

## DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 28 September 2023 in the Council Chamber - Council Offices at 9.30 am

**Committee Members Present:** Cllr R Macdonald (Vice- Chairman)  
Cllr P Fisher  
Cllr P Neatherway  
Cllr L Vickers  
Cllr M Batey  
Cllr M Hankins  
Cllr K Toye

**Substitute Members Present:**

**Officers in Attendance:** Development Manager (DM)  
Principle Lawyer (PL)  
Planning Officer – AW (PO-AW)  
Planning Officer AN (PO-AN)  
Democratic Services Officer

### 46 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr P Heinrich, Cllr A Brown, Cllr A Fitch-Tillett, Cllr V Holliday, Cllr G Mancini-Boyle, Cllr J Toye and Cllr A Varley.

### 47 SUBSTITUTES

Cllr G Bull, Cllr L Paterson, Cllr C Ringer were present as substitutes for Cllr P Heinrich, Cllr G Mancini-Boyle and Cllr J Toye respectively.

### 48 ITEMS OF URGENT BUSINESS

None.

### 49 DECLARATIONS OF INTEREST

None.

### 50 CROMER - PF/23/1761- DEMOLITION OF FORMER BANDSTAND AND STORAGE BUILDING; REDEVELOPMENT OF FORMER TENNIS COURTS CONSISTING OF ERECTION OF 2NO. PUBLIC TOILET BUILDINGS, COMMUNITY FOOD HUB, COMMUNITY SHED BUILDING, COMMUNITY HORTICULTURAL HUB BUILDING, 2NO. CURVED WALLS WITH CANOPY FOR ENTERTAINMENT SPACE, MULTI-USE SPACE FOR POP-UP MARKET STALLS/LEISURE ACTIVITIES AND ASSOCIATED ON-SITE CAR/CYCLE PARKING, ASSOCIATED FENCING, PLANTING AND VEHICULAR AND PEDESTRIAN ACCESS POINTS AT NORTH LODGE PARK OVERSTRAND ROAD, CROMER.

#### Officers Report

The PO-AW introduced the Officers report and recommendation for approval. It was noted that a similar application had previously been submitted and considered at Development Committee in June which had been deferred. This application had

subsequently been withdrawn and resubmitted as PF/23/1761 with several design alterations.

The PO-AW outlined the context of North Lodge Park, a designated area of public realm and open space in policy terms. The park forms part of the setting of the Grade II listed North Lodge, the former tennis courts and bandstand are considered an accessory to the heritage asset. The site comprised of a 1950's brick-built bandstand and large concreted slab, both have been unused for several years and have fallen into a state of disrepair, although the concreted area remains level and in reasonable condition.

The Case Officer detailed the key aspects of the application including changing places toilets, the entertainment space, horticultural hub containing a greenhouse store and potting area, the community shed, and community food bank. Vehicular access was provided from Carriage Drive along the western boundary of the site.

With respect of design, the PO-AW noted that most of the structures proposed were temporary in nature and would be low impact sitting above the existing hardstanding. Whilst concerns had been raised in public representations with regards to the Open Land designation of the site, it is recognised by officers that whilst the proposal would not enhance the open character of the site, there would be an enhanced recreational benefit to the proposal allowing a currently underutilised area of the park to be brought back into use and offer several recreational uses for the local community.

Some heritage harm had also been identified as a result of the concentration of structures in this area. Whilst the harm identified must be given great weight, officers concluded it to be at the 'less than substantial' end of the spectrum, nonetheless this harm must be weighed against the public benefits accruing from the scheme. It was considered that there were a number of public benefits associated with the proposal including:

- the revitalisation and improvements to a currently unused area of the park in order to promote and facilitate new recreational uses as well as provide new public toilets; and
- a number of flexible community uses, some of which would support the local economy, all of which would help ensure the future viability of the park.

Having regard to these benefits and affording the heritage harm identified great weight; it is considered that the public benefits associated with the proposals would outweigh the identified harm to the heritage assets. Consequently, the proposals would be compliant with paragraph 202 of the NPPF, which deals with less than substantial harm to heritage assets.

Highways concerns had also been raised due to the vehicular access on site. Officers had worked proactively with the agent to reduce the number of vehicle movements on site, the frequency of any pop-up market would be limited, and a traffic management plan has been submitted to manage these movements.

### Public Speakers

Pat West – Cromer Town Council

Harry Foulkes – Objecting  
Richard Wall – Supporting  
Martyn Coe – Supporting

### Members Questions and Debate

- i. The Local Member – Cllr E Spagnola – spoke in her capacity as Ward Member, Mayor of Cromer and Project Manager for the application. She expressed her support for the scheme which would restore a run-down plot which had been a blight on the landscape of Cromer for the last 20 years, into use. She argued that ‘Community’ was at the heart of the scheme and had been considered in all elements of the proposal.

Cllr E Spagnola advised that there were no toilets above beach level at the eastern side of Cromer, and certainly no changing places. It was noted that whilst there had been a new playpark situated on North Lodge Park, there were no toilets available nearby for users. Further, if visitors wished to shop on the eastern side of town, they would have to walk some distance to the nearest convenience, this was not practical for those with disabilities.

During the COVID-19 pandemic it became apparent the number of families living on Cromer in poverty, as a Member of Cromer Cares, the Local Member stated she understood the need for a Community Food Hub. This would offer dignity back to service users who may otherwise have to face the stigma of going to a food bank.

Cllr E Spagnola noted the positive comments from supporting speakers and stated that the Community Shed was important in helping integrate people within their community whilst also aiding in Mental Health. Further, the Potting Shed would be instrumental to the Friends of North Lodge Park in tending to North Lodge Park by sustainably growing plants for use both within the park and for sale.

With respect of the entertainment space, the Local Member noted that theatre productions had been held in the park for several years, and having this dedicated space would be of benefit for travelling productions and budding musicians. In addition, the pop-up stalls would help local people transform their hobbies and passions into small local businesses.

She advised that the Town Council would contribute financially to the scheme and the operation of the site alongside charities. Cromer Town Council would host regular meetings to ensure effective collaboration between groups.

The Local Member affirmed that the benefits of the proposal far outweighed any negatives, and implored Members to approve the application.

- ii. Cllr J Boyle, Member for the neighbouring Cromer Town Ward, spoke in support of the application. The area at present had been subject to anti-social behaviour with evidence of substance misuse left discarded. Cllr J Boyle advised of conversations she had held with residents whose properties overlooked the park and who no longer felt safe to walk through the park in the evening. This resident had expressed their support for the proposal which they considered would bring people back into the park.

Cllr J Boyle noted that several other schemes and businesses had operated from the site with limited success. The proposed scheme would offer flexibility to accommodate ever changing needs, whilst attracting visitors to the area.

She reflected that there were many benefits to the proposal, the proposed entertainment space would promote live music and live theatre in the park, which historically it was well known for, the Community Shed would bring Mental Health Benefits, The Community Food Hub would aid in addressing food poverty and the Potting Shed would work to enhance the Park.

She advised of conversions she had with users of her guest house, who remarked how saddened they were by the disarray of the Park, with one couple refusing to return to Cromer due to their upset. Cllr J Boyle considered that the proposal would capture the essence of the original park and integrate it with today's modern world.

- iii. Cllr T Adams, Member for the neighbouring Cromer Town Ward, spoke in support of the application. With respect of Heritage considerations, he noted that the Conservation and Design Officer had concluded that the application would result in 'less than substantial harm' with the Officer also recognising the improvement upon the previous planning application. Cllr T Adams asked that Members consider the situation in reverse with the proposal already being in situ, and a planning application was received for a bare, overgrown concrete pad, with a dilapidated structure – this clearly would not contribute towards the setting of the Grade II listed North Lodge. He noted that the applicant was the owner of North Lodge and that the Town Council had invested time and money into restoring and maintaining this asset.

Cllr T Adams stated that the Committee must weigh the positive impact of the use of the park. Some years prior a new footbridge had been installed of modern design replacing a more traditional structure. Through the new footbridge use and connectivity to the park had been restored.

The scheme would allow for flexible use, particularly with the partnership of community groups and include the possibility of music and live events, community and economic activities, and potential for youth activities.

He agreed with other representations that the park had been subject to anti-social behaviour which had grown as various assets had closed, and considered the scheme would form part of the regeneration of the park. Referencing broader regeneration of the park, Cllr T Adams noted that NNDC in recent months had leased the former Collector's Cabin which had been transformed into an ice-cream outlet, the proposal at Seaview, and the replacement footbridge. He considered that there was more to come with the possibility of outside funding.

With respect of traffic management, Cllr T Adams argued that the plans proposed exceeded that of other businesses on the site given the proposed gate system and traffic management plan. Further, traffic on site would be tempered by the placement of speedbumps along the Carriageway. The Town Council alongside Friends of North Lodge Park had raised concerns over vehicle access; therefore, Cllr T Adams considered these groups would be good custodians.

The Cromer Town Member acknowledged that this item had been referred to Committee due to NNDC policy that applications on NNDC owned land must be referred to Development Committee. The application had been supported by Officers, the Local Ward Member, and there had not been a significant groundswell of objection. Cllr T Adams asked that the Committee consider approving the application.

- iv. Cllr L Paterson welcomed the new, revised application, and affirmed his support for the provision of the public convenience. He sought clarity over the use of cladding and whether it would be the same material used across all structures.
- v. The PO-AW confirmed that it was proposed that all structures would be clad in matching vertical timber and commented that this could be conditioned if desired.
- vi. Cllr P Fisher thanked public speakers for their representations and to the Case Officer in presenting a good and balanced report. He acknowledged the well-being benefits the scheme would bring as well as the need for toilets on the eastern side of Cromer following the closure of other facilities. Cllr P Fisher concluded that the good brought via the proposal would outweigh possible harm to the area and so proposed acceptance of the officer's recommendation for approval.
- vii. Cllr M Hankins stated that, whilst he was unfamiliar with the site, he was familiar with the 'men's shed' movement and of the site in North Walsham which had enabled many lonely people to regain respect through their hobbies. He commended the applicant's pragmatic solution to a derelict site, particularly during challenging economic circumstances, and considered the scheme to be a pragmatic solution to a difficult problem.
- viii. Cllr L Vickers expressed her support for the application which she considered to be an improvement on the site at present and praised both the Cromer and the broader Men's Shed movement for their outstanding work. She asked for clarification on how the scheme would be funded, whether this would be through Cromer Town Council and charitable means or if funding requests would be sent to NNDC.
- ix. The DM advised that the funding of the scheme was not a directly related planning matter and should not influence the Committee in reaching its determination. Members were asked to consider whether the principle of development was acceptable in planning terms.
- x. Cllr L Vickers thanked the DM for his advice. She affirmed that she would like to see the scheme funded in the way in which it had been suggested.
- xi. Cllr K Toye thanked members of the public for their comments which were beneficial to the Committee in forming its determination. She considered that the site had been neglected and uncared for, for many years, and recalled the former use of the site was a destination location and one which people used to actively want to walk through and enjoy. She stated her firm support for the application and so seconded the Officer's recommendation.
- xii. Cllr G Bull thanked speakers for their valued opinions. He was supportive of the pop-up market, which had been successfully utilised at other locations,

however asked what types of stalls would be envisaged, their dimensions and frequency of use.

- xiii. The PO-AW advised that the design and access statement offered greater detail into the market. The pop-up market was intended to be small scale with parking provision for only 7 vehicles on the site. The dates of the other market in the Town had been noted and it was expected that there wouldn't be a clash of timings.
- xiv. Cllr C Ringer thanked attending speakers for their input. He that the proposal would bring much value to the local community. With respect of the entertainment space, having had some experience in organising small music events elsewhere in the district, he affirmed that the proposed space had the potential to be used for a variety of events which would positively contribute to the area. He argued that the Council could not protect the piece of land as existing, which was an eyesore, and affirmed that the proposal would undoubtedly improve the site.

**UNANIMOUSLY RESOLVED** by 10 votes for.

**That Planning application PF/23/1761 be APPROVED in accordance with the Officers recommendation.**

**51 WEST RAYNHAM - PF/23/1004 - DEMOLITION OF EXISTING WORKSHOP AND CONSTRUCTION OF NEW DWELLING AT WEST RAYNHAM AUTO CLINIC, MASSINGHAM ROAD, WEST RAYNHAM, FAKENHAM, NORFOLK, NR21 7AJ**

The PO-AN introduced the Officers report and recommendation for refusal. She affirmed the site's location and relationship in its local setting. West Raynham was not identified as a service village and therefore, for policy purposes, it is designated as Countryside. The garage is located in close proximity to both the former RAF West Raynham and a bustling business park hosting 13 businesses. In conjunction with the neighbouring enterprise park, the garage is located near the former RAF West Raynham where 13 buildings hold a Grade II listed building classification. The Conservation and Design Officer considered that the proposed development would have no adverse impact on the environment surrounding the Grade II listed buildings to the south.

The Committee were provided with images of the site, existing and proposed floor plans, and elevations.

The PO-AN advised that the main reasons issues for consideration were:

- The principal of development
- Design, layout, scale and massing
- GIRAMS
- Nutrient Neutrality

As the proposed dwelling was located within the designated Countryside, there is a general presumption against residential development. As future occupiers would be dependent on the car in order to access services, the proposal was not considered to be a sustainable development. Further, a single dwelling in this location was unlikely to significantly enhance the local rural community's vitality. The modest contribution in terms of economic and social benefits would outweigh the strategic

policy conflict. Officers consider that there is no justification to this dwelling in the Countryside which would be contrary to policies SS 1 and SS 2 of the North Norfolk Core Strategy.

The proposed development, by virtue of the building's overall size and scale and location would result in an unsympathetic form of development, appearing to be out of place and excessive for the available plot, particularly concerning its proximity to the neighbouring property on the left, with a mere 2-meter separation between them. The constraint of the width of the proposed plot would result in the new dwelling being in close proximity to the existing neighbouring dwelling to the left, which would constitute an overdevelopment of the site, providing a cramped form of development.

The proposed dwelling was not considered suitably designed for the context in which it is set. Accordingly, it is considered that the proposed development would be contrary to policy EN 4 of the North Norfolk Core Strategy.

The PO-AN acknowledged that the site lies within the Zone of Influence of several European sites. The proposed net gain of one dwelling would trigger the requirement for a financial contribution towards the strategic mitigation package in accordance with the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS).

The applicant had failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination on the integrity of European Sites arising as a result of the development including in relation to recreational disturbance. In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, Officers had concluded that the proposal would be contrary to the requirements of policies SS 4 and EN 9 of the North Norfolk Core Strategy.

Additionally, as the proposed development comprised of overnight accommodation that falls within the catchment of the Broads Special Area of Conservation and Ramsar site [and the River Wensum Special Area of Conservation] and is likely to have an adverse impact on European Designations requiring mitigation in relation to nutrient enrichment. Based on the net gain of one dwelling, the development proposed is considered to be a qualifying development and subject to Nutrient Neutrality requirements. The Case Officer advised that the applicant had failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination, on the integrity of European Sites arising as a result of the development including in relation to nutrient enrichment. In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposed development was considered contrary to Policies EN 9 and EN 13 of the adopted North Norfolk Core Strategy, and approval of the application would conflict with the legal requirements placed on the Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).

The PO-AN advised, having considered the benefits and the harm associated with the proposal, together with the policy conflicts that are outweighed by the benefits, officers recommended refusal of the application.

#### Public Speakers

None

### Members questions and debate

- i. Cllr L Paterson endorsed the Officers report and so proposed acceptance of the Officers recommendation for refusal.
- ii. Cllr L Vickers asked Officers to clarify policy surrounding sustainable development. She reflected that North Norfolk was a largely rural district with many residents living in villages and who were reliant on their car. In an ideal world residents would be able to cycle or make use of public transport, however this wasn't practically possible at present. With respect of the design, she considered the scheme would be better a visual replacement than the run-down garage and was concerned that if left unattended the site would become an eyesore. Cllr L Vickers sought confirmation who was responsible for GIRAMS payments.
- iii. The PO-AN advised it the applicant was responsible for GIRAMS payments.
- iv. The DM accepted Cllr L Vickers comments about the rural nature of the district and the reliance on private vehicles to access day to day services. As a Local Planning Authority the Council sought to encourage development in more sustainable locations through the Local Plan and the emerging Local Plan.
- v. Cllr L Vickers stated, that whilst she was 100% behind the ideal and the intention of sustainable development, the consequence of not building in villages would result in the dying off of those villages.
- vi. Cllr G Bull noted that the application site was currently a functioning garage, therefore any car use by occupiers of the proposed residential development would be offset by current usage, given there would be significantly more car movements to a garage than a single dwelling. With respect of the design of the scheme, he did not consider the proposal was in keeping with the neighbouring property or sympathetic with other properties in the village.
- vii. Cllr P Fisher noted that Officers advise that the application was in contravention of many of the Councils own policies. He seconded the recommendation for refusal.
- viii. Cllr M Hankins reflected on the Councils' policy to convert disused properties into residential developments. He thanked the Officer for their report, and expressed his concern that the application was not well prepared as it failed to address several policies. He enquired if the application would have been considered more favourably if it were more professional.
- ix. The DM advised that the applicant sought to demolish the building and rebuild. Had the application been for conversion of the existing building this would have been a different consideration as such a planning application would have been permissible in policy terms under NNDC Core Strategy Policy SS2 (provided certain criteria were met). He affirmed that the 'red line' in policy terms was the objection on Nutrient Neutrality and GIRAMS which rendered the scheme non-negotiable else it be unlawful. If it were matters of principle and design the application may have been considered in a different manner. The DM advised that, should the Committee be minded to refuse the application, that the applicant may decide to appeal the decision, and/or resubmit a revised application.



- x. Cllr C Ringer considered the application was limited in detail. Setting aside critical policy conflicts, and stated that he was not opposed to the siting of a dwelling in this location provided one could be better assimilated within the local setting. He asked, with respect of Nutrient Neutrality, whether the emptying of the septic tank into the main sewage conflicted with Nutrient Neutrality guidance.
- xi. The DM advised that either way sewage was disposed would affect Nutrient Neutrality. The additional Nutrient load would need to be addressed, and the applicant had failed to demonstrate how they would do so through the application.
- xii. Cllr C Ringer confirmed whether there were options available to the applicant to mitigate Nutrient Neutrality.
- xiii. The DM advised that should the waste be taken to a package treatment plant that there would still be some outflow from the plant, which whilst cleaner, would not be totally clean. Manufacturers of package treatment plants were working to address issues of Nutrient Neutrality and were putting forward measures to combat such problems. With respect of the proposed application, the applicant had proposed discharge via the foul network.

**RESOLVED** by 8 votes for and 2 abstentions.

**That Planning Application PF/23/1004 be REFUSED in accordance with the Officers recommendation.**

## **52 EXCLUSION OF PRESS AND PUBLIC**

None.

The meeting ended at 10.47 am.

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Chairman