

## **4 OCTOBER 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 A Claussen-Reynolds  
Mrs A Green  
Mrs P Grove-Jones  
B Hannah  
N Lloyd  
N Pearce

Ms M Prior  
R Reynolds  
R Shepherd  
B Smith  
N Smith

E Seward – substitute for Mrs V Uprichard

### **Officers**

Mr P Rowson – Head of Planning  
Mr G Lyon – Major Projects Manager  
Miss L Yarham – Democratic Services and Governance Officer

#### **77. APOLOGIES FOR ABSENCE AND DETAILS OF SUBSTITUTE MEMBERS**

An apology for absence were received from Councillor Mrs V Uprichard. One substitute Member attended the meeting as shown above.

#### **78. MINUTES**

The Minutes of a meeting of the Committee held on 6 September 2018 were approved as a correct record and signed by the Chairman.

#### **79. ITEMS OF URGENT BUSINESS**

There was one item of urgent business relating to a request for a site inspection at Wiveton.

#### **80. DECLARATIONS OF INTEREST**

None.

### **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.

**81. KETTLESTONE - SV/18/1415 - Variation of unilateral undertaking under section 106, attached to planning permission ref: PF/14/0852 to permit the use of 91 The Street, Kettlestone as a long-term residential let; 91 The Street, Kettlestone, Fakenham, NR21 0AU for Mr & Mrs Brown**

The Committee considered item 1 of the Officers' reports.

The Major Projects Manager presented plans and photographs of the site and outlined the main issues relating to this application. He recommended that authority be delegated to the Head of Planning to approve this application subject to a new S106 Obligation replacing Clause 1 with a new clause requiring 91 The Street to be used only for residential letting purposes at or below 80% of market rent (including setting out how such rent is to be calculated and typical period for rent review).

Councillor Ms M Prior considered that the opportunity to have an affordable house on the market outweighed the policy issues in this case. She proposed approval of this application as recommended.

Councillor Mrs A Green, the local Member, stated that although she had not declared an interest, she knew the applicant. She also had holiday letting properties and could understand the applicant's difficulties in getting bookings. Booking agencies were increasingly demanding in their requirements and the applicant was unable to meet those requirements. She seconded the proposal.

Councillor Mrs S Arnold supported the proposal. She stated that Kettlestone was not a coastal village where there were problems with second homes.

Councillor B Hannah sympathised with the applicant but expressed concerns that it was proposed to breach policies after only four years. He considered that it would be acceptable if the property could be tied to housing for homeless people through a registered social landlord (RSL) such as Victory. He asked who would monitor the rent.

The Head of Planning explained that the revised clause would be binding on the operator of the letting unit and the District Council. Injunctive action could be taken in the event of non-compliance. He considered the clause to be appropriate and enforceable.

Councillor R Reynolds stated that he had reservations regarding policies EC8 and EC9, but considered that these could be discounted as the village was not a holiday village. The property was not a new dwelling in the Countryside policy area and he would be in favour of the proposal provided it could be tied to 80% of market rent.

The Major Projects Manager explained that there would be a net increase in residential dwellings as although it was not an additional building, there would be a change in the way it was used.

Councillor Mrs P Grove-Jones stated that she was always unhappy to go against policy. She was concerned that the proposal could set a precedent but stated that such proposals did not come forward very often. She was pleased to see the evidence which had been provided by the applicant.

Councillor N Lloyd questioned the robustness of the marketing of the holiday let and whether the applicant had invested sufficiently in the property. He considered that this was a marginal case and requested an explanation of the HMRC regulations.

The Major Projects Manager explained that, as he understood it, there were tax implications if the rental days fell below a certain threshold. However, this was not necessarily a planning issue. The use of the land was a planning issue and there was a question as to how the property could be used if the business closed. The applicant marketed the let through a number of websites, but it was a competitive market.

In answer to a question by Councillor N Smith, the Major Projects Manager stated that the property and dwellings to the rear were developed by the applicant around the 1970s or 1980s.

Councillor N Pearce asked if the Head of Planning could deal with the issues relating to a possible transfer to an RSL through delegated powers.

The Officers explained that this suggestion would redefine the proposal and that it was unlikely to be attractive to an RSL such as Victory as it was difficult to manage a single property. The proposal as it stood would provide a property which was available for rent at a lower rate.

Councillor Mrs S Arnold asked if the Council could have nomination rights to the property so that the occupation and rent could be controlled.

Councillor Mrs A Claussen-Reynolds considered that this application should be approved as recommended. It would provide a permanent home for a local person or family and such properties were desperately needed.

Councillor B Smith considered that additional restrictions would unnecessarily complicate the issue. There was an existing building which was partially used and he considered that it would be sensible to bring it into permanent residential use.

The Chairman reminded the Committee that the Council's policies would be changing shortly.

Councillor Ms M Prior clarified that her proposal was in favour of the Officer's recommendation and she did not wish to complicate it.

**RESOLVED** by 11 votes to 0 with 1 abstention

**That authority be delegated to the Head of Planning to approve this application subject to a new S106 Obligation replacing Clause 1 with a new clause requiring 91 The Street to be used only for residential letting purposes at or below 80% of market rent (including setting out how such rent is to be calculated and typical period for rent review).**

Councillor Pearce did not vote as he had arrived late following a medical appointment.

## **82. NEW APPEALS**

The Committee noted item 2 of the Officers' reports.

**83. INQUIRIES AND HEARINGS - PROGRESS**

The Committee noted item 3 of the Officers' reports.

**84. WRITTEN REPRESENTATIONS APPEALS - IN HAND**

The Committee noted item 4 of the Officers' reports.

The Major Projects Manager gave a verbal update on Sculthorpe PF/15/0907.

**85. APPEAL DECISIONS – RESULTS AND SUMMARIES**

The Committee noted item 5 of the Officers' reports.

Councillor Mrs S Arnold stated that the decision in respect of North Walsham PO/17/0549 was excellent from the Council's point of view and paid tribute to the Officers who had been involved in this case and to Sarah Hinchcliffe in particular.

The Head of Planning stated that he would pass on her comments to the Officers concerned.

**86. COURT CASES – PROGRESS AND RESULTS**

The Committee noted item 6 of the Officers' reports.

At the request of Councillor Mrs S Arnold, the Major Projects Manager provided an update on the wind turbine appeals at Bodham and Selbrigg.

**ITEM OF URGENT BUSINESS**

**87. SITE INSPECTION AT WIVETON**

**RESOLVED**

**That the Committee undertakes the following site inspection:**

**WIVETON – PF/17/1468 - Change of use of utility land to campsite with associated shower/WC blocks (retrospective); Wiveton Hall, Marsh Lane, NR25 7TE for Mr McCarthy**

The meeting closed at 10.22 am.

---

CHAIRMAN  
1 November 2018