

22 MARCH 2018

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 A Fitch-Tillett (Chairman)
Mrs V Uprichard (Vice-Chairman)

Mrs S Arnold	N Pearce
Mrs A Green	Mrs M Prior
Mrs P Grove-Jones	R Reynolds
B Hannah	S Shaw
N Lloyd	R Shepherd

Mrs A Claussen-Reynolds – substitute for B Smith

E Seward – North Walsham (North) Ward
Ms K Ward – Glaven Valley Ward

Officers

Mrs S Ashurst – Development Manager
Mr G Lyon – Major Projects Manager
Mr N Doran - Solicitor
Mr G Linder – Major Projects Team Leader
Mr R Parkinson – Major Projects Team Leader
Mrs K Baker – Senior Environmental Protection Officer
Ms J Rasmussen – Planning Officer (Major Projects)
Miss L Yarham – Democratic Services and Governance Officer

138. APOLOGIES FOR ABSENCE AND DETAILS OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor B Smith. One substitute Member attended the meeting as shown above.

139. MINUTES

The Minutes of a meeting of the Committee held on 22 February 2018 were approved as a correct record and signed by the Chairman.

140. ITEMS OF URGENT BUSINESS

None.

141. DECLARATIONS OF INTEREST

Minute	Councillor:	Interest
142	S Shaw	Knows James Paterson (objector) and had received email correspondence
145	Mrs S Arnold	Knows Mr and Mrs McCabe (applicants)

All Members declared that they had received correspondence in respect of Wiveton PF/17/2106.

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.

142. WORSTEAD - PF/17/1510 - Alterations and conversion of former wood yard barns to wedding venue with associated car parking and landscaping; The Wood Yard, Worstead Park for Mr Paterson

The Committee considered item 1 of the Officers' reports.

Public Speakers

James Paterson (Dilham Parish Council)
James Paterson (objecting)
Tom Webster (objecting)
Charlotte Gurney (objecting)
Gavin Paterson (supporting)

The Planning Officer reported that a total of 35 representations had been received, of which 7 were in favour, 3 neutral and 25 against. She referred to a comparison which had been made between the proposed use and shooting parties, and stated that shooting took place on weekdays and not weekends.

The Planning Officer presented plans and photographs of the site and surrounding area, and outlined the main issues relating to historical context, noise and impact on the local community. She recommended approval as set out in the report.

At the request of Councillor B Hannah, the Planning Officer explained the routing arrangements proposed by the applicant.

Councillor Mrs S Arnold considered that there was no reason why guests could not leave in both directions which would reduce the number of cars travelling in one direction. She also asked if the north drive could be used. She requested that a condition be added to prevent the use of Chinese lanterns.

The Chairman considered that helium balloons should also be disallowed. She asked if the Highway Authority had commented on traffic leaving in both directions.

The Planning Officer explained that the application had always proposed a one-way route.

The Major Projects Team Leader explained that it was not possible to avoid travelling past dwellings and the exit strategy allowed people to disperse in the best direction. Alternative directions would cause greater issues. The north drive was not part of this application.

Councillor Mrs V Uprichard considered that moving the car park behind the walled garden to reduce noise, as had been suggested by the objectors, would be sensible. She was not convinced that the proposals to reduce noise from the venue would be practical as noise would escape as people went in and out of the building and residents would want to open their windows in the summer months.

The Senior Environmental Protection Officer referred to the control measures she had recommended. She explained that any complaints would be investigated and action could be taken if the complaints were justified.

The Major Projects Manager stated that noise from the site could not be stopped but conditions would help to minimise it. It was accepted that there would be an impact but it was a judgement for the Committee as to whether that impact would be acceptable.

Councillor Mrs V Uprichard noted that a proposed condition required live music to finish by 2300 hours but this did not include discos.

The Senior Environmental Protection Officer explained that music from a disco would go through a noise limiter.

Councillor N Lloyd asked if it was likely that the licensing conditions would set a later finishing time than the planning conditions.

The Development Manager explained that the applicant would be required to comply with both licensing and planning conditions, and would therefore have to comply with the more restrictive condition.

The Major Projects Manager explained that repositioning the car park behind the walled garden was not part of the application and could not be taken into consideration.

Councillor Mrs P Grove-Jones considered that it was unlikely that doors and windows would be kept closed in the summer months. She stated that the roads around Worstead were narrow and people would find the shortest route to the main road, particularly during the autumn and winter.

The Senior Environmental Protection Officer explained that keeping windows and doors closed was a standard condition and forced ventilation would be required. If they did not do so it would breach the planning condition. It was usual to suggest a lobby to minimise noise but she understood that it was not practical in this case.

Councillor S Shaw considered that the site would make a very good wedding venue, but he was concerned about the impact on local residents. He therefore proposed refusal of this application.

Councillor Ms M Prior stated that she supported the rescuing of old buildings if they were of value or provided employment, but there were no conditions on these matters. There was a question of balance. She was very concerned at the disturbance from traffic and from the venue if doors were opened. She stated that local residents had a

right to open their doors and enjoy their gardens. She considered that “no fireworks” was too vague and requested that watertight condition in the event of approval. However, she seconded the proposal to refuse this application.

The Major Projects Team Leader clarified the policy requirements. With regard to noise, EN4 required that proposals should not have a significantly detrimental effect on residential amenity. The noise assessment and mitigation proposals were intended to allow an acceptable level of amenity for local residents. With regard to highways, the NPPF stated that applications should only be refused on highway grounds if the impact was severe. The proposal would at most result in 50 cars travelling in one direction and the Highway Authority had not objected. He referred to the criteria relating to the suitability of the building for use under Policy EC2 set out in the report.

Councillor R Reynolds considered that that 110 guests was a relatively small number and the nearest receptors outside the applicant’s control were 400 metres away. The roads were very narrow but there were passing places. He supported the Officer’s recommendation.

In answer to a question by Councillor B Hannah regarding the guest accommodation, the Solicitor explained that the use of the guest lodge was a separate matter. If the use changed it would require planning permission, otherwise it could continue in its present use.

Councillor Mrs A Claussen-Reynolds asked if there had been any complaints relating to other wedding venues.

The Senior Environmental Protection Officer stated that there had been complaints but it depended on how well they were managed. If complaints were received they were investigated and notice served if necessary.

Councillor R Shepherd considered that all reasonable precautions had been taken with regard to noise. The surrounding area was well wooded and he considered that moving the car park would make little difference. He considered that there would be some dilution of traffic as people could travel towards the A149 or Norwich. Any noise issues could be reported to Environmental Health.

Councillor N Pearce considered that all amplified music should finish at 11 pm. He stated that DJs could override noise limiters.

Councillor Mrs A Green referred to the lack of objection from consultees.

Councillor R Reynolds considered that the conditions were adequate. The site was in an area of old woodland which would remain.

With the assistance of the Major Projects Manager, Councillors Shaw and Prior clarified the reasons for refusal of this application.

It was proposed by Councillor S Shaw, seconded by Councillor Ms M Prior

That this application be refused on grounds that the applicant has failed to demonstrate that the proposal would not result in unacceptable impacts on the amenities of neighbouring residents.

On being put to the vote, the proposal was declared lost with 3 Members voting in favour and 9 against.

It was proposed by Councillor R Reynolds, seconded by Councillor B Hannah and

RESOLVED by 9 votes to 3

That this application be approved in accordance with the recommendation of the Head of Planning, subject to an additional condition to those listed in the report to prevent the use of Chinese lanterns.

143. FAKENHAM - PF/17/2015 - Extension to annexe (retrospective); 6 Whitelands for Ms Steel

The Committee considered item 2 of the Officers' reports.

Public Speaker

Ian Cawthorne (objecting)

The Major Projects Team Leader displayed plans and photographs of the extension as built. He explained that the window which had been built over had been blocked for some time. Building over the window was a Party Wall Act issue, which was a civil matter and not for consideration under the planning application.

The Major Projects Team Leader reported that Fakenham Town Council was reconsidering its position with regard to this application. He recommended approval of this application.

Councillor R Reynolds, a local Member, stated that this was a retrospective application which extended a previously approved conversion of the garage. None of the work had been inspected by Building Control and was therefore possibly illegal. The work had impacted on the objector's guttering and garage footings, without any contact with him or reference to the Party Wall Act. He had advised the objector to take civil action on this matter. With regard to the planning issues, he considered that the proposal was contrary to Policy EN4 in that it did not have regard to the Design Guide as the work was retrospective, it impacted on the neighbour as the light to the garage had been completely blocked and impacted on the drainage due to interference with the guttering. The objector had been denied the ability to maintain his window and uncover it if he wished to do so. He proposed refusal of this application on grounds that it was contrary to Policy EN4 and also interfered with the objector's Human Rights in relation to Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Councillor Mrs A Claussen-Reynolds, a local Member, stated that the original application had caused the objector no concerns, but the retrospective application had caused angst for the objector and his family. There had been no discussion with the objector and no consideration given to drainage. She expressed concern that approval could create a precedent for people building onto other people's property and could prevent the objector selling his property in the future. She referred to paragraph 3.6.1 of the Design Guide which required that proposals should not relate awkwardly to existing windows or openings. She seconded the proposal to refuse this application.

A number of Members spoke briefly against this application.

The Development Manager reminded the Committee that retrospective applications had to be considered as if the development had not occurred. Building over the window and attaching to the garage were civil matters and could not be taken into account. Drainage and compliance with building regulations were building control matters and also could not be taken into account. With regard to the Design Guide and Policy EN4, this was a small scale single storey extension. The window to the garage had overlooked the applicant's garden, which was an issue of detriment prior to construction of the extension. The window served a garage and not a habitable room and a replacement window could be inserted in the opposite site of the objector's garage under permitted development. She reminded the Committee of the risks of an appeal if the application were refused.

Councillor R Reynolds stood by his reasons for refusal of this application.

RESOLVED by 10 votes to 1 with 1 abstention

That this application be refused on grounds that the proposal is contrary to Policy EN4 and Article 1 of the First Protocol of the Human Rights Act.

144. NORTH WALSHAM - PF/18/0092 - Erection of single storey front extension; 15 Debenne Road for Mr McGregor

The Committee considered item 3 of the Officers' reports.

Public Speaker

Jane Walker (objecting)

The Major Projects Team Leader explained that the rear extension was permitted development. This application related to the front extension only. He recommended approval as set out in the report.

Councillor N Lloyd requested clarification as to the amount of development which was permitted. The rear extension enclosed the neighbour's rear amenity area. With regard to the front extension, although other properties had front extensions, none had windows which overlooked their neighbours. He requested a site inspection as this was an unusual situation.

The Major Projects Team Leader explained that the Government had relaxed the rules for permitted development and it was now possible to erect a 3 metre deep extension at the rear of the property without planning permission. The case officer had suggested inserting a window in the front of the proposed front extension instead of the side, but the agent had requested that the application be determined as submitted. The Committee could delegate authority to negotiate with regard to the window. It was also possible to mechanically ventilate the shower room without the need for a window.

Councillor E Seward stated that the dwellings were close to each other. He considered that a site visit would be useful to see the site in context.

Councillor Mrs S Arnold considered that a site visit was not necessary but she was concerned about the window. She suggested that the window could be at high level or on the front elevation. She proposed delegated approval subject to negotiations with regard to the window.

Councillor Mrs A Green suggested that a rooflight could be inserted as an alternative.

The Major Projects Team Leader confirmed that if negotiations were unsuccessful, the application would be reported back to the Committee.

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

RESOLVED unanimously

That the Head of Planning be authorised to approve this application subject to successful negotiations with regard to an acceptable position for the window, and subject to the imposition of appropriate conditions.

145. **SOUTHREPPS - PF/16/0805** - Subdivision of garden at Ham House and conversion of The Long Room to create a new dwelling, erection of new wall to facilitate subdivision and creation of new pedestrian and vehicular access (part retrospective); Ham House, 1 High Street for Mr McCabe
SOUTHREPPS - PF/17/1058 - Subdivision of garden at Ham House and continued use of The Long Room as a separate dwelling, erection of new wall to facilitate subdivision and creation of new pedestrian and vehicular access (part retrospective); Ham House, 1 High Street for Mr McCabe
SOUTHREPPS - LA/17/1059 - Subdivision of garden at Ham House and continued use of The Long Room as a separate dwelling, retention of new wall to facilitate subdivision and retention of new pedestrian access and creation of new vehicular access; Ham House, 1 High Street for Mr McCabe

The Committee considered item 4 of the Officers' reports.

Public Speakers

Paul Briggs (Southrepps Parish Council)
Graham McCabe (supporting)

The Development Manager reported that an amended plan had been received following preparation of the report. She displayed plans and photographs of the site. She reminded Members of their duty with regard to heritage assets. She presented the revised plan and explained that the main differences between it and the plans which the report had been on were that a map had been included to demonstrate the historic curtilage of the Long Room and the sycamore tree was shown to be felled. She explained that the curtilage had been assessed at the time that Ham House had been listed, and the applications should be considered on that basis. She considered that the removal of the sycamore was not justified. She recommended refusal of all three applications.

Councillor Mrs S Arnold, the local Member, explained that when the applicant bought Ham House, it was a dilapidated pub and the Long Room was derelict. The properties had not originally been in the same ownership but had been so at the time of listing. The applicant had done a magnificent job in restoring Ham House. With regard to the proposals, she considered that it would be preferable to park on site as the current arrangement for parking on the village hall car park could be withdrawn. She considered that the gates already installed to serve The Hamlet were excellent. There was permission for pedestrian access already and she considered that widening the access to allow on-site parking would be an improvement. She considered that the sycamore tree was a nuisance and affected the enjoyment of the garden.

Councillor Arnold stated that the Long Room was a former ale house and was used by the community. Access to the Long Room had been from The Loke and not Ham House. She considered that there were community benefits from the proposals in that the site had previously been used by youths for drinking and drug taking, off road parking would be beneficial, and removal of the sycamore would improve the setting of the copper beech tree at the entrance and improve amenity. She proposed approval of all three applications.

Councillor R Reynolds considered that the subdivision of the site would be an enhancement and ensure the continuing upkeep of the buildings. He considered that the removal of the sycamore was sensible. He seconded the proposal.

Councillor R Shepherd considered that the proposal was compliant with Policy EN8 as it would protect and enhance the environment, and that Section 12 of the NPPF had been fulfilled.

Councillor B Hannah supported the Officer's recommendation.

PF/16/0805

RESOLVED by 10 votes to 2

That this application be approved subject to the imposition of appropriate conditions on grounds that the public benefit outweighs the harm for the following reasons:

- 1. The creation of three houses will add to the housing stock of Southrepps.**
- 2. The proposal will address anti-social behaviour.**
- 3. Off road parking will be provided.**
- 4. The removal of the sycamore tree will enhance the setting of the copper beech tree.**

PF/17/1058

RESOLVED by 11 votes to 1

That this application be approved subject to the imposition of appropriate conditions on the grounds that the public benefit outweighs the harm for the reasons listed above.

LA/17/1059

RESOLVED by 10 votes to 2

That this application be approved subject to the imposition of appropriate conditions on the grounds that the public benefit outweighs the harm for the reasons listed above.

146. WIVETON - PF/17/2106 - Change of use of land to the rear for use as a reclamation yard (Sui Generis), erection of new storage and welfare building in association with the reclamation yard, retention of containers used for storage, re-siting of existing caravan on a temporary basis during construction of new storage and welfare building, formation of new car park area and associated access routes and other associated works and levelling of mound; The Acreage, Coast Road for Mr Bayle

The Committee considered item 5 of the Officers' reports.

The Development Manager reported that an email had been received from an objector raising additional questions as to if planning permission could be given if enforcement action had not been concluded, and if the applicant had the necessary licences to transport/store building waste and materials. She explained that it was permissible to give planning permission and that the issue as to whether or not the licences were held was not a planning matter but fell under Environmental Health or Environment Agency legislation.

The Development Manager displayed plans and photographs of the site and surroundings, including a view of the site from the tower of Blakeney Church. She recommended approval of this application as set out in the report.

Councillor Ms K Ward, the local Member, reported the comments of Wiveton Parish Council, which objected to the application. The Parish Council considered that the lack of enforcement had allowed the situation to emerge, the site was unsuitable for a reclamation yard and it was now necessary to minimise the impact. It had raised concerns regarding the size and footprint of the welfare building, the permanent nature of the structure, impact of lighting on the "dark sky" status of Wiveton, and impact of noise on activities at the church. It considered that the application was contrary to Local Plan policies SS2, EN1 and EN3.

Councillor Ward reported that Blakeney Parish Council did not object as it wanted to encourage business development in the village and considered that the tidying up of the site had been of benefit.

Councillor R Shepherd stated that the reclamation yard had been in existence for over 10 years and he considered that the small area in question would make little difference. He considered that the proposed conditions would cover the areas of concern and the site was well screened. He considered that there was no reason to move the access as requested by the Highway Authority. He proposed approval of this application as recommended.

Councillor Mrs A Fitch-Tillett requested a lighting condition to ensure that the dark skies were preserved.

Councillor Mrs S Arnold seconded the proposal to approve this application. She considered that the access was adequate and did not want to see the hedge removed.

Councillor R Reynolds stated that lighting could be controlled by timing, with security lighting controlled by moving heat sensors and downlighting.

The Development Manager confirmed that conditions could be imposed to control lighting.

Councillor B Hannah asked what security measures were proposed at the entrance to prevent crime.

The Development Manager explained that the applicant had been the victim of a small level of crime. There were gates at the entrance but it was not an issue for planning as to whether or not they were kept closed. She presumed that the permanent building would be used for storage of high value items.

Councillor Mrs P Grove-Jones stated that the site was surrounded by vegetation and only visible from the church tower. She considered that there would have been representations from the church authorities if noise was an issue. She supported the application.

Councillor S Shaw stated that the site already had a Certificate of Lawful use and the building would keep materials out of sight.

Councillor Ms K Ward requested conditions to ensure that items on the site were no higher than the hedge and that enforcement deadlines were made public.

The Development Manager explained that conditions on the decision notice, which would be publicly available, would include the time limit for the temporary buildings. It was not intended to publish the enforcement deadlines on the website.

Councillor Ms Ward expressed concern regarding any breaches of planning control.

The Solicitor confirmed that if any buildings were erected without planning permission, action would be taken if it was expedient to do so.

Councillors Mrs Arnold considered that it would not be possible to enforce a height restriction.

Councillor R Shepherd was not willing to include Councillor Ward's request for a height restriction in his proposal.

Councillor B Hannah proposed an amendment to include the height restriction. This was not seconded.

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

RESOLVED unanimously

That this application be approved subject to the conditions listed in the report, an enhanced lighting condition to include restriction on the hours of use of external lighting and any other conditions deemed necessary by the Head of Planning.

147. APPLICATION RECOMMENDED FOR A SITE INSPECTION

The Committee considered item 6 of the Officers' reports.

RESOLVED

That the Committee undertakes the following site inspection:

STALHAM – PF/17/1524 - Demolition of existing buildings and the erection of retirement living housing for the elderly (category II type accommodation), including 30 retirement living apartments, 12 retirement bungalows, communal facilities, access, car parking, landscaping and ancillary development; Slaughter House, Upper Staithe Road, Stalham for McCarthy & Stone Retirement Lifestyle Ltd.

148. NEW APPEALS

The Committee noted item 7 of the Officers' reports.

149. INQUIRIES AND HEARINGS - PROGRESS

The Committee noted item 8 of the Officers' reports.

150. WRITTEN REPRESENTATIONS APPEALS - IN HAND

The Committee noted item 9 of the Officers' reports.

151. APPEAL DECISIONS – RESULTS AND SUMMARIES

The Committee noted item 10 of the Officers' reports.

152. COURT CASES – PROGRESS AND RESULTS

The Committee noted item 11 of the Officers' reports.

The meeting closed at 12.55 pm.

CHAIRMAN
19 April 2018