

Minutes of a meeting of the **Planning Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 12 June 2019** at **9.30am** when there were present:

Miss S Lawn – Chairman

Mr A D Adams
Mr S C Beadle
Mr S M Clancy
Mr J F Fisher

Mr R R Foulger
Ms R M Grattan
Mrs C Karimi-Ghovanlou
Mr K G Leggett MBE

Mr S Riley
Mr J M Ward

The following Member attended the meeting and spoke with the Chairman's concurrence on the item shown:

Mrs S Prutton Minute no: 5 (The Whiffler, Boundary Road, Hellesdon)

Also in attendance were the Development Manager, Area Planning Managers and the Senior Committee Officer.

1 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

Member	Minute No & Heading	Nature of Interest
Mr Beadle	6 (Beck Farm, Norwich Road, Reepham)	(1) Governor of Reepham High School whose students visited Reepham Fisheries; (2) been lobbied by the applicant and had visited the site twice and (3) spoken with planning officers on numerous occasions about the application. All non-pecuniary interests.
Mr Clancy	6 (Beck Farm, Norwich Road, Reepham)	Had visited the site as a fact finding exercise. Non-disclosable non pecuniary interest.

2 APOLOGIES FOR ABSENCE

An apology for absence was received from Mr Moncur.

3 MINUTES

The Minutes of the meeting held on 10 April 2019 were confirmed as a correct record and signed by the Chairman.

In respect of the decisions indicated in the following Minutes (nos: 4 to 11), conditions or reasons for refusal of planning permission as determined by the Committee being in summary form only and based on standard conditions where indicated and were subject to the final determination of the Director of Place.

4 APPLICATION NUMBER 20190392 – 25 CHENERY DRIVE, SPROWSTON

The Committee noted that this application had been withdrawn from the agenda as not all of the concerns relating to highways issues had been addressed via the further comments of the Highways Authority, as advised in the Supplementary Schedule.

5 APPLICATION NUMBER 20190061 – THE WHIFFLER, BOUNDARY ROAD, HELLESDON

The Committee considered an application for single storey front and rear extensions and an extension and alterations to the car park at The Whiffler Public House on Boundary Road in Hellesdon. The proposed extension to the front would be a flat roof single storey extension of an aluminium framed, fully glazed structure with a fully retractable roof and sliding and folding glazed doors on all sides. It would measure 22.5m in width, have a depth of 5.25m and a total height of 2.8m. This proposal would incorporate the main entrance to the building and would increase the customer area within the Public House. The proposed rear extension would increase the size of the kitchen and comprise a single storey, flat roof extension constructed with brick to match the existing main building. It would measure 10.5m in width, 4.3m in depth and 3m in height. The existing car park would be altered and extended to incorporate a grassed area to the north (rear) of the site and increase parking from 48 to 65 spaces. The proposal would also result in the addition of a designated space for service delivery vehicles and additional cycle spaces.

The application was reported to committee at the request of one of the Ward Members and a former Ward Member for the reasons given in paragraph 4.9 of the report.

The Committee received the verbal views of Mrs Prutton, one of the Ward Members, objecting to the application at the meeting.

The site was situated within a sustainable location and the proposal would help the expansion of a business within the district and create employment opportunities. Therefore, the principle was considered to be acceptable in accordance with Policy GC2 of the Development Management DPD and Policy 5 of the JCS.

The Committee acknowledged the concerns of objectors regarding the impact of the proposals on the parking and highway safety in the area. However, it was considered that, whilst the application might result in additional vehicular movements to the site, this would not be so significant as to cause any detrimental impact upon highway safety. Furthermore, the Highways Authority had not objected to the proposals but requested the imposition of two conditions which included the parking to be laid out as on the plans prior to the first use of the extensions. Overall, it was considered that the application would provide sufficient on-site parking and would not result in any detrimental impact upon highway safety, in accordance with Policies TS3 and TS4 of the DM DPD. However, Members considered that the provision of one car parking space for disabled visitors was insufficient and the applicant be required to provide further spaces in accordance with the Highway Authority's specifications. It was suggested that an additional be imposed requiring the submission of a revised plan in terms of the car parking provision.*

In terms of the impact on the character and appearance of the area, it was considered that, given the single storey nature of the extension and the fact that there were other more modern buildings in the area, the design was considered to be acceptable. It was noted that the extension to the rear would be less contemporary and better screened but again, would be of an acceptable size, scale and design. Overall, it was considered that although both extensions would be clearly visible from the street scene, they would not cause any harm to the general character and appearance of the area. Therefore, the proposal was considered to accord with Policy 2 of the JCS and Policy GC4 of the DM DPD.

The Committee noted the concerns raised regarding noise, light and odours but having considered the officer's appraisal within the report, it was concluded that the proposals would not result in any pollution or have any significant detrimental impact upon neighbour amenity. Accordingly, the application was considered to accord with Policies GC4 and EN4 in this regard.

In conclusion it was considered that the proposal would result in additional employment and support the growth of a business in the area and would not result in any significant harm to the parking on site, highway safety, the general character and appearance of the area or residential amenity. The benefits of the proposal were considered to outweigh any harm which may arise and therefore, the proposal represented an acceptable form of development. Accordingly, it was

RESOLVED:

to approve application number 20190061 subject to the following conditions:

- (1) (A1) Time Limit (3 years).

- (2) (E3) Development shall be carried out in accordance with the approved plans and documents.
- (3) (SHC05 - Variation) Highways – vehicular access to be widened.
- (4) (SHC20) Highways – on-site parking to be laid out in accordance with plan prior to first occupation of extensions.
- (5) (NS) Development shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan.
- (6) (NS) Details of the surface for the car park extension shall be submitted and approved.

**Since the meeting, a revised plan had been received which showed three disabled spaces which the Highways Authority had subsequently approved.*

6 APPLICATION NUMBER 20181808 – BECK FARM, NORWICH ROAD, REEPHAM

The Committee considered an application for the change of use of land to provide two new fishing lakes on land to the south of the existing fisheries at Beck Farm, Norwich Road, Reepham. The proposal would involve the clearance of 1.39 ha of land, excavation of the new lakes and landscaping to fully incorporate the area into the existing fishery business site.

The application was reported to committee as the request of the former Ward Member for the reasons given in paragraph 4.2 of the report.

The Committee noted the comments of the Portfolio Holder for Economic Development in support of the application, as reported in the Supplementary Schedule. In addition, the Committee received the verbal views of Mike Jones of Norfolk Wildlife Trust, objecting to the application and Kelly Broadway, the applicant and Daniel Brydon of Wensum Valley Angling in support of the application, at the meeting.

The site was wholly contained within an area known as Reepham Meadows which was designated as a County Wildlife Site (CWS) and comprised a complex of habitats with grazed meadows to the west and east; the existing fishery ponds to the north and arable land to the south-east. The Committee noted the relevant policies relating to this site, in particular Policy EN1 of the DM DPD which required new development to protect and enhance the biodiversity of the district. Conservation, enhancement and avoiding harm to environmental assets was the objective of achieving a long term protection of local biodiversity. Where harmful impacts may occur, it should be demonstrated that adequate mitigation was incorporated and the benefits of

the development clearly outweighed the impacts. All proposals should consider protection and enhancement of biodiversity from the outset avoiding potential harm to habitats and protected species. An ecological assessment should demonstrate that the proposal would not result in any significant adverse impact upon internationally, nationally and locally designated sites or areas. All new developments must ensure that there would be no adverse impacts on the water environment.

It was noted that the applicant had provided a "Vegetation and Habitat Assessment" of the site and this concluded that the proposal would result in a major negative impact on the CWS which could not be mitigated by on-site measures. Furthermore, although it was suggested that the impact could be compensated to some extent by positive conservation management in the land to the south (also within the applicant's ownership), the assessment had concluded that the proposal was not able to deliver a net gain in biodiversity due to the impact on the CWS and the habitat contained within it.

The County Ecologist had requested more detailed surveys of the site and impacts on the ecology of the wider area, including a hydrological assessment in order to fully determine the application. However, due to the conclusion within the applicant's assessment (referred to above), officers had concluded that this did not justify requesting further information from the applicant.

Members took into consideration Paragraph 175 of the NPPF which stated that, when determining planning applications which resulted in significant harm to biodiversity that could not be adequately mitigated or compensated for, planning permission should be refused. Furthermore, the presumption in favour of sustainable development did not apply where a plan was likely to have a significant effect on a habitats site.

The Committee acknowledged the economic and social benefits associated with the proposal as evidenced by the applicant and also supporters of the proposal. However, it considered that it was not in position to make a fully informed decision on the application at this time and further information was needed in order to be able to balance the significant harm to the ecology of the site and its surroundings against the benefits to the local economy and local community. Accordingly, it was

RESOLVED:

to defer consideration of application number 20181808 to enable the applicant a further opportunity to meet the requests of both the Norfolk Wildlife Trust and County Ecologist in providing information on the mitigation to offset the harm which would be caused by the development; information on hydrology and finally details of the anticipated increase in car parking and how the need would be met.

The Committee adjourned at 11am and reconvened at 11.10am when all of the Members listed above were present for the remainder of the meeting.

7 APPLICATION NUMBER 20190352 – LAND AT SEVEN ACRES, SEVEN ACRES LANE, COLTISHALL

The Committee considered an application for the erection of a dwelling on land to the rear of an existing dwelling known as Seven Acres off Seven Acres Lane, Coltishall. The proposal also included a new vehicular access off Seven Acres Lane. The building had been designed to address the landscape and incorporated three main elements: an east wing, west wing and a central link building. The eastern wing was a single storey curved structure partially sunken into the ground and had a grass roof to reference the natural topography of the site. The southern elevation of this wing was proposed to have timber clad walls and large polyester coated steel frame windows and door openings. The western wing referenced the local and adjacent railway narrative and took its form from railway signal boxes. It comprised a two storey building with a dual pitch roof and would have glazing to the east, south and west, allowing for views across the railway and towards the Bure Valley. This roof would change from a formal slate roof towards the west of the building to a green sedum roof as the building linked to the central part of the building. Finally, the central green building would connect the two wings and would be partially sunken into the ground. It incorporated two cube buildings to the rear which would have rendered timber walls and a green wall surrounding them to further lock them into the landscape. The cube would also have a sedum roof and polyester coated steel frame windows.

The application was reported to committee as the recommendation was for approval contrary to the current development plan policies.

The Committee noted the comments of the Ward Member in support of the application, as reported in the Supplementary Schedule. In addition, the Committee received the verbal views of Andrew Gibbs, the architect and Denis Phelan, the applicant, at the meeting.

As the site was outside of the settlement limit, the application had been submitted as an example of a dwelling which met the guidance set out in paragraph 79(e) of the NPPF, a material consideration which could be given some weight contrary to the Development Plan, where the design was of exceptional quality. Members noted that to meet the test set by this paragraph, all four aspects needed to be met and this had been reinforced by Planning Inspector's decisions when considering appeals against the previous Paragraph 55 requirements in the now superseded NPPF.

It was noted that the scheme had been subject to much pre-application consultation and, during this time, there had been several revisions to the design proposed. Members took into consideration the views of the Council's

Design Advisor who concluded that the overall concept of the journey, the arrival point and the remodelling of the land was a strong concept and that the principle of a paragraph 79 dwelling in this location would be acceptable. Furthermore, the design was considered to be uncompromisingly contemporary yet referenced the railway heritage of the area through the remodelling of the landscape which occurred to facilitate the accommodation, accentuate the point of arrival at the building and connect and immerse the building within the landscape. The Committee concurred with these views and considered that, subject to conditions to ensure the external materials and detailing were of a high quality, the design should be outstanding and achieve a high standard of architecture.

As there were a number of heritage assets in the vicinity, including two churches and grade II listed farmhouse and barns, regard was given to Section 66(1) of the Planning (Listed Building and Conservation Areas) Act. Members concurred with the views of the Council's Historic Environment Officer that the proposal would not be detrimental to the setting of these heritage assets and so there would be no harm to their significance.

In terms of the impact on residential amenity, it was noted that the dwelling would be situated a good distance from any existing neighbouring properties and given that it would be partly sunken into the landscape, its size and scale as well as the screening provided by the trees and hedging on the site and its boundaries, the proposal was not considered to result in any detrimental impact upon neighbour amenity and therefore was in accordance with Policy GC4 of the DM DPD.

In terms of highway safety, Members noted the comments of the Highway Authority and concluded that the proposal complied with Policies TS3 and TS4 of the DM DPD.

In terms of all other relevant considerations including matters raised through the consultation process, the Committee concurred with the officer response as detailed in the report.

In conclusion it was considered that the application met the requirements of Paragraph 79 of the NPPF by virtue of its outstanding design, it reflecting the highest standards in architecture, it significantly enhancing its immediate setting and being sensitive to the defining characteristics of the local area. Furthermore, it would have an acceptable impact on the landscape character of the area and not cause harm to any residential amenity or the satisfactory functioning of the highway network. Accordingly, it was

RESOLVED:

to approve application number 20190352 subject to the following conditions:

- (1) (A1) Time Limit (Three years)
- (2) (E3) Development to be carried out in accordance with approved plans
- (3) (E4) Details of external materials, critical junctions and joinery details to be submitted and approved
- (4) (NS) Details of site levels to be submitted
- (5) (SHC05) Highways – vehicular access
- (6) (SHC16) Highways – visibility splays
- (7) (SHC07) Highways – No obstruction to access within 5 metres of carriageway
- (8) (D2) Removal of permitted development rights for any buildings, walls, fences or alterations or extensions to dwelling
- (9) (NS) Works shall be carried out in accordance with AIA, TPP and AMS
- (10) (T04) Details of proposed landscaping to be submitted and approved, this includes details of construction access and service runs
- (11) (J01, J04 & J05 combined into one condition) Archaeology
- (12) (NS) Bird nest boxes and bat boxes
- (13) (NS) Details of surface water and foul sewage disposal

8 APPLICATION NUMBER 20190443 – CHURCH FARM BARNs, THE STREET, HEYDON

The Committee considered an application for the extension and rebuilding of damaged farm buildings to form four commercial units for A1 and B1 use at Church Farm Barns, The Street, Heydon. The application was part-retrospective as the building work for the building of the barns started in January 2019. These current proposals followed a similar full planning application (20180892) which had been granted planning permission for the conversion of the same set of barns in July 2018 to A1 or B1 use. However, on commencement of the works, the walls were found to be in a worse condition than anticipated once the render had been removed. Consequently, they were lowered to reach a sound base to build off, however this was to such an extent that it was considered that rebuilding of the barns

to match the existing would be the best solution. The footprint, height and floor area of the barns all remained unchanged from the previous approval and the design and materials were also much the same as previously approved.

The application was reported to committee as the recommendation for approval was contrary to the current development plan policies.

The site was located outside of the settlement limit in a rural location where development proposals would not normally be permitted. Policy GC2 of the DM DPD did not permit new development outside of settlement limits unless the proposal complied with a specific allocation and / or policy of the development plan. However, Policy 5 of the JCS supported the sustainable development of the local economy to support jobs and economic growth both in urban and rural locations which included the development of appropriate new and expanded businesses which provided either tourism or other local employment opportunities. As the proposal would provide four small retail or business units which would be attractive to the village and help bring customers to the area, the application was considered to comply with Policy 5 of the JCS.

It was considered that the planning history of the site was also a material consideration and it was noted that the proposals would result in a barn which would be of the same character and appearance as that previously approved. The barns were considered to have a historic significance and if the application were to be refused, the area would potentially be left as an area of hardstanding with no obvious future use. On balance, it was considered that there was merit in approving the application despite its conflict with Policy GC2 of the DM DPD.

As the site was within the Heydon Conservation Area and located within close proximity to a number of listed buildings, regard was given to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Members acknowledged, however, that the barns which had been demolished and in the process of being rebuilt, were not considered to be curtilage listed. It was considered that the proposals were sympathetic to the original barns and surrounding area and the design, materials and joinery details proposed would be acceptable. The comments of the Council's Historic Environment Officer were noted and Members concurred with their view, concluding that the rebuilding of the barns would make a positive contribution to the character and appearance of the Conservation Area. Therefore, the proposal would not cause harm to the character and appearance of the Conservation Area of nearby listed buildings and accordingly complied with Policies 1 and 2 of the JCS, Policies GC4 and EN2 of the DM DPD and the relevant sections of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In terms of the impact on residential amenity, it was considered that, given the modest size of the units, any retail use would be of a small scale and would not cause any detrimental impact upon neighbour amenity. It was noted that the opening hours would be controlled through a similar condition which was imposed on units 2 and 3.

In terms of all other relevant considerations, including matters raised through the consultation process, the Committee concurred with the officer response as detailed in the report.

In conclusion, it was considered that the benefits of the proposal outweighed any harm which may arise and therefore, the application represented an acceptable form of development. Accordingly, it was

RESOLVED:

to approve application number 20190443 subject to the following conditions:

- (1) (E3) Development to be carried out in accordance with approved plans
- (2) (I3) Premises shall only be used for A1 or B1 use
- (3) (D2 - Variation) Removal of permitted development rights (Schedule 2 Part 2 and Part 7 of GDPO)
- (4) (I12) Hours of operation – 08:00 until 21:00 Monday to Saturday and 09:00 until 18:00 Sundays and Bank Holidays
- (5) (NS) Bat and Bird Boxes to be installed prior to first occupation

9 APPLICATION NUMBER 20190695 – LAND REAR OF 33 SANDHOLE LANE, LITTLE PLUMSTEAD

The Committee considered a retrospective application for the change of use of agricultural land to garden / residential curtilage at the rear of 33 Sandhole Lane in Little Plumstead. The land had been laid to lawn and was maintained as part of the residential garden, enclosed by the erection of a 1.8m close boarded fence.

The application was reported to committee as the recommendation for approval was contrary to the current development plan policies.

The site was outside of, but adjacent to, the settlement limit on its northern and eastern boundaries. The Committee noted that planning permission had been granted in 2005 for the change of use of land to the rear of nos: 37, 39,

41, 43 and 45 Sandhole Lane from agricultural to residential, dwellings which were situated to the north of the site. It was recognised that the proposal to change the land at no: 33 did not extend beyond these curtilages.

It was considered that there was minimal impact to the character and appearance of the area as the neighbouring gardens had close-boarded fences and furthermore, these properties extended as far as, if not further, towards the existing agricultural land to the south. Given the historical approval for very similar proposals and the extent of other neighbouring residential gardens, it was considered that it would be unreasonable not to grant this retrospective permission for change of use. Finally, as several of the neighbouring sites had outbuildings adjacent to their rear boundaries, it was considered unnecessary and unreasonable to include a condition removed Permitted Development Rights within the extended garden area.

In conclusion, it was considered that the proposal represented an acceptable form of development and accordingly, it was

RESOLVED:

to approve application number 20190695 subject to the following condition

(A1) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below:

Dwg No 2 Site Plan 1:500 received 25 April 2019

10 APPLICATION NUMBER 20190654 – LAWN BUNGALOW, TUNSTALL ROAD, HALVERGATE

The Committee considered an application for the change of use of agricultural land to residential curtilage and the provision of a new access to serve a new dwelling on land at Lawn Bungalow, Tunstall Road in Halvergate. The proposed extension of the curtilage would result in the removal of the non-native hedge and the replacement along the new southern boundary with a native species hedge. It was noted that the application also included the erection of a replacement dwelling and detached garage / workshop but this part of the site was within the Broads Authority's area and therefore, it was the determining authority for these elements.

The application was reported to committee as officers considered there were exceptional circumstances which warranted consideration by the committee.

The Committee noted the comments of the Broads Authority, as reported in the Supplementary Schedule.

It was considered that the extension of the residential curtilage would not adversely affect the local landscape or the character and appearance of the area. As this part of the site was adjacent to the Conservation Area, consideration was given to Section 72 of the Listed Buildings Act 1990 and Members concluded that the extension of the residential curtilage would not harm the character and appearance of the Conservation Area.

The Committee noted that there was already a field access in the proposed location for the access to the dwelling and the Highway Authority had not raised any objection, subject to the imposition of conditions. Accordingly, it was considered that the development complied with Policy TS3 of the DM DPD.

In conclusion it was considered that the proposal represented an acceptable form of development and accordingly, it was

RESOLVED:

To approve application number 20190654 subject to the following conditions.

- (1) (A1) Full time limit
- (2) (E3) In accordance with drawings
- (3) (T16) Hedge planting
- (4) (T11) Tree protection
- (5) (SHC05) Access construction to required specification
- (6) (SHC07) Access gate configuration
- (7) (SHC16) Provision of visibility splays, approved plan
- (8) (SCH20) Provision of access parking and turning

11 APPLICATION NUMBER 20190454 – OAK LODGE, SCOTTS CORNER, WOODBASTWICK

The Committee considered an application for the change of use of part of an agricultural field to residential use and the erection of a single storey side and front extension for use as a double bay cart lodge at Oak Lodge, Scotts Corner, Woodbastwick. The extension would measure 6m out to the side, approximately 2.2m out to the front of the dwelling by approximately 2.6m in

height to the eaves and 3.867m to the eaves. External materials would include horizontal timber boarding for the walls and red concrete pantiles for the roof slopes and the construction would be of timber frame with a brick base.

The application was reported to committee as the recommendation to approve was contrary to current development plan policies.

The site was located outside of the settlement limit where development proposals would not normally be permitted unless they complied with a specific allocation and / or policy of the development plan. It was acknowledged that the proposal did not accord with any specific policy but considered that, given that the area of land to be changed to residential was very small, uncultivated and to the side of an existing residential dwelling, the proposal would be acceptable.

In terms of the extension, it was considered that, given its extent, height, siting, design and external materials, it would not have a significant detrimental impact on the character of the area or dwelling.

It was noted that the Highway Authority did not object to the proposal and Members concurred that there would be no detrimental impact on the existing parking and manoeuvring space.

In conclusion it was considered that the proposal represented an acceptable form of development and accordingly, it was

RESOLVED:

To approve application number 20190454 subject to the following conditions:

- (1) (A1) Statutory Time Limit
- (2) (E3) Submission of Details
- (3) (E4) Submission of External Materials

The meeting closed at 12pm