

DEVELOPMENT COMMITTEE

**Minutes of the meeting of the Development Committee held on Thursday, 9 June 2022
in the Council Chamber - Council Offices at 9.30 am**

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

Cllr A Brown	Cllr P Fisher
Cllr V Holliday	Cllr R Kershaw
Cllr N Lloyd	Cllr G Mancini-Boyle
Cllr N Pearce	Cllr L Withington
Cllr A Yiasimi	

Substitute Members in attendance: Cllr J Toye

Officers in Attendance: Major Projects Manager (MPM)
Development Management Team Leader (DMTL)
Senior Planning Officer (SPO)
Senior Landscape Officer (SLO)
Principle Lawyer (PL)
Democratic Service Officer – Regulatory

1 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr A Fitch-Tillett and Cllr M Taylor.

2 SUBSTITUTES

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

3 MINUTES

The Minutes of the 12th May 2022 were approved as a correct record.

4 ITEMS OF URGENT BUSINESS

None.

5 DECLARATIONS OF INTEREST

Cllr V Holliday declared a non-pecuniary Interest in Agenda Item 8, Planning Application PF/21/2711 for Blakeney. She stated that she was not pre-determined but was pre disposed.

6 BLAKENEY - PF/21/2711 ERECTION OF NEW AGRICULTURAL WORKERS DWELLING: NEW BARN FARM, SAXLINGHAM ROAD, BLAKENEY

The SPO introduced the Officers report and recommendation for approval, and advised Members that the application had been independently consulted, as detailed on pages 21 and 22 of the Agenda Pack, and that the Consultant determined that the development would be acceptable in principle and would comply with Policies

SS1, SS2 and HO5 of the NNDC Core Strategy guide. Additionally, the independent expert advised that there was an essential need for the proposed dwelling to aid with the ongoing operation of the farming business.

A previous application for the siting of a dwelling at New Barn Fam, reference PO/20/1100 had been refused, however concerns identified through that proposal had been addressed since.

The SPO affirmed that the main issues for consideration were the landscape impact on the Norfolk Coast AONB, undeveloped Coast and nearby SSSI site. However, following negotiations with the applicant, in which they had agreed to introduce belts of trees to the north, north-west and east of the proposed dwelling, as well as hedging, the proposed trees and hedging being a mix of native species, Officers considered such planting to appropriately mitigate the visual impact to the landscape and would improve the ecological connectivity through the linkage of existing habitats.

The SPO informed Members that the GIRAMS mitigation payment had been paid, and advised that there had been an amendment to the Officers recommendation relating to agricultural occupancy condition to better reflect standardised wording.

Public Speakers:

Rosemary Thew – Chairman Blakeney Parish Council

Lindsey Read – Supporting

- i. The Local Member – Cllr V Holliday – stated that this was a finely balanced and complex application. She recognised that the applicant was a highly regarded farmer, and that there was a need for an agricultural dwelling which had garnered significant community support. However, the Local Member noted that the application was contained within a highly sensitive and valued landscape, and that there had been objections raised including from Blakeney Parish Council for the specific location chosen, and who considered that an alternate site should be explored. Cllr V Holliday commented that community concerns remained that the proposed dwelling would have a negative visual intrusion to the AONB and SSSI, despite the proposed mitigation planting detailed within the application. The Local Member stressed the importance and value of the special features of an AONB and SSI, and the duty of the Local Planning Authority to conserve and enhance these areas.
- ii. Cllr P Heinrich expressed his support for the Officers recommendation, and stated that the context of the proposal, to serve as an agricultural works dwelling, was important in decision making. He reflected that Officers had worked closely and carefully with the applicant, to create an agreeable acceptable scheme, which was policy compliant, and that the report provided by the Independent consultant was clear that the development was acceptable in principle. Cllr P Heinrich commented that the farm was a viable operation, well diversified, and had adapted well to the local market, and that aspects of the operation were dependent on staff being available on site. Further, agricultural workers often work outside of normal working hours with crops and animals needing to be tended to all hours of the day. He noted that the produce grown was consumed locally, which was environmentally sustainable, keeping food miles down. Cllr P Heinrich acknowledged the broad support from consultees and contended that the design of the dwelling

was to a high standard which would be in keeping with the local vernacular, drawing comparisons to traditional cart-shed structures, and would be subservient to the existing infrastructure. Cllr P Heinrich proposed acceptance of the Officers Recommendation for approval.

- iii. Cllr A Brown thanked officers for their succinct and comprehensive report and stated that NNDC should seek to support sustainable farming, and preserving food security, which was especially important given recent world affairs. He recognised that the 5 tests had been met with respect of HO5 of the NNDC Core Strategy Guide, as detailed on page 21 of the Agenda Pack. Cllr A Brown asked Officers to what extent had alternate sites been considered for the dwelling within the existing farm, and why such areas had been ruled out? Additionally, he considered that the use of external lights should be carefully considered given the proximity of the proposed dwelling to the nearby Wiveton Downs dark skies site. Cllr A Brown noted the absence within the Officers report that the dwelling should be registered as a local land charge as an agricultural workers dwelling, and asked why this was not included in the Officers Recommendation.
- iv. The SPO advised this was the third potential site which had been considered by Officers. The first site formed part of the previously refused application, and that this, whilst located outside the SSSI site, it was contained within a more predominant part of the AONB, away from the existing boundary hedge which offered some screening. The second considered site was within the existing farm complex, however it would also be sited within the SSSI. Officers and the Applicant had sought to engage with Natural England, and had invited them to attend a site visit, however the SPO advised that responses had not been received. Without the support of Natural England, who had encouraged the applicant to consider alternate options not within the SSSI, this second location was refused. The SPO reflected that proposed application before Members had been subject to lengthy and protracted negotiations, and that the location was considered appropriate by Officers with the mitigation planting.
- v. The SLO advised that the Wiveton Downs SSSI was designated for its geological significance, therefore Natural England would closely consider any excavation in this area. As an SSSI site, this area was particularly sensitive to accommodate any development. Natural England would have likely required a lengthy process and surveys to determine whether foundations for a building could be placed. Further, the SLO commented that consideration and conversations had been made with the applicant in utilising existing farm buildings on the site, but that ultimately these options were not viable. The SLO acknowledged that there would be a visual impact for the proposed site but considered that the amount of mitigation for a small single dwelling would help to enhance the area and would be in keeping with the rolling health and arable landscape. She considered that the scale of the mitigation proposed would result in enhanced habitat.
- vi. The Chairman thanked Officers for their appraisals, and commented in response to Cllr A Brown that lighting considerations were contained on Page 27 of the Agenda Pack.
- vii. The PL advised that an agricultural occupancy restriction was recommended to be imposed as a Planning Condition. She stated that a S106 agreement could have been applied but that this was unnecessary as the matter was

being imposed as a planning condition. If a S106 agreement had been entered into, it would have been subject to a local land change.

- viii. Cllr A Brown expressed his support that the matter be subject to a S106 agreement rather than a planning condition. In response to member's comments, the MPM advised it is for Members to decide if they wish to apply a planning condition or a S106 agreement, if they were minded to approve the application in the first instance. But, reflected that within his experience planning conditions were stronger as a way of securing something of this nature rather than a legal agreement.
- ix. Cllr R Kershaw considered that it was a finely balanced application and commended Officers for their hard work and their engagement with the applicant which had resulted in a well-designed building with extensive proposed mitigation. He expressed his support for the farming community, especially during such difficult times, and that NNDC should support the diversification of farming. He considered that it was a modest development, with sound conditions, and so seconded the Officer's recommendation for approval.
- x. Cllr N Lloyd expressed his support for the application and the applicant for the diversification of farming, stating that there needs to be a move away from monoculture farming within the AONB. He considered the proposed mitigation was acceptable, and would screen the existing barn which would have a positive effect. In addition, the planting scheme would help to join up different pockets of biodiversity on the site.
- xi. Cllr N Pearce commented that this application had been carefully considered by Officers, and thanked them for the significant level of detail offered in their report for a single dwelling. He expressed his support for the application which he considered to be acceptable in principle.

RESOLVED by 11 votes for, and 1 abstention.

That Planning application PF/21/2711 be APPROVED 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
- The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture as defined in section 336 of the Town and Country Planning Act 1990 or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependents.
- External materials
- Implementation of soft landscaping scheme
- A ten year landscape management plan
- The development shall be carried out in full accordance with the submitted Preliminary Ecology Appraisal.
- Remove certain permitted development rights
- Parking and turning area
- External lighting

Final wording of conditions to be delegated to the Assistant Director for Planning.

7 HOLT - PF/22/0226: CONSTRUCTION OF TWO STOREY SIDE EXTENSION AT ORCHARD COTTAGE, 23 HEMPSTEAD ROAD, HOLT

The DMTL introduced the Officers report and recommendation for approval. He highlighted for members the location of the proposal and its proximity to nearby terraced houses, particularly to those at the rear of the property. The North-West extension to the property had not been objected to by Holt Town Council, however an objection had been received from a neighbouring dwelling, outlined in the Agenda Pack.

The DMTL advised that the key areas for consideration were firstly, the design of the proposed development and its effect on the character and appearance of the existing dwelling and surrounding area. He noted that the eaves and ridge height had been steeped down slightly to help give the impression that the extension was subservient to the host dwelling. The proposed external materials were intended to match those of the existing dwelling. Second, the impact of the proposal to the living conditions of the occupiers of the dwellings to the rear at 15 to 21 Hempstead Road with regards to loss of light and overshadowing. It had been acknowledged that there would be some impact but not to a degree which would justify refusal given the separation between those properties and the proposed development. With regards to privacy, the first floor bedroom window in the rear of the extension had been omitted in the revised plans and replaced by a roof light to serve the bedroom, and a small window to serve the bathroom which would be obscure glaze. The separation between the window and the first floor windows of the closest dwellings (15 & 17 Hempstead Road) was in excess of the separation distance suggested in the amenity criteria in the North Norfolk design guide.

Public Speakers:

Richard Robson – Supporting

Mr Norman – Objecting (Written Statement read by DMTL)

- i. The MPM recited a statement from the Local Member – Cllr G Perry-Warnes, who was unable to attend the meeting. Cllr G Perry-Warnes wrote that she did not consider that the proposal complied with policy EN4 of the North Norfolk Design guide in that the scale and massing of the extension would fail to relate sympathetically to the surrounding area and to neighbouring properties. In addition, the proposal would have a significant detrimental effect on the residential amenity of nearby occupiers of the old railway workers cottages, which would present an overbearing and imposing impact on the current skyline and block any winter sun from their outside area. She commented that the Design Guide stated that extensions should be sited to avoid any loss of light or privacy to neighbours, and stressed it should not result in any overshadowing or overbearing effects. The Local Member encouraged the Committee, if it were minded to approve the recommendation, to delay making its decision which would have an impact on local residents, and to arrange a site visit before making its assessment.
- ii. Cllr G Mancini-Boyle stated that he did not consider the proposal to be a particularly large extension and asked Officers if the loss of sunlight to neighbouring properties, as a consequence of the proposal, had been tested. The DMTL advised that this had been a judgement made by the Case Officer, and that he was not aware that a calculation had been conducted.
- iii. Cllr R Kershaw expressed his disappointment that the Local Members were not in attendance, and stated that he did not believe the application to be

controversial and considered that it would improve the frontage of the road, and so proposed acceptance of the Officers Recommendation for approval.

- iv. Cllr N Pearce agreed it was regretful that the Local Members were not in attendance to represent their views. He stated that the proposal was a sensitive and modest extension, and reflected on the health and wellbeing of the applicant. Cllr N Pearce acknowledged that some light would be lost, and that it was difficult to define what 'a little light' actually meant. He supported comments made by Cllr R Kershaw, that the extension would tidy up and improve the frontage, without increasing the footprint of the property. Cllr N Pearce seconded the Officers Recommendation.
- v. Cllr J Toye reflected that the matters for consideration in determining the application were privacy and access to light by neighbouring dwellings. He commented that perhaps during winter months, when the sun was particularly low and there was already limited light, there may be some loss of light caused by consequence of the development, but that this would not be huge.
- vi. The Chairman affirmed that loss of privacy and light were planning considerations, but that there was no right to a view as set out in planning law.
- vii. Cllr A Brown expressed his support for comments raised by Members in support of the application, and wished to correct some aspects Officers report, first, that the scale and massing of the property would not increase by 50%, rather it would likely increase by 25%. He stated that under the NNDC design guide a minimum distance of 9m should exist between properties, and that this was met, and that all policies were satisfied through the proposal. Cllr A Brown stated that Members were obliged to approve an application under planning policy unless material considerations dictate otherwise.
- viii. Cllr A Yiasimi thanked officers for their report, and agreed with Members that the street scene would be improved by the proposal, giving a better unified appearance. He was pleased to note the enhancements made with relation to the instillation of bat boxes.

RESOLVED by 11 votes for and 1 against.

That Planning Application PF/22/0226 be **APPROVED** 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
- Materials
- Installation of bat enhancement measures
- Obscure glazed window (Pilkington Level 5)

Final wording of conditions to be delegated to the Assistant Director for Planning.

8 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

- i. The MPM introduced the Development Management Performance Update

Report, and advised members that revisions to the reporting would be made for future Committee meetings, once systems for collating information could be established with I.T.

- ii. Cllr J Toye thanked the MPM for their report, and for the proposed changes. He asked, as the report was being developed, that the impact of Nutrient Neutrality on the Council's Planning process be considered, as it was likely more extension of time would be required for applications.
- iii. In response to enquiries of Members into the ongoing impact of Nutrient Neutrality guidance, the MPM advised that an all Member briefing had been scheduled for the 23rd June which would provide a full update. He advised that meetings were taking place between all affected Norfolk authorities, as well as applicants and agents, and that this was an evolving situation in which local authorities were trying to find a positive way forward. He affirmed that this had been a time consuming matter for himself and other officers and that the first priority was in interpreting the legal advice and ensuring as a Local Authority, NNDC understood what was required of it.
- iv. Cllr J Toye advised that he and Cllr A Brown had attended a meeting earlier in the week and confirmed that through the cross-authority work, a specialist had been appointed to address Nutrient Neutrality. It was hoped that from July some of the less challenging applications could be considered, and that from October the specialist would have additional guidance which would aid affect Authorities in determining afflicted planning applications. Cllr A Brown affirmed that the specialist was a reputable company, and it was encouraging that they had been secured by the cross-authority group to work on this matter. He added that the guidance provided by Natural England on Nutrient Neutrality still divided legal opinion.
- v. The MPM affirmed that Nutrient Neutrality was having a huge impact the Council, and that it was causing frustration to applicants, agents, and planning officers. Discussions were taking place with landowner's to see how they may be able to help going forward, including solutions providing wetland habitats as well as other short-term and longer-term mitigation solutions. In response to Members questions about the disposing of sewage via non-mains drainage, he stated that this would not necessarily overcome issues regarding Nutrient Neutrality as there was still an outpour from the associated drainage point which had to be managed. The application of cess-pits would itself require a permit from the environment agency, and this would require a habitat assessment.
- vi. Cllr A Brown asked for inclusion in the reported statistics, cases which had received an extension of time, both agreed and refused, and where this may place against a national metric. The MPM advised that in prior reports, the numbers of decisions which had secured an extension of time had been reported, and also where a decision was made within that extension of time. He advised that he would encompass this information within the reports going forward.

9 APPEALS SECTION

- i. The MPM relayed the Appeals report and invited questions from Members.
- ii. Cllr K Kershaw asked why enforcement action had been quashed for North

Walsham. The MPM advised this had been as a result of a technical issue, but that this would not prevent the Council from re-serving the notice in a slightly different way, which would address any deficiencies identified by the inspector. The DMTL advised that this matter had been discussed at the enforcement panel earlier in the week and that issue was with respect to an annex, which the developer had changed to dwelling after the notice had been served. Permission had been refused for an annex due to its size and impact on neighbours.

- iii. The Local Member for the affected Ward in North Walsham; Cllr N Lloyd, expressed his disappointment that he had not been informed of this matter prior. The MPM commented that there were lessons to be learned and that the new enforcement manager would work to ensure such matters do not occur again, including consulting with members of the legal team.
- iv. Cllr N Pearce asked for details about the Arcady Application. The MPM advised that the informal hearing had been postponed, and that this was due to additional information being received by the Council at the last minute. With limited time to study and consider the documents in full, the Planning Inspectorate agreed to defer the meeting. The revised date had not yet been set.
- v. Cllr J Toyne noted, with respect to the Arcady, that it was a huge amount of documentation submitted at the last minute. He was in communication with the Assistant Director of Planning as he was dissatisfied with the way in which the Planning Inspectorate had dealt with this matter, as members of the public had been told it was too late to submit information, and yet the applicant was permitted to do so. He acknowledged this had been a long running issue which he considered need to be concluded for the benefit of all.
- vi. Cllr A Brown expressed his preference that the Council consider the application of costs, and was of the understanding that this was not the first time in which the applicant and their agent had submitted documents with late notice which had resulted in delays. He reflected that this matter had massively impacted officer time, and would continue to do so until resolved.
- vii. Cllr V Holliday asked how long the whole process had been ongoing, noting that the UK Government states that the mean time for an enforcement appeal is 112 weeks. She enquired if this had been exceeded with respect of Arcady.
- viii. The MPM advised, that whilst he did not know the exact number of weeks, he believed it was well beyond 112 weeks. This appeal was an exception to the norm with respect of its time-frame. He acknowledged that this was a challenging matter, as the Council could not challenge the Planning Inspectors decision and go to a higher authority other than going to the Secretary State, who would need to wait for the Planning Inspector to reach a conclusion on the decision. In such instance, the informal hearing would need to be first had before the Secretary of State was involved. The MPM advised, with respect of costs, this was a legal consideration and would need to be looked at outside of the development committee meeting.
- ix. Cllr A Brown asked if information could be made available, clarifying that the delay was as a result of the Planning Inspector rather than NNDC as the

Planning Authority. The MPM commented that he had spoken with the Appeal Officers and suggested that a message be shared through the appropriate channels, to notify the public of the delay to the informal hearing, particularly as individuals may have planned to attend the meeting.

- x. Cllr J Toye stated that the Planning Inspector had reached their decision, in part, due to NNDCs comments that the volume of information came too late to determine. The volume of documents delivered on the last day to the planning inspector, were not received by the Council till the following week, would have been challenging to go through in the time afforded. He affirmed that Council did not request a delay, rather considered it unacceptable that it should consider the additional evidence in the time available.

10 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 11.12 am.

Chairman