who would also like a place to relax.
- viii. Cllr Gerard Mancini-Boyle disagreed with the use of shipping containers, commenting that whilst the scheme looked trendy he was concerned that it would be seasonally used and not used during winter months. He contended that a better scheme with more permeant fixtures in keeping with the town would be an improvement and would lead to the site being used all year round.
- ix. Cllr P Fisher advised that he had spent many years using the large open green space adjacent on the site for putting and other activities. He reflected that the tennis courts were only a small part of the larger open space, and

that this should be taken into consideration. Cllr P Fisher further noted that the public toilets located in North Lodge Park (next to the former Seaview Nursery) would no longer be available and therefore replacement facilities would be needed, with the former Seaview Nursery & adjacent café soon to be opened as a Bistro by the charity organisation 'About with Friends'. Cllr P Fisher spoke favourably for the use of the sedum roof, the community shed, and the polytunnel which would produce fresh produce for the foodhub, however, accepted Members' concerns regarding the use of shipping containers in the scheme. Cllr P Fisher considered that the public benefits of the scheme outweighed the harm to the heritage asset and the conservation area more broadly and so proposed acceptance of the Officer's recommendation for approval.

- x. The DM clarified that the shipping containers proposed were to be clad in timber, which would alter the appearance of the containers.
- xi. In the absence of a seconder for the application, the Chairman seconded the Officer's recommendation to trigger a vote for the Officer's recommendation; though would abstain from voting on the application for the reasons identified under the Declaration of Interest item.

The vote was lost by 4 votes for, 5 against and 4 abstentions.

- xii. The Chairman advised Members were now to proceed with voting against the proposal and sought planning reasons from the Committee to refuse.
- xiii. The DM noted Member's comments that they did not consider that the public benefits arising from the scheme would outweigh the harm to the Conservation Area and Heritage Asset, and advised this would substantiate a planning reason for refusal.
- xiv. Cllr A Brown proposed refusal of the application as per the reasons cited by the DM in order to trigger a vote, but would abstain from voting on the application itself (having confirmed his abstention under the Declaration of Interest item.)
- xv. Cllr K Toye seconded the proposal for refusal.

The vote was lost by 4 votes for, 1 against, and 8 abstentions

The meeting was adjourned at 10.12am and was reconvened at 10.20am

- xvi. The PL confirmed that a majority vote had not been achieved to either approve or refuse the proposal. She advised that it would be recommended that Members consider deferral of the application, with the DM providing further guidance on this matter. Should Members not agree to deferral, further legal advice would need to be sought.
- xvii. Cllr A Fitch-Tillett sought guidance whether she would be able to vote on deferral, as she would not be voting on the merits application itself.
- xviii. The PL advised that in voting on a deferment, Members would not be voting to make a decision to approve or refuse the application. She considered it would be appropriate that those Members who had previously been offered advice regarding pre-determination and perceptions of bias, be able to vote

on deferment.

- xix. The DM affirmed that this was an unusual matter, noting that typically when the Committee voted against the Officers recommendation for approval, Members usually voted for refusal and provided planning grounds detailing the reasons for refusal. The DM recommended that Members consider deferral of the application to enable the applicant to reconsider those elements of the scheme which the Committee were concerned about. If deferred the application would return to Committee at a future date.
- xx. Cllr A Brown suggested, if it was agreed that the proposal be deferred and therefore brought to a future meeting, that those Members who had abstained due to potential perceptions of pre-determination consider seeking a substitute member to attend the meeting in their stead. The Chairman and Cllr A Fitch-Tillett expressed their support for this approach.
- xxi. Cllr G Mancini-Boyle proposed deferral on the basis that whilst the Committee noted merits in the application there were elements of the scheme which could be improved including ensuring use of the space all year round.
- xxii. Cllr R Macdonald seconded the proposal. He considered some elements of the scheme to be excellent and agreed that the site was in need of revitalisation, but concluded some components of the proposal were unacceptable.
- xxiii. The Chairman summarised Members comments, and noted concerns primarily related to the use of the shipping container and visual impact of the polytunnel.

UNANIMOUSLY RESOLVED by 13 votes for.

That planning application PF/22/3010 be DEFERRED to enable the applicant to reconsider those elements of their proposal the Development Committee had expressed concerns about.

16 NORTHREPPS - PF/22/1708 - SITING OF 2 GLAMPING PODS FOR HOLIDAY USE AND CREATION OF PERMISSIVE FOOTPATH AT SHRUBLANDS FARM CAMPING SITE, CRAFT LANE, NORTHREPPS.

Officers Report

The PO introduced the Officers report and recommendation for refusal. The application was returned to Committee following deferment in February 2023.

The PO affirmed that the subject two glamping pods are currently in use unlawfully on land off Hungry Hill without planning permission. The application proposes to relocate them to an area of land which is used as a certified camping and caravanning site off Craft Lane.

It was noted that application site is located within an area of Countryside and the Norfolk Coast AONB in policy terms. The PO provided aerial images of the site, photos of the land including a demonstrative of what the pods would look like in situ, and images of the associated highways access. Access to the glamping pods would be via an existing forked vehicular access off Craft Lane.

Since the application had been deferred, a permissive footpath had been included within the proposal which would run along Craft Lane on land owned by the applicant.

With respect of key issues for consideration, the PO advised that as the site is only run under a certificate of exemption, the glamping pods do not qualify under this exemption, therefore are required to be assessed against Planning Policy. Given its certified status Officers conclude that the land at Shrublands Farm cannot be treated as an existing site and that the scheme should be assessed as a new camping site under Policy EC 10, and is considered contrary to the aims of this policy, along with policies EN 1 and EC 7.

The PO commented that whilst the design of the pods is broadly acceptable, the provision of two permanent structures on the site, which would be visible in winter months and the associated human activity, light spill and vehicle movements that the development would generate, are not considered to conserve or enhance the valued features or the defined special qualities of the Norfolk Coast AONB.

In terms of highways matters, it was noted that the site is accessed by the very narrow single track, Craft Lane. The PO confirmed that the Highways Authority had objected on the basis that the road is considered to be inadequate to serve the site with restricted width and passing provision for vehicles. The applicant has confirmed they would not be prepared to remove or reduce the certified camping provision so the two permanent Glamping pods would intensify existing vehicular movements and detrimentally impact highway safety under CT 5.

In cases such as this, the benefits of the proposal would need to be balanced against the harms which would result from new tourist accommodation being permitted within this sensitive landscape designation. Officers considered that whilst there are some limited benefits, such as the provision of a permissive footpath and some economic benefits, these had not been clearly articulated by the applicant and, as such, could only be afforded limited weight in the planning balance.

Further, the PO advised at this time the local planning authority had not received GIRAMS payment and therefore the application failed to demonstrate that the proposed development would not result in adverse effects on the European Sites and so the proposal is currently contrary to the requirements of Policies SS 4 and EN 9 of the adopted North Norfolk Core Strategy.

Having considered the other benefits and harms associated with the proposals, Officers consider that the adverse impacts of the development and policy conflict would significantly and demonstrably outweigh the benefits.

Public Speakers

Matthew Rooke – Supporting

Members Questions and Debate

- i. The Local Member – Cllr A Fitch-Tillett expressed her support for the application, and thanked Officers for recommending to defer consideration of the application to establish missing information.

The Local Member considered the application would align with NNDC Core Strategy Policies SS2 (Development in the Countryside) and EN1 (Impact on the AONB) and reflected that there was local support for the application. Cllr A Fitch-Tillett recited a supporting email from the publicans of the Foundry Arms in Northrepps who offered their full support, and commented that the campsite provided invaluable business which aided in the employment of 14 local people at the Pub. The publicans did not consider the visual impact to be any different from that of Forest Park Camping and Caravan site also in Northrepps which was permitted.

Cllr A Fitch-Tillett noted the history for the site with the pods replacing a large commercial greenhouse, and considered that, had this been a household application to replace a greenhouse with a shed, she doubted there would have been any issue.

With reference to the Highway's Authority objection, Cllr A Fitch-Tillett reiterated her comments from the prior meeting that Craft Lane was used as a bus route. Further, the entrance to the site had been widened, and there were passing places along Craft Lane to Northrepps.

The Local Member concluded in endorsing the diversification of farming and the need to support local businesses.

- ii. Cllr L Paterson noted that no public objections had been raised, and that the Parish Council were in support of the application. He further acknowledged the long-standing family farm had made use of the government's future farming resilience fund, and to better secure their future post basic payment scheme payments they needed to consider alternate methods to generate revenue and diversify their business. Cllr L Paterson expressed his full support for the application and the need to support local businesses and families though farm diversification particularly during challenging economic times. He considered that the proposal would be in keeping with its local setting, and would aid in attracting visitors away from the tourist hot-spots. Cllr L Paterson reflected on the benefits of the scheme to the local economy and commented that 22.2% of jobs locally centred around the tourist economy, with tourists on average spending 1.6 times more on holiday that they would normally at home.
- iii. Cllr J Toye considered that a balanced, sensible, pragmatic approach was needed. He reflected that within his own ward an individual had put in an application with another organisation for 5 geodesic zones. The Council in that instance were powerless to object, as authorisation to grant permission had been provided to organisations like the Camping and Caravan Club, and others, by Natural England. Cllr J Toye endorsed working with farmers who protect the AONB, and acknowledged that the applicant had worked with Officers to keep the proposal to a reasonable scale. He cautioned that the applicant could take another field and apply for a certificate from another organisation, (without NNDC's consent or endorsement) resulting in increased traffic.
- iv. Cllr G Mancini-Boyle endorsed the remarks made by Cllr L Paterson and stated that the reduction in units from 4 to 2 was indicative that the applicant was committed to working with the Planning Authority. Further, the applicant had addressed concerns of Nutrient Neutrality and light pollution which was commendable.

- v. Cllr V Holliday stated that whilst she agreed with the comments made by Cllr L Paterson, and had every sympathy with farmers, she considered that greater weight should be attributed to the conservation of special qualities of the AONB and that the district should move away its dependence on the tourism economy to more high value industries. Cllr V Holliday proposed support for the Officer's recommendation.
- vi. Cllr A Brown thanked Officer's for their report and the extensive reasons for refusal as outlined on pages 37 and 38 of the agenda. He remarked, as this was a retrospective application, that this something which was frowned upon. Cllr A Brown affirmed that the sites location within the AONB would challenge the conservation of the natural beauty of the area; hence the concerns outlined by the landscape officer that the economic benefits brought by the scheme would not outweigh the harm arising to the AONB. He considered the Local Member had misinterpreted to the Norfolk Coast partnerships comments, which should be seen as an objection in that they could not endorse the application. Further the proposal conflicted with several NNDC Core Strategy Policies including EC3 and EC7. Cllr A Brown noted there was a distinction between the proposed permissive path and a public footpath, with permissive footpaths able to disappear without notice. Further, the inclusion of the footpath did not remedy Highways issues, and would not allow for passing places for increased traffic. On balance, he was unable to support the application and so seconded the Officer's recommendation for refusal
- vii. The DM clarified that the pods were not retrospective and were in fact located in an alternate location on the applicants land. The image provided was demonstrative. Cllr A Brown thanked the DM for this guidance, apologised to the applicant, and withdrew this remark from his comments.
- viii. Cllr L Paterson asked if the permissive path could be tied to any granted planning permission to ensure it could not be taken away. The PO advised this could be secured via a legal agreement.
- ix. Cllr A Fitch-Tillett stated that there were several passing places along Craft Lane, and considered the current provision adequate.
- x. The Chairman reminded Members that the application must be considered on planning policy grounds, and not on gut feeling.
- xi. Cllr K Toye contended that the application would be considered as a new build within the AONB, and reflected that cumulative impact of continuous use of passing places would only make such spaces bigger leading to an erosion of verges, which would negatively impact flora and fauna.
- xii. The DM reiterated that Officer's determined that the proposal would result in the departure from policies and considered that the material benefits did not outweigh policy conflicts or harm to the AONB. He advised that if Members were minded to oppose the Officer's recommendation, they would need to articulate material considerations which outweighed those policy conflicts.
- xiii. Cllr L Paterson asked if farm diversification was supported by policy. The DM advised it was, but that it is was incumbent of the applicant to evidence this. It would be inappropriate to make a decision on this matter without

supporting evidence.

Cllr L Paterson further asked if the government-funded farming reliance fund report had been taken into consideration. The PO stated the issue with the report provided is that it did not directly specify the income from the campsite.

RESOLVED by 7 votes for, 3 votes against and 3 abstentions.

That Planning Application PF/22/1708 be REFUSED in line with the reasons identified in the Officer's recommendation.

The meeting was adjourned at 11.00am and resumed at 11.16am.

17 CLEY-NEXT-THE-SEA - PF/22/1843: CHANGE OF USE OF OUTBUILDING FROM SHOP (USE CLASS E(A)) TO SELF-CONTAINED ANNEXE (USE CLASS C3) FOR USE IN CONJUNCTION WITH WEST COTTAGE WITH EXTENSION AND EXTERNAL ALTERATIONS AT WEST COTTAGE, NEW ROAD, CLEY-NEXT-THE-SEA

Officer's Report

The DMTL introduced the Officer's report and recommendation for refusal. He outlined the sites location, context in its wider setting, proposed floor plan and elevations.

In terms of matters pertaining to principle, design, amenity and parking, Officer's determined that there were no overriding concerns. Whilst the addition of the rear extension incorporating a gym/studio may be uncomfortable in terms of the overall size, given its position and design, it is considered to be broadly acceptable with no detrimental wider impact. The DMTL confirmed that the primary issue for consideration was that of flood risk and policy EN 10 of the adopted Core Strategy, along with Paragraph 167 of the NPPF.

The DMTL advised that the site lies within Flood Zones 2 and 3A. The proposal is not listed as a permitted type of development under Policy EN 10 as the proposal includes extension and alteration to the building (constituting operational development) in addition to its change of use to a more vulnerable use, from a less vulnerable use, thereby raising to a higher risk category. Accordingly, the submitted proposed development is contrary to policy EN 10. Notwithstanding this, a balanced approach can be taken to such conversions, given the overall scale and size of potential works. It is also worth noting that some development may need to occur to ensure the feasibility of a scheme or to overcome other material planning considerations.

Since the publication of the agenda, it has been agreed between Officer's and the applicant that the sequential and exceptions test in relation to flood risk would not apply to this development proposal as it would consist of a change of use of an existing building. As such, the DMTL advised that the remaining matter for consideration was flood risk.

The DMTL confirmed that the proposed ground floor levels are 4.20m AOD (Above Ordnance Datum), under the expected flood levels of 5.84m AOD for a flood event with a 1 in 200 annual event probability and accordingly, the ground floor will flood during the identified flood event. This takes into account both climate change levels

and the overtopping of current flood defences. He advised that the proposal is supported by a Flood Risk Assessment and had been designed to address flood risk, amendments had been made following discussions with the Environment Agency and the Emergency Planner. The latest amended plans include the provision of small mezzanine floor in order to provide a first-floor refuge along with an escape window to access the flat roof and the proposed extension. The DMTL noted that this refuge would be only just above the predicted flood level. It is recognised that the applicant and agent had gone to some length to address the concerns raised, and had worked with Officer's to this end. However, in the event of a flood, it has been determined that the only potential egress would be through a roof light from the proposed refuge onto the roof of the property. There would be no further means of escape from the roof, without entering flood water. Officer's determined this would expose the occupants to extreme weather and present the possibility of having to be rescued by emergency services personnel.

The DMTL confirmed that Environment Agency and the Emergency Planner continued to uphold their objections regarding the risk of flooding. The Environment Agency considered that their objection could only be lifted if the Local Planning Authority were satisfied that the proposed flood mitigation measures were acceptable. These measures, in addition to the refuge, include signing up to the Environment Agency's Flood Warnings Direct scheme, a Personal Flood Plan and the occupiers of the annexe having keys to the main house with access to the first floor of the house with a higher refuge. However, the Council's Emergency Planner considers that, with no safe route of escape above the estimated flood level (a matter which the submitted Flood Risk Assessment cannot demonstrate, which is against EA advice), there is likely to be a need to enter flood water to escape, and the requirement to potential be rescued by emergency services, leaves an unacceptable risk for the occupants and as such, the measures proposed are not considered to be acceptable.

Any benefits of the proposed development, which include the re-use of an existing redundant building are considered limited at best and do not outweigh the flood risk issues identified.

Public Speakers

Richard Allen – Cley Parish Council
Sophie Russo – Supporting

Members Questions and Debate

- i. The Local Member - Cllr V Holliday – stated that it was with some trepidation that she recommended that the Committee disregard the advice of the Environment Agency and NNDC Emergency Planning, the opinions of which she holds in the highest regard, but considered they approached the application with a super abundance of trepidation. Cllr V Holliday noted that there was a cluster of housing in this area of Cley which would be subject to the same flood risk, and which were brought and sold seemingly without a problem. The Local Member reflected that this area did not flood during the 2013 surge, which offered some faith that the post 1953 defences were functioning properly, and further commented that the annexe would be ancillary to the two storey cottage a few metres away, and which would be occupied by a family member. Tidal flooding was well monitored and

advertised with 14 flood wardens in Cley to raise awareness, and therefore the family member would likely have sufficient time to be able to move to the first floor of the main dwelling for refuge. In the case of unpredicted flooding, there would be a point of egress through the mezzanine floor. Cllr V Holliday stated that there were other applications in similar circumstances which had been approved by the Council recently. The Local Member concluded by affirming the public benefits of the proposal, in converting a disused building into an annexe occupied by a permanent resident at a time when 44% of properties in Cley were second or holiday homes. Further, there were social benefits to the application in bringing a family together.

- ii. Cllr A Fitch-Tillett stated that whilst she had huge sympathy for the applicant, there was no way she could support the application due to the associated flood risk and so proposed acceptance of the Officer's recommendation for refusal. Cllr Fitch-Tillett stressed the power of natural forces, the impact of rising sea level and increasing violent storms. Regardless of whether a refuge was provided, she reflected on the strain there would be to emergency services in an evacuation level event.
- iii. Cllr J Toye expressed his sympathy for the personal circumstances of the family, but commented this was not a material planning consideration and therefore could not be taken into account. He stated that he was concerned about the impact exceptional flooding would have on the occupants, and questioned the C3 designated use. If permitted, he asked whether the annexe could be used as a future holiday let. Cllr J Toye seconded the Officer's recommendation.
- iv. Cllr L Vickers sought clarification whether the annexe could be used by persons other than the family. She stated she was hugely sympathetic to the applicant and their family and was minded to grant permission.
- v. The DMTL advised that a planning condition could be imposed, if approved, that the annexe could only be used for ancillary use. To use the annexe as a separate holiday let would then require separate planning permission.
- vi. Cllr A Brown reflected that this was a difficult application, and commented that personal circumstances were sadly not a planning consideration though he had great sympathy with the applicant. Cllr A Brown placed weight on the concerns raised by the Environment Agency, however asked Officer's to elaborate on permissions granted in Salthouse and whether this application could be distinguished in any way. He understood the sense of frustration from the applicant, that a similar application was approved in Salthouse, yet this proposal was recommended refusal.
- vii. The DMTL advised that the full details of the Salthouse application were not presently available to the Committee, and accepted the degree of frustration from the applicant that a decision had been taken on another application which perhaps did not consider the flood risk to the extent it should have done. He confirmed he was satisfied that the proposal for consideration by the Committee had been given the full and proper scrutiny in terms of flood risk issues.
- viii. Cllr A Brown remarked that the first duty of Planning Authority to its residents was matters of safety, it was therefore with a heavy heart that he would endorse the Officer's recommendation.

- ix. The Chairman commented, by way of precedent, that a farm building further along from this site was refused planning permission on grounds of flooding also.

RESOLVED by 11 votes for, 1 against and 1 abstention.

That planning application PF/22/1843 be REFUSED In accordance with the reasons identified in the Officers recommendation.

18 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

- i. The DM introduced the Development Management Performance report and spoke favourably of the Planning Service with all decision's being made in time for the month, and of the Councils record at appeal.
- ii. Cllr A Brown, as Portfolio Holder for Planning and Enforcement, thanked Officers for their continued hard work and their extremely positive performance.
- iii. The Chairman echoed his thanks to the Planning Service.
- iv. The DM advised with respect of the S106 Appendix that S106 agreements for Crisp Malting's were to be signed imminently. The application for treehouses at Fulmodeston was however proving to be more difficult and far slower than initially anticipated.

19 APPEALS SECTION

- i. The DM advised, since the agenda publication, that a further decision had been reached for Sheringham PF/22/0443 which had been permitted.
- ii. The Chairman asked how a potting shed required planning permission, as he considered this ancillary to a garden. The DM advised that the potting shed did not fall within permitted development.
- iii. Cllr P Fisher noted, with regards ENF/21/0061 that the Pizza Van had been located down the road, and was subject to a further notice. He asked if this could be updated. The DM advised that action was being pursued on this matter, and he would leave the Enforcement team to liase with the Local member.
- iv. Cllr A Brown asked if there was an update regarding Arcady, as the Council were due to meet the Architect. The DM advised that he had not been directly involved, with this matter being handled by the Director for Place and Climate Change, and was unable to add to this matter.

20 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 11.55 am.

Chairman