

## DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 20 April 2023 in the Council Chamber - Council Offices at 9.30 am

<b>Committee Members Present:</b>	Cllr P Grove-Jones (Chairman)	Cllr P Heinrich (Vice-Chairman)
	Cllr A Brown	Cllr P Fisher
	Cllr V Holliday	Cllr R Kershaw
	Cllr N Lloyd	Cllr G Mancini-Boyle
	Cllr N Pearce	Cllr M Taylor
	Cllr J Toye	Cllr A Varley
	Cllr L Withington	
<b>Substitute Members Present</b>	Cllr H Blathwayt	
<b>Other Members Present :</b>	Cllr W Fredericks	
	Cllr S Bütikofer	
	Cllr G Perry-Warnes – Local Member for RV/22/0308	
	Cllr T Adams – Local Member for PF/22/3028, PF/22/2651 & TPO/22/0997	
<b>Officers in Attendance:</b>	Assistant Director – Planning (ADP)	
	Development Manager (DM)	
	Housing Strategy & Delivery Manager (HSDM)	
	Development Management Team Leader (DMTL)	
	Planning Officer (PO-AW)	
	Senior Landscape Officer (SLO)	

### 133 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr A Fitch-Tillett.

### 134 SUBSTITUTES

Cllr H Blathwayt was present as a substitute for Cllr A Fitch-Tillett.

### 135 MINUTES

The Minutes of the Development Committee meeting held 20<sup>th</sup> March 2023 were approved as a correct record subject to a correction to Min 131 vi titling Cllr A Brown as Portfolio Holder for Planning and Enforcement.

### 136 ITEMS OF URGENT BUSINESS

None received.

### 137 DECLARATIONS OF INTEREST

Cllr T Adams declared a non-pecuniary interest in agenda item 9, he is a Member of Cromer Town Council (The Applicant). Cllr T Adams attended the meeting as a non-

voting Member.

**138 HOLT - RV/22/0308 - VARIATION OF CONDITIONS 2 AND 24 OF PLANNING REF: PF/17/1803 TO AMEND PLANS TO REFLECT UPDATED ON-SITE AFFORDABLE HOUSING PROVISION (0%) AND TO UPDATE PREVIOUSLY APPROVED LAND CONTAMINATION REPORT, LAND REAR OF 67 HEMPSTEAD ROAD, HOLT, NORFOLK, FOR HOPKINS HOMES LIMITED**

Officers Report

The DMTL introduced the Officers report and recommendation for approval. He advised that this application was returning to Committee following deferral in February, an update report was provided from P.21 of the Agenda. The previous report was appended at p.25, with the list of conditions pending approval appended to p.27. As set out in the summary section of the report on p.23, an agreement has been reached between Flagship Housing and Hopkins Homes which would see Flagship purchase the originally proposed 23 dwellings on the site. Various forms of grant funding and S106 monies would be used to support this purchase.

The DMTL clarified that the developer's affordable housing contribution of the site would remain at 0%, and the agreement reached by the parties was separate to the planning application.

Following discussion with Homes England, the DMTL advised that it would not be possible to secure the 23 dwellings to be purchased by Flagship within an amended legal agreement as there were grant funding limitations preventing this.

Public Speakers

Maggie Prior – Holt Town Council  
Gemma Harrison – Objecting  
Martin Batey – Objecting  
Jonathan Lieberman – Supporting

Members Questions and Debate

- i. Local Member – Cllr G Perry-Warnes spoke in support of the representations made by objecting speakers, and stated that she was unhappy by the way in which the application had been considered at the last meeting. She stated that it was not right that the ADP received and passed on messages from the developer to the Committee during the meeting, and contended this would not have happened for a smaller individual household application.

Cllr G Perry-Warnes thanked Officers and Cllr W Fredericks (Portfolio Holder for Housing and Benefits) for their successful negotiations with Hopkins Homes, and stated that she welcomed the provision of 23 affordable homes. However, the Local Member affirmed that it was outrageous that the delivery of the affordable homes had only been enabled through grant funding sources, money which could now no longer be used for other much needed schemes of social benefit. She argued that as a result, Hopkins Homes preserved their guaranteed 17.5% minimum profit margin at the expense of others.

The Local Member recited an excerpt from the developer's website 'We help build communities' and questioned whether this was true. She reflected that

the developments in Holt were leading to an increase in second homes, and holiday lets. The development would lack the other supporting infrastructure needed by communities to thrive. Further, Cllr G Perry-Warnes reflected on other passages on the Developers website, and stated that whilst she did not question the developer's standards, she questioned their definition of what is right, and right by whom. She contended that had the application been refused and gone to Appeal that it would have cost the developer much more, and therefore the small concession to sell to Flagship was not done out of the goodness of their hearts.

- ii. Cllr W Fredericks – Portfolio Holder for Housing and Benefits – paid tribute to Flagship and to the Councils dedicated team Officers for negotiating the deal. Reflecting on Hopkins' Homes 'building communities' statement on their website, Cllr W Fredericks argued that the company providing their viability assessments do not share the same sentiments which Hopkins Homes profess to have. Hopkins' Homes Viability Assessor (Pathfinder Development Consultants) writes on their website that *'The provision of affordable housing or new development significant affects land value. We have significant experience in achieving results and add value to land owners and developers in this area. If this is to the point that the scheme is no longer viable, and provided a robust economic viability testing, a mix of affordable housing can be reduced or eliminated.'* Cllr W Fredericks affirmed that this behaviour and mentality, exhibited by Hopkins Homes and others, stops now. She advised she was putting in place protections to stop such instances from occurring, and that applications of this nature would be required to provide supporting viability reports, with soil samples requested which would be checked by the Councils independent advisor. Cllr W Fredericks stated that the people of North Norfolk deserve better, and that communities were being eradicated by Hopkins Homes and other developers.
- iii. Cllr S Bütikofer commended Officers for their hard work in finding a solution to the issue, but argued that the essence of the problem remained the conflict of protecting the profit of a developer against protecting a planning obligation for affordable homes which had made the development acceptable in planning terms.

She stated that the initial application would not have been agreed by the Committee without the affordable homes provision. Paragraph 55 of the NPPF states *'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations...'* Cllr S Bütikofer argued this had been done when the initial application was agreed. Further, Paragraph 58 of the NPPF states *'The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case...'* Cllr S Bütikofer expressed her significant concern with regards Pathfinder Development Consultants, and considered such statements unacceptable. She argued that much work was required by the Local MP and by Government to ensure this was corrected. Cllr S Bütikofer questioned why the Council should take on the financial risk for the developer and in doing so adversely impact residents of North Norfolk.

Cllr S Bütikofer urged the Committee to seriously consider whether, in all planning conscious they could approve the application. She understood the concern of the Committee in potentially refusing the application and the risk and associated costs with losing at appeal and the need to protect the public

purse, however she stated that if the Council didn't put a stop to such actions now, when would it stop?

- iv. Cllr N Pearce stated that the conduct of Hopkins Homes at the February meeting was appalling, and that their lack of attendance was disrespectful to the Planning Authority. He stood by his prior decision for deferment and argued that it was a good thing as it would give time to negotiate and find solutions. Whilst solutions had been found, the cost was not to be borne by Hopkins Homes. Cllr n Pearce contended that it was a terrible situation, if the Council refused the application it risked 23 affordable homes, and if it agreed to the application it risked being criticised for taking the risk away from the developer. Further, he considered the extent of the number of household living in rented or social housing in Holt to be misunderstood with many only looking at the Towns pretty Georgian properties and it's more affluent areas.

Cllr N Pearce expressed his disgust at Hopkins Homes, who he believed should have properly done their research when acquiring the site as the land was known to be contaminated. He stated that he was so angry it defied description.

He concluded by thanking Officers for their work, and reflected that the ADP was put in a difficult situation at the February meeting where he was obliged to relay the information provided to the Committee.

- v. Cllr V Holliday agreed that there was a desperate need for the homes, however contended that the way in which this had been orchestrated was disgraceful. She sought clarity over the mix of S106 monies and grant funding for the purchase of the affordable housing.
- vi. The HSDM advised, with respect of the NNDC contribution, that £660,000 would be allocated from S106 receipts and £700,000 from other grant money received from central government (for the purposes of social housing in the district). The HSDM clarified these were not S106 contributions going into the scheme, rather, this was funding which had been accrued in lieu of on-site affordable housing provision from previous developments. The total contribution from NNDC would total around £1.4 million.
- vii. Cllr N Lloyd echoed Members comments that the conduct of Hopkins Homes was appalling, and considered that NNDC should take a stance against such behaviour exhibited by developers. He affirmed he was extremely concerned by any precedent the application may have.
- viii. Cllr P Heinrich expressed his disappointment at the state of affairs in the UK that developers were guaranteed an excessive profit, and considered that developers should be subject to the same level of risk as any other business. He affirmed that Hopkins' behaviour demonstrated contempt for the people of Holt, similarly with their actions at alternate sites including at North Walsham, with the developer not showing care for the community, only for their profits. Cllr P Heinrich considered the Officers recommendation would secure Hopkins' profit margin, with local residents offered some rented housing but not at a price that they could afford to buy. He considered the whole situation despicable, and affirmed that the developer should abide with agreed planning permissions.
- ix. Cllr R Kershaw reiterated his disappointment that no representative from the

developer had been present at the prior meeting, and considered the way in which they conducted themselves was disrespectful. Further, having read the developers website he contended that they did not accord with their own philosophy of supporting communities. Cllr R Kershaw thanked Officers for their phenomenal work in finding a solution, but stated it was despicable that the developer will not be contributing to the scheme financially.

- x. Cllr J Toye asked for clarity over Section 73.
- xi. The PL advised that a Section 73 application was where a planning permission had been granted, but where the applicant sought to amend certain conditions of the approved planning permission. By submitting a S.73 application the applicant could be granted a new planning permission without complying with a condition previously imposed on the previous permission. The PL advised, if granted, the S.73 would serve as a standalone planning permission.
- xii. The DM confirmed that the application presented to the Committee was a S.73 application and should be considered as a new application. It was a matter of planning judgement for the decision maker to weigh up all material issues, and whether the Committee were persuaded by the applicant's argument as set out in the viability assessment. He noted that the applicant would be making other S106 contributions but not affordable housing contributions. The DM reiterated advice offered at the February meeting, of rules set out by UK Government regarding expected developer returns, which Officers must work within. He affirmed that Officers had spent considerable time negotiating since February to try and find a solution, and whilst the solution offered may not be the preferred option, it was considered the best way to ensure the delivery of the 23 affordable dwellings. The DM highlighted the risk, should the Committee vote for refusal of the application and for it to go to appeal, that there was no guarantee that the 23 affordable dwellings would be delivered.
- xiii. Cllr J Toye thanked officers for their explanation, and praised them for all their efforts in trying to find a solution. He expressed his dissatisfaction with the developer and considered their earlier statement that the application would enable Hopkins Homes to deliver 23 affordable homes, disingenuous. He noted that Hopkins Homes was brought by a private equity investment firm in January 2022, and were therefore driven by profit. Cllr J Toye stated that it was not right the Council were being put in a position in which they would secure the developers profit. He advised he would be unable to support the application and considered as this was a new application under S.73, the Council would never have accepted the application without the percentage of affordable homes.
- xiv. The ADP emphasised that it was a matter for the Committee as the decision maker to reach a decision on the basis of the Officers recommendation, the background information provided, and representations made from speakers. The key issue was the matter of harm that would arise if Members were minded to refuse the application. In understanding the level of harm, the ADP advised it was important for the Committee to consider other factors including the benefits to be delivered via S106 in terms of infrastructure investment as stated by the DM, and the proposed Uplift Clause which would deliver potential profits back into the delivery of affordable housing in Holt.

- xv. The HSDM advised that the housing which would be enabled through the NNDC grant and Flagship through the Homes England grant would be the exact same as those initially envisaged, the only difference being the funding route. 80% of the housing would be affordable rented properties and 20% shared ownership homes which applicants could buy as little as 10% as a starting share.
- xvi. The PL relayed comments from Homes England who had made it clear that the S106 agreement as revised cannot, because of the terms of the grant funding, refer to the obligation that the 23 dwellings be affordable. The PL advised that Officers were working in the background to complete a private agreement between the Council and Flagship to ensure Flagship would always provide these 23 properties as affordable housing. She affirmed that Officers understood Member's frustration with the situation and the need to put in place a different mechanism to secure the 23 affordable homes.
- xvii. Cllr A Brown – Portfolio Holder for Planning and Enforcement – commented that he had voted for deferral of the application in February in the hope that a scheme could be agreed which may include changes to layout or composition of homes. He stated that he had attended the site ahead of the meeting and spoken with an operative who advised that the 23 affordable homes would be built. Cllr A Brown reflected that it was a sad situation, and that it was a matter for government to address the rules which ensure guaranteed profit return for developers, noting the levels of lobbying by developers to government. With reference to the applicant's representations, Cllr A Brown contended that they had sidestepped the issue of contamination on the site which he believed was the catalyst for the re-visiting of the application and of the viability assessment. Having reviewed the contamination inspection reports provided by surveyors on the two applications, Cllr A Brown considered there to be little difference, and added that only a limited number of properties would be affected. Further, he drew conclusions that there must have been underperformance of surveyors who had failed to make the extent of the contamination clear in such a way that it had clouded the negotiations and the land price offer by the developer.
- xviii. The Chairman asked the Council's independent assessor to clarify the current position.
- xix. The Independent Assessor advised that it was expected that any reasonable developer would do their due diligence when acquiring a site. He noted that Hopkins Homes had owned the site for several years and that when the original application was submitted in 2017 no viability case was submitted seeking to vary the amount of affordable housing delivered, this was only done just before the commencement of development. He could not comment on why the developer had not undertaken a viability assessment until more recently, all he could do was to assess the information before him at this point in time in accordance with the appropriate guidance.
- xx. Cllr A Brown stated he was minded to refuse the application, and would do so with an extremely heavy heart for the people of Holt and for those households in need of urgent accommodation.
- xxi. Cllr L Withington felt the Council were essentially being blackmailed by the developer. If Members were to accept the application, this would result in 23 affordable homes but at public cost and without developer subsidy, securing

developer profit. Cllr L Withington noted the volume of households on the housing waiting list, and stated that this was a housing crisis.

- xxii. The PL advised, with respect to some of the grant money coming forward, that it was only available annually. If Members were minded to refuse the application, there was the risk of losing out on millions of pounds of central government funding available this April, but which may not be available again. She cautioned that Members must consider whether they have a serious and significant ground for refusal should the application go to appeal.
- xxiii. The ADP noted the strong local concerns, shared by Officers, and commented that Officers had worked tirelessly towards the delivery of affordable homes for communities. He advised Officers must work within the body and the framework of the legislation, and on the basis of the professional advice received. Officers in this instance considered a pragmatic approach was required to ensure the delivery of affordable homes on this site. If approved in accordance with the Officers recommendation, a separate standalone agreement would secure 23 affordable homes for those on the local waiting list. The ADP advised that in addition there would be infrastructure investments that would occur as a result of this development, which may not occur or may be delayed if the development does not move forward. Further, the ADP affirmed that the developer would be subject to an uplift clause on the site, therefore if a profit was made which exceeded the value which had been considered to be appropriate under the regulations, then those monies would be made available again for commuted sums to be invested in the delivery of affordable housing in Holt. He contended that the recommendation presented to Members for consideration was robust and pragmatic, and had been carefully drawn after much negotiation. The ADP stated it was a matter of planning balance and that it was for Members to consider the whether or not the material considerations outweigh the harm which may arise from the development.
- xxiv. Cllr H Blathwayt expressed his concern that the application and the means in which the affordable homes had been secured would set a precedent. He contended this was a very difficult decision, and noted the risk that if the application were to go to appeal, and the Council were to lose, that no affordable homes would be built.
- xxv. Cllr V Holliday affirmed her concern that it was currently an informal agreement with Flagship to secure the affordable homes, particularly as the finances were time limited. She sought assurances when a formal agreement would be reached and whether there would be any risk to losing grant money if there were delays.
- xxvi. The PL advised that work had commenced on the necessary agreements to ensure that the affordable homes were delivered, with all agreements expected to run in parallel. A contract for the exchange and purchase of the dwellings would take place between Flagship and Hopkins Homes, with Flagship having entered into a contract with Homes England to obtain central government grant funding. NNDC and Flagship would also enter into an agreement relating to the Councils funding, with covenants in place to ensure that the 23 properties would forever be held as affordable housing. It was envisaged that the agreements could be reached within 4 weeks, and be formalised almost simultaneously.

- xxvii. Cllr P Heinrich asked what would be the fall-back position if the agreement were to fail.
- xxviii. In response to Cllr P Heinrich's question, the ADP advised there would remain a substantive application which would remain undetermined. He affirmed that if Members were to agree to the proposal, the decision notice would not be released until the agreement was signed. The ADP outlined what would occur should Hopkins homes pursue development on the site beyond the point whereby they should otherwise, but commented he did not expect the developer would breach that in any way. It was his expectation that the standalone agreement would be resolved and that he had been reliably informed by the Housing Manager that these agreements were commonly used and were relatively simple to draw up. If the agreement was not reached between Flagship and Hopkins homes the substantive application would return to Committee, likely in the next three months.
- xxix. Cllr R Kershaw thanked officers for their sterling work, and affirmed his trust that they would ensure the 23 affordable homes were delivered. He stated that it was with a heavy heart that proposed acceptance of the Officers recommendation for approval, and considered that the need for affordable homes was greater. Cllr R Kershaw commented that he had no respect for Hopkins Homes, and considered their actions disgusting.
- xxx. Cllr W Fredericks re-affirmed the desperate need for affordable homes in North Norfolk, and the circumstances surrounding the time-limited availability for funding. She considered that achieving 23 affordable homes for £1.4 million of Council contribution was better than the alternative, and reiterated that circumstances leading up to the current situation would not happen again.
- xxxi. Cllr P Fisher seconded the Officers recommendation.

**IT WAS RESOLVED** by 9 votes for, 4 against and 1 abstention.

**That Planning Application RV/22/0308 be given DELEGATED APPROVAL to the Assistant Director for Planning subject to:**

- 1. The completion of a deed of variation to the original Section 106 Agreement associated with the approval of application PF/17/1803, or completion of a new Section 106 Agreement, whichever is more appropriate, to secure the updated affordable housing position and review mechanism;**
- 2. The imposition of appropriate conditions (draft list attached at Appendix 2);**
- 3. Any other conditions that may be considered necessary at the discretion of the Assistant Director for Planning; and**
- 4. In the event that the Deed of Variation cannot be secured within three months of the date of Committee resolution to approve, to return the matter to the Development Committee for further consideration.**



**139 CROMER- PF/22/3028 - INSTALLATION / RE-INSTALLATION OF CCTV CAMERAS IN CROMER TOWN CENTRE. CROMER TOWN COUNCIL, 21 OVERSTRAND ROAD AND 13 OTHER LOCATIONS AROUND CROMER.**

Officers Report

The PO – AW introduced the Officers report and recommendation for approval. It was noted that this application was presented to Committee as the Local Member, Cllr T Adams was also the applicant on behalf of Cromer Town Council.

The PO- AW outlined the sites location plan, proposed block plan, elevations, and photos of proposed sites. She confirmed that the key issues for consideration were the principle of development, the effect on the character and appearance of the areas, the effect on local amenity, and highway safety. Officers considered that the introduction of CCTV cameras would aid in discouraging anti-social behaviour and property damage in Cromer, and in better ensuring that perpetrators be brought to suitable justice.

Public Speakers

None

Member's Debate and Questions

- i. Cllr T Adams – Local Member – advised that the Town Council had been working on the application for some time and were mindful of locations to ensure that there was minimal impact to trees as the cameras were operated by line of site from radio pad to radio pad. Considerations were underway in extending CCTV coverage, however issues remained with line of site to the proposed network. He stated that, in addition to the benefits outlined by the Case Officer, that the CCTV would assist in cases of missing persons, traffic incidents, event management and monitoring of carparks. Regarding concerns, he advised that views into household windows would be blocked using software, and that footage obtained by the cameras would be accessed by limited numbers of people, which would be governed by relevant legislation.
- ii. Cllr J Toye proposed acceptance of the Officers recommendation, though commented he was disappointed by the one line response from the statutory consultee (the police)
- iii. Cllr R Kershaw seconded the proposal.
- iv. Cllr L Withington reflected on CCTV cameras operated by Sheringham Town Council which had been hugely beneficial in assisting public safety. She noted that North Norfolk had a higher number of elderly residents, and by extension persons with dementia who may wonder.

**IT WAS UNANIMOUSLY RESOLVED** by 14 votes for.

**That Planning Application PF/22/3028 be APPROVED subject to conditions to cover the matters listed below**

- **Time (3 years)**
- **Development in accordance with the approved plans**

- **Materials**

**Final wording of conditions to be delegated to the Assistant Director – Planning**

*The meeting was adjourned at 10.50am and reconvened at 11.05am.*

**140 CROMER - PF/22/2651 - CONVERSION OF FORMER BED AND BREAKFAST TO 7NO. FLATS AT LEIGHTON HOUSE, 11-13 ST MARYS ROAD, CROMER, NORFOLK, NR27 9DJ**

The DMTL introduced the Officers report and recommendation for approval. He advised that since the publication of the agenda that it had been agreed to amend the description of the application to conversion and renovation of building to create seven self-contained flats. Whilst the submitted photos and internal floors plans demonstrate that the building was used as a former Bed and Breakfast, insufficient information was available to confirm its lawful use. With specific regard to parking, the Highway Authority had submitted further comments following this clarification of use, having considered the proposals against the worst case fall-back position in parking terms, and continue to raise no-objection though note the development could result in increased pressure on the limited street-parking available.

The DMTL outlined the sites location, existing floor and proposed floor plans and photos of the site. He advised that the existing floor plans were for an 18 bedroom property and not a 21 bedroom property as quoted elsewhere in the agenda.

The DMTL advised that as the use had been clarified and the Highway Authority had provided an updated response, the recommendation could therefore be amended to reflect these matters.

Public Speakers

Lindsey Lovett – Objecting  
Jordan Cribb – Supporting.

Members Debate and Questions

- i. Cllr T Adams – Local Member- affirmed that there were no objections to the principle of development, noting this building was in need of updating following years of disrepair, rather the concern expressed by residents, and which he shared, was with respect of the scale of the development with the number of flats being disproportionate to its local context.

It was noted that Highways had agreed that there was the potential for significant impact arising from the development on parking and transport movements, but that they and the Authority were relying on NNDC core strategy Policy CT6. Both his, and the view of the Town Council was that the development was not within the Town Centre (not being in the primary economic shopping area) and that other provisions of CT6 do not apply. He did not consider that exceptional circumstances had been demonstrated, and that the application of Policy CT6 had been applied too loosely in this instance.

The Local Member argued that the parking situation warranted further consideration, and the only way to reduce the demand on parking was to

reduce the number of flats. He considered that the photos provided by the Case Officer did not adequately demonstrate the parking situation, which he argued was much worse, particularly during summer months.

Cllr T Adams stated that if Members were minded to approve, careful consideration should be given on the impacts of dust and noise, particularly on the neighbouring B & B, and the use of skips and associated works vehicles on what is already a heavily congested road. The Local Member welcomed the use of a construction management plan, as suggested by the applicant.

- ii. The Chairman reflected that parking permits also came with issues, as they did not guarantee residents a parking space.
- iii. Cllr T Adams advised conversations had previously taken place for parking permits in Cromer (around 10 years prior) and it was the position of the County Council that they would only provide a permit scheme in Cromer on the basis of installing pay and display meters throughout the Town Centre. This situation had been an obstacle in providing permits to residents on St Marys Road, Central Road, Bernard Road, Alfred Road and others.
- iv. Cllr N Pearce agreed that St Mary Road was narrow with parking occurring on both sides. He considered parking permits would not offer a solution to this problem, and noted issued of parking permits in urban areas. Cllr N Pearce proposed acceptance of the Officers recommendation for approval.
- v. The ADP advised Members were asked to consider the application before it, and that he was unable to moderate or reduce the number of flats. He noted the representation made by the applicant, that they were minded to agree to a construction management plan, which may go some way to alleviate concerns from local residents.
- vi. Cllr V Holliday shared Members concerns regarding parking, and commented on the limited accessibility to the upper floor flats. She expressed a preference that the application go back to the drawing board, with fewer flats and the inclusion of a lift.
- vii. The DM advised that the application was compliant with building regulations, and had accorded with Core Strategy Policies with respect of accessibility.
- viii. Cllr P Heinrich considered the application to be well designed, maximising the internal space of the building. He commented that it would be a potential viability issue if there were only 4 flats. With regards parking, Cllr P Heinrich stated this was an issue, and that it would be good idea to explore parking options in Cromer with the Town and County Council to establish sensible solutions including parking permits. He expressed his concern that the flats may be used as holiday accommodation and not used as permanent residences for local people, which would increase the volume of traffic movements, and may result in other issues. Cllr P Heinrich asked if there was any way to restrict use of the flats to ensure they weren't used as holiday rentals.
- ix. The DM noted that government were currently consulting on proposals for managing short term lets, and under the present planning system, permission, if granted, would be for 7 residential dwellings. He was unaware

of a mechanism which would impose this as being a person's 1<sup>st</sup> home, further the enforcement of this supposed condition would be challenging.

- x. The ADP affirmed that the Council would need to define a substantive materiality to the changing character that arises from the renting out of units as holiday lets, noting there was a high bar set. He reiterated the DM's comments on the government's consultation and stated that there is every likelihood that planning consent may soon be required for the letting out of residential properties for short term holiday lets.
- xi. The Chairman reflected that even if the properties were let as holiday rentals, the Council had controls in place to ensure they did not become a statutory nuisance with Environmental Health Officers responding to issues of noise, waste and others.
- xii. Cllr L Withington acknowledged the communal garden located on the plans and asked if it had been considered if this area may be used for parking, noting there was nearby amenity space for residents to use including North Lodge Park and the beach.
- xiii. The DMTL advised the original proposals included access off the street, which the Highway Authority had raised concerns. The DM added that there would be increased concerns on the impact on resident's amenity with car movements being so close to neighbouring property.
- xiv. The Chairman commented that the properties along St Marys had been erected before the use of cars, and that individuals buying/renting these properties must take the lack of designated parking into consideration.
- xv. Cllr R Kershaw noted representations and correspondence received from residents, and affirmed that it was the scale of the development, not the development itself which was objected to. He considered a reduction in the number of flats to be preferable, with their increased floor plan being less likely to be used as holiday rentals. Regarding parking, Cllr R Kershaw stated that parking was available at NNDC carparks in Cromer, with seasonal tickets being around £112 per year. Should the 7 flats be approved, he was mindful that this may result in 7 bins per property, and this would exacerbate parking issues.
- xvi. The DM reiterated that Members must consider the application before them for 7 flats, if they wished to consider fewer flats they would need to refuse the current application. He reflected that reducing the numbers of flats may not reduce parking demand as the bedrooms would be added to other flats.
- xvii. Cllr P Fisher argued that more bedrooms would result in a different demographic and commented that given the nature of St Marys road it would not be possible for individuals to have 2 cars each parked on the road, irrespective of the outcome of this application.
- xviii. Cllr J Toye advised that, whilst he had every sympathy for neighbours that the application would increase parking demands, there were alternate parking options available, and lack of parking was a consequence of living in a town. He argued that the 7 1-bedroom flats may not be used as holiday lets, and may instead be used by local people, and given the limited parking they may instead make better use of public transport. Cllr J Toye seconded

the Officers recommendation for approval.

- xix. Cllr A Varley noted the concerns raised about the commencement of building works and asked if a works management scheme could be conditioned.
- xx. The DMTL reflected on comments made by the applicant that they would be broadly supportive of a construction management plan, and advised this could be added to the list of delegated conditions.
- xxi. Cllr T Adams clarified that the road to the rear was exceptionally narrow, with neighbouring residents concerned about the levels of potential traffic movements. Further, he commented that the nearest long stay carpark during the summer was Runton Road which was significantly further away than Cadogen Road. He re-affirmed his comments and expressed his preference that the scale of the development be decreased.

**IT WAS RESOLVED** by 13 votes for, and 1 against.

**That Planning Application PF/22/2651 be APPROVED in line with the Officers recommendation.**

*Cllr N Pearce & Cllr M Taylor left the meeting at 11.45am*

#### **141 NNDC (CROMER) 2022 NO. 8 - LAND REAR OF THE POPLARS TPO/22/0997**

##### Officers Report

The SLO introduced the Officers report and recommendation to confirm the TPO. The Case Officer outlined the sites location and provided images of the site. It was noted that the tree was located close to the boundary with some root damage from being driven over as residents had been parking to the rear of the property, next to where the tree is located. The SLO advised that residents had applied to remove the tree to aid with parking, however Officers argue that the tree contributes positively the amenity and biodiversity of the area, and it was important that it be retained.

##### Members debate and questions

- i. Cllr G Mancini-Boyle proposed acceptance of the Officers recommendation, affirming that the tree was there first and he didn't see justification for its removal.
- ii. Cllr H Blathwayt seconded the recommendation and commented that he was concerned about the protection of the roots, which may result in irreversible damage to the tree.
- iii. The SLO advised that information and support could be provided to the residents.
- iv. Cllr T Adams – Local Member – noted the parking pressures in the area but agreed with the Officers recommendation. He commented that the road had historically been broken up by trees.
- v. Cllr J Toye reflected on the images supplied, with cars not parking in

accordance with Highway Code. He commented it may be easier for residents to park, and better for the avoidance of roots, if they were to reverse in.

- vi. The Chairman noted that the photograph (supplied by the resident) may not be indicative of day-to-day parking and was potentially demonstrative to support their argument.
- vii. Cllr V Holliday asked if it would be possible for a physical barrier to be erected to protect the roots, as advice and guidance may not go far enough.
- viii. The SLO advised that a stabilising structure would be advised as an appropriate solution which may include bonded gravel, with the use of something permeable. It was not possible to enforce the implementation of guidance.
- ix. The Chairman reflected that if the tree had to be removed due to damage that it could be conditioned that it be replaced.

**IT WAS UNANIMOUSLY RESOLVED** by 12 votes for.

**That the Order for TPO/22/0997 be confirmed with the modification.**

## **142 NNDC (SHERINGHAM) 2022 NO. 7 - LAND SHERINGHAM HOOKS HILL TPO/22/0996**

### Officers Report

The SLO introduced the Officers report and recommendation to confirm a modified Woodland Tree Preservation Order. The SLO affirmed the sites location, its history and provided both onsite and areal images of the area, and affirmed the importance of retention to ensure the protection of the amenity, biodiversity and connectivity of the woodland.

### Members debate and questions:

- i. The Local Member – Cllr L Withington- stressed the importance of the trees to the Town, and the protection of the habitat corridors, with Sheringham being ‘Twixt Sea and Pine’. She commented that another development on Hooks Hills had cut into the tree canopy, acting as a scar on the green entrance of Sheringham.
- ii. Cllr R Kershaw proposed acceptance of the Officers recommendation, and thanked the SLO for her considered report.
- iii. Cllr J Toye seconded the Officer recommendation.
- iv. The Chairman reflected that England was the least forested area of Europe, and it was important to retain trees which served as the lungs of our cities.
- v. Cllr G Mancini-Boyle commented that the site was an ideal place for the education of young people, and it was in the well-being of residents that trees be protected.

**IT WAS UNANIMOUSLY RESOLVED** by 12 votes for.

**That the Order for TPO/22/0996 be confirmed with the modification.**

#### **143 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

- i. The DM introduced the Officers Report and spoke positively of the Planning Service's performance, which remained above national averages.
- ii. The PL advised that there were 6 S106 agreements outstanding, with the Cattle shed being signed shortly. The PL commented that, despite the draft S106 agreement for Crisp Malting having been circulated in November 2022, it remained outstanding. She advised that she followed up on this matter 1 – 2 times a week for a response on the one outstanding clause.
- iii. Cllr A Brown asked if the Crisp Maltings application was not signed by end of June that it be returned to Committee.
- iv. The DM advised that in addition to the S106 there were a few outstanding matters which need to be resolved including the point with Natural England, which was in the process of being resolved regarding habitats regulations and nutrient neutrality. He commented that the majority of the conditions list had be completed, and once those points were resolved it would just be the S106 agreement outstanding. The DM affirmed that within the approved conditions there was a clause which stipulated that if sufficient progress was not made that the application would be returned to Committee.
- v. The ADP suggested the 20<sup>th</sup> July as a provisional date for completion and that he would keep an eye on progress. He commented it was appropriate that Members be informed of progress, as they have been through the performance report, and that Members have the opportunity to confirm their expectations.

#### **144 APPEALS SECTION**

- i. New Appeals  
No Comments.
- ii. Inquiries and Hearings in progress  
The ADP advised that an outcome for Arcady (Cley-next the sea) was due by end of April.
- iii. Written Representations  
Cllr P Fisher commented re ENF/21/0061 that the pizza van had since moved to a worse location, arising more controversy. He understood Enforcement Officers were responding to this matter.
- iv. Cllr L Withington asked if a stop notice had been applied to ENF/22/0289. The ADP advised that the Enforcement Service had served an Enforcement Notice, if there was a further issue that the Ward Member wished to make the Service aware of, then those issues could be considered and acted on accordingly.

### Appeal Decisions

- v. The DM advised that application PO/21/1525 had also been dismissed by the Planning Inspectorate. He spoke highly of the Authorities record at appeal, though noted ENF/20/0066 had been quashed.
- vi. The ADP stated the outcome of ENF/20/0066 was disappointing and that Officers had taken technical advice before issuing the notice, the technical advice and details of the notice were disagreed by the Inspector. He commented that there were lessons to be learnt, and that the Enforcement team had amended the notice and would be re-issuing the amended notice shortly.
- vii. Cllr J Toye asked if there had been an update re Nutrient Neutrality.
- viii. The ADP advised he was a board member of the joint venture, and that NNDC now had its share certificate as a member of Norfolk Environmental credits. He commented that the environmental credits company would launch a webpage by the end of the month which will enable for interested parties to apply, enabling landowners and relevant parties to look at a credit modelling process which would bring forward mitigation. It was envisaged a public meeting would be arranged for May/June where an update would be provided, with an expectation that Country Landowners Committee would attend. The ADP commented that the joint venture would focus on a suite of nutrient neutrality measures, which included; working with Anglian Water (party to the ltd company) who would seek to deliver improvements to waste water treatment ahead of 2030 and which would be funded by the proposals; further works to foul drainage systems in Norfolk to become more efficient through investment; reviewing the granting of solar farms which take land out of agricultural production; and other nature-based solutions. The ADP advised a briefing would be offered after the election to Cabinet and Officers.

### **145 EXCLUSION OF PRESS AND PUBLIC**

None.

The meeting ended at 12.23pm.

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Chairman