

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 7 December 2023 in the Council Chamber - Council Offices at 9.30 am

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| Committee Members Present: | Cllr P Heinrich (Chairman) Cllr A Brown Cllr P Neatherway Cllr K Toye Cllr L Vickers | Cllr R Macdonald (Vice-Chairman) Cllr P Fisher Cllr J Toye Cllr A Varley |
| Substitute Members Present: | Cllr G Bull Cllr S Butikofer Cllr L Paterson Cllr L Withington | |
| Officers in Attendance: | Principal Lawyer (PL) Assistant Director for Planning (ADP) Development Manager (DM) Senior Landscape Officer (SLO) Senior Planning Officer – Mb (SPO-MB) Development Management Team Leader – (DMTL) Senior Planning Officer -BC (SPO-BC) Senior Planning Officer – JO (SPO-JO) Senior Planning Officer – RA (SPO-RA) Development Management Team Leader CR – (DMTL-CR) Monitoring Officer Democratic Services Officer – Regulatory | |
| Also in attendance: | Cllr T Adams Cllr C Ringer | |

85 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr M Batey, Cllr A Fitch-Tillett, Cllr M Hankins, Cllr V Holliday, and Cllr G Mancini-Boyle.

86 SUBSTITUTES

Cllr G Bull, Cllr S Butikofer, Cllr L Paterson, and Cllr L Withington were present as substitutes.

87 MINUTES

The Minutes of the Development Committee meeting held Thursday, 9th November were approved as a correct record subject to minor typographical amendments to read “Members” instead of “Member’s” (p.5 vi) and to read “contended” not “contented” (p.6 xxi)

88 ITEMS OF URGENT BUSINESS

None.

89 DECLARATIONS OF INTEREST

- i. The Chairman noted Members had received considerable lobbying from the public in relation to the majority of items considered on the agenda.
- ii. Cllr A Varley advised he had been lobbied personally with respect of item 8, planning application PO/23/0596, by consequence of his role as Portfolio Holder for Climate Change & Net Zero, he confirmed he remained open minded about the application.
- iii. Cllr S Butikofer declared a non-pecuniary interest with respect of item 10, planning application PO/23/1526, she was known to the applicant.
- iv. Cllr L Withington affirmed that she had received extensive lobbying regarding item 14, planning application PF/23/1172.
- v. Cllr P Neatherway confirmed he had been lobbied with respect item 13, planning application PF/23/0613 and remained open minded.

90 CROMER - PO/23/0596 - ERECTION OF UP TO 118 DWELLINGS AND UP TO 60 UNITS OF SPECIALIST ELDERLY CARE ACCOMMODATION WITH PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS) AND VEHICULAR ACCESS POINT (OUTLINE WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS) AT LAND OFF OVERSTRAND ROAD CROMER FOR GLADMAN DEVELOPMENTS LTD.

Officers Report

The ADP introduced the officer's report and recommendation for approval subject to conditions. It was noted that this was an outline application, the application included 'the means of access' but all other matters are reserved to a later stage in the process (in the event of outline approval being issued).

The ADP outlined the site's location, situated within the AONB and in the designated area of Countryside and Undeveloped Coast. The site was an allocated development site within the emerging Local Plan under policy C16. It was acknowledged that the draft Local Plan was at an advanced stage and due to be considered in the New Year.

Details of the relationship of the site with neighbouring properties was offered with images supplied from Overstrand Road, Northrepps Road and Park Road looking towards the site, as well as images from the site itself and the adjacent footpath running along the old railways line. Aerial images of the site dated 1999, 2007 and 2020 were displayed demonstrating the evolution of use and landscape.

An update was provided with respect of three topic matters. First, Norfolk County Council had since advised they were content to remove their objection to the application subject to conditions. Second, the Strategic Housing Team and the Council's independent viability consultant had reviewed the viability evidence provided by the Developer and were satisfied that the site could deliver 45% affordable housing. Finally, the ADP offered corrections to policies referenced within the report.

A Masterplan of the site was provided with a guide to where the envisioned

accommodation and residential care home would be located.

The key issues for consideration were;

- i. Whether the proposal was acceptable due to the site being part of an AONB,
- ii. Whether the fact that the Council was unable to demonstrate a 5-year Housing Land Supply (5-Year HLS) impacted the application
- iii. Whether the proposal was acceptable in detail

Matters relating to the AONB were addressed within the officer's report (paragraph 123 and 143). Officers deemed the application represented a major development within the AONB, and concluded, having gone through the assessment set out in paragraphs 176 and 177 of the NPPF, that development was justified.

With respect of the Council's lack of 5-Year HLS, the ADP considered that the proposal would increase the '5 Year' figure from 4.13 to 4.46, a significant advance, which would on balance, override the Countryside and Undeveloped Coast considerations within the Development Plan. He reflected that the AONB issue (as specified by the NPPF) was thought to be more significant than the development plan compliance matter.

The means of access to the site had changed during the course of the application following discussions with Norfolk County Council Highways. The Highways Authority had recommended conditions to the proposal and were satisfied with the application subject to conditions.

Biodiversity net gain had been a key concern for residents. The ADP confirmed that the applicant was committed to achieving 10% net gain, though noted this was not yet a legal requirement. Per legislation, the developer did not need to offer details of how they would achieve the 10% biodiversity net gain at this stage, though the applicant had demonstrated how this could be done including via 'off-site contribution(s)'. The applicant would be required to supply a biodiversity gain plan to the local planning authority, which must be approved, before commencement of the development.

Of the 50 representations received, the majority objected to the application. With regards comments about overlooking from the elderly care accommodation, it was noted that the applicant was happy to accept a condition that the accommodation could not be more than two stories plus any in-roof accommodation. The ADP was content that this, along with the boundary treatment, would minimise overlooking to properties on Northrepps road.

The ADP concluded that the application was a departure from the adopted Development Plan but was an allocation within the draft Local Plan. Whilst the application would represent a major development in the AONB it would make a significant contribution to the Council's 5-year HLS. There were no statutory objectors to the proposal, further there was a positive suite of planning obligations identified including 45% affordable housing, with matters of concern controlled and mitigated via condition. The ADP outlined the S106 obligations and conditions proposed, the full details of which were contained in the officer's report.

Public Speakers

Tim Adams – Cromer Town Council
Michael Wiggins – Objecting

Margaret Wage – Objecting

Mark Allbrook – Objecting

Victoria Richardson (on behalf of Gladman Dev Ltd) – Supporting

Members Debate

- i. Cllr T Adams relayed a pre-prepared statement on behalf of the Local Member, Cllr E Spagnola, who was unable to attend the meeting. Cllr E Spagnola outlined her primary concerns which related to matters of biodiversity and wildlife, healthcare, flooding, and affordable housing and requested that the Committee consider deferment of the application.

As Local Member and a nearby resident of the outlined site, she reflected on the tranquillity and richness of biodiversity in and around the location, and expressed her disappointment that the biodiversity enhancements were suggested for the other side of Cromer. She was critical of the timeline for development and questioned if and when trees would be felled.

The Local Member reflected that one of the key issues for local residents was the lack of GP appointments and the inability for residents to access their own doctor. She noted pressures on the NHS both nationally and locally, and issues relating to recruitment and retention of healthcare professionals to Norfolk, with North Norfolk being acutely affected. The Local Member argued that the impact of 296+ residents would place increased strain on already stretched services. Further, she sought assurance that S106 money would be dedicated for use in North Norfolk and would not be diluted into general NHS funds.

With respect of flooding, Cllr E Spagnola, advised that there were already issues with flooding on Northrepps Road after heavy rainfall. She expressed concern that the development of the site would further contribute to flooding as there would be a reduced ability for the land to absorb rainfall.

The Local Member welcomed the proposed 45% affordable housing contribution, however queried how 'affordable' the homes would be to local people given the known percentage of local people on temporary or low paid seasonal work. She sought confirmation that the 45% affordable housing provision would not be reduced.

- ii. The Chairman noted the site was allocated within the emerging Local Plan. The draft Local Plan had been subject to extensive discussions and consultations over many years, with alternate sites also considered and declined. The Council's inability to demonstrate a 5-year HLS was an important consideration, as it would allow developers the opportunity to consider development on unallocated sites. He acknowledged that it had been resolved by Cabinet (following recommendation from the Planning Policy & Built Heritage Working Party) that weight be attributed to the emerging Local Plan, particularly those policies which aligned with government policy. The Chairman reminded Members of the desperate housing issues in the area, with over 2500 households on the housing waiting list.
- iii. In response to the Chairman, the PL advised that the Council's legal team had not yet had opportunity to consider the S106 agreement and stated that

the 45% affordable housing provision was not guaranteed.

- iv. The Chairman asked the ADP the level of weight Members should afford to the emerging Local Plan, additionally whether delaying consideration of the application would have a detrimental impact to the Planning Inspectors consideration of the Local Plan may result in a rise in speculative applications from developers.
- v. The ADP stated that whilst it might be preferable to consider the application after adoption of the draft Local Plan, this wasn't possible as the applicant had applied which needed to be dealt with in a timely manner. This matter was further compounded by the Council's inability to demonstrate a 5-year HLS. The Local Plan was not likely to be adopted by the Planning Inspector till September 2024 at the earliest. To defer consideration of the application for this extended period of time ran the risk of the applicant submitting an appeal for non-determination, given the agreed timeline to determine the application expires at the end of 2023.

The ADP advised it was a material consideration for the Committee that the site was an adopted allocation in the draft Local Plan, but that this did not have the weight of the development plan. The existing development plan being 15 years old was a relevant factor, however the main policies outlined were still relevant with regards matters of Countryside and Undeveloped Coast and to a lesser degree AONB status. Another material consideration was the Council's housing target within the draft Local Plan, with the Council advocating for a lower target figure than the formulaic equation. Cromer had been identified as a principal area for allocated growth in the emerging Local Plan.

The ADP cautioned against extended deferral of the application and how this could be reasonably justified.

With respect of matters of affordable housing, the ADP confirmed that the 45% figure was that provided by the applicant and presented to Members for consideration. The planning obligation was for 45% and not another lower figure. Whilst the ADP couldn't offer a total guarantee the 45% would be achieved, he argued it would be difficult to refuse the proposal on affordable housing grounds given the application was policy compliant, and the Council's independent viability assessor was content with the developer's viability assessment.

The applicant had expressed some flexibility, and indicated they would be supportive of planning obligations regarding allotment and play. Further, in response to Cllr E Spagnola's comments, S106 contributions would be secured for the NHS with the majority of funding going to North Norfolk. It was noted that some funds would need to be allocated elsewhere as not all NHS services were provided in North Norfolk (i.e Surgical Procedures).

The ADP reflected that a number of representations referenced ground water, flooding and drainage concerns. He was content that the Lead Local Flood Authority would have raised an objection if they considered there were risks associated with the development. As the Lead Local Flood Authority had not objected to the proposal, he argued it would be challenging for members to object to the application on this basis.

He further noted concerns about pedestrian pavements in the locality and agreed that whilst the pavement on Overstrand Road were narrow, the applicant had agreed to increase the width of the pavement on the boundary side to the development, which the ADP considered was a substantial improvement.

- vi. The SLO (attending remotely) advised, with respect of habitat fragmentation, that a notable amount of green infrastructure would be retained on the site, and officers had pushed to ensure there would be a strong eastern boundary, as well as the retention of the grassland to the south. He considered that there would be a continued functionality of wildlife corridors between adjacent sites. Whilst there would be some loss to biodiversity, the SLO was assured that this was only the outline application stage and issues would be managed through reserve matters. The SLO confirmed that the habitat assessment underpinning the biodiversity metric was based on spring 2022, before the vegetation was cleared in September 2022. The primary loss was to shrub and grassland, which whilst disappointing could be recreated elsewhere. With regards representations made, he advised that Badger sets and Orchids had not, to his knowledge, been removed from the site.
- vii. The DM recognised this was a challenging application. Given the application was already in the planning system the legislation requiring 10% biodiversity net gain would not yet apply, as such the Council could only legally ask for a 1% net gain till the legislation came into effect. The DM reflected the applicant offering 10% biodiversity net gain was a benefit which should be given weight in the planning balance. Further, he noted that there would be no limitations on someone cutting and maintaining the grassland to its designation as a golf course.
- viii. Cllr L Paterson thanked officers for their hard work. He recognised the desperate need for affordable housing in the district and the lack of 5-year HLS, given these material factors he proposed acceptance of the officer's recommendation for approval.
- ix. Cllr J Toye acknowledged the wellbeing benefits open, green spaces bring, however considered this needed to be balanced against the benefits of additional housing. He expressed concern that whilst the draft Local Plan had been submitted for inspection, there was no guarantee that the Inspector would allocate the site, though it was highly likely it would be approved given the extensive consultation process. Cllr J Toye noted the lack of 5-year HLS and the pressures on development in the district by consequence of Nutrient Neutrality, imposed externally, which had resulted in available sites sitting undeveloped. With respect of comments raised, he stated that the Highways issues were pre-existing, and this was occurring irrespective of the proposal. Cllr J Toye considered that further exploratory work on the site was needed including more detailed investigations into matters of flooding, mineral concentration, and others. He expressed a preference to defer the application pending such exploratory work.
- x. Cllr L Withington agreed this was a challenging application, acknowledging the need for affordable housing but equally that weight should be given to the site's AONB status. She relayed her concerns about the fragmentation of habitats and habitat corridors by consequence of the proposal and remained unconvinced with the advice offered by the SLO. Referencing the submission from the Lead Local Flood Authority, Cllr L Withington

commented that she was unclear of the conditions which would be required to make the application satisfactory nor how these could be successfully implemented. She reflected that on other sites in the district developers had diluted the provision of affordable housing down following revised viability assessments, she sought assurance that the affordable housing figure detailed would remain unchanged. Cllr L Withington affirmed that without the 45% affordable housing provision, she was unsure if the proposal could be justified given the projected loss to the AONB and habitat corridors.

- xi. The Chairman reminded Members that each application must be considered on its own merits. Comparison with alternate applications in alternate locations where there was known contamination, was a separate matter.
- xii. The ADP confirmed the parameters of condition submitted by the Lead Local Flood Authority were detailed in paragraph 205 on page 59 of the agenda pack. He advised that officers were satisfied with these, and other conditions proposed.
- xiii. Cllr A Varley noted the suggestion that significant weight be attributed to the emerging Local Plan, but affirmed his concern that the draft Local Plan was not yet adopted and may well be revised. He further stated his disappointment about the proposed loss of biodiversity in the AONB. Cllr A Varley reflected this was a finely balanced application between ensuring protection of the special characteristics of the site and the benefits of 45% affordable housing but reiterated his concern about the decimation of the landscape and wildlife corridors. He was encouraged by the applicants 10% biodiversity net gain commitment, going above the legislative 1% figure, and proposed that the 10% biodiversity gain be conditioned should the application be approved.
- xiv. The ADP confirmed that the 10% biodiversity net gain would be added to the list of conditions.
- xv. Cllr L Vickers reiterated comments from the Portfolio Holder for Housing & People Services regarding the desperate need for affordable housing and extensive waiting list. Cllr L Vickers recognised that whilst there were negative aspects associated with the proposal, she placed weight on the provision of affordable homes and so seconded the officer's recommendation for approval.

The PL left the meeting at 10.55am

- xvi. Cllr K Toye expressed doubt about the deliverability of the 45% affordable housing provision and stated that she still was left with questions about the application and would therefore find it difficult to endorse the application at this time.
- xvii. The Chairman advised that it was difficult to absolutely guarantee the delivery of specific percentages of affordable housing on any site, however commented that this application was markedly different to others referenced where contamination was known.
- xviii. The DM confirmed that at the alternate site, referenced by Members, a viability assessment for the initial application had not been received. By contrast, this application and site had been subject to a viability assessment

which had been reviewed and supported by the Council's Independent Viability assessor. He was confident that the Council was in a stronger position than with the alternate application for the alternate site.

- xix. Cllr G Bull sought confirmation that, should the application be refused, whether there would be anything to stop the landowner returning the site to its former use as a golf course, therefore removing any of the current vegetation.
- xx. The SLO advised that the Environment Act allowed for the baseline conditions to be returned to the 30th January 2020 where the habitats have since been degraded.
- xxi. Cllr A Brown supported comments made by Members with respect of the challenges to the development site, however stated that the Council were obliged to implement planning policies in accordance with national guidelines. He expressed concern about the lack of information and reporting on drainage matters, and the ability of the developer to revise down affordable housing provision through an amended viability assessment. Cllr A Brown asked what the Local Authority could practically do to hold the developer to account with respect of the affordable housing provision.

The PL returned to the meeting at 11.01am

- xxii. The ADP advised that, subject to approval, before the outline permission was granted a S106 would be completed as part of the process stipulating 45% affordable housing, amongst others.
- xxiii. The Chairman stated that the meeting would be adjourned to enable the Monitoring Officer to discuss procedural matters with Planning Officers.

The meeting was adjourned at 11.04am and resumed at 11.32am.

The Monitoring Officer arrived at 11.32am.

- xxiv. The ADP advised that a query had been raised whether it was appropriate for the SLO to have contributed to the meeting remotely. The ADP offered the context as to why the SLO was unable to attend the meeting in person and confirmed that the guidance offered by the SLO, was not extensive, and did not differ from the contents of the published report or the opinion and guidance offered by the ADP. He confirmed he endorsed all the comments made by the SLO, and having discussed the matter with the Monitoring Officer, issued advise to Members to continue with the meeting and form a determination of the application.
- xxv. Cllr S Butikofer thanked officers for the clarification provided. She stated that she shared the views of Members and commented that the opportunity to secure 45% affordable housing was extremely tempting and something she would wish to support. However, based on prior events where the initial provision of affordable housing was reduced, and given that there was not guarantee the 45% could be provided, in addition to the site being located within the AONB, Cllr S Butikofer commented she was inclined to refuse the application.
- xxvi. Cllr J Toye sought clarification regarding the viability report and asked if there

was any headroom for the concerns identified by Members.

- xxvii. The ADP reiterated that officers were unable to offer a concrete guarantee but stated that the proposal was realistically as good as could be provided at this stage.
- xxviii. Cllr J Toye asked, if the application were to be deferred, if and when additional information identified as lacking by Members could be received. He argued that this information underpinned whether the application was permissible.
- xxix. The ADP advised that if the application remained un-determined, by January 2024 the applicant would have the right of appeal for non-determination. With respect of requesting additional information, this would require the quick turnaround of information from a number of statutory bodies and the agreement of the applicant. He commented that the applicant may be less likely to appeal the application should the proposal be deferred for consideration in January as opposed to much later in 2024. The ADP contended that there may be limited benefit of requesting additional information from the associated 3rd parties given each was satisfied with the application and level of detail provided, subject to conditions.
- xxx. Cllr P Fisher recalled the historic use of the site and the chemicals used to maintain it. He considered the loss of the habitat would be devastating, however stated that the loss of 54 affordable dwellings would also be devastating. Mindful of the Council's 5-year HLS and the potential for 'Wild Planning' he expressed his support for the officer's recommendation.
- xxxi. Cllr R Macdonald echoed the comments from Cllr P Fisher.
- xxxii. Cllr P Neatherway reflected on the concerns raised by Members and representations from the public. As it could not be guaranteed that additional information would be received in a timely manner, he concluded on balance to support the officer's recommendation.
- xxxiii. The Chairman invited the representative from Gladman to address comments raised at the meeting. The Chairman asked if the requested information could be provided in a rapid timescale for a potential January meeting.
- xxxiv. Ms Richardson – on behalf of Gladman Development Ltd (GDL)– stated that she would need to discuss matters with her colleagues. She affirmed that the statutory consultees were comfortable with the proposal and solutions provided, and that GDL had undertaken due diligence with respect of the application. She stated that should someone seek to reduce the level of affordable housing from the detailed 45%, they would require permission from the Council to do so. Ms Richardson confirmed that GDL were confident with securing 45% affordable housing as part of the S106 agreement which formed part of the proposal.
- xxxv. The Chairman noted that some information could be provided at an expedited rate.
- xxxvi. Mr Richardson advised that the information discussed would rely on GDL's external consultants being able to pull together information rapidly, which

was not guaranteed. The reports required months of work and associated testing for accuracy, and it would therefore be challenging to deliver the information requested in the timeframe identified.

RESOLVED by 8 votes for, 1 against and 4 abstentions.

That Planning Application PO/23/0596 be APPROVED in accordance with the Officer's recommendation.

The Monitoring Officer left the meeting at 11. 52am

91 WEST BECKHAM - PF/23/1578 - ERECTION OF 5NO. BUNGALOWS (AFFORDABLE) WITH ASSOCIATED NEW ACCESS, PARKING AND LANDSCAPING AT LAND TO THE EAST OF SHERINGHAM ROAD, WEST BECKHAM FOR BROADLAND HOUSING ASSOCIATION

Officer's Report

The SPO-MB introduced the officer's report and recommendation for approval subject to conditions. He outlined the site's location, adjacent to a public footpath on back lane, and detailed its relationship within the wider setting including with the previously approved application PF/23/1065 on Church Road. It was noted that the applicant had taken the conscious decision to split the development of 10 affordable dwellings across the two sites, located 731m apart, which was in conflict with the 1km prescribed distance as established in policy HO3.

The SPO-MB provided details of the proposed site plan, floor plans, elevations, landscape plan, and photos of the site and surrounding area, and set out the key issues for consideration. Officers considered that the material considerations, primarily the erection of 5 affordable bungalows provided a justified reason to depart from Local Plan policy HO3.

Public Speakers

Jasmine Whyard of Paragon Planning on behalf of Mr & Mrs Potter – Objecting
Ed Mumford-Smith – Supporting

Members Debate

- i. The Local Member – Cllr C Ringer – noted the significant level of local interest in this application. He expressed his general support for the development of affordable housing on rural exception sites and welcomed the ability for local people to live, contribute and enhance their local community. The Local Member stated that West Beckham was a village close to his heart and relayed his close familial links with the village. He acknowledged that affordable housing had been an issue in the community for many years and reflected on local demand. He affirmed that there was an undeniable need for affordable housing in West Beckham and considered that many of the objections raised talked the village down, particularly with respect of transportation links and employment opportunities. Cllr C Ringer noted that objections detailed the prevalence of second and holiday homes as a reason why the application was inappropriate, which he considered absurd and, if anything, was more reason to support the proposal.

The Local Member recognised that the application was in conflict with policy HO3 and expressed a preference for 10 homes being sited on Church Road as opposed to split by the developer across two sites. Cllr C Ringer reflected on historic highways issues which had contributed to the loss of life on the A148 and associated junction and stated that till Highways matters were resolved he would be resistant to additional housing in this location.

Cllr C Ringer spoke favourably of the design of the proposal and environmental credentials outlined and concluded that he would be supportive of the application if only it were located in a more appropriate location. The Local Member stated his preferred outcome would be for the developer to withdraw the application and to instead develop 10 homes on the Church Road site, something he would be keen to work with the applicant on.

- ii. The HSDM confirmed the severe need for affordable housing in the district. He cautioned that if it was decided that the application were unsuitable on the basis it was located 1km from the approved affordable housing site, then the 5 affordable homes proposed would be lost and would not be gained at Church Road. The HSDM urged the Committee to take a pragmatic approach and approve the application.
- iii. The DM reiterated the principle of development as detailed on p.76 of the agenda pack. He advised it was for the Committee, as decision maker, to form a planning judgement and to consider whether any material considerations justified reason for departure from the development plan.
- iv. Cllr A Brown agreed with Cllr C Ringer that the application was not located in a sustainable location and was in conflict with policy HO3. He advised he would abstain from voting on the application as he considered himself pre-determined.
- v. Cllr L Vickers asked for clarification, should the application be withdrawn and brought back to join with the Church Road application whether this would be in conflict with policy HO3?
- vi. The DM advised that technically moving the 5 properties to join with Church Road as a new application would be in conflict with HO3 given the existing permission.
- vii. Cllr S Butikofer gave weight to the type of property designation proposed, and commented bungalows were desperately needed within the affordable housing mix for those residents with mobility issues.
- viii. The PL advised that the settled S106 would guarantee 5 affordable houses.
- ix. Cllr L Paterson proposed acceptance of the officer's recommendation for approval.
- x. Cllr A Varley thanked officers for their report and to the Local Member for his comments. He welcomed of the provision of affordable houses, particularly bungalows which were needed within the local housing mix. In addition, he was encouraged by the environmental credentials of the scheme and of the commitment of the developer to climate change and net-zero targets. Cllr A

Varley seconded the officer's recommendation and asked that a condition be added to ensure the incorporation of the solar panels (detailed in the drawings) and EV charging.

- xi. Cllr J Toye reflected that it was often more viable for developers if there were multiple developments in close proximity, as this was more effective for maintenance purposes. He suggested, as an enhancement to the scheme, that the applicant engage in conversations with the landowner to open up a walkway between this and the Church Road proposal.
- xii. Cllr P Neatherway expressed his support for the application which would be in keeping with the local area.
- xiii. Cllr L Withington noted that the scheme was for social housing and recognised the need for genuinely affordable homes in the community. She affirmed her support for the proposal.

RESOLVED by 12 votes for and 1 abstention.

That Planning Application PF/23/1578 be APPROVED in accordance with the Officer's recommendation.

92 SHERINGHAM - PF/23/1172 - DEMOLITION OF EXISTING DWELLING HOUSE AND CONSTRUCTION OF A REPLACEMENT DWELLING HOUSE AT 68 CLIFF ROAD, SHERINGHAM, NR26 8BJ

Officer's Report

The DMTL introduced the officer's report and recommendation for approval subject to conditions. He outlined the site's location and relationship with neighbouring buildings, including Coastal Footpath and adjacent Putting Green, and provided details of the proposed and existing site plans, elevations, and floor plans.

It was noted that permission had been granted for an alternate scheme on the site, which was of modern style, and would be in addition to the existing dwelling, whereas the proposal sought for the replacement of the existing dwelling. The DMTL confirmed that the property, if built, would be at least 8.5m from 64/66 Cliff Road which would be policy compliant. Further, the proposal and existing planting scheme was not considered by officers to have a significant adverse impact on the amenity of neighbours including overlooking.

The Case Officer affirmed the key issues for consideration and provided update to the officer's recommendation to include the requirement for the applicant to complete a unilateral undertaking regarding the extant planning permission, and additional conditions on external lighting.

Public Speakers

Hannah Wessely – Objecting
Yvonne Fone – Supporting

Member's Debate

- i. The Local Member – Cllr L Withington – recognised this had been a controversial application in the local community and that the following

matters were at issue; the modern and square design of the proposal; visual prominence of the scheme in being the visual entryway to Sheringham from the Coastal Path; relationship and impact on the AONB (though not within the designated setting); undercutting of the bank and impact on the footpath; massing of the development and potential for overlooking; and environmental concerns. The Local Member recognised that the previously approved development was of modern design and established the principle for a modern dwelling on the site. Cllr L Withington and the Town Council considered the prior application for a smaller and more block like dwelling was better in keeping with the character and appearance of the local area.

- ii. The Chairman sought clarity regarding the extant permission and unilateral undertaking.
- iii. The DMTL confirmed that the unilateral undertaking would prevent the proposal from being built out whilst the existing building was in situ.
- iv. Cllr A Varley thanked officer's and the local member for their input. He recognised that whilst the site was not located within the AONB, it would have a notable impact on the special setting and the coastal footpath. His primary concern was on the prevalence of glass panels throughout the scheme and potential impact of light pollution emitted from the development. Cllr A Varley enquired if the use of 'smart glass' or other mitigations could be conditioned?
- v. The DMTL advised the existing dwelling already had extensive glazing, further the site was located within the built-up settlement with surrounding streetlighting, officers therefore considered it may not be reasonable to request 'smart glass' in this location.
- vi. Cllr J Toye asked if the unilateral undertaking included permitted development.
- vii. The DMTL confirmed there was no permitted development rights as the garden amenity area was to the front of the property.
- viii. Cllr J Toye proposed acceptance of the officer's recommendation for approval.
- ix. Cllr S Butikofer placed weight on the extant permission, she recognised the modern design may not be to everyone's taste and that this was a subjective matter. Cllr S Butikofer seconded the officer's recommendation for approval.

RESOLVED by 10 votes for, 1 against, and 2 abstentions.

That Planning Application PF/23/1172 be APPROVED in accordance with the officer's recommendation.

The meeting was adjourned at 12.56pm and reconvened at 1.36pm.

- 93 **SALTHOUSE - PF/23/1695 - PART TWO, PART-SINGLE-STOREY REAR EXTENSION AND INTERNAL ALTERATIONS AND EXTERNAL REMODELLING FOLLOWING DEMOLITION OF EXISTING TWO-STOREY REAR EXTENSION AND PORCH, ASSOCIATED INTERNAL AND EXTERNAL ALTERATIONS INCLUDING STRUCTURAL ALTERATIONS AND NEW AND REPLACEMENT**

WINDOWS. SINGLE-STOREY REAR EXTENSION, RECLADDING AND ROOFING AND INTERNAL ALTERATIONS TO THE EXISTING ANNEX, THE ORCHARD HOUSE, COAST ROAD, SALTHOUSE, HOLT, NR25 7XG

Officer's recommendation

The SPO-BC introduced the officer's report and recommendation for approval. He outlined the site's location, situated in the designated Countryside, AONB, and Undeveloped Coast in policy terms and confirmed relationship of the dwelling with neighbouring properties. The Case Officer detailed site plans, existing and proposed elevations and floor plans, and provided images of the site including access.

The SPO-BC noted the key issues for consideration as detailed in the officer's report and reiterated his recommendation for approval subject to conditions.

Public Speakers

Justin Crookenden – Objecting
Daniel O'Connor – Supporting

Member's Debate

- i. The DM relayed a written submission from the Local Member – Cllr V Holliday – who was unable to attend the meeting. The Local Member noted there had been community objection to the application due to the scale of increase and use of glazing which were felt to erode the character of the village. She compared the application to two other schemes in Salthouse (PF/22/1009 and PF/22/0414) both of which officers felt it essential to reduce the amount of glazing because of the adverse impact on the AONB's dark skies, to keep window sizes in scale with vernacular design, and to avoid excessive massing of the proposed dwelling. The Local Member considered the landscaping scheme did not accord with the NPPF not the Core Strategy, and further objected to the visual intrusiveness of the large-scale glazing and impact on nocturnal skies. Cllr V Holliday contended the application did not comply with Local plan policies EN1, EN2, HO8, paragraph 176 of the NPPF, and emerging Local Plan policies ENV1, ENV2, ENV6 and ENV8.
- ii. Cllr G Bull asked that the images provided by the supporting speaker be re-shown on the screen. The supporting images were re-shown.
- iii. Cllr A Varley thanked the case Officer for his thorough report. He stated he was content with the application and the conditions detailed particularly with respect of dark skies, and so proposed acceptance of the officer's recommendation.
- iv. Cllr J Toye expressed concern regarding the view from the northern elevation and whether this elevation was in keeping with the street scene. In all other respects he was satisfied with the application, and so seconded the officer's recommendation.
- v. The Chairman asked if the annexe would be conditioned to ensure it only be used in conjunction to the principal dwelling.
- vi. The SPO-BC advised this had been covered off in condition 10.

UNANIMOUSLY RESOLVED by 13 votes for.

That Planning Application PF/23/1695 be APPROVED in accordance with the officer's recommendation.

94 THURSFORD - PO/23/1526 - OUTLINE APPLICATION WITH DETAILS OF ACCESS ONLY (ALL OTHER MATTERS RESERVED) FOR THE ERECTION OF A SELF-BUILD DWELLING (CLASS C3) AT LAND TO SOUTH-EAST OF 1A THE STREET, THURSFORD GREEN, NORFOLK

Officer's report

The SPO- JO introduced the officer's report and recommendation for refusal of the outline application. She highlighted the key issues for consideration and advised that the application was contrary to policies SS1 & SS2, further the emerging local plan recognised the village was not suitable for small scale growth. With respect to the self-build nature of the development, officers did not consider the dwelling suitable having regard to the spatial strategy and access to services and amenity. The Case Officer advised a recent appeal decision had been appended to the agenda pack which had similarities with the application site. The applicant had referenced an occupational need for the dwelling to support the Thursford Entertainment, as such, Officers had considered the application against policies for essential rural workers dwellings and concluded that the development failed to accord with the tests raised NPPF, further the application was not submitted by Thursford Entertainment but by the general manager. The link between the proposal and the aforementioned business was not formalised, and no evidence had been supplied detailing the workers dwelling need.

The SPO-JO outlined the sites location and relationship within the local setting, indicative layout, appearance, planting, and provided images in and around the site.

Public Speakers

Sherri Eckworth – Thursford Parish Council
Ryan Astill – Supporting

Members Debate

- i. The Local Member – Cllr S Butikofer – expressed her support for the application following attendance to the site and implored the Committee to consider the relevant material considerations to depart from the officer's recommendation. The development whilst in the designated countryside setting, would be located in the heart of Thursford Village. Policy SS2 permitted the development of one new property in a rural location under specific circumstances where it can be demonstrated there is a need for a rural work to live in and around their place of work, this was supported by paragraph 80 of the NPPF. The Local Member questioned whether it was right to discriminate the local business which operates in a rural location simply because it was not a agricultural enterprise to which policy SS2 naturally applied as did policy HO2. Cllr S Butikofer recognised the application was for a third-generation owner, taking on the management and development of the rural business and evidence had been provided to

demonstrate that the applicant would be on call day and night, and would be on site in the busy winter season often till 1.00am returning again at 8.00am. The applicant was the primary first responder for the site, and the Local Member was supportive of a key holder being located on the site at all hours given the nature of the business. The applicant had a responsibility to the welfare of the numerous performers who took residence in the village during performance season, which gave further weight to the need for the development. The Local Member noted the applicant and their agent had detailed why they were unable to offer details requested by NNDC for the other dwellings housing essential works to Thursford Enterprise for GDPR reasons. She concluded by affirming the essential need for a workers residence to support the day-to-day function of the business, which contributed highly to the North Norfolk Economy. The development would contribute to rural and economic sustainability in supporting the rural business and critically from an environmental perspective, the development would reduce the number of car journeys to the site from the manager.

Cllr P Fisher left the meeting at 2.25pm

- ii. Cllr J Toye was conscious that the development could transfer in three years and accepted that personal circumstances should not influence planning decisions. However, he considered there to be a justified reason to depart from policy having listened to representations made and understanding the business need behind the development. He stated that he would have liked details of the environmental credentials of the development, though understood this was lacking as this was only an outline application.
- iii. Cllr L Withington expressed her support for the points made by the Local Member.
- iv. Cllr A Varley endorsed comments made by Members and agreed had the applicant had been for an agricultural worker dwelling for a similarly sized agricultural business, the application would have complied with policy and would have been recommended by officers. Cllr A Varley argued the applicant was key to the operation of the local business and the circumstances surrounding the business were a material consideration which justified departure from policy and the officer's recommendation.
- v. Cllr S Butikofer considered other applications in rural locations were considered for approval, and therefore this application could be open to interpretation. With respect of Cllr J Toye's comments about the environmental credentials of the development, Cllr S Butikofer considered the applicant would likely be amenable to offering details if requested.
- vi. The DM noted the former application, referenced by Cllr S Butikofer was policy compliant and therefore different considerations applied. Officers recognised the significant economic benefits Thursford Enterprise offered to the local economy. If the Committee were minded to approve the application, it would be important to clearly define the reasons which made this but not other market dwellings in the countryside acceptable. Whilst the site was not locationally isolated, it was functionally isolated. And therefore, not policy compliant. The Council would fail to meet its net-zero ambitions should it continue to permit development of dwellings in the countryside. The applicant had not put forward an occupancy restriction, which would allow for the applicant to re-sell the dwelling on the open market.

- vii. Cllr G Bull considered this was not a rural location and would be surrounded by other dwellings, he argued common sense needed to be applied and that this development be treated in the same manner as an agricultural worker dwelling.
- viii. Cllr A Brown proposed acceptance of the officer's recommendation for refusal. He noted the considerable economic benefit Thursford Enterprises brought to the local economy but disagreed with the assertion that the application be treated as an agricultural worker dwelling which was subject to assessments and restrictions. He noted the development could be sold on the open market if granted within 3 years which was a concern.
- ix. The Chairman seconded the officer's recommendation.
- x. Cllr L Paterson asked about the conditions attached to the application.
- xi. The DM advised no conditions had been applied and there was no restriction on re-sale after 3 years. If members were minded approving the application, they may wish to impose conditions.
- xii. The PL advised, subject to the applicant's agreement, that a S106 be conditioned that the permission be for the benefit of a particular occupant.
- xiii. It was noted the applicant was agreeable to this condition.
- xiv. Cllr A Brown considered the PL suggestion to be a material consideration which would justify the development as so withdrew his proposal.
- xv. The Chairman proposed and seconded the officer's recommendation.

THE VOTE WAS LOST by 2 votes for and 10 votes against.

- xvi. Cllr S Butikofer proposed acceptance of the application given the substantial material considerations which justified departure from policy on this occasion, this being the need of the Thursford Enterprise for the applicant to live in close proximity to the business.
- xvii. Cllr A Varley seconded the recommendation.
- xviii. The ADP noted discussions surrounding occupancy conditions which would need to be resolved by S106 agreement or by condition.
- xix. Cllr J Toye asked that design details be supplied.
- xx. The ADP confirmed detailed of the design would be contained in the reserved application.

RESOLVED by 12 votes for.

That Planning Application PO/23/1526 be APPROVED. Assistant Director for Planning to be given delegated authority with conditions.

Cllr L Withington left the meeting at 2.45pm

95 TRUNCH - PF/23/0613: CONSTRUCTION OF TWO-BEDROOM DETACHED DWELLING, CARTSHED GARAGE AND ASSOCIATED WORKS AT THE ROOST, MUNDESLEY ROAD, TRUNCH.

Officers Report

The SPO-RA introduced the officer's report and recommendation for refusal. He outlined the site's location, context of the site and surrounding area, existing and proposed site plans, and offered images in and around the site and access way. The Case Officer confirmed the site was contained within Trunch Conservation Area and was adjacent to the AONB and detailed historic applications in Trunch and their proximity to the development for context. Notably the site was located within the designated Countryside per policies SS1 and SS2 of the current and emerging Local Plan.

The proposal would utilise vernacular materials and no objection to the proposal had been raised by Conservation and Design Officers. Views of the dwelling would be limited given its location and it was considered the design was in keeping with the local setting.

The SPO-RA confirmed the key matters for consideration and reiterated that whilst the development did not give way to concerns over design, appearance, amenity amongst others, the issues at conflict were principle and sustainability of development given the Countryside location would give rise to car use dependency. It was noted the Council was unable to demonstrate a 5-year Housing Land supply and the tilted balance under the NPPF would need to be engaged. Officers concluded that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

Public Speakers

Richard Miles – Objecting
Ryan Astill – Supporting

Members Debate

- i. The Local Member – Cllr P Neatherway – stated he had attended the site and met with relevant parties and noted there were strong local feelings for and against the development, however Cllr P Neatherway was satisfied with the Officer's recommendation.
- ii. Cllr J Toye noted the application was referred to the Committee by the ADP and asked for reasons for the call in.
- iii. The ADP advised the application had been called to Committee as it was a finely balanced application and would benefit from a decision by the Development Committee.
- iv. Cllr J Toye considered there to be no material considerations to justify departure from policy and noted the sites close relationship with the AONB, and location within the settlement boundary for the emerging Local Plan for Trunch.
- v. Cllr A Brown proposed acceptance of the officer's recommendation. He

noted the officer's report and references to the weight a single dwelling would give in the tilted planning balance which was at odds with an application on 9th November. He requested this be clarified moving forward.

- vi. Cllr G Bull noted a caravan was in situ on site. The applicant confirmed the caravan was being occupied at present by herself.
- vii. Cllr L Paterson seconded the officers recommendation.

RESOLVED by 9 votes for, 1 against and 1 abstention.

That Planning Application PF/23/0613 be REFUSED in accordance with the officer's recommendation.

Cllr A Brown left the meeting at 3.08pm

96 WEYBOURNE - PF/22/1530 - DEMOLITION OF EXISTING SINGLE-STOREY REAR EXTENSION AND ERECTION OF TWO-STOREY REAR EXTENSION WITH INTERNAL ALTERATIONS AT GABLE END, THE STREET, WEYBOURNE, HOLT, NR25 7SY.

Officer's Report

The DMTL – CR re-introduced the officers report and recommendation for approval, this application was referred to Committee following deferral to enable a site visit in November 2023. He confirmed the site's location, relationship with neighbouring properties, existing and proposed site plans and elevations, and provided images of the site.

The key issues for consideration related to matters of design and heritage impact of amenity. Officers recognised the proposed extension was large but considered on balance was acceptable and would not have a significant adverse impact to neighbours.

It was noted that the existing parking arrangements were not ideal and remained unchanged by way of the proposal. The predicated increase in car movements by way of the additional 2 bedrooms was not significant or sufficient enough reason for refusal.

Public Speakers

Marie Frazer – Objecting

Members Debate

- i. The Local Member – Cllr V Holliday – was unable to attend the meeting, however submitted a pre-prepared statement which was recited by the DMTL-CR. She acknowledged and shared in community objections to the scheme which centred on loss of light to, and the overlooking of, the neighbouring house and garden; overdevelopment of the site; light pollution; loss of biodiversity; and lack of parking. The Local Member considered the scale of the extension was contrary to policy EN4 and emerging policy HOU6 and would have a significant adverse impact on the neighbour's amenity. In addition, the proposal would result in only 105 sq m of amenity space which she believed was disproportionately small for the building footprint.

- ii. Cllr L Paterson asked if a Highways report had been provided.
- iii. The DMTL-CR confirmed as it was a Householder application the Highways Authority were not consulted and therefore an officer judgement was formed.
- iv. Cllr L Paterson expressed concern about the existing parking arrangement and argued the increased bedrooms would result in increased car movements. He considered the scheme would represent overdevelopment.
- v. The Chairman confirmed, having attended the site visit, the existing parking arrangement was not ideal but was not sufficient reason to object.
- vi. Cllr S Butikofer stated she was very familiar with the area and site having been the former County Councillor for the village. She agreed parking and gaining access to the road from driveways was particularly dangerous and noted the number of accidents along the road. Further, she had concerns over the scale of development and stated she would have preferred something akin to the neighbour's extension.
- vii. The DMTL-CR advised that officers had taken parking into consideration and had formed a balanced view that as the proposal was only for one additional parking space, this would not significant enough to justify refusal. It was not practical to consult the Highways Authority on every Householder application and therefore officers had formed their own view.
- viii. Cllr J Toye proposed acceptance of the officer's recommendation.
- ix. Cllr L Vickers seconded the motion.

RESOLVED by 7 votes for and 3 against.

That Planning Application PF/22/1530 be APROVED in accordance with the officer's recommendation.

97 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

Members noted the Development Management Performance Report and Section 106 appendix.

98 APPEALS SECTION

Members noted the Appeals Report.

99 AOB

- i. Cllr J Toye reflected that it had been a lengthy meeting and asked if it may be possible to better utilise reserve dates to avoid another 6-hour meeting in future. Further, he commented that it was challenging to properly study and consider lengthy agendas with the timescale provided and asked if more complex item agendas may be issued in advance of statutory deadlines.
- ii. The ADP advised agendas would not be published earlier than current timelines. He reflected that continuing past 1pm was a rarity and reserve

dates were used where appropriate. The ADP stated he would review procedures following the meeting.

- iii. The Chairman agreed that a review should take place and was minded for the wellbeing of public representatives for the later items. He acknowledged that it was often difficult to pre-emptively determine how long items may take.

100 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 3.36 pm.

Chairman