

19 APRIL 2018

Minutes of a meeting of the **DEVELOPMENT COMMITTEE** held in the Council Chamber, Council Offices, Holt Road, Cromer at 9.30 am when there were present:

Councillors

Mrs A Fitch-Tillett (Chairman)
Mrs V Uprichard (Vice-Chairman)

Mrs A Claussen-Reynolds	Ms M Prior
Mrs A Green	R Reynolds
N Lloyd	R Shepherd
N Pearce	B Smith

M Knowles – substitute for Mrs S Arnold
Mrs J Oliver – substitute for S Shaw
E Seward – substitute for Mrs P Grove-Jones
A Yiasimi – substitute for B Hannah

T FitzPatrick - observing

Officers

Mrs S Ashurst – Development Manager
Mr G Lyon – Major Projects Manager
Mr N Doran - Solicitor
Mr R Parkinson – Major Projects Team Leader
Miss L Yarham – Democratic Services and Governance Officer

153. APOLOGIES FOR ABSENCE AND DETAILS OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Mrs S Arnold, Mrs P Grove-Jones, B Hannah and S Shaw. Four substitute Members attended the meeting as shown above.

154. MINUTES

The Minutes of a meeting of the Committee held on 22 March 2018 were approved as a correct record and signed by the Chairman.

155. ITEMS OF URGENT BUSINESS

None.

156. DECLARATIONS OF INTEREST

<u>Minute</u>	<u>Councillor:</u>	<u>Interest</u>
157	B Smith	Served with the RAF
157	A Yiasimi	Associate Member of RAFA

All Members had received correspondence in respect of Raynham PF/17/0729.

PLANNING APPLICATIONS

Where appropriate the Planning Officers expanded on the planning applications; updated the meeting on outstanding consultations, letters/petitions received objecting to, or supporting the proposals; referred to any views of local Members and answered Members' questions.

Background papers, including correspondence, petitions, consultation documents, letters of objection and those in support of planning applications were available for inspection at the meeting.

Having regard to the above information and the Officers' reports, the Committee reached the decisions as set out below.

Applications approved include a standard time limit condition as condition number 1 unless otherwise stated.

157. RAYNHAM - PF/17/0729 - Erection of 94 dwellings with associated infrastructure; conversion of former NAAFI building to provide community centre; new allotments (within Kipton Wood); new play area (within The Orchard). [REVISED DESCRIPTION]; Kipton Wood and The Orchard, Former RAF Base, West Raynham, NR21 7DQ for Mr Fox

The Committee considered item 1 of the Officers' reports.

Public Speakers

Mrs J Freeman (Helhoughton Parish Council)
Mr C Allen (objecting)
Mr I Fox (supporting)
Mrs J Mattock (supporting)

The Major Projects Team Leader provided the following updates and corrections to the published report, and gave a comprehensive presentation relating to this proposal.

The Minerals and Waste Authority had no objection to the application but had commented that it was contrary to the Minerals and Waste Core Strategy Policy CS16 and the NPPF in that a small part of the site was above a safeguarded sand and gravel resource. However, the new dwellings would not compromise future extraction of the remaining mineral resource and a condition could be imposed to require sand and gravel found on the site to be reused in the development or otherwise sourced locally.

The Major Projects Team Leader reported that Natural England's comments had been included in the report but had not been appraised. Natural England objected to this application unless the scheme included appropriate off-site green infrastructure improvements. The proposal was likely to have an impact on designated sites and a Habitats Assessment was required to assess the impact on those sites. Natural England had recommended the expansion of the existing footpath and nature trail to create a network of recreational space, and the inclusion of dog walking routes and safe off lead dog walking areas to keep residents on the site. The Major Projects Team Leader suggested that additional measures be secured by condition or through a Section 106 agreement.

The Major Projects Team Leader reported that the applicant had provided new designs for the site entrance at The Kiptons/Massingham Road junction, works to the Massingham Road and provision of a new footpath and replacement bus stop. The

Education Authority had confirmed that it no longer required a financial contribution of £197,000 towards early education needs and the applicant had agreed to assign a sum of £200,000 towards addressing some of the deficiencies in the local highway network and agreed to work with the Highway Authority to propose a suitable highway improvement scheme.

The Highway Authority had responded that the applicant's proposals did not address its concerns. However, it had confirmed that it would be able to work with the applicant's transport consultant to explore ways of addressing some of the deficiencies in the local highway network in the vicinity of the site, within the budget of £200,000. The proposed additional works did not address the full range of the Highway Authority's concerns, nor remove or lessen its objection. The inherent inaccessibility of the location and vast majority of the highway network which could not be addressed by the works amounted to an unsafe and unsustainable location for the scale of growth proposed and have a severe impact.

The applicant had argued that there were alternative routes to and from the site which would disperse the traffic volumes.

The Major Projects Team Leader reported that the Environmental Protection Officer required a close boarded timber fence to be erected to the rear gardens of the proposed dwellings on the south side of The Kiptons to provide a degree of protection and mitigation from the adjacent business park. This was in addition to the requirements of the Landscape Officer to soften the perimeter of the site and integrate it into the countryside.

The Major Projects Team Leader reported that the report should read that the Strategic Housing Manager objected to the housing mix given the lack of two-bed dwellings, but had no objection to the provision of adaptable homes or to the viability assessment resulting in no affordable housing.

The reference on page 17 to the Development Plan should include the Minerals and Waste Core Strategy, adopted 2011.

With regard to the sewerage scheme, only phase 1 had been completed to date, with capacity for 240 dwellings but currently serving 171 existing dwellings. The additional 94 dwellings proposed would bring forward phase 2 of the scheme.

The Major Projects Team Leader reported that two additional objections had been received from local residents, expressing concerns regarding highways, noise, deliverability and viability of the scheme, heritage, lack of investment in existing properties, housing types and design of the scheme on the corner of Stephenson Close.

The Major Projects Team Leader stated that financial contributions would be required towards

- Conversion of part of the NAAFI building into a community centre
- New allotment spaces in Kiptons (1,800sqm)
- New play area at The Orchards
- New on-site recreation walking routes
- Library contributions
- Visitor impact mitigation at Natura 2000 sites
- Off-site green infrastructure contribution
- Byway restoration and other PROW schemes
- Off-site highways works improvements

The Major Projects Team Leader stated that Officers considered that, on balance, the public safety and environmental benefits, investment in restoring the disused base and the opportunities for future development outweighed the various policy departures, the concerns of an unsustainable location and deficient highway network, and the objections raised.

He recommended that the Head of Planning be authorised to approve this application subject to

- Liaison with Conservation & Design Manager regarding Stephenson Close
- Undertaking and passing a Habitats Regulations Assessment which secures more mitigation measures
- Completion of the Section 106 Agreement, including additional off-site green infrastructure works
- Securing a programme for off-site highways works
- Conditions as described in published report and update report
- Any additional conditions deemed necessary by the Head of Planning.

The Chairman read to the Committee the comments of Councillor Miss B Palmer, the local Member, who supported this application. Councillor Palmer considered that the once derelict site had been transformed into a real community and a variety of new businesses had been established. The proposals would add another element to the community. She understood that there were concerns regarding the road network, but considered that the area needed more amenities and housing which would only come with more people and further investment.

Councillor R Reynolds stated that the site was in a rural area and the main routes were C roads. There were a number of routes from the site. Whilst he had sympathy for the residents of Helhoughton, there would be less traffic than when the RAF occupied the site. He considered that the housing was needed and had designed to be in character with existing housing. The enabling development had been explained and was allowed for within Policy SS2. He proposed delegated approval of this application.

Councillor Mrs V Uprichard expressed concern at the number of policies which were contravened by this application. She stated that her greatest concern was highways. She asked if the Council would be held responsible in the event of an accidents occurring. She also considered that the proposal was totally unsustainable. She proposed refusal of this application.

The Major Projects Manager stated that liability would not necessarily rest with the Council provided its decision could be justified. The applicant had made an offer of highway improvements and consideration could be given to further improvements. The proposal was a challenging one. He stated that the report had been clear as to the policy shortfalls. The future of the former RAF base had to be considered, and it would not have a bright future if policy was strictly adhered to. The benefits had to be weighed against policy, and in Officers' opinion it was considered that approval would secure a future for the site.

Councillor N Lloyd expressed disappointment that there were no bungalows for elderly people. He was also concerned at the housing mix. He asked if the sewerage works would allow additional dwellings to be built after the proposed development. He also asked if the nursery would close or continue if this application were refused.

The Major Projects Team Leader explained that the nursery application was a going concern and would be considered separately under the following item of business. The lack of bungalows and housing mix had been dictated by the design and viability issues. The capacity of the sewerage system at present was greater than the existing

development. The additional development would take up the spare capacity and provide the second phase. This would have a capacity for 240 dwellings and it was hoped that employment uses would be catered for within that capacity. Additional dwellings could come from conversion of existing buildings or new build and planning permission would be required for future development. The viability of the scheme had not taken into account the cost of providing for any future speculative development.

Councillor Ms M Prior stated that policies were for guidance and information and the detailed report stated the reasons why there was a balance in this application and the Officers had given reasons for their recommendations. She seconded the proposal for delegated approval of this application.

Councillor E Seward considered that this was a difficult application. Major investment would be needed. He had listened carefully to the local Member's comments and comments from an existing resident as to the need for more housing and more people to develop the facilities. He referred to the Highway Authority comments which were in strong terms and he remained concerned at the possible implications if this application were approved. He considered that there was a need to be satisfied legally that there would not be an issue.

The Chairman called a brief adjournment to enable a legal representative to be summoned.

The Solicitor explained that any decision taken in relation to a planning application is an assessment of the application in planning terms. Any issues which may arise following that decision could be a civil matter.

Councillor E Seward asked if it would be necessary to state the reasons for overriding the Highway Authority's objection if the application were approved.

The Solicitor advised that it would be beneficial to state the reasons. It was a material consideration in the assessment of the issues and would be addressed in the decision.

Councillor R Shepherd stated that this was a large development and it was important not to lose sight of the objectives to provide homes and jobs for people. He referred to the large number of personnel and civil staff who had used the highway network when the RAF base was in operation. He did not wish to see the base broken up, which could be the future if this application were not approved.

Councillor Mrs A Claussen-Reynolds stated that there was a good shop on site which would help to alleviate the problems. Improved water and sewerage would help to promote health and wellbeing. She considered that £200,000 was a large sum of money towards highway improvements.

RESOLVED by 8 votes to 5

That the Head of Planning be authorised to approve this application subject to:

- **Liaison with Conservation & Design Manager regarding Stephenson Close**
- **Undertaking and passing a Habitats Regulations Assessment which secures more mitigation measures**
- **Completion of the Section 106 Agreement, including additional off-site green infrastructure works**
- **Securing a programme for off-site highways works**

- **Conditions as described in published report and update report**
- **Any additional conditions deemed necessary by the Head of Planning.**

158. HELHOUGHTON - PF/17/0519 - Retrospective change of use of community centre to children's nursery (use class D1); The Burr Centre, Blenheim Square, West Raynham, FAKENHAM, NR21 7PA for Thalia Investments Ltd

The Committee considered item 2 of the Officers' reports.

The Major Projects Team Leader presented the report, including plans and photographs of the site. In view of the approval of application PF/17/0729 above, he recommended approval of this application as set out in recommendation 1 of the report.

The Chairman read to the Committee the comments of Councillor Miss B Palmer, the local Member, who fully supported this application as the children's nursery had been a valued addition to the site. The nursery had been in operation since May 2017, but the planning application had been submitted in April 2017 and not determined due to the ongoing issue of a replacement community centre.

Councillor Mrs V Uprichard stated that she supported the application but considered that the outdoor play area should not be in use before 9.00 am.

Councillor A Yiasimi proposed approval of this application.

Councillor R Shepherd considered that the facility was essential for working families on the site and considered that if the hours had not been a problem in the past, they would not be a problem in the future. He seconded the proposal.

Councillor Mrs A Green considered that there would be an issue for working parents who dropped their children off before going to work if a 9.00 am time limit was placed on this application.

Councillor B Smith considered this was a good scheme. However, he considered that an acoustic fence would help alleviate the noise disturbance to a dwelling adjacent to the site.

The Major Projects Team Leader considered that an acoustic fence would be beneficial for residential amenity and could be secured by condition.

Councillor R Reynolds referred to policies SS2 and EC2 and considered that the community facility should be retained. He supported Councillor Green and Councillor Smith's comments.

At the request of the Chairman, Councillor A Yiasimi confirmed that he was happy to include the above suggestions in his proposal.

Councillor Mrs A Claussen-Reynolds considered that young children could not be prevented from going outside before 9.00 am.

The proposal, to include no use of the outdoor play area before 9.00 am and the provision of an acoustic fence, was put to the vote and declared lost with the majority of Members voting against it.

It was proposed by Councillor Mrs A Claussen-Reynolds, seconded by Councillor Ms M Prior and

RESOLVED unanimously

That this application be approved upon the issuing of planning permission for application PF/17/0729, subject to the following conditions and an additional condition relating to the erection of an acoustic fence:

- 1. Temporary consent for 5 years continued use.**
- 2. Use class restrictions:**
 - The buildings shall only be used for a crèche / nursery within the D1 use class.**
 - The crèche shall only provide care for pre-school / 0-5 year old children.**
- 3. Removal of permitted development rights to change to other uses.**
- 4. Hours of opening restricted to 7am - 7pm Sunday to Monday, including Bank Holidays.**
- 5. Hours of use of the outdoor play area to be restricted– there shall be no use of the outdoor play area after 3pm on Saturdays, Sundays and/or Bank Holidays.**
- 6. Within 2 months, a scheme for disabled parking and motorcycle parking to be proposed and provided within 1 month of approval.**
- 7. Within 2 months, a scheme for cycle parking to be proposed and provided within 1 month of approval.**

And any other conditions deemed appropriate by the Head of Planning.

159. APPLICATION RECOMMENDED FOR A SITE INSPECTION

The Committee considered item 3 of the Officers' reports.

The Development Manager requested additional site inspections in respect of planning applications at Cromer (PF/17/2124) and North Walsham (PF/17/1951). In both cases the reason for the inspection was to expedite processing of the application.

RESOLVED

That the Committee undertakes the following site inspection:

KNAPTON – PF/17/1675 – Erection of 14 dwellings, associated works and access; land off School Close Knapton for Victory Housing Trust

SOUTHREPPS – PF/17/2082 – Erection of 20 dwellings with associated access, on-site parking provision. Gardens and open space and the demolition of existing garages to create additional residents / visitor parking; land off Long Lane for Victory Housing Trust

CROMER – PF/17/2124 - Use of land for caravan & camping for 40 days consecutively/60 days cumulatively per year; Beef Meadow, Hall Road for Mr B Cabbell Manners

NORTH WALSHAM – PF/17/1951 - Erection of 43 dwellings and new access with associated landscaping, highways and external works, and amendments to substation; land at Laundry Loke for Victory Housing Trust

160. CHANGES TO THE SCHEME OF DELEGATION, COMMITTEE PROCEDURES AND OTHER PROCEDURAL CHANGES

The Committee considered item 4 of the Officers' reports.

Councillor R Reynolds requested the Committee's view as to whether Members should continue to decide whether or not to agree to site inspections.

Members raised concerns regarding paperless working. The Development Manager confirmed that the proposals related to Officers working paperless and not Members.

The Development Manager reported that the Portfolio Holder supported the proposals contained in the report as she considered that they would ensure better working relationships between members and officers and help the smoother passage of applications.

The Development Manager explained that taking all site inspection requests to Committee impacted on performance. The flexibility in allowing the Head of Planning to add site inspections in consultation with the Chairman of the Committee was not intended to take away control but would enable applications to come before the Committee more quickly.

Councillor Reynolds stated that he was not trying to stop anything but the Committee had enjoyed deciding on site inspections in the past.

The Chairman confirmed that the suggested procedure did not stop Members asking for a site inspection.

Councillor R Shepherd considered that the proposal could cut out some of the unnecessary site inspections which had been undertaken in the past.

Councillor Mrs A Claussen-Reynolds requested that Members be kept informed. The Development Management Team Leader agreed to do so.

RESOLVED

- 1. That Development Committee RECOMMENDS to the Constitution Working Party and full Council that the changes introduced on 16 March 2017 be agreed as permanent changes to the constitution**
- 2. The changes to the Committee procedures put in place in September 2016 (as reported to Development Committee on 1 July 2016) be agreed on a permanent basis.**
- 3. That the additional changes set out in Section 4 of this report, which will become operational from 1 May 2018 be noted.**

161. DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – YEAR END 2017/18

The Committee considered item 5 of the Officers' reports.

The Chairman congratulated the Development Management and Major Developments teams on the improved performance.

The Development Manager thanked Members for their assistance in achieving improvements to performance. She reported that the Portfolio Holder had expressed her thanks and complimented the Officers on the excellent results.

Councillor Mrs J Oliver congratulated the Officers. She asked if pre-application advice related to neighbourhood development plans.

The Development Manager explained that neighbourhood plan work sat with the Planning Policy Team. Neighbourhood plans were outside the planning process until adoption, when they became a material planning consideration.

Councillor Mrs A Claussen-Reynolds also expressed her congratulations. She asked why the "Do I Need Planning Permission" work had decreased so much.

The Development Manager explained that the "Do I Need Planning Permission" Duty Officer service was no longer offered and customers were encouraged to self-serve. The Duty Officer service often resulted in senior officers' time being taken up on simple questions. A "bronze level" service was offered which pointed people towards self-serve routes but did not give a view as to whether or not planning permission was likely to be granted.

The Committee noted the report.

162. NEW APPEALS

The Committee noted item 6 of the Officers' reports.

163. INQUIRIES AND HEARINGS - PROGRESS

The Committee noted item 7 of the Officers' reports.

The Development Manager reported that the Beeches Farm appeals would be heard on 25th and 26th September 2018.

164. WRITTEN REPRESENTATIONS APPEALS - IN HAND

The Committee noted item 8 of the Officers' reports.

165. APPEAL DECISIONS – RESULTS AND SUMMARIES

The Committee noted item 9 of the Officers' reports.

The Development Manager stated that the Inspector had backed the Council's stance with regard to prior approval applications. Other Norfolk authorities had questioned why the Council did not approve all such applications and the decisions had been shared with those authorities as learning for them.

The Chairman stated that she was proud of the team and also proud that the Authority was advising others.

The Development Manager reported that the Portfolio Holder considered that the appeal results were excellent, but noted that more and more appeals are being made which was probably a sign of the times.

Councillor R Reynolds endorsed the Portfolio Holder's comments.

166. COURT CASES – PROGRESS AND RESULTS

The Committee noted item 10 of the Officers' reports.

The Major Projects Manager updated the Committee on the current position with regard to wind turbines at Bodham and Selbrigg. The Inspector's decision to deal with the matter under the written representations process had been challenged given the public interest in this matter, and the Inspector had been asked to suspend action on the case pending the outcome of the challenge.

Councillor Mrs J Oliver stated that she understood that some of the local residents were not aware that the written representations process had been stopped. She was concerned that representations made now would be very stale by the time an Inquiry was held.

The Major Projects Manager explained that in the event of a successful challenge, written representations would be suspended and the inquiry procedure restarted. Residents would be notified that there was a change in the procedure and time allowed for additional comments. NOTTT, as a Rule 6 party, would have an opportunity to put forward its case. He added that the Planning Inspectorate managed the process and not NNDC.

Councillor Oliver asked if the website could be updated.

The Major Projects Manager explained that he would work with the Planning Portfolio Holder on a release of information. He agreed that the website would be updated.

The Major Projects Manager also updated the Committee on the current position with regard to Sculthorpe PF/15/0907. The applicant had challenged the Inspector's decision and the Judge determined that the benefits of the school had not been properly taken into account. A challenge had been made by the Council to the Court of Appeal against the Judge's decision.

The meeting closed at 12.10 pm.

CHAIRMAN
17 May 2018