

## **DEVELOPMENT COMMITTEE**

**Minutes of the meeting of the Development Committee held on Thursday, 24 November 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 A Fitch-Tillett	Cllr V Holliday
Cllr R Kershaw	Cllr G Mancini-Boyle
Cllr N Pearce	Cllr A Varley
Cllr L Withington	

**Substitute Members Present :** Cllr J Toye

**Officers in Attendance:** Assistant Director for Planning (ADP)  
Development Manager (DM)  
Development Management Team Leader (DMTL)  
Senior Landscape Officer (SLO)  
Democratic Services Officer – Regulatory  
Democratic Services Officer – Scrutiny

**Also in attendance:** Cllr V Fitzpatrick (Local Member for Item 8)

### **60 TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr N Lloyd, Cllr M Taylor and Cllr A Yiasimi.

### **61 SUBSTITUTES**

Cllr J Toye was present as a substitute for Cllr N Lloyd.

### **62 MINUTES**

The minutes of the Development Committee meeting held Thursday 27<sup>th</sup> October were approved as a correct record.

### **63 ITEMS OF URGENT BUSINESS**

None.

### **64 DECLARATIONS OF INTEREST**

Cllr R Kershaw declared a non-pecuniary interest in Item 8 (PF/20/0523 and PO/20/0524) and advised that he had been lobbied by the Parish Council and the business.

The Chairman advised that all Committee Members had been in receipt of both correspondence.

**GREAT RYBURGH - PF/20/0523 (APPLICATION 1) - CONSTRUCTION OF 15 NO. GRAIN SILOS AND 1 NO. 5,574 SQM (60,000SQFT) WAREHOUSE WITH ASSOCIATED DRAINAGE, ACCESS AND EXTERNAL LIGHTING**

**GREAT RYBURGH - PO/20/0524 (APPLICATION 2) - HYBRID APPLICATION FOR CREATION OF HGV ACCESS ROAD TO SERVE AN EXPANDED CRISP MALTINGS GROUP SITE (FULL PLANNING PERMISSION) AND CONSTRUCTION OF BUILDINGS AND STRUCTURES REQUIRED TO INCREASE THE MAXIMUM OUTPUT TONNAGE OF MALT OF THE MALTINGS SITE IN ANY ONE CALENDAR YEAR TO 175,000 TONNES (CURRENTLY 115,000 TONNES) (OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS).**

**SITE: LAND NORTH OF FAKENHAM ROAD, GREAT RYBURGH, FAKENHAM.  
APPLICANT: ANGLIA MALTINGS (HOLDINGS) LTD**

The DM introduced the Officers Report and recommendation for approval subject to conditions for Planning Applications PF/20/0523 and PO/20/0524.

He commented that these were complex proposals as set out in the Officers report, the six accompanying appendices and a set of draft planning conditions which were supplied to Members of the Committee prior to the meeting.

### **Updates**

The DM updated Members that further representation had been received from the Environment Agency on 21<sup>st</sup> November, confirming that guidance issued by Natural England to the Local Planning Authorities (LPAs) in March advising that a Nutrient Neutrality approach should be used in certain planning decisions, was not replicated for applications under the environmental permitting regime. Applications under the environmental permitting regime for discharge to a watercourse were already subject to assessment and modelling of the ecological impacts on the receiving waterbody and catchment.

The Environment Agency (EA) advised, as the Competent Authority in respect of environmental permitting, the existing HRA is considered adequate for discharges up to the permitted volumes and until such time as any variation is applied for. The EA's position was therefore one of no objection but Officers suggested appropriate conditions linked to surface water.

The DM further updated that a late representation had been received from Natural England on 16<sup>th</sup> November. Natural England indicated that they require further information in order to determine the significance of impacts and the scope for mitigation. The following information was required:

1. An update to the Council's HRA which records North Norfolk District Council's conclusion as to whether an adverse effect on integrity will occur as a result of the development proposals, and
2. Any necessary conditions or limitations that need to be secured to avoid any adverse effects on integrity and/or mitigation measures.

Without this information, Natural England have indicated that they may need to object to the proposal.

The DM stated, since receiving the response from Natural England, Officers had

provided Natural England with a copy of the Committee report and appendices, a copy of the draft conditions and further comments from the Council's ecologist. Officers had been unable to secure updated comments from Natural England, despite Officers attempts to obtain a response. The DM reiterated the Officer recommendation, set out on pages 88 and 89 of the agenda, requesting delegated approval subject to no objection from Natural England in relation to Habitats Regulations matters or subject to Natural England being comfortable with the Council as competent authority to discharge its duties under the Habitats Regulations.

The DM noted that one further letter of representation had been received on 22<sup>nd</sup> November from Mr Rundle, which had been circulated to Members of the Committee. The DM stated that whilst many of the issues contained within the letter from Mr Rundle were captured within the public representations set out across pages 23 to 29 of the agenda, the representations set out that the author of the letter did not agree with the Officer assessment that the departure from the Development Plan in relation to Landscape and extensions to business were outweighed by material planning considerations in favour in terms of the balance of pros and cons. The DM advised it was for Members of the Committee to consider and weigh up the various competing issues and apply a planning judgement.

The DM noted the comments from Ryburgh Parish Council objecting to the proposals were set out on page 22 of the agenda, and a full copy of their comments were attached at Appendix A (pages 91 to 95) which included photographs of traffic in the village.

**The DM outlined the main considerations for the proposals were:**

**Principle** (Page 34) set out key policy considerations.

**Ryburgh Neighbourhood Plan** (Page 35) set out the status of the neighbourhood plan and the relevant policies applicable to these applications.

**Environmental Statement** (Page 35) set out the context of the EIA Regulations for these applications.

**HRA** (Page 37) set out a summary of the issues that have been considered linked to the potential impact of the proposals on the River Wensum Special Area of Conservation and Site of Special Scientific Interest. HRA matters had been a significant factor leading to delays in determination of the applications with additional information and updates provided across multiple stages.

Officers considered that subject to the imposition of conditions, a conclusion of no adverse effect on the integrity of a European site (in this case the River Wensum SAC) can be reached. However, the DM set out in relation to updates, Natural England require further information to enable them to remove any objections and stated this is reflected in the Officer recommendation.

**Responding to the Climate Emergency** (Page 42) The DM advised that much work had been undertaken by the applicant resulting in a Sustainability Statement submitted in October 2022 (Appendix D pages 177 to 184 of the agenda). He affirmed that the Committee will recognise it was important to turn words into actions and the commitments set out in the sustainability statement will be secured through suggested planning conditions. Officers considered substantial positive weight should be afforded to these commitments.

**Extensions to existing businesses in the Countryside** (Page 50) Officers considered that the proposals did not accord with the aims of this policy because of the detrimental effect the proposal would have on the landscape character, are considered in Section 8.

**Highway safety** (Page 51) The DM advised that the Highway Authority had indicated their overall support for the proposals as a whole but this support was subject to securing Traffic Regulation Orders to limit HGV traffic through the village, limiting when certain aspects of the scheme can be delivered as part of a phasing plan, ensuring existing off-site storage activities within the village cease when the warehouse is first used and on the basis that the benefit of the HGV access road is delivered as early as possible to reduce impacts within the village centre.

The measures would be secured through a combination of planning conditions and legal agreements. Discussions were ongoing in the preparation of planning conditions and drafting of the S106 Obligation to ensure the Highway Authority objectives enabling support of the proposals were met including the requirements of the CIL regulations.

**Impact on landscape** (Page 60) whilst lighting impacts could be made acceptable through imposition of conditions, the report concluded landscape impacts contrary to the aims of Core Strategy Policy EN 2. These impacts weigh against the grant of planning permission as set out in the conclusions for each application.

**Noise Impacts** (Page 68) whilst the silos, warehouse, new access road and increase in output tonnage of malt would likely add additional noise sources, subject to the imposition of conditions to control activities on site, both applications would be capable of being made acceptable in planning terms and would accord with Development Plan Policy.

**Impact on Residential Amenity** (Page 71) when considered as a whole, the residential amenity impact of the development is in the main capable of being made acceptable in planning terms via planning conditions, legal obligations and traffic regulation orders. There were positive benefits through reductions in HGV traffic using Fakenham Road, Station Road and Bridge Road, to which significant weight should be given. However, the DM advised that these positive benefits overall need to be tempered by the impact of the warehouse for an extended period until landscape mitigation matures and as a result of the adverse impacts likely to arise as a result of the noise and disturbance impacts from the increase in the output tonnage of malt, including on the amenity value of the land along Highfield Lane.

**Surface Water Drainage** (Page 74) Officers consider that surface water drainage matters in relation to the applications are satisfactorily resolved and the required mitigation measures could be secured through the imposition of appropriate planning conditions.

**Impact on Ecology and Biodiversity** (Page 78) In the current form and based on the existing supporting information, notwithstanding the submission set out at Appendix F (pages 187 to 193) the Council's Landscape Officer (Ecology) considers that the development proposals for both applications would fail to accord with policy EN9 of the Core Strategy and other relevant local and national policies. Officers acknowledge the concerns raised by the Landscape Officer and consider that, through the use of a Grampian condition, it would be possible to secure the necessary ecological scheme with the aim to reduce impacts, remedy and

offset/compensate where impacts on ecological features are unavoidable. Conditions had been drafted on the basis of securing a % of biodiversity net gain. Officers would like to see a figure of 10% net gain but the applicant was yet to commit to that figure. Subject to securing an acceptable scheme, Officers considered on balance the proposal would be compliant with the objectives of Core Strategy Policy EN 9 and the general biodiversity objective set out within the Natural Environment and Rural Communities Act 2006.

**Phasing of Delivery** (Page 83) whilst it was envisaged that phasing matters would be secured by way of conditions, it was likely that this would be secured across both applications through S106 obligation, affecting the recommendations for both applications.

**Cumulative Impacts** (Page 84) The Environment Statement was submitted on the basis of both proposals occurring together and Officers considered that cumulative impact issues are appropriately assessed by the applicant. Conditions will be required to secure mitigation in line with agreed phasing plans.

**Material Planning Considerations** (Page 85) sets out the range of economic benefits associated with the applications and other benefits.

**Planning Balance** (Page 86) outlines the material considerations in favour and considerations against with indicated weight to be afforded.

## **Conclusion**

The DM stated that both PF/20/0523 and PO/20/0524 were significant planning applications which individually and cumulatively impacted the surrounding area, some impacts were considered negative and which would amount to a departure from the Development Plan, but many were considered positive impacts that would collectively attract sufficient positive weight to outweigh the conflicts with the Development Plan and thus enable the conditional grant of planning permission.

He affirmed that the applicant had provided a significant volume of information within the Environmental Statement and Addendum Jan 2021 and Addendum March 2022 and across supporting documentation. This additional information had helped address key matters, including those linked to the understanding of the impact of the scheme on the River Wensum (SAC, SSSI), particularly those impacts associated with the increase in output tonnage of malt from 115,000 tonnes in any one calendar year to 172,000 tonnes, such that a positive way forward had been identified with the assistance of DTA Ecology.

The DM advised, In order to grant permission, the Development Committee would need to be satisfied that North Norfolk District Council, as a competent authority under the Habitats Regulations, has properly exercised its duty to help protect, conserve and restore European sites. He stated that Officers offered assurance to the Development Committee that HRA matters had been properly addressed but this was subject to Natural England confirming their final position.

He commented that these applications represented a significant milestone in the history of the Crisp Maltings site at Great Ryburgh. Whilst Crisp have indicated ambitions to reduce environmental impacts, it was only right that, if permission was granted and operations significantly expand, that every effort was taken to secure commitments that ensure that expanded operations are undertaken in a way that reduces adverse impacts on the environment. The applicant's commitments set out

in the Sustainability Statement (October 2022) to be secured as part of the permission(s) would provide a robust framework for delivery of the identified 10 strategies including a Net Zero Strategy that will aid the transition to achieving net-zero carbon by 2050, in line with Government legislation. The DM advised that the applications were the first in the District to secure such commitments and the applicant should be commended for their stated ambitions in this regard. It was considered that the proposals will derive environmental benefits far beyond the application site and would help shape positive farming practices involved in all aspects of the production of barley to be used by the Maltings.

The DM concluded, taking all of the issues into consideration that Officers could make, on balance, a positive recommendation for both applications subject to conditions.

The DM went through the Officers presentation and established the location of the proposals, their relationship with surrounding landscape, site photos, planting mitigation scheme and various elevations.

### Public Speakers

Elizabeth Savory - Great Ryburgh Parish Council

Nina Basset – Objecting

David Holliday – Supporting

Rebecca Gee – Supporting

Stuart Sands – Supporting

Jim Papworth – Supporting

- i. The Local Member – Cllr V FitzPatrick – expressed his thanks to Officers and commended them for their efforts in bringing the proposals to Committee. He offered historical context for the site location, and stated that Great Ryburgh and the Maltings had grown together and existed in their current mutually beneficial forms because of each other. The Local Member considered the Maltings provided tremendous support in helping to establish and sustain the community shop and other community spaces.

He affirmed his support for the Officers recommendation for both applications, and encouraged Members to approve the applications subject to conditions for the following reasons; public benefit, economic development within North Norfolk and the wider East Anglian region, and a more sustainable production process, all of which outweighed the public harm.

The Local Member stated that the relief road would reduce the number of HGV movements through the village, and considered the applicant had made attempts to help improve the traffic situation. He accepted that there was some disagreement on the number of movements and degree of reduction, however considered that the road, which would cost the applicant several million pounds, along with the proposed traffic regulation orders, would result in a substantial reduction in HGV movements through Great Ryburgh and would by extension improve the local amenity of residents.

Cllr V FitzPatrick stated that he was most compelled by the economic argument, and was minded of the current economic crisis both nationally and globally. He argued that the applications would result in significant gains for North Norfolk and the region, and noted that Norfolk's climate was especially suitable to growing Maris Otter Barley. Further, the applications would

increase value-added processing, creating jobs in North Norfolk both at Crisp Maltings and across the supporting businesses. Crisp Maltings as part of a supply chain, was supported by local farmers; with the malt sold locally, nationally and globally, and noted that upwards of 280 farmers contributed to Crisp Maltings. The Local Member reflected that many food and drink processors made use of the Malt produced, and commented on the explosive growth of microbreweries in North Norfolk fuelled in part by the ready supply of good quality Malt. He considered such businesses to be local and sustainable, employing local people within their own communities. Further, those individuals associated with the Great Ryburgh Crisp Maltings site added to the economic prosperity of the region by spending money supporting other local businesses.

The Local Member considered the applications to be more sustainable, increasing output whilst using resources in a far more environmentally, and less resource intensive manner, with greater reuse of energy and water, and including the introduction of solar panels.

With regards to landscape matters, Cllr V FitzPatrick noted that the Maltings had existed as part of the landscape for 150 years and were well established, rather than an adjunct. The Maltings had changed over the years just as the other landscape artefacts have done.

Finally, the Local Member reflected on comments received from members of the public. He commented that whilst most of the representations were against the developments, some of the submissions were against the Maltings in general rather than the applications specifically. He noted that there was also a degree of support for the applications; a silent minority, as well as those who were indifferent to by the expansion (or otherwise) of the Maltings.

Cllr V FitzPatrick urged the Committee to support the delegated approval of the applications.

- ii. Cllr G Mancini-Boyle asked for clarification regarding the Natural England representation, as he considered the report to be misleading regarding Nutrient Neutrality. Additionally, he asked whether HGV vehicles would have to go through Ryburgh to gain access to the Crisp Malting site, should the access road be approved.
- iii. The DM advised that the Council had sought a response from Natural England following their 16<sup>th</sup> November communication. He stated that Members should not dismiss Natural England advice, but reiterated that it was the Council who were the relevant competent authority under the HRA. If the Council were to ignore Natural England's advice, its reasons must be justified. The DM commented that Members were asked to delegate authority to the ADP to make a decision, and in the interim Officers would continue discussions with Natural England to ensure they were satisfied with NNDC's ability to properly discharge its duties as a competent authority.
- iv. Cllr R Kershaw advised that he was familiar with the site as portfolio holder for sustainable growth, but this had not swayed his opinion. He was encouraged by the environmental considerations in the proposal, specifically around carbon reductions, water extraction within the existing license, and control of the amount of water in the seepage tanks. Further, he considered

the proposed new road and TRO critical in reducing traffic through the village. He questioned the differing of opinion with respect of whether the weigh bridge would be accessible from within the site.

Cllr R Kershaw acknowledged that these were complex applications, and was minded that through Crisp Maltings 180 local farmers were supported. He argued that there were not the alternate sites within North Norfolk for Crisp Maltings to move its operations to as an alternate, which would result in a loss of employment. Additionally, any relocation may result in increased mileage from local farms, whose climate were well suited to growing the Malt crop, to a processing site elsewhere.

Arguably, without investment the Maltings would likely close with the potential that the site to become a housing estate, which would lead to an increase of traffic. He expressed his support for the Officers report and so proposed acceptance of the Officers recommendation for approval subject to conditions.

- v. Cllr L Withington noted public representations and concerns about the weigh-bridge. She considered the impact on the river to be important, with SAC and SSSI status locally, and was pleased that the Council were continuing conversations with Natural England, as she would not wish for NNDC to ignore their suggestions. She considered the important cyclical nature of Crisp Maltings on the local economy across the district, and noted farmers within her ward contributed to Crisp Maltings, as well as those who were employed through their graduate programme. Cllr L Withington seconded the Officers recommendation.
- vi. The DM stated that, in addition to the new access road, there will be existing gates which will remain open, as addressed in the Officers report. The weigh-bridge was not located on site but adjoining traffic would need to move through the existing part of the site to go onto the weigh-bridge. He noted as part of the list of conditions for PF/20/0524, draft condition 34; The Crisp Maltings Traffic Plan, provided an effective way to ensure management and traffic control going into the site, encouraging HGV Vehicles and other traffic movements via the proposed new road.
- vii. Cllr P Heinrich acknowledged that these were a complex set of applications, and commended Officers for the detailed reports provided. He stated that there was widespread concern in Ryburgh regarding the expansion of the significant industrial site particularly on traffic and environmental grounds, and Members' need to be assured that all appropriate mitigations were in place if approved. Cllr P Heinrich noted the history of the site and area, stating that Crisp Maltings was a long established business, predating the arrival of many current residents of the village. He further commented that while it may not be the ideal site, it must be accepted that given the scale of the business a relocation of any or all operations to a completely new site within the District or elsewhere is not realistic. Crisp Malting had made clear that expansion was essential to their growth and to the many local farms producing malting barley. Additionally, the business supported the employment of agricultural workers, HGV drivers, farm supplies, agricultural engineers and well as others. The economic importance to North Norfolk and the county as a whole was highly significant, which he argued must be given considerable weight.



Cllr P Heinrich stated the importance that the landscape planting would be fast growing to support native species and provide an effective screen as rapidly as possible. He considered that while there will still be some level of intrusion into the landscape, he considered that this could be mitigated to an acceptable level. In addition, he stated that the proposed access road would reduce traffic in the village, and stressed the importance of the TRO to effectively restrict larger vehicles and in mitigating traffic problems.

Cllr P Heinrich stated he had some concerns over the potential impact on the upper Wensum, however noted that Officers were broadly content that these matters could be resolved and secured through conditions.

He concluded that this was perhaps the most controversial non-residential application to come before the committee, and that whilst the recommendations would require a departure from planned policy, he considered the economic argument could not be underestimated nor could the assurances from the business regarding not only mitigations but their overall environmental approach including working towards net zero carbon emissions. Cllr P Heinrich affirmed his support for the Officers recommendation and for the conditions outlined.

viii. Cllr P Fisher asked if the proposed new road would be private road or adopted by NCC, and how maintenance of the road could be guaranteed. He noted that prior road improvements had focused on the existing route, and noted the need to improve other junctions as a result of proposed change. He concluded that different types of road surfacing resulted in different sounds, with some being much louder than others. He asked if this could be considered within the final set of recommendations.

ix. The DM advised that traffic movements to the site currently travel from the east but, if the applications were granted, would come from the west. Regarding the adopted status of the road, The DM advised that it would remain a private road. He demonstrated this route on the map to Members.

The DM stated that one of the conditions outlined related to construction materials, and agreed that noise surfacing could impact on types and volume of noises. He confirmed that Officers would work with Crisp to ensure road finish was made as quiet as possible.

x. The Chairman asked if the road surface would be permeable. The DM advised that a hard finish would be required in accordance with the outlined scheme.

xi. Cllr J Toye thanked Officers for their report but expressed disappointment that the applicant could be considered to have paid lip-service to some of the environmental considerations. He noted 3 parts of the NPPF focused on cycling and walking, and yet this had not been discussed in the report once. Further, it had not been considered whether the old railway could be used as a cycle route for workers from Fakenham, only a few miles down the road, nor had any other methods of sustainable movement. Cllr J Toye considered the scheme could go further and acknowledged the Castle Maltings site in Belgium which utilised a large solar panel roof.

Whilst Norfolk was considered the right climate for malt barely, there was no specific merit in the site being located in Great Ryburgh as opposed to

another site in the area, perhaps making use of former airbases. The site didn't have to be located in Ryburgh to be North Norfolk produced, to ensure the continued use of the local barley, and to support local people.

He noted the use of language in the applicant's sustainability statement that they were 'considering' 'could include' or were 'in process of', which did not represent a guaranteed commitment to the environment, and he was unconvinced that Crisp Maltings were indeed committed. Whilst he considered the applications may be acceptable in planning terms, he stated he was undecided on the applications, and although he understood the economic benefits associated with the applications, he was unconvinced this was the right way forward for the scheme.

- xii. The DM advised that Crisp Maltings had set out its net-zero strategy commitment contained within the list of conditions, but agreed with Cllr J Toye that the Council would expect words to be turned into actions. He commended the applicant on their environmental ambitions and noted that this was the first application in the district to agree to net-zero as a planning condition.
- xiii. In response to questions from the Chairman, the DM advised that Officers had not focused on how Crisp Malting employees travelled to work, and contended that it was difficult to predict where employees may travel in from. There was no guarantee that workers would live in Fakenham and would therefore benefit from a cycle route.
- xiv. Cllr J Toye expressed his support for the current list of conditions but considered that more could be done.
- xv. The ADP advised that the application of Planning Policy was a matter of balance. He was uncertain what the government may seek to introduce through the 'Levelling Up Paper' in the New Year, and commented that the Committee and Officers could only form decisions on current policy and guidance for what was acceptable at the time in which the decision was made.
- xvi. Cllr N Pearce noted that these were extremely complex applications, and acknowledged both sides of the argument were very emotive. He stated that the village was located in the heart of an agricultural county and reflected that the business sought to expand its operations due to its success. Cllr N Pearce wished to congratulate Officers for their report, and for the extensive list of conditions detailed. He expressed his support for the applications which he believed would benefit the local economy.
- xvii. Cllr V Holliday stated, whilst understanding the positive impacts of the agribusiness on the local economy, she considered that the economic and highways benefits of the proposed development were overstated, and the residential amenity and landscape impacts understated. Cllr V Holliday commented that the residents should be listened to, and considered the landscape and environment should be put first.
- xviii. The Chairman permitted the objecting speaker, Ms Nina Basset, to make a further representation with regard to the proposed relief road.
- xix. The Chairman permitted Mr Stuart Sands, to make an additional

representation as a supporting speaker.

**IT WAS RESOLVED** by 11 votes for and 1 against.

**That Planning Application PF/20/0523 be APPROVED subject to conditions circulated to the Development Committee. Any other conditions considered necessary, and final wording of conditions, to be delegated to the Assistant Director – Planning.**

**IT WAS RESOLVED** by 11 votes for and 1 against.

**That Planning Application PO/20/0524 be APPROVED subject to conditions circulated to the Development Committee. Any other conditions considered necessary, and final wording of conditions, to be delegated to the Assistant Director – Planning.**

*The meeting took a break from 11.20am and resumed at 11.31am.*

*The DM left the meeting at 11.20am*

**66 WELLS-NEXT-THE-SEA - PF/21/3227 - TWO STOREY EXTENSION TO SIDE AND FIRST FLOOR EXTENSION OVER DETACHED GARAGE TO FORM HOLIDAY LET; SINGLE STOREY DETACHED BUILDING FOR USE AS HOLIDAY LET. MARSH TIDE, NORTHFIELD LANE, WELLS-NEXT-THE-SEA FOR MR JAMES ISSAC**

The DMTL introduced the Officers report and recommendation for approval subject to conditions. He noted that Planning Permission had previously been refused for an earlier proposal in June 2021, the reasons for refusal were outlined on P.195 of the agenda pack.

Whilst the proposal was considered contrary to NNDC Core Strategy policies SS1, SS2 and EC7, as the site was located within the area designated as countryside, Officers considered the application to be acceptable and determined that the conflict with these policies was not cited as a reason for refusal of the prior application. Further, it was therefore reasonable assume that the current application was acceptable in principle. He confirmed that the applicant had sought to address the prior reasons for refusal.

The DMTL advised that the site was related to the existing built up part of Wells-next-the-sea, designated as a secondary settlement, lying only 60 metres outside of the settlement boundary and within easy walking distance of the town centre. Officers considered that there would be no significant harm to the aim of the policies in approving this application subject to conditions.

He proceeded to go through the presentation detailing the sites location, an aerial photo, settlement boundary, site plans, elevations, views of the site, and main issues for consideration.

Public Speakers

Michelle Lyon – Supporting

- i. The Local Member – Cllr P Fisher, thanked Officers for their report and noted

that no objecting speakers or Members of the Town Council were present as a consequence of timing rather than lack of inclination or disinterest. He considered the proposal failed to accord with NNDC Core Strategy Policy EC7 and was also contrary to policies SS1 and SS2. Wells Town Council had commented on the previous application that it was located outside of the settlement boundary, but the application was refused by the Officer due to matters of height and scale of unit 2, use of external materials failing to comply with EN4, and use of glass on unit 1 which would create light pollution. Cllr P Fisher noted that the revised application sought to address these issues alone, however this failed to address the Town Council's prior objections. He noted that, as issues surrounding the boundary settlement had not been cited as a reason for refusal, it was considered by Officers that introducing this as a reason now was unreasonable and inconsistent; which he disagreed. Further, the Local Member considered that Wells-next-the-sea had a large proportion of holiday lets, and that the town did not require additional holiday accommodation. He drew Members attention to the representations and objections on p.196 from Landscape Officer and Norfolk Coast Partnership.

Cllr P Fisher disagreed with Highways lack of objection to the proposal and considered existing issues on Northfield lane which often had obstructed access due to the parking on vehicles by holiday makers. The Local Member stressed the importance to protect the AONB and considered that such boundaries were being eroded whether by bricks and mortar, noise or light and affirmed that he would be voting against the proposal.

- ii. Cllr A Fitch-Tillett considered that too much glass had been utilised on the eastern elevation of unit 2, and noted that this might adversely affect the migratory path of wild fowl. Further, she did not see any reference to flood zones within the Officer report and sought clarification of the sites status, noting prior issues of flooding in the area. She reiterated her role as Vice-Chairman of Norfolk Coast Partnership and expressed her support for the view of the landscape officer. Cllr A Fitch-Tillett relayed the importance of the AONB as detailed on p.197 of the agenda pack as a nationally designated site, and commented that she did not consider that this application preserved or enhanced the AONB.
- iii. Cllr A Varley sought clarification on the Officers conclusion and planning balance section, and asked the presenting Officer why the application had not previously, and was not currently, refused on basis of failure to accord with policies SS1, SS2 or EC7, and whether this was because Officers considered other matters were given greater weight.
- iv. The DMTL advised that Officers did not consider that harm would arise from a departure from policies for this application due to the sites close proximity, and easy access to the Town.
- v. The ADP advised that this was a departure from policies for the specific reason that the application site was outside of the settlement boundary in which it would normally be acceptable in principle. When departing from policy, it was important to consider the materiality of reasons raised, and with this application it was important to consider the distance from services and impact on surrounding buildings in the area. The ADP noted that Wells-next-the-sea was a service centre and was in easy walking distance from the proposed site.

The ADP commented that it may be considered unreasonable to raise a matter at a later stage having made an earlier refusal, but that this does not necessarily mean the Council should not consider the matter or decide it be a consideration in any refusal. However, it may be the case the applicant or appellant appeals for costs against the council because it is an issue which was previously raised when the application was refused. The ADP acknowledged that the applicant had worked hard to resolve and overcome those issues which had been materially raised under the previous refusal.

- vi. The DMTL advised, in response to the question by Cllr A Fitch-Tillett, that the site was located in Flood-zone 1, which was not considered to be the highest risk.
- vii. Cllr V Holliday stated, despite the reassurances supplied by the ADP, that she was uncomfortable to depart from policy, regardless of whether these matters formed part of the prior reason for refusal. She supported comments made by Cllr A Fitch-Tillett with respect of glazing, and the need to protect the AONB. When considering applications within the AONB, she commented it was important to consider reduced visible light transition which she believed should be an absolute requirement that any vertical glazing is 0.65 VLT and any roof lights are 0.5 VLT.
- viii. The ADP advised that polices relating to light pollution were set out in the Officers report, and the policy ideas raised by Cllr V Holliday were not contained within the Councils supplementary planning guidance. He commented that the Committee must consider the application on the basis of current planning policy, the NPPF, and national guidance.
- ix. Cllr N Pearce stated he was disappointed that the boundary settlement status had not been previously raised as an issue, and expressed the need for consistency. He noted the need to protect the AONB, and commented that he would vote against the application.
- x. Cllr J Toye asked what potential there would be for the windows to be replaced and made bigger, or if conditions could be applied to eliminate this risk. He further asked how overdevelopment of the site had been considered by Officers, and whether there was a metric used?
- xi. The DMTL advised that a condition had been recommended to withdraw permitted development rights for additional windows and roof lights on the eastern elevation of unit 1. With respect of overdevelopment, the DMTL advised this was a matter of planning judgement based on site coverage of buildings, and reiterated that this had not formed part of the prior reasons for refusal.
- xii. Cllr P Heinrich commented that he considered the boundary between countryside and built up areas rather arbitrary, and considered this specific site was located in an area with a number of buildings, within the curtilage of the existing site. On balance, he did not consider the site to be overcrowded given the scale of buildings surrounding. He commented that he would far rather see the creation of purpose built holiday accommodation as opposed to existing residential accommodation being taken over as a holiday property. Cllr P Heinrich proposed the Officers recommendation subject to conditions.

xiii. Cllr L Withington seconded the Officers recommendation.

**IT WAS RESOLVED** by 7 votes for and 5 against.

**That Planning Application PF/21/3227 be APPROVED subject to conditions circulated to the Development Committee. Any other conditions considered necessary, and final wording of conditions, to be delegated to the Assistant Director – Planning.**

*Cllr L Withington left the meeting 12.04pm.*

*The DM returned to the meeting at 12.05pm.*

## **67 HOLT TPO/22/0994 LAND REAR OF 5 PEARSONS CLOSE**

The SLO introduced the Officers report and recommendation that the TPO be confirmed. She advised that the initial TPO was served on the sycamore tree in 2021, and she had since reviewed the TPO and considered whether to continue preservation. The SLO relayed the site location plan, aerial photograph and photos of the tree.

She noted that representations had been received both for and against the TPO, as detailed within the report. The Council were working with the land owner to facilitate tree work, and noted work had been halted due to nesting birds within the tree, but would be completed by 25th November.

The SLO set out the key issues, and advised that the tree contributed positively to local amenity, and was important in terms of wildlife habitat and biodiversity value.

*There were no public speakers.*

- i. Cllr V Holliday expressed her support for the TPO, and commented on the lack of trees in Holt.
- ii. The ADP thanked the SLO for her report, and welcomed her to her first Development Committee meeting. He advised that the Council had been minded to serve a TPO on the sycamore tree some time ago, but the TPO had not been confirmed. There had been an objection from a local resident who had been very concerned about the implications of having a large mature tree next door to their home, details of which had been considered within the report. The ADP commented that the Officers report made clear the reasons to bring forward the TPO, offering amenity to the local environment, and was encouraged by the positive communication the SLO had engaged the land owner with regards to the management of the tree going forward.
- iii. Cllr G Mancini-Boyle proposed confirming the TPO and stated that the tree predated the houses and should not be removed for the sake of giving residents more light.
- iv. Cllr A Fitch-Tillett seconded the Officers recommendation.
- v. Cllr N Pearce spoke in support of the TPO and considered that trees were a valuable community asset providing a splash of green to the landscape.

**IT WAS UNANIMOUSLY RESOLVED** by 11 votes for.

**That TPO/22/0994 be confirmed.**

**68 NORTH WALSHAM TPO/22/0993 LAND AT LONG BARROW DRIVE**

The SLO introduced the Officers report and recommendation that the TPO be confirmed. She confirmed that, as a condition of development for the neighbouring estate in the 1990's, a landscape buffer strip had been proposed and planted to aid the visual transition into the countryside. The buffer strip consisted of a mixture of species, planted in formal rows, in some instances residents had removed trees and mowed paths had been created to allow access, in other areas improvements had been made with the introduction of bird boxes and hedgehog houses.

The SLO relayed the key issues and provided site photographs, map, and aerial photographs. She confirmed that the TPO would provide a mechanism for works and allow greater scrutiny of tree work. Further, the buffer strip provided amenity and biodiversity value which were important to retain.

*There were no public speakers.*

- i. Cllr P Heinrich relayed a written statement by the Local Member – Cllr V Gay, to which she confirmed that she was familiar with the area having visited the woodland on several occasions. She considered that the Woodland was intended to form a soft wooded boundary to the town, which had been neglected for some years. Cllr V Gay expressed the commitment of NNDC Countryside team to ensure its maintenance, and with the co-operation of residents, in the last few years had introduced schedules for work with a regime in place to explain the trees for safety at regular intervals. The Local Member considered England to be one of the least biodiverse countries in Europe, and stressed the importance of biodiversity to the emerging Local Plan, and the importance of protecting trees more broadly.
- ii. Cllr R Kershaw spoke in support of the Officers recommendation and proposed the TPO be confirmed.
- iii. Cllr A Brown seconded the Officers recommendation.
- iv. Cllr P Fisher asked who owned the land. The SLO confirmed the land was owned by NNDC.
- v. The ADP stated that, in general, a TPO would not be applied to Council owned land as it was considered that the Council would be good custodians, managing the land appropriately. It was extremely rare for a TPO to be served on Council owned land.
- vi. Cllr A Varley stressed the important role buffer strips have on landscapes, and spoke in support of confirming the TPO.
- vii. Cllr P Heinrich advised that he was aware of various concerns from residents, but stated that the majority of comments were in favour of confirming the TPO and ensuring the trees be properly maintained.

**IT WAS UNANIMOUSLY RESOLVED** by 11 votes for.

**That TPO/22/0993 be confirmed.**

**69 NORTH WALSHAM TPO/22/0995 LAND EAST OF 19 ROSEWOOD AND WEST OF 6 VALLEY GARDENS**

The SLO introduced the Officers report and recommendation that the TPO be confirmed. The matter was brought before the Committee following the concerns from residents that the oak tree was in the process of being removed.

The SLO advised that the tree was located in a piece of unregistered land, and demonstrated to Members through historic maps, evidence of the tree being in situ since 1836, with further aerial imaging from the RAF dated 1946, and an NCC map dated 1988 when valley gardens had been built. She commented that the tree formed part of a field boundary and was a historic wildlife corridor, and provided images of one of the nearby oak trees, also part of the ancient field boundary, which had recently been heavily pruned and since died. The SLO advised that this was the last tree remaining from the group and stated the importance that the TPO be confirmed.

*There were no public speakers*

- i. The Local Member – Cllr P Heinrich, advised that he had been contacted by an objector to the TPO, and agreed following a site visit that the tree was in need for attention. He considered that this was a substantial oak tree, offering important bio-diversity, and so proposed acceptance of the Officers report.
- ii. Cllr G Mancini-Boyle asked who would be responsible for maintaining the tree.
- iii. The SLO advised that the owner of the land would be responsible for tree maintenance. She noted that fences had been moved and adverse possession may on this occasion be a positive thing. She commented that Tree work applications did not necessarily have to be undertaken by the land owner.
- iv. Cllr A Brown advised that adverse possession was 12 years for registered land and 10 years for unregistered land. He spoke in support of the TPO and seconded the Officers recommendation.

**IT WAS UNANIMOUSLY RESOLVED** by 11 votes for.

**That TPO/22/0995 be confirmed.**

**70 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

- i. The DM introduced the Development Management Performance Update report and advised of the continued good performance of the planning team. He commented that the performance of non-majors had dipped due to a period of poor performance following the introduction of the new uniform system. He advised the Committee, with regards to S106, that Scottow Enterprise Park was moving towards completion.
- ii. Cllr R Kershaw commented that Swift Air had expressed concern that the S106 would not be completed within the time limit as it was considered that



NCC were delaying the process.

- iii. Cllr J Toye asked if or when S106 software would be introduced.
- iv. The DM advised that S106 software would be introduced on 5th December, though it would not be fully functioning at this time. The Council were pending the appointment of a S106 Officer.

## **71 APPEALS SECTION**

- i. The DM introduced the appeals section and noted that there had been no further outcome for outstanding appeals. He welcomed questions from Members.
- ii. Cllr R Kershaw commented that it was refreshing how much Planning Officers had engaged with Members on applications in recent months, having a dialogue on the direction of the applications. He advised this had been positively received by parish councils and was a great improvement, and asked that his thanks be passed on.

## **72 EXCLUSION OF PRESS AND PUBLIC**

None.

The meeting ended at 12.36 pm.

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Chairman