

## **23 APRIL 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 S Arnold  
Mrs A Fitch-Tillett  
N Lloyd  
Mrs B McGoun

Ms M Prior  
R Reynolds  
R Shepherd  
B Smith

S Shaw – substitute for Mrs A Claussen-Reynolds  
A Yiasimi – substitute for N Pearce

Ms K Ward – Glaven Valley Ward  
D Young – High Heath Ward

E Seward – representing Happisburgh Ward on behalf of Mrs L Walker

Mrs G Perry-Warnes - observing

### **Officers**

Mr P Rowson – Head of Planning  
Mrs S Ashurst – Development Manager  
Mr N Doran – Principal Lawyer  
Mr G Lyon – Major Projects Manager  
Mr D Watson – Development Management Team Leader  
Mr N Westlake – Senior Planning Officer (Major Projects)  
Miss K Witton – Landscape Officer  
Miss L Yarham – Democratic Services and Governance Officer

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

Apologies for absence were received from Councillors Mrs A Green, B Hannah, N Pearce and Mrs V Uprichard. There were two substitute Members in attendance.

## **201. MINUTES**

Minute 176 – Councillor R Reynolds requested an amendment to the third paragraph to read “...variable pitch propellers which reduced *noise due to pilot adjustment* after take-off .....

Subject to the above, the Minutes of a meeting of the Committee held on 28 March 2019 were approved as a correct record and signed by the Chairman.

## **202. ITEMS OF URGENT BUSINESS**

None.

## 203. DECLARATIONS OF INTEREST

<u>Minute</u>	<u>Councillor:</u>	<u>Interest</u>
204 & 206	S Shaw	Knows applicants but had not discussed the applications with them.

## 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.

204. **HAPPISBURGH - PF/19/0103** - Installation and retention of an electricity substation, water tank and 4no. 3950 litre LPG tanks on a concrete pad for use within surrounding caravan park (retrospective); Manor Caravan Park, North Walsham Road, Happisburgh, NORWICH, NR12 0AN for Happisburgh Estates Ltd  
**HAPPISBURGH - PF/19/0350** - Variation of conditions 2 and 4 (approved site plans), 3 (original site's restoration plan), 8 (landscaping scheme), 11 (new site access entrance details) and 12 (drainage) of planning permission PF/14/0120 (relocation of Manor Farm Caravan Park to form 194 space caravan site and camping area [Appeal Decision ref APP/Y2620/A/14/2228049]). Amendments to: Provide an enclosure for siting LPG tanks, water tank and a new electrical substation/switch room; Amended landscaping scheme details to provide an earth bund of 2.5 metres height and electrical hook up points; Amend the hard surfacing within the site from an impermeable to a permeable surface type; Revise the detail of drainage for surface water to omit to the drainage ditch adjacent to the bund; Extend the bund eastwards from the north-east corner along the boundary adjoining the neighbouring approved housing development; Amend site entrance design details; and, Propose a landscaping restoration scheme for the existing site; Manor Caravan Park, North Walsham Road, Happisburgh, Norwich, NR12 0AN for Happisburgh Estates Ltd

The Committee considered item 1 of the Officers' reports.

### Public Speaker

Mr Lomax (supporting)

The Senior Planning Officer (Major Projects) presented the report in respect of both applications. He presented plans and photographs of the site. He stated that public consultation regarding the electrical hook up points had not yet expired but no representations had been received to date.

The Senior Planning Officer recommended approval of both applications as set out in the report, subject to the conditions to be attached to PF/19/0350 being amended to ensure that the bund shall not be used/occupied other than for occasional maintenance, the replacement of any plants which fail within 10 years, and additional conditions requiring maintenance of the central bund and enclosure of LPG tanks. He also suggested a condition to require the repainting of the hook up posts and disabling of the lighting on the posts.

Councillor E Seward, speaking on behalf of Councillor Mrs L Walker, the local Member, stated that the context of the application was that the previous caravan site was no longer viable because of erosion and had to be relocated. It was the case that good landscaping and appearance was crucial to its success and the caravan park would have an economic benefit for Happisburgh. The principle of the caravan site had been determined by the Planning Inspector but concerns had been raised locally, particularly in relation to the bund.

Councillor Mrs A Fitch-Tillett referred to the Pathfinder Scheme, which had considered adaptation to provide a future for the village. This was the first business move under the scheme. She considered that a bund with greenery was preferable to a wooden fence. She stated that the applicant was starting work to remove the remains of the old caravan site. The proposed conditions addressed her concerns and she proposed approval of both applications as recommended.

Councillor Mrs S Arnold supported the building of the bund and fencing of the LPG tanks. She considered that the electric hook up points were acceptable and would not be intrusive as they would not be used all year round and during the majority of that time it would not be dark until late in the evening. She seconded both proposals, subject to no conditions being attached to the hook up posts.

Councillor R Shepherd noted the support of the Parish Council and lack of objection from consultees. He considered that there would be great economic benefit for the village. He considered that the colour of the electric hook up posts would fade over time and that the light on top of them was only intended as an indicator.

Councillor Mrs A Fitch-Tillett stated that she was happy to delete the conditions regarding the hook ups from her proposal.

Councillor R Reynolds stated that as a former electrician he had installed many hook up posts and confirmed that they would fade and that the light was intended only to light the post and not for site lighting. He supported the proposal.

The Major Projects Manager stated that a condition would be needed to require the light to be switched off when not required.

**Application PF/19/0305:**

**RESOLVED** unanimously

- (i) That the Head of Planning be authorised to determine the application at the end of the public consultation period on 30<sup>th</sup> May 2019, in the event that no objections are received in the interim period raising additional concerns not already appraised in the report;**

**Conditions to comprise:**

- a. In accordance with plans.
- b. Remediation of Original Site
- c. Number of Caravans / Touring Pitches / Camping Plots
- d. Opening Times
- e. Office Wardens Building
- f. External lighting
- g. Landscaping
- h. Fire Hydrant
- i. Archaeological Work
- j. Visibility Splays
- k. Drainage
- l. The bund shall not be used/occupied other than for occasional maintenance
- m. Wooden entrance gate shall be permanently open during the Holiday season
- n. In the event of any plant failure within 10 years they shall be replanted
- o. Enclosure of the LPG tanks

- (ii) That if further public objections are received before 30th May 2019, which raise new concerns not already appraised above, the Head of Planning be delegated to determine the application in consultation with the Chairman of the Planning Committee.

**Application PF/19/0103:**

**RESOLVED** unanimously

- (i) That Committee delegates authority to the Head of Planning to determine the application at the end of the public consultation period on 30th May 2019, in the event that no objections are received in the interim period raising additional concerns not already appraised above;

**Conditions to comprise:**

- a. In accordance with plans.
- b. Materials as submitted

- (ii) That if further public objections are received before 30<sup>th</sup> May 2019, which raise new concerns not already appraised above, the Head of Planning be delegated to determine the application in consultation with the Chairman of the Planning Committee.

205. **HIGH KELLING - PF/18/1895** - Demolition of pig shed & conversion and partial rebuilding of barn & outbuildings to form 6 residential dwellings & associated parking; Warren Farm Barns, Warren Road, High Kelling for Kelling Estate LLP

The Committee considered item 2 of the Officers' reports.

**Public Speakers**

David Carter (High Kelling Parish Council)  
Geoff Armstrong (supporting)

The Development Manager presented the report and displayed plans and photographs of the site. She recommended approval of this application as set out in the report.

Councillor D Young, the local Member, referred to the guidance in the NPPF and emerging policies in the draft Local Plan regarding the reuse of buildings in the Countryside. Whilst he did not like the proposed design and expressed a preference for a brick and flint replacement, he considered that it was an improvement on the current situation and followed policy. He accepted that concerns regarding Warren Road could not be considered in the absence of objections from the Highway Authority, but requested that the conditions include a requirement for suitable signage to direct traffic away from Warren Road and along the concrete track.

The Development Manager advised the Committee that the draft Local Plan could be afforded no weight at the current time as it had not yet been subject to public consultation.

At the request of Councillor Mrs S Arnold, the Development Manager explained that permitted development rights for the conversion of agricultural buildings did not apply in the AONB and that whilst the application could still be considered under existing Local Plan policy HO9, the policy was out of step with the NPPF and less weight had been given to the worthy of retention criterion. There was no limit on the size of the building to be converted.

Councillor Mrs S Arnold considered that the proposal was not attractive.

Councillor R Reynolds considered that this application was an improvement on the existing buildings and complied with policy. He proposed approval of this application as recommended.

Councillor R Shepherd suggested a site inspection as the setting of the new buildings and how they fitted in with the AONB was important. The proposal was not seconded.

Councillor Mrs A Fitch-Tillett requested clarification of the boundary treatments between the gardens. She considered that hedging would be preferable to close boarded fencing.

The Development Manager stated that the proposed block plan showed close boarded fences between the plots. A landscaping plan indicating hedging had been submitted in response to the Committee report. However, this was not annotated with details. She referred to proposed condition 10 in respect of hard and soft landscaping, which could be amended to include hedging between the gardens.

Councillor Mrs A Fitch-Tillett considered that the boundary hedge around the site should be a minimum of 2 metres high to lessen the impact of the site. She was concerned regarding the amount of glazing in the AONB but considered that the impact of the glazing could be lessened with hedging. She requested that mature hedging be planted.

Councillor R Reynolds confirmed that he was happy to include the hedging requirement in his proposal. Councillor Mrs A Fitch-Tillett seconded the proposal subject to this amendment.

Councillor N Lloyd considered that the existing building could contain asbestos and requested a note that asbestos should be dealt with following all standards and laws.

The Development Manager confirmed that an informative note could be added regarding the removal of asbestos.

Councillor B Smith considered that demolition and replacement of the buildings would be preferable. However, he supported the recommendation.

The Development Manager explained that demolition and replacement would be contrary to policy and would not be recommended for approval. The proposal was for conversion of the existing buildings and it was necessary to retain elements of them.

The Head of Planning stated that it was important to recognise the difficulty with which officers had arrived at the recommendation. The proposal was a step change in the way the re-use of buildings policy was considered. Significant weight could not be given to worthiness of retention under current national guidance which took precedence over the Council's current policies. There was a need to balance national policy with the Council's policy.

Councillor Ms M Prior referred to the traditional nature of other properties belonging to the Kelling Estate and Kelling village. She considered that it would not harm the proposal if other materials could be considered which nudged the proposal towards a more traditional design which would sit better in the area.

Councillor Mrs S Arnold considered that the proposal was not attractive and she could not support it.

**RESOLVED** by 6 votes to 5

**That this application be approved in accordance with the recommendation of the Head of Planning, subject to the garden boundary treatment to be hedging and the planting of a mature hedge on the site boundary to be retained at a minimum of 2 metres.**

**206. LEATHERINGSETT WITH GLANDFORD - PF/18/1980 - Erection of single-storey detached dwelling, garage, associated engineering works and change of use of agricultural land to form residential curtilage; Land off Thornage Road, Letheringsett for Mr Raven Cozens-Hardy**

The Committee was given an opportunity to inspect a 3D model of the proposed development which had been provided by the agent. The Development Manager advised the Committee to make its decision based on the plan and not the model.

The Committee considered item 3 of the Officers' reports.

Public Speakers

Louise Stevens (Letheringsett with Glandford Parish Council)  
Charles Monteith (objecting)  
Ian Shepherd (objecting)  
Peter Wallis (objecting)  
Caroline Holland (supporting)  
Wilf Meynell (supporting)  
Kirsten De Savaray (supporting)

The Development Management Team Leader presented the report. He displayed plans of the proposed development and photographs of the site and surrounding area, including visualisations provided by the architect. He recommended refusal of this application as set out in the report.

Councillor Ms K Ward, the local Member, stated that there were a number of very positive issues arising from this proposal. She did not agree with the Officer's appraisal

that the lighting strategy was not innovative. To the best of her knowledge this was the first application which had taken dark skies seriously. She considered that the scheme was very innovative and although it may have been done elsewhere, it was a first for North Norfolk. She also commended the approach to ecology across the whole site and the good quality design. She considered that it would be good for residents and the planning team if North Norfolk became known as an authority which invested in good design. She considered that the addition of one dwelling would not make the junction any more or less dangerous and referred to an application elsewhere which the Committee had approved contrary to the advice of the Highway Authority. The question for the Committee to consider was whether or not the application was outstanding, innovative, sensitive to the defining characteristics of the site and enhanced the setting as required by the tests under paragraph 79(e) of the NPPF.

Councillor Mrs A Fitch-Tillett considered that this application was fascinating. She noted that most of the environmental authorities were supportive. Whilst the area was in a near-drought situation, in recent years there had been severe storm events and she considered that anything which could alleviate the amount of water falling during those events was welcomed. She considered that the reduction in surface water run-off from the road would be of benefit to the River Glaven. She considered that the carbon neutral stance of the proposal should be congratulated. The only issue was the junction with the A148 but she considered that there was no such thing as a dangerous road, only dangerous drivers. She supported this application.

Councillor Mrs B McGoun considered that the junction was dangerous. She referred to a comment made by a speaker that the proposed development would be exemplar and would be visited by student groups etc.

Councillor N Lloyd considered that the scheme was innovative and carbon neutral homes should be supported. He was not totally convinced with regard to the water management but it remained innovative. He considered that one or two additional vehicles using the junction would be acceptable but was concerned if it was intended to run trips to the site. He considered that it would be easier to support this application if it were in a more urban location but he was pleased with the design and innovation.

The Development Manager advised Members that they should first consider whether or not the proposed dwelling was isolated. If it was considered to be isolated, it was necessary to consider if the application met the requirements of paragraph 79(e) of the NPPF, or if not, it should be considered under paragraph 131.

The Head of Planning explained that paragraphs 78, 79 and 131 set the highest of bars for applications to pass and they had to pass all tests. He gave detailed advice with regard to the tests that the Committee needed to consider in this case. He stated that Members had a difficult balance to strike but in his opinion, the application did not pass the levels which made it a truly exceptional scheme under National Planning Policy Guidance.

Councillor R Reynolds referred to a comment that there would be insufficient rainfall for the water management system to work. He requested confirmation of the carbon footprint of the dwelling. He stated that the biomass would require machinery to install it and vehicle movements to feed it.

At the invitation of the Chairman, Kirsten De Savaray explained that there would be approximately 6.7 m<sup>3</sup> of surface water per day coming off the catchment.

The Development Manager explained that the dwelling was being promoted as carbon neutral. The biomass boiler would use wood pellets or similar but the proposal did not explain if trees were being grown to provide the wood or if there would need to be additional vehicle movements to support it.

In the light of the explanations provided, Councillor R Reynolds proposed refusal of this application.

Councillor B Smith seconded the proposal. He stated that considerable weight had to be given to the preservation of heritage assets and the Glaven Valley was one of the District's most important assets.

Councillor R Shepherd considered that the proposal was innovative and carbon neutral, but he disliked the design and the proposed dwelling was in the wrong place in an unsustainable location. He supported the Officer's recommendation.

Councillor S Shaw considered that the design was good and that the Council should be promoting carbon neutral development.

**RESOLVED** by 7 votes to 4

**That this application be refused on grounds relating to:**

- **Principle**
- **Design**
- **Landscape impact**
- **Heritage impact**
- **Highway safety**

**That the Head of Planning be authorised to finalise the detailed wording of the above reasons.**

**207. SALTHOUSE – TPO 950 (Salthouse) Manor House Cross Street Salthouse Ref No. TPO/16/950**

The Committee considered item 4 of the Officers' reports relating to the confirmation of a Tree Preservation Order (TPO) to protect a Lime Tree and Holm Oak at the above site.

The Landscape Officer presented the report and displayed photographs of the trees from various viewpoints. She recommended confirmation of the TPO.

The Development Manager read to the Committee further comments which had been received from an objector, Mr Yeomans, reiterating his view that the Holm Oak was dangerous.

Councillor D Young, the local Member, considered that it could not be argued that the Holm Oak had no amenity value but he understood the neighbour's concerns given its history of boughs breaking off. He referred to the arborist's report which indicated that work should be undertaken urgently. He considered that the best option was to replace the tree with another holm oak of a reasonable size which would also allow repairs to be made to the wall.

Councillor Mrs A Fitch-Tillett asked if tree work could be enforced.



The Landscape Officer explained that the onus was on the owners of the tree to take responsibility for it. The owners could be liable if they did not undertake work which had been recommended so it was in their best interests to do so.

Councillor Mrs Fitch-Tillett stated that utility companies would trim any trees which caused obstruction. She did not want to lose the tree but considered that some form of enforcement was needed to make it safe.

The Principal Lawyer advised that works could possibly be enforced by prosecution and the landowner had a civil duty of care. The Council could possibly undertake the works if necessary in the interests of public safety.

Councillor Mrs A Fitch-Tillett proposed confirmation of the Order with a condition that work was undertaken within three months.

The Head of Planning explained that the liability was entirely that of the landowner. Neither the Council's Landscape Officer nor the County Council's Arboricultural Officer had been convinced by the case put forward by the landowner and his agent and a visual inspection had been carried out. There was no evidence beyond reasonable doubt that the tree should be felled and pollarding was considered to be a suitable fall-back position.

Councillor R Shepherd considered that the trees were part of the street scene. He seconded the confirmation of the Order.

The Chairman referred to a similar case in her area where it had been recommended that the top crown of the tree was reduced and re-examined in three years. She stated that utility companies and the highway authority would remove obstructions and charge the owner, and purchasers of properties which contained large trees should be made aware by their solicitor of their responsibilities and whether the tree was in a Conservation Area or subject to a TPO.

Councillor Mrs A Fitch-Tillett stated that she no longer wished to include the condition in her proposal.

It was proposed by Councillor Mrs A Fitch-Tillett, seconded by Councillor R Shepherd and

#### **RESOLVED**

**That TPO 950 (Salhouse) Manor House Cross Street Salhouse be confirmed.**

#### **208. APPLICATIONS RECOMMENDED FOR A SITE INSPECTION**

None.

#### **209. NEW APPEALS**

The Committee noted item 6 of the Officers' reports.

**210. INQUIRIES AND HEARINGS - PROGRESS**

The Committee noted item 7 of the Officers' reports.

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

The Committee noted item 8 of the Officers' reports.

The Development Manager reported that the appeal in respect of Weybourne PF/17/1740 had been allowed and a summary would be submitted to the next meeting.

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

The Committee noted item 9 of the Officers' reports.

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

The Committee noted item 10 of the Officers' reports.

Councillor Mrs S Arnold asked if there had been any progress in respect of the Bodham Wind Turbines.

The Principal Lawyer stated that this matter was still with the Court of Appeal as to whether the Planning Inspectorate should consider the new appeal by public inquiry or written representations. The matter would be reported back to the Committee when any further developments took place.

The meeting closed at 12.40 pm.

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CHAIRMAN  
6 June 2019