

14 JUNE 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 Lloyd
Mrs A Claussen-Reynolds	N Pearce
Mrs A Green	R Reynolds
Mrs P Grove-Jones	R Shepherd
B Hannah	B Smith

Mrs J Oliver – substitute for S Shaw

N Smith – Erpingham Ward
R Price – Waxham Ward

J Rest - observing

Officers

Mr S Blatch – Corporate Director & Head of Paid Service
Mrs E Duncan – Monitoring Officer and Head of Legal
Mrs S Ashurst – Development Manager
Mr G Lyon – Major Projects Manager
Mr N Doran – Solicitor
Ms C Dodden – Senior Planning Officer (Development Management)
Mr C Reuben – Senior Planning Officer (Development Management)
Mr S Case – Landscape Officer (Arboriculture)
Miss L Yarham – Democratic Services and Governance Officer

18. APOLOGIES FOR ABSENCE AND DETAILS OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Ms M Prior and S Shaw. One substitute Member attended the meeting as shown above.

19. MINUTES

An email from Councillor T FitzPatrick was circulated at the meeting, raising concerns regarding the accuracy of the minutes of 17 May 2018 in respect of application PF/17/2124 (minute 8). In particular, he had pointed out that the heading of the minute differed from that of the report which was considered by the Committee, and that he had proposed not to accept the Officer's recommendation and to grant permission as requested.

Councillor R Reynolds, supported by Councillor Mrs A Claussen-Reynolds, considered that the matter should be discussed.

The Solicitor advised the Committee that, in accordance with the Constitution, the only aspect of the minutes which could be discussed was their accuracy. He read to the Committee a transcript of the contemporaneous notes made by the Democratic Services & Governance Officer at the meeting.

Councillor R Reynolds stated that the report referred to the “use of land for caravan and camping for 40 days consecutively/60 days cumulatively per year”. It was his understanding that the Committee had voted on that basis.

The Solicitor referred to the Highway Authority’s comments in the report of 17 May in which it removed its objection following confirmation from the agent that the site would be limited to camping only. It was clear from the transcript that it had been explained more than once that the application was for camping only and that caravans did not form part of the application.

Councillor B Hannah stated that he had been under the impression that the application was for camping only and had voted on that basis. He asked for clarification of the original application.

The Solicitor explained that the application had originally been for caravans and camping, but the agent had confirmed in an email that it related to camping only. The agent had been asked to confirm that the application description could be changed but had not responded to that request. The Officer’s Report was presented on that basis. It was clear that the description of the application had been changed at the meeting.

Councillor Mrs A Claussen-Reynolds stated that Members had reiterated what was on the agenda. It clearly stated “camping and caravans” and information on the website also related to camping and caravans.

The Monitoring Officer and Head of Legal advised that it would not be lawful to consider anything other than that which was discussed on the day. It was clear that the application was for camping only. Caravans and the associated Highways objection had not been properly discussed or considered at the meeting and it would be outside the Committee’s powers to add them back in.

Councillor Mrs J Oliver declared that she had known the applicant and his family socially for many years. She referred to the history of this application and understood that motor homes had been openly requested. She stated that Councillor FitzPatrick did not agree with the record of the meeting. She informed the Committee that a Member had taken a recording of the meeting which Members may wish to listen to.

Councillor R Reynolds considered that there was a great deal of confusion and the matter needed further investigation.

The Monitoring Officer and Head of Legal advised the Committee that it was obliged to confirm the minutes if possible but they could still be challenged following confirmation.

Councillor R Reynolds stated that he was not satisfied that the minutes were correct and proposed that the minutes be amended to approve the application as originally described. This was seconded by Councillor Mrs A Claussen-Reynolds.

Councillor R Reynolds stated that he did not know the applicant socially and had seen him on very few occasions since he had no longer been a councillor.

The Head of Legal advised that only those Members who had been present at the meeting on 17 May were entitled to vote on this matter.

The proposal to amend the minutes was put to the vote and declared lost with 3 Members voting in favour and 5 against.

It was proposed by Councillor B Hannah, seconded by Councillor Mrs V Uprichard and

RESOLVED by 5 votes to 3

That the Minutes of a meeting of the Committee held on 17 May 2018 be approved as a correct record and signed by the Chairman.

Councillor Mrs S Arnold referred to the comment that a recording had been made of the meeting. She had not been aware that such a recording was being made and understood that anyone who wished to do so should notify the Chairman. She considered that the introduction of a recording system would be worthy of consideration given the increasing number of challenges received by the Council.

The Monitoring Officer and Head of Legal stated that arrangements were being made for meetings to be recorded in future.

The Corporate Director stated that delegated authority had been vested in him following the retirement of the Head of Planning. The decision made at the previous meeting was for use of the land for camping subject to readvertisement of the red line area, the consultation period for which was due to expire on 16 June, and submission of survey information for monitoring of protected species. The Council had been advised that arrangements for the survey work were in place and would probably take a fortnight to complete. If this was satisfactory, he would issue permission under delegated authority to allow camping for 75 tents for 60 days. He referred to the Highway Authority's objection and email correspondence with the applicant's agent dating back to January 2018 with regard to caravans and motor homes, he understood that a separate application would be required if the applicant wished to promote the land for this use.

Councillor N Lloyd requested that it be recorded that he did not vote in this matter as he had not been present at the meeting on 17 May.

20. ITEMS OF URGENT BUSINESS

None.

21. DECLARATIONS OF INTEREST

<u>Minute</u>	<u>Councillor:</u>	<u>Interest</u>
19	J Oliver	Had known the applicant and his family socially for many years
25	R Reynolds	Knew Mr Harrison (adjacent landowner)

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.

22. ALBY WITH THWAITE - PF/18/0287 - Erection of domestic outbuilding (retrospective); Flint Cottage, Alby Hill, Alby, Norwich, NR11 7PJ for Mr B Tremain

The Committee considered item 1 of the Officers' reports.

Public Speaker

Mr Woodcock (objecting)

The Development Manager presented the report, including plans and photographs of the site. She stated that the reference to "domestic storage" on page 6 of the report should read "domestic outbuilding".

Following an interjection by the objector, the Development Manager confirmed that the plan included in the presentation was not the latest version and the matter was deferred briefly to allow the presentation to be corrected.

Upon resumption, the Development Manager displayed the latest plan and stated that she had nothing to add to her previous presentation.

Councillor N Smith, the local Member, supported the Officer's recommendation and explained that given the considerable interest and controversy surrounding this application he considered that it was democratic to give those involved the opportunity to put their points to the Committee. He stated that the Parish Council had no particular objection as it had been informed that the building was for residential use. The location of the building was a matter for consideration. He requested confirmation that a further application would be required if the applicant wanted to use it for commercial purposes.

The Development Manager stated that the proposal was for a domestic outbuilding and it would be conditioned as such. If the applicant used the building for commercial purposes without permission it could be investigated and enforcement powers used if necessary.

In response to a question by Councillor Mrs P Grove-Jones, the Solicitor advised on the definition of a domestic outbuilding.

Councillor R Reynolds proposed approval of this application as recommended.

Councillor Mrs S Arnold expressed concern with regard to the trees which had been felled and the impact on the neighbour. She requested clarification of "soft landscaping".

The Development Manager explained that soft landscaping could include trees.

Councillor N Lloyd considered that there was no significant difference between the current application and the previous application which had been refused. He was minded to refuse this application on design grounds.

The Development Manager explained that the current application included details of colour and screening which had not been included in the previous application.

Councillor Mrs S Arnold requested a time limit for painting the building and it was suggested that six months would be appropriate.

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

RESOLVED by 9 votes to 3

That this application be approved subject to the conditions listed, an additional condition to require the building to be painted within six months of the date of the permission and any other conditions deemed necessary by the Head of Planning.

23. EAST RUSTON - PF/18/0493 - Part demolition of single storey extension & erection of two storey rear extension and glazed link; Furze Cottage, Long Common, East Ruston, Norwich, NR12 9HH for Mr & Mrs Kirby

The Committee considered item 2 of the Officers' reports.

Public Speaker

Mr Paul Kirby (supporting)

The Senior Planning Officer (CR) presented the report, including plans and photographs of the site. He clarified the curtilage of the property and red line area.

Councillor R Price, the local Member, stated that the name "Furze Cottage" was misleading as the building had been a farmhouse, with a large number of associated outbuildings. He stated that the applicant had accommodated all requests by the Planning Officers. He referred to the report which stated that the proposed extension would be highly visible, but had been described in the Officer's presentation as "glimpsed". He referred to the personal circumstances relating to this proposal, and the support of the Parish Council and neighbour. He requested approval of this application or a site inspection.

Councillor Mrs S Arnold requested guidance as to what was considered to be proportionate.

The Senior Planning Officer explained that each application was determined on its own merits and what was considered to be proportionate depended on the characteristics of the site and existing cottage, whether the additions were too large and whether they affected the character of the existing dwelling.

It was proposed by Councillor R Reynolds, seconded by Councillor Mrs P Grove-Jones and

RESOLVED

That consideration of this application be deferred to enable the Committee to visit the site.

24. WELLS-NEXT-THE-SEA - PF/18/0536 - Siting of shepherds hut for use as holiday accommodation; 31 Waveney Close, Wells-next-the-Sea, NR23 1HU for Mr & Mrs Patrick

The Committee considered item 3 of the Officers' reports.

Public Speakers

Mr R Arguile (Wells Town Council)
Mr D Lynch (objecting)

The Development Manager read to the Committee the comments of Councillor V FitzPatrick and Councillor S Hester, the local Members, who were unable to attend the meeting.

Councillor V FitzPatrick supported the development of holiday accommodation within Wells as governed by planning policies, but considered that there were material planning grounds on which to refuse the application. Waveney Close was located in a quiet residential area away from the holidaymaker hotspots, and he considered that the nature of the proposal would result in an adverse impact on the residential amenity of neighbours due to noise, disturbance and odour.

Councillor Hester considered that the application clearly met the terms of planning policy and endorsed the Officer's recommendation. Whilst he could understand the objectors' concerns, he considered that some impacts of tourism were to be expected by residents of a holiday destination.

The Senior Planning Officer (CD) presented the report, including plans and photographs of the site and nearest dwellings. She reported that an empty plot adjacent to the site had been granted planning permission for a dwelling. A letter of support had been received from the occupiers of "The Rectory", one of the closest dwellings to the site, stating that they had no concerns regarding noise as it would be minimal.

Councillor Mrs A Green considered that the proposed structure was not a shepherd's hut but looked like a shed. She considered that the structure would not accommodate more than two people. Referring to concerns raised regarding noise and odour, she stated that anyone could be outside in the garden with a barbecue. She proposed approval of this application.

Councillor B Hannah considered that the hut was the wrong thing in the wrong place. He supported Councillor V FitzPatrick's views. He proposed refusal of this application.

Councillor R Shepherd seconded the proposal. The site was in the AONB and he considered that the design was unacceptable in the location. He considered that there could be Human Rights issues impacting on the neighbour.

Councillor Mrs S Arnold asked if there were cooking facilities in the proposed hut and the distance from the shingle drive to the neighbouring dwelling. She requested a condition to prevent extensions, eg. awnings or tents.

The Senior Planning Officer stated that she was unsure as to the internal facilities but shepherd's huts generally did not have full cooking facilities.

Councillor Mrs J Oliver expressed concern that the proposed conditions did not restrict the number of occupiers, although the report stated that the hut would accommodate a maximum of two people at any one time. She was also concerned that approval of this application would set a precedent for similar proposals in Waveney Close.

The Development Manager stated that the number of occupiers of the hut only could be restricted to two. There was no limit on the number of occupiers of 31 Waveney Close.

In answer to a question from Councillor Mrs P Grove-Jones regarding the definition of a shepherd's hut, the Development Manager stated that there was no definition but they normally had limited facilities, were very small in nature and on wheels.

With regard to distance, the Development Manager stated that the distance between the proposed hut and the nearest corner of 29 Waveney Drive was just over 42 metres. The shingle drive was 17 metres from 29 Waveney Drive.

In response to a question by Councillor Mrs A Claussen-Reynolds the Senior Planning Officer explained that the access and parking would be in association with 31 Waveney Close, which was in the same ownership as the applicants who lived in The Barn. The footprint of 31 Waveney Close would be rearranged.

In response to a question by Councillor N Lloyd regarding proposed condition 6, the Development Manager explained that there was no upper limit proposed as to how many days the hut could be commercially let. The condition was a standard condition to ensure that the hut was used as holiday accommodation and not for permanent occupation. Permanent occupation would require a further planning application.

Councillor Mrs A Green withdrew her proposal for approval of this application as she considered that the structure was not a shepherd's hut.

Following advice from the Development Manager regarding the reasons for refusal, it was proposed by Councillor B Hannah, seconded by Councillor R Shepherd and

RESOLVED unanimously

That this application be refused on grounds that the proposal would be detrimental to the residential amenity of the neighbouring dwellings.

25. STIFFKEY TPO 2018 No.2 TPO/18/0939 - Woodland to the East of 60 Wells Road

The Committee considered item 4 of the Officers' reports in respect of a Tree Preservation Order (TPO) to protect a woodland.

Public Speaker

Mr A Falcon (objecting)

The Landscape Officer (Arboriculture) presented the report. He explained that a Tree Preservation Order did not prevent appropriate management of the woodland but it would ensure that amenity was protected.

The Chairman reported that Councillor S Hester, a local Member, supported the confirmation of the TPO.

Councillor Mrs V Uprichard proposed that the Order be confirmed.

In response to a question by Councillor Mrs S Arnold regarding the management of the woodland and replanting of trees, the Landscape Officer explained that there were many trees in poor condition and good management would be needed. A long term management plan would be welcome. The TPO would require the replanting of any trees which were removed and would allow the species and location of replacement trees to be specified.

Councillor Mrs Arnold seconded the proposal.

Councillor R Reynolds stated that he had previously lived in Stiffkey and knew Mr Harrison, the adjacent landowner. The woodland had developed from little more than a hedge into a woodland which was a pleasant entrance to the village. He supported the TPO.

Councillor Mrs P Grove-Jones stated that many people considered that a TPO was an onerous action taken by the Council, but it was designed to protect amenity and did not stop management.

RESOLVED unanimously

That Tree Preservation Order 2018 No.2 (Stiffkey) TPO/18/0939 in respect of Woodland to the East of 60 Wells Road, Stiffkey be confirmed.

26. TUNSTEAD – TPO 940 (Tunstead) Oaklea, Market Street, Tunstead, NR12 8AH Ref No. TPO/18/940

The Committee considered item 5 of the Officers' reports in respect of a Tree Preservation Order (TPO) to protect an individual oak tree.

The Landscape Officer (Arboriculture) presented the report.

It was proposed by Councillor R Shepherd, seconded by Councillor N Pearce and

RESOLVED unanimously

That Tree Preservation Order 2018 No.3 (Tunstead) TPO/18/940 in respect of land at Oaklea, Market Street, Tunstead, NR12 8AH be confirmed.

27. APPLICATIONS RECOMMENDED FOR A SITE INSPECTION

The Committee considered item 6 of the Officers' reports.

RESOLVED

That the Committee undertakes the following site inspection:

WELLS-NEXT-THE-SEA - PF/17/1939 – Demolition of existing grain store building and erection of 9 dwellings comprising two blocks of 3 – 4 storeys and 2-3 storeys and detached two storey unit, associated garaging, parking and access; Units at Old Coal Yard, Maryland for Mr Cheetham

28. NEW APPEALS

The Committee noted item 7 of the Officers' reports.

29. INQUIRIES AND HEARINGS - PROGRESS

The Committee noted item 8 of the Officers' reports.

30. WRITTEN REPRESENTATIONS APPEALS - IN HAND

The Committee noted item 9 of the Officers' reports.

31. APPEAL DECISIONS – RESULTS AND SUMMARIES

The Committee noted item 10 of the Officers' reports.

The Development Manager reported that the decision in respect of North Walsham PF/17/0002 should state that the appeal was allowed and the enforcement notice upheld in part. Confirmation had been received from the Planning Inspectorate that the Officers' interpretation of its enforcement decision had been correct.

Councillor Mrs S Arnold stated that the fact that the majority of appeal decisions were in the Council's favour showed that the processes were correct.

32. COURT CASES – PROGRESS AND RESULTS

The Committee noted item 11 of the Officers' reports.

The meeting closed at 12.05 pm.

CHAIRMAN
12 July 2018