

10 OCTOBER 2019

Minutes of a meeting of the **DEVELOPMENT COMMITTEE** held in the Council Chamber, Council Offices, Holt Road, Cromer at 9.30 am when there were present:

Councillors

Mrs P Grove-Jones (Chairman)
Mr P Heinrich (Vice-Chairman)

Mr D Baker
Mr A Brown
Mr P Fisher
Mrs A Fitch-Tillett
Mr N Lloyd

Mr G Mancini-Boyle
Mr N Pearce
Dr C Stockton
Mr A Varley
Mr A Yiasimi

Mr T Adams - substitute for Mr R Kershaw
Mrs S Bütikofer – substitute for Mrs W Fredericks

Ms V Gay - North Walsham Market Cross Ward
Mrs G Perry-Warnes - Holt Ward
Mr J Toye - Erpingham Ward

Mr E Seward - speaking on behalf of North Walsham Market Cross Ward

Dr P Bütikofer - observer
Mr J Rest - observer

Officers

Mr P Rowson – Head of Planning
Ms F Croxen – Lawyer
Mr G Lyon – Major Projects Manager
Mr D Watson – Interim Development Manager
Ms S Hinchcliffe – Major Projects Team Leader
Miss L Yarham – Democratic Services and Governance Officer

49 TO RECEIVE APOLOGIES FOR ABSENCE AND DETAILS OF ANY SUBSTITUTE MEMBER(S)

Apologies for absence were received from Councillors Mrs W Fredericks and Mr R Kershaw. There were two substitute Members in attendance.

50 MINUTES

The Minutes of a meeting of the Committee held on 12 September 2019 were approved as a correct record and signed by the Chairman.

51 ITEMS OF URGENT BUSINESS

None.

52 DECLARATIONS OF INTEREST

<u>Minute</u>	<u>Councillor:</u>	<u>Interest</u>
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53	Mrs S Bütikofer	Had made opinions too clear to vote on the application but would speak on it
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HOLT - PO/18/1857 - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 110 DWELLINGS WITH 2 HECTARES OF LAND FOR A NEW PRIMARY SCHOOL, PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS) WITH MAIN VEHICULAR ACCESS POINT FROM BERESFORD ROAD AND SECONDARY PEDESTRIAN, CYCLE AND EMERGENCY ACCESS FROM LODGE CLOSE. ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS; LAND OFF BERESFORD ROAD, HOLT FOR GLADMAN DEVELOPMENTS LTD

The Committee considered item 7 of the Officers' reports.

Public Speakers

Mr R Carter (objecting)
 Mr C Greenwood (objecting)
 Mr A Bamforth (objecting)
 Mr J Mackenzie (supporting)

The Major Projects Team Leader presented the report and displayed plans and photographs of the site, including the proposed access points, an indicative layout plan and photograph of the existing school site. She reported that the latest figures provided by the Education Authority showed there had been 186 pupils on the school roll in May 2019. The Highways Officer was unable to attend the meeting but had submitted a position statement prior to the meeting which did not raise any new matters.

Councillor D Baker, local Member, stated that the site was within the Countryside policy area and was therefore contrary to policy. He considered that the school land was an inducement to grant planning permission on a site for which a previous application for 170 dwellings had been refused in 2014. There was no current need for a replacement school as pupil numbers had fallen over the last 5 years and the County Council had no budgetary provision or timeline for building it. He was also concerned that a new two-form entry school would lead to the closure of small local schools. He considered that the proposed single access through Beresford Road was inappropriate as it would become a bottleneck, a rat run, chaotic and dangerous. The proposal would add to the 500 new homes already scheduled for Holt, the population of which was set to double in five years. Whilst there was a need for affordable homes, he considered that they should not be built at any cost in an area which was against policy, and that the environment and countryside should be protected.

Councillor Mrs G Perry-Warnes, local Member, considered that although the forecast for primary school capacity supposedly established a need for a new school, the proposed location was not the most suitable site and the proposal was contrary to Policy SS2. She was concerned that Holt could be left with no public benefit to justify a departure from Development Plan policies if the funding for the school did not materialise. Her major concern related to highways issues in respect of the increase in traffic on nearby roads and associated road safety implications, detrimental effect on quality of life for local residents associated with inconsiderate driving and parking, and impact on the wider road network, particularly Hempstead Road which was already a safety concern due to the increase in traffic from other developments. She considered that the single access via Beresford Road was

unsuitable and inadequate. Whilst the Highway Authority had raised no objection, she considered that there was sufficient concern to justify a re-examination of the highway issues. She requested deferral of this application pending an independent highway survey.

Councillor A Brown stated that he was addressing the Committee as Portfolio Holder for Housing and Planning, and as Member for Stody Ward which was within the Holt Primary School catchment area. He expressed disappointment that there was no Highways Officer or representative of the Local Education Authority at the meeting, which he considered to be disrespectful.

With regard to the need for the school, Councillor Brown considered that it could be argued that the new school would be of benefit to the community which could outweigh contravention of planning policies, and that the development of additional housing in Holt could create the necessary demand for capacity. There was no indication of the possible uses for the existing school site. With regard to viability of Norfolk County Council providing a new primary school, the County Council had only committed to a feasibility study and he stated that there was no legal reason why there should not be an option agreement on the land for the development of the school at this stage. He supported the request by Councillor Perry-Warnes for an independent highway report. He proposed deferral of this application for further information to be brought to a future meeting of the Committee.

Councillor Mrs S Bütikofer stated that she was speaking as County Councillor for Holt. She stated that the school was a pivotal factor in this application. She explained how the requirement for primary school places was calculated. The same calculation was used throughout the whole of the county and did not explicitly take into account the demographic and sales profile of purchasers of dwellings in Holt. In the event of the new dwellings not generating the expected number of pupils, NCC had stated clearly that other options may need to be considered, which was the reason for holding the land for 10 years. NCC had confirmed that there was capacity in other primary schools in the area. The scheme had not been prioritised by NCC and funding had only been set aside for the development of a plan. She stated that the site was not the NCC preferred site but other options had fallen away. She received many more representations as a County Councillor regarding Hempstead Road than anything else, raising concerns about highway safety of that location, and she could not understand the Highway Authority's views. She considered that the location was completely unacceptable and supported the request for an independent traffic management survey. She also requested further substantive evidence of the need for primary school places in Holt.

Councillor G Mancini-Boyle considered that a one-way system could have been introduced if access had been given to Lodge Close. He had calculated that the proposed housing development could result in around 160 vehicles, with over 300 in the event of the school being opened. He considered that the proposal was not a viable site for a new school.

The Head of Planning and Major Projects Manager referred to concerns which had been raised outside of the meeting with regard to amenity issues relating to vehicle movements associated with a new school in this location, but which had not yet been discussed.

Councillor N Lloyd stated that when he visited the site he had been struck by the inconvenience to existing residents. He considered that the area would become gridlocked with parents bringing children to the school in cars. He was also

disappointed that there was no reference to climate emergency in the report.

The Head of Planning explained that given its position with regard to the existing and emerging local plans, the Local Planning Authority had to be guided by National Planning Policy which had not yet caught up with climate emergency. He was unable to advise the Committee to give material weight in planning judgements to issues which were not currently part of planning policy.

Councillor P Heinrich stated that there would be at least 100 vehicles arriving in the morning and afternoon. He considered that engines would be idling when children were dropped off at the school, causing air pollution and environmental damage, and at picking up time parents would be parking to wait for their children and socialising with other parents, causing severe damage to the amenity of the area for new residents as well as existing residents. He considered there was no logical reason to impose this environmental damage on existing residents.

Councillor Mrs S Bütikofer referred to concerns which had been raised in a nearby town regarding the impact of parents dropping off and picking up their children with no regard to the local community.

The Chairman expressed concern that there could be safety issues with parked cars as small children were not very aware of road safety.

The Chairman asked for a proposer for the Officer's recommendation. There was no proposer.

Councillor Brown proposed deferral of this application to seek due diligence with regard to the need for primary school places and financial commitment from the Education Authority to the provision of a new school, and a traffic assessment.

In response to a question by Councillor D Baker as to the effect of the deferral, the Head of Planning explained that a further report would be submitted to the Committee for consideration following receipt of an independent traffic report and further information.

Councillor N Pearce seconded the proposal.

RESOLVED

That consideration of this application be deferred:

- 1. to seek proof of the need for primary school places and greater financial commitment to the school by the Education Authority; and**
- 2. to seek an independent report in respect of the highway and access issues.**

54 CROMER - PF/19/0801 - SINGLE-STOREY FRONT EXTENSION & MINOR INCREASE IN HARDSTANDING AREA; 9 BRIDGE CLOSE, CROMER, NR27 0FJ FOR MR SOBRAYEN

This application was deferred at the request of the Head of Planning.

55 NORTH WALSHAM - PF/19/0965 - ERECTION OF DWELLING (FOR MANAGER OF WASTE SITE) AND ASSOCIATED WORKS; LAND NEAR BOUNDARY PIT

RECYCLING SITE, KIDAS WAY, NORTH WALSHAM, NR28 9FN FOR CARL BIRD LTD

(Heading amended from published agenda)

The Committee considered item 9 of the Officers' reports.

Public Speakers

Mr R Wright (North Walsham Town Council)
Mr C Bird (supporting)

The Acting Development Manager explained that the proposed new access from Kidas Way had now been omitted from the proposal and it was intended to use the existing access. He presented the report, displayed plans and photographs of the site and surrounding area. He recommended refusal of this application for the reasons stated in the report.

Councillor Ms V Gay, the local Member, stated that she had sympathy with the speakers on this application but Councillor Seward would speak on this application as she had an interest in the decision.

Councillor E Seward considered that there were material considerations in this case to outweigh the SS1 policy objections. He stated that there had been no objection from the public, North Walsham Town Council and Worstead Parish Council, and there were no highway, design, landscape or amenity issues that could not be addressed by conditions. The business was well-respected, financially viable and expanding. He considered that the area was not physically remote or isolated, being only a short drive from North Walsham, and the site was adjacent to a busy County Council recycling site. However, the actual location of the site was physically and visually isolated which raised security and safety concerns. The applicant was of the view that he needed to live on site and that CCTV alone was not sufficient. If approved, the applicant intended to close the existing site at Grammar School Road which would take HGVs away from the residential roads and be a major step to help the town. He considered that the proposal was compliant with Policy HO5.

Councillor N Lloyd considered that it would be clearly beneficial for someone to live on the site on health and safety grounds. He stated that the applicant was a respected businessman who had respect for the town and its residents. He fully supported this application.

Councillor N Pearce considered that a dwelling on the site for management purposes in relation to the applicant's future proposals would be a preventative measure against possible problems. He supported this application.

Councillor P Heinrich also expressed support for the proposal and considered that the benefit of removing HGVs from Grammar School Road outweighed all other issues. He considered that the possible future use of the existing site for housing or other purposes that would benefit the town had to be taken into consideration.

The Acting Development Manager explained that more weight could have been attached to the relocation of the business if planning permission had been in place and a legal agreement entered into to cease the present use at Grammar School Road. There was no certainty that the use would cease.

The Major Projects Manager advised the Committee that there had to be clear reasons to depart from policy and to ensure that approval did not result in an isolated house in the Countryside with no link to a business. It was possible to link the house to the business through a Section 106 Agreement or Unilateral Obligation, and also to seek an obligation to cease the use of the Grammar School Road site to secure the added public benefits of removing traffic from the town.

Councillor Mrs A Fitch-Tillett stated that she supported the application on the following grounds:

1. Necessity for the waste disposal site;
2. Security of the waste disposal site, in the event of fire, burglary etc.;
3. A Section 106 agreement could (a) tie the dwelling to the waste site in perpetuity; and (b) secure relocation of the Grammar School Road depot within a reasonable timescale.

The Major Projects Manager stated that it would be desirable for an application to relocate the business to be submitted quickly to establish permission for the full extent of the use of the site.

Councillor Mrs S Bütikofer considered that the proposal was compliant with Policy EC3 as one house would be appropriate to the scale of the existing development and would not have a detrimental effect on the area as it would be well screened. She referred to the climate emergency and considered that the proposal would improve air quality in the town and improve the health and safety of the public, in accordance with Policy EN13.

Councillor Dr C Stockton considered that there was a need for someone to be on the site and that material considerations relating to the practicalities and security of the business outweighed policy in this case.

At the request of Councillor A Brown, the Locum Solicitor explained the differences between a Section 106 Agreement and Unilateral Undertaking. She confirmed that either would be appropriate in this case.

Councillor D Baker referred to the Corporate Plan which placed emphasis on the need to support business in North Norfolk. He supported this application.

Councillor A Yiasimi stated that each application had to be considered on its own merits and in this case the benefits to the community far outweighed refusal.

There was no proposer for the Officer's recommendation.

It was proposed by Councillor Mrs A Fitch-Tillett, seconded by Councillor N Lloyd and

RESOLVED unanimously

That the Head of Planning be authorised to approve this application subject to:

1. **The prior completion of a Section 106 Agreement or Unilateral Obligation to link ownership and occupation of the dwelling to the ownership of the business, and to cease the use of HGVs on the Grammar School Road site within a timescale to be agreed; and**
2. **The imposition of conditions considered to be appropriate by the Head of**

Planning.

Reasons: the necessity of the waste management site, security from theft, fire and antisocial behaviour, and improvement in air quality by removal of HGVs from the town are considered to be compliant with Local Plan policies EC3 and EN13.

56 **NORTH WALSHAM - PF/19/1291 - CHANGE OF USE FROM B&B TO RESIDENTIAL DWELLING (RETROSPECTIVE); 20A CROMER ROAD, NORTH WALSHAM, NR28 0HD FOR MR BIRCH**

The Committee considered item 10 of the Officers' reports.

The Acting Development Manager presented the report and displayed a location plan and photograph of the site. He recommended approval of this application subject to the conditions listed in the report.

It was proposed by Councillor N Lloyd, seconded by Councillor P Heinrich and

RESOLVED unanimously

That this application be approved subject to the conditions listed in the report and any other conditions deemed necessary by the Head of Planning.

57 **SUSTEAD - PF/19/0603 - CHANGE OF USE OF A FORMER SCAFFOLD YARD TO A SELF-STORAGE FACILITY (B8 STORAGE) INCLUDING INSTALLATION OF STORAGE CONTAINERS & OFFICE/WELFARE UNIT AND LAYING OUT OF STORAGE COMPOUNDS; WHEELWRIGHTS, THE STREET, SUSTEAD, NORWICH, NR11 8RU FOR WILD BOAR PROPERTIES LTD**

The Committee considered item 11 of the Officers' reports.

Public Speakers

Mrs Bowland (Sustead Parish Council)
Mrs Williamson (objecting)
Mr A Temperton (supporting)

The Acting Development Manager presented the report and displayed plans and photographs of the site and surrounding area. He explained that the photographs had been taken in 2018 and the site was now more overgrown. He referred to an email which had been circulated to the Committee on behalf of the applicant. He recommended approval of this application as set out in the report.

Councillor J Toye, local Member, questioned whether the proposal was a suitable development for Sustead. The previous scaffold yard had 2-4 small lorries which operated outside of peak times. The proposed container yard and open storage could have many different users and most traffic would come from outside the village and include many more journeys by large vehicles. He referred to the Spatial Strategy which addressed the need to reduce travel and encourage other modes of transport. He considered that the proposed use would bring traffic into conflict with other forms of transport as the road network was used by horse riders and included the Weavers Way and National Cycle Route 33. He referred to a number of comments in the report which were not supportive of this application. He expressed

concern that the proposal could cause more run-off due to the increased amount of ground which would be covered by the development, with the potential for pollutants to enter the waterways. He stated that part of the lane to the front of the property had permission to be stopped up and a fence would further reduce visibility. He considered that approval of this application would compromise the Spatial Strategy with regard to the need to reduce travel and would challenge the Core Strategy policies which aimed to enhance and protect the character of the countryside, landscape and local environment.

Councillor Mrs S Bütikofer stated that she was speaking as County Councillor for Sustead. The previous scaffolding company had vacated the site a number of years previously which had immeasurably improved the quality of life for residents. With regard to Policy EN2, Sustead was a tiny hamlet and very rural and the proposed containers would be damaging to the environment. She accepted that the site needed tidying up but a planning application should not be used to do so. She recommended that enforcement action be taken to tidy the site. She considered that the amenity value would be hugely impacted by the proposal. With regard to traffic, there was no speed limit and the lane was mostly single track with poor visibility. Only one of the roads which converged on the site could be used to transport larger items and bring in the containers. There were other commercial sites in the village but these were cottage industries which did not impinge on the village or its residents. She considered that this was the wrong site for the proposed use and the landscape should be protected and enhanced.

Councillor Dr C Stockton stated that the site was very close to Spurrell's Wood, which local residents and others had turned into a natural environment, and the Felbeck Trust had recently received an environment award for its work at Sustead Common. He considered that this was not an appropriate site for a container yard and there were no guarantees as to other equipment that could be stored on the site. He considered that vehicles coming in and out of the site would affect the amenity of the village.

Councillor Mrs A Fitch-Tillett considered that the proposed use was totally inappropriate. She stated that this was a brownfield site and considered that there was an opportunity to use it for property development.

Councillor N Pearce referred to the conclusion in the report which stated that the proposal would not be acceptable if it were new development. He considered that the proposal could potentially be considered as new development given the length of time the site had been vacant.

The Major Projects Manager stated that he had concerns as to whether the 2008 planning permission for extension of the scaffolding yard had been implemented. If it had not, a large part of the site would be removed from the application. He acknowledged that the traffic movements associated with the previous use as a scaffolding site would be very different from a site with individual storage units with many more traffic movements in and out, which could amount to intensification of use of the site. He stated that there was no proposal for dwellings before the Committee and weight could not be given to it. He advised the Committee to defer consideration of this application for clarification as to the possible intensification of the use of the site and whether or not the 2008 permission (PLA/20081174) had been implemented.

Councillor Mrs S Bütikofer considered that the application should be refused on highway grounds. In the event of deferral, she requested a strong highways report.

She also requested that consideration be given to the visibility splay.

The Major Projects Manager explained that the Highway Authority's position would be affected by the implementation or otherwise of the 2008 permission and possible intensification of use of the site.

Councillor T Adams requested that concerns regarding impact of water run off on the common and whether it would be a consideration following intensification of the site should be addressed.

Councillor A Brown requested that a copy of the 2008 permission be appended to the next report.

It was proposed by Councillor A Brown, seconded by Councillor A Yiasimi and

RESOLVED unanimously

That consideration of this application be deferred:

1. To investigate whether or not permission PLA/20081174 had been validly implemented;
2. To consider possible intensification of use of the site;
3. To obtain a further highways report, including consideration of the visibility splay.
4. To address concerns regarding the impact of water run off.

58 **TRUNCH - PO/19/1057 - ERECTION OF DWELLING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED); LAND OPPOSITE CORNISH AVENUE, NORTH WALSHAM ROAD, TRUNCH, NORTH WALSHAM, NORFOLK, NR28 0PL. FOR MR KING**

The Committee considered item 12 of the Officers' reports.

The Acting Development Manager presented the report and displayed a location plan and photographs of the site, including the wider context to demonstrate the infill nature of the site. He recommended delegated approval as set out in the report.

It was proposed by Councillor Mrs A Fitch-Tillett, seconded by Councillor Mr T Adams and

RESOLVED unanimously

That the Head of Planning be authorised to approve this application subject to no further material comments in response to further publicity advertising the application as a departure from the current Development Plan, subject to the conditions listed in the report and any other conditions deemed necessary by the Head of Planning.

59 **APPLICATIONS RECOMMENDED FOR A SITE INSPECTION**

None.

60 **APPEALS SECTION**

(a) **NEW APPEALS**

The Committee noted item 14(a) of the agenda.

(b) INQUIRIES AND HEARINGS - PROGRESS

The Committee noted item 14(b) of the agenda.

(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

The Committee noted item 14(c) of the agenda.

(d) APPEAL DECISIONS – RESULTS AND SUMMARIES

The Committee noted item 14(d) of the agenda.

(e) COURT CASES – PROGRESS AND RESULTS

The Committee noted item 14(e) of the agenda.

The meeting closed at 12.42 pm.

CHAIRMAN
7 November 2019