

## DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 25 January 2024 in the Council Chamber - Council Offices at 9.30 am

<b>Committee Members Present:</b>	Cllr P Heinrich (Chairman)	Cllr R Macdonald (Vice-Chairman)
	Cllr M Batey	Cllr A Brown
	Cllr P Fisher	Cllr A Fitch-Tillett
	Cllr M Hankins	Cllr V Holliday
	Cllr G Mancini-Boyle	Cllr P Neatherway
	Cllr A Varley	Cllr L Vickers

<b>Substitute Members Present</b>	Cllr L Paterson
	Cllr L Withington

<b>Officers in Attendance:</b>	Assistant Director – Planning (ADP)
	Development Manager (DM)
	Principal Lawyer (PL)
	Housing Strategy Delivery Manager (HSDM)
	Senior Landscape Officer (SLO)
	Senior Landscape Officer – Arborist (SLO-A)
	Democratic Services Officer - Regulatory

### 115 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr J Toye and Cllr K Toye.

### 116 SUBSTITUTES

Cllr L Paterson was present as a substitute for Cllr J Toye. Cllr L Withington was present as a substitute for Cllr K Toye.

### 117 ITEMS OF URGENT BUSINESS

None.

### 118 DECLARATIONS OF INTEREST

The Chairman declared a non-pecuniary interest for application PF/22/1784. He advised that he had been approached by supporters and objectors and offered advise but not an opinion. He stated he was not pre-determined.

Cllr A Fitch-Tillett expressed a non-pecuniary interest for application PF/22/1784, she advised she had been lobbied by various parties to which she had only acknowledged receipt of communication.

The Chairman noted that there had been extensive lobbying of Members regarding the application.

- 119 **NORTH WALSHAM - PF/22/1784 - HYBRID PLANNING APPLICATION, COMPRISING THE FOLLOWING ELEMENTS: 1. FULL PLANNING APPLICATION FOR THE CONSTRUCTION OF 343 DWELLINGS (INCLUDING AFFORDABLE HOMES), GARAGES, PARKING, VEHICULAR ACCESS ONTO EWING ROAD AND HORNBEAM ROAD, PUBLIC OPEN SPACES, PLAY AREAS, LANDSCAPING, DRAINAGE AND OTHER ASSOCIATED INFRASTRUCTURE; 2. OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED FOR A PHASED DEVELOPMENT COMPRISING 7 SERVICED SELF-BUILD PLOTS AND ASSOCIATED INFRASTRUCTURE; AND. OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED FOR THE CONSTRUCTION OF AN ELDERLY CARE FACILITY AND ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND OPEN SPACE ON LAND SOUTH OF NORWICH ROAD, NORTH WALSHAM FOR HOPKINS HOMES LIMITED.**

#### Officer's Report & Presentation

The ADP introduced the Officer's report and recommendation for approval subject to extensive conditions. He delivered his presentation with Mrs Hutchinson of Hutchinsons-Planning Ltd, who outlined aspects of design. He advised that the application was comprised of three parts: a full planning application for 343 dwellings, an outline application for 7 self-build plots, and an outline planning application for an elderly care facility and associated infrastructure. Further, the application included the provision of a new East / West link road between Hornbeam Road to Ewing Road, and the relocation of garden centre access.

It was noted that the northern portion of the site had been included within the development plan as adopted since 2011 (NW01), with the lower portion contained within the draft plan currently subject to examination (NW01/B). This application was a duplicate of another application still to be determined by the Council.

The ADP affirmed the site's location, situated the Southwest of North Walsham and relationship within the local setting. He provided photographs in and around the site including from Ewing Road, Nursery Drive, and Hornbeam Road, as well as of the Southern Fields and the Central scrubland. Aerial Images of the site dated 1946, 1988, 2007 and 2020 were shown to the Committee to demonstrate the changing use of the site from farmland, to commercialised use with the development of the garden centre and erection of adjacent housing developments.

The site was located within the designated Countryside setting, per the 2008 adopted Core Strategy. In addition to current and draft Local Plan site designations, it was also contained within the safeguarding area for the adopted minerals plan and was subject to two tree preservation area orders. For these reasons, approval of the application would be a departure from the Development Plan.

The ADP issued an update to the written report and advised that since the publication of the agenda, and additional information offered by the applicant to consultees, Natural England were, as of the 23<sup>rd</sup> of January, content with the application. The Lead Local Flood Authority (LLFA) issued updated comments on 18<sup>th</sup> of January, reducing the majority of objections to the scheme but maintaining two objections in relation to (some) plot drainage details, and Source Protection Zone 2 issues needing to be addressed. The applicant had provided new details to address these issues, submitted to the LLFA on 23<sup>rd</sup> of January for re-consultation. Environment Protection provided updated comments on 15<sup>th</sup> of January, with noise concerns were still outstanding.

Of the 63 representations received (summarised in paragraphs 182 and 183 of the Officer's report) the majority objected to the proposal. Communication from a resident of Smedley Drive had been received after the publication of the agenda and circulated by Democratic Services on 22<sup>nd</sup> of January. A link to an online petition titled 'Save Nursery Drive Woods, North Walsham' on 38 degrees petition platform was shared with the Committee on 23<sup>rd</sup> of January, this petition had amassed 757 signatories. The Committee had also received correspondence from the applicant on 23<sup>rd</sup> of January.

The ADP stated that the proposal would deliver a significant amount of housing and infrastructure. The Council was currently unable to demonstrate a 5-year Housing Land Supply (HLS), therefore paragraph 11(d) of the NPPF was relevant. As the Northern portion of the scheme has been detailed in the current Development Plan, the current 5-year HLS figure assumed this Development would be built out. If the proposal were to be refused (with respect of the Northern Portion), the Councils' 5-year HLS figure would worsen. Approval of the application would increase the '5 Year' figure and better protect the current predicted delivery figures. The Southern portion of the scheme was contained in the well advanced, emerging Local Plan, and was relevant to future 5-year HLS figures.

Mrs Hutchinson outlined matters of design including the Master Plan and noted that the Garden Centre and Ladbrooks engineering site would be retained. She advised the proposal would include a mix of accommodation type, with single, one and a half, two, and two and a half storey dwellings, and a care home facility in the centre of the development, with self-build accommodation to the south. Allotments were proposed for the northern side of the link road, as was the community orchard, with the main open space for the development centralised near the current scrubland area. Mrs Hutchinson highlighted the open space land dedicated to suds was situated on the western edge of the development. She noted that the scheme comprised of straight lines and uniform building style, which had been discussed with the applicant, commenting the Landscape design was important in softening the appearance of the scheme.

Many of the objections to the proposal related to development on the central scrubland. Tree Preservation Order (TPO) TPO/16/0927 would be largely unaffected as it related to Nursery Drive. By contrast TPO/21/0985 was a blanket TPO affecting large sections of the site. Mrs Hutchinson confirmed a Tree Survey had been undertaken, and relayed details of the extensive ecological surveys including Badger, Bat, Reptile, and Breeding Birds. Within earlier iterations of the scheme, the applicant had proposed the community orchard be planted in the scrubland area, however this was since moved to be situated above the link road. Mrs Hutchinson confirmed the developer sought to retain an area of scrubland, and those larger trees which formed part of the hedge line. Whilst the badgers did occupy the central scrub area, this was transitional and not permanently occupied, it was uncertain what affect the development may have on whether the badgers continued to occupy this area. Even if the central scrubland area was to be retained, any badgers located in the area may become isolated by development on either side. The key areas of biodiversity were located in the hedge-lines surrounding the development site where bats and slow worms had been found. Skylarks by contrast were found in the southern agricultural land. Mrs Hutchinson affirmed that the open spaces proposed around the western and southern boundary would make a positive contribution to biodiversity.

The ADP summarised the proposed S106 contributions and highlighted changes in

requested sums from the County Council for Education provision. During the first two consultations, the County Council did not seek a contribution towards education and acknowledged there was capacity in the current system. However, on the third consultation, the County Council sought contribution towards special education needs and Primary School Capacity following a change to the calculation metric. The Applicant accepted the first request but questioned the second. Officers concluded that it would be challenging to justify the requests given there had been no change to the building infrastructure, and earlier consultations didn't request a financial contribution.

The ADP noted that the Affordable Housing figure of 15% fell below the 45% figure sought within the adopted policy. However, the viability assessment provided by the applicant and reviewed by the Council's independent viability assessor supported that 45% would not be viable. Officers were satisfied with the 15% figure provided the provision of an uplift clause should the developer achieve a greater profit than initially envisaged within the viability assessment. The ADP cautioned that if the Committee prioritised S106 funding for primary education over affordable housing, this would have a significant detrimental impact on the affordable housing percentage and reduce it by near 10%.

The ADP confirmed a small change to the recommendation detailed on paragraph 361 of the Officer's report, to remove inclusion of Natural England from the list. The recommendation as presented stated that were the Lead Local Flood Authority or Environmental Protection (regarding noise) to maintain and sustain their objection, permission could not be issued. Details of conditions and S106 obligations were detailed in paragraphs 362- 365 of the Officer's report.

#### Public Speakers

Bob Wright – North Walsham Town Council  
Nigel Llyod – Objecting  
Jonathan Liberman (Hopkins Homes) – Supporting

#### Local Members Representation

The Local Member – Cllr L Shires – considered this was a balanced application and noted the benefits and negatives associated with the scheme. The Local Member questioned whether sufficient information had been provided to the Committee to form a determination with regards to outstanding information from consultees (outlined in Paragraph 361 of the Officer's report).

With respect of S106 contributions, Cllr L Shires commended the Highways improvements which would be achieved from S106 monies, particularly with respect of Highway Safety around the Skatepark.

The Local Member stressed the significant demand for affordable housing in North Walsham, with 384 households on the waiting list with a connection to the parish, and only 27 lettings having been granted in North Walsham in the last 12 months. As the largest Market Town in the district, North Walsham was especially affected by the Housing Crisis. Whilst she held reservations about potential noise issues arising from the adjacent railway line and would have preferred for more affordable housing to have been achieved through the scheme, Cllr L Shires was supportive that the proposal would deliver much needed affordable homes. The Local Member was adamant that the number of affordable homes should not be diluted down, irrespective of whether the developer were to find themselves in financial difficulties.

As the elected County Council Member, Cllr L Shires expressed her surprise at the S106 contributions requested for Education, given she had met and discussed need with the Education Team at County Council in the last year and was assured that capacity was not a concern. When welcoming refugees from Ukraine in the community, Cllr L Shires had also been advised that there was sufficient capacity in education. She expressed her support for the officer's recommendation with respect of this matter and expressed disappointment that as the elected member, she had not been notified of concerns by the County Council.

Cllr L Shires noted the representations made regarding to ecology and biodiversity and deferred to more experienced persons in this matter. She reflected that at present, she lacked sufficient confidence that the scheme would deliver on its affordable housing commitments.

*The meeting was adjourned at 10.30am and was reconvened at 10.43am.*

### Committee Debate

- a. The ADP responded to matters raised by speakers. First, he noted that the principle of development had not been broadly criticised, nor the balance officers had reached between affordable housing and the primary school contribution. With respect of comments regarding the lack of information to form a determination, The ADP confirmed that the recommendation caveated that if the LLFA and Environmental Protection team maintained their objection, permission would not be granted. Whilst he was unable to offer absolute guaranteed assurances around the total amount of affordable housing, the proposal as submitted by the applicant had been supported by a viability assessment which had been independently scrutinised. The S106 agreement was based on the 15% figure and would need to be varied if changed. Further, the development would be subject to an uplift clause. The ADP reiterated that the Highways authority were satisfied with the proposal and considered the S106 contribution would improve the main off-site road junction in the locality. The ADP advised that the Senior Landscape Officer & Senior Landscape Officer – Arboriculture, were in attendance to address questions of ecology and biodiversity. He was assured that the applicant was aware of public interest in the central area of the scheme including by the MP and has chosen to continue with the development. Officers did not determine objection of the application was justified based on the need to retain the central scrubland.
- b. Cllr R Macdonald expressed his disappointment with the 15% affordable housing figure, as he considered this should have been higher.
- c. Cllr L Vickers shared the concern of Cllr R Macdonald and the Local Member about the lack of affordable homes achieved through the development. She was further concerned that the number of affordable homes would reduce down if the applicant were to contribute to primary school education. Cllr L Vickers sought confirmation of the breakdown of affordable homes for rent and for sale.
- d. The ADP confirmed that within the current 2008 adopted policy, new housing developments should allocate 45% affordable homes unless viability demonstrated otherwise. The emerging Local Plan allocated different affordable home % figures to different areas of the district. The 15% figure

detailed in the scheme would accord with the draft Local Plan. Officers determined that the affordable housing contribution should be prioritised over the primary education contribution request, if the primary education contribution was achieved this would lead to a significant reduction in the number of affordable homes achieved.

- e. The Chairman enquired whether the Country Council could enforce their demand for primary school education funding.
- f. The ADP advised the Country Council could choose to challenge the decision if planning permission were granted, and potentially choose to refuse to sign off the S106 agreements. However, the ADP believed the County Council understood the District Councils position and were pleased that the proposal included the Special Educational Needs contribution. It was recognised that the request for primary school funding was made at the later stages of the process which may make it more difficult to challenge the decision.
- g. Cllr M Hankins asked if the affordable housing contribution could be increased, allowing for a contingency should the developer be unable to fulfil the higher figure, reflecting that the developer would still make a generous profit.
- h. The ADP confirmed that paragraph 225 of the report established the composition of affordable homes in terms of sale or rent. The applicant had produced a viability assessment for 15%, it was unlikely the developer would agree to a higher figure.
- i. Cllr P Neatherway enquired about school placements and whether there was capacity in the system. He noted the financial pressures on Councils, including the County Council who oversaw education, and asked if there would be any adverse consequential impacts as a result of approving the application.
- j. The ADP advised that school placement availability was influenced by how capacity of the building was calculated. The calculation metric had changed during the consultation period resulting in the late request for a S106 contribution. Notably, the buildings in terms of built form and structure had not changed, only the calculation metric. He reflected that the emerging Local Plan allocation 'North Walsham West' would have an impact on education provision, which would be assessed at the relevant time.
- k. Cllr G Mancini-Boyle considered the submission from the Local Member, Cllr D Birch, and the suggestion that the 20 homes around the central area be relocated elsewhere. Cllr G Mancini-Boyle asked if these homes could be moved, and, given comments about the poor quality of the scrubland, whether the developer would consider a tree planting scheme in the area which may help with surface flooding.
- l. The ADP commented that whilst conceptually the 20 homes could be placed elsewhere, he recognised that in doing so, those 20 dwellings would be relocated to land with a higher ecological value.
- m. The SLO-A advised officers had applied national guidance and standards when assessing the woodland. The area in question was small and fell below

the lowest area captured in the forestry commission standards and comprised of many non-native exotic species. She spoke positively of the scrub species which contributed to the area and stated the scheme would implement a long-term maintenance schedule to bring the area to a usable public space.

- n. The SLO reflected that there was bio-diversity value in scrubland for many species, however, this was not an uncommon habitat type. In the upcoming biodiversity net gain metric, it was considered of medium distinctiveness unlike woodland habitats which were of significantly high distinctiveness and effectively irreplaceable. Dense scrub would likely continue to grow along the railway corridor and around the peripheries of the site, if managed appropriately. The SLO argued that, should the central area be retained, it would in effect become an isolated habitat in the middle of the development and would be subject to human disturbance. He stated that the mixture of habitats proposed around the edge of the scheme would accommodate a wider range of species and offer a greater bio-diversity contribution.
- o. Cllr A Brown thanked Officers for their report, though considered that information was lacking on some of the environmental credentials of the scheme including energy efficiency (as passive housing). Having studied Hopkins Homes website, and what the company stated they were committed to, Cllr A Brown expressed disappointment over the lack of details for electric vehicle charging points, solar panels, air or ground source heat pumps, and or any other mitigation measures. With respect of biodiversity, Cllr A Brown welcomed the 4% increase on new national standards. He further noted the developer's commitment to local charities in Suffolk, but not in North Norfolk, and commented on the acquisition of the developer by the private equity company Tera Firma. Cllr A Brown reflected that the scheme may result in the relocation of badger sets, amongst other ecological disturbances, and spoke favourably of the applicant making a voluntary contribution to offset the harm arising from the development. He concluded that the 5-year HLS challenge referenced by Officers was temporary and matters Nutrient Neutrality would be addressed.
- p. The Chairman cautioned the Committee that they must form their determination on planning grounds, not on the contents of a website or company ownership.
- q. The DM advised that details of EV charging points and renewable energy offered by the applicant and noted the absence of gas boilers in the scheme. With respect of charitable contributions, he advised these were not relevant material considerations for the determination of planning applications and could not be afforded weight in the planning balance. At present, the Council were unable to demonstrate a 5-year HLS and therefore had to engage the tilted balance per the NPPF – it was for the Committee as decision maker to consider this and all other relevant matters.
- r. The ADP confirmed that the applicant had submitted an energy strategy within the suite of documentation provided. He advised that whilst the 5-year HLS issue may be resolved in future, housing delivery tests would still need to be met, this too had been an issue for the Local Authority in part due to Nutrient Neutrality. The homes delivered through the application would make a positive contribution to housing delivery. With regards Cllr A Brown's suggestion that a charitable contribution be offered by the developer, the

ADP affirmed that not only could such a contribution not be given any weight, but the Council could neither seek, demand, or infer they be demanded when determining planning applications.

- s. Cllr L Withington reflected on the prior situation in Holt where the delivery of affordable homes was watered down through a revised application. She asked Officers what they considered to be the risks associated with this application, and whether there were any known challenges with the land which may result in the applicant coming back to the Council stating the scheme was no longer viable. Cllr L Withington acknowledged the housing mix proposed and noted the absence of bungalows when compared to other schemes in the district. She asked if the housing mix offered would address the needs of the community.
- t. The ADP advised he was not at present aware of anything that would justify a reduction in affordable housing. He stated that the applicant had undertaken significant work, and many risks were known, particularly as the developer had developed the adjoining site. The ADP reflected that he could not predict external factors including the economy and asked that an uplift clause was proposed should the situation were to improve.
- u. The HSDM stated that affordable housing offered would address housing need. Whilst there was a small demand for 4-bedroom affordable homes, the delivery on an annual basis was extremely small. All of the affordable homes would be accessible and adaptable, with some built to a standard to accommodate wheelchair users. The HSDM commented that whilst he would prefer that more affordable housing be offered, the mix offered was good.
- v. At the request of the Chairman, the developer was invited to answer questions raised by the Committee. The Chairman asked the applicant if they were aware of any contamination on site, and what assurances he could offer that the provision of 15% affordable homes could be achieved. The applicant confirmed that surveys produced had been factored into viability, further studies would be commissioned, but there were no unknowns at present. He confirmed that the design and discussions with officers was for the 15% figure, this was supported by the viability assessment. He reflected that at other sites (Holt), there were site specific issues, but on most sites the developer had achieved and delivered the scheme as envisaged including affordable housing. If, for whatever reason, the developer considered they were unable to viably build out the scheme in future, they would need to submit a revised application to be considered by Committee.
- w. Cllr A Varley asked if the EV charging and heat pumps could be conditioned, should the Committee be minded to approve the application.
- x. The ADP advised this could be possible, though caveated that it was not appropriate to duplicate what may be required by building regulations. He advised this could be covered off by condition or building regulations as appropriate.
- y. Cllr A Varley expressed his disappointment the scheme was not for passive housing. With respect of biodiversity, he considered the developer had demonstrated a lack of regard for the area and affirmed that the central area offered biodiversity value which should be retained and enhanced. He expressed concern about the commitment of the developer to environmental



matters and referenced p.30 para. 153, further noting that at the adjoining Hopkins site the landscape scheme had failed due to poor maintenance.

- z. The SLO-A agreed that there had been tree losses at the adjoining site following several years of very dry, hot summers (with the exception of 2023). She affirmed that the first couple of years maintenance were critical to establishing landscaping schemes and confirmed that conversations were ongoing with Hopkins in ensuring the landscaping scheme was improved. The SLO-A reflected on the proposed canopy cover the importance of planting which could survive and thrive in drought conditions.
- aa. Cllr A Fitch-Tillett welcome the contribution from Officers and commented that she had 2 Hopkins Homes developments in her Ward, which were built to a high standard. Cllr A Fitch-Tillett spoke positively of the open space provision but expressed concern that the maintenance of the landscape may not be achieved. She urged Officer to keep on top of this matter, should the application be approved. Further, she expressed disappointment that the Lead Local Flood Authority were still to put in a comment. Cllr A Fitch-Tillett was confident that Officers had thoroughly considered the scheme, and so proposed acceptance of the Officer's recommendation for approval.
- bb. Cllr V Holliday echoed concerns regarding the loss of woodland, though took note of Officer's comments. She considered some of the proposed mitigation to be contrived and asked how achievable all elements would be. She also reflected on the lack of open space and shared in concerns regarding landscape management. Cllr V Holliday asked if the affordable housing location could be re-considered and noted that water treatment matters had not yet been addressed.
- cc. The Chairman commented, as representative for Community Railway Norfolk, that there were 2 passenger trains an hour, and occasional condensate trains. The noise arising from the locomotives was typically when they were idling and not when they were passing through. Modern trains were far quieter than earlier models, he therefore did not consider the trains to be a major issue.
- dd. Mrs Hutchinson advised that the affordable housing was located predominantly along the eastern side of the development. In terms of the Anglian Water comment, she advised that this concern had been removed from later consultations indicating satisfaction with the re-design of the scheme.
- ee. The SLO affirmed that discussions had taken place with the Wildlife Advisory Board who acted as intermediaries with local farmers. The Wildlife Advisory Board would ensure that the mitigation proposed would be put into fields as close as possible to the site. The mitigation would result in bio-diversity enhancement to alternate sites. Such schemes had been utilised successfully elsewhere in the county.
- ff. Cllr V Holliday asked how long the £10,000 detailed in the S106 contribution list was expected to last.
- gg. The ADP stated an agreement would need to be reached with the Wildlife Advisory Board, though indicated early conversations were positive. He agreed it was important to ensure longevity.

- hh. Cllr A Brown asked whether there was scope in the design and layout of the site to provide additional planting along the railway line and adjacent houses as a noise buffer. He asked who was responsible for the management of communal areas and how this would be maintained. Further, whether the allotment may be sold off to the town council.
- ii. The ADP stated there was a reasonable degree of tree planting along the eastern boundary. The option of a noise barrier fence had been considered, and the applicant had evidenced that this was not required. If approved, a typical maintenance condition would be applied to the scheme. The ADP advised he would ensure this was to the upper end of the expectation, it would be for the developer to ensure the maintenance was achieved by whatever means they considered most appropriate.
- jj. The Chair noted that the A149 ran adjacent to the site, it was therefore not exclusively rail noise which may affect the site.
- kk. Cllr P Fisher asked how the landscaping could be secured and maintained, and when the landscaping would be implemented in context of building out the development.
- ll. The SLO advised that there would be phasing introduced through the landscape management plan. He was confident the condition address maintenance concerns.
- mm. The DM reflected that soil management was important for biodiversity and the development and maintenance of open spaces, he reflected that this too should be considered.
- nn. Cllr M Batey stated that his greatest concern was the provision of affordable homes. He was uncomfortable that the number of affordable homes may be watered down.
- oo. Cllr L Paterson considered this a finely balanced application but expressed his support for the application and so seconded acceptance of the Officer's recommendation.

**RESOLVED** by 11 votes for, 2 against and 1 abstention.

**That Planning Application PF/22/1784 be APPROVED in accordance with the Officer's recommendation subject to no objection being raised by:**

**Lead Local Flood Authority  
Environmental Protection (regarding Noise)**

**Subject to outlined S106 agreements and conditions in the officer's report, Revoked and new Tree Preservation Order, Timescale for approval to be issued. Final wording etc to be delegated to Director for Planning and Climate Change**

None.

The meeting ended at 11.50 am.

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Chairman