

THURSDAY, 28 MAY 2020

Minutes of a meeting of the **Development Committee** held via video conference at 9.30 am when there were attending:

Councillors

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

Mr C Cushing
Mrs A Fitch-Tillett
Mr R Kershaw
Mr G Mancini-Boyle
Dr C Stockton
Mr A Yiasimi

Mr P Fisher
Mrs W Fredericks
Mr N Lloyd
Mr N Pearce
Mr A Varley

Mr J Toye (In place of Mr A Brown)

Mr V FitzPatrick – Stibbard Ward
Mrs G Perry-Warnes – Corpusty Ward
Mr E Seward – North Walsham East Ward

Mr J Rest (observer)

Officers

Mr P Rowson, Head of Planning
Mr N Doran, Principal Lawyer
Mr G Lyon, Major Projects Manager
Mrs S Ashurst, Development Manager
Mr D Watson, Interim Development Manager
Mrs C Bye, Senior Environmental Protection Officer
Miss L Yarham, Democratic Services & Governance Officer (Regulatory)

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

An apology for absence was received from Councillor A Brown. There was one substitute Member in attendance.

2 MINUTES

The minutes of a meeting of the Committee held on 30 April 2020 were approved as a correct record for signature by the Chairman.

3 ITEMS OF URGENT BUSINESS

None.

4 DECLARATIONS OF INTEREST

<u>Minute</u>	<u>Councillor:</u>	<u>Interest</u>
8	Mr C Cushing	Knows applicant
8	Mr G Mancini-Boyle	Knows applicant

The Chairman declared that Members of the Committee had received email correspondence from some of the public speakers.

5 **NORTH WALSHAM - PP/20/0160: PERMISSION IN PRINCIPLE FOR THE DEMOLITION OF THE EXISTING BUILDINGS ON SITE AND THE ERECTION OF FOUR DWELLINGS WITH ASSOCIATED PARKING AND GARDENS AND AN EXTENSION OF 30MPH SPEED LIMIT; LAND EAST OF BACTON ROAD, NORTH WALSHAM, NR28 0RA; FOR CINCOMAS LTD**

The Major Projects Manager presented the application. He explained that whilst only location, land use and amount of development could be considered under this "Permission in Principle" application, other matters of detail had been included in the report as they had an influence on the amount of development that the site could accommodate. He outlined the issues for consideration and recommended refusal of this application as set out in the report.

Public Speaker

David Taylor (supporting)

Councillor E Seward, Ward Member, referred to the redevelopment of the adjacent Melbourne House which had been previously approved. He considered that the site was not detached from North Walsham. It was part of the settlement area although the site itself was not within the settlement boundary. He referred to the disagreement between the applicant and officers as to whether housing could be permitted on the brownfield site and considered that this issue needed clarification. He considered that safe access was not an issue as the applicant was willing to provide a footpath link. He referred to a new woodland and orchard which had been developed by the applicant, which did not suggest that he would cause damage to trees and the landscape. He requested constructive dialogue to address the contaminated land issue. He considered that the best way to judge the impact of the nearby poultry farm was to visit the site, and referred to a recent appeal case which determined that it was necessary to have clear evidence of complaints which could not be satisfactorily resolved if refusing an application close to a poultry farm. Environmental Health had raised no objection in respect of the development at Melbourne House. He considered that the only way to arrive at an informed and proper decision in this case was to undertake constructive dialogue with the applicant and for the Committee to carry out a site inspection.

Councillor P Heinrich, Ward Member, stated that he had had no contact with the applicant or visited the site and that Councillor Seward had dealt with this matter. He stated that this was a brownfield site, which was part of the grounds of Melbourne House where conversion of outbuildings had recently been permitted. He considered that the notion that development could not take place outside the development boundary was inconsistent. It was unclear as to whether or not the proposal would breach Local Plan Policies SS1 and SS2. He considered that small scale development would complement the existing buildings at Melbourne House and that bungalows were very much needed given the age profile of the District. He supported Councillor Seward's views in respect of highway issues and considered that further information was required in respect of noise and odour nuisance. There was no evidence that protected species and trees would be damaged. He considered that more information on layout and how the buildings would sit in relation to Melbourne House would be useful. In view of the complexity of the site and the need for the applicant to provide further key information, he proposed

deferral of this application until a physical site inspection could take place and additional information provided regarding:

- The layout of the proposed bungalows within the site
- How trees and other landscaping can be protected
- Details of proposed footpath including views of Highway Authority
- A full ecological assessment
- Proper assessment of noise and odour issues to include the appropriate involvement of EH officers
- To enable further objective dialogue with Planning Officers to find an appropriate approach to the reuse this brownfield site.

The Chairman reminded the Committee that the normal voting process would need to be followed.

Councillor R Kershaw stated that although the site was outside the development boundary of North Walsham, it was adjacent to a large caravan park. He was familiar with Melbourne House and considered that there was no problem with highways or access. He considered that the buildings to be removed were not pleasant and refusal of this application at this stage would be hasty. He seconded the proposal.

Councillor N Lloyd stated that he had been the Ward Member until May 2019 and had no recollection of any complaints regarding the poultry farm. He concurred with Councillor Seward's appraisal of the situation. The existing building was an eyesore and he would welcome tasteful redevelopment. He considered that refusal of this application would be inconsistent with the permitted development at Melbourne House. He supported deferral of this application for a site visit and further dialogue with the applicant.

Councillor J Toye requested clarification with regard to brownfield and whether the proposal was infilling rather than extension of the town as there were buildings beyond the site. He stated that the prevailing wind blew away from the site towards the farm.

Councillor Mrs A Fitch-Tillett stated that she had experience of the technical side of the poultry industry. She explained how the potential for nuisance differed according to the type of poultry and requested clarification as to which birds were farmed.

At the invitation of the Chairman, Mr Taylor confirmed that the birds were chickens up to 35 days old.

The Major Projects Manager referred to Members' comments regarding the proximity of the site to the development boundary and advised the Committee to consider how this application complied with Policy SS2. He stated that it was important not to undermine policies that had been in place for a long time and with which the Council had success at appeal. He reminded the Committee that changes to policy should be considered through the Planning Policy and Built Heritage Working Party. He also advised that less weight should be given to paragraph 118(c) of the NPPF relating to brownfield sites as the site was not within the development boundary.

Councillor N Pearce considered that the proposal defined what should be done with brownfield sites. He supported a site inspection and further dialogue in this case.

Councillor Heinrich requested clarification as to whether the proposal would have been considered differently if it had related to conversion of the existing building for housing.

The Major Projects Manager explained that conversion of the existing building to residential use would have been appropriate under Policy SS2. However, the application proposed clearing the existing building and it therefore conflicted with that policy. The brownfield element of the proposal was a consideration, but in his professional opinion, it was not an overriding issue that would support approval of this application.

The Head of Planning reminded the Committee that this was an application for permission in principle and not a planning application, it did not relate to conversion of the building and had to be assessed under the three criteria outlined in the report and presentation by the Major Projects Manager. He reiterated the issues which had been raised by Members. He stated that site inspections could not be carried out at the present time and restrictions were unlikely to be lifted in the short term. There were a number of significant complex matters to be resolved, on which Officers would need to negotiate, and an extension of time of at least three months would be required. He requested that the Committee vote on the Officer's recommendation.

The Principal Lawyer advised that under an application for permission in principle, Members had to consider whether that amount of development in that location was acceptable in principle. Members should not take into account the potential details of the proposed development at this time.

Mr Taylor indicated that he would be happy with deferral of this application regardless of the length of time.

Councillor Mrs A Fitch-Tillett proposed refusal of this application in accordance with the recommendation of the Head of Planning. This was seconded by Councillor P Fisher. On being put to the vote, the proposal was lost by 2 votes to 10.

Councillor P Heinrich proposed deferral of this application in the terms he had put forward earlier in the meeting. This was seconded by Councillor R Kershaw.

RESOLVED by 11 votes to 1

That in view of the complexity of the site and the need for the applicant to provide further key information, this application be deferred until a physical site inspection can take place and additional information is provided regarding

- **The layout of the proposed bungalows within the site**
- **How trees and other landscaping can be protected**
- **Details of proposed footpath including views of Highway Authority**
- **A full ecological assessment**
- **Proper assessment of noise and odour issues to include the appropriate involvement of EH officers**
- **To enable further objective dialogue with Planning Officers to find an appropriate approach to the reuse this brownfield site.**

(Councillor A Yiasimi did not vote as he had been unable to join the meeting for the start of this item. Councillor Dr C Stockton had not joined the meeting at this stage

due to technical difficulties.)

6 HOLT - PF/19/1913 - FORMATION OF CONCRETE SURFACED BUS TURNING AREA, OVERFLOW BUS PARKING AREA WITH PERMEABLE SURFACE AND STAFF CAR PARKING AREA WITH ASSOCIATED DRAINAGE (REVISED PLANS AND ADDITIONAL INFORMATION); KONGSKILDE UK LTD, HEMPSTEAD ROAD BUSINESS CENTRE, HEMPSTEAD ROAD, HOLT, NR25 6EE FOR SANDERS COACHES LTD

The Development Manager presented the application. She reported that two additional representations had been received, which raised issues that had been addressed in the report and additional issues in respect of the consultation period and the proper implementation of mitigation measures secured through conditions and future compliance with those conditions. In response, the Development Manager stated that there had been three rounds of consultation on this application and it was considered that the consultation had been adequately addressed. Any issues that arose in respect of the implementation of mitigation measures and non-compliance with conditions could be dealt with by Planning Enforcement. The Development Manager recommended approval of this application as set out in the report.

Public Speaker

Charles Sanders (supporting)

Representations from Councillor D Baker, Ward Member, were summarised in the report.

Councillor Mrs G Perry-Warnes, Ward Member, emphasised the importance of compliance with the conditions and requested that the management plan be diligently implemented by the applicant. In addition, she requested that a clear line of communication be established to enable the local residents to notify the applicant of any disturbances or departure from the management plan and give confidence to the local residents that any issues could be dealt with quickly. Despite those concerns, she supported this application and requested that the Committee approve this application. She referred to Section 6 of the NPPF and the importance of the applicant's business to the local economic infrastructure. She considered that the services provided by this business would be jeopardised if the application were refused.

Councillor G Mancini-Boyle requested clarification of the use of spill kits and the monitoring and logging of any pollution.

At the invitation of the Chairman, Mr Sanders explained that spill kits were used to ensure that any fluid leak could be cleared up. All spillages on all sites were logged.

Councillor J Toye stated that he had worked in the industry in the past. He had worked for Mr Sanders but had not declared it as it was many years ago. He agreed with Mr Sanders' concerns that speed bumps and traffic calming would generate noise rather than reduce it, particularly when driving an empty vehicle over them.

The Chairman requested details of drainage from the hard surfacing, particularly in relation to solvents.

Mr Sanders explained that it was not intended to use solvents on the site as washing

and maintenance took place at another site. A swale would be built to take rainwater from the site.

The Senior Environmental Protection Officer explained that the traffic calming measures had been suggested by the acoustic consultant. She considered that it was unlikely that neighbouring dwellings would be affected by noise as the speed bumps would be shielded by a building. Vehicle speeds and noise would be reduced before they entered the open area at the rear of the site.

At the invitation of the Chairman, Mr Sanders explained that a speed limit of 5mph was imposed at all the company's sites and monitored to ensure strict adherence. Coaches had operated on the site for the past two years without any complaints being received.

Councillor C Cushing considered that it would be prudent to remove the requirement for speed bumps on the site. Councillor A Yiasimi endorsed his comments.

The Development Manager stated that the proposed noise conditions included a vehicle management plan which could be amended to refer to the maximum speed of vehicles on site and adherence to the speed limit, which would enable the removal of the condition for traffic calming measures in the proposed conditions.

It was proposed by Councillor Mrs A Fitch-Tillett, seconded by Councillor C Cushing and

RESOVLED unanimously

That this application be approved in accordance with the recommendation of the Head of Planning, subject to amendment of the Vehicle Management Plan to include reference to the maximum speed limit, and removal of the requirement for traffic calming measures from the conditions.

(Councillor Dr C Stockton did not vote as he had been unable to join the meeting for the start of this item.)

7 **KETTLESTONE - PF/19/1966 - DEMOLITION OF LIGHT INDUSTRIAL BUILDINGS (B1) AND ERECTION OF 8 DWELLINGS AND ASSOCIATED WORKS (C3); CHURCH FARM BARN AND EAST BARN, KETTLESTONE, NORFOLK, NR21 0JH FOR MR & MRS ROSS**

The Interim Development Manager presented the application. He reported that an email had been received from the office of Jerome Mayhew MP referring to concerns raised by the occupants of Church Court. He advised the Committee that although the application was contrary to Local Plan policies SS1 and SS2, the fallback position in the event that planning permission for the current proposal was not granted was a material consideration in this case. He stated that two additional slides showing the relationship of the application site to Church Court would be shown after the objector had spoken. He recommended approval of this application as set out in the report.

Public Speaker

John Hirst (objecting)

Councillor V FitzPatrick, Ward Member, considered that this application was finely

balanced. He considered that the current proposal was preferable to the extant permission in terms of its contribution to the built environment and it would improve the character and amenity of the site. Whilst the application was contrary to policy, he considered that other material considerations indicated that it should be approved. He supported the officer's recommendation.

The Interim Development Manager displayed slides demonstrating the relationship of the proposed dwellings which were closest to the neighbouring dwelling. He referred to the floor plans which had been included in the presentation pack previously circulated to the Committee, and indicated the position of the windows and their relationship with the neighbouring dwelling. He considered that any overshadowing would not be sufficiently significant to warrant refusal of this application. He clarified that the extant permission related to conversion of the existing buildings and the external appearance was not known. The current application related to new build dwellings.

Councillor Mrs A Fitch-Tillett referred to similar applications which had been refused as they were outside the development boundary. She did not consider that the current application was any different from those applications.

The Development Manager stated that each application should be considered on its own merits and she did not have the detail of the cases quoted by Councillor Mrs Fitch-Tillett to advise if a fallback situation had been in existence in those circumstances. She advised Members to consider the weight that should be given to the fallback position in this case, and if it was considered that the weight was less than the report suggested, the Committee could overturn the recommendation on grounds that the proposed dwellings were new build in the Countryside and therefore contrary to policy.

The Head of Planning advised the Committee with regard to matters of balance and planning judgement in this case.

Councillor Mrs W Fredericks requested clarification as to the sustainability of this location. She considered that the proposal would generate at least 16 cars and that it was not possible to access services without a car.

The Interim Development Manager stated that whilst the site was not physically remote, it was remote from everyday basic facilities and services. He understood that there were no facilities in Kettlestone, apart from the village hall, the nearest shop was in Little Snoring and the nearest principal settlement was Fakenham. The proposal was therefore contrary to Policies SS1 and SS2.

Councillor G Mancini-Boyle expressed concern at the apparent inconsistency in applying Policies SS1 and SS2.

The Head of Planning explained that the proposal was very much contrary to the locational policies SS1 and SS2, which were greatly respected and given much weight. However, in this case it was considered that exceptional circumstances prevailed. Residential development would take place on the site in any case and the recommendation would be different if there was any doubt that the extant permission could be delivered. The prior notification process had established the principle of residential development on this site irrespective of its remoteness from services and facilities. It was a difficult decision for Members to make but it was a matter of balance and judgement as to the weighting of the issues in this case.

Councillor P Heinrich considered that the existing barns were not ideal and that the current proposal offered good quality housing. It was inevitable that the site would be used for housing, and although the proposed development was a clear breach of policy, he reluctantly proposed the officer's recommendation to approve this application.

Councillor C Cushing considered that the conversion of the barns would not look appealing and he reluctantly seconded the proposal.

Councillor A Varley requested clarification of the sustainability issues.

The Head of Planning explained that this proposal was not a question of sustainability. It would not meet the sustainability criteria but there were other considerations in this case that had been accepted through the prior notification process where policies were not considered.

Councillor N Lloyd expressed concern that the report lacked details in respect of ecology, environment and climate change and he could not support the application on that basis.

Councillor Varley supported Councillor Lloyd's view that the report contained insufficient detail.

The Head of Planning explained that sustainability of the build was a matter for consideration under the Building Regulations. There was no clear commitment for this development to deliver beyond the required standards.

Councillor R Kershaw considered that the Council should be moving towards green building and sustainability and begin to apply such conditions on building as the Local Plan moved forward.

The Chairman asked if it was possible to apply sustainability conditions on this application.

The Head of Planning explained that green building was not a case of adding sustainable design conditions at a later stage. He considered that adding such conditions in this case would be difficult to enforce and may stretch the bounds of reasonableness.

The proposal to approve this application in accordance with the recommendation of the Head of Planning was put to the vote and lost with 5 Members voting in favour, 7 against with 1 abstention.

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

RESOLVED by 7 votes to 2 with 4 abstentions

That this application be refused on the grounds that the fallback position is undeliverable, there is no security in respect of green build issues that are part of the Local Plan, and the location is unsustainable.

8 **NORTH WALSHAM - PF/20/0444 - CHANGE OF USE FROM RETAIL USE AND RESIDENTIAL FLAT TO OFFICE AND RESIDENTIAL FLAT (SUI GENERIS); 15 - 17 MUNDESLEY ROAD, NORTH WALSHAM, NR28 0DA FOR MR D SIMPSON**

The Interim Development Manager presented the application. He recommended approval of this application as set out in the report.

Councillor N Lloyd explained that he had called in the application in order to uphold the spirit of the Council's Constitution when it became clear that it related to a constituency office for the local MP. He had no objection to this application. Although the Town Council had objected to the application as it involved the loss of retail space in the town, he considered that it was preferable that the building was occupied and the proposed office use would provide employment.

The Head of Planning explained that due diligence had been carried out in respect of this application. The application had been made by a private individual. It had not been made under the terms of the constituency, political party or as a constituency office. The application related only to the change of use from a retail premises to office accommodation and was compliant with policy. There had been no requirement to bring the matter before the Committee for determination.

Councillor P Heinrich stated that he had no objection to this application. He considered that it was unlikely to be used for retail in the future.

It was proposed by Councillor C Cushing, seconded by Councillor G Mancini-Boyle and

RESOLVED unanimously

That this application be approved in accordance with the recommendation of the Head of Planning.

9 **APPEALS SECTION**

(a) **NEW APPEALS**

The Committee noted item 11(a) of the agenda.

(b) **INQUIRIES AND HEARINGS - PROGRESS**

The Committee noted item 11(b) of the agenda.

(c) **WRITTEN REPRESENTATIONS APPEALS - IN HAND**

The Committee noted item 11(c) of the agenda.

(d) **APPEAL DECISIONS**

The Committee noted item 11(d) of the agenda.

(e) **COURT CASES – PROGRESS AND RESULTS**

The Committee noted item 11(e) of the agenda.

In response to a question by Councillor P Heinrich as to the timescale for dealing with appeals, the Development Manager explained that the Council was bound by the Planning Inspectorate's timescales. The Planning Inspectorate was considering how unaccompanied site visits could be undertaken, and it was likely that site visits

would not be carried out in some cases.

The Major Projects Manager informed the Committee that there had been some appeals which were due to be dealt with by informal hearing, but the Planning Inspectorate had now agreed to deal with by way of written representations which would speed up the process. An appeal had been received in respect of the Heath Farm site at Holt which would be dealt with by written representations.

The Chairman requested an update on the five-year housing land supply.

The Officers confirmed that the Council currently had a five-year land supply of housing land, which was supported by recent appeal decisions and the Council's Annual Monitoring Report. Any updates to this position would be reported through the Planning Policy and Built Heritage Working Party.

The meeting closed at 11.53 am.

CHAIRMAN
Thursday, 23 July 2020