

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 13 June 2024 in the Council Chamber - Council Offices at 9.30 am

Committee Members Present: Cllr P Heinrich (Chairman) Cllr R Macdonald (Vice-Chairman)
Cllr P Fisher Cllr M Hankins
Cllr V Holliday Cllr J Toye
Cllr A Varley Cllr L Vickers

Substitute Members Present: Cllr C Ringer
Cllr J Boyle
Cllr L Paterson

Officers in Attendance: Development Manager (DM)
Principal Lawyer (PL)
Senior Planning Officer (SPO)
Senior Planning Officer – MA (SPO-MA)
Development Management Team Leaser (DMTL)

Also in attendance: Cllr P Porter
Cllr H Blathwayt

18 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr M Batey, Cllr A Brown, Cllr A Fitch-Tillett, Cllr G Mancini-Boyle. Cllr P Neatherway, and Cllr K Toye.

19 SUBSTITUTES

Cllr C Ringer was present as a substitute for Cllr M Batey.
Cllr J Boyle was present as a substitute for Cllr K Toye.
Cllr L Paterson was present as a substitute for Cllr P Neatherway.

20 ITEMS OF URGENT BUSINESS

None.

21 DECLARATIONS OF INTEREST

Cllr V Holliday advised she would abstain from voting on agenda item 10.

Cllr L Paterson declared a non-pecuniary interest in agenda item 7, he knew the landowner and confirmed they were not a friend or family member.

22 BACTON - PF/23/1612 - HYBRID PLANNING APPLICATION SEEKING: DETAILED/FULL PLANNING PERMISSION FOR 47 DWELLINGS (AFFORDABLE HOMES), ASSOCIATED INFRASTRUCTURE AND OPEN SPACE ON 2.80 HECTARES OF LAND (NORTHERN PART OF FIELD BETWEEN COAST ROAD AND MILL LANE) AND ACCESS/HIGHWAYS WORKS; AND 2. OUTLINE PLANNING PERMISSION (ALL MATTERS RESERVED) FOR

VILLAGE OPEN SPACE AND CAR PARKING ON 0.65 HECTARES OF LAND (SOUTHERN PART OF FIELD ALONG COAST ROAD FRONTAGE)

Officer's Report

The SPO introduced the application and recommendation for approval subject to conditions. He provided an update to the report with respect of the County Council response and confirmed the response remained valid. Additionally, a late representation was received with respect to the historic environment, it was noted that the closest listed buildings were to the southwest of the village hall and that there may be some harm arising to those heritage assets by consequence of the proposal. The SPO advised that the degree of harm was considered to be extremely modest.

The Case Officer outlined the site's location and relationship within the local setting and affirmed the key elements of the proposal as identified in the Officer's report. It was noted that the front portion of the proposed site fell within the settlement boundary, with the rear portion in the designated countryside within policy terms. Samples of site elevations were shown to demonstrated form and use of materials. Images in and around the site were provided by the SPO.

The second portion of the proposal related to the outline element of the scheme (south of the village hall). The outline consent sought permission for Car Parking area to be taken on by the Council, Footpath connecting the housing development and Coast Road to the South, Public open space including play space, and hedgerows and landscaping.

Public Speakers

Elaine Pugh – Bacton Parish Council
John Long – Supporting

Local Member

The Local Member – Cllr P Porter – considered this to be a large development for a relatively small village, which would likely change the character of the village as a consequence. Despite the traffic survey she remained concerned with the volume of traffic joining Coast Road. Additionally, the Local Member queried whether there was sufficient availability in local schools and the doctor's surgery needed to support the development. Cllr P Porter stressed, should the application be approved, the priority would be given to Local People, specifically those from Bacton and neighbouring parishes for the affordable homes.

Members discussion and debate

- i. Cllr L Paterson asked for additional detail regarding the impact of Coastal erosion on the site. He enquired about the density of housing of the proposal in context of planning policy. Cllr L Paterson sought assurance that the carpark would be protected from anti-social behaviour, as he was concerned that it may be used as an unauthorised campsite. Finally, he questioned the justification for 47 affordable homes and not another figure.
- ii. The SPO recognised the site was within a Coastal location, though it did not appear listed on erosion constraint mapping. He understood the site was not to be at reasonable risk of coastal erosion within the next century. With

respect of density, the proposal was for approximately 16.8 dwellings per hectare, falling short of the 30 dwellings per hectare under policy HO7, the decision to achieve few dwellings per hectare on the site was reflective of the rural nature of the village and the need to not overpopulate the setting. The SPO stated that details regarding management of the carpark including gates could be presented at the reserve matter stage. The proposal had been subject to extensive pre application discussions the SPO was unable to confirm why 47 dwellings was decided upon and not another figure.

- iii. The DM confirmed the Housing Team had discussed the application at length. Housing Officers had reflected on the identified housing need when arriving at their comments. The DM advised that in an allocation site it would not be possible to limit occupancy of the social homes to those already residing in the village, and that anyone from the housing register would be able to apply. The exception housing by contrast could be subject to a legal agreement which specifies that resident of the parish would be given first priority before allocation was opened up to the wider district. This application a hybrid comprising of both elements.
- iv. Cllr L Paterson noted the site was located 160m from the eroding Coast and expressed some concern that the Coastal team had not been consulted.
- v. The SPO confirmed the Coastal Team had not been consulted as the site did not fall within the erosion constraint map.
- vi. The DM advised that a carpark management plan could be requested as part of the outline application and then secured under reserve matters. With respect of Coastal Erosion, it was recognised that a nationally significant piece of infrastructure was located close to the application site, this critical asset was key in securing the sandscaping project and it was highly unlikely that it would be allowed to erode to a point that it would put at risk the Gas Terminal. Consequently, the village of Bacton had benefited from the works to protect the terminal. It was expected that the Coastal Erosion mapping would be updated within the year, the DM did not anticipate this would impact the allocated site.
- vii. Cllr J Toye enquired who would be responsible for the monitoring of the attenuation ponds?
- viii. The DM stated that it would be the responsibility of flagship housing to manage open space on site, matters of maintenance were usually secured by way of legal agreement.
- ix. Cllr J Toye proposed acceptance of the officer's recommendation for approval.
- x. Cllr V Holliday noted that the application was formed of 20 houses within the allocation component of the scheme and 27 houses within the exception housing element of the scheme. She asked how it could be guaranteed that the affordable homes would be affordable in perpetuity? Additionally, Cllr V Holliday noted that the open space contribution was not listed within the S106 contributions listed.
- xi. The PL advised the S106 agreement will require the affordable housing to be held in perpetuity. In some instances, with respect of shared properties they

could 'staircase' to 100% ownership, though this would require for any monies to be rolled back into affordable housing in the district. However, in other instances shared ownership was capped 80% ownership in perpetuity which could also be secured via S106.

- xii. The SPO outlined the financial contributions on p.19 of the agenda – some of which could go towards the parish council to maintain the open space and play space.
- xiii. Cllr C Ringer noted the strategic housing response was provided the 23rd August 2023, some time ago, within the response the homes for local need was listed as 12 and the homes for general need 35, with 19 shared ownership homes also within the mix, though unclear which allocation they came from. Cllr C Ringer was supportive of affordable and social housing and expressed sympathy for the views of the Parish Council and Cllr P Porter. He recognised that 47 households were listed on the Housing register with a local connection to Bacton, some of which would not be accommodated by the new development in the proportion of homes given local priority was only 12. He queried if unit 1 was for shared ownership or not as it was unclear from the map. Additionally, if the shared ownership permitted 100% ownership, Cllr C Ringer asked if a restrictive covenant could be added to ensure future owners had a local connection, as the case with many other ex-local authority properties.
- xiv. The Chairman invited the applicant to address questions from the Committee. Mr James Knobbs – Flagship Planning Manager – stated that the site was allocated within the local development framework. It was expected that the shared ownership dwellings within the allocated portion of the site would permit owners to staircase outwards allowing 100% ownership. To limit future ownership would impact the level of interest from potential buyers and young homeowners. Mr Knobbs advised, with respect of the exception portion of the scheme that this would be specific to local need within Bacton.
- xv. Cllr C Ringer sought clarification which of the homes would be shared ownership and under which allocation?
- xvi. Mr Knobbs advised, following pre application advice, that in terms of placemaking it would be better the site be amalgamated into a hybrid allocation and exception site, and be treated as one site. The Housing Plan map established which homes would be affordable rent and which were shared housing.
- xvii. Cllr C Ringer noted the map did not demarcate which were shared ownership or affordable rent. He stressed the community need would not be addressed if a proportion of the 12 homes for local people was allocated to shared ownership.
- xviii. Mr Knobbs stated that the local housing allocations would not be allocated to shared ownership. Conversations were had with the Strategic Housing Team and local housing dwellings designed to benefit those Bacton residents on the housing register (Bands A-C).
- xix. The DM noted the allocations policy for the site expected 20 dwellings, and that it may be assumed that any dwellings above 20 achieved should be defined as an exception within exception allocations. He stated that the

- Committee could choose to alter the balance to seek more homes within the exception category and recognised that it was important to establish the composition to address matter of public benefit.
- xx. Cllr C Ringer considered information was lacking on local need, he was resistant to defer decision making, but felt more was needed to ensure public benefits were achieved.
 - xxi. Cllr A Varley reflected on the eco credentials of the dwellings and noted the conditions requiring air-source heat pumps. He considered it critical to understand the eco credentials of the scheme and if the homes would be passive housing or close to passive housing.
 - xxii. The SPO apologised that eco-credentials were not identified in detail in the report. He noted the agent was present to answer questions.
 - xxiii. The agent advised that as part of the application an energy statement had been submitted, he assured the Committee that at least 10% of energy would come from renewable sources including air-source heat pumps.
 - xxiv. Cllr L Vickers endorsed comments made by Cllr C Ringer and agreed that it should be genuinely affordable homes for local people. She agreed that it could have been made clearer which homes were within the exception site and which were shared ownership.
 - xxv. The agent advised the blue dots on the housing plan were shared ownership.
 - xxvi. The SPO commented the allocation and exception site were amalgamated into one and that it was not possible to draw a line to distinguished which dwellings fell in each designation.
 - xxvii. Cllr M Hankins noted this was a significant development and questioned if it was proportionate for the village. He expressed sympathy for the views of the Local Member and the Parish Council. He asked how the S106 money would be utilised locally?
 - xxviii. The SPO advised that there was currently capacity in early years and secondary sectors, but there was insufficient capacity in the primary sector for the children generated from the development. The education contribution would therefore increase capacity at the primary level, per the correspondence dates 13th March. With respect of the care contribution, details would be contained within this respective communication.
 - xxix. Cllr J Toyce noted in the planning statement maps for 2022 and 2023 demonstrated the who initially separate schemes before they combined.
 - xxx. Cllr V Holliday expressed her concerns for the numbers of shared ownership dwellings in the scheme. She enquired about pedestrian access from the site to Mill Lane.
 - xxxi. The SPO advised that connectively out of the site would be in the North-West corner near the chip shop, as well as from the main drive access, and the southern connection to the outline development. He confirmed there was not planned connectivity to the east to Mill Lane.
 - xxxii. Cllr A Varley seconded the motion for approval.

- xxiii. Cllr L Paterson asked if the southern footpath would cut across the carpark.
- xxiv. The SPO showed the indicative layout for the outline component, with the footpath would skirt the edge of the carpark.
- xxv. Cllr C Ringer thanked Cllr J Toye for his comments re the 2022 and 2023 plans – he noted in the earlier design that the exception site contained 18 properties, which was now reduced down to 12.
- xxvi. The agent advised whilst not available in the Committee report, Flagship Housing did have a plot-by-plot accommodation schedule which lists property type, tenure, and classification (exception site or not). Specifics re the exception site would be secured via the S106 agreement.
- xxvii. Cllr C Ringer expressed confusion between the detailed figure and the advice offer by the agent that the final figure for the exception site was negotiable.
- xxviii. The agent advised the figure was 12, but that this was a moving data set. The final figure would be set with the S106 agreement.
- xxix. Cllr C Ringer relayed his preference for an increase on the number of dwellings within the exception classification from 12. He was resistant to hold up determination of the application but was keen to achieve a greater number of homes for local people.

RESOLVED by 10 votes for and 1 against.

That Planning Application PF/23/1612 be APPROVED in accordance with the Officer's recommendation.

23 SEA PALLING - PF/24/0362 - HOUSEHOLDER PLANNING APPLICATION SEEKING: SINGLE STOREY EXTENSION TO DWELLING (PART RETROSPECTIVE) AT ST. BENEDICTS, WAXHAM ROAD, SEA PALLING, NORWICH NR12 0UX

Officer Report

The SPO(MA) introduced the Officer's report and recommendation for approval subject to conditions. He outlined the application site and relationship with neighbouring dwelling, and confirmed, with the application being retrospective, that the proposed extension had already been partly built out. It was noted that applicant had engaged with NNDC through pre-application advise to generate an improved scheme to that previously refused through the redesign and reduction in height of the extension. Proposed floor plans, elevations and images in and around the site were provided to the Committee. The Case Officer advised that the roof structure shown in the photographs would be reduced should the application be approved.

Public Speakers

Ian Riddick – Supporting

Local Member

The DM received a written statement prepared by the Local Member – Cllr H Blathwayt – who was unable to attend the meeting. The Local Member confirmed his role within the Norfolk Coast Partnership, whose purpose was to manage the AONB. He advised that his objection to the application was independent to the North Coast Partnership. Cllr H Blathwayt wrote that that he referred the application to Committee at the request of the Parish Council who were concerned about the retrospective nature of the application and were dissatisfied with the large enhancement to what was initially a modest building in a sensitive landscape. The Local Member did not consider the application complied with the North Norfolk design guide and reflect the character of this special area. He argued that the application failed to conserve or enhance the area and the continued permitting of development in the AONB would erode the special protected features of the landscape. Cllr H Blathwayt referred emerging Local Plan Policy that development proposals should be appropriate for their location with respect to scale, design and materials to protect and conserve the landscape. Whilst the Local Member would prefer refusal or deferral to allow for the Parish Council to present their views, he asked, if accepted, that stringent restrictions be placed on use of the property as a primary residence or second home, not as a holiday let.

Members Discussion and Debate

- i. The Chairman noted that the development replaced prior structures and therefore was not seeking to significantly enlarge the overall footprint of the dwelling.
- ii. The SPO(MA) advised the replacement dwelling would have slightly larger in footprint.
- iii. Cllr J Toye welcomed the occupancy condition suggested by Cllr H Blathwayt. He considered the application acceptable on balance and so proposed acceptance of the Officer's recommendation.
- iv. Cllr V Holliday asked for details of the proposed height of the building in comparison to that built.
- v. The SPO(MA) stated the ridge line would sit lower than the main dwelling and that already built.
- vi. Cllr V Holliday noted that landscaping's purpose was not to offer screening to something unattractive, as had been recognised in a planning decision for Cley. She asked if it could be conditioned that the glass used be reduced visible light transmission given the extremely sensitive landscape.
- vii. The SPO(MA) advised discussions had been held with the applicant regard VLT on the glazing, it was understood this could be secured via condition.
- viii. Cllr V Holliday asked this be added to the list of conditions.
- ix. Cllr R Macdonald seconded the motion.

RESOLVED by 11 votes for and 1 against.

That Planning Application PF/24/0362 be APPROVED in accordance with the Officer's recommendation.

- 24 HINDRINGHAM - RV/24/0496 - VARIATION OF CONDITION 11 (NO DELIVERIES TO BE TAKEN OR DISPATCHED OUTSIDE THE HOURS OF 07:00 TO 19:00 MONDAYS TO SATURDAYS AND NOT AT ANY TIME ON SUNDAYS AND BANK HOLIDAYS) OF PLANNING PERMISSION PF/10/0360 (ERECTION OF POTATO STORAGE BUILDING) TO ALLOW DELIVERY AND DISPATCH BETWEEN THE HOURS OF 07:00 TO 19:00 ON SUNDAYS AND BANK/PUBLIC HOLIDAYS BETWEEN I) 01 APRIL AND 30 JUNE AND II) 01 SEPTEMBER AND 31 NOVEMBER, IN ANY CALENDAR YEAR, ON NO MORE THAN 4 WEEKENDS WITHIN EACH OF THESE PERIODS AT ROW HILL FARM, WALSINGHAM ROAD, HINDRINGHAM, FAKENHAM**

Officer's Report

The DMTL introduced the Officer's report and recommendation for approval. The variation of condition was proposed to meet the demands placed on the operator by the Crisp Manufacturer whom the potatoes were sold too, allowing for delivery and dispatch on Sundays during the proposed period.

The DMTL outlined the sites' location and relationship to dwellings in the landscape and provided images in and around the site. The property to the east was erected after development and operation of the site and was located on a former agricultural site.

With respect of residential amenity, the DMTL confirmed that Sunday operation had taken place over the last few years with the agreement of the Local Planning Authority. This arrangement had been very occasional and only on eight Sundays in the last three years, as set out in the report. The Council had not received complaints regarding noise and disturbance on the site, nor was this one of the main concerns raised in representations in response to the application as first submitted. The applicant considered the proposal would enable them the flexibility to deal with external pressures without the need to contact the Local planning Authority every time Sunday working should be necessary. Varying the condition would not have a material change to the number of vehicle movements as the capacity for the store remains unchanged.

Public Speakers

Sarah Hayden – Hindrigham Parish Council

Local Member

The Local Member – Cllr S Butikofer – noted the extreme concern expressed by the Parish Council regarding the impact on Sunday operation on the village community both with respect of noise generated and the number of vehicle movements. She disagreed with the Officer's assessment that Highways concerns were not a primary issue, and argued that the size and nature of the rural road was a serious concern especially with speeding vehicles. The Local Member affirmed that residents had a right to enjoyment of their properties and to operate their businesses without being impacted by others. Cllr S Butikofer considered the views expressed by the Parish Council to be sensible and constructive to reach a workable solution, addressing the concerns raised by residents. The Local Member noted anecdotal evidence that prior measures had been ineffective, and requested the Committee consider the

conditions presented by the Parish Council, should they be minded to approve.

Members debate and discussion

- i. The Chairman asked Officer's to confirm the feasibility of requiring different routing.
- ii. The DMTL advised that incidents in Hindrigham could not be attributed solely to the business as there were other farms in and around the village. He commented it would be challenging to monitor different routing as this would need to be controlled by traffic order.
- iii. Cllr L Vickers asked for confirmation that the proposal sought permission for use of 8 Sundays in the given periods.
- iv. The DMTL commented that the 8 Sundays per year reflected the last 3 years demand, this would be 4 Sundays in each of the two periods going forward, should the application be approved.
- v. Cllr L Paterson considered the impact in winter months to be limited, and argued that use of 8 weekends, when needed, seemed reasonable. He therefore proposed acceptance of the Officer's recommendation.
- vi. Cllr V Holliday asked if the hours presented by Environmental Health (9am-4pm) could be conditioned. She expressed sympathies with neighbours for disturbances at 7am on a Sunday.
- vii. The DMTL noted the applicant requested hours which aligned with operation on other days.
- viii. The Chairman expressed some scepticism how viable it would be to restrict hours further if lorries were driving from out of the county.
- ix. Cllr J Boyle agreed it may be difficult to control hours as often drivers were given a time slot by the factory to meet. She seconded the Officer's recommendation for approval.
- x. Cllr A Varley reflected on his experience working on the potato harvest for another business. He expressed support for the excellent farming community in the district and the need to support this industry. Cllr A Varley took no issue with the proposed hours and considered restricted hours may not be viable.
- xi. Cllr J Toye confirmed the application would essentially regularise activity already taking place. He commented he would have liked for details of routes in and out, though accepted it may be difficult to control.

RESOLVED by 11 votes for.

That Planning Application RV/24/0496 be APPROVED in accordance with the Officer's recommendation.

Officer's report

The DMTL introduced the Officer's report and recommendation for approval subject to conditions. He noted a minor amendment to p.42, line starting 'moreover' and advised this should be removed as it was not relevant to this application but to another application for the same property. The DMTL defined certificate of lawfulness and how this differed to typical planning applications.

He outlined the site's location and relationship with the local setting, provided aerial images of the site, and photos in and around the site both before and after the render was applied.

Public speakers

Richard Allen – Cley Parish Council

Local Member

The Local Member – Cllr V Holliday – advised the development had already been subject to certificate of use through the replacement of the fibre cement sheet roof with metal sheeting and commented that the community disagreed with officer's opinion that this did not represent a material change in the external appearance of the building. The Local Member noted the planning history to the site including a prior application with elevational changes, the Landscape Officer commented on that occasion that they considered render would materially alter the appearance of the building, the Planning Officer also shared in the view that the proposed changes would fundamentally alter the appearance of the building. Cllr V Holliday reflected that the Committee were now being asked if the application or render would materially affect the external appearance of the building as a whole. She considered this could clearly be demonstrated in the before and after photographs. With respect of Officer's reference to Burroughs Day vs Bristol City Council 1996 case, Cllr V Holliday quoted an excerpt from the final judgement, and expressed her opinion that the alteration was 'more than di minimus'. The Local Member considered the alteration would be to highly viable elevations in a protected landscape and placed weight on the prior representations from the landscape and planning officers with respect of a former application for the site. She called on the Committee to refuse the certificate of lawful development.

Members Debate and Discussion

- i. Cllr A Varley noted within 42 of the report that the colour of the render applied to the walls was only subtly different to that of the exposed block work. He considered that aspects of design could be subjective, and it was important that the Committee be objective. Cllr A Varley did not consider the render had a detrimental impact on the setting and therefore proposed acceptance of the Officer's recommendation for approval.
- ii. Cllr P Fisher expressed his sympathy with Cley Parish Council, though with respect of this specific application for the certificate of lawfulness, he could not see much change from the existing exterior. Cllr P Fisher seconded the motion.
- iii. Cllr J Toye did not consider the appearance of the building to look significant different. He was happy to support the Officer's

recommendation.

RESOLVED by 10 votes for and 1 against.

That the Certificate of Lawfulness be APPROVED in accordance with the Officer's recommendation.

26 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 11.40 am.

Chairman