

Development Committee



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TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 4 May 2022

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 12 May 2022 at 9.30 am.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Please note that members of the public should not speak to Committee Members prior to or during the meeting.

PUBLIC SPEAKING:

Members of the public who wish to speak on applications must register **by 9 am on the Tuesday before the meeting** by telephoning **Customer Services on 01263 516150** or by emailing customer.service@north-norfolk.gov.uk. Please read the information on the procedure for public speaking at Development Committee on our website or request a copy of "Have Your Say" from Customer Services.

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. You must inform the Chairman if you wish to do so and must not disrupt the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Mrs P Grove-Jones, Mr P Heinrich, Mr A Brown, Mr P Fisher, Mrs A Fitch-Tillett, Dr V Holliday, Mr R Kershaw, Mr N Lloyd, Mr G Mancini-Boyle, Mr N Pearce, Mr M Taylor, Mr A Varley, Ms L Withington and Mr A Yiasimi

Substitutes: Mr T Adams, Dr P Bütikofer, Mrs S Bütikofer, Mr C Cushing, Mr T FitzPatrick, Mr V FitzPatrick, Mr N Housden, Mr J Punchard, Mr J Rest, Mrs E Spagnola, Mr J Toyne, Dr C Stockton and Mr E Vardy

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



If you have any special requirements in order to attend this meeting, please let us know in advance

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

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A G E N D A

PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN

PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. MINUTES

(Pages 1 - 42)

To approve as a correct record the Minutes of a meeting of the Committee held on 14th March, 31st March and 14th April 2022.

5. ITEMS OF URGENT BUSINESS

(a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

(b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.

6. ORDER OF BUSINESS

(a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.

(b) To determine the order of business for the meeting.

7. DECLARATIONS OF INTEREST

(Pages 43 - 48)

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest. Members are requested to refer to the attached guidance and flowchart.

OFFICERS' REPORTS

8. BRINTON - PF/20/1278 - REMOVAL OF CONDITION 3 (HEDGE RETENTION) OF PLANNING PERMISSION PF/93/0561, TO REGULARISE POSITION FOLLOWING REMOVAL OF HEDGE, KNOCKAVOE, NEW ROAD, SHARRINGTON, MELTON CONSTABLE

(Pages 49 - 54)

9. WIVETON - PF/21/2977 CHANGE OF USE OF AGRICULTURAL LAND TO A DOG WALKING FIELD WITH ASSOCIATED CAR PARKING AREA; ERECTION OF 1.8 M FENCE AROUND THE

(Pages 55 - 66)

PERIMETER OF THE DOG WALKING AREA; ERECTION OF STORAGE SHED FOR MAINTENANCE EQUIPMENT AND FIELD SHELTER AT LAND EAST OF THE ACREAGE, COAST ROAD, WIVETON, NORFOLK

- 10. DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 67 - 68)

Development management performance report to follow.

- 11. APPEALS SECTION** (Pages 69 - 72)

- (a) New Appeals
- (b) Inquiries and Hearings – Progress
- (c) Written Representations Appeals – In Hand
- (d) Appeal Decisions
- (e) Court Cases – Progress and Results

- 12. EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution, if necessary:-

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A (as amended) to the Act.”

PRIVATE BUSINESS

- 13. ANY URGENT EXEMPT BUSINESS**

- 14. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA**

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DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 17 March 2022 in the Council Chamber - Council Offices at 9.30 am

Committee Mr P Heinrich (Vice-Chairman)

Members Present:

Mr A Brown

Mrs P Grove-Jones

Mr G Mancini-Boyle

Mr M Taylor

Mr P Fisher

Mr R Kershaw

Mr N Pearce

Mr A Yiasimi

Substitute

Members Present:

Mr T Adams

Mr V FitzPatrick

Mr J Rest

Mr J Toye

Officers in Attendance:

Major Projects Manager (MPM)

Senior Planning Officer (SPO-RR)

Senior Planning Officer (SPO-JB)

Major Projects Team Leader

Senior Landscape Officer

Principle Lawyer (PL)

Democratic Service Officer – Regulatory

Democratic Services Officer – Scrutiny

Also in

attendance:

Mr A Willard – Highways Engineer for Norfolk County Council

26 CHAIRMAN'S INTRODUCTIONS

Cllr P Heinrich welcomed members to the meeting and affirmed that, in agreement with Cllr P Grove-Jones, he would deputise and preside the meeting as Chairman.

27 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Committee Members Cllrs A Fitch-Tillett, V. Holiday, N Lloyd, A Varley, L Withington and the Assistant Director of Planning

28 SUBSTITUTES

Cllrs J Toye, V FitzPatrick, T Adams, J Rest were present as substitutes for Cllrs A Fitch-Tillett, V Holiday, N Lloyd and L Withington respectively.

29 MINUTES

The Minutes of the meeting held on 17 February 2022 were approved as a correct record and signed by the Chairman.

30 ITEMS OF URGENT BUSINESS

None.

31 DECLARATIONS OF INTEREST

- i. Cllr M Taylor declared a non-pecuniary interest for Agenda Items 8 and 9, Planning Applications PF/21/1532 and PF/21/2021, he is the Local Member for Stalham, and serves as a member of the Town Council and

Neighbourhood Development Plan Committee.

- ii. Cllr P Grove-Jones declared a non-pecuniary interest for Agenda Items 8 and 9, Planning Applications PF/21/1532 and PF/21/2021, she is the Local Member and is known to individuals involved, however had not spoken with them on this matter and considered herself not to be pre-determined.
- iii. The Chairman declared a non-pecuniary interest in Agenda Item 14, Planning Application PF/22/0431, he is the Local Member however advised he had not been in communication with those involved.

32 STALHAM PF/21/1532 - EXTRA CARE DEVELOPMENT OF 61 INDEPENDENT ONE AND TWO BEDROOM FLATS, WITH SECURED LANDSCAPED COMMUNAL GARDENS, ASSOCIATED VISITOR AND STAFF CAR AND CYCLE PARKING, EXTERNAL STORES AND A NEW VEHICULAR ACCESS ONTO YARMOUTH ROAD. LAND NORTH EAST OF YARMOUTH ROAD, STALHAM.

The Chairman noted correspondence received from a member of the public sent to Members prior to the meeting, and invited the MPM to speak on this matter. The MPM advised that the Director for Place and Climate Change had responded directly to the author and advised of the complaints procedure should they wish to progress with their complaint formally. The allegations were considered to be without merit and raised no new material planning considerations.

The SPO-RR introduced the Officers Report to Members and the recommendation for approval subject to conditions. The SPO-RR advised since the publication of the agenda a further four representations had been received from Sutton Parish Council, the Highways Authority, a Member of the Public and County Councillor Nigel Dixon. Sutton Parish Council had raised concerns regarding traffic generated from the development and the impact on highways safety at the junction with the A149. In response the Highways Authority had reiterated previous comments and raised no objection in relation to highways safety or infrastructure. Mr A Willard from Norfolk Council Councils Highway Authority was in attendance at the meeting to address questions by Members.

The SPO-RR affirmed the site had existing planning permission for 3150 square meters of employment buildings under Planning Application reference PF/12/1427, but that the land had remained undeveloped, as had the employment site allocation at Steeping Stone Lane. The Officers Report set out the clear and demonstrable need for both affordable and extra care housing within Stalham and North Norfolk, and the significant interest of residents for living in Stalham. In March 2022 178 households age 60 plus had expressed interest in living in Stalham and Norfolk County Council had identified the need for 486 additional care dwellings in the District by 2028, 194 of which should be affordably rented.

It was stated that the proposal had been through a series of design iterations which had reduced the scale and height of the buildings and introduced some variation in the materials used. The landscaping scheme had been amended to take into consideration the loss of 9 mature trees along Yarmouth Road and introduced more native planting onto the site. Despite the amendments both the Conservation and Design, Landscaping and Planning Officers considered the proposal contrary in policy terms and its overall design and landscape impacts.

The SPO-RR stated the proposal was not considered to generate an unacceptable impact on Highways Safety, nor the residual cumulative impacts on the road network.

He advised the proposal would not have a significant affect to the conservation of habitats and species regulations 2017, subject to appropriate mitigation measures detailed within the report. Including the payments of GI/RAM's obligation to tackle visitor impact pressures on habitat sites, the provision of dog waste bins and ongoing maintenance, and the provision of green infrastructure information boards and resident information packs. Other financial contributions by Norfolk County Council had not been assessed as viable in delivering the scheme by the Councils independent viability assessor.

The SPO-RR stated that the scheme was recommended for approval subject to conditions and the satisfactory Section106 agreements due to the substantial benefits of the proposal being considered to outweigh the development and policy departures in this instance, with full details of the planning balance contained within Pages 43 to 45 of the Agenda Pack.

Public Speakers

Kevin Baynes - Stalham Town Council

Katie Newman – Objecting

John Daulby – Objecting on behalf of Sutton Parish Council

Martin Towers – Objecting

- i. Cllr M Taylor – Local Member, expressed his support for the concerns raised by objecting speakers. He noted the merits of the application and that there was a pressing need for affordable housing and assisted living facilities across the district but concluded that this development should not proceed in its current form. He reflected that the development would not be in keeping with the aesthetic of the town, and that it would be a blight on the broadland landscape, dominating the skyline and adversely affecting existing residents. He affirmed that the development was contrary to several policies contained within the North Norfolk Core Strategy and Section 12 of the NPPF, as set out in the Officer's Report. He stated that the wider town may not be suitable for elderly residents due to uneven curbs, dangerous guttering, and consequent reports of elderly individuals tripping and falling, and that until such issues were addressed, the addition of more elderly members to the community would only exacerbate problems. He considered there to be inadequate infrastructure and water supply to support the development, with existing issues in Stalham were it not uncommon for water to be shut off due to burst water pipes or damaged water mains for extended periods of time. Cllr M Taylor expressed his disappointment that no traffic survey had been produced given the size of the scheme which he considered would place additional pressure on already poor junctions located in Stalham, in particular the T Junction with the A149 and Old Market Road by Tesco's.
- ii. Cllr P Grove Jones- Local Member, reflected on both the need for affordable housing and assisted living accommodation in North Norfolk and the objections made by members of the public, Conservation and Design and Landscape Officers. She considered the size and the impact of the three storey building to be unattractive, with restrictive landscape provision, and would add little to the local economy. She commented that the jobs provided by the development of the Care Home would likely be low paid, and that there was already a desperate need for care workers with vacancies

remaining unfilled. She considered that Stalham was in need of well-paid vibrant jobs. The Local Member advised that traffic on the Yarmouth Road could be horrendous particularly at busy school pick up and drop off times and this was further worsened by narrow roads and pavements. She stated that there was pitch point for traffic at the double roundabouts and at the T Junction by Tesco's onto the A149. The Local Member commented both she and County Cllr Dixon had fought for a roundabout or additional lighting to be placed at the T junction with the A149, but that Highways did not see the need for change. She affirmed that she could not understand why a traffic survey had not been undertaken.

- iii. In response to questions from the Chairman, the MPM advised that Norfolk County Council would be putting monies towards the project, as would the District Council. He advised that development viability was a strong factor in this application, and noted that there were elements which the proposed development could not viably provide. As such there were different financial considerations for the project as against a straightforward market led scheme. The MPM reflected that the application being considered by Members did not comply with all development plan policies, nor the original allocation for the site as designated employment land, and that it was a matter of planning judgement for Members in weighing the benefits of the scheme against its shortfalls in policy.
- iv. The Chairman invited the Highways Engineer to make a representation and to respond to questions from Members. The Highways Officer advised that the number of movements generated on the site by the Care Home and Dwellings was not considered to be at a significant level to require a full transport assessment. Modelling would only be considered on proposals with an excess of 100 homes and where traffic movements were expected to increase by 10%. The proposal was not considered to generate an unacceptable amount of additional traffic, with an estimated 18 movements at peak hours for the Care Home, and a similar number for the neighbouring properties listed under the proposal. He also considered that the traffic generated was not guaranteed to use the same route, and would be spread across different directions, therefore could not be considered to place a significant cumulative impact on the T Junction with the A149. Under the NPPF the Highways Authority could only object to a development if the impact was considered severe, and if the residual traffic impact was considered severe. The proposal was considered agreeable subject to appropriate conditions.
- v. The PL advised in support of the Highways Officer, under Paragraph 111 of the 2021 NPPF, that development should only be prevented or refused on highways grounds, if there would be an unacceptable impact on Highways Safety, or the residual cumulative impacts on the road network would be severe.
- vi. Cllr J Rest drew comparisons between the proposed development and a site within Fakenham that had been successful. He considered that there was a high demand from local residents to downsize and move such locations, which would make available larger properties. The location of the proposed development was very similar to that of the Fakenham development, being near the doctor's surgery and a supermarket.
- vii. Cllr A Brown noted the pressing need for affordable housing schemes, and

the concerns raised by the public, Local Members and County Councillor. He reflected on the lack of information contained within the Agenda Pack on alternative sites for employment land within Stalham. He affirmed that the responsibility rested with the developer to engage and consult with the community and the Town Council.

- viii. Cllr P Grove-Jones expressed disappointment over the lack of public consultation made by the developer, and whilst there was no legal requirement to do so, the absence of a public consultation did not sit well with herself, the Town Council or local residents. She stated that the proposal would contravene many of North Norfolk's Core Strategy Policies and aspects of the NPPF, and that there had been no public support for the application. Cllr P Grove-Jones stated her frustration over the lack of a traffic survey, and affirmed that traffic within the town could be horrendous, and the pavements and walkways into Stalham were awful.
- ix. Cllr J Toye commented on his frustrations with the Highways Authority and noted pre-existing issues within Stalham with Footpaths being poorly maintained and an overgrowth of vegetation on the paths near the proposed development. He noted that the Tesco junction was already considered to be unsafe by residents and acknowledged that this was a pre-existing issue and that the proposal would not change this matter. He understood the local communities concerns about the T Junction and affirmed that such concerns should be addressed, but considered that the proposed development would not be the appropriate way to do so. On employment land viability, he noted the assessment contained within the Officer's report that the viability for industrial units was minimal. He stated that the three storey development, whilst impacting the broadland skyline, would be somewhat contained behind high hedges, and that under policy changes for permitted development third floor extensions could be granted. If the development were limited to two stories, the additional units would need to be sought elsewhere. On reflection of the balanced arguments, Cllr J Toye proposed acceptance of the Officers Recommendation.
- x. Cllr J Rest seconded the Officers Recommendation.
- xi. Cllr N Pearce acknowledged the need for additional low cost housing but stated his opposition to the development in that the loss of employment land was indefensible, and that the development was against many of NNDC's Core Strategy Policies. He considered not enough thought had been given to the siting of the development, which may affect individual's right to sunlight and that the lack of a traffic survey was appalling. Cllr N Pearce expressed concerns that the affordable housing would get the runt end of the deal, and could be considered to end up with second rate buildings and designs.
- xii. The MPM referred Members to pages 31 and 32 of the Officers Report, and advised that the proposed development was not considered to overshadow neighbouring dwellings. With respect of highways traffic assessments, he advised that this was a balance between requiring so much information up front against with what was considered to be proportionate for the particular application. He noted that this application, even when combined with the upcoming proposal would not be considered to be of a scale requiring a full transport assessment.
- xiii. Cllr V FitzPatrick determined an even handed approach was needed, he

noted the local opposition against the proposal, and the clear public benefit which affordable homes would bring. Cllr V FitzPatrick asked if a S106 could be applied for traffic mitigation.

- xiv. The SPO-RR advised that for an application of this size, any off site traffic S106 highway improvements would not be proportionate. The Highways engineer advised that a S106 would need to apply to an identified scheme, which there wasn't one for this proposal. The MPM added that a S106 would only apply where there was a planning reason to do so, and that this proposal would not justify traffic mitigation off site. The use of S106 in such circumstances without justification could be considered unreasonable and unlawful.
- xv. Cllr R Kershaw commented that had the site been retained as designated employment land, the businesses located there would lead to increased traffic usage at rush hours also. He understood the concerns of objectors but considered that the public benefits would outweighed the harm caused by the development, and reflected on the similarities with the Fakenham scheme which had been successful. Cllr R Kershaw acknowledged that there was limited funding available for the development of employment sites in North Norfolk, with much of the growth forecasted for the region concentrated around the Northern Distributor Road.
- xvi. Cllr G Mancini-Boyle expressed his concern for the development both due to its height and massing, and due to the loss of employment land. He reflected that once the commercial land was lost it could not be given back, and that it was important that this land be developed for this purpose.
- xvii. Cllr A Brown considered the traffic generated between this and the second Stalham application; reference PF/21/2021, should be considered together as they would result in over 100 properties. He questioned if such applications were considered together whether they would fall under the NPPF to constitute a scheme under Section 278 contributions for traffic improvements. At the discretion of the Chairman, the Highways Officer affirmed that the two developments, even if taken together, would still not reach the threshold for a full traffic survey. If the two applications had been considered together they may result in a transport statement and not a full transport assessment. He advised that a transport statement does not tend to include an analysis of junction capacity of the wider network, rather it would focus on if safe access is provided and if there are walking routes to local services in the wider community.
- xviii. Cllr P Grove-Jones stated that the traffic in Stalham was getting worse, and would continue to worsen with future housing developments. She determined that once the commercial land was lost, it could not be returned, and that other economic development land remaining in Stalham was in poor condition. She stated that the limited economic land within Stalham was gradually being sold off as it was more profitable for developers. Cllr P Grove- Jones commented that the development was visually unappealing in its size and massing, and could be compared to historic council estates with affordable housing amassed in one location. She would prefer that affordable housing was spread amongst ordinary marketable housing.
- xix. Cllr T Adams reflected that this was a finely balanced application, and acknowledged the concerns raised by the public and local members. He

noted the need for this type of housing and infrastructure within North Norfolk which would support many residents. He questioned the archaeological survey, confirmation of parking provision, and detail about the loss of trees through the scheme.

- xx. In response to questions by Cllr T Adams the SPO-RR advised that the archaeological assessment was applicable for the second Stalham application, and that the current proposed site had been studied and excavated under previous planning permission. He referenced the landscaping scheme contained within the Officers Report, and advised that there would be a total of nine trees lost through the development for highways access, but that new street trees were intended to be planted. The parking provision was above the minimum levels required, and the developer intended to keep this.
- xxi. Cllr A Yiasimi thanked Officers for their thorough report, and acknowledged the representations made by residents, and the need for affordable housing schemes.
- xxii. Cllr M Taylor spoke against the Officers Recommendation, and commented that both he and residents did not object to having an assisted living facility or affordable housing in Stalham, but that this was not the appropriate site and far more infrastructure was needed. He questioned the viability of Anglian Water to meet the added demands of the development, and noted the poor condition of the town's paths and pavements, and the lack of public transport. He expressed his frustration that the developer had not engaged in a dialogue with the Town Council or the public which had resulted in tensions.
- xxiii. The SPO-RR advised that Anglian Water considered that they had adequate capacity within the network to support the development.
- xxiv. Cllr A Brown enquired about the absence of the developer from the meeting. The SPO-RR advised that an invitation be been extended but had been declined.
- xxv. In summarising the Officer's report and Members debate, The MPM concluded that the Officers Report acknowledged that the development would not comply with elements of the NNDC Core Strategy and aspects of the NPPF, but that considerable weight needed to be given to the affordable housing provision, and it was a matter of planning judgment by Members whether to grant planning permission.

RESOLVED by eight votes for, and five votes against.

That planning application PF/21/153 be APPROVED subject to conditions contained within the Officers Recommendation.

At the discretion of the Chairman, the meeting took a short break at 11.20am and returned at 11.35am.

33 STALHAM PF/21/2021 - A NEW RESIDENTIAL DEVELOPMENT OF 40 AFFORDABLE HOUSES COMPRISING 22 AFFORDABLE/SHARED OWNERSHIP HOUSES AND ONE BLOCK OF 18 AFFORDABLE FLATS CONSISTING OF 9, ONE BEDROOM FLATS AND 9, TWO BEDROOM FLATS WITH ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS . LAND NORTH EAST OF YARMOUTH ROAD, STALHAM

The SPO-RR introduced the Officer's Report and recommendation for approval subject to conditions and a Section 106 agreement due to the substantial public benefits outweighing the development plan policy departures in this instance. Since the publication of the committee agenda a further four representations had been received from Sutton Parish Council, the Highways Authority, a Member of the Public and County Councillor Nigel Dixon.

The site currently had planning permission for 3150 square metres of employment buildings under PF/12/1427 but that little substantive information had come to light that the units would be developed.

The proposal had been through a series of design interactions which had revised the layout of the site and introduced variation in external materials. The current proposal had been amended to introduce design features which would soften its impact. However the proposal had been objected to by landscaping, conservation and design and planning officers.

The southern section of the site would be subject to pre commencement conditions for archaeological excavation, at the request of Norfolk County Council Historical environment service.

Public Speakers

Kevin Baynes - Stalham Town Council

Katie Newman – Objecting

John Daulby – Objecting on behalf of Sutton Parish Council

Martin Towers – Objecting

- i. Local Member – Cllr P Grove-Jones acknowledged the need for affordable housing and that 903 individuals had expressed a desire to live in Stalham as set out within the Officers Report. She recognised the loss of economic land which when lost could not be returned, and the considerable number of issues raised by Officers and from the public. The Local Member affirmed that Yarmouth Road was dangerous, and her frustrations with the Highways Authority.
- ii. Local Member – Cllr M Taylor, spoke against the application, and noted the historic settling of the site as a former encampment for the Royal Sussex Regiment, which he considered should be preserved as part of the Statham's history and culture, and that not enough investigation of this matter had been undertaken. He asked that prior to the granting of any permission that a full metal detecting survey be carried out as well as an archaeological assessment of the site. Cllr M Taylor raised concerns regarding emergency vehicle access to the site, and stated it prudent that this be considered given the age demographic of residents. He commented that emergency vehicle access would be further worsened by the lack of visitor parking on the site resulting in increased road parking. He was extremely disappointed that the developer had not engaged with Stalham Town Council, which would have eased public tensions.

- iii. The Chairman noted that Archaeological considerations had been made, with details contained within the Officers Report, and that areas of the site which had not been excavated during scoping works would be appropriately excavated prior to the commencement of the proposed development.
- iv. In response to comments made by Cllr M Taylor, the SPO-RR confirmed that a condition was in place requiring that a footpath be placed on the site linking to Ingham Road. The Highways officer advised that the scale of the site did not require an emergency access road into the Hopkins development to the north.
- v. In response to comments made by Members of the Public, Cllr J Toye confirmed the definition for affordable housing, and that affordable housing includes social rented, affordable rented, and intermediate housing provided to specific eligible households whose needs were not met by the market. He noted the highways concern raised by objectors, but advised that this was a pre-existing issue which would still occur irrespective of whether the application was granted, and therefore this matter should be considered separately. He asked if the housing was being constructed to minimum standard required with respect of thermal efficacy and design. He noted on comments raised on the previous application by Members, drawing parallels with 1970's council estates, but considered that not all historic council estates were an issue and that they were very forward thinking for their time.
- vi. The SPO-RR noted the contents of the Officers Report on pages 78-79 which contained details of the sustainable construction methods to be used with a fabric first approach to the development and additional thermal bridging techniques.
- vii. Cllr N Pearce stated his frustrations with the lack of a Highways transport assessment and that the lack emergency road access to this development was appalling. He considered the loss of employment land in Stalham as scandalous. Cllr N Pearce stated he was pleased that the former heritage of the site had been considered and been given due diligence. He reflected that the development would be similar to that of a 1970's council estate and cited specific issues with such developments.
- viii. Cllr P Grove-Jones affirmed that there were very poor public transport links to Stalham, and noted the lack of employment opportunities with the nearest large employment towns being 17-18 miles drive away by car. She noted that the Council had declared a Climate Emergency and consideration should be made to reduce personal car usage, irrespective of whether there be electric charging points placed on the site to encourage electric vehicles numbers. She commented that the destruction of the economic development land would be short sighted.
- ix. Cllr Rest sought confirmation over the numbers of parking spaces provided to the dwellings. He noted the volume of complaints of a similar development in Fakenham from residents who had only been allocated one parking space per property which they considered to be insufficient.
- x. Cllr T Adams reflected on the lack of pre-consultation from the developer and the negative feelings of the local community. He commented that the development would aid with the vitality of the Town and noted that the traffic

generated from the proposal was reported to be minimal. He affirmed that there is a need for affordable housing, and this development would provide an opportunity for individuals to get on the housing ladder. Cllr T Adams proposed acceptance of the Officers Recommendation.

- xi. Cllr A Brown seconded the proposal, and noted that although several policies were challenged by this proposal, this was outweighed by the need to provide affordable homes within the district, and within Stalham, in order to meet the Councils 5 year land supply.
- xii. In response to questions from Members with regards to emergency vehicle access, the Highways Officer advised that there was no requirement within national guidance to provide for 2 access points into any residential development. He considered that the roads contained within the proposal were wide enough for 2 cars and would be sufficient to serve the development.
- xiii. The MPM informed members safety issues had been considered and that Norfolk Fire and Rescue Service had been consulted to which they had recommended the provision of fire hydrants. He advised that the nature of the proposed development was not a new issue for the fire service with many other developments also having a single point of access.
- xiv. Cllr R Kershaw noted that the adjacent Hopkins site had a more convoluted road layout than the proposed site, and that there was no evidence of emergency vehicles being hindered by that road.

RESOLVED by 7 votes for, 5 against, and 1 abstention.

That planning application PF/21/2021 be APPROVED subject to conditions contained within the Officers Recommendation.

34 SHERINGHAM - RV/21/2885 - VARIATION OF CONDITION 2 OF PLANNING REF: PF/18/1603 TO ENABLE MERGER OF UNIT 0.2 (A3/A5) AND UNIT 0.3 (A3) TO FORM UNIT 0.2 A3/A5 USE; AMENDMENT TO UNIT 1.2 (A3) TO FORM TWO UNITS - UNIT 1.2 (C3 RESIDENTIAL) AND UNIT 1.3 (C3 RESIDENTIAL) AT 1 HIGH STREET, SHERINGHAM, NORFOLK

The MPM introduced the Officers Report and recommendation for approval. He detailed that there had been two previous planning permissions granted on the site in 2017 and 2018, and that this application was a variation of condition of the 2018 plan. The application had been objected to by Sheringham Town Council out of concerns to the proposed changes to the ground floor. The MPM highlighted Sections 11 of the Officers report which set out other material planning considerations including a compulsory purchase order that affects the site.

- i. The MPM read a pre-prepared statement from Local Member- Cllr L Withington who had supplied apologies to the meeting. Cllr L Withington expressed concerns about the proposed changes to the ground floor layout with the inclusion of a larger hot food takeaway unit, which she believed to contravene Policy EN4 of the NNDC Core Strategy, and would not be in keeping with the town. She considered that the Majority of units located within the Sheringham Conservation Area were operating from single sized units. She wrote that the loss of the sea view restaurant on the first floor was disappointing, as this would have acted as an accessible venue for

wheelchair users who may not be able to look over the seawall, and that the restaurant provided an all year round facility which would add to the sustainability of the town. She noted concerns that the residential units contained within the proposal would likely be used as second homes or holiday lets and not be affordable for local people. In addition the pre 2019 plans for the site, which were for a similar scheme, but which incorporated the Chequers Car Park had not received the support of the Town Council or residents.

- ii. In response to questions from the Chairman as to the A3 / A5 status, the MPM advised this could be applied to a restaurant or a hot food takeaway provider, allowing for flexibility depending on the user coming forward to take on the premises.
- iii. Cllr J Toye stated that other units within the town were double fronted and that the proposed development included both single and double fronted units, and proposed acceptance of the Officer's recommendation for approval.
- iv. Cllr R Kershaw considered the proposed changes to be minimal, and would benefit the tourist offer for the town, and so seconded the proposal.
- v. Cllr V FitzPatrick spoke in favour of the application in being non-controversial bringing more housing to the town, retaining the commercial units, and supporting the viability of Sheringham.
- vi. Cllr N Pearce acknowledged the site's history and expressed his hope that the scheme, if approved, would go some way to ease historic problems. He reflected that the proposal would be good for Sheringham and aid with the town's commercial viability.
- vii. Cllr A Yiasimi expressed his supported for the application which would be a vast improvement of the previous property.

UNANIMOUSLY AGREED by 13 votes for.

That planning application RV/21/2885 be APPROVED subject to the conditions listed within the Officers Recommendation and any others considered necessary by the Assistance Director of Planning.

At the discretion of the Chairman the meeting took a break a 30 minutes at 12.50pm and returned at 1.20pm.

The Chairman changed the order of the agenda out of consideration of registered speakers, and took application PU/21/3150 before LA/21/0794 and PF/21/0793.

35 LITTLE SNORING - PU/21/3150 - CHANGE OF USE OF AN AGRICULTURAL BUILDING TO 2 "LARGER" DWELLINGHOUSE AND BUILDING OPERATIONS REASONABLY NECESSARY FOR THE CONVERSION; BARN AT JEX FARM, THURSFORD ROAD, LITTLE SNORING; FOR J S JEX LTD.

Cllr V FitzPatrick declared a late non-pecuniary interest, he is acquainted with individuals involved with the application, and so advised he would not speak or vote on this item.

The MPM introduced the Officer's Report and recommendation for approval subject to conditions. He noted that this was unusual type of application presented before the Committee, and that the determining factor in decision making was the rules and regulations in relation Class Q. The MPM noted that there were a wide range of concerns detailed by the Local Ward Member in relation to NNDC Core Planning Policies SS1, SS2, HO9, EN2 and EN4, but that the application must be assessed against the limited criteria under Class Q.

Public Speakers:

Phillip Alan – Supporting

- i. Cllr J Toye expressed sympathy with the Local Member in bringing this application to Committee, but considered the application was on balance acceptable, in that it was re-using an existing building rather than allowing it to sit vacant, and that the proposal was contained within a development which was already converted. Cllr J Toye proposed acceptance of the Officer's recommendation.
- ii. Cllr R Kershaw seconded the proposal, and stated his support of the re-use of the building rather than seeing it demolished, as this was positive from a carbon usage perspective.
- iii. Cllr A Brown expressed his support for the application. He noted that within the emerging local plan that greater emphasis would be given to the subdividing units in the countryside.
- iv. Cllr N Pearce stated his support for the application and agreed that the Local Member in bringing this item to committee as it was unusual type of application and did not fit within normal parameters. He considered that the development being contained within its own grounds, made it acceptable.

RESOLVED by 12 votes for and 1 abstention.

That planning application PU/21/3150 be APPROVED subject to conditions contained within the Officers Recommendation and any others considered necessary by the Assistance Director of Planning.

36 RIDLINGTON - LA/21/0794 - EXTERNAL WORKS ASSOCIATED WITH ERECTION OF BRICK & FLINT BOUNDARY WALL BETWEEN THE OLD RECTORY AND STACY BARN, HEATH ROAD, RIDLINGTON FOR MR. BLACK & RIDLINGTON - PF/21/0793 - EXTERNAL WORKS ASSOCIATED WITH ERECTION OF BRICK & FLINT BOUNDARY WALL BETWEEN THE OLD RECTORY AND STACY BARN, HEATH ROAD, RIDLINGTON FOR MR. BLACK

The SPO – JB advised he would present Planning Applications LA/21/0794 and

PF/21/0793 together and introduced members to the Officer's report and recommendation for refusal of each application on heritage grounds. He noted that the Conservation and Design Officer's advice that there was less than substantial harm arising from the scheme but that there were no public benefits to outweigh that level of harm. Therefore In line with the NPPF it was recommended that the listed building consent, and planning consent be refused.

- i. Cllr J Toye stated his support for the applications, and commented that he felt the erection of a wall along the property line would be acceptable and judged there would be little harm caused to the heritage asset, with the location not being widely visible. He considered that there would be a public benefit in the wall creating a clear dividing line between the distinct properties and that this would form part of the site's future history.
- ii. Cllr V FitzPatrick stated his support for both applications, and questioned the decision making criteria of the Conservation and Design Officer in determining whether the erection of the wall would be unacceptable.
- iii. The MPM advised that the applications were being considered due to heritage concerns, and referred members to pages 116 and 117 of the Agenda Pack. He affirmed the statutory responsibilities of NNDC as a Planning Authority under Section 66 of the Planning (Listed Buildings and Conservation) Act. He stated that as a decision maker, considerable importance and weight needs to be given in preserving heritage assets.
- iv. Cllr N Pearce expressed his support of the applications and considered the addition of the Brick and Flint Boundary Wall to be a tasteful and respectful addition to the area and to the heritage listed property, with the use of materials being in keeping with the heritage asset and the Norfolk landscape.
- v. Cllr P Grove-Jones expressed her support for the application and considered the wall to be visually attractive and that it would not cause harm to the heritage asset.
- vi. In response to questions from The SPO-JB referred members to page 115 of the Agenda Pack, and relayed the Conservation and Design Officers assessment that the erection of the wall would constitute a strong visual and physical barrier which would block the historic route and would drive a wedge between the main house and the former ancillary building.
- vii. Cllr G Mancini Boyle noted the 2 letters of support for the application and that there had been no objections made by members of the public.
- viii. Cllr A Brown considered the wall to be at the lower end on the scale of harmful effect to the heritage asset, being only 1.8 metres at its highest, and noted that in any other setting this wall may be considered as permitted development.
- ix. The Chairman noted that there was no proposer or seconder for the Officer's recommendation to refuse the application, and so utilised rule 17.5 of the Constitution, rules of debate, which granted the Officer's reports being taken as both proposed and seconded at the Chairman's discretion.

THE VOTE UNANIMOUSLY WAS LOST by 13 votes against.

- x. Cllr J Toye proposed acceptance of the applications in that the harm was not considered to be substantial that it required very little public benefit. Cllr R Kershaw seconded.

UNANIMOUSLY AGREED by 13 votes for.

That planning applications LA/21/0794 and PF/21/0793 be APPROVED subject to conditions considered necessary by the Assistance Director of Planning.

38 NORTH WALSHAM - PF/22/0431 - ERECTION OF SINGLE STOREY REAR EXTENSION (PART RETROSPECTIVE) AND SIDE EXTENSION TO DWELLING, 1 PRIMROSE WALK, NORTH WALSHAM, FOR MISS BEATTIE

The MPM introduced the Officer's report and advised that this item was brought to Committee as the applicant was a member of staff within the Councils Building Control Team.

Cllr R Kershaw proposed acceptance of the officers recommendation, Cllr Fisher seconded.

RESOLVED by 13 votes for.

That planning application PF/22/0431 be APPROVED subject to conditions contained within the officer's report and any others deemed necessary by the Assistant Director of Planning.

39 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

Noted.

40 APPEALS SECTION

- i. New Appeals
- ii. No questions.
- iii. Inquiries and Hearings – Progress
- iv. The MPM affirmed that the Kelling Appeal would be taking place next week.
- v. The PL confirmed that the Aracdy appeals were separate to the two planning applications which would be brought to Committee on 31st March.
- vi. Written Representation Appeals – In Hand
- vii. Noted.

viii. Appeal Decisions

- ix. Cllr A Brown noted the appeal for PU/20/0398 which sits within his ward, and asked for a debrief from Officers.
- x. Cllr N Pearce noted that despite the loss on one appeal, the Councils record was broadly positive, losing very few appeals.

41 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 1.56 pm.

Chairman

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DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 31 March 2022 in the Council Chamber - Council Offices at 9.30 am

Committee Members Present: Mrs P Grove-Jones (Chairman) 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 Mr M Taylor
Mr A Varley Ms L Withington

Substitute Members Present : Mr J Toye

Other Members in Attendance: Mrs S Bütikofer

Officers in Attendance: Assistant Director of Planning (ADP)
Major Projects Manager (MPM)
Planning Officer (PO)
Principle Lawyer (PL)
Democratic Services Manager
Democratic Services Officer - Regulatory

Also in attendance:

42 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Cllr A Fitch-Tillett.

43 SUBSTITUTES

Cllr J Toye was present as a substitute for Cllr A Fitch-Tillett.

44 ITEMS OF URGENT BUSINESS

The Chairman invited the MPM to provide speak on the matter of Nutrient Neutrality. The MPM advised that Agenda Items 7,8, 11 and 12 (Planning Application references PF/21/1990, PF/21/2644, PF/21/1478 and PF/21/1479) had been deferred due to new Habitat Regulations matters raised by Natural England concerning Nutrient Neutrality published on 16th March. He noted that this was an extremely complex matter and that the regulations affected all Local Planning Authorities in Norfolk and several others across the country, with a total of 74 Local Planning Authorities now impacted.

45 ORDER OF BUSINESS

The Chairman advised as a consequence of item deferment the order of business would be restructured and that applications RV/21/2583, PF/21/0882, ADV/21/1260

and PF/21/3302 would be considered in that order.

48 **DECLARATIONS OF INTEREST**

Cllr V Holliday declared an interest in both Planning Applications RV/21/2583 and PF/21/0882 for Cley, she is both the Local Member and Chairman of Cley Parish Council and considered herself to be pre-determined. She advised she would speak on each application as the Local Member, but would not participate in the debate or vote and would excuse herself from the meeting during member's debate.

49 **CLEY- NEXT THE SEA - RV/21/2583 | VARIATION OF THE WORDING OF CONDITION 2 (APPROVED PLANS) AMENDED SITE LOCATION PLAN SCALED AT 1:2500, AND DRAWINGS 2260-01, 2317-02Z1, 2317-03E, 2317-05F AND 2317-11B. APPROVED ON APPEAL REF: APP/Y2620/A/13/2205045 RELATING TO PLANNING APPLICATION REF: PF/12/1219 FOR REPLACEMENT HOUSE AND STUDIO - DATE OF DECISION: 05/02/2014 REPLACE PLAN 2317-11B WITH PLAN 1660-00-008 AS IT HAS BEEN ESTABLISHED THAT THE ORIGINAL PLAN 2317-11B IS CONSIDERED TO BE INACCURATE | ARCADY HOLT ROAD CLEY-NEXT-THE-SEA NORFOLK NR25 7TU**

The ADP introduced the Officer's report and recommendation for refusal. He noted that a revised plan had been received during the week, and corrected the description as it appeared in the agenda. He referred to page 105 of the Agenda Pack and affirmed although the first paragraph was unchanged the second paragraph should be amended from 'replace plan 2317-11b with 1660-00-08' to 'replace plan 2317-11B with 16600-00-008c'. These changes had been reflected in the Officer's presentation.

He affirmed that the application was for the substitution of a revised sectional plan contained within the bundle of drawings from the 2014 planning appeal decision, and not an application to retain the existing building as built. He noted that as this was a Section 73 application for permission, it was in effect an application for the issuing of a new planning permission. He advised members in their decision making to assess the merits of the contemporary building as described and consider its relationship with nearby buildings including Holly House, St Margaret's Church, Newgate Green, and within the local context.

The ADP noted that plans for Arcady provided to the Planning Inspectorate in 2014 had shown the building at a significantly lower position than neighbouring Holly House and advised this formed a point of reference of the Planning Inspector when they closely looked at the impact of Arcady on neighbouring dwellings and on the street scene. The proposed plans now appeared to place Holly House at a lower position than Arcady. He highlighted that the original bungalow located on the site was of a simple and tradition design with an apex roof, and the current structure as proposed, and as constructed was with a flat roof. He commented that this arguably made the original bungalow and current contemporary property of a similar height, however this had been disputed by members of the local community. The change of the roof form had a significance of the scale and mass of the development. The ADP reminded Members that this was not an application to approve the building as built, rather to approve a series of plans which should have been considered by the Planning Inspector.

Whilst going through the officer's presentation the ADP asked that members not

consider the floor plan contained within the officers report supplied from the original sales brochure.

The ADP noted with regret that the revised plans had not had opportunity to be publically consulted. However considered that the amended drawing did not materially change the contents of the officer's report or recommendation for refusal.

The ADP relayed the officers conclusion located on page 116 of the Agenda pack, in that it would have been inconceivable that the Planning Inspector would have formed the same conclusions as those reached on the basis of the approved drawing 2317-11b. As a consequence of the new proposals as presented, the delicate balance had been tipped and policy's EN3, EN4, EN8 and HO8 of the adopted North Norfolk Core Strategy were no longer complied with. There were considered to be no overriding public benefit identified to offset the harm to the heritage assets of the Norfolk Coast AONB, as such significant weight must be afforded to the Listed Buildings and Conservation Areas Act 1990 and the National Planning Policy Framework 2021 which dictates that the proposal should be refused in accordance with Development Plan provisions.

Public Speakers:

Richard Allen – Cley Parish Council
Jane Carter – Objecting

- i. Local Member- Cllr V Holliday stated her support of the Officer's recommendation. She established that Arcady is situated in an area of Cley which was of historic significance overlooking Newgate green; the site of an original medieval harbour, and St Margaret's Church; a grade one listed building. She expressed her frustrations that revised plans, supplied by the applicant, had only been received 3 days prior to the meeting and that they had been unable to be publically consulted, however considered that there was no material differences between the latest plans and those which had been publically consulted. She reflected on her position as Local Member to represent the balance of opinion within the community, and noted the views of members of the public on the planning portal, all of which had been objections. She highlighted specific representations made by members of the public verbatim, which focused on the harm caused by the development to the nearby heritage assets, in particular St Margaret's Church, and considered Arcady to be disproportionate in its scale, massing and design, having a detrimental effect on the Cley Conservation Area and the wider AONB. In addition, that the development as built was considered to be entirely different from that which had been granted planning permission, and was clearly in breach of permission granted at appeal. She noted comments that the contention that the revised proposal would not be much larger than the original bungalow it replaces was untrue.

Cllr V Holliday left the meeting at 10.03am

- ii. Cllr J Toye asked for clarity in the changes in the plans, if it were in the scale, position, or both. The ADP noted the lack of survey drawings of the original bungalow, which had hindered the assessment. He reflected on representations made by local residents, who were familiar with the site, and who considered the bungalow inaccurately represented even in its most recent designs. He advised that the Councils Surveyors had been unable to consider the most recent plans, as these had been received only 3 days prior. The ADP advised that the inspector's decision letter made clear the

expectation of the developments relationship with Holly House, in being lower than Holly House, and that position of Arcady was now considered to be significantly higher than that permitted by the Planning Inspector. He referred to the Officers Report and findings that the height, scale and mass of the building were considered to have a negative impact which were not offset by any wider public benefits. He advised the importance of the sectional drawings in Members decision making.

- iii. On receipt of clarification from the ADP, Cllr J Toye proposed acceptance of the officer's report and recommendation for refusal.
- iv. Cllr A Brown seconded the proposal and considered the importance of the protection of Cley Conservation Area, and that proposal would neither protect nor enhance the historic setting, as noted in the Conservation Area Appraisal. He reflected on a recent decision, referred to within the Officers Report, of an appeal case of Choice Place Properties which made clear the situation when there was significant doubt caused by a plan that would have considerably affected the decision made by the Planning Inspector. He concluded that the application should therefore be considered with a fresh set of eyes. Cllr A Brown expressed his disappointment that a revised plan had been received at late notice, but accepted that the revised plans did not materially change determination of the proposal.
- v. In response to questions from Cllr N Pearce regarding the length of time issues surrounding the development had been ongoing, the ADP advised that whilst not material the decision making of Members, the first plans were received in 2012, and that this had been a long standing issue, in which the Council had served enforcement notices on and would looking towards an enforcement appeal. He noted that the current applicant was not the original appellant, and that they had purchased the site subsequently and had inherited the drawings.
- vi. Cllr N Pearce stated his support for the Officers recommendation and reflected that the approved plans had not been followed. He noted that the application was contrary to policies HO8, EN1, EN2 and EN8 of the adopted North Norfolk Core Strategy as well as the NPPF.
- vii. Cllr P Heinrich stated that he had no issue with modern architectural design provided that the building was sympathetic with its local environment through its use of materials which would pay homage to the local vernacular. He noted that the current building differs significantly from the approved plans, and the comprehensive information and findings supplied in the Officers Report which detailed the detrimental intrusive visual effect of the mass and bulk of Arcady on the historic setting. He stated that the built relationship of Arcady with Holly House, as compared to approved designs, would have almost certainly impacted on the Inspectors decision. Cllr P Heinrich referred to Pages 114 and 115 of the Officers report and commented on the divergence of the proposal from planning policy.
- viii. Cllr G Mancini-Boyle expressed his support of the Officers Recommendation and stated that this application failed to comply with policy HO8 of the NNDC Core Strategy and was grossly out of proportion with the area.

RESOLVED by 12 Votes for, and 1 abstention.

That planning application RV/21/2583 be REFUSED in accordance with the Officers recommendation.

Cllr V Holliday returned to the room at 10.22am

52 CLEY-NEXT-THE-SEA - PF/21/0882 - ERECTION OF DWELLING AND ASSOCIATED EXTERNAL WORKS AND LANDSCAPING AT ARCADY; HOLT ROAD, CLEY-NEXT-THE-SEA.

The ADP introduced the Officers report and recommendation for refusal. He advised that moving forward in cognizance of the decision reached on the last application, which would effectively strike out any potential fall-back position in terms of substitution of the drawings and the issues relating to the Choice Place case law.

He stated that Officers were genuinely committed to exploring whether this case could be resolved without being subject to enforcement appeal, and noted the applicant's attempts to deliver remediation which would enable the Council to step away from the enforcement process. He advised that Officers were not opposed to residential development on the site, and the principles of the appeal decision were noted which contended that a contemporary design or other sensitively designed development should not take place on this site. He affirmed that the Inspectors decision was clear in what may be acceptable on the site and within the context of Local Plan policies.

He asked that Members not consider the former bungalow floor plan as contained within the presentation, as this was misleading.

The ADP commented on the articulation of the development with its group block concept, and with its rise and fall of roofline that provided some articulated variance with respect of impact and in breaking up the scale and massing of the building. He noted changes between the plans as approved and those as remediated, and that within the approved plans Holly House was shown in a higher position than Arcady in excess of nine meters.

The ADP considered the northern elevation of the remediated plans, and the critical role of Block Two, located to the left hand side of the vestibule which runs concurrently through Blocks Three and Four, which caused issues with the articulation. With reference to the southern elevation, the ADP identified changes to the balcony which would notably run the majority of the building and the impact that this would have on the building as set against the approved plans granted by the Planning Inspector. He noted that whilst attempts had been made to add articulation through staining Block Two in a darker colour, but that it was considered that the proposal was significantly different in terms of height and articulation of blocks as set against the expectation of the Planning Inspectors decision. He noted that there would be improvements brought through the proposal when compared to the building as built, but that overall the proposal sat far apart from the expectation of delivering those carefully articulated interconnected contemporary development designs as granted by the Planning Inspector. The ADP highlighted to Members the 15 proposed elements in design remediation.

He advised Members consider the local context, the relationship of the building with the Cley Conservation Area, Holly House, St Margaret's Church, Newgate Green, and the AONB.

The ADP concluded that the property as built had 48 breaches in design alone and was very different from that permitted, and although some changes were small, the cumulative effect was substantial. He considered that making the building acceptable was not a matter of cosmetic changes and the proposal would need to go considerably further. He stated that Officers did not doubt the appellant's good faith in suggesting the proposed changes, however Officers felt these were limited and did not go far enough to address concerns in particular with respect of issues of height and articulation. The combination of the removal of much of the articulation of both elevations and the roofline of the permitted building and its increase in overall height produced a dominant bulky effect. He stated that the remediated scheme failed to appropriately mitigate the detrimental effects of the development on its local context, and that the proposals were consequently recommended for refusal.

Public Speakers:

Richard Allen – Cley Parish Council

Jane Carter – Objecting

Adam Spiegel – Supporting

- i. Local Member – Cllr V Holliday stated her support for the officer's recommendation and reflected on the volume of objections from members of the public on the planning portal. She recited verbatim extracts from public representations which focused the dominating effect the building would have on Newgate Green, the ancient church of St Margaret's, and the excessive height and massing of the building which was higher than the original bungalow. The cosmetic alternations were not considered to alter the height and impact of the building and its bulky appearance, and both the proposal and building as built were contrary to a large number of planning policies.

Cllr V Holliday left the meeting at 10.55am

- ii. Cllr J Toye affirmed that he had attended the site, and whilst he was not against modern design, he considered it was an unsuitable location for such a development due to its scale and mass, and that it would have a detrimental impact on the grade one listed property of St Margaret's Church and on Newgate Green. He expressed sympathy with the family living in the property but contented that this also impacted the whole community and the whole of North Norfolk. He considered that even with the adjustments made, the application was unacceptable and so proposed acceptance of the Officer's recommendation for refusal.
- iii. Cllr N Lloyd seconded the proposal. He welcomed the applicant's attempts to mediate and minimise the harm of the development on the Cley Conservation Area but concluded that the scale and mass of the building remained a problem. He noted the large number of public objections as well as those objections raised by Planning Officers and Consultees. He stated that one of the Council's primary duties was to protect the integrity of the landscape.
- iv. Cllr N Pearce affirmed that the Council had a responsibility to protect its heritage, and that the gentle view of Newgate Green, which he considered typical for Norfolk, had been lost through this development as a consequence of its size. He concurred with the Officer's assessment, and whilst he felt for the family, the deviation from approved planning permission was incomprehensible.

- v. Cllr P Heinrich stated his support for the Officers recommendation and acknowledged that the building as built was nothing alike to the approved scheme. He stated it was not an appropriate building within its location, and that even with the the proposed improvements, the dwelling would still have an unacceptable impact. He affirmed that the proposal was contrary to policies EN1, EN2, EN4 & EN8 of the adopted North Norfolk Core Strategy, paragraphs 135, 174, 176, 199, 200 & 202 of the National Planning Policy Framework 2021, and Section 66(1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990. He expressed his great sympathy with the applicant, however commented that changes in design did not get away from the original problem.
- vi. Cllr R Kershaw expressed his support for the Officer's recommendation, and noted that had the property been built in accordance with approved plans at appeal, members would not be debating the application today. He considered the building to be harmful to its environment, and that its scale was unreflective of the original plan.
- vii. Cllr L Withington stated her support for the Officers recommendation, but acknowledged the positive attempts made by the applicant through design to reduce the visual impact of the mass and scale of the building. She concluded that such changes did not go far enough, and that felt impact of the properties height remained. She expressed regret for horrendous situation incurred by both the family and community.
- viii. Cllr A Varley noted that a clear attempt had been made by the applicant to work with the Planning Team to address concerns, but considered that this had been limited with minimal effects to the plans. He asked what would happen next should Members vote to refuse the application.
- ix. The ADP advised that the decision made by Members must be on the matter before them, and that should the application be refused it could be appealed. He stated that an enforcement notice appeal had been scheduled for June, but that this was separate to Members material considerations. He noted that if that appeal was dismissed it would be subject to the enforcement process and would require removal of the building. He stated that Members must make a decision on the materiality of the decision brought forward from contents of the Officers Report.
- x. Cllr A Brown commented that the building as built was in breach of planning policies and that it would inflict significant harm to the environment with nothing to counter in way of public benefit. He considered Members responsibilities in upholding planning policies.

RESOLVED by 12 Votes for, and 1 abstention.

That planning application RV/21/2583 be REFUSED in accordance with the Officers recommendation.

At the discretion of the Chairman the meeting took a short break at 11.15am and resumed at 11.30am.

Cllr M Taylor left the meeting at 11.15am

53 WEST RUNTON - ADV/21/1260 - INSTALLATION OF FREE STANDING EXTERNAL NON-ILLUMINATED SIGN FOR AT DORMY HOUSE HOTEL, CROMER ROAD, WEST RUNTON FOR MR S BRUNDLE.

The PO introduced the Officers report and recommendation for approval. He noted the historic applications for a replacement sign which had been refused by officers, and identified that the sign currently in situ was unlawful, and was subject to an enforcement case.

He stated that the site was located close to an AONB, but not within the AONB, and that the proposed sign was a reduction of 1.4m of the current sign, and compared to the original sign was only half a metre taller and roughly half a metre wider including posts.

He informed Member's that the relevant policies for consideration were Chapter 8 of the North Norfolk Design Guide which observes the proportionality of the size of the sign to its associated business, and policy EN4 of the adopted North Norfolk Core Strategy. Officers had determined that the current proposals satisfied both the relevant National and the Council's own adopted policies.

Public Speakers:

John Simpson – Runton Parish Council

- i. Local Member – Cllr S Bütikofer – considered the impact of the sign on the surrounding area to be significant, particularly with respect of the signs close proximity to the AONB. She stated that the standalone nature of the sign and situation near the road made it more impactful and that it would dominate the landscape. The Local Member asked that policy EN3 of the North Norfolk Core Strategy, be considered, and stressed the importance of protecting the undeveloped coast. She determined that the sign should be considered non-essential as the Dormy House Hotel could be clearly and easily be identified from the road, and the lack of a freestanding sign would not have a detrimental impact on the business. Cllr S Bütikofer expressed surprise that the Highways Authority had not commented on the application, and felt that there were many highway safety issues with the associated area which would be further exacerbated by the proposed sign. She considered it preferable that a smaller sign, comparable to that of the original, be introduced, if a sign was seen as necessary.
- ii. Cllr N Pearce considered the placement of the proposed sign to be dangerous in that it would obscure driver's view of the A149, and that the application should be refused on highways safety grounds. He stood with the Local Member in the need to protect the undeveloped coast.
- iii. Cllr A Brown noted that no comments had been submitted by the Highways Authority and reflected had there been concerns about the impact of the sign on road safety, by that Authority, that this would have been reported. He affirmed that the proposal was compliant with policy EN4 of the adopted North Norfolk Core Strategy, and questioned the application of policy EN3 which he understood to be designed for new developments as opposed to replacement signage. Cllr A Brown proposed acceptance of the officers recommendation for approval.
- iv. Cllr P Heinrich stated his support for the Officer's recommendation, and agreed with Cllr A Brown that the lack of representation from the Highways

Authority indicated that they had no concerns about the proposed sign. He considered that whilst the sign was large it was not excessively so.

- v. Cllr G Mancini-Boyle affirmed his belief that the size of the sign was unacceptable and agreed with the Local Member that a replacement sign comparable with the size of the original should be introduced.
- vi. In response to questions from Cllr R Kershaw on the associated road accident statistics, The MPM advised that if Members were concerned about the impact of the sign on highways safety, and considered this to be a defining issue in coming to their determination, that this Item could be deferred to await a response from the Highways Authority.
- vii. Cllr J Toye noted Crashmap UK data for the area, and the history of accidents on the road. He stated that the sign was 30% larger in volume than the original and considered this sign to be unacceptably large. He affirmed that whilst he wanted to support the local business, he considered the sign to be too large.
- viii. In response to questions from Cllr A Varley about the proposed signs proximity to the AONB, and the impact this should have on decision making, the PO affirmed that the site was not within the AONB and that this could not be considered therefore material in decision making. He stated that the application of policy EN3 should be given lesser weighting than policy EN4, as the application was for advertising consent.
- ix. On reflection of member's debate and concerns about Highways Safety, Cllr A Brown withdrew his proposition.
- x. The MPM advised Members that in making their assessment, the Highways authority considered a variety of factors not just accident history. He reiterated that if Members would find a submission from the Highways Authority useful in coming to their determination, that this Item could be deferred, till such representation was received.
- xi. Cllr P Grove-Jones advised Members that the Officers recommendation must first be voted upon, before an alternate proposition be put forward and so proposed acceptance of the Officer's recommendation. Cllr Heinrich seconded.

THE VOTE WAS LOST by 3 votes for, 7 against and 2 abstentions.

- xii. Cllr R Kershaw proposed deferment of the item to await clarification from the Highways Authority on the visual impact of the sign on road safety. Cllr Pearce seconded.

RESOLVED by 9 votes for and 3 against.

That planning application ADV/21/1260 be DEFFERED to await clarification from the Highways Authority.

54 WALSINGHAM - PF/21/3302 ERECTION OF DETACHED TWO STOREY DWELLING: ST JAMES COTTAGE, 18 BRIDEWELL STREET, WALSINGHAM, NR22 6BJ

The MPM introduced the Officer's report and recommendation for refusal. He advised that the application had been brought to the Committee in accordance with the Constitution as the application had been submitted by Cllr V Fitzpatrick. The MPM noted that the proposed application was a resubmission application from a scheme which had been previously refused by the Development Committee in 2020.

He noted that the description on page 151, paragraph two, was incorrect and that the proposed materials would consist of brick with a natural slate roof and aluminium metal windows.

He advised the most significant matter for consideration was the impact of the proposed dwelling on the character and appearance of the Walsingham Conservation Area. The proposal would be contained with the rear garden of a grade two listed building, 18 Bridewell Street, and would result in the loss of a historic wall to gain vehicle access. In accordance with Section 66 and 72 of the Listed Buildings Act, the Council had a statutory duty to give weight to the preservation of heritage assets. He noted that Officers considered there to be limited capacity within the site to provide proportionate mitigation planting to replace the five trees which would need to be removed and to ensure no net loss of biodiversity.

The MPM concluded that whilst the proposed plan was an improvement on those previously submitted, there were relatively modest public benefit when weighed against the harm to the heritage asset.

Public Speakers

Vincent Fitzpatrick – Supporting

- i. The Chairman advised that the Local Member, Cllr T Fitzpatrick, was not present due to a conflict of interest.
- ii. Cllr N Pearce expressed his support of the application. He considered the proposed use of materials to be sympathetic with the local area and stated that there would be preservation of the historic setting through the retention of a large portion of the existing wall, and noted that the trees lost through the development were already in poor condition. He affirmed that there would be minimal material change to the area, with the site set away from public view.
- iii. Cllr A Brown noted that the materials used were vernacular with the area and that this was an overall improvement on the previous application, but expressed concern with relation to policy EN8 of the adopted North Norfolk Core Strategy, and highlighted the Conservation and Designs Officers assessment on page 80 of the Agenda Pack. He affirmed that the proposed development would be surrounded by 4 listed buildings, in the centre of Little Walsingham which had significant historic and cultural heritage.
- iv. In response to questions from Cllr A Brown, the MPM advised that the trees which would be removed by consequence of the development would be replaced, but that the replaced trees would extensively contribute to a lack of natural light. Whilst off-site mitigation was possible, the MPM questioned where this would be and how it would be provided, and noted that there was

no clear precedent for such process other than securing a planning obligation but that this would require an alternate site to be known and agreed upon.

- v. Cllr R Kershaw proposed acceptance of the Officers recommendation and noted that the proposed development would fail to comply with policy's EN4, EN7 and EN9 of the adopted North Norfolk Core Strategy, and that he was concerned about the loss of trees through the development.
- vi. Cllr P Heinrich considered the design to be sympathetic with the surrounding buildings, and noted that other properties in the area were of modern design. He commented that the apple trees located on the site to be of a poor condition, and therefore could be considered of reduced value. He reflected of the potential matter of Highway Safety in that the turning area for vehicles in the chapel yard would be very tight, but noted that lack of objection from the Highways Authority.
- vii. Cllr G Mancini-Boyle affirmed that the development would be very visually appealing, and acknowledged that there were other properties located in close proximity which were far more modern and larger in scale than that of the proposed development.
- viii. Cllr L Withington enquired whether a condition could be applied that a brick and flint wall be erected between the proposed and existing property which would reflect the view from the existing dwelling, and which would aid to retain the integrity of the site. The MPM advised that if Members were so minded, and considered this the suggestion may assist to mediate the heritage impact, that this could be added as a condition.
- ix. Cllr J Toye noted the loss of biodiversity and intensification of a small plot. He sympathised with the applicant but considered that there may be a variation in the long term future use of the property, and only the property itself could be considered not the applicants own circumstances.
- x. The Chairman stated that it was a small site area located within the Walsingham Conservation Area and that the land had formed part of an ancient orchard, and whilst the apple trees on the site could be retained they may be compromised by the development.
- xi. Cllr A Varley seconded the proposal and affirmed that the integrity of the Walsingham Conservation Area must be protected, and that the proposal was contrary to policy EN4 and neither preserved nor enhanced the protected area.
- xii. The MPM reminded members that in determining the application, Members were not granting personal planning permission, and that the property would exist in perpetuity with a potentially different future use. He advised Members to consider and weigh the harm to the associated heritage assets by consequence of the development against public benefit.

RESOLVED by 8 votes for, and 4 against.

That planning application PF/21/3302 be REFUSED in line with the officer's recommendation with final wording or reasons to be delegated to the Assistant Director of Planning.

Cllr L Withington and R Kershaw left the meeting at 12.40pm.

55 APPEALS SECTION

- i. New Appeals
- ii. No questions.
- iii. Inquiries and Hearings – Progress
- iv. The ADP noted a decision regarding the Kelling Estate, planning application PF/20/1056 was anticipated by the end of April.
- v. Written Representations Appeals – In Hand
- vi. No questions.
- vii. Appeal Decisions
- viii. No questions.

56 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 12.41 pm.

Chairman

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 14 April 2022 in the Council Chamber - Council Offices at 9.30 am

Committee Mrs P Grove-Jones (Chairman) Mr P Heinrich (Vice-Chairman)
Members Present:

Mr A Brown	Mr P Fisher
Dr V Holliday	Mr R Kershaw
Mr N Lloyd	Mr G Mancini-Boyle
Mr N Pearce	Mr M Taylor
Mr A Varley	Ms L Withington

Substitute

Members Present: Mr J Rest

Also in attendance: Mrs V Gay

Officers in Attendance:

Assistant Director Planning (ADP)
Senior Landscape Officer – Arboriculture (SLO)
Planning Officer (PO)
Principle Lawyer (PL)
Business Development Manager
Democratic Service Officer – Regulatory
Democratic Services Officer – Scrutiny

56 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Cllr A Fitch-Tillett and Cllr A Yiasimi.

57 SUBSTITUTES

Cllr J Rest was present as a substitute for Cllr A Fitch-Tillett.

58 MINUTES

It was noted that due to a heavy meeting schedule the minutes from the 17th and 31st March Development Committee meetings would be included for the upcoming Committee meeting scheduled for the 12th May.

59 ITEMS OF URGENT BUSINESS

None.

60 DECLARATIONS OF INTEREST

- i. Cllr P Heinrich declared a non-pecuniary interest in Item 9, reference TPO 21 0985, he had received email correspondence from residents in the Norwich Road Area of North Walsham but considered that he was not predetermined in his decision making.
- ii. The Chairman declared a non-pecuniary interest in Item 9, reference TPO 21 0985, she is known to the author of one of the written submissions, but had not discussed the item with her.

61 RUNTON - PF/21/0694 - CHANGE OF USE OF LAND TO PROVIDE FOR THE SITING OF EIGHT HOLIDAY LODGES FOR USE AS GUEST ACCOMMODATION IN ASSOCIATION WITH THE LINKS HOTEL; PROVISION OF INFRASTRUCTURE AND PEDESTRIAN LINKS TO THE HOTEL AND PARKING, AT THE LINKS HOTEL, SANDY LANE, WEST RUNTON, CROMER, NORFOLK, NR27 9QH

The ADP introduced the Officers report and recommendation for refusal. He noted the late representations received and advised a synopsis of late comments had been circulated to Members via email prior to the meeting, this as a consequence of the ongoing consultation process which had only been concluded that day.

He affirmed the context of the site and the proposals relationship within the AONB which had influenced the landscape report. The view from Inceborough Hill of the AONB over the open countryside and the undeveloped coast area was considered to be of significant importance and critical in terms of weighting in the Officers recommendation.

The ADP noted that issues surrounding golf safety had been mitigated and that the proposal included realignment of the golf course which would aid to minimise the concerns of potential conflict between the users of the golf course and the occupants of the holiday lodges, as well as the inclusion of golf safety nets which would be implemented in the short term until tree planting had been established. As such, concerns raised by the Environmental Health team on the matter of safety of the proposal, were considered to be resolved.

He advised Members that the lodges had been designed in such a way to assimilate closely with the nearby dwellings located the northern edge of the site boundary, and with the local landscape. The proposed lodges would be timber cladded, with a flat roof, and had been subject to a landscape visual impact assessment, provided by the applicant. The ADP affirmed the longer term strategy to minimise the impact of the development and the aim to plant both Deciduous and Coniferous trees which would effectively screen the lodges and minimise the harm arising from the proposal. He reflected that there would be an interim period in the short and medium term where the landscaping would not be effective in assimilating the harm arising to the site for a period up to 15 years.

The ADP noted that there was no formal access for visitors or parking at the lodges, and that the visitors would be dependent on the use of golf buggies and pedestrian access routes. The latest proposal was determined to form a stronger linkage to the hotel than prior applications in which the lodges were proposed in a different location. Officers considered there to be no overriding issues in terms of Local Amenity or Highways concerns.

He commented that Officers had considered the impact of biodiversity and habitat and were satisfied that the measures for mitigation within the applicant's ecological report had been satisfactory. He advised if Members were minded to approve the scheme that this would require a GI/Rams payment due to the proposals relationship with the local areas sensitive habitat and biodiversity.

The ADP stated that a key issue in considering the proposal was the matter of economic development, and reflected on the important role which the tourism economy has on the district and the importance of the provision of tourism accommodation. The Applicant had expressed a need for diversification of their tourist offer and the need to seek alternatives as they plan for the eventual loss of

the Sea Marge Hotel due to matters surrounding Coastal Protection. The proposal would generate the provision of 6 additional jobs, as well as those associated with building the units, and would have a beneficial spin off effect on the local economy, as well as on the Links Hotel and the wider Hotel Group.

To summarise, the ADP commented that significance was attached to the diversification of the tourism offer and the proposals associated benefits, which were not considered to be inconsequential. He noted a range of mitigation measures had been introduced which would have some short and long term benefits. However Officers concluded that the harm arising to the landscape and the views from Inleborough Hill over the undeveloped coast was considered to outweigh the economic benefits, or other mitigations and enhancements arising from the proposal. The siting of the lodges within a sensitive area of the AONB would result in overriding harm and was considered contrary to NNDC Core Strategy Policies EN1, EN2, EN3, EN4 and the NPPF paragraph 176.

Public Speakers:

Carole Davidson – Runton Parish Council

William Macadam – Objecting

Marc Mackenzie - Supporting

- i. Local Member – Cllr S Bütikofer – affirmed her support for the Officers recommendation for refusal and provided images of the view from Inleborough Hill. She stressed the Councils responsibility to act as a guardian for the local landscape, protecting the national asset of the AONB, and that that should be the foremost consideration in Members deliberations. She reflected that the hotel was an important contributor to the local economy but that it was not the only hotel group or independent hotel within the district. The Local Member noted objections raised by the local parish council, Norfolk Coast Partnership, CPRE, The National Trust, The Open Spaces Society, as well as the Councils own Landscape Officers, and that of local residents and members of the public. Cllr S Bütikofer affirmed that the proposal was contrary to five of the Councils own policies, and recited pertinent lines for policies EC3, EN1, and EN2, as well as the NPPF. She considered that whilst it was important to support businesses, this should not be to the detriment of the local environment and that the proposal would have an unacceptable encroachment into the AONB.
- ii. Cllr P Heinrich stated that this application must be considered on planning grounds only. He noted that the application was located within the AONB and that there were other large developments located nearby. In addition, he noted that the proposals were designed to be low, with flat roofs, and were somewhat concealed by existing tree planting and that the additional proposed tree planting would be beneficial in concealing the development in the long term. He noted that North Norfolk was reliant on tourism and that the proposed lodges would provide a mix of accommodation to meet the demands of those tourists. He argued that considerable weight must be applied to the economic arguments but that that was a finely balanced application and he could see the merits of both arguments.
- iii. Cllr G Mancini-Boyle considered it disappointing that the development could not be sited closer to the clubhouse, and noted the visual impact that the proposal would have on the undeveloped area. He noted that the development would have a negative impact on light pollution and whilst he

supported the argument for economic growth, he considered the location of the development as an obstruction.

- iv. Cllr J Rest stated his sympathy with the owner, and commended them for being forward thinking. He acknowledged that North Norfolk is a beautiful area that others should be able to appreciate, and that those tourists would bring a tremendous amount of revenue which would benefit the district more broadly. He queried that the Holiday Lodges were not specified as being DDA compliant as set out on page 14 of the Agenda Pack.
- v. In response to Cllr J Rest, the ADP advised that the matter of DDA compliance could be resolved through the use of suitable planning conditions or through the building regulations process and that he would be surprised that any business would want to exclude potential customers. He advised that the operator would need to ensure that some of the units were DDA compliant.
- vi. At the discretion of the Chairman the Applicant was invited to speak and address member's questions. He advised that several of the lodges would be accessible for disabled users and have disabled facilities contained within. Access to the lodges was by way of a rough road without top dressing but that this would be addressed to ensure smooth access to lodges and that this would be wheelchair and buggy accessible. He stated that the intention, as a business model, was to encourage guests to forgo their cars and to make use of walking, biking or golf buggies as needed. He hoped that the guests would be able to enjoy the countryside without the need for vehicles.
- vii. Cllr N Pearce commented that this was a very complex case, but that on balance he considered that the Officers had come to the correct conclusion. He noted the contents of pages 14 and 15 of the Agenda Pack reflected that the proposed development would not be policy compliant. He stated he was galled that the application was part retrospective, and this was against planning law. Cllr N Pearce supported the comments made by the Local Member in that the Council were the guardians of the districts natural heritage, and that the views from Inceborough Hill overlooking the AONB out to the sea would be harmed by way of the proposal. He affirmed that such views were part of the reason why so many tourists wished to come to North Norfolk. He considered the need for economic development but reflected that this did not outweigh the harm caused to the local landscape and so proposed acceptance of the Officer's recommendation.
- viii. Cllr N Lloyd seconded the proposal and reflected that the proposed development would be in breach of many planning policies and would result in an encroachment into the AONB. He agreed with the Local Member and Cllr N Pearce of the Council's responsibility in protecting the AONB, and determined that he could not see sufficient benefits which would offset the harm caused to the AONB. He commented that had the proposed lodges been designed with special environmental considerations and were in affect 'green lodges' that he may have come to a different determination.
- ix. Cllr R Kershaw stated that this was a finely balanced application and acknowledged the economic benefits which the proposal would bring. He agreed with Cllr N Lloyd that the development of 'eco lodges' would have been preferable and be better in keeping with the AONB. He concluded that the lodges were in the wrong location and as such would support the Officers

recommendation.

- x. Cllr A Brown commented that both he and the Council understood the important role that Tourism had on the local economy as demonstrated through the distribution of grant awards. He identified three areas of concern. First, the impact the proposal would have on the dark skies policy for High Kelling and Weybourne. Second, that use of an eco-friendly design rather than an industry standard construction, would be a more attractive proposal. Third, that the AONB was a hard bar for any development to overcome and that even with the economic argument taken into consideration, the development would be in breach of several planning policies.
- xi. Cllr L Withington agreed that an eco-friendly design would have been preferable. She asked whether the accommodation would be used all season round, and reflected that if the accommodation did not extend the season in may not be considered appropriate. The ADP advised that the lodges were part of the diversification of the offer of the business and would be available all year round. He noted that most modern accommodations was available to book 12 months of the year.
- xii. Cllr V Holliday affirmed that even if the proposal's design had been more environmentally friendly it did not address issues relating to the harm caused to the landscape and the AONB. She noted that none of the submissions made from the public had been in support of the application.

RESOLVED by 12 votes for, and 2 against.

That planning application PF/21/0694 be REFUSED in accordance with the officer's recommendation with final wording of the conditions to be delegated to the Assistant Director – Planning.

62 WEST RUNTON - ADV/21/1260 - INSTALLATION OF FREE STANDING EXTERNAL NON-ILLUMINATED SIGN FOR AT DORMY HOUSE HOTEL, CROMER ROAD, WEST RUNTON

The PO re-introduced the Officers report and recommendation for approval, and noted that this item had been deferred from the Committee Meeting held 31st March. He advised that a submission had been received from the Highways Authority who noted that the sign was set back from the highway and would allow for visibility beneath, as such they would find it difficult to substantiate a reason to object to the proposal. The Highways Authority wrote that that the proposal would not affect current traffic patterns or the free flow of traffic.

- i. Local Member- Cllr S Bütikofer – spoke against the Officers recommendation and stated that despite the reassurances provided since the item had last been brought to Committee, her concerns remained. She stated that it was concerning that the Highways Authority in their submission considered that that the view through the posts would reasonable, and affirmed that access to the property was regularly obscured by parked cars, and that the road was unsafe. The Local Member commented that she had lobbied for a reduction of the speed limit, but that this had been unsuccessful. Cllr S Bütikofer considered that both the size and scale of the proposed sign to be out of place for the local context and that it would negatively impact the open space and the undeveloped coast and would serve as a distraction for motorists.

She noted that if applied, policy EN3 and EN4 would be contravened by the proposal.

- ii. Cllr N Pearce noted the history of the site and the various iterations of the sign which had been refused, he considered the proposal to unacceptable due to its position in relation to the underdeveloped coast and to the AONB.
- iii. Cllr R Kershaw proposed acceptance of the Officers recommendation. He acknowledged the Highway Officers submission, which he considered to satisfy his concerns, and stated that issues relating to individuals speeding on the adjacent road was not the fault of the hotel. He commented that Highways Authority should be written to separately, and not as part of the application, to review and reduce the speed limit of the road.
- iv. Cllr J Rest sought confirmation and clarity on the removal of wording to advertise parking to the rear of the property. The PO confirmed this had been removed to assist in the overall reduction of wording on the sign. The ADP advised that both Officers and the Highways Authority were satisfied with the proposed visual appearance of the sign, its location and its contents.
- v. Cllr N Lloyd seconded the proposal and considered that there was little reason on planning grounds to refuse. He stated that the proposed sign would be less intrusive than prior proposals and commented that the behaviour of drivers to drive in excess of the speed limit could not be controlled by the planning process.
- vi. Cllr V Holliday enquired if the original sign had been granted planning permission. The PO advised that it had, and that if a sign were in situ for four or more years it would have automatically been in receipt of planning permission.
- vii. Cllr A Brown supported the Officers recommendation and acknowledged that this was a replacement sign. He stated that the application of policies raised by the Local Member would have had more credence with a new, rather than replacement sign. He reflected on the comments made by the Highways Authority, and considered there to be a minor accident record for the associated road with a minimal fatality record.
- viii. Cllr P Fisher commented that he since this item had been deferred that he had driven past the site and considered that it was in fact the nearby housing and not the sign which obstructs the view of the road. He noted that the proposal would be located within a 30mph speed limit zone.

RESOLVED by 10 votes for, and 3 against.

That application ADV/21/1260 be APPROVED in accordance with the Officers report with final wording of conditions and any others considered necessary to be delegated to the Assistant Director – Planning.

At the discretion of the Chairman a 15 minute break was taken at 10.55am, the meeting resumed at 11.05am

63 NORTH WALSHAM - TPO 21 0985 - LAND SOUTH OF NORWICH ROAD NORTH WALSHAM

The SLO introduced the Officers report and recommendation for refusal. He affirmed the affected site subject to the proposed TPO and its context within the development land. He advised that the trees were of a good mix and range of age, though noted that there were some in a poorer condition, and considered that the specified land had developed into natural scrubland which was very important for biodiversity. He highlighted specific trees and zones of interest including a line of Poplar trees which ran across the site, and large evergreens which were key features of the landscape and could be viewed from both Norwich road and from neighbouring housing developments. The SLO affirmed the importance of young scrubland and referred to an example of the Knepp Estate located in South East England, and surveys which concluded that young scrubland was one of the most biodiverse areas of the country, aside from ancient woodland.

He affirmed the key areas for consideration was the protection of biodiversity, ensuring appropriate mitigation of the site in future, and the amenity value of the trees. The SLO stressed that the intention was not to protect every tree, rather it was to protect the amenity and biodiversity. He advised that if individual trees or zones of trees were removed from an area that he would want to see replacement. He advised Members that the TPO had been made as there was a genuine threat to the trees and to the amenity and biodiversity they offered.

The SLO confirmed receipt of a recent legal letter and clarified that in determining amenity he had conducted a Tree Evaluation Method for Preservation Orders known as a 'TEMPO Assessment', and that this was a national system used by all Tree Officers when considering the application of a TPO. He affirmed that whilst not all of the trees had received full marks by consequence of their age range and visibility, the overall subject area did receive a high enough score determined relative to serve a TPO. He advised that the trees were considered to be of amenity value and noted the petition submitted from local residents. He noted that biodiversity, whilst a factor in serving a TPO, could not be the core consideration in serving a TPO and that this was the amenity of the trees. The SLO responded to comments made within the legal letter which questioned the legality of applying an 'Area Order', and affirmed that this was a temporary measure which he considered could be applied for a couple of years, and noted that the Council had other TPO's dating back to the 1940's.

The SLO advised that the TPO had not served to stop development, rather it was to protect amenity and biodiversity and expressed the Council were more than willing to work with the developer. The ADP supported the representation and guidance offered by the SLO, and stated that the site still had development potential and that the Council was not anti-development and still want to see some form of development facilitated provided that it was the right form of development. He affirmed that the Council wanted to work with the Developer and Community to seek a resolution.

The PL stated that the Birkett's letter of the 11th April raised two main concerns – firstly that they believe the Council was considering improper criteria for confirming the TPO and secondly, that they believe the Council's use of an "area based" TPO to be inappropriate in these circumstances.

She advised, taking the first concern, that a TPO could only be made in the interests of "amenity" and that "Amenity" is not defined in the Town and Country Planning Act

but that there is Secretary of State guidance which advises that TPO's should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. The value of trees may be from their intrinsic beauty or for their contribution to the landscape. Other factors such as their importance as a wildlife habitat may be taken into account but wouldn't, alone, justify the TPO. So the test is "do the trees have a public amenity value?" So provided there is sufficient information before the members on the amenity value of the trees, then that is sufficient.

She further added, taking the second concern, (that the "area based" TPO is inappropriate) that it was fair to say that it was rarer for a TPO to cover an area of land. An area designation covers all the trees of whatever species in that area and it was usually introduced as a holding measure until proper survey work can be done. It was also normally considered good practice to review an area order and modify it with an order that specifies individual or groups of trees. However, there was no legal requirement to modify an area based TPO. The PL stated she understood that the Council officer's view was that the trees within this TPO have a broad amenity value as a whole and therefore members are being asked to confirm the TPO without modification.

Public Speakers

Stephen Hayden – Objecting

- i. Local Member – Cllr N Lloyd – expressed his support for the Officers recommendation. He affirmed that Hopkins Homes had, during phase 1 of their development in 2013-2014, felled many trees in the area, notably those of Mulberry and Hornbeam, and that these actions had resulted in widespread dismay, that such predominant and beautiful trees could be felled without consultation with the Town Council or wider public. He noted that in that instance a TPO had been confirmed but was later removed at appeal by the Planning Inspectorate. A condition had been applied for mitigated planting, however Cllr N Lloyd stated that during a recent inspection of the site a large number of this planting was now dead, and the planned Wildflower Meadow was a patch of grass. He considered it unacceptable that Hopkins Homes would not ensure an appropriate maintenance strategy and that he was working with Officers on this matter. Cllr N Lloyd stated that the serving of a TPO was important to stop the removal of trees and hedgerows during pre-application. He reflected that the land served as an Island of Biodiversity and was home to a variety of flora and fauna and served as food source and roosting space for many species. He supplied images which were presented to Members, to show the existing habitat which he contended warranted protection and that it has a rich biodiversity value. He commented that he did not resist the sites designation as development land, and welcomed a scheme which would be sensitively designed in such a way that it would not result in the destruction of well-established scrubland and woodland. He was convinced that a compromise could be reached and which would ensure the best outcome for wildlife.
- ii. At the discretion of the Chairman, Cllr V Gay, Member for North Walsham Market Cross was permitted to speak as a representative for Local Member – Cllr D Birch. She stated she was well acquainted with the sight and asked Members to consider the representations made from Cllr N Lloyd and Officers to confirm the TPO. She considered the site, and the trees and scrubland contained therein to be of significant amenity value to residents, and affirmed the Councils commitment to protecting biodiversity. She

determined that the use of the TPO would not prevent development, and that its applications may ensure a better outcome for the town and its residents.

- iii. The PL advised in response to comments made that whether or not trees are removed subsequently from a site is not a relevant consideration as to whether to confirm a TPO. The determining factor in this item was consideration and weighting of amenity value.
- iv. Cllr P Heinrich commented that the area was not a woodland in a traditional sense of the word but rather was an area of scrubland and natural re-wilding. He reflected that the land was designated as Development land and that those residents who were adjacent would have been aware of this. He surmised from the officers report, public representations and images supplied, as well as his own local knowledge of the site that there were many trees there which were worthy of preservation, and that the area as a whole was rich in biodiversity with a large range of mammals, birds, insects and many native plant species. He expressed concern about the developer's attitude, and questioned why they had not worked with the Council to include the area in part of the landscaping and wider amenity land for the site. Cllr P Heinrich stated his belief that if given the chance, the developer would simply remove everything on the site, and that the use of a TPO would prevent pre-emptive destruction. He hoped that through the confirmation of the TPO that this would provide opportunity for the developer to engage with the Council, and to establish a dialogue. He reflected that any development on the site would be delayed by result of the recent Habitat Regulations Assessment regarding Nutrient Neutrality.
- v. Cllr A Brown reflected on the tone and contents of the Birketts Letter dated 11th April, and stated that he considered the legal arguments contained therein to be left somewhat wanting. He commented that the contents of the letter was both disingenuous and extremely disappointing. He highlighted issues with the phrasing of the letter and of typographical errors. He affirmed that the consideration, as he determined, was whether the removal of the trees would have a significant negative impact on the local environment, amenity value and public enjoyment, and that protect of the trees would offer a reasonable degree of public benefit at the present time or in the future. He concluded that the Council, through the SLO, had carried out a detailed survey to determine that a blanket order was necessary as opposed to that of a specimen by specimen order, and that the loss of the trees would have a negative impact on biodiversity. He noted that Council had both an emerging local plan and that there would soon be an Environment Act which biodiversity net gain will be considered important.
- vi. In response to a questions from the Chairman, the SLO advised that it was an 'Area Order' which was proposed for the site. An 'Area Order' was a blanket order which is served with a view to modify at a later date. The SLO considered in serving the TPO that this would enable the Council to work with Hopkins Homes to create proportionate mitigations with a view to modify the TPO accordingly, but that the information requested from Hopkins Homes had not been received. He affirmed the recommendation of the ecological assessment that a biodiversity net gain metric was required, and that this was the key piece of information needed to know what biodiversity value was on the land and which could be mitigated across the site. He informed Members that a 'Woodland Order' could also be applied which if successfully granted would mean that every tree, seedling, and any future seeds would be

protected in perpetuity until such a time that the Woodland Order was lifted, and that this would restrict any future development. He advised that the 'Area Order' rather than a 'Woodland Order' had been used as it demonstrated a willingness to work with the developer and to come up with a scheme which would be mutually beneficial.

- vii. Cllr N Pearce expressed his support for the Officers recommendation, and the willingness of Officers to negotiate with the developer. He concluded that Officers had been fair and that the Council could have sought to apply a 'Woodland Order' which would have been far more restrictive for the developer. He considered the tone of the Birketts letter to be deeply offensive, and affirmed that the Council was charged to protect the local environment which he considered the Council did very well.
- viii. Cllr R Kershaw stated that there had been a loss of trust which Hopkins Homes which had resulted in this situation. He concurred with Members assessment that the tone of the letter from Birkett's was offensive. Cllr R Kershaw advised that he was very familiar with the site, and considered that there be an amenity value to the site, noting that is was an area people walk their dogs, bird watch, and that it was a fabulous site used from dawn to dusk. He agreed with the Officers assessment that the Council were not adverse to development and that Officers wanted to negotiate with the developer. He so proposed acceptance of the Officers recommendation.
- ix. Cllr N Pearce seconded the proposal.
- x. Cllr L Withington thanked the SLO and PL for their representations and guidance. She stated that that site served as an important habitat corridor, and reflected that where would be a lot of development coming to North Walsham and it was important to look at the bigger picture. Such wildlife corridors provided amenity value to the community in knowing that the wildlife in their environment could live well in their natural environment.

UNANIMOUSLY RESOLVED by 13 votes for.

That TPO 21 0985 be APPROVED in accordance with the officers recommendation.

64 FAKENHAM - TPO 21 0987 - LAND AT FARMLAND NORTH OF A1067 NORWICH ROAD LANGOR BRIDGE LITTLE RYBURGH FAKENHAM NORFOLK NR21 0LW

The SLO introduced the Officers report and recommendation for approval. He advised that this TPO was brought following contact from a concerned individual, who had a qualification in tree surveying, that some significant trees had been felled in the field north of the Norwich Road in Fakenham, north of Little Ryburgh. He provided images to Members which affirmed that the trees were visible on the horizon from the road, and that they had significant amenity value.

He considered that the tree's which had been served a TPO were considered to be of a good mix and age, and were of very high amenity. He considered that the key considerations was the matter of amenity and biodiversity.

Public Speakers:

Mr Thomas Cook – Objecting

- i. Cllr P Heinrich proposed acceptance of the Officers recommendation and reflected on comments made by the land owner that the trees were under no threat, he considered that the confirmation of the TPO should therefore not be objected. He considered that the trees were a valuable part of the landscape and need to be retained.
- ii. Cllr R Kershaw seconded the proposal.

UNANIMOUSLY RESOLVED by 13 votes for.

That TPO 21 0987 be APPROVED in accordance with the Officers recommendation.

65 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

- i. The ADP introduced the Development Management Performance Update report. He affirmed that contents of Section 3.2 located on Page 48 of the Agenda Pack and noted that with respect of Major Development Team that seven decision's had been issued in the last quarter January- March and that all of these had been within time. He noted that this was a significant upturn in the decisions issued by the Majors Team and within the last three quarters, 100% of decisions were issued in time. With respect of Section 3.5 of the report and in the appendix, he advised that there were twelve ongoing Section 106 (S106) cases were currently being progressed and that three S106 agreements had been cleared, with decision notices issued, since last reported with the assistance of the PL.
- ii. The ADP confirmed, with respect of Non Majors Performance as detailed in Section 3.6, that the team had achieved 96% of decisions in time over the last quarter. He stated the intention to continue to issue significant numbers of decisions on non-majors and that these figures would balance the two-year average.
- iii. The ADP advised that Members would continue to receive updates on Nutrient Neutrality, and that its impact on Major Development was an area which needed to be reflected upon and reviewed with respect of its impact on progress and performance. He considered that Non-Majors should be less affected by Nutrient Neutrality but that is issue would still have some affect.
- iv. Cllr G Mancini-Boyle reflected on the impact of Nutrient Neutrality, he considered there to be great improvements reported to Members and so expressed his thanks to Officers for their hard work.
- v. Cllr N Lloyd sought clarity whether the S106's agreements contained within the report were a definitive list. The ADP advised that the list was for those S106 agreements which were actively being processed and that he would be happy to discuss individual cases not contained on the list with Members and the PL. He acknowledged that the matter of S106 agreements had been historically a difficult matter which spanned across various departments. He informed Members that new S106 Software was expected which would enable all S106 agreement to be available within the public domain, this software was aimed for June. Before the software went live, a capture process was needed to ensure all data was gathered and that this would

need to be a robust process. He noted that the Council would be looking towards having a dedicated S106 officer who would act as a point of liaison with local communities and who would be able to ensure that spending is actively undertaken and planned with those communities post development and post S106.

- vi. Cllr R Kershaw asked if an update on Nutrient Neutrality could regularly provide for the Development Committee. The ADP affirmed that an update would be provided to the Committee and referred Members to the Councils dedicated 'Nutrient Neutrality' webpage which would be regularly updated. He advised that the Council were working together with other catchment areas affected to ensure the delivery of similar messages, and to critically move forward in a planned way.
- vii. Cllr N Pearce enquired as the time commitment, and the associated costs required to look at the appeals. The ADP referred to Section 3.7, 3.8 and 3.9 of the report which detailed the qualitative performance side of this process. He stated that the Council had a 2.44% of Major decisions being overturned in the two –year period and that this figure was no more than 0.39% for Non-Majors within the same frame. He noted it was the intention to reduce down the number of appeals, and that consideration would be given to this, but that if there were challenging decisions made on finely balanced applications at Committee, in which the applications were refused, that the Planning Team would inevitably have to defend these decisions. He concluded that the Councils appeals defence rate was extremely strong as was the quality of decision making.
- viii. Cllr A Brown stated that the Councils performance on Planning Appeals was encouraging, and that this was indicative of the harmony existing between Officers and the Development Committee. He sought clarity on the process when Members had queries about S106 matters, and who these should be directed to, and stated it was pleasing that a more robust tracking system would be implemented soon. Cllr A Brown noted that with many modern S106 agreements there was an uplift clause, and asked what system was in place on reporting to Members when a pre-existing S106 had been reviewed and further moneys would be available. He noted positive inroads with staffing as referenced on page 50 of the Agenda Pack, Section 4.3, but that there were issues with internal consultees and asked what actions were being done to resolve this. In He agreed with Cllr R Kershaw and considered that a standing item on Nutrient Neutrality would be useful.
- ix. The ADP advised, with relation to S106 uplifts, that the best recent example would be of the Hopkins Homes development in Holt in which the developer paid in the region of 1 Million pounds on the uplift clause. This clause can be insisted upon, but needs to be considered on a case by case basis, and an element of pragmatism was needed in order to see an agreement signed. The PL noted it was often conveyancing solicitors who picked up on S106 obligations and who enquired if payments had been discharged.
- x. Cllr G Mancini-Boyle asked how S106 money could be applied for, and referred to a part granted funded scheme he was working on for play equipment in Hoveton. The ADP affirmed that an invoice or purchase order was required, as this demonstrated commitment to buy.

66 APPEALS SECTION

- i. New Appeals
- ii. No questions.
- iii. Inquiries and Hearings – Progress
- iv. Cllr R Kershaw asked if a decision had been reached following the information hearing for Kelling, reference PF/21/1056. The ADP advised that the hearing had been concluded and that the delay in the decision was as consequence of the Appellant raising the issue of Nutrient Neutrality. He confirmed that the Council had responded to the planning inspector on the late representations on Nutrient Neutrality, and that the Appellant had been provided the chance to respond. He affirmed that the Planning Inspector would now be considering their decision which would be made within the next month or so.
- v. Written Representations Appeals – In Hand
- vi. No questions.
- vii. Appeal Decisions
- viii. None

67 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 12.30 pm.

Chairman

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Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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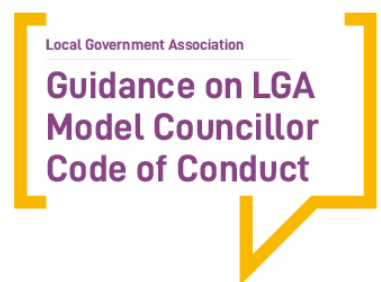
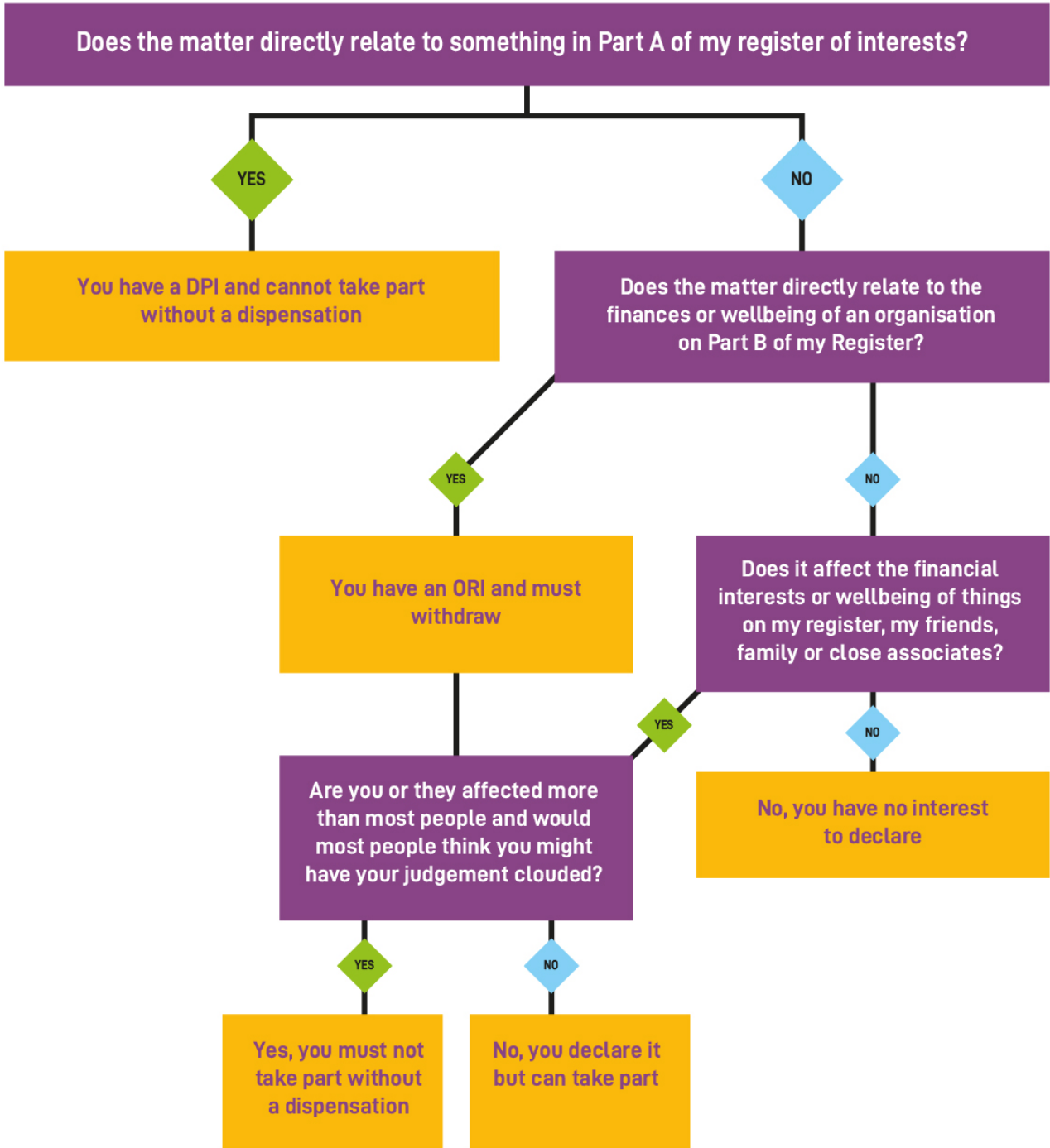
* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)



BRINTON – PF/20/1278 – Removal of condition 3 (hedge retention) of planning permission PF/93/0561, to regularise position following removal of hedge, Knockavoe, New Road, Sharrington, Melton Constable for Sally Orr

- Target Date: 24 September 2020

Case Officer: Darryl Watson

Minor Development

RELEVANT SITE CONSTRAINTS

- Countryside LDF
- Landscape Character Area – Type:
- Tourism Asset Zone LDF
- Unclassified Road

RELEVANT PLANNING HISTORY

PF/93/0561: Erection of bungalow and garage. Approved

THE APPLICATION

Is for the removal of Condition 3 of the planning permission (PF/93/0561) for the dwelling now known as Knockavoe states that: *“except as required to construct an access the hedge on the front boundary and the young trees within the site shall be retained and shall not be topped, lopped, felled, uprooted or otherwise destroyed without the prior written consent of the Local Planning Authority”*.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Andrew Brown on the grounds that fencing is an unwelcome form of creeping urbanisation affecting rural settlements.

PARISH/TOWN COUNCIL

Brinton Town Council: Objects

Removal of the hedge is in breach of the original planning permission for the dwelling. The PC wishes to uphold the retention of the hedge and agree with the original reason for the condition being 'in order to safeguard the character and amenity of this pleasant rural area'. The PC considers hedges and hedgerows form an important part of what makes Sharrington unique. The majority of properties and field boundaries, of which there are many in the Sharrington, are formed by hedges which help to give the village its rural character. New Road is bordered by hedges on both sides which give this lane a particularly attractive rural appearance. The construction of a concrete and wooden fence is deemed inappropriate and harmful.

CONSULTATIONS

Landscape Officer: Objects

Objects to the removal of the condition as it is contrary to Policy EN4 which has now superseded the policy at the time of the original permission. It is clear from the consultee and public comments that the hedge had amenity value and added to the landscape character of the area. The continuous soft edge of the development along New Road leading into the village has been broken by the urban fence. An equivalent condition to retain the hedge and protect amenity and local character would be recommended for a similar application if it was received now.

The Agent's supporting statement details other fencing in the area but this is not considered relevant as the Council had no control over the construction. Three options are suggested to address the removal of the hedge:

- remove the fence and replant a new hedge or,
- re-position the fence further back away from the property boundary and replant a new hedge or,
- retain the new fence and use vertical planting techniques to screen it.

REPRESENTATIONS

Two received **supporting**:

- The new fence is a vast improvement to the hedge it replace which was getting very thin and tired looking. As the hedge on the opposite side of the road is not cut as often as it used to be, the fence gives a sense of more light and space to the road;
- The fence replaced an ailing hedge. It has no untoward impact on the character of the road and is a welcome replacement for the hedge.

One received **objecting**:

- The character of this rural area in and around Sharrington is such that the majority of properties and field boundaries are formed by hedging: this is what helps to give and maintain its rural character. The increasing tendency to replace hedging with harder landscaping materials such as wooden fencing is leading to an increasingly suburban rather than rural look and 'feel' for the village
- The property borders the Sharrington Conservation Area, which could be extended to include the other properties on New Road which are currently outside the Conservation Area, as part of the Appraisal Review Programme for these areas. Hedges and hedgerows form an important part of what makes Sharrington unique and distinctive, and therefore any erosion of this needs to be resisted.
- A new hedge could be planted on the road side of the new fence.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.
Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

PUBLIC SECTOR EQUALITY DUTY

In making its recommendation, the Local Planning Authority have given due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

STANDING DUTIES:

Due regard has been given to the following additional duties:

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2017

Planning Act 2008 (S183)

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

Local Finance Considerations:

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

RELEVANT POLICIES

North Norfolk Core Strategy (Adopted September 2008):

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 8 - Protecting and enhancing the historic environment

National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

Supplementary Planning Documents

North Norfolk Design Guide SPD (2008)

MAIN ISSUES FOR CONSIDERATION

Whether any significant harm would arise from the removal of the condition.

APPRAISAL

It is important to note that what is being considered through this application is only what has been applied for, i.e. the removal of the condition. This report cannot assess the effect of the fence that has replaced the hedge, that fence requires planning permission and may be considered via a separate application. If no application is made then consideration will be given as to expediency of enforcement action to demur, amend or remove the unauthorised fence.

Members are requested to consider Condition 3 of the planning permission (PF/93/0561) for the dwelling now known as Knockavoe states that: *“except as required to construct an access the hedge on the front boundary and the young trees within the site shall be retained and shall not be topped, lopped, felled, uprooted or otherwise destroyed without the prior written consent of the Local Planning Authority”*.

The reason for the condition was *“in order to safeguard the character and amenity of this pleasant rural area”*.

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should only be used where they satisfy the following six tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

All need to be satisfied for each condition which an authority intends to apply.

Whilst the purpose of the condition is clear from the reason relating to it, it is considered the condition is poorly drafted and fails to demonstrably meet all of the above six tests. Those technical weaknesses make enforcing the condition problematic, further that defending a reason for refusal in the event of an appeal is considered to be high risk.

In particular, there is a lack of precision around the requirement for the hedge to be maintained at a specific height, and no requirement whatsoever for replaced should the hedge die or was damaged for example. In addition there is no record of how high the hedge was when the condition was imposed, or the species that constituted the hedge. The submitted Planning Statement only refers to the hedge being non-native *Elaeagnus* plants. The enforceability of the condition is questionable.

The condition is also considered to be unreasonable because the wording is such that consent from the local planning authority is required before any trimming or basic tidying of the hedge is carried out. Trimming or tidying may be as frequent as 3 or 4 times a year. The condition requires authorisation on each case. It is therefore considered that the condition does not satisfy tests 4, 5 and 6 above and as such it is recommended that the application is approved.

Members may note the Landscape Officer's comments, it is likely an equivalent condition to retain the hedge (if it was of sufficient quality) to protect amenity and local character may be recommended for a similar proposal if it was received now. Importantly any such a condition would now include requirements relating to the minimum height at which the hedge should be retained and for replanting should it die for example. The historic condition fails to include such precision.

Members please note any approval of this condition variance application would not grant permission for the fence.

Officers are minded that the fence that has been erected following the removal of the hedge requires planning permission as it is adjacent to a highway and exceeds 1 metre in height. The fence is not permitted development under Schedule 2, part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Although the fence is set back behind a grass verge and is about 3 metres from the near edge of the surfaced part of the carriageway, the highway boundary extends to the back edge of the verge and the fence sits on it, with no physical or visual barrier such as a hedge between.

The only matter for consideration is the removal of the condition. Consideration of the fence and matters such as its effect on the character and appearance of the area would need to be via a subsequent planning application for its retention should an application be submitted.

Conclusion

For the reasons stated it is considered that the condition is poorly drafted and does not satisfy all of the 6 tests for a condition. It is therefore recommended that the application is approved.

RECOMMENDATION:

APPROVAL. No conditions are considered to be necessary.

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WIVETON – PF/21/2977 Change of use of agricultural land to a dog walking field with associated car parking area; erection of 1.8 m fence around the perimeter of the dog walking area; erection of storage shed for maintenance equipment and field shelter at Land east of The Acreage, Coast Road, Wiveton, Norfolk

Target Date: 12 May 2022

Case Officer: Jayne Owen

Full application

Extension of Time: 20 May 2022

CONSTRAINTS

ART4 Article 4 Planning Restriction

Conservation Area

Advertising Control

LDF Countryside

LDF Undeveloped Coast

Area of Outstanding Natural Beauty

Agricultural Land Grade 3

Landscape Character Area (Rolling Heath and Arable)

RELEVANT PLANNING HISTORY

None

THE APPLICATION

The application seeks the change of use of 2 acres of agricultural land to a dog walking field with an associated car parking area and the erection of deer fencing. The aim is to provide a secure dog walking area where owners can take their dogs without fear of attack from other dogs and the field is also proposed to be made available to owners of dogs who are subject to control orders. The supporting statement submitted with the application states that there are increasing numbers of dog attacks on people as well as other dogs, cats and particularly livestock. In 2014 the law was amended to include incidents on private property, inside your home and others' homes including front and back gardens. Under the 2014 Act it is illegal for a dog to be 'out of control' or to bite or attack someone. The legislation also makes it an offence if a person is worried or afraid (reasonable apprehension) that a dog may bite them. The applicant states the 2014 Act has created a need for secure dog walking fields.

The site lies on the southern side of the coast road east of The Acreage in Wiveton and is currently a flat, open site mainly grassed with a tree belt on the southern boundary. In terms of physical changes to the site in addition to the proposed fencing, two timber buildings are proposed together with an area of car parking for up to three vehicles which would have a reinforced grassed surface, no hardstandings are proposed for car parking.

The buildings would comprise a timber storage shed for grass cutting and maintenance equipment which would be sited behind the hedge fronting the site which would measure 6 metres x 4 metres with a shallow pitched roof to a maximum height of 3.2 metres. The second would be a field

shelter for use by dog walkers which would be sited further into the site and would measure 3.6 metres x 4.6 metres with a mono-pitched roof to a maximum height of 2.3 metres.

The applicant's agent has provided a list of terms and conditions for the use of the site. Each user of the facility would be required to book a slot for themselves or household and dog(s) only. The use of the field would be for dog walking/exercise only and no groups, clubs, training classes, shows or other activity will be permitted, CCTV will be in use and owners will be required to pick up dog waste or use a dog poo bin which will be provided by the applicant on site.

REASONS FOR REFERRAL TO COMMITTEE:

The application has been called in by the Ward Member (Councillor Holliday) on the following grounds:

- The perimeter fence will be visually intrusive.
- The two wooden huts and proposed vehicle movements represent domestication and suburbanisation of the landscape.
- This site is within the Norfolk Coast AONB and the North Norfolk Landscape Character is Rolling Heath and Arable. The key qualities of both are a strong sense of remoteness, tranquillity, wildness, and a varied and distinctive biodiversity, with which this proposal does not comply.
- Access is from the A149 which is at that point busy and unrestricted. The application does not comply with Core Strategy Policies EN 1,2,3 and CT5, or with NPPF para 176, and the social and economic benefits do not outweigh the harm

PARISH COUNCIL:

Wiveton Parish Council: Objects

Considered the proposal is contrary to the policies of the Norfolk Coast AONB and those of the NNDC in its Core Strategy and the new Local Plan covering the period up to 2036. Together these aim to protect the local environment and prevent inappropriate development. Specifically, the Parish Council object on the following grounds:

- The development is inappropriate to this site and its immediate vicinity, it brings development to what is an agricultural environment, fields, pasture and crops.
- It is visually intrusive as it includes buildings and 1.8 m high security fencing
- The security fencing is particularly inappropriate to this setting. It will have a major visual impact and bring an unacceptable industrialised look to the local area
- It will bring unwelcome noise and disturbance from barking dogs where there is currently none and with the slope of the land southwards will impact on a number of residential properties on the 'north' side of Wiveton
- It will lead to an over intensification of the use of this land which is essentially fields, pasture and crops

- Access off the A149 is unsafe. The intensification of traffic movements into and out of the site will lead to the risk of accidents. It is a derestricted road with a 60mph limit
- It will set a precedent for the further intensification of the site with other dog related activities such as kennels.
- The sheds and shelter seem quite large to accommodate their activities. It should not create a precedent for the further development and intensification of this site or its use of the site for other purposes, for example, new housing as this would be totally inappropriate in this location/setting.

Blakeney Parish Council: Objects

Support the objections raised by Wiveton Parish Council and the District Councillor. The proposal does nothing to enhance the Area of Outstanding Natural Beauty, Conservation Area, Countryside or Undeveloped Coast and would be detrimental to the boundary gap between the villages of Blakeney and Wiveton.

REPRESENTATIONS:

Summary of Representations

9 letters of **SUPPORT** have been received raising the following issues:

- There is a local need for the development as currently no secure walking sites where dogs can be exercised off the lead. During some time of the year it is not possible to exercise dogs off lead due to potential of disturbing nesting birds on beaches or livestock or wildlife on footpaths and other walks. The responsible dog owner would be able to exercise their dogs here. With Covid considerations dog walkers would be able to exercise without meeting any other people.
- Field is hidden behind a well-established hedge perfect for reactive dogs; site conveniently located to Wiveton Hall refreshments.
- With only 1 or 2 vehicles accessing the field at any one time, there should be no additional traffic impacts; The addition of two wooden huts in an arable / agricultural area is not out of character. The area also provides secure and safe car parking spaces, with a turning area. This will prevent vehicles reversing onto the main carriageway of the A149. Exit from the car park provides clear vision in both directions onto the A149. Entry to the site is also unobstructed with only a few vehicles entering and exiting at any one time.
- A former noise abatement officer comments that they found that nuisance barking was predominantly due to dogs being left alone in domestic settings or reacting to other dogs so is confident this would not be an issue in this setting.
-

Four representations have been received **OBJECTING** to the proposal:

- Looking up the hill towards Blakeney the 1.8 metre perimeter fence and proposed shelter for dog walkers will be visually intrusive.
- The size of the other hut, for storage of mowers etc, seems to be over-large for its intended use. Overall, the buildings and proposed vehicle movements represent domestication and suburbanisation of the landscape.
- Damage to the environment/impact on wildlife
- The change of use and introduction of car parking, small buildings, enlarged highway access, probable signage and security fencing are all visually detrimental to landscape within the Norfolk Coast AONB and the North Norfolk Landscape Character is Rolling Heath and Arable.
- Access is from the A149 which is at that point busy and unrestricted.
- It will erode the separation between the settlements of Blakeney and Cley which would be contrary to the emerging local plan which clearly recognises the importance of the landscape between settlements.
- This route between Cley and Blakeney is an important part of the popular walking route around Blakeney Eye. To permit development here would be detrimental to the character of this landscape. The desire for this type of facility is recognised but this is not the location for it as the harm to the character of the area would be too great.
- The site may not be suitable for dog walking due to shooting taking place in the surrounding fields, as dogs may well be scared by the noise, while pellets and quarry might also fall into the area.
- Dogs are walked without issues at many locations not far from here, necessity of this application is questioned.

Conservation and Design Officer: No Comments

Does not wish to offer any detailed comments on this particular occasion. Instead it is recommended that the application be determined;

a) in accordance with national guidance and local policy, and

b) having paid special attention to the statutory duty contained in s72 of the Planning (Listed Buildings & Conservation Areas) Act, 1990.

North Norfolk Coast Partnership: Comments only

The fencing may industrialise the open countryside of this part of the AONB. Consider it would be advisable to look at other fencing with wooden posts which would be less visually intrusive in the landscape. Conditions are recommended preventing any external lighting on the site and limiting the parking to the 3 spaces identified in the application.

Dog disturbance on sensitive sites in the AONB is something the Norfolk Coast Partnership are very much aware of the Partnership are currently undertaking work looking at changing the behaviours of dog owners through communications work.

This proposal does therefore have value in that it will potentially take some of the pressure from more sensitive sites in the AONB where dogs off lead can cause disturbance to protected species. However, this should not be to the detriment of the landscape so more appropriate fencing will need to be considered.

Landscape Officer: No Objection subject to condition

Considers that the application complies with policies EN 1, EN 2 and EN 4 of the Core Strategy, subject to a condition to confirm the fencing details and a condition to restrict external lighting.

Norfolk County Council Highways: No objections subject to conditions

Environmental Health: No objections subject to comments, conditions and advisory notes

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

RELEVANT POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

SS 5 - Economy

EN 1 - Norfolk Coast Area of Outstanding Natural Beauty and The Broads

EN 2 - Protection and enhancement of landscape and settlement character

EN 3 - Undeveloped Coast

EN 4 - Design

EN 8 - Protecting and enhancing the Historic Environment

EN 9 - Biodiversity and Geology

EN 13 - Pollution and Hazard Prevention and Minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

National Planning Policy Framework (NPPF):

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 6 - Building a strong, competitive economy

Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

North Norfolk Landscape Character Assessment Supplementary Planning Document – January 2021

MAIN ISSUES FOR CONSIDERATION

- 1. Principle**
- 2. Landscape/Impact on the Norfolk Coast AONB**
- 3. Design and impact on heritage asset (conservation area)**
- 4. Amenity**
- 5. Highway Impact**

APPRAISAL

1. Principle (SS 1, SS 2):

The site lies within an area designated as countryside and therefore falls to be considered against Policy SS 2 of the North Norfolk Core Strategy. In areas designated as countryside Policy SS 2 states that development will be limited to that which requires a rural location and is one or more of a number of specified types of development. This includes recreational use, subject to compliance with policies of the Core Strategy and other material planning considerations.

The NPPF seeks to protect the most versatile agricultural land, the land in question is Grade 3, of good to moderate agricultural value, and comprises a grassed area on the eastern edge of a larger agricultural field that is not currently being farmed. The principle of recreational use in an area of designated countryside is considered to be acceptable in principle in accordance with Core Strategy Policies SS1 and SS2 of the North Norfolk Core Strategy, and would not result in the loss of the best and most versatile agricultural land.

2. Landscape/Impact on the Norfolk Coast AONB (EN 1, EN 2, EN 3)

The site is within the Rolling Heath and Arable Type which is characterised by a predominantly elevated, open rolling landscape with a strong coastal influence. Land cover is notable for lowland heath, arable farmland, pockets of scrub and woodland, with little settlement inland from the coastal villages of Blakeney and Salthouse. The area has a strongly rural character, dominated by arable farmland in addition to coastal settlement and semi-natural habitats such as the heathlands. As a result of the lack of settlement, this Landscape type is known for its dark night skies. There is a frequent feeling of proximity to the coast, due to the sense of space and large skies, even where direct views are not present.

The area lies wholly within the AONB and contributes to its defined special qualities, including the undeveloped coastal character, sense of remoteness and tranquillity, which complements the

adjacent marshlands. Policy EN 1 sets out that local and national policy dictate that great weight should be given to conserving and enhancing the special qualities of the AONB. The site is also located within the Undeveloped Coast where only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted.

Core Strategy Policy EN 1 states:

'The impact of individual proposals and their cumulative effect, on the Norfolk Coast AONB, The Broads and their settings, will be carefully assessed. Development will be permitted where it;

- is appropriate to the economic, social and environmental well-being of the area or is desirable for the understanding and enjoyment of the area;
- does not detract from the special qualities of the Norfolk Coast AONB or The Broads; and
- seeks to facilitate delivery of the Norfolk Coast AONB management plan objectives

Opportunities for remediation and improvement of damaged landscapes will be taken as they arise.

Proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less harm and the benefits of the development clearly outweigh any adverse impacts.

Development proposals that would be significantly detrimental to the special qualities of the Norfolk Coast AONB or the Broads and their settings will not be permitted.'

Core Strategy Policy EN 2 sets out that:

'Proposals for development should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies.

Development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance:

- the special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character)
- gaps between settlements and their landscape setting
- distinctive settlement character
- the pattern of distinctive landscape features, such as watercourses, woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife
- visually sensitive skylines, hillsides, seascapes, valley sides and geological features
- nocturnal character
- the setting of, and views from, Conservation Areas and Historic Parks and Gardens
- The defined setting of Sheringham Park, as shown on the Proposals Map

Core Strategy Policy EN 3 states:

'In the Undeveloped Coast only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted.

Community facilities, commercial business and residential development that is considered important to the well-being of the coastal community will be permitted where it replaces that which is threatened by coastal erosion'

The site currently has no permanent buildings on it. However, there is some evidence of equipment being stored on the front part of the site over an extended period of time. More recently, the site has been tidied and new fencing and a field gate added. Part 2, Class A of Schedule 2 of the General Permitted Development Order permits the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure of 1 m above ground level adjacent to a highway or 2 m above ground level in any other case.

An existing mature hedge separates the highway from the main body of the field and there is a dense hedgerow and tree belts which provide substantial screening of the site from the west and south. It is proposed that the eastern boundary hedge will be enhanced by new tree planting which will help to screen the proposed new fencing from the east.

The impact on the AONB and Undeveloped Coast arises largely from the proposed two moderately sized timber buildings and a small area of parking suitable for one/two vehicles. The timber clad field shelter and parking area would be visible from the highway access. However, the shelter would be set well back into the site and sited adjacent a dense hedgerow so views of it would be limited from the west and east of the site. The field shelter would have a similar appearance to field shelters often found in grazing paddocks for horses in designated Areas of Outstanding Natural Beauty and rural areas in the district and the proposed parking area would be a grass reinforced surface which it is considered would have a limited visual impact within the site and from any public viewpoints.

The roof of the proposed timber storage shed would be visible from the highway but would be partially screened by the frontage hedgerow. The originally proposed galvanised security fencing would have introduced an industrial feature into this rural setting however the applicant has revised this element of the proposals. The means of enclosure as revised will comprise deer fencing with wooden posts and including fine mesh netting of 100 mm x 100 m which is considered suitable having regard to the need to contain small dogs. The applicant's agent has advised that this type of fencing has been used in the Broads Authority area to good effect.

Whilst the proposal arguably does not require a coastal location, and there is therefore a degree of conflict with Policy EN 3 of the North Norfolk Core Strategy, the North Norfolk Coast Partnership have commented that dog disturbance on sensitive sites is something they are aware of and that the proposals have value in that it will potentially take some of the pressure from the more sensitive sites in the AONB where dogs off lead can cause disturbance to protected species. Notwithstanding the conflict with the aims and objectives of Policy EN 3, it is considered that the proposal would not be significantly detrimental to the open coastal character in this location sufficient to warrant a refusal on this ground.

On balance, it is considered that the proposals would not significantly detract from the landscape setting or adversely affect the special qualities of the AONB sufficient to warrant a refusal on this ground. .

Subject to the satisfactory implementation of the recommended conditions, it is considered that the application will comply with Policies EN 1, EN 2 and EN 3 of the Core Strategy.

3. Design and impact on heritage assets (EN 4 and EN 8)

The site lies within the Glaven Valley Conservation Area. Policy EN 8 requires that development proposals, including alterations and extensions, should preserve or enhance the character and appearance of designated assets and their settings. In addition, under the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF, special attention must be paid to the desirability of preserving or enhancing the character and appearance of conservation areas.

The main impacts on the heritage asset would be the introduction of the two sheds onto the land together with the parking area and fencing. Glimpses of the roof of the shed closest to the highway would be visible on the approaches to the site from Blakeney and Cley and the field shelter would be visible from the entrance to the site. The parking area itself is unlikely to have a significant visual impact beyond the boundaries of the site as it would have a reinforced grassed surface.

By virtue of the relatively modest size and scale of the buildings, it is considered that the proposal would have a limited visual impact from the approach into the Blakeney Conservation Area or significantly erode the rural buffer between the settlements of Cley and Blakeney.

The originally proposed security fencing has been amended to deer fencing which will be of an appropriate design sufficient to contain small dogs. However, it is also worthy of note that means of enclosure would be permitted development, subject to meeting the restrictions set out in the General Permitted Development Order in terms of its height (1 m adjacent to a highway, 2 m in any other case) as also referenced in Section 2 above.

It would however be appropriate to secure full details of the proposed fencing and new planting by way of appropriately worded conditions.

Subject to conditions, it is considered that the proposal would accord with Policy EN 8 of the North Norfolk Core Strategy and would not conflict with the aims and objectives of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Amenity (EN 4 and EN 13)

Policy EN 4 requires that proposals should not have a detrimental effect on the residential amenity of any nearby occupiers. In addition, Policy EN 13 requires that all development proposals should minimise, and where possible reduce, all emissions and other forms of pollution, including light and noise pollution.

Concerns have been raised in representations regarding potential noise impacts. Having consulted with the Council's Environmental Health Officer, the main consideration from an amenity perspective is the potential for dog barking associated with the use of the facility to cause noise nuisance to neighbouring residents. Whilst use of the site as a dog exercise field would be expected to give rise to some level of dog barking noise, it is understood that the site will generally only be in use by one dog owner at a time, and this will help to limit the amount of barking arising.

The site is proposed to be for dog walking/exercise only and groups, clubs, training classes, shows or other events will not be permitted. It would however be appropriate to attach a condition restricting the use of the site as proposed for the avoidance of doubt.

The site is also not immediately adjacent to residential properties, with the nearest dwelling being Highfield House approximately 200 metres to the west, and the properties at Hall Lane which lie approximately 300-350 metres to the south-east. In both cases there is some degree of boundary hedging or tree cover between the site and these dwellings which would help to buffer against any noise emanating from the site. The applicant also intends to further enhance the eastern boundary hedge with tree planting. Based on these points, it is considered that the proposal would not give rise to unacceptable impacts to the living conditions of neighbouring residents.

Customers/users of the site will be required to pick up waste from their dogs whilst using the site, with all waste to be taken home or disposed of in a dog waste bin in the vicinity of the equipment storage shed which will be provided by the applicant. An advisory note is also recommended with respect to the disposal of waste.

With regard to external lighting, the submitted Planning Statement states that the applicant does not intend to install lighting on the field and it is the intention that no walks will take place before dawn or after dark. The absence of artificial lighting will help to preserve the rural character of the area and prevent unnecessary light pollution. A condition that should external lighting be proposed full details must be submitted to and approved in writing by the Local Planning Authority before installation is considered appropriate.

In addition, it is considered that conditions requiring the submission and approval of a management plan would be appropriate to ensure the future management of the site and to restrict the use of the site for dog walking/ exercise only.

Subject to the advisory notes recommended by the Environmental Health Officer, it is considered that the proposal accords with Policies EN 4 and EN 13 of the North Norfolk Core Strategy.

5. Highway Impact (CT 5, CT 6)

The site lies to the south of the A149, which has wide highway verges either side of the access. The operation of the site would be based on each user booking a timed slot which would be available for one household and dog(s) with one other family member or friend from another household and their dog being by prior agreement, groups will not be permitted. Parking provision would be for up to three vehicles only.

Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Whilst there would inevitably be a number of vehicle movements associated with the site, with generally only one householder per bookable slot using the site, it is considered that these additional movements would not be excessive or that the impacts on the road network would be severe.

In addition, the Highways Authority have raised no objections to the proposal subject to conditions requiring the upgrading/widening of the existing access, a restriction with respect to any access

gates/bollards, chains or other means of obstruction to ensure vehicles are able to safely draw off the highway before the gates/obstruction is opened and to ensure the gradient of the access does not exceed 1:12 for the first 8 m in the interests of the safety of persons using the access and users of the highway and that the proposed on site car parking is laid out and retained in accordance with the approved plan. An informative is also recommended relating to works within the public highway.

Subject to the conditions an informative recommended by the Highways Authority, it is considered the proposal will accord with Policies CT 5 and CT 6 of the North Norfolk Core Strategy.

6. Conclusion

The development is acceptable in principle. Whilst the site lies within the AONB and designated undeveloped coast valued for its wide, open and unsettled areas of land which provide a sense of remoteness, tranquillity and wilderness, in this instance, the main physical changes to the site would be two modest sized sheds, similar to those found on grazing paddocks for horses, and it is considered that owing to the scale of the buildings these would be subservient to the important views of the landscape beyond and on balance are not considered to significantly detract from the landscape setting or have a significant adverse impact on the special qualities of the AONB. An appropriate form of means of enclosure has been negotiated and agreed with the applicant and can be secured by way of condition together with details of the proposed new planting. Conditions are also recommended requiring the submission and agreement of a management plan and to limit the use of the site to dog walking/exercise only.

RECOMMENDATION:

APPROVE subject to conditions relating to the following matters and any others considered necessary by the Assistant Director for Planning.

- Time limit for implementation
- Approved plans
- Prior to first use, a management plan shall be submitted and agreed by the LPA
- The use of the site shall be for the purposes of dog walking/exercise only and for by groups, clubs, training classes, dog shows or other similar related activity.
- Prior to first use, full details of the proposed fencing and new native hedgerow/tree planting shall be submitted to and agreed by the Local Planning Authority.
- Full details of any external lighting to be submitted to and agreed in writing with the LPA

Informative advising the application that businesses require a Trade Waste contract to dispose of all waste associated with commercial activities as stated in the Environmental Protection Act 1990, Section 34.

Informative advising the application that any new signage would require separate advertisement consent.

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SCHEDULE OF S106 AGREEMENTS

UPDATE FOR DEVELOPMENT COMMITTEE:

12 May 2022

Application reference	Site Address	Development Proposal	Parish	Planning Case Officer	Committee or Delegated Decision	Date of Resolution to Approve	Eastlaw Officer	Eastlaw Ref:	Current Position	RAG Rating
PF/21/1749	Land South Of Lea Road Catfield Norfolk	Erection of 18 Affordable Dwellings with associated infrastructure, landscaping and open space	CP018 - Catfield	Russell Stock	TBC	TBC	Fiona Croxon	18647	Decision yet to be confirmed. Early draft in circulation. Application impacted by Nutrient Neutrality advice from Natural England.	Green
PF/21/3016	Luxem Cottage High Street Ludham Great Yarmouth Norfolk NR29 5QQ	Two storey rear extension	CP065 - Ludham	Alice Walker	Delegated	TBC	Fiona Croxon	19641	Completing	Green
PF/21/3017	Vale Cottage High Street Ludham Great Yarmouth Norfolk NR29 5QQ	Two story rear extension	CP065 - Ludham	Alice Walker	Delegated	TBC	Fiona Croxon	19641	Completing	Green
PF/17/0729	Kipton Wood And The Orchard Former RAF Base West Raynham NR21 7DQ	Erection of 94 dwellings with associated infrastructure; conversion of former NAAFI building to provide a new community centre; new allotments (within Kipton Wood); new play area (within The Orchard).	CP078 - Raynham	Geoff Lyon	Committee	19/04/2018	Fiona Croxon	11504	Content of S106 agreed by NNDC. County Council confirmed SoS not needed to be included in S106. Agreement was set for engrossment but now impacted by Nutrient Neutrality advice from Natural England.	Red
PF/19/1028	Land At Back Lane Roughton	Erection of 30 residential dwellings with associated access, open space, landscaping and off-site highways works. Formation of sports pitch, creation of wetland habitat, construction of 17-space community car park, construction of footpath link to village, and provision of land for community facility (Amended Plans and Additional Supporting Documents)	CP079 - Roughton	Katherine Rawlins	TBC	TBC	Fiona Croxon	14360	Costs undertaking previously requested. Progress delayed until application matters sufficiently progressed and resolution to approve given.	Green
PF/18/0363	Scottow Enterprise Park Lamas Road Badersfield Scottow	Change of use of parts of the former military taxiway and runway areas for manoeuvring, take-off and landing of light aircraft	CP082 - Scottow	Russell Stock	Committee	20/06/2019	Fiona Croxon	14147	Content of S106 previously agreed by NNDC. Draft S106 re-circulated for NNDC approval.	Red
PF/21/3141	Land South Of Weybourne Road Sheringham Norfolk	Erection of 2 storey 70 Bed Care Home (Class C2) and 24 affordable dwellings (Class C3) with associated amenity space, access, parking, service, drainage and landscaping infrastructure	CP085 - Sheringham	Richard Riggs	Delegated	TBC	Fiona Croxon	TBC	Draft S106 agreement close to being settled	Green
PF/21/1532	Land North East Of Yarmouth Road Stalham Norfolk	Extra Care development of 61 independent one and two bedroom flats, with secured landscaped communal gardens, associated visitor and staff car and cycle parking, external stores and a new vehicular access onto Yarmouth Road.	CP091 - Stalham	Richard Riggs	Committee	17/03/2022	Fiona Croxon	18895	Engrossments signed by the site owner. Application impacted by Nutrient Neutrality advice from Natural England.	Green
PF/21/2021	Land North East Of Yarmouth Road Stalham Norfolk	A new residential development of 40 affordable houses comprising 22 affordable/shared ownership houses and one block of 18 affordable flats consisting of 9, one bedroom flats and 9, two bedroom flats with associated landscaping, infrastructure and access.	CP091 - Stalham	Richard Riggs	Committee	17/03/2022	Fiona Croxon	18896	Engrossments signed by the site owner. Application impacted by Nutrient Neutrality advice from Natural England.	Green

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OFFICERS' REPORTS TO DEVELOPMENT COMMITTEE 12 MAY 2022

APPEALS SECTION

NEW APPEALS

ROUGHTON – PF/21/0693 - Demolition of existing stable block and replacement with a self-build dwelling

Heath Farm, Norwich Road, Roughton, Norwich, Norfolk NR11 8ND

For Amy Zelos

WRITTEN REPRESENTATION

INQUIRIES AND HEARINGS – IN PROGRESS

CLEY-NEXT-THE-SEA - ENF/18/0164 - Alleged further amendments to an unlawful dwelling

Arcady, Holt Road, Cley-next-the-Sea, Holt, NR25 7TU

for Mr Adam Spiegel

INFORMAL HEARING – 1 & 2 March 2022 Re-Scheduled – 22 & 23 June 2022

KELLING – PF/20/1056 - Demolition of former Care Home buildings and erection of 8no. dwellings, car parking, associated access and landscaping

Kelling Park, Holgate Hill, Kelling, Holt NR25 7ER

For Kelling Estate LLP

INFORMAL HEARING – Date: 22 & 23 March 2022

RYBURGH - ENF/20/0231 – Replacement Roof

19 Station Road, Great Ryburgh, Fakenham NR21 0DX

For Christopher Buxton and A E Simcock

INFORMAL HEARING – Date: 26 April 2022

WRITTEN REPRESENTATIONS APPEALS - IN HAND

ALBY WITH THWAITE – ENF/20/0066 - Appeal against breach of planning control

Field View, Alby Hill, Alby, Norwich NR11 7PJ

For Mr Karl Barrett

WRITTEN REPRESENTATION

ALDBOROUGH – EF/21/0972 - Lawful Development Certificate that the hybrid garden annexe and associated concrete plinth foundation, concrete lattice (max 7sqm) or lightweight lattice base falls under the definition of a caravan and its subsequent siting on a concrete plinth foundation, concrete lattice (max 7sqm) or lightweight lattice base for use ancillary to the main dwelling known as 1 Harmers Lane, Thurgarton, Norwich, Norfolk, NR11 7PF does not amount to development so that Planning permission is not required

1 Harmers Lane, Thurgarton, Norwich, Norfolk NR11 7PF

For Victoria Connolly

WRITTEN REPRESENTATION

BRISTON – PO/21/1474 - Erection of 3 no. two-storey detached dwellings following demolition of agricultural buildings - outline with all matters reserved

Brambles Farm, Thurning Road, Briston Norfolk NR24 2JW

For Lewis Keyes Development Ltd

WRITTEN REPRESENTATION

CORPUSTY – ENF/20/0095 - Operational development without planning permission

Manor Farm Barns, Norwich Road, Corpusty, NR11 6QD

For Mr Michael Walsh

WRITTEN REPRESENTATION

FAKENHAM – PO/21/2584 - Erection of detached dwelling (all matters reserved)

9 Caslon Close, Fakenham Norfolk NR21 9DL

For Mr M Rahman

WRITTEN REPRESENTATION

HOLT – PF/21/0857 - Single storey detached dwelling

Middle Field, 2 Woodlands Close, Holt, Norfolk NR25 6DU

For Mr & Mrs I Furniss

WRITTEN REPRESENTATION

KETTLESTONE – ENF/19/0094 - Erection of log cabin

Land South East Of Kettlestone House, Holt Road, Kettlestone, Norfolk

Mr and Mrs P & S Morrison

WRITTEN REPRESENTATION

KETTLESTONE – PF/21/0522 - Retention of cabin (retrospective)

Land South East Of Kettlestone House, Holt Road, Kettlestone, Norfolk

For Mr & Mrs P Morrison

WRITTEN REPRESENTATION

NORTH WALSHAM – ENF/21/0146 - Unauthorised development in back garden

1 Millfield Road, North Walsham, Norfolk NR28 0EB

For Mr Robert Scammell

WRITTEN REPRESENTATION

ROUGHTON – PF/20/1659 - Relocation of public house car park and development of the existing car parking area for the erection of 2no. two-storey 3-bedroom detached dwellings, with new boundary treatment; installation of a patio area to rear beer garden, and associated minor alterations and landscaping - [Amended Plans- Revised Scheme]

New Inn, Norwich Road, Roughton, Norwich NR11 8SJ

For Punch Partnerships (PML) Limited

WRITTEN REPRESENTATION

SWANTON NOVERS – PF/21/0551 - Two storey and part single storey rear extension

Dennisby House, The Street, Swanton Novers, Melton Constable, Norfolk NR24 2QZ

For Mr Chris Bloomfield

WRITTEN REPRESENTATION

SWANTON NOVERS – LA/21/0552 - Internal and external works associated with extensions and alterations to dwelling

Dennisby House, The Street, Swanton Novers, Melton Constable, Norfolk NR24 2QZ

For Mr Chris Bloomfield

WRITTEN REPRESENTATION

TRUNCH – PF/21/1561 - Two storey detached dwelling with associated landscaping including tree planting scheme and wildlife pond

Field Near Fairview Barn, Brick Kiln Road, Trunch, Norfolk, NR28 0PY

For Mr Mike Pardon

WRITTEN REPRESENTATION

WICKMERE – PF/20/2072 - Erection of dwelling with attached double garage

Park Farm Office, Wolterton Park, Wolterton, Norwich NR11 7LX

For Mr M & Mrs C McNamara

WRITTEN REPRESENTATION

APPEAL DECISIONS - RESULTS AND SUMMARIES

SCULTHORPE – PF/21/0779 – Erection of detached dwelling with associated parking

Land at Grid Ref: 591266.85, Goggs Mill Road, Fakenham, Norfolk

For Mr S Mann

WRITTEN REPRESENTATION – **APPEAL DISMISSED**

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