

## **DEVELOPMENT COMMITTEE**

**Minutes of the meeting of the Development Committee held on Thursday, 18 November 2021 in the Council Chamber - Council Offices at 9.30 am**

**Committee Members Present:**

Mr P Heinrich (Vice-Chairman)	Mr A Brown
Mr P Fisher	Dr V Holliday
Mr R Kershaw	Mr N Lloyd
Mr G Mancini-Boyle	Mr N Pearce
Ms L Withington	Mr J Rest
Mr J Toye	

**Officers in Attendance:** Assistant Director for Planning (ADP), Principal Lawyer (PL), Development Management and Major Projects Manager (MPM), Director for Place & Climate Change (DFPCC) and Democratic Services and Governance Officer - Scrutiny (DSGOS)

**Also in attendance:** Ed Mumford-Smith, Jake Lambert  
Anglian Water Planning Manager (AWPM)

### **47 TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies were received from Cllr C Stockton, Cllr P Grove Jones, and Cllr A Fitch-Tillett.

### **48 SUBSTITUTES**

Cllr J Toye and Cllr J Rest.

### **49 MINUTES**

Minutes of the meeting held on 21<sup>st</sup> October 2021 were approved as a correct record and signed by the Chairman.

### **50 ITEMS OF URGENT BUSINESS**

None received.

### **51 DECLARATIONS OF INTEREST**

None declared.

### **52 HINDRINGHAM PF/20/1345 - CONSTRUCTION OF 11 NO. DWELLINGS WITH ASSOCIATED PARKING, LANDSCAPING AND INFRASTRUCTURE: LAND SOUTH OF WELLS ROAD, HINDRINGHAM.**

The MPM introduced the report and informed Members that the application had been considered previously in July, and had been deferred due concerns regarding foul drainage and the site layout. It was reported that a reduction in the number of dwellings had provided additional space for planting areas to alleviate layout concerns, whilst Anglian Water (AW) had undertaken further investigatory work on the drainage network and confirmed that it was in good working order. The MPM

recommended approval of the application, as outlined in the report.

### Public Speakers

Ed Mumford-Smith (Supporting)

### Questions and Discussion

- i. The Local Member – Cllr R Kershaw stated that he was grateful to Broadland Housing for the amendments made to the application, but noted that he still had substantial concerns regarding the sewage issues. He added that despite AW's assurance that there were no blockages, there still appeared to be significant drainage issues, with foul sewage seen to enter ditches and contaminate the river network. Cllr R Kershaw stated that he felt it was necessary to resolve these issues before the application could be approved, in order to avoid exacerbating the issue, and therefore proposed deferral for a site visit so that Members could review the issue in situ.
- ii. In response to a question from the Chairman, the PL confirmed that an individual planning application should not be used to address an existing issue, and should only be considered on the grounds that it would not make matters worse. He added that it could contribute to resolving the issue, but could not be expected to fully address it. It was noted that if the application was refused for reasons relating to existing drainage issues, then evidence would be required to show why the Committee had acted against the advice of a statutory consultee, which would pose additional risk to the Council.
- iii. The AW Planning Manager (AWPM) informed Members that AW had undertaken CCTV exploration of the drainage network, alongside removal of tree roots, which had shown that the network was working effectively. She added that manhole covers had also been lifted throughout the Parish for inspection, and no issues had been found. It was noted that there were no historical reports of flooding or drainage issues within AW's records, and testing models had shown that there was capacity within the existing foul network to accommodate the additional flow, if the application were to be approved. The AWPM stated that evidence provided by the Parish Council appeared to show that the flooding was caused by surface water, unrelated to the capacity of the foul sewage network. She added that this issue was therefore the responsibility of the Lead Local Flood Authority, and from AW's perspective there was capacity available to accommodate the development.
- iv. Cllr A Brown seconded the proposal for deferral to allow a site visit to take place.
- v. The ADP suggested that prior to debating the proposal, it would be useful to hear what the site visit would seek to determine.
- vi. Cllr R Kershaw stated that he had visited the site on several occasions with no recent heavy rainfall, and had still seen evidence of effluent flowing into the river network. He added that if a site visit were approved, then it would be helpful for Members to discuss the issue with the Parish Council and review the video evidence to consider the impact on the local river network.
- vii. The Chairman sought clarification on how drainage issues could affect the planning application. The MPM replied that whilst he appreciated the

concerns raised, a decision was still required on the application, and the developer could not be asked to resolve an existing problem. He added that there was no evidence to suggest that the scheme would have an adverse impact on the area through excess foul drainage, and evidence of this would be required if the application were refused on these grounds. The MPM suggested that Members consider the application with alongside comments from AW, and that conversations continue separately to resolve the pre-existing issues with drainage.

- viii. Cllr A Brown noted that there were national concerns with rainfall causing overflow, and whilst it was not the responsibility of the Committee to resolve this, it was important that the drainage issues be resolved before the application be approved. He added that the Members owed it to residents to see that it be resolved, and suggested that it would have been helpful for a representative of the Parish Council to attend the meeting. Cllr A Brown referred to an informative note on p46 and raised concerns that this would not be adhered to. The MPM stated that this note had been excluded from the updated report following completion of further exploratory work by AW.
- ix. Cllr N Pearce stated that it would have been helpful to review the video evidence of sewage issues at the meeting, and suggested that in the absence of this evidence, a site visit would help Members understand the concerns. He added that it would also be helpful if AW representatives joined the site visit.
- x. Cllr L Withington stated that it was clear that no Member would be against the delivery of affordable housing, but concerns remained about effluent discharge during normal weather conditions. She added that a site visit would help to alleviate these concerns, as it was difficult to make a decisions without the necessary evidence.
- xi. In response to the Chairman, the AWPM confirmed that there had been no recorded flooding events within the last twelve months. She added that this was not to say that flooding events had not occurred, but none had been reported to AW. It was stated that AW were committed to helping resolve any issues, and would be happy to attend site visits if required. The AWPM noted that AW had no outfalls in the area discussed, so it was possible that it could be a highways or other outfall.
- xii. Cllr J Rest stated that any site visit would be subject to the specific conditions at the time of the visit, and it was possible that this may happen when no evidence of flooding was present, in which case little insight would be gained.
- xiii. The ADP stated that the application was due to determined on or before the 26<sup>th</sup> November, and it would be necessary to ask whether the applicant could permit a further extension to allow a site visit to take place.
- xiv. Cllr G Mancini-Boyle asked whether video evidence of the drainage issues had been shared with AW, and whether it could be shared Members of the Committee. Cllr R Kershaw replied that the Parish Council did have several videos that could be shared in advance of a site visit.
- xv. Cllr J Toye stated that he appreciated the concerns raised and suggested that the Committee should seek assurances that approval of the application would not exacerbate the issue. He added that the Council had recently

committed to working with AW to monitor sewage events, and asked whether there was a means by which the Council could show a commitment to residents that the issue would be addressed, separately from the application. The MPM suggested that a condition could be included to ensure the foul drainage scheme was approved by AW and would not exacerbate the issues, in order to provide additional assurance.

- xvi. Formal debate was suspended to determine whether a further extension would be acceptable to the applicant, in order to allow a site visit to take place. It was confirmed that this would be possible, should the proposal be approved.
- xvii. The meeting returned to formal debate.
- xviii. Cllr V Holliday asked whether the on-site soak away would be adequate for the level of surface water produced, and whether the removal of permitted development rights on patios or other hard surfaces would help mitigate any further issues. The MPM replied that surface water drainage had been considered and a flood risk impact assessment produced, with no concerns raised. He added that it was unlikely that removing permitted development rights would be required, though the Committee could include this as a condition, if necessary.
- xix. Cllr P Fisher stated that there were two separate concerns, one relating to the existing issues, and then the impact of additional flow if the application were approved. He added that it was important to understand whether the issue would continue to be monitored, separate to consideration of the application.
- xx. A vote was taken on the proposal to defer the application for a site visit, as proposed by Cllr R Kershaw and seconded by Cllr A Brown. The proposal failed with 4 in favour and 7 against.
- xxi. Cllr J Rest referred to CCTV footage taken by AW and asked whether this had been shared with the developer, and whether the developer was comfortable to take responsibility for any issues caused. The AWPM replied that the CCTV footage had not been shared and there had not been any request to review the footage. She added that any defects, such as tree roots in the network, were resolved immediately. She added that subject to AW's approval, they would adopt and maintain any new drainage network going forward.
- xxii. Cllr N Pearce raised concerns regarding the S106 agreement, but suggested he would like to see the application approved, subject to monitoring the drainage issues. He referred to the conditions outlined, and asked how certain officers were that they would be adhered to. The MPM referred to the S106 agreement and stated that this had already been drafted and was awaiting approval, which placed the Council in a good position. He added that a substantial amount of information relating to conditions had already been supplied by the applicant, though there could be circumstances where specific conditions could not be adhered to once development began. In which case, officers would work with the applicant to achieve the best possible outcome.
- xxiii. Cllr N Lloyd spoke in favour of the application and stated that from a planning

perspective, there were very limited grounds to challenge the application or the comments of the statutory consultee. He added that the development would provide several benefits and whilst concerns around drainage remained, there did not appear to be any material planning issue on which to reject the application.

- xxiv. Cllr A Brown asked whether the site would have EVCP or whether this could be included as a condition. It was confirmed that UKPN had stated that providing car charging points would not be possible without an additional substation, which would impact the deliverability of the site. It was noted that Government grants would be available for residents to install charging points at a later date, and the wiring would be put in place to facilitate this.
- xxv. Cllr J Toye stated that he was pleased to see the revised layout and stated that he was happy to support the application.
- xxvi. The MPM sought clarification on whether the Committee were supportive of an additional condition to ensure that the foul sewage scheme would not adversely affect the existing network, and whether permitted development rights should be limited to address concerns of surface water drainage. Members were supportive of including an additional condition to ensure the foul drainage scheme would not adversely impact the existing network.
- xxvii. The recommendation was proposed by Cllr N Lloyd and seconded by Cllr J Toye to include the additional condition in relation to the foul drainage scheme.

**RESOLVED by 10 votes to 1**

**That the application be approved in accordance with and subject to the conditions outlined in parts 1 and 2 of the recommendation of the ADP.**

### **53 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

- i. The ADP stated that there had been continued improvement across the Development Management and Major Projects Teams.
- ii. Cllr J Toye thanked officers for their efforts and the improvements made to bring the Department back up to speed following the pandemic.

### **54 APPEALS SECTION**

- i. The ADP informed Members that the Briston case had been dismissed, though during consideration the Planning Inspector had determined that they were not convinced of the District's five year land supply. He added that this was the decision of a single Inspector, and the Council could choose to accept or challenge this decision. Cllr A Brown stated that this decision came as contrary to the Planning Inspector's decision given at Beresford Road Holt, where the Council was deemed to have a credible five year land supply. He added that on this basis the Council should consider the decision very carefully, and be prepared to challenge it. Cllr N Pearce stated that this decision should be considered urgently, as the Council had previously been informed that it had a five year land supply, and must therefore be ready to challenge the decision.

- ii. Cllr J Rest asked whether the Panning Inspector had considered just one area or the whole District when making their decision. The ADP replied that this would refer to the wider District, but advised Members to continue as though the Council did have a five year land supply until notified otherwise. He added that even without a five year land supply, Council's were still able to make decisions on sustainability using the NPPF.
- iii. New Appeals
- iv. No questions.
- v. Inquiries and Hearings – In Progress
- vi. The Chairman asked whether there had been any progress on the Arcady case, and was informed that officers were awaiting revised plans. The ADP added that a new application had also been received to substitute approved drawings for the appeal decision, with residents able to comment on the application.
- vii. Written Representations Appeals - In Hand
- viii. No questions.
- ix. Appeal Decisions - Results and Summaries
  - x. The ADP noted that there was a trend with the District Council being largely supported in its decisions, though it was still being challenged, as with a recent case decided against the Council on the grounds of sustainability. He added that matters of sustainability for dwellings would be reviewed to consider whether the Council remained in-line with the decisions of the Planning Inspectorate.

## **RESOLVED**

**To note the appeals.**

## **55 EXCLUSION OF PRESS AND PUBLIC**

The meeting ended at 10.59 am.

---

Chairman