

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 1 September 2022 in the Council Chamber - Council Offices at 9.30 am

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

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

Substitute Cllr J Toye
Members Present:

Officers in Attendance: Major Projects Manager (MPM)
Planning Officer (PO)
Principle Lawyer (PL)
Democratic Services Officer – Regulatory

30 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr A Varley.

31 SUBSTITUTES

Cllr J Toye was present as a substitute for Cllr A Varley.

32 MINUTES

Cllr V Holliday stated at the previous meeting the use of smart glass had been discussed and whether this be made a condition for Planning Application PF/21/3073. She advised she had been in correspondence with the MPM on this matter and that she had advised that this had been made a condition, but that it was not clear within the minutes that the use of glazing would have to be approved by NNDC. The MPM advised whilst it had not been cited within the minutes, it had been covered within the Officers' actions post Committee and secured by condition.

Cllr R Kershaw stated that pagination on the agenda was incorrect and clarified the correct corresponding pages for each item.

Subject to the amendments, the minutes of the Development Committee meeting held Thursday 4th August were approved as a correct record.

33 ITEMS OF URGENT BUSINESS

None.

34 DECLARATIONS OF INTEREST

None.

35 TRUNCH - PF/21/3330 ERECTION OF THREE SINGLE STOREY DWELLINGS AND ACCESS DRIVE: ITARSI, CHAPEL ROAD, TRUNCH, NORWICH WALSHAM: MR ROLAND WALLACE

The MPM introduced the Officers report and recommendation for approval subject to conditions.

He advised that the principle of development for up to three dwellings had been established by grounds of outline permissions, listed within the case history, reference PO/20/2005, which also approved the means of access to the site.

The MPM stated that the main issues for consideration were set out on p.16 of the report. Further, he advised that the applicant, working with Anglian Water, had identified that the scheme would drain outside of the Nutrient Neutrality catchment area, details of which were contained on p.18 – 19 of the Agenda pack. Officers contended that, as Anglian Water had confirmed that the waste water would not be directed into the Nutrient Neutrality catchment, they did not foresee Nutrient Neutrality guidance being an obstacle for approval.

He concluded that Officers were broadly satisfied with the design and appearance of the proposal, which would be in keeping with the surrounding area, with each dwelling providing an acceptable level of amenity space.

The MPM suggested two additional conditions be added, which were linked to Nutrient Neutrality. First, a condition which would require the applicant to confirm at the point they start development that the drainage flows outside of the catchment. Second, a condition to finalise the surface water drainage details, which would provide clarity exactly how surface water would be dealt with. He stated as the competent authority for Habitats Regulations it was important to ensure the Council considered these points.

Public Speakers

Jane Wisson – Trunch Parish Council
John Barbuk – Supporting

Members Debate

- i. The Chairman confirmed that the Local Member who had called the Item to Committee was not in attendance and expressed her disappointment they had failed to attend the meeting, noting the resources involved in bringing items to Committee.
- ii. Cllr P Heinrich expressed his support for the Officers recommendation and reflected that the principle of development on the site had already been established. He considered that the arguments against development did not stand up to scrutiny, and whilst technicality Trunch was considered to be within a designated countryside setting, the reality was that the three properties would serve as infilling of a large backlot site within the built up setting of the village. He reflected that there was a demand for bungalows within the district given the aging population and contended that the application was to the highest environment standard, and of a satisfactory design. He expressed his wish to see more developers work towards such

high standards. Cllr P Heinrich commented that he did not determine that the three properties would add significantly to the volume of foul water, and that the primary issue related to the volume of rain water run off flowing into the sewage system. On balance, Cllr P Heinrich proposed acceptance of the Officers Recommendation.

- iii. Cllr A Brown stated his disappointment that the Local Member was not in attendance at the meeting, and they had failed to provide a supplementary submission. Cllr A Brown commented that he was nervous about the application, and asked for the evidence from Anglian Water, which had been provided via the Applicants Agent, that they considered the application drained outside of the Nutrient Neutrality catchment area. Further, he commented that he would have preferred to have received the opinion of Natural England or another appropriate body prior to determination.
- iv. The MPM affirmed that the agent had communicated with Anglian Water and that there was an email trail evidencing that Anglian Water had confirmed that the discharge would not go the treatment works within the Broads SAC. He advised that Natural England had not been consulted and that had they been approached, they would have provided a general comment without an assessment. Officers therefore came to the determination that, whilst the site was located within the catchment, the foul flow would not affect the catchment, this with the additional added conditions would provide further assurances. The MPM commented that Royal Haskoning were presently working on mapping which would provide a revised accurate map of the catchment provided by Natural England. However, till this work was completed, the Council was in an interim period where it was reliant on evidence.
- v. Cllr A Brown thanked the MPM for his comments and assurances that Officers were satisfied that the evidence supplied would hold up to scrutiny, and with the application of the two additional conditions. He expressed his concerns that that the discharge of foul flow may assist in further discharges into the sea by Anglian Water, whose position could be questioned as a competent Water Authority. Cllr A Brown noted that the previous Landscape Officer for the 2005 application had been very concerned that several trees had been cleared from the site and that no amount of planting would redress the imbalance caused by that clearance to the natural habitat and biodiversity. He asked whether Officers were satisfied that there was a sufficient amount of bio-diversity net gain with respect of the three bungalows rather than two?
- vi. The MPM advised that bio-diversity net-gain was not yet enshrined in law as a legal requirement, and therefore decision makers did not have a legal basis to ask a 10% biodiversity net gain. He stated that Officers had looked at the scheme and determined that they were content that the proposal accorded with the relevant policies.
- vii. Cllr V Holliday echoed the concerns about sewage flow and enquired how many effluence discharges had occurred from Mundesley, stating that she was not comfortable to come to a determination without more data. She noted that there was much asphalt used within the scheme, and questioned if permeable asphalt was truly permeable or if it would result in increased surface drainage water. Additionally, she considered the density of the site to be very tight and further asked if a planning condition could be implemented

for the use of smart glass glazing.

- viii. The MPM advised that there was no conditioned glazing scheme but that, if Members were minded to do so, this could be added. He reflected on Members' comments regarding Anglian Water, and advised that Members must be mindful that discharge from Anglian Water was outside the scope of the Local Planning Authority, and that the proposed scheme would discharge to the Mundesley treatment works with waste water being treated before it was discharged into the sea. Instances where untreated raw sewage was discharged into the sea were subject to an exception process in which water authorities must demonstrate reasons for doing so. Whilst the discharge of raw sewage into the sea was of national concern, this was legislated against, and did not form a reason for refusal on this individual planning application.
- ix. The Chairman asked the Applicant if the tarmac proposed was truly permeable. The Applicant affirmed that it was and that this material had been used to minimise the noise disruption to neighbours which would otherwise occur with shingle. Further, he would be happy to install a permeable brick weave, should this be preferable to Members. With respect to glazing concerns he stated that there was a deep overhang from the roof, and additional planting would minimise the impact of the development.
- x. Cllr V Holliday advised that her comments regarding glazing related to light pollution rather than solar gain.
- xi. The Chairman stated that the application consisted of low-lying single-storey properties with an accompanying planting scheme; it was contended that light pollution was not considered to be an issue.
- xii. The MPM advised that that matter of light spill would have been considered by the Landscape Officer and noted that no external lights were proposed within the scheme. He reiterated that should the Committee wish to have a condition to finalise the detail of the glazing, this could be applied with the consent of the Applicant.
- xiii. Cllr N Lloyd affirmed that the principle of development had already been established and that he was pleased that the Applicant had provided a landscape scheme. He acknowledged that the proposal was designed to be developed beyond current building standards, and that he was disappointed that this had not been highlighted within the Officer's report. He contended that Climate Change should be included within section three of all future planning applications and within Officer Reports going forward. Cllr N Lloyd expressed his support for the application and seconded the Officer's recommendation for approval subject to conditions.
- xiv. Cllr A Fitch-Tillett confirmed that she was aware that Trunch and other villages discharged to Mundesley. She contended that surface water run-off was a large issue and that she was pleased of the insistence within the proposal for permeable surfaces. She noted that surface water drainage was not Anglian Water's fault and that this drainage came under the lead Local Flood Authority which was Norfolk County Council. Cllr A Fitch-Tillett affirmed that the sooner NCC invested the trillions needed to separate surface water runoff from sewage, the better, as this would stop all outpours going into the ocean.

- xv. Cllr J Toye supported comments made by Cllr N Lloyd and agreed that Climate Change needed to be better reflected within Officer Reports. He noted that the scheme was described as carbon neutral and enquired if there were any checks from building control to ensure this. Additionally, he encouraged the developer to go further and work towards a climate negative scheme. Cllr J Toye supported the efficacy of permeable tarmac which was used on motorways and aided to remove a large volume of water off the road.
- xvi. The MPM commented that he could not address comments regarding building control without speaking to the building control manager, and that once he had obtained this information he could feedback to Members.
- xvii. Cllr J Toye stated that he believed the developer had the best of intentions but that in other applications in which plans were submitted and designed by one person but then passed on to a builder who then sub-contracted the work, the final product was not as intended. He asked for assurances that there would be an audit trail.
- xviii. In response to Members questions, the Applicant advised that they would employ a team of local builders and that he was confident that work would not be sub-contracted. Additionally, the telegraph pole located within the site would be moved by Openreach.
- xix. The MPM confirmed that a significant landscaping scheme had been agreed, details of which were outlined in section 4 of the report. With respect of boundary treatment scheme, the MPM advised that a condition could be applied, provided the Applicant was agreeable, which could work to soften the visual impact on the setting.
- xx. Cllr G Mancini-Boyle agreed with Members representations, particularly the need to consider and reference the impact of proposals on Climate Change within Officer Reports. He considered that more information was required to assist Members in making their determinations and reflected that whilst the application went beyond current building regulations, this had not been included within the Officers report.
- xxi. The MPM advised that the local validation list was being reviewed for the information that the Authority requires applicants to provide upfront. He expressed his support for having a section of how an applicant's proposal responds positively to the Climate Emergency, considering that this would be helpful in weighting applications. He advised that he would reiterate to Officers the need to include Climate responses in Officer Reports, and would ensure that this was covered in future reporting.
- xxii. Cllr N Pearce commented that the principle of development had been established some time ago, and that local plans had since been introduced which had changed the perspective. He stated that he could understand each perspective and considered the Local Parish Council to be justified in their comments.
- xxiii. Cllr A Yiasimi thanked Officers on their excellent report and considered that the application had ticked all of the boxes. He emphasised that it was of vital importance that the conditions were met on the application, should it be agreed.

- xxiv. The MPM noted Members comments during the meeting and summarised the conditions which had been included within the outlined Officer Recommendations as well as those added during the meeting.

UNANIMOUSLY RESOLVED by 14 votes for.

That Planning Application PF/21/3330 be APPROVED subject to conditions relating to the following matters and any others considered necessary by the Assistant Director for Planning.

- 1. Time limit for implementation and submission of reserved matters**
- 2. Approved plans.**
- 3. Materials.**
- 4. The development shall be carried out in accordance with the submitted Arboricultural implications Assessment/Method Statement and landscaping plan.**
- 5. Prior to first occupation the vehicle access/crossing over the verge to be constructed in accordance with highways specification and retained as shown.**
- 6. Prior to first occupation the proposed access and on-site car parking and turning areas to be laid out, demarcated and surfaced in accordance with the approved plan and retained for that specific use.**
- 7. Contaminated Land – Any contamination found during the course of construction that was not previously identified shall be reported immediately to the Local Planning Authority.**
- 8. Remove permitted development rights for the enlargement, improvement or other alterations of the dwellings, additions or alterations to the roofs and provision within the curtilage of the dwellings of any building or enclosure.**
- 9. Confirmation to be received that, before works commence, that foul water discharged would not go to treatment works within the Broads catchment.**
- 10. Surface Water Drainage.**
- 11. Driveway surfacing to consist of permeable materials.**
- 12. Glazing scheme – to minimise light spill.**
- 13. Boundary Treatment.**
- 14. External Lighting.**

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

36 AYL MERTON - PF/22/1298 - INSTALLATION OF 28 GROUND-MOUNTED SOLAR PANELS (RETROSPECTIVE); ROW FARM, HOLT ROAD, AYL MERTON, NORWICH, NORFOLK, NR11 8QA; MR N AYRES

The PO introduced the Officer's report and recommendation for approval subject to conditions set out on p.23. She noted that this was a retrospective application and advised that the item had been brought before Committee for consideration for the reasons detailed on p.21.

The PO advised that the site was located within the AONB, North-West of Aylmerton, and affirmed the sites location, context of the site with the solar panels being located a considerable distance from neighbours, and the type of solar panel used. The key issues relating to the proposal were principle and site history, design and renewable energy, residential amenity, and impact on the AONB.

Members Debate

- i. Cllr V Holliday thanked the PO for her report and asked about the anti-reflective surface of the solar panels and the amount of solar glare limited, as she was uncertain if this could be quantitated. She observed that the Landscape Sensitivity Assessment Document had not been referenced in the report, and considered this document contained detail which may be beneficial.
- ii. The PO advised that information about the solar panels provided to Members had been provided by the Applicant. She confirmed she could speak to the Applicant to seek further clarification about the solar panels and their surface coating, should this be of use.
- iii. The MPM commented that it was in the interest of the developer that the solar panels were anti-reflective and angled correctly, otherwise the efficiency of the panels be reduced. The MPM noted comments regarding the Landscape Sensitivity Assessment Document and advised that he considered that there was enough information presented to Members to enable them to make their determination.
- iv. Cllr G Mancini-Boyle expressed his hope that the solar panels were of the latest technology and were recyclable, noting that this had been a problem for older models.
- v. The Chairman reiterated that this was a retrospective application and that the panels should be considered as they currently were.
- vi. Cllr A Fitch-Tillett noted that the application was contained within the AONB and that she was assured that any application located within the AONB would be scrutinised by Norfolk Coast Partnership with their own team of planners, and that they would have commented had they been concerned about the application. She stated that as Norfolk Coast Partnership were happy with the application, she too was happy.
- vii. Cllr A Brown expressed his support for the application and proposed acceptance of the Officers recommendation subject to conditions. He stated the importance and usefulness of solar panels in generating electricity which could be fed back into the grid, and noted that the proposal accorded with the Local Plan and with the Councils Climate Emergency declaration.
- viii. Cllr P Heinrich commented that had the panels been located on a roof they may not have been brought before Committee. He stated that the panels were on a small scale, out of the way, providing clean energy to the site, and that such developments should be encouraged. He affirmed that small scale schemes were the future and expressed his disappointment that the government did not recognise this and provide appropriate grants for such schemes. Cllr P Heinrich seconded the Officers recommendation.
- ix. The Chairman expressed her support for the use of solar panels and noted the provision for energy to be fed back into the grid was available but that the amount of money being paid to owners was continuing to decrease, something she found extraordinary.
- x. Cllr A Yiasimi expressed his support of the Officers Report and stated that he

saw no issue with the application.

- xi. Cllr J Toye affirmed that he regularly walked past the site, throughout various times of the day and year, and that he was unaware that solar panels had been installed as they were that low lying.
- xii. Cllr P Fisher agreed that the panels could not be easily seen from the adjacent eastern footpath, and that he too was unaware that the panels had been sited. He commended the PO for her report and relayed positive feedback he had received about her.

UNANIMOUSLY RESOLVED by 14 votes for.

That Planning Application PF/22/1298 be APPROVED subject to conditions relating to the following matters and any others considered necessary by the Assistant Director for Planning.

1. Approved plans

2. Removal of installation when no longer required.

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

Cllr G Mancini-Boyle left at 10.41am

37 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

- i. The MPM introduced the Development Management Performance Update Report detailed on p.25 of the Agenda pack, and affirmed an upward trend for planning performance, with many older cases being cleared. He noted that Nutrient Neutrality had impacted some schemes, but in such cases extensions of time had been agreed. He advised that there were some staffing pressures, with members of the team leaving resulting in caseloads being redistributed.
- ii. Cllr A Brown thanked Officers for their continued hard work during challenging times and expressed his hope that non-major performance would match that of the majors, noting the 7% gap. The MPM advised he would pass Members thanks on to the team.
- iii. The MPM advised, with respect of S106 agreements, that the Authority were in a healthy position and that there were three agreements close to be issued. Those marked in grey on the report could not be progressed at this time, leaving just two obligations remaining.
- iv. The PL advised the Sea Marge S106 agreement had been completed and that the West Raynham S106 agreements were out for signatures. The Chairman thanked the PL for her continued hard work.
- v. The MPM advised that where a S106 agreement could not be progressed as a result of the Applicant, the application would return to committee as per the clause in the decision notice, to avoid delay.

38 APPEALS SECTION

- i. The MPM updated Members on the Arcady (References ENF/18/0164, PF/21/0882, RV/21/2583), with the hearing date set of January. He considered that the outcome of this appeal was of interest locally and to developers broadly.
- ii. The Chairman enquired about the Kelling application, reference PF/20/1056. The MPM advised that the Planning Department were still awaiting a decision from the Planning Inspector, and that this was a fundamental case with respect of the Councils 5 year housing land supply.
- iii. The Chairman noted the Roughton Pub application, reference PF/20/1659, and asked the Local Member for details of the location of the proposed carpark. Cllr N Pearce commented that he was against the application, considering it to be ill thought out, and that the area was in danger of becoming a commercial corridor. He stated that this was a very complex situation which he was keeping an eye on.
- iv. Cllr V Holliday stated that she wished to re-register the concerns of the community about the delays of the Cley Appeal for Arcady. In addition she commented, with respect of the Blakeney appeal, reference PF/21/0390 that she understood this had been withdrawn or was not accepted by the Planning Inspectorate. The MPM advised that the team were working on the basis that the appeal was live, as they had been asked by the Planning Inspectorate for submissions from the Authority.
- v. Cllr P Fisher asked for an update on the Wells-next-the-sea application, reference ENF/21/0061, and for details of the conditions for the North Walsham appeal decision ADV/22/0404. The MPM that he would ask the enforcement team for an update regarding Wells-next-the-sea and ask this be communicated to Cllr P Fisher. He advised that, for the North Walsham appeal, the Planning Inspector had imposed standard advertisement conditions to keep the sign clean.
- vi. Cllr A Brown commented that, whilst it had not been covered in the media, there were delays with the Planning Inspectorate, which impacted on the Authority who had to monitor sites in the interim pending decisions.
- vii. Cllr N Lloyd commented that the sign at North Walsham had been there for a long time and that Flagship had not raised an issue, nor had any residents.

39 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 10.57 am.

Chairman