

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 21 March 2024 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 G Mancini-Boyle
Cllr P Neatherway	Cllr J Toye
Cllr K Toye	Cllr A Varley

Substitute Members Present:

Cllr L Paterson

Officers in Attendance:

Assistant Director - Planning (ADP)
Development Manager (DM)
Principal Lawyer (PL)
Development Management Team Leader (DMTL)
Senior Planning Officer (SPO-RA)
Senior Planning Officer - Arboriculture (SPO-A)
Democratic Services & Governance Officer – Regulatory

141 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr L Vickers and Cllr V Holliday.

142 SUBSTITUTES

Cllr L Paterson was present as a substitute for Cllr L Vickers.

143 ITEMS OF URGENT BUSINESS

None.

144 DECLARATIONS OF INTEREST

- a. Cllr J Toye declared a non-pecuniary interest for Planning Application PF/22/2650, he confirmed he would make a representation as the Local Ward Member, but as he considered himself pre-determined, he would not participate in any further discussion and would abstain from voting.
- b. Cllr A Fitch-Tillett stated she had a non-pecuniary interest for Planning Application PF/22/2650. She was a Board Member for the Association of Drainage Authorities and the site fell within the scope of the Norfolk Rivers Internal Drainage Board.
- c. The Chairman noted that Members had been receipt of lobbying letters for planning application PF/23/0113.

145 ERPINGHAM - PF/22/2650 - INSTALLATION OF 30M SLIM-LINE LATTICE

TOWER SUPPORTING 3NO ANTENNAS AND 2NO 0.6 METRE DIAMETER TRANSMISSION DISHES, 3NO EQUIPMENT CABINETS, 1NO METER CABINET AND ANCILLARY DEVELOPMENT THERETO LOCATED WITHIN A COMPOUND AT LAND NORTH OF MANOR FARM, THE STREET, ERPINGHAM, NORWICH, NR11 7QD FOR CORNERSTONE

Officers Report

The SPO-RA introduced the Officer's report and recommendation for refusal.

He outlined the site's location and local context, noting that the site was situated within the Mannington and Wolterton Conservation Area, around 80m south of the designated Thwaite Common, and directly opposite to the site was the Grade II listed building, Erpingham House (approximately 150m to the South).

The SPO-RA advised the site had been subject to a felling license granted by the Forestry Commission. The felling license had been partly enacted as of 15th February 2024, which had removed many of the trees to the west of the site. He confirmed that the license was for the clear cutting and total removal of the trees, which was contrary to the Applicants submission that the proposed Mast would be predominately screened by trees and therefore would not be significantly visible locally. Discussions had been held with the Agent prior to the enactment of the felling license for the trees to be protected via legal agreement, however this was no longer possible now the license had been enacted. The SPO-RA recognised there was a commitment to replant trees within the site to serve as replacement screening, but within the context of this application, such planting would take too long to mature to the required height to offer visual mitigative screening of the Mast, therefore this was not given significant weight by Officers.

Whilst not strictly required under the NPPF, Applicants for telecoms masts were encouraged to provide a range of alternate sites for consideration. The Case Officer advised that the Applicant had provided details for 8 sites for potential siting, however the Local Planning Authority (LPA), having attended the sites, determined that the majority were too close to housing and would have a greater impact on the amenity of the area and therefore were considered unsuitable. The Applicant disagreed with the suggestion to place the Mast on the Parish Church, St. Mary's, and considered the equipment required rendered the site location unviable via virtue of its size.

The SPO-RA provided photos of the site dated 2022 and 2024 (before and after the partial enactment of the felling license). He highlighted which other trees were scheduled to be removed.

Public Speakers

William Cutts – Alby with Thwaite Parish Council
Stephen Green – Erpingham Parish Council
Suzanne Bennett Keki – Objecting
Josh Fiteni (Clarke Telecom) – Supporting

Local Member

The Local Member – Cllr J Toye – thanked all those who had contributed to the conversation, and to Officers for their report and presentation. He recognised the clear need to improve rural connectivity, whether it be for personal, business or

safety reasons, but considered central to consideration of the application was whether this was the right location of this type of development in planning terms.

He affirmed the Council's commitment to promoting and improving broadband and mobile connectivity, something he had pushed for in the creation of the NNDC Digital Champion. Further, as a member of the National Rural Special Interest Group, he demonstrated his commitment to seek the best for rural communities.

The Local Member stated, in determining the application, the Committee were obliged to consider the balance between the protection of the special areas against the need for modern communications.

Cllr J Toye challenged the suitability of the proposed site. He reflected that although the Church had been discounted by the Applicant, the diocese had stated that they were already supporting the siting of 5G Masts elsewhere and were happy to make adjustments as required. The Local Member recognised that the Mast was proposed for siting within a valley, and not on a hill. He noted that the average property height in the UK was 7-8m, making the proposed structure 4 houses high / 12 floors tall.

Speaking to the quality of the application, Cllr J Toye stated that the Applicant failed to comment or acknowledge the Grade II Erpingham House in their application and had demonstrated a lack of attention to detail by providing information for a site in Lincolnshire within their submission. The Local Member considered the coverage spots outlined theoretical and done as a Mathematical calculation rather than being rooted in testing. Further, he noted in the Applicant's own document, 'Radio Panning and Propagation' the Applicant acknowledged how topography affected performance.

With respect of Trees, Cllr J Toye confirmed that the trees the Applicant claimed would offer visual screening had been or were to be felled. The use of TPO's would not have been effective in this instance as many of the trees were removed due to rot. Replacement planting was expected to take 20 years before it could offer protective screening to the proposed 30m Mast. The Local Member stated that he had received communication from a relative of the landowner expressing a preference, should the application be approved, that it be conditioned that the Applicant be responsible for the maintenance of the trees and landscaping rather than the Landowner.

Cllr J Toye was critical that the proposed Mast would not deliver 5G and confirmed that the supporting documentation stated the Mast was for the delivery of 2G, 3G and 4G technology. To receive 5G coverage would involve the erection of many more Masts in the Countryside. Additionally, the Mast proposed would not provide coverage to all networks (with the exception of emergency calls) leaving EE and other customers with no network improvement.

The Local Member stated, should the Committee be minded to approve the Application, to consider if this risked setting a precedent for the proliferation of Masts in the countryside.

Cllr J Toye expressed his support for the Officer's recommendation and urged Telecoms companies to better engage with local communities.

Members Debate

- a. The Chairman invited the SPO-A to comment on relevance of the felling

license in the context of the application.

- b. The SPO-A stated the felling license pertained to the removal of the Poplar and Cricket Bat Willow Trees. These trees had been planted as a crop and were not intended for long term tree cover. Further, upon felling it had become apparent that there were pockets of rot affecting some of the trees. She acknowledged the importance of Thwaite Common and the Conservation Area with respect to the application.
- c. The SPO-RA presented images provided by the Applicant in response to the felling of the trees. The Applicant contented that the Mast would not be visually intrusive from the 12 provided vantage points. The photos were taken during winter months when tree cover was limited.
- d. Cllr G Mancini-Boyle asked if an alternate site was proposed for the siting of the Mast how this may affect coverage? He expressed his concern that the application may result in construction work affecting the designated Thwaite Common.
- e. Cllr L Paterson sought confirmation that expansion of the site would require the approval of additional planning permission, noting this had been raised as a concern by objectors. Cllr L Paterson recognised the public benefits improved telecommunication would offer, stating that rural workers were often left vulnerable due to lack of connectivity. He argued that a right to a view was not a planning consideration and argued that the Applicant will have selected the most suitable site for commercial reasons and would have discounted sites that would not offer a suitable level of coverage. Cllr L Paterson felt Masts were a necessary part of modern infrastructure and were something people would need to get used to.
- f. The DM advised he didn't have the relevant data for coverage at alternate sites and noted that topography would undoubtedly have an impact on mobile coverage. He recognised that the Applicant had considered various sites when submitting their application and acknowledged that a Mast of 25m could be located on the site under Permitted Development. The DM confirmed it was for the Committee in its determination to weigh the recognised public benefit (Improved Mobile Coverage) against the harm arising from the application to the landscape and heritage assets. In response to Cllr L Paterson, he confirmed that a right to a view was not protected in law and permitted development rights would need to be removed (in granting the application) to prevent further expansion of the site.
- g. Cllr L Paterson asked if permitted development rights could be removed, subject to approval of the application.
- h. The DM advised that it was rare that permitted development rights were removed for Masts and commented that the Applicant may seek to challenge the imposition of such a condition. The DM cautioned the removal of permitted development rights.
- i. Cllr M Hankins noted the BT connectivity 10-year programme, and the planned removal of the copper line systems. He asked how the application aligned with the planned digital switch over for 2025? He considered that digital switch over relied on good connectivity and would result in Masts being erected all over the country to meet demand. Cllr M Hankins

recognised that 'church to church' connectivity had been used elsewhere and asked if that had been examined.

- j. The DM stated he was not an expert with respect of digital switch over technology, though understood that the switch over would result in the secession from copper line signal to Broadband signal. Following the switch over, should a user have poor broadband connectivity, this may affect the quality of the user's phone lines. The DM advised that the digital switch over was a different system and related broadband connectivity and not mobile phone signal.
- k. The SPO-RA confirmed the Applicant had explored installing a Mast on the local Church but deemed the equipment needed was too large, rendering the scheme unviable.
- l. The Chairman reminded the Committee to consider the suitability of the application being debated on planning grounds, and not the broader digital roll out.
- m. Cllr P Neatherway supported the comments made by Cllr L Paterson with respect of the Mast addressing Health and Safety issues for rural workers. He thanked the Case Officer and the Local Member, Cllr J Toye for their clear and informative comments. Cllr P Neatherway supported, on balance, the Officer's recommendation and gave weight to the Mast only servicing certain users based on provider, which would inevitably lead to rival providers also needing to erect additional Masts in the area. Further, he was concerned the precedent this application may set. Cllr P Neatherway proposed acceptance of the Officer's recommendation for referral.
- n. Cllr P Fisher recognised the need for mobile connectivity but commented that this was undoubtably the wrong development in the wrong place. Cllr P Fisher seconded the motion for refusal.
- o. Cllr A Brown thanked the Local Member for is succinct and well thought out summary. He reflected that there were 84 Conservation Areas across the District, given the need for increased mobile connectivity, it was likely to see more of this type of application in future. Cllr A Brown considered the applicant had failed to actively meet and engage with local residents regarding their application and had not fulfilled a duty to cooperate and to work alongside other telecoms companies with a view to share Infrastructure on alternate sites. He further commented that the impact of the development on the Grade II listed Erpingham House had not been given sufficient detail. Cllr A Brown noted the divide in community opinion for this finely balanced application but agreed that this was not the right development in the appropriate location.
- p. The ADP advised that there was undoubtably public benefit to the proposal, and it was for the Committee to determine how much weight this public benefit should be afforded against harm arising from the proposal, specifically the detrimental visual impact. The ADP recognised that the site was in a sensitive location and in close proximity to listed buildings. He surmised that, In his opinion, the planning balance changed as a consequence of the felling license and commented that this application may have been considered more favourably had those trees remained.

- q. Cllr M Batey spoke in favour of refusal, the agreed that whilst there was a need for improved connectivity, this was not an appropriate location.
- r. Cllr A Fitch-Tillet reflected that historically telecom Masts had been disguised as fir trees and asked if that practice still remained and whether this could be applied to this proposal. She reflected on her personal circumstances that whilst she was located in reasonably close proximity to two Masts, her home did not receive mobile coverage and she was reliant on using broadband for her mobile phone.
- s. The ADP advised although not relevant to the application currently proposed (as it was not a feature of the scheme), around 20 years ago it was more common that designs be used to disguise telecoms Masts to integrate them to their surroundings. He remarked this was to some success, though often looked out of place, and thereafter the common practice was to make use of existing higher structures to add the equipment on to, mitigating the effect of the schemes.

RESOLVED by 10 votes for, 1 against and 2 abstentions.

That Planning Application PF/22/2650 be REFUSED in accordance with the Officer's recommendation.

146 HOVETON - PF/24/0113 - SINGLE STOREY REAR EXTENSION TO DWELLING; REPLACEMENT ROOF WITH HIGHER RIDGE LEVEL AND REAR DORMER TO PROVIDE FIRST FLOOR ACCOMMODATION; PORCH EXTENSION TO FRONT; EXTERNAL ALTERATIONS AT 83 GRANGE CLOSE, HOVETON, NORWICH FOR MR MARK HOARE

Officer's Report

The DMTL introduced the Officers report in the absence of the Case Officer. He outlined the site's location and relationship with neighbouring properties (predominately single storey dwellings), existing and proposed floor plans and elevations, and photos in and around the site.

The DMTL confirmed the key issues for consideration related to matters of design, visual impact, and residential amenity. With respect of design, whilst the proposed front porch was large it was not considered by Officers to have a detrimental impact on the street scene in the context of a housing estate, nor did Officers consider the roof would have a detrimental impact the visual appearance of the dwelling within the street scene subject to conditions. Overall, the scheme was considered to comply with the design requirements of policy EN4.

With respect of matters of amenity, the DMTL advised that Officers did not consider that the extension raised significant concerns given the driveway and separation neighbouring dwellings either side with no side facing windows. The raising of the roof did not raise concerns in respect of the loss of light on the property southeast, affecting only a secondary high-level window of a room that benefits from a large main front window, and a garage window to the property to the Northwest. Officers did not consider the proposed box dormer raised privacy concerns to properties directly to the rear, given the high degree of separation distance which well exceeded the recommended amenity criteria in the North Norfolk Design Guide. Further, it was noted that on many other properties a rear box dormer could be

achieved under permitted development, affording less weight to the matter of overlooking. In addition, the Council had recently been in receipt of an upheld appeals decision in Sculthorpe relating to the conversion of a roof space and the introduction of a first-floor balcony on a rear gable window with Juliet Balcony on a balcony in a neighbourhood setting with other bungalows. In that instance, the Inspector concluded that:

“It is not unusual to have bedroom windows at the first-floor level looking across the rear garden and having something of a view across neighbouring gardens. I do not see any material difference between private rear amenity areas at the back of two-story houses and such areas at the back of bungalows. In the former case there are windows with views across the rear of the houses normally from bedrooms as in this case. I appreciate that the occupiers of adjacent bungalows will have concerns about the perception of being overlooked but I cannot see that this justifies the refusal of permission.”

The DMTL argued for consistency and commented that the same principles (outlined above) applied generally to this application. It was further recommended that a condition could be imposed to prevent the use of the proposed flat roof extension for the purposes of a balcony or roof terrace.

On balance, the proposed development was considered to be policy compliant, with the alterations and extensions considered acceptable by Officers subject to appropriate conditions.

Public Speakers

None

Local Member

- a. The DMTL relayed a written statement prepared by Cllr N Dixon who was unable to attend the meeting. Cllr N Dixon considered there to be two key issues. First, when permitted development rights and the general permitted development order were drafted, it was never intended that they be automatically applied in all situations. He argued for the principle that each planning application be judged on its own merits and considered that the first-floor extension must be balanced against the level of harm caused to neighbours against the benefit to be enjoyed by the applicant. Second, when a mature area of housing has a long-established character defining its sense of place and life quality, is it reasonable and proportionate for one resident to make a major first floor alteration which would significantly and negatively alter the amenity and enjoyment of neighbours. Moreover, is it reasonable and proportionate to set a likely precedent which may give rise to additional harm to 15 other residents in future. Finally, when that alteration reduces the range of diversity of housing stock by removing amenities which other residents highly valued when they decide to buy, is that an acceptable basis for a reasonable planning decision. The Local Member requested the Committee refuse the application, particularly the first-floor element of the scheme.
- b. Fellow Local Member, Cllr G Mancini-Boyle, refrained from commenting on the proposal till he had heard from the Committee.

Committee Debate

- a. Cllr A Varley referenced the representation from Cllr N Dixon and enquired how permitted development rights applied to the application.
- b. The ADP advised permitted development rights were set out at length in statute, with houses offered an extensive degree of permitted development rights. The Local Planning Authority had two mechanisms to withdraw permitted development rights, and would need an active decision to do either, which it hadn't in this instance. He outlined how permitted development rights could be removed using each method.
- c. Cllr A Varley thanked the ADP for his explanation, he considered the main consideration at issue was design, which was subjective, and it was for the Committee to be objective. He considered the proposal to be policy compliant.
- d. Cllr P Fisher thanked Officers for their explanations. He was supportive of the conditions for obscure glazing and restriction for use of the flat roof being used as a balcony. Cllr P Fisher proposed acceptance of the Officers recommendation.
- e. Cllr A Varley seconded the motion.
- f. Cllr J Toye sought confirmation, if the application fell within permitted development, it would require prior approval, and asked what aspect of scheme fell outside permitted development.
- g. The DMTL advised the raising of the roof was at issue and required permission, as did the large porch.
- h. Cllr A Brown accepted the application may be daunting to neighbours and expressed it may have been helpful to have information on the increased size of the property in metres. He stated he was supportive of the Officer's recommendation subject to conditions outlined and the removal of permitted development rights moving forward.
- i. The ADP advised it would be difficult to remove every permitted development right carte blanche. Though it could be explored removal of permitted development rights for further extensions.
- j. The DM advised a further late representation was provided to NNDC and circulated to Members. The author raised concern that the potential overlooking may give rise to loss of financial value to neighbouring properties. The DM advised financial loss was not a material planning consideration which Members could consider in their decision making.
- k. Cllr G Mancini-Boyle expressed his support for the Officer's recommendation and considered the application would modernise the property and contrary to the late submission may actually increase property value, though accepted Cllr N Dixon's comments with respect to policy EN4, that buildings should be sympathetic in scale and mass to neighbouring structures. He relayed his disappointment that no submission had been made by the Parish Council on this application.
- l. Cllr L Paterson asked how the application sat with Nutrient Neutrality.

- m. The DM advised that the application was not for additional overnight accommodation and therefore did not need to comply with this aspect of the Habitat regulations.
- n. Cllr R Macdonald asked Officers to clarify the distance between the proposal and neighbouring properties.
- o. The DMTL confirmed the extension was 26m to the rear boundary, which was policy compliant.

RESOLVED by 13 votes for.

That Planning Application PF/24/0113 be APPROVED in accordance with the Officer's recommendation.

147 EXCLUSION OF PRESS AND PUBLIC

The meeting ended at 10.48 am.

Chairman