

## **1 NOVEMBER 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 S Arnold	N Pearce
Mrs A Claussen-Reynolds	Ms M Prior
Mrs A Green	R Reynolds
Mrs P Grove-Jones	R Shepherd
B Hannah	B Smith
N Lloyd	

Ms V Gay – North Walsham (West)  
Ms K Ward – Glaven Valley Ward

E Seward - observing

### Officers

Mr P Rowson – Head of Planning  
Mrs S Ashurst – Development Manager  
Mr G Lyon – Major Projects Manager  
Mr J Wilson – Environmental Protection Manager  
Mr R Parkinson – Major Projects Team Leader  
Mr D Watson – Development Management Team Leader  
Mr N Doran - Solicitor  
Miss L Yarham – Democratic Services and Governance Officer

## **88. APOLOGIES FOR ABSENCE AND DETAILS OF SUBSTITUTE MEMBERS**

An apology for absence was received from Councillor N Smith. There were no substitute Members in attendance.

## **89. MINUTES**

The Minutes of a meeting of the Committee held on 4 October 2018 were approved as a correct record and signed by the Chairman.

## **90. ITEMS OF URGENT BUSINESS**

None.

## **91. DECLARATIONS OF INTEREST**

<u>Minute</u>	<u>Councillor:</u>	<u>Interest</u>
93	B Hannah	Member of the Splash Board (did not vote, spoke as local Member only)
93	Mrs S Arnold	Member of NNDC Cabinet (did not vote or participate)
95	B Smith	Non-pecuniary, spoken to applicant but not relating to this application

## **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.

92. **NORTH WALSHAM - PF/17/1951 - Erection of 43 dwellings and new access with associated landscaping, highways, external works, and amendments to substation; Land at Laundry Loke, North Walsham, NR28 0BD for Victory Housing Trust**

The Committee considered item 1 of the Officers' reports.

### Public Speaker

Robert Murphy (North Walsham Town Council)  
Nicole Wright (supporting)

The Major Projects Team Leader presented the report and displayed plans and photographs of the site. Amended plans had been received to address the concerns raised in respect of highways and noise issues. The Highway Authority was now satisfied that the amendments addressed its concerns. He explained the acoustic protection measures which were proposed. Environmental Health continued to object in principle but accepted that everything had been done to address the issues if it was considered necessary to locate housing in the area of concern. He referred to storage containers which were present on the adjacent site. These did not have the benefit of planning permission and needed to be investigated further, but they would provide some acoustic protection.

In the light of amended plans, the Major Projects Team Leader recommended that the Head of Planning be authorised to approve this application, subject to final confirmation of the noise protection strategy, and:

- (i) Minor amendments to layout affecting the shared parking area for the 13 x 1 bedroom flats;
- (ii) Completion of section 106 agreement as set out in the report;
- (iii) Conditions as broadly listed in the report; and,
- (iv) Additional conditions: Agree following details:  
Acoustic glazing and ventilation; parking areas, bins, bikes and parking management for the flats; highway verge landscaping.
- (v) Any other conditions as may be considered to be appropriate by the Head of Planning

He also recommended that in the event of the Section 106 Agreement not being completed within three months and, in the opinion of the Head of Planning, there is no realistic prospect of it being completed within a reasonable timescale, the application be refused.

Councillor Ms V Gay, a local Member, referred to the history of the former laundry site and the current condition of the site. She was concerned with regard to noise pollution and use of fixed windows. She considered that a more generous distribution of housing on the site, avoiding the area affected by noise, would be a solution and that it would be preferable to resolve the noise issues prior to approval. She considered that reducing the amount of housing would secure affordable housing, eliminate noise issues, reduce the need for parking in the vicinity and allow more creative landscaping and drainage. She also expressed concerns regarding the scale of the flats, which she considered was not ideal.

Councillor Mrs V Uprichard considered that additional social housing in North Walsham would be welcome. She was very encouraged by the design of the site and varied design of the dwellings. However, she was concerned about the proposed sealed windows and considered that triple glazed opening windows would be preferable. She was also concerned regarding access for fire appliances and ambulances.

The Major Projects Team Leader explained that two fire hydrants were required for the scheme and a suitably adopted highway was proposed. He referred to concerns raised regarding access to the rear of adjacent dwellings for fire appliances. He explained that it was possible to gain access for fire hoses from Bradfield Road or Cromer Road.

Councillor R Reynolds asked if there had been any interest in the site for employment purposes and if there was a proven need for employment land in this location.

The Major Projects Team Leader stated that there had been no applications or pre-application advice sought for employment uses. He did not know if the land had been advertised for employment purposes. He explained that it had been proven that market housing could not provide the necessary viability and so he concluded that it was unlikely that the site would be viable for commercial use.

Councillor R Reynolds proposed the Officer's recommendation, as revised.

Councillor Mrs S Arnold seconded the proposal. She referred to the timescale for uptake of the options on the site. She considered that the provision of 43 affordable homes far outweighed the prospect of employment on the site and there were employment sites elsewhere in the town. Whilst fewer dwellings would be preferable, the costs of dealing with contamination on the site necessitated the number proposed. She referred to comments made by the agent regarding enhanced acoustic options and asked if this could be incorporated into the proposed conditions.

The Head of Planning explained that Officers would continue to work with the applicants for a solution which would not require forced ventilation, if possible. However, until Officers were convinced that there was a viable alternative to forced ventilation, then it had to be considered as the only option at this stage.

Councillor Mrs A Claussen-Reynolds referred to the presence of Japanese Knotweed on the site and stated that it had to be completely eradicated before development took place. She requested that occupiers of the proposed dwellings be given a choice as to whether or not they opened their windows and requested that a condition be imposed to that effect.

The Environmental Protection Manager explained that forced ventilation was not ideal but if occupiers were able to open their windows they would have a right to complain about noise. If the noise were found to be a statutory nuisance it could impact on existing businesses. Officers were trying to restrict the number of sealed windows. However, pressure washing was a difficult noise source to control and would have an impact without forced ventilation.

Councillor Mrs P Grove-Jones considered that the scheme was a good use of the land. However, she was concerned with regard to means of escape if windows were fixed. She asked if the noise issues could be explained to prospective tenants and a clause written into tenancy agreements that if windows could be opened they were taking on the dwellings on the understanding that there was noise which could affect them.

The Major Projects Team Leader explained that means of escape was a matter for Building Control.

Councillor N Lloyd spoke in support of the application and asked if Victory could be requested to consider including a clause in contracts regarding noise impact.

The Solicitor advised that it would be difficult to impose such restrictions through the planning process and to overcome statutory nuisance legislation by a clause in the lease arrangements.

The Head of Planning advised against imposing potentially unlawful clauses. He referred to a case he had dealt with at his previous authority where a Planning Inspector supported the use of sealed windows. He assured Members that everything would be done to avoid the need for sealed windows but advised that it was necessary to agree to them as a safety net for this application.

Councillor Mrs A Green referred to a planning application at Great Ryburgh where the Committee had allowed opening windows in dwellings adjacent to the Maltings and no complaints had been received from residents of those dwellings.

Councillor N Pearce considered that the need for the proposed dwellings overrode other considerations with regard to the land. He also had concerns regarding the windows and requested that the Head of Planning circulate a briefing note in respect of the appeal case he had referred to. He considered that the application should be approved.

Councillor B Smith stated that the site had been derelict for a number of years and was gradually deteriorating. He considered that this was an ideal opportunity to do something positive for North Walsham. There was a desperate need for affordable housing in the area.

At the request of the Chairman, the applicants confirmed that they were prepared to be bound by the proposed conditions.

**RESOLVED** unanimously

- 1. That the Head of Planning be authorised to approve this application, subject to final confirmation of the noise protection strategy, and:**
  - (i) Minor amendments to layout affecting the shared parking area for the 13 x 1 bedroom flats;**
  - (ii) Completion of section 106 agreement as set out in the report;**

- (iii) Conditions as broadly listed in the report; and,
- (iv) Additional conditions: Agree following details:  
Acoustic glazing and ventilation; parking areas, bins, bikes and parking management for the flats; highway verge landscaping.
- (v) Any other conditions as may be considered to be appropriate by the Head of Planning

2. In the event of the Section 106 Agreement not being completed within three months and, in the opinion of the Head of Planning, there is no realistic prospect of it being completed within a reasonable timescale, the application be refused.

93. **SHERINGHAM - PF/18/1435 - Demolition of existing leisure and fitness centre, single storey office and existing skate park. Erection of two storey leisure centre to incorporate swimming pool, fitness suite, wet/dry changing facilities, reception, cafe, plant with car parking, erection of new skate park and associated landscaping; Splash Leisure Complex, Weybourne Road, Sheringham, NR26 8HF for North Norfolk District Council**

The Committee considered item 2 of the Officers' reports.

Public Speaker

Anne Smith (Sheringham Town Council)

The Major Projects Manager presented the report and displayed plans and photographs of the site and surrounding area. He reported that a further bat survey had been undertaken which confirmed that there was a negligible likelihood of bats being present. He reported that further comments were awaited from Environmental Health with regard to the proposed skate park.

The Major Projects Manager recommended that the Head of Planning be authorised to approve this application, subject to (i) the receipt of amended plans/information to address the issues set out in this report including those relating to:

- design;
- hard and soft landscaping;
- lighting;
- skate park design (including information on measures to reduce the potential for anti-social behaviour and noise);
- temporary off-site parking during construction; and
- confirmation of methods to dispose surface water dependent upon contamination findings from the Environment Agency

(ii) imposition of appropriate conditions as set out within the report in order to secure amendments and any new conditions to be set out by consultees including those relating to issues set out in (i);

(iii) any periods of re-consultation that may be required in relation to matters addressed above in (i); and

(iv) any other conditions considered to be appropriate by the Head of Planning.

Councillor B Hannah, speaking as local Member, requested that the Committee support the recommendation, with inclusion of cycling and dark skies issues. He stated that The Splash had been a great asset to the area and would continue to be so. He referred to

the benefits to physical and mental health. He referred to concerns raised by the Town Council regarding the loss of some of the existing facilities which were not an issue for the Committee.

Councillor Ms M Prior considered that the proposal would be a worthwhile asset which would offer a high quality experience for residents and visitors of all ages and abilities. She proposed approval of this application as recommended by the Major Projects Manager.

In response to a question by Councillor Mrs P Grove-Jones regarding accessibility arrangements for less able people, at the invitation of the Chairman, the Head of Economic and Community Development explained that the design complied with Sports England requirements and outlined the access arrangements for the main pool and training pool.

Councillor R Shepherd stated that the vast majority of feedback he had received was in support of this application. He paid tribute to officers of the Council who had worked hard on this scheme. He considered that improvements could be made to the cycle path link to the town, but there were no substantive objections in planning terms. He seconded the proposal.

**RESOLVED** by 10 votes to 0

**That the Head of Planning be authorised to approve this application, subject to (i) the receipt of amended plans/information to address the issues set out in this report including those relating to:**

- **design;**
- **hard and soft landscaping;**
- **lighting;**
- **skate park design (including information on measures to reduce the potential for anti-social behaviour and noise);**
- **temporary off-site parking during construction; and**
- **confirmation of methods to dispose of surface water dependent upon contamination findings from the Environment Agency**

**(ii) imposition of appropriate conditions as set out within the report in order to secure amendments and any new conditions to be set out by consultees including those relating to issues set out in (i);**

**(iii) any periods of re-consultation that may be required in relation to matters addressed above in (i); and**

**(iv) any other conditions considered to be appropriate by the Head of Planning.**

Councillors Mrs S Arnold and B Hannah did not vote on this application.

**94. SCOTTOW - PF/18/0787 - Erection of single storey front & side extension and two storey rear extension to each dwelling; 12 & 13 Scottow Row, Scottow, Norwich, NR10 5DR for Scottow Farms Limited**

The Committee considered item 3 of the Officers' reports.

The Head of Planning presented the report and displayed plans and photographs of the site. He recommended approval of this application as set out in the report.

Councillor R Shepherd proposed approval of this application as recommended by the Head of Planning.

Councillor Mrs P Grove-Jones expressed concern with regard to safe access at night, given that the cottages were set back and in a dark area.

The Head of Planning suggested that the external lighting condition could be varied to allow lighting which would seek to preserve the dark skies.

Councillor R Reynolds seconded Councillor Shepherd's proposal.

Councillor Mrs P Grove-Jones proposed approval of this application subject to amendment of condition 7 to require the submission and approval of details of external lighting. This was seconded by Councillor Mrs S Arnold.

The amendment was put to the vote and it was

**RESOLVED** unanimously

**That this application be approved subject to imposition of appropriate conditions, including any other relevant conditions deemed appropriate by the Head of Planning**

1. Time limit for implementation
2. In accordance with approved plans
3. Details of boundary treatment to be approved
4. Removal of householder permitted development rights for alterations to roof and curtilage buildings.
5. Compliance with submitted ecological mitigation and enhancement strategy.
6. Securing suitable approvals from Natural England.
7. Details of external lighting to be submitted and approved.

95. **WIVETON - PF/17/1468 - Change of use of agricultural land to seasonal campsite (from May to September inclusive each year) for a maximum of 6 bell tents and erection of two buildings for use as associated shower/WC blocks (retrospective); Wiveton Hall, Marsh Lane, Wiveton, Holt, NR25 7TE for Mr MacCarthy**

The Committee considered item 4 of the Officers' reports.

Public Speaker

Tim Schofield (supporting)

The Development Management Team Leader presented the report and displayed plans and photographs of the site. He reported the comments of Wiveton Parish Council in respect of its concerns regarding the appearance and visibility of the toilet and shower blocks, prevention of any future development of the campsite or associated buildings and retention of trees. He recommended approval of this application as set out in the report.

Councillor Mrs S Arnold considered that dark green tents would be preferable and requested that the speaker repeat his explanation as to why darker tents were not suitable for family occupation.

At the invitation of the Chairman, Mr Schofield explained that whilst the operator would prefer to use darker tents, the light levels inside them would be very poor during the day and require artificial lighting. The ability to shelter inside the tents was crucial during very hot weather and lighter tents created a more appropriate environment.

Councillor Ms K Ward, the local Member, commended the officers who had worked with the applicant to resolve the conflicts between the environmental and conservation issues and the upkeep of a listed building. She stated that the trees were currently protected as part of the Glaven Valley Conservation Area, which was under review, and requested that in the event of a change in status that a condition be placed on the trees to prevent their removal. She welcomed the applicant's commitment to the preservation of dark skies. She stated that local residents were pleased that there would be a Section 106 obligation to link the activity to the upkeep of the hall.

Councillor B Hannah expressed concern with regard to the principle of linking development in the AONB and Undeveloped Coast with the upkeep of the hall, and asked how the link would be policed.

The Head of Planning explained that there were policies within the Local Plan which supported the development and it had been demonstrated that there would be a very limited footprint, or harm to the AONB. On balance, the proposal was considered to be sound. The proposed Section 106 Agreement would not set a precedent and the proposal would have benefits in terms of tourism and upkeep of the hall.

The Solicitor advised that securing the upkeep of a heritage asset was a material planning consideration. The Section 106 agreement needed to be clear and unambiguous so it could be enforced, and would require the submission of financial information as evidence that the income generated was used for the upkeep of the hall.

Councillor R Reynolds stated that the site was very remote from the coastal path, invisible from the A149 and outside the curtilage of the hall. He proposed approval of this application as recommended. This was seconded by Councillor Ms M Prior.

Councillor R Shepherd asked how the trees could be protected.

The Head of Planning explained that conditions could be imposed which may require the retention of the trees.

Councillor Mrs S Arnold expressed concern that the proposal would set a precedent for the maintenance of heritage buildings. She requested assurance that any such applications would be considered on their own merits. The Head of Planning confirmed that this would be the case.

**RESOLVED** by 11 votes to 1

**That this application be approved subject to the satisfactory completion of a unilateral undertaking under Section 106 of the Town and Country Planning Act (1909) (as amended), to ensure that the profits from the development contribute to the on-going upkeep of the fabric of Wiveton Hall and subject to conditions relating to:**



- Seasonal use only;
- Tents to be removed from the site during the off season;
- No more than 6 bell tents (of specified dimensions) to be pitched on the site;
- No fixed external lighting within the site;
- No campers' vehicles beyond the existing car park next to the café;
- Foul drainage

Final details of conditions and any additional conditions deemed to be necessary to be delegated to the Head of Planning

96. **APPLICATIONS RECOMMENDED FOR A SITE INSPECTION**

**RESOLVED**

That the Committee visit the following sites:

**WALCOTT – PF/18/1533 - Placement of up to 1.8 million cubic metres of sand to varying depths on the beach frontage covering an area north west of Bacton Gas Terminal to the south eastern extent of the settlement of Walcott. Provision of replacement combined surface water outfall and retention of gabion cliff protection at the Bacton Gas Terminal; Land between, north west of Bacton Gas Terminal and the south eastern extent of Walcott for North Norfolk District Council**

**BLAKENEY – PF/18/1263 - Demolition of existing dwelling and erection of single storey detached dwelling; 8 Wiveton Road NR25 7NJ for Mr McIntyre**

97. **NEW APPEALS**

The Committee noted item 6 of the Officers' reports.

98. **INQUIRIES AND HEARINGS - PROGRESS**

The Committee noted item 7 of the Officers' reports.

99. **WRITTEN REPRESENTATIONS APPEALS - IN HAND**

The Committee noted item 8 of the Officers' reports.

100. **APPEAL DECISIONS – RESULTS AND SUMMARIES**

The Committee noted item 9 of the Officers' reports.

101. **COURT CASES – PROGRESS AND RESULTS**

The Committee noted item 10 of the Officers' reports.

The Solicitor updated the Committee in respect of the wind turbine appeals at Bodham and Selbrigg.

The Major Projects Manager undertook to provide an update on the Council's website with regard to these appeals.

The meeting closed at 12.12 pm.

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CHAIRMAN  
29 November 2018