

## **DEVELOPMENT COMMITTEE**

**Minutes of the meeting of the Development Committee held on Thursday, 14 April 2022 in the Council Chamber - Council Offices at 9.30 am**

**Committee** Mrs P Grove-Jones (Chairman) Mr P Heinrich (Vice-Chairman)  
**Members Present:**

Mr A Brown	Mr P Fisher
Dr V Holliday	Mr R Kershaw
Mr N Lloyd	Mr G Mancini-Boyle
Mr N Pearce	Dr C Stockton
Mr A Varley	Ms L Withington

**Also in attendance:** Mrs V Gay

**Officers in Attendance:** Assistant Director Planning (ADP)  
Senior Landscape Officer – Arboriculture (SLO)  
Planning Officer (PO)  
Principle Lawyer (PL)  
Business Development Manager  
Democratic Service Officer – Regulatory  
Democratic Services Officer – Scrutiny

### **116 TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies were received from Cllr A Fitch-Tillett and Cllr A Yiasimi.

### **117 SUBSTITUTES**

Cllr J Rest was present as a substitute for Cllr A Fitch-Tillett.

### **118 MINUTES**

It was noted that due to a heavy meeting schedule the minutes from the 17th and 31st March Development Committee meetings would be included for the upcoming Committee meeting scheduled for the 12th May.

### **119 ITEMS OF URGENT BUSINESS**

None.

### **120 DECLARATIONS OF INTEREST**

- i. Cllr P Heinrich declared a non-pecuniary interest in Item 9, reference TPO 21 0985, he had received email correspondence from residents in the Norwich Road Area of North Walsham but considered that he was not predetermined in his decision making.
- ii. The Chairman declared a non-pecuniary interest in Item 9, reference TPO 21 0985, she is known to the author of one of the written submissions, but had not discussed the item with her.

### **121 RUNTON - PF/21/0694 - CHANGE OF USE OF LAND TO PROVIDE FOR THE SITING OF EIGHT HOLIDAY LODGES FOR USE AS GUEST ACCOMMODATION**

**IN ASSOCIATION WITH THE LINKS HOTEL; PROVISION OF INFRASTRUCTURE AND PEDESTRIAN LINKS TO THE HOTEL AND PARKING, AT THE LINKS HOTEL, SANDY LANE, WEST RUNTON, CROMER, NORFOLK, NR27 9QH**

The ADP introduced the Officers report and recommendation for refusal. He noted the late representations received and advised a synopsis of late comments had been circulated to Members via email prior to the meeting, this as a consequence of the ongoing consultation process which had only been concluded that day.

He affirmed the context of the site and the proposals relationship within the AONB which had influenced the landscape report. The view from Inceborough Hill of the AONB over the open countryside and the undeveloped coast area was considered to be of significant importance and critical in terms of weighting in the Officers recommendation.

The ADP noted that issues surrounding golf safety had been mitigated and that the proposal included realignment of the golf course which would aid to minimise the concerns of potential conflict between the users of the golf course and the occupants of the holiday lodges, as well as the inclusion of golf safety nets which would be implemented in the short term until tree planting had been established. As such, concerns raised by the Environmental Health team on the matter of safety of the proposal, were considered to be resolved.

He advised Members that the lodges had been designed in such a way to assimilate closely with the nearby dwellings located the northern edge of the site boundary, and with the local landscape. The proposed lodges would be timber cladded, with a flat roof, and had been subject to a landscape visual impact assessment, provided by the applicant. The ADP affirmed the longer term strategy to minimise the impact of the development and the aim to plant both Deciduous and Coniferous trees which would effectively screen the lodges and minimise the harm arising from the proposal. He reflected that there would be an interim period in the short and medium term where the landscaping would not be effective in assimilating the harm arising to the site for a period up to 15 years.

The ADP noted that there was no formal access for visitors or parking at the lodges, and that the visitors would be dependent on the use of golf buggies and pedestrian access routes. The latest proposal was determined to form a stronger linkage to the hotel than prior applications in which the lodges were proposed in a different location. Officers considered there to be no overriding issues in terms of Local Amenity or Highways concerns.

He commented that Officers had considered the impact of biodiversity and habitat and were satisfied that the measures for mitigation within the applicant's ecological report had been satisfactory. He advised if Members were minded to approve the scheme that this would require a GI/Rams payment due to the proposals relationship with the local areas sensitive habitat and biodiversity.

The ADP stated that a key issue in considering the proposal was the matter of economic development, and reflected on the important role which the tourism economy has on the district and the importance of the provision of tourism accommodation. The Applicant had expressed a need for diversification of their tourist offer and the need to seek alternatives as they plan for the eventual loss of the Sea Marge Hotel due to matters surrounding Coastal Protection. The proposal would generate the provision of 6 additional jobs, as well as those associated with

building the units, and would have a beneficial spin off effect on the local economy, as well as on the Links Hotel and the wider Hotel Group.

To summarise, the ADP commented that significance was attached to the diversification of the tourism offer and the proposals associated benefits, which were not considered to be inconsequential. He noted a range of mitigation measures had been introduced which would have some short and long term benefits. However Officers concluded that the harm arising to the landscape and the views from Inleborough Hill over the undeveloped coast was considered to outweigh the economic benefits, or other mitigations and enhancements arising from the proposal. The siting of the lodges within a sensitive area of the AONB would result in overriding harm and was considered contrary to NNDC Core Strategy Policies EN1, EN2, EN3, EN4 and the NPPF paragraph 176.

Public Speakers:

Carole Davidson – Runton Parish Council

William Macadam – Objecting

Marc Mackenzie - Supporting

- i. Local Member – Cllr S Bütikofer – affirmed her support for the Officers recommendation for refusal and provided images of the view from Inleborough Hill. She stressed the Councils responsibility to act as a guardian for the local landscape, protecting the national asset of the AONB, and that that this should be the foremost consideration in Members deliberations. She reflected that the hotel was an important contributor to the local economy but that it was not the only hotel group or independent hotel within the district. The Local Member noted objections raised by the local parish council, Norfolk Coast Partnership, CPRE, The National Trust, The Open Spaces Society, as well as the Councils own Landscape Officers, and that of local residents and members of the public. Cllr S Bütikofer affirmed that the proposal was contrary to five of the Councils own policies, and recited pertinent lines for policies EC3, EN1, and EN2, as well as the NPPF. She considered that whilst it was important to support businesses, this should not be to the detriment of the local environment and that the proposal would have an unacceptable encroachment into the AONB.
- ii. Cllr P Heinrich stated that this application must be considered on planning grounds only. He noted that the application was located within the AONB and that there were other large developments located nearby. In addition, he noted that the proposals were designed to be low, with flat roofs, and were somewhat concealed by existing tree planting and that the additional proposed tree planting would be beneficial in concealing the development in the long term. He noted that North Norfolk was reliant on tourism and that the proposed lodges would provide a mix of accommodation to meet the demands of those tourists. He argued that considerable weight must be applied to the economic arguments but that that was a finely balanced application and he could see the merits of both arguments.
- iii. Cllr G Mancini-Boyle considered it disappointing that the development could not be sited closer to the clubhouse, and noted the visual impact that the proposal would have on the undeveloped area. He noted that the development would have a negative impact on light pollution and whilst he supported the argument for economic growth, he considered the location of the development as an obstruction.

- iv. Cllr J Rest stated his sympathy with the owner, and commended them for being forward thinking. He acknowledged that North Norfolk is a beautiful area that others should be able to appreciate, and that those tourists would bring a tremendous amount of revenue which would benefit the district more broadly. He queried that the Holiday Lodges were not specified as being DDA compliant as set out on page 14 of the Agenda Pack.
- v. In response to Cllr J Rest, the ADP advised that the matter of DDA compliance could be resolved through the use of suitable planning conditions or through the building regulations process and that he would be surprised that any business would want to exclude potential customers. He advised that the operator would need to ensure that some of the units were DDA compliant.
- vi. At the discretion of the Chairman the Applicant was invited to speak and address member's questions. He advised that several of the lodges would be accessible for disabled users and have disabled facilities contained within. Access to the lodges was by way of a rough road without top dressing but that this would be addressed to ensure smooth access to lodges and that this would be wheelchair and buggy accessible. He stated that the intention, as a business model, was to encourage guests to forgo their cars and to make use of walking, biking or golf buggies as needed. He hoped that the guests would be able to enjoy the countryside without the need for vehicles.
- vii. Cllr N Pearce commented that this was a very complex case, but that on balance he considered that the Officers had come to the correct conclusion. He noted the contents of pages 14 and 15 of the Agenda Pack reflected that the proposed development would not be policy compliant. He stated he was galled that the application was part retrospective, and this was against planning law. Cllr N Pearce supported the comments made by the Local Member in that the Council were the guardians of the districts natural heritage, and that the views from Inceborough Hill overlooking the AONB out to the sea would be harmed by way of the proposal. He affirmed that such views were part of the reason why so many tourists wished to come to North Norfolk. He considered the need for economic development but reflected that this did not outweigh the harm caused to the local landscape and so proposed acceptance of the Officer's recommendation.
- viii. Cllr N Lloyd seconded the proposal and reflected that the proposed development would be in breach of many planning policies and would result in an encroachment into the AONB. He agreed with the Local Member and Cllr N Pearce of the Council's responsibility in protecting the AONB, and determined that he could not see sufficient benefits which would offset the harm caused to the AONB. He commented that had the proposed lodges been designed with special environmental considerations and were in affect 'green lodges' that he may have come to a different determination.
- ix. Cllr R Kershaw stated that this was a finely balanced application and acknowledged the economic benefits which the proposal would bring. He agreed with Cllr N Lloyd that the development of 'eco lodges' would have been preferable and be better in keeping with the AONB. He concluded that the lodges were in the wrong location and as such would support the Officers recommendation.

- x. Cllr A Brown commented that both he and the Council understood the important role that Tourism had on the local economy as demonstrated through the distribution of grant awards. He identified three areas of concern. First, the impact the proposal would have on the dark skies policy for High Kelling and Weybourne. Second, that use of a eco-friendly design rather than an industry standard construction, would be a more attractive proposal. Third, that the AONB was a hard bar for any development to overcome and that even with the economic argument taken into consideration, the development would be in breach of several planning policies.
- xi. Cllr L Withington agreed that an eco-friendly design would have been preferable. She asked whether the accommodation would be used all season round, and reflected that if the accommodation did not extend the season in may not be considered appropriate. The ADP advised that the lodges were part of the diversification of the offer of the business and would be available all year round. He noted that most modern accommodations was available to book 12 months of the year.
- xii. Cllr V Holliday affirmed that even if the proposal's design had been more environmentally friendly it did not address issues relating to the harm caused to the landscape and the AONB. She noted that none of the submissions made from the public had been in support of the application.

**RESOLVED** by 12 votes for, and 2 against.

**That planning application PF/21/0694 be REFUSED in accordance with the officer's recommendation with final wording of the conditions to be delegated to the Assistant Director – Planning**

**122 WEST RUNTON - ADV/21/1260 - INSTALLATION OF FREE STANDING EXTERNAL NON-ILLUMINATED SIGN FOR AT DORMY HOUSE HOTEL, CROMER ROAD, WEST RUNTON**

The PO re-introduced the Officers report and recommendation for approval, and noted that this item had been deferred from the Committee Meeting held 31<sup>st</sup> March. He advised that a submission had been received from the Highways Authority who noted that the sign was set back from the highway and would allow for visibility beneath, as such they would find it difficult to substantiate a reason to object to the proposal. The Highways Authority wrote that that the proposal would not affect current traffic patterns or the free flow of traffic.

- i. Local Member- Cllr S Bütikofer – spoke against the Officers recommendation and stated that despite the reassurances provided since the item had last been brought to Committee, her concerns remained. She stated that it was concerning that the Highways Authority in their submission considered that that the view through the posts would reasonable, and affirmed that access to the property was regularly obscured by parked cars, and that the road was unsafe. The Local Member commented that she had lobbied for a reduction of the speed limit, but that this had been unsuccessful. Cllr S Bütikofer considered that both the size and scale of the proposed sign to be out of place for the local context and that it would negatively impact the open space and the undeveloped coast and would serve as a distraction for motorists. She noted that if applied, policy EN3 and EN4 would be contravened by the proposal.

- ii. Cllr N Pearce noted the history of the site and the various iterations of the sign which had been refused, he considered the proposal to unacceptable due to its position in relation to the underdeveloped coast and to the AONB.
- iii. Cllr R Kershaw proposed acceptance of the Officers recommendation. He acknowledged the Highway Officers submission, which he considered to satisfy his concerns, and stated that issues relating to individuals speeding on the adjacent road was not the fault of the hotel. He commented that Highways Authority should be written to separately, and not as part of the application, to review and reduce the speed limit of the road.
- iv. Cllr J Rest sought confirmation and clarity on the removal of wording to advertise parking to the rear of the property. The PO confirmed this had been removed to assist in the overall reduction of wording on the sign. The ADP advised that both Officers and the Highways Authority were satisfied with the proposed visual appearance of the sign, its location and its contents.
- v. Cllr N Lloyd seconded the proposal and considered that there was little reason on planning grounds to refuse. He stated that the proposed sign would be less intrusive than prior proposals and commented that the behaviour of drivers to drive in excess of the speed limit could not be controlled by the planning process.
- vi. Cllr V Holliday enquired if the original sign had been granted planning permission. The PO advised that it had, and that if a sign were in situ for four or more years it would have automatically been in receipt of planning permission.
- vii. Cllr A Brown supported the Officers recommendation and acknowledged that this was a replacement sign. He stated that the application of policies raised by the Local Member would have had more credence with a new, rather than replacement sign. He reflected on the comments made by the Highways Authority, and considered there to be a minor accident record for the associated road with a minimal fatality record.
- viii. Cllr P Fisher commented that he since this item had been deferred that he had driven past the site and considered that it was in fact the nearby housing and not the sign which obstructs the view of the road. He noted that the proposal would be located within a 30mph speed limit zone.

**RESOLVED** by 10 votes for, and 3 against.

**That application ADV/21/1260 be APPROVED in accordance with the Officers report with final wording of conditions and any others considered necessary to be delegated to the Assistant Director – Planning.**

At the discretion of the Chairman a 15 minute break was taken at 10.55am, the meeting resumed at 11.05am

## **123 NORTH WALSHAM - TPO 21 0985 - LAND SOUTH OF NORWICH ROAD NORTH WALSHAM**

The SLO introduced the Officers report and recommendation for refusal. He affirmed the affected site subject to the proposed TPO and its context within the development land. He advised that the trees were of a good mix and range of age, though noted

that there were some in a poorer condition, and considered that the specified land had developed into natural scrubland which was very important for biodiversity. He highlighted specific trees and zones of interest including a line of Poplar trees which ran across the site, and large evergreens which were key features of the landscape and could be viewed from both Norwich road and from neighbouring housing developments. The SLO affirmed the importance of young scrubland and referred to an example of the Knepp Estate located in South East England, and surveys which concluded that young scrubland was one of the most biodiverse areas of the country, aside from ancient woodland.

He affirmed the key areas for consideration was the protection of biodiversity, ensuring appropriate mitigation of the site in future, and the amenity value of the trees. The SLO stressed that the intention was not to protect every tree, rather it was to protect the amenity and biodiversity. He advised that if individual trees or zones of trees were removed from an area that he would want to see replacement. He advised Members that the TPO had been made as there was a genuine threat to the trees and to the amenity and biodiversity they offered.

The SLO confirmed receipt of a recent legal letter and clarified that in determining amenity he had conducted a Tree Evaluation Method for Preservation Orders known as a 'TEMPO Assessment', and that this was a national system used by all Tree Officers when considering the application of a TPO. He affirmed that whilst not all of the trees had received full marks by consequence of their age range and visibility, the overall subject area did receive a high enough score determined relative to serve a TPO. He advised that the trees were considered to be of amenity value and noted the petition submitted from local residents. He noted that biodiversity, whilst a factor in serving a TPO, could not be the core consideration in serving a TPO and that this was the amenity of the trees. The SLO responded to comments made within the legal letter which questioned the legality of applying an 'Area Order', and affirmed that this was a temporary measure which he considered could be applied for a couple of years, and noted that the Council had other TPO's dating back to the 1940's.

The SLO advised that the TPO had not served to stop development, rather it was to protect amenity and biodiversity and expressed the Council were more than willing to work with the developer. The ADP supported the representation and guidance offered by the SLO, and stated that the site still had development potential and that the Council was not anti-development and still want to see some form of development facilitated provided that it was the right form of development. He affirmed that the Council wanted to work with the Developer and Community to seek a resolution.

The PL stated that the Birkett's letter of the 11th April raised two main concerns – firstly that they believe the Council was considering improper criteria for confirming the TPO and secondly, that they believe the Council's use of an "area based" TPO to be inappropriate in these circumstances.

She advised, taking the first concern, that a TPO could only be made in the interests of "amenity" and that "Amenity" is not defined in the Town and Country Planning Act but that there is Secretary of State guidance which advises that TPO's should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. The value of trees may be from their intrinsic beauty or for their contribution to the landscape. Other factors such as their importance as a wildlife habitat may be taken into account but wouldn't, alone, justify the TPO. So the test is "do the trees have a

public amenity value?" So provided there is sufficient information before the members on the amenity value of the trees, then that is sufficient.

She further added, taking the second concern, (that the "area based" TPO is inappropriate) that it was fair to say that it was rarer for a TPO to cover an area of land. An area designation covers all the trees of whatever species in that area and it was usually introduced as a holding measure until proper survey work can be done. It was also normally considered good practice to review an area order and modify it with an order that specifies individual or groups of trees. However, there was no legal requirement to modify an area based TPO. The PL stated she understood that the Council officer's view was that the trees within this TPO have a broad amenity value as a whole and therefore members are being asked to confirm the TPO without modification.

#### Public Speakers

Stephen Hayden – Objecting

- i. Local Member – Cllr N Lloyd – expressed his support for the Officers recommendation. He affirmed that Hopkins Homes had, during phase 1 of their development in 2013-2014, felled many trees in the area, notably those of Mulberry and Hornbeam, and that these actions had resulted in widespread dismay, that such predominant and beautiful trees could be felled without consultation with the Town Council or wider public. He noted that in that instance a TPO had been confirmed but was later removed at appeal by the Planning Inspectorate. A condition had been applied for mitigated planting, however Cllr N Lloyd stated that during a recent inspection of the site a large number of this planting was now dead, and the planned Wildflower Meadow was a patch of grass. He considered it unacceptable that Hopkins Homes would not ensure an appropriate maintenance strategy and that he was working with Officers on this matter. Cllr N Lloyd stated that the serving of a TPO was important to stop the removal of trees and hedgerows during pre-application. He reflected that the land served as an Island of Biodiversity and was home to a variety of flora and fauna and served as food source and roosting space for many species. He supplied images which were presented to Members, to show the existing habitat which he contended warranted protection and that it has a rich biodiversity value. He commented that he did not resist the sites designation as development land, and welcomed a scheme which would be sensitively designed in such a way that it would not result in the destruction of well-established scrubland and woodland. He was convinced that a compromise could be reached and which would ensure the best outcome for wildlife.
- ii. At the discretion of the Chairman, Cllr V Gay, Member for North Walsham Market Cross was permitted to speak as a representative for Local Member – Cllr D Birch. She stated she was well acquainted with the sight and asked Members to consider the representations made from Cllr N Lloyd and Officers to confirm the TPO. She considered the site, and the trees and scrubland contained therein to be of significant amenity value to residents, and affirmed the Councils commitment to protecting biodiversity. She determined that the use of the TPO would not prevent development, and that its applications may ensure a better outcome for the town and its residents.
- iii. The PL advised in response to comments made that whether or not trees are removed subsequently from a site is not a relevant consideration as whether to confirm a TPO. The determining factor in this item was consideration and



weighting of amenity value.

- iv. Cllr P Heinrich commented that the area was not a woodland in a traditional sense of the word but rather was an area of scrubland and natural re-wilding. He reflected that the land was designated as Development land and that those residents who were adjacent would have been aware of this. He surmised from the officers report, public representations and images supplied, as well as his own local knowledge of the site that there were many trees there which were worthy of preservation, and that the area as a whole was rich in biodiversity with a large range of mammals, birds, insects and many native plant species. He expressed concern about the developer's attitude, and questioned why they had not worked with the Council to include the area in part of the landscaping and wider amenity land for the site. Cllr P Heinrich stated his belief that if given the chance, the developer would simply remove everything on the site, and that the use of a TPO would prevent pre-emptive destruction. He hoped that through the confirmation of the TPO that this would provide opportunity for the developer to engage with the Council, and to establish a dialogue. He reflected that any development on the site would be delayed by result of the recent Habitat Regulations Assessment regarding Nutrient Neutrality.
- v. Cllr A Brown reflected on the tone and contents of the Birketts Letter dated 11<sup>th</sup> April, and stated that he considered the legal arguments contained therein to be left somewhat wanting. He commented that the contents of the letter was both disingenuous and extremely disappointing. He highlighted issues with the phrasing of the letter and of typographical errors. He affirmed that the consideration, as he determined, was whether the removal of the trees would have a significant negative impact on the local environment, amenity value and public enjoyment, and that protect of the trees would offer a reasonable degree of public benefit at the present time or in the future. He concluded that the Council, through the SLO, had carried out a detailed survey to determine that a blanket order was necessary as opposed to that of a specimen by specimen order, and that the loss of the trees would have a negative impact on biodiversity. He noted that Council had both an emerging local plan and that there would soon be an Environment Act which biodiversity net gain will be considered important.
- vi. In response to a questions from the Chairman, the SLO advised that it was an 'Area Order' which was proposed for the site. An 'Area Order' was a blanket order which is served with a view to modify at a later date. The SLO considered in serving the TPO that this would enable the Council to work with Hopkins Homes to create proportionate mitigations with a view to modify the TPO accordingly, but that the information requested from Hopkins Homes had not been received. He affirmed the recommendation of the ecological assessment that a biodiversity net gain metric was required, and that this was the key piece of information needed to know what biodiversity value was on the land and which could be mitigated across the site. He informed Members that a 'Woodland Order' could also be applied which if successfully granted would mean that every tree, seedling, and any future seeds would be protected in perpetuity until such a time that the Woodland Order was lifted, and that this would restrict any future development. He advised that the 'Area Order' rather than a 'Woodland Order' had been used as it demonstrated a willingness to work with the developer and to come up with a scheme which would be mutually beneficial.

- vii. Cllr N Pearce expressed his support for the Officers recommendation, and the willingness of Officers to negotiate with the developer. He concluded that Officers had been fair and that the Council could have sought to apply a 'Woodland Order' which would have been far more restrictive for the developer. He considered the tone of the Birketts letter to be deeply offensive, and affirmed that the Council was charged to protect the local environment which he considered the Council did very well.
- viii. Cllr R Kershaw stated that there had been a loss of trust which Hopkins Homes which had resulted in this situation. He concurred with Members assessment that the tone of the letter from Birkett's was offensive. Cllr R Kershaw advised that he was very familiar with the site, and considered that there be an amenity value to the site, noting that is was an area people walk their dogs, bird watch, and that it was a fabulous site used from dawn to dusk. He agreed with the Officers assessment that the Council were not adverse to development and that Officers wanted to negotiate with the developer. He so proposed acceptance of the Officers recommendation.
- ix. Cllr N Pearce seconded the proposal.
- x. Cllr L Withington thanked the SLO and PL for their representations and guidance. She stated that that site served as an important habitat corridor, and reflected that where would be a lot of development coming to North Walsham and it was important to look at the bigger picture. Such wildlife corridors provided amenity value to the community in knowing that the wildlife in their environment could live well in their natural environment.

**UNANIMOUSLY RESOLVED** by 13 votes for.

**That TPO 21 0985 be APPROVED in accordance with the officers recommendation.**

**124 FAKENHAM - TPO 21 0987 - LAND AT FARMLAND NORTH OF A1067 NORWICH ROAD LANGOR BRIDGE LITTLE RYBURGH FAKENHAM NORFOLK NR21 0LW**

The SLO introduced the Officers report and recommendation for approval. He advised that this TPO was brought following contact from a concerned individual, who had a qualification in tree surveying, that some significant trees had been felled in the field north of the Norwich Road in Fakenham, north of Little Ryburgh. He provided images to Members which affirmed that the trees were visible on the horizon from the road, and that they had significant amenity value.

He considered that the tree's which had been served a TPO were considered to be of a good mix and age, and were of very high amenity. He considered that the key considerations was the matter of amenity and biodiversity.

**Public Speakers:**

Mr Thomas Cook – Objecting

- i. Cllr P Heinrich proposed acceptance of the Officers recommendation and reflected on comments made by the land owner that the trees were under no threat, he considered that the confirmation of the TPO should therefore not be objected. He considered that the trees were a valuable part of the landscape and need to be retained.

- ii. Cllr R Kershaw seconded the proposal.

**UNANIMOUSLY RESOLVED** by 13 votes for.

**That TPO 21 0987 be APPROVED in accordance with the Officers recommendation.**

## **125 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

- i. The ADP introduced the Development Management Performance Update report. He affirmed that contents of Section 3.2 located on Page 48 of the Agenda Pack and noted that with respect of Major Development Team that seven decision's had been issued in the last quarter January- March and that all of these had been within time. He noted that this was a significant upturn in the decisions issued by the Majors Team and within the last three quarters, 100% of decisions were issued in time. With respect of Section 3.5 of the report and in the appendix, he advised that there were twelve ongoing Section 106 (S106) cases were currently being progressed and that three S106 agreements had been cleared, with decision notices issued, since last reported with the assistance of the PL.
- ii. The ADP confirmed, with respect of Non Majors Performance as detailed in Section 3.6, that the team had achieved 96% of decisions in time over the last quarter. He stated the intention to continue to issue significant numbers of decisions on non-majors and that these figures would balance the two-year average.
- iii. The ADP advised that Members would continue to receive updates on Nutrient Neutrality, and that its impact on Major Development was an area which needed to be reflected upon and reviewed with respect of its impact on progress and performance. He considered that Non-Majors should be less affected by Nutrient Neutrality but that is issue would still have some affect.
- iv. Cllr G Mancini-Boyle reflected on the impact of Nutrient Neutrality, he considered there to be great improvements reported to Members and so expressed his thanks to Officers for their hard work.
- v. Cllr N Lloyd sought clarity whether the S106's agreements contained within the report were a definitive list. The ADP advised that the list was for those S106 agreements which were actively being processed and that he would be happy to discuss individual cases not contained on the list with Members and the PL. He acknowledged that the matter of S106 agreements had been historically a difficult matter which spanned across various departments. He informed Members that new S106 Software was expected which would enable all S106 agreement to be available within the public domain, this software was aimed for June. Before the software went live, a capture process was needed to ensure all data was gathered and that this would need to be a robust process. He noted that the Council would be looking towards having a dedicated S106 officer who would act as a point of liaison with local communities and who would be able to ensure that spending is actively undertaken and planned with those communities post development and post S106.
- vi. Cllr R Kershaw asked if an update on Nutrient Neutrality could regularly

provide for the Development Committee. The ADP affirmed that an update would be provided to the Committee and referred Members to the Councils dedicated 'Nutrient Neutrality' webpage which would be regularly updated. He advised that the Council were working together with other catchment areas affected to ensure the delivery of similar messages, and to critically move forward in a planned way.

- vii. Cllr N Pearce enquired as the time commitment, and the associated costs required to look at the appeals. The ADP referred to Section 3.7, 3.8 and 3.9 of the report which detailed the qualitative performance side of this process. He stated that the Council had a 2.44% of Major decisions being overturned in the two –year period and that this figure was no more than 0.39% for Non-Majors within the same frame. He noted it was the intention to reduce down the number of appeals, and that consideration would be given to this, but that if there were challenging decisions made on finely balanced applications at Committee, in which the applications were refused, that the Planning Team would inevitably have to defend these decisions. He concluded that the Councils appeals defence rate was extremely strong as was the quality of decision making.
- viii. Cllr A Brown stated that the Councils performance on Planning Appeals was encouraging, and that this was indicative of the harmony existing between Officers and the Development Committee. He sought clarity on the process when Members had queries about S106 matters, and who these should be directed to, and stated it was pleasing that a more robust tracking system would be implemented soon. Cllr A Brown noted that with many modern S106 agreements there was an uplift clause, and asked what system was in place on reporting to Members when a pre-existing S106 had been reviewed and further moneys would be available. He noted positive inroads with staffing as referenced on page 50 of the Agenda Pack, Section 4.3, but that there were issues with internal consultees and asked what actions were being done to resolve this. In He agreed with Cllr R Kershaw and considered that a standing item on Nutrient Neutrality would be useful.
- ix. The ADP advised, with relation to S106 uplifts, that the best recent example would be of the Hopkins Homes development in Holt in which the developer paid in the region of 1 Million pounds on the uplift clause. This clause can be insisted upon, but needs to be considered on a case by case basis, and an element of pragmatism was needed in order to see an agreement signed. The PL noted it was often conveyancing solicitors who picked up on S106 obligations and who enquired if payments had been discharged.
- x. Cllr G Mancini-Boyle asked how S106 money could be applied for, and referred to a part granted funded scheme he was working on for play equipment in Hoveton. The ADP affirmed that an invoice or purchase order was required, as this demonstrated commitment to buy.

## **126 APPEALS SECTION**

- . New Appeals
- ii. No questions.
- iii. Inquiries and Hearings – Progress

iv. Cllr R Kershaw asked if a decision had been reached following the information hearing for Kelling, reference PF/21/1056. The ADP advised that the hearing had been concluded and that the delay in the decision was as consequence of the Appellant raising the issue of Nutrient Neutrality. He confirmed that the Council had responded to the planning inspector on the late representations on Nutrient Neutrality, and that the Appellant had been provided the chance to respond. He affirmed that the Planning Inspector would now be considering their decision which would be made within the next month or so.

v. Written Representations Appeals – In Hand

vi. No questions.

vii. Appeal Decisions

viii. None

## **127 EXCLUSION OF PRESS AND PUBLIC**

None.

The meeting ended at 12.30 pm.

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Chairman