

4 JANUARY 2019

Minutes of a meeting of the **DEVELOPMENT COMMITTEE** held in the Council Chamber, Council Offices, Holt Road, Cromer at 9.30 am when there were present:

Councillors

Mrs P Grove-Jones (Chairman)
Mrs V Uprichard (Vice-Chairman)

Mrs S Arnold
Mrs A Claussen-Reynolds
Mrs A Fitch-Tillett
Mrs A Green

N Lloyd
Mrs M Prior
R Reynolds
R Shepherd

J Rest – substitute for Mrs B McGoun
S Shaw – substitute for B Smith
Ms K Ward – substitute for B Hannah
A Yiasimi – substitute for N Pearce

D Baker – Holt Ward

Officers

Mr P Rowson – Head of Planning
Mrs S Ashurst – Development Manager
Mr G Linder – Major Projects Team Leader
Mr D Watson – Development Management Team Leader
Mr C Reuben – Planning Officer
Ms D Romaine – Environmental Protection Officer
Miss L Yarham – Democratic Services and Governance Officer

117. APOLOGIES FOR ABSENCE AND DETAILS OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors B Hannah, Mrs B McGoun, N Pearce and B Smith. There were four substitute Member in attendance as shown above.

118. MINUTES

The Minutes of a meeting of the Committee held on 29 November 2018 were approved as a correct record and signed by the Chairman.

119. ITEMS OF URGENT BUSINESS

None.

120. DECLARATIONS OF INTEREST

<u>Minute</u>	<u>Councillor:</u>	<u>Interest</u>
126	Ms M Prior	Lived in neighbouring property
126	Ms K Ward	Had previously lived in Lion House (referred to by a speaker)

PLANNING APPLICATIONS

Where appropriate the Planning Officers expanded on the planning applications; updated the meeting on outstanding consultations, letters/petitions received objecting to, or supporting the proposals; referred to any views of local Members and answered Members' questions.

Background papers, including correspondence, petitions, consultation documents, letters of objection and those in support of planning applications were available for inspection at the meeting.

Having regard to the above information and the Officers' reports, the Committee reached the decisions as set out below.

Applications approved include a standard time limit condition as condition number 1 unless otherwise stated.

121. **FAKENHAM - PF/18/1621** - Amendments to planning permission PF/15/1167 (Erection of block of 66 assisted living flats to the west of 35 dwellings) through changes to site layout, landscaping, boundary treatments, enlargement of building to west, south and east, removal of basement level and reconfiguration of floor plans, with associated external alterations. Amendments to approved housing mix of the 66 'housing with care' supported living flats, to change from 38 x 1-bed and 28 x 2-bed dwellings, to a revised mix of 27 x 1-bed and 39 x 2-bed dwellings. Removal of condition 3 (excavation and retaining wall details) & variation of condition 26 (to amend plans) of permission PF/15/1167. Additional retrospective request to regularise changes to siting and layout of wheelchair-accessible bungalow.
[New consultation: Amended description of development. Additional and revised information received. New retrospective element added.]; Meditrina Park, Trinity Road, Fakenham for Medcentres

The Head of Planning reported that a meeting would be held with the applicant following this meeting to discuss conditions. It was agreed that to defer this application for consideration at a meeting of Development Committee on 17 January 2019.

122. **BLAKENEY - PF/18/0932** - Erection of single storey front extension and two storey rear extension to north facing gable; alterations to rear elevation including enlargement of existing dormer windows and insertion of 2 no. dormers with 1 balcony; raised patio; Fairacre, 72 Morston Road, Blakeney, Holt, NR25 7BE for Mr & Mrs Timmins

The Committee considered item 2 of the Officers' reports.

Public Speaker

Mr R Timmins (supporting)

The Development Management Team Leader presented the report and displayed plans and photographs of the site, including views from the coastal path and Morston Road and comparisons between the existing and proposed elevations. He recommended approval of this application as set out in the report.

Councillor Ms K Ward, the local Member, referred to the requirements of Policies EN1, EN2 and EN4. Concerns had been raised regarding the amount of glazing, particularly in relation to the gable. There was an increasing number of properties along this part

of the coastline which had a high proportion of glazing to brick. There was a need to consider the visually sensitive skyline and nocturnal character, which was of concern to local residents. In addition to the visual aesthetic, it was necessary to consider the economic development issues relating to the importance of the area for tourism, walks and birdwatching and the impact of increased light pollution.

Councillor Mrs A Fitch-Tillett stated that she was the Council's representative on the Norfolk Coast Partnership. She endorsed Councillor Ms Ward's comments. She had severe concerns regarding the proposed glazing and referred to the location of the dwelling almost opposite Blakeney Point. She referred to the strong concerns of the Norfolk Coast Partnership. She proposed refusal of this application on grounds related to design and impact on the AONB. This was seconded by Councillor Mrs A Green.

Councillor R Reynolds considered that the elevation facing the marshes would be little different from the existing. He considered that any light influences would be absorbed within the existing properties. As the application site was 280 metres from the coastal path he considered that there would not be a problem. He proposed approval of this application as recommended.

Councillor Mrs S Arnold considered that although the windows were larger, the building was already there and the windows would not have a significant impact.

Councillor A Yiasimi considered that the increased height and alterations to the existing building would make no difference to the light.

The Head of Planning advised the Committee on the fallback position with regard to this application. Permitted development rights would allow some degree of alteration. The building already existed and some light pollution already emanated from it, which was a material planning consideration.

The proposal to refuse this application was put to the vote and declared lost with 4 Members voting in favour and 9 against.

RESOLVED by 8 votes to 4 with 1 abstention

That this application be approved in accordance with the recommendation of the Head of Planning.

123. CROMER - PF/18/2181 - Installation of photovoltaic panels to roof of council offices; North Norfolk District Council, Holt Road, Cromer, NR27 9EN for North Norfolk District Council

The Committee considered item 3 of the Officers' reports.

The Development Management Team Leader presented the report and displayed plans and photographs of the site, including views from the surrounding area. He recommended approval of this application as set out in the report.

The Development Management Team Leader reported that Councillor Mrs H Cox, a local Member, supported this application.

Councillor A Yiasimi proposed approval of this application as recommended, which was seconded by Councillor R Shepherd.

The Head of Planning confirmed that it was in order for the Committee to make a decision on the Council's own application.

Councillor J Rest explained that the feasibility of a battery system to store the generated electricity would be considered for the future.

RESOLVED unanimously

That this application be approved in accordance with the recommendation of the Head of Planning.

124. DILHAM - PF/18/0606 - Change of use from B1 light industrial to Sui Generis (car repairs) & erection of compound fence (part retrospective); Granary Works, Honing Road, Dilham, North Walsham, NR28 9PR for Mr Purkiss

The Committee considered item 4 of the Officers' reports.

Public Speakers

Mr P Noble (objecting)

Mr C Purkiss (supporting)

The Planning Officer presented the report and displayed plans and photographs of the site. He reported that, since publication of the agenda, Members had received two emails from neighbouring residents, and a letter of support had been received from a customer of the business. He recommended refusal of this application as set out in the report.

Members raised concerns that no communication had been received from the local Member.

Councillor Mrs A Fitch-Tillett stated that Members had been lobbied on this application.

Councillor R Reynolds considered that the previous B1 metal fabrication use would have been likely to create more disturbance than a car repair workshop. There were noise mitigation measures and the applicant had stated that the building was well insulated which helped to reduce noise.

The Environmental Protection Officer explained that the metal fabrication company had not utilised the full extent of its planning permission and the use was less than that of the current applicant.

The Development Manager stated that the B1 use had been approved under the previous Local Plan. This had a different policy context and may not have been acceptable under the current Local Plan. She explained that sui generis uses were not generally acceptable in a residential area. No information had been provided in respect of insulation to prove that it was sufficient to protect the amenities of local residents.

Councillor R Reynolds considered that the insulation properties of the building should be investigated before permission was issued. However, he considered that the applicant should be allowed to carry on his business and proposed approval of this application.

Councillor Mrs S Arnold stated that the business was previously located in North Walsham. She asked why the business had moved and how many people were

employed. She stated that the application was contrary to policy and proposed refusal of this application, which was seconded by Councillor Mrs A Fitch-Tillett.

Councillor N Lloyd understood there had been no major issues when the business was located in North Walsham. The report suggested that environmental issues could be controlled by condition and he therefore supported the application.

Councillor R Shepherd supported Councillor Lloyd's comments. A large number of Environmental Health conditions had been suggested, some of which were quite difficult.

Councillor Mrs A Fitch-Tillett considered that approval of this application would set a dangerous precedent for locating industrial works in a rural area without a proven need for it. Industrial land was available in North Walsham and Stalham.

Councillor Mrs A Claussen-Reynolds stated that she had asked at the previous meeting how long the previous business had been in operation and if there had been any complaints. Concerns had also been raised regarding the requirement to keep the doors and windows closed but the applicant had addressed this issue.

The Environmental Protection Officer stated that she understood complaints had been made directly to the business and it was possible that there would have been complaints to investigate if it had utilised its full permission. The conditions she had recommended were absolutely necessary to protect the amenities of the neighbours. At the request of the Head of Planning, she stated that a number of complaints had been received regarding the current business when the application was submitted, but noise levels had reduced since submission. There was nothing for Environmental Protection to investigate at the present time but the applicant had been advised that future issues could be investigated.

The Development Manager added that the threshold for statutory noise nuisance was significantly higher than the threshold for the protection of residential amenity.

Councillor Mrs A Green considered that noise from angle grinders could be unbearable and it was not fair on local residents. The area was agricultural in nature and she considered that the building should be used for agricultural purposes.

The Environmental Protection Officer explained that the area was very rural and the background noise level was especially low. It would not take much noise to impact on residential amenity and potentially amount to a statutory nuisance. The previous use had curtailed her ability to raise an objection to the proposal and the conditions she had proposed were absolutely necessary to protect residential amenity.

Councillor Ms M Prior stated that she had been swayed by the comments of the Environmental Protection Officer with regard to conditions which, if followed, would protect amenity.

The Development Manager explained that there was a principle objection to this application. No justification had been provided for the proposed use in a rural area and Officers considered that it was not appropriate in scale and nature. Approval of this application would depart from the usual interpretation of Policy SS2.

Councillor S Shaw seconded Councillor Reynolds's proposal to approve this application.

The Development Manager requested that conditions be delegated to the Head of Planning.

The proposal to approve this application, subject to conditions deemed necessary by the Head of Planning, was put to the vote, with 6 Members voting in favour and 6 against. The Chairman cast her vote against the proposal and it was declared lost.

The proposal to refuse this application in accordance with the recommendation of the Head of Planning was put to the vote, with 6 Members voting in favour and 6 against. The Chairman cast her vote in favour of the proposal and it was

RESOLVED

That this application be refused in accordance with the recommendation of the Head of Planning.

The Head of Planning explained that the enforcement process would be commenced and discussions would take place with regard to the compliance period. The applicant could appeal against the refusal of this application and the enforcement notice.

125. DILHAM - PF/18/1928 - Regularisation of first floor extension, two-storey extension, conversion & extension of outbuildings to two-storey annexe, & erection of enclosed covered way (Retrospective - amendments to previously approved application PF/05/1570); Northbrook Cottage, Chapel Road, Dilham, North Walsham, NR28 9PZ for Mr & Mrs Cole

The Committee considered item 5 of the Officers' reports.

The Major Projects Team Leader presented the report and displayed plans and photographs of the site and adjacent dwelling, including comparisons between the approved scheme and the scheme as built. He recommended approval of this application as set out in the report.

Councillor Mrs V Uprichard asked if comments had been received from Environmental Health. She referred to concerns raised by the local Member regarding sewage entering nearby waterways.

The Major Projects Team Leader stated that no comments had been received but the sewage issue was covered by other legislation and could be dealt with by Environmental Health if it was a statutory nuisance. The proposal did not increase the capacity of the dwelling as approved under the permission granted in 2005.

Councillor N Lloyd expressed disappointment that this was a retrospective application and the approved plans had not been followed. He referred to the requirement to replace the timber cladding on the side of the extension with fire retardant material and noted that a large amount of timber cladding had been used elsewhere, particularly on the covered walkway. He requested a condition to require the removal of the timber cladding.

The Major Projects Team Leader explained that the only part of the timber cladding which did not comply with Building Regulations was that attached to the side of the extension. The remaining cladding was in compliance with Building Regulations and was not a planning reason to refuse this application.

Councillor R Reynolds referred to comments by the Major Projects Team Leader that the extension had been built prior to the neighbour submitting a planning application for his own extension.

The Major Projects Team Leader explained that the extension as built had been shown on photographs taken on site by the case officer for the neighbour's planning application. The neighbour had full knowledge of this extension at the time of making his planning application.

Councillor Mrs S Arnold expressed concern over the condition of the site and the design of the porch. She asked if a letter could be sent to the applicant to request him to tidy the site.

The Head of Planning considered that the Council's Section 215 powers were limited in this case. He undertook to seek an end date and to attempt to persuade the applicant to tidy the site.

Councillor Mrs S Arnold expressed concern that the local Member had not attended or submitted a written statement.

It was proposed by Councillor Mrs S Arnold, seconded by Councillor R Reynolds and

RESOLVED unanimously

That this application be approved subject to the imposition of a condition requiring the submission of a drawing showing a privacy screen to the western side of the fire escape landing and for this to be installed prior to first use of the fire escape and landing, together with any other conditions deemed necessary by the Head of Planning.

126. HOLT - PF/18/0939 - Erection of replacement two and a half storey dwelling with integral double garage, including new entrance wall / gates and alterations to the access and driveway; Garden House, Peacock Lane, Holt, NR25 6HD for Mr & Mrs Johnson

The Committee considered item 6 of the Officers' reports.

Public Speaker

Mr Johnson (supporting)

The Development Manager stated that the Human Rights section of the report should refer to refusal of this application. She presented the report and displayed plans and photographs of the site. She recommended refusal of this application as set out in the report.

Councillor Ms M Prior stated that she lived in a neighbouring property but had had no communication whatsoever with the owners regarding the planning application or any other member of the public in Holt. She had some experience of the property having lived nearby for more than five years. Other than that, she had no relationship with the owners whatsoever and was in possession of the same paperwork as the rest of the Committee. She confirmed that she would be voting on this application.

Councillor D Baker, a local Member, stated that the property was tucked away in 2.3 acres of private land. The materials proposed were similar to those of a new

development by Norfolk Homes near to the site. He stated that the proposed dwelling reminded him of a Graham Allen Award winning property at Saxthorpe which was tucked away down a long driveway. He considered that the recommendation for refusal on grounds of overall design, scale and massing was inconsistent with other proposals which had been permitted in the locality. In particular, he considered that it was unfair to refuse when an estate of 83 homes was about to be built at the end of Peacock Lane, in which some of the designs were consistent with that of the proposed dwelling. He referred to the amount of tree planting which had been carried out by the applicants. The Town Council supported the application and their only concerns related to the boundary and bridleway which the Officer's report stated were not relevant to the planning application.

Councillor Ms M Prior, a local Member, did not support Councillor Baker's views. She expressed concerns regarding the size of the development and the proposed materials and did not agree that it was as tucked away as had been portrayed. She stated that many trees had been removed from the garden. She referred to additional information which had been supplied by the applicants relating to other developments in Holt to support approval of their application and stated that each application had to be considered on its own merits. She considered there was no need to enlarge the dwelling. She expressed concern that reference had been made to H01 which was a large estate and bore no comparison to an individual dwelling, whatever its acreage. She stated that the Officer's report was very detailed and stated very clearly her reasoning for the recommendation, which she supported. She also referred to the condition of the road at the exit, which was very poor.

Councillor Mrs A Fitch-Tillett requested that Members focus on the application and stated that applications which had been approved in the past were not relevant to the current application. She considered that the recommendation for refusal was correct. There were concerns regarding the size of the building, its siting and lighting effects on the Glaven Valley Conservation Area. She proposed refusal of this application in accordance with the recommendation of the Head of Planning, which was seconded by Councillor Ms M Prior.

Councillor Ms K Ward stated that the applicant had referred to Lion House. She declared a non-pecuniary interest as she had lived at the property for four years but had moved three years ago.

In response to a question by Councillor R Shepherd, the Development Manager confirmed that the land sloped gently upwards from Greenbanks. Peacock Lane also rose slightly towards the application site.

Councillor R Shepherd considered that there was no similarity with the Graham Allen Award dwelling as it was located in a lime pit. He supported the Officer's recommendation.

In response to a question by Councillor R Reynolds, the Development Manager confirmed that the public right of way was a footpath and not a bridleway. The separation from the boundary in the applicants' ownership and the proposed dwelling was two metres. The proposed dwelling would have no impact on the footpath.

RESOLVED by 11 votes to 1

That this application be refused in accordance with the recommendation of the Head of Planning.

127. APPLICATIONS RECOMMENDED FOR A SITE INSPECTION

None

128. NEW APPEALS

The Committee noted item 7 of the Officers' reports.

129. INQUIRIES AND HEARINGS - PROGRESS

The Committee noted item 8 of the Officers' reports.

The Development Manager reported that the appeal in respect of Alby with Thwaite ENF/17/0201 had been withdrawn.

130. WRITTEN REPRESENTATIONS APPEALS - IN HAND

The Committee noted item 9 of the Officers' reports.

The Development Manager reported that the Enforcement Notices in respect of Melton Constable ENF/16/0086, ENF/16/0087 and ENF/16/0088 had been upheld.

131. APPEAL DECISIONS – RESULTS AND SUMMARIES

The Committee noted item 10 of the Officers' reports.

132. COURT CASES – PROGRESS AND RESULTS

The Committee noted item 11 of the Officers' reports.

The meeting closed at 12.03 pm.

CHAIRMAN
31 January 2019