

## **DEVELOPMENT COMMITTEE**

**Minutes of the meeting of the Development Committee held on Thursday, 17 October 2024 in the Council Chamber - Council Offices at 9.30 am**

<b>Committee Members Present:</b>	Cllr P Heinrich (Chairman) Cllr A Brown Cllr M Hankins Cllr P Neatherway Cllr A Varley	Cllr R Macdonald (Vice-Chairman) Cllr P Fisher Cllr V Holliday Cllr J Toye
<b>Substitute Members Present:</b>	Cllr T Adams Cllr C Ringer Cllr L Paterson Cllr K Bayes	
<b>Officers in Attendance:</b>	Development Manager (DM) Principle Planning Officer (PPO) Principle Lawyer (PL) Planning Officer (PO) Senior Landscape Officer – Arboriculture (SLO-A) Democratic Services Officer	

### **66 TO RECEIVE APOLOGIES FOR ABSENCE**

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

### **67 SUBSTITUTES**

Cllr T Adams, Cllr C Ringer and Cllr L Paterson and Cllr K Bayes were present as substitutes.

### **68 MINUTES**

The minutes of the Development Committee meeting held Thursday, 19<sup>th</sup> September were approved as a correct record.

### **69 ITEMS OF URGENT BUSINESS**

None.

### **70 DECLARATIONS OF INTEREST**

The Chairman, Cllr P Heinrich, confirmed he was the Local Ward Member for North Walsham East. He stated that his comments on the earlier scheme were a matter of public record and could be viewed in the minutes. The Chairman confirmed he was not pre-determined with respect to item 8, planning application PO/20/1251, and advised that he knew one of the supporting speakers for the North Walsham application, Peter Stibbons, with whom he had worked on an education project in the late 1990s.

Cllr P Fisher advised that, with respect to item 8, planning application PO/20/1251, he too knew Peter Stibbons.

Cllr T Adams declared a non-pecuniary interest in item 8. He confirmed he would abstain from voting on the application, having previously corresponded with the applicant, though commented that he would participate in the debate and raise questions.

**71 NORTH WALSHAM PO/20/1251 - ERECTION OF UP TO 54 DWELLINGS (100% AFFORDABLE HOMES) WITH PUBLIC OPEN SPACE, NEW VEHICULAR ACCESS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE (OUTLINE APPLICATION WITH FULL DETAILS OF THE PROPOSED MEANS OF ACCESS ONLY. DETAILS OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING ARE RESERVED FOR FUTURE DETERMINATION)**

The PPO introduced the outline application and recommendation for approval subject to conditions. The application had first been presented to Development Committee on 21<sup>st</sup> October 2021, and subsequently had seen significant revisions. Notably, the proposal was now for 100% affordable housing. Return of the application to Development Committee following the decision to defer had been significantly delayed due to considerations pertaining to Nutrient Neutrality. The PPO confirmed that North Walsham was outside of the discharge zone for the special area of conservation and therefore it was lawful to determine the application. The PPO addressed the reasons for deferral, details of which were provided in the Officers report.

The Case Officer outlined the site's location and relationship within its local setting, it was noted that a small triangle of land between Station Road and Norwich Road also formed part of the application by way of junction improvements, referred to as offsite highway improvements.

The PPO confirmed, as this was an outline application, the Committee were asked to consider matters of access only. Details of access were offered to the Committee by way of illustrative layout plans, and through photos taken in and around the site.

It was noted that a substantive area of scrub, and an existing mature row of trees between the application site and the railway line, would be retained as part of the proposal, which were linked to bio-diversity improvements achieved through the application.

The proposed access had been revised through the evolution of the application. The current proposal was for a 6m wide road through the site, with 1.8m wide footways either side of the road, and visibility splays formed either side of the road. The existing hedgerow would be removed to make way for the through road, however new hedgerow planting was proposed which officers considered would more than compensate for the hedgerow loss and would incorporate more appropriate planting though a diverse species mix, better suited to local biodiversity. It was noted that existing access on Station Road was narrow at around 5m wide, with the proposed point of access situated on the widest point of Station Road to ensure the safe manoeuvring of vehicles. The existing access-only restriction for Station Road would remain unchanged. The Case Officer advised the proposed visibility splays for Station Road onto Norwich Road and proposed relocation of the existing hedge were considered to positively improve visibility.

The PPO introduced the main issues for consideration.

First, with respect to the Principle of Development, the Case Officer stated that Members should give due consideration to the Council's lack of 5-year housing land supply per the 'Tilted Balance' as established in the NPPF. Further, there was an identified undersupply of affordable housing, which the proposal would positively address. It was recognised that the site was allocated within an existing education allocation under the current Local Plan (ED1). Officers considered the existing allocation but noted that under the NPPF paragraph 126b, that where new uses were proposed, and where there was no reasonable prospect of an application for the educational use, it was appropriate to consider those uses.

The site was also allocated as designated open land within the NNDC Core Strategy (CT1) and was in conflict with this policy. Officers considered within the illustrative plan that a significant amount of open space would be retained, there would be promotion of accessible areas available to the public, enhanced footpaths to Weavers' Way, inclusion of outdoor gym and play space, and inclusion of formal planting buffer, which positively contributed to the scheme. The PPO acknowledged that the existing area of open space was not currently accessible to the public and considered the public benefits the proposal would provide would outweigh harm arising.

The PPO confirmed Sport England maintained their objection to the scheme and acknowledged that the site had historically been used for sports activities, though it was unlikely to be used for sports use in the near future, as supported in accompanying letters. It was noted the Sport England objection was supported by paragraph 103 of the NPPF. Sport England proposed mitigation of £554,382 to be provided as a commuted sum to be spent on local projects, this calculation was based on Sport England's national standards calculator. The Applicant had advised they were unable to meet this requirement. Consequently, the PPO stated should planning permission be granted the application would need to be referred to the National Planning Casework Team. It was further noted that there was only one strategic project for playing field improvements in North Walsham, which was already supported by identified funding.

The PPO confirmed the need for affordable housing in North Walsham, with 1261 applicants on the housing waiting list with a connection to North Walsham. Additionally, the registered housing provider had earmarked the site as one for early delivery.

The Case Officer confirmed that the Highways Authority were satisfied with the scheme, and considered there was sufficient capacity in the road network to support the proposal. The site was well located, in close proximity to public transport, and it was considered the proposal would positively contribute to improved accessibility through local cycle ways and footpaths. The Highways Authority were supportive that this was a sustainable scheme would enable a modal shift away from vehicle use.

With respect to Climate Change considerations, The PPO advised that each dwelling would contain EV charging points, utilise air source heat pumps and modern methods of construction which would reduce the proposals carbon footprint in terms of the building process.

The PPO summarised the planning balance and the relevant positive and negative factors associated with the development, and mitigation proposed. Officers considered that the 54 proposed affordable homes would boost the local housing

supply and enable vitally important affordable homes to be delivered. Officers considered the benefits brought through the proposal would far outweigh the harm arising from the identified negative factors, and so recommended approval of the application. The PPO confirmed it was for the Committee to consider the planning balance and exercise their judgement in considering development policies as a whole.

### Public Speakers

Bob Wright – North Walsham Town Council  
Bernie Marfleet – Objecting  
Peter Stibbons – Supporting

### Local Member

Cllr M Gray – Local Member for North Walsham Market Cross – spoke on behalf of local members Cllr D Birch and Cllr L Shires. He reflected that North Walsham was in dire need of affordable housing and recognised that the proposal was a crucial step in addressing the housing shortfall and would offer local homes for local people. Regardless, Cllr M Gray had reservations about the proposal. He was disappointed that the scheme was proposed on one of the last remaining green spaces in the town and suggested that alternate locations could have been identified. He considered the development would exacerbate existing traffic issues and congestion and felt the mitigation proposed was not sufficient to address increased traffic movements. Local members recognised local services were already under significant pressure and questioned if infrastructure improvements would be able to keep pace with the growing population and remain accessible for new and existing residents. Cllr M Gray noted local residents had observed birds of prey, deer and bats in the area, and considered that an up-to-date ecological assessment was essential in preserving biodiversity.

### Members Debate

- a. The Chairman asked the PPO for further details regarding Highways matters following receipt of recent advice.
- b. The PPO advised that Highways Officers were invited to attend Development Committee but were unable to do so at short notice. A series of questions were put to the Highways Authority and the following answers provided:
  - Could access to the development be shared with the existing access at the Sports Centre? - I haven't considered whether access could be shared with the Sports Centre, as I have only considered what has been proposed by the applicant. Station Road is a residential area subject to a 30mph speed limit, so there are no grounds as a matter of principle for objecting to a new access / junction. The proposed junction has the required geometry to serve this scale of development, so I would have no grounds for raising a highway related objection to it.
  - Right turn only restriction for exiting traffic? - Requiring traffic to exit the development to the west only would not be enforceable and is not necessary. All other development accessed from Station Road is able to access / egress

in either direction, so I can see no reason why we would restrict egress from the proposed development. Station Road is wide enough for two-way traffic, has a continuous footway and the development will be required to make improvements to the Station Road / Norwich Road junction. The off-site junction improvement will benefit all users of Station Road, but could not be justified if the left turn out of the development was banned. The County Council would NOT support the promotion of a Traffic Regulation Order to ban the left turn from the development access.

- Record of enforcement / abuse of access only restrictions on Station Road? - I have no information regarding whether there is any abuse of the Access Only restriction on Station Road. The application was assessed on its own merits and the enforcement / potential abuse of the Access Only restriction was not a material consideration of the submitted planning application.
- c. The Chairman confirmed, following a meeting with the Highways Authority, that when work was undertaken on the Norwich Road A149 junction, there would be revised pedestrian crossing light controls.
- d. Cllr W Fredericks – Deputy Leader and Portfolio Holder for Housing & People Services – spoke strongly in support of the proposal and advocated for the Homeless of North Norfolk. She considered the site an ideal location for affordable housing, being located within close walking distance of amenities including transport links. Cllr W Fredericks reminded the Committee of the 54 families in North Norfolk in temporary accommodation, and of the demonstrable need for local homes for local people in North Walsham.
- e. Cllr P Neatherway noted that if the application were approved by Committee, it would be referred to the Secretary of State provided Sport England maintain their objection. He asked what the potential ramifications may be?
- f. The PL confirmed if Sport England maintained their objection, that it would be for the Secretary of State to determine the application, typically this would involve a public inquiry before a Planning Inspector to hear the detailed arguments.
- g. Cllr M Hankins recognised the desperate need for affordable homes in the district and considered that, on balance, the proposal was a pragmatic solution to a very considerable problem. He felt that due consideration had been given to the retention of green open space, and other mitigation proposals sufficiently addressed any harm arising from the application. Cllr M Hankins proposed acceptance of the Officers recommendation for approval.
- h. Cllr V Holliday sought confirmation the total number of dwellings which would be delivered, noting the wording was for 'up to 54 dwellings'. She enquired if definitive funding had been secured, and asked for further details regarding the open green space and whether this would be suitable for dog walkers. Cllr V Holliday noted the lack of health contribution funding and considered that although the 54 dwellings may not meet the health assessment threshold, in practice the new residents would place additional resource pressures on already stretched local GP surgeries.
- i. The Chairman confirmed that there was a dog exercise area in close proximity to the development, off-site.

- j. The PPO stated the outline permission would allow for up to 54 dwellings as a maximum. He was assured that the developer would strive to deliver 54 dwellings, though was unable to offer guaranteed certainty given this was an outline application only. Open green space access would be detailed at the reserve matters stage. The PPO confirmed that the application fell under the threshold for health contributions, therefore no consultation was undertaken with the health authority. The emerging Local Plan would offer greater detail on emerging health infrastructure and how future applications would be considered.
- k. The HS&DM confirmed that the scheme had guaranteed funding, and it was understood that delivery on the site would be achieved quickly as a consequence.
- l. Cllr P Fisher stated loss of open green space was always of disappointment, however argued that it was important to take a balanced approach and consider the mitigation proposals outlined. On balance, Cllr P Fisher was satisfied with the Officers recommendation and so seconded the motion.
- m. Cllr A Varley thanked the Case Officer for his thorough report. He noted the planning application was validated prior to changes in legislation requiring 10% bio-diversity net gain (BNG), and asked if the 10% BNG could be conditioned?
- n. The DM advised that 10% BNG would require voluntary compliance by the Applicant but could not be insisted upon as the application was validated under earlier legislation.
- o. Cllr A Varley encouraged the Applicant to consider 10% BNG. He considered the removal of hedgerow was a disappointing loss, but welcomed plans to plant new hedging, and to retain and plant new trees on site. Cllr A Varley was encouraged by environmental considerations given to the dwellings, inclusion of EV charging and air source heat pumps. With respect to the planning balance, Cllr A Varley stressed the need for affordable housing in North Norfolk and for in North Walsham in particular.
- p. Cllr C Ringer asked if there was any early indication what the housing mix would be, though recognised this would be considered under reserve matters. He endorsed comments made by the Portfolio Holder and agreed with the need to act urgently to address the Housing Crisis. Cllr C Ringer considered the site was well situated given its proximity to the town centre, though felt more could have been offered with respect to alternate methods of travel including cycle provision and expressed his preference for one junction rather than two. Cllr C Ringer commented that although the site was classed as open green space, it was important to recognise that the land had not been accessible to the public and therefore offered limited value as open green space, noting the cut grass was of limited biodiversity value. Cllr C Ringer felt due consideration needed to be given to the existing education allocation for the site and noted historic plans to relocate Paston Sixth Form College to the site. Given the known prospect of future developments in North Walsham, detailed in the emerging Local Plan, he did not consider it unreasonable that the increased population would place greater demand on educational provision. He was sceptical that the existing Paston College infrastructure would accommodate the growing need, and therefore put on record his reservations for the proposal.

- q. The PPO confirmed, per the Officers report, that planning permission had been granted for the relocation of Paston Sixth Form College to the site some considerable time ago. Such permission had since expired. The PPO advised that following discussions with the Applicant and the County Council it was understood that there was a very limited probability of the site being developed for educational purposes. Officers therefore considered the policy framework requirement had been satisfied.
- r. Cllr R Macdonald thanked the PPO for his report and expressed his hope that as a responsible housing provider, Flagship would consider 10% BNG. He echoed comments made regarding the loss of open space and educational land provision but placed greater weight on the delivery of much needed affordable homes.
- s. Cllr T Adams asked who would be responsible for maintaining the play space, and if consideration had been given to contributing instead to the existing Trakside Park. He sought clarity regarding the off-site open space contributions towards allotments, and if need had been established. Cllr T Adams enquired how long it may take for the Secretary of State to determine the application.
- t. The PPO advised that contributions were driven by the Councils policy calculator. For a development of this size, it was the expectation that provision would be contained on site, as opposed to commuted sums being used elsewhere. In terms of the consultation time for the National Case Work Team, their website stated that they will refer applications as soon as was reasonably practicable, and that the Local Planning Authority could not guarantee planning permission until the expiry of 21 days from the date of the Secretary of State acknowledging receipt of the information.
- u. Cllr T Adams sought confirmation who would be the custodians of the open space.
- v. The PPO confirmed this would be addressed through the provision of the S106. In the first instance it would be the expectation that Flagship would presume management of the open space, whether directly or through a management company, followed by the Town Council, then Local Authority.
- w. Cllr L Paterson considered the Officer's report to be well balanced. He asked if the right only turn at Victory would be removed.
- x. The PPO advised that the application would not alter existing access provisions at Victory Leisure Centre.
- y. Cllr A Brown acknowledged the wider context in which the application was being considered with the new government seeking to deliver a far greater number of dwellings nationally and locally and acknowledged the delivery test used the Local Authority was under challenge. Cllr A Brown lamented the loss of open green space, and the lack of ambition to deliver further education facilities in North Norfolk, acknowledging the limited prospect that educational provision would be delivered on site. Cllr A Brown considered solar panel provision would enhance the environmental aspects of the scheme and endorsed their inclusion. He reflected that the new spine access road would be greater in width than adjoining Station Road and

expressed some concern regarding the traffic assessment offered by the Highways Authority. Cllr A Brown noted the Sport England objection, and asked how their calculation for S106 contributions was so vastly different from what the proposal would deliver.

- z. The PPO confirmed that Sport England worked to a national calculator, considering the size and scale of the land. No provision or allowance was given to whether the housing achieved would be open market or affordable housing.
- aa. Cllr K Bayes considered the Officers report to be a fair assessment. He sought confirmation how the site would specifically benefit those on the waiting list wanting a home in North Walsham, and if it could be guaranteed that the S106 contribution would benefit North Walsham Football Club. Cllr K Bayes reflected that parked cars along Mill Road were often an issue and considered Station Road may be used for through access, which would compound issues at the junction. He asked if there was possibility of pavement widening along Station Road.
- bb. The PPO advised that the committed sums for North Walsham Football Club would be under a planning obligation and would be ring fenced and the Station Road junction with Norwich Road would be subject to off-site highways improvements. Issues relating to parked cars on the road would be a matter for the Police and the Highways Authority. He noted the Highways Authority were satisfied with the proposal and considered it would not adversely affect the local road network, similarly the Highways Authority considered the pavements on Station Road to be acceptable.
- cc. The HS&DM advised that the site was within the development boundary for North Walsham and therefore would be considered as a general needs site, and not an exception site. Homes would accordingly be allocated to those with the highest need on the housing waiting list. At present, there were just under 2,400 households on the housing waiting list, with over half of those registered interested in living in North Walsham. The HS&DM advised that through the choice base letting system (Your choice, Your home) applicants would bid for those properties they were most interested in. Typically, applicants would bid for locations they had a strong connection with already. Some of the properties would be shared ownership, and the HS&DM suggested that marketing could be undertaken to promote the site to local households.
- dd. Cllr T Adams suspected that some of the pavement width on Station Road had been lost due to the hedge and asked how the Highways Authority calculated pavement width.
- ee. The PPO noted that the Highways Authority had acknowledged that Station Road was below standard, but that it was suitable for the proposed development and would not compromise road safety. The PPO was unable to comment on the hedge maintenance and the regularity of cutting.
- ff. Cllr R Ringer asked how many of the properties would be shared ownership.
- gg. The HS&DM advised it would be around a 50/50 mix of rented and shared ownership across the site. Need requests had been submitted to Flagship Housing who were generally very accommodating to the Council's



requirements.

hh. Cllr A Brown asked is passing place provision had been considered.

ii. The PPO reiterated earlier comments and affirmed that the Highways Authority were satisfied with the proposal and the proposed mitigation.

**RESOLVED** by 12 votes for and 1 abstention

**That Planning Application PO/20/1251 be APPROVED in accordance with the Officers recommendation.**

*The meeting was adjourned at 11.05am and reconvened at 11.20am*

**72 BINHAM - PF/24/0841 - FRONT AND REAR EXTENSIONS TO DWELLING, EXTERNAL ALTERATIONS AT BUNKERS HILL BARN, BUNKERS HILL, BINHAM, FAKENHAM, NORFOLK, NR21 0DF**

The PO reintroduced the application which had been deferred by Development Committee in August 2024. Following deferment discussion had taken place between the Council, the Applicant and neighbours, with revisions made to the application resulting in the withdrawal of the objection from the neighbouring resident and Local Member. The Case Officer confirmed that the front extension, which was at issue, had been reduced in width and height.

Public Speakers

Mrs Halpin-Hill – Supporting

Local Member

The DM recited a statement from the Local Member – Cllr S Butikofer – who was unable to attend the meeting.

The Local Member thanked Development Committee for deferring the application and welcomed the positive discussions which had taken place resulting in an improved scheme. She noted that the Parish Council would like for Dark Skies policy provision to be considered.

Members Debate

- a. Cllr L Paterson proposed acceptance of the officer's recommendation.
- b. Cllr T Adams asked if the VLT windows addressed matters of lighting. The Case Officer indicated this had been resolved. Cllr T Adams seconded the motion.

**RESOLVED** by 13 votes for

**That Planning Application PF/24/0841 be APPROVED in accordance with the Officers recommendation.**

**73 NNDC TPO (BACTON) 2024 NO.10 NORTH WALSHAM - TPO 24 1048 - LAND**

## **AT THE OLD RECTORY, EDINGTHORPE**

The SLO-A introduced the Officers report and recommendation to confirm the TPO. She outlined the sites location and history through historical maps and noted the site had been subject to an order served in 1977, which was then removed following a review of TPO's in 2012. The site in question was listed by DEFRA as deciduous priority habitat woodland.

The SLO-A provided images of the site and confirmed there was a dense canopy in situ, with many native species mixed in with ornamental trees planted by former owners. Work had been undertaken to eradicate invasive bamboo located towards the North of the site, which had been approved by the Council. It was noted that Badger sets were present in the woodland, this would be a primary consideration for any further planning applications given protected species were present. The SLO-A advised that the landowners objected to the woodland designation and would prefer that specific trees be grouped and protected, but not the site as a whole.

### Public Speakers

Emma Griths – objecting

### Members Debate

- a. Cllr A Varley thanked the SLO-A for her report and commended the teams' efforts to preserve and enhance biodiversity wherever possible. He considered the site had clear, demonstrable special characteristics which must be protected. Cllr A Varley proposed acceptance of the officer's recommendation.
- b. Cllr T Adams enquired why the previous order had been revoked, and sought confirmation that the Council would continue to work with the landowner regarding management of the site.
- c. The SLO-A advised that government advice was issued to Local Authorities in 2010 regarding area orders. Between 2010 and 2012 the Council reviewed all its area orders, as a consequence the former order was removed. She advised that a 10-year management plan had been approved to remove the basal growth of the lime trees at the rectory. The SLO-A advised she was keen to take a pragmatic approach to establish longstanding permissions whenever possible to minimise administrative work.
- d. Cllr J Toye supported the approach taken by the SLO-A, and agreed efforts should be made to make management of the site less onerous.
- e. The Chairman sought clarity what the definition of woodland was.
- f. The SLO-A confirmed the government defined Woodland as being a site larger than 0.5ha, with a minimum width of 20m, and a minimum canopy cover of 20%. The site in question was 0.7ha and met the width and canopy requirements established by DEFRA.
- g. Cllr J Toye noted there would be opportunity to review the site in future.
- h. Cllr C Ringer seconded the motion.

**RESLOVED** by 13 votes for

**That TPO 24 1048 be confirmed.**

**74 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

The DM confirmed applications continued to be determined in time and spoke positively of Councils platinum record.

The PL updated the Committee on the S106 appendix and advised the Norwich Road agreement was out for signature. She clarified the Highways contribution was £126,350 and not £123,823 as referred to in the Committee report.

**75 APPEALS SECTION**

The DM relayed the planning, and enforcement appeals reports and noted the Council's strong appeal record.

Cllr T Adams welcomed the appeals outcome for the three Cromer appeals, and thanked officers for their efforts in securing a positive outcome.

**76 EXCLUSION OF PRESS AND PUBLIC**

The meeting ended at 11.50 am.

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Chairman