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DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 17 March 2022 in the Council Chamber - Council Offices at 9.30 am

Committee Members Present: Mrs P Grove-Jones (Chairman) Mr P Heinrich (Vice-Chairman)

Mr A Brown	Mr P Fisher
Mr R Kershaw	Mr N Lloyd
Mr G Mancini-Boyle	Mr N Pearce
Mr A Yiasimi	Mr M Taylor

Officers in Attendance: Major Projects Manager (MPM)
Senior Planning Officer (SPO-RR)
Senior Planning Officer (SPO-JB)
Major Projects Team Leader (MPTL)
Senior Landscape Officer (SLO)
Principle Lawyer (PL)
Democratic Service Officer – Regulatory
Democratic Services Officer – Scrutiny

Also in attendance: Mr A Willard – Highways Engineer for Norfolk County Council

92 CHAIRMAN'S INTRODUCTIONS

Cllr P Heinrich welcomed members to the meeting and affirmed that, in agreement with Cllr P Grove-Jones, he would deputise and preside the meeting as Chairman.

93 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Committee Members Cllrs A Fitch-Tillett, V. Holiday, N Lloyd, A Varley, L Withington and the Assistant Director of Planning.

Cllrs J Toye, V FitzPatrick, T Adams, J Rest were present as substitutes for Cllrs A Fitch-Tillett, V Holiday, N Lloyd and L Withington respectively.

94 MINUTES

The Minutes of the meeting held on 17 February 2022 were approved as a correct record and signed by the Chairman.

95 ITEMS OF URGENT BUSINESS

None.

96 DECLARATIONS OF INTEREST

- i. Cllr M Taylor declared a non-pecuniary interest for Agenda Items 8 and 9, Planning Applications PF/21/1532 and PF/21/2021, he is the Local Member for Stalham, and serves as a member of the Town Council and Neighbourhood Development Plan Committee.

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- ii. Cllr P Grove-Jones declared a non-pecuniary interest for Agenda Items 8 and 9, Planning Applications PF/21/1532 and PF/21/2021, she is the Local Member and is known to individuals involved, however had not spoken with them on this matter and considered herself not to be pre-determined.
- iii. The Chairman declared a non-pecuniary interest in Agenda Item 14, Planning Application PF/22/0431, he is the Local Member however advised he had not been in communication with those involved.

97 STALHAM PF/21/1532 - EXTRA CARE DEVELOPMENT OF 61 INDEPENDENT ONE AND TWO BEDROOM FLATS, WITH SECURED LANDSCAPED COMMUNAL GARDENS, ASSOCIATED VISITOR AND STAFF CAR AND CYCLE PARKING, EXTERNAL STORES AND A NEW VEHICULAR ACCESS ONTO YARMOUTH ROAD LAND NORTH EAST OF YARMOUTH ROAD, STALHAM

The Chairman noted correspondence received from a member of the public sent to Members prior to the meeting, and invited the MPM to speak on this matter. The MPM advised that the Director for Place and Climate Change had responded directly to the author and advised of the complaints procedure should they wish to progress with their complaint formally. The allegations were considered to be without merit and raised no new material planning considerations.

The SPO-RR introduced the Officers Report to Members and the recommendation for approval subject to conditions. The SPO-RR advised since the publication of the agenda a further four representations had been received from Sutton Parish Council, the Highways Authority, a Member of the Public and County Councillor Nigel Dixon. Sutton Parish Council had raised concerns regarding traffic generated from the development and the impact on highways safety at the junction with the A149. In response the Highways Authority had reiterated previous comments and raised no objection in relation to highways safety or infrastructure. Mr A Willard from Norfolk Council Councils Highway Authority was in attendance at the meeting to address questions by Members.

The SPO-RR affirmed the site had existing planning permission for 3150 square meters of employment buildings under Planning Application reference PF/12/1427, but that the land had remained undeveloped, as had the employment site allocation at Steeping Stone Lane. The Officers Report set out the clear and demonstrable need for both affordable and extra care housing within Stalham and North Norfolk, and the significant interest of residents for living in Stalham. In March 2022 178 households age 60 plus had expressed interest in living in Stalham and Norfolk County Council had identified the need for 486 additional care dwellings in the District by 2028, 194 of which should be affordably rented.

It was stated that the proposal had been through a series of design iterations which had reduced the scale and height of the buildings and introduced some variation in the materials used. The landscaping scheme had been amended to take into consideration the loss of 9 mature trees along Yarmouth Road and introduced more native planting onto the site. Despite the amendments both the Conservation and Design, Landscaping and Planning Officers considered the proposal contrary in policy terms and its overall design and landscape impacts.

The SPO-RR stated the proposal was not considered to generate an unacceptable impact on Highways Safety, nor the residual cumulative impacts on the road

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network.

He advised the proposal would not have a significant affect to the conservation of habitats and species regulations 2017, subject to appropriate mitigation measures detailed within the report. Including the payments of GI/RAM's obligation to tackle visitor impact pressures on habitat sites, the provision of dog waste bins and ongoing maintenance, and the provision of green infrastructure information boards and resident information packs. Other financial contributions by Norfolk County Council had not been assessed as viable in delivering the scheme by the Councils independent viability assessor.

The SPO-RR stated that the scheme was recommended for approval subject to conditions and the satisfactory Section106 agreements due to the substantial benefits of the proposal being considered to outweigh the development and policy departures in this instance, with full details of the planning balance contained within Pages 43 to 45 of the Agenda Pack.

Public Speakers

Kevin Baynes - Stalham Town Council

Katie Newman – Objecting

John Daulby – Objecting on behalf of Sutton Parish Council

Martin Towers – Objecting

- i. Cllr M Taylor – Local Member, expressed his support for the concerns raised by objecting speakers. He noted the merits of the application and that there was a pressing need for affordable housing and assisted living facilities across the district but concluded that this development should not proceed in its current form. He reflected that the development would not be in keeping with the aesthetic of the town, and that it would be a blight on the broadland landscape, dominating the skyline and adversely affecting existing residents. He affirmed that the development was contrary to several policies contained within the North Norfolk Core Strategy and Section 12 of the NPPF, as set out in the Officer's Report. He stated that the wider town may not be suitable for elderly residents due to uneven curbs, dangerous guttering, and consequent reports of elderly individuals tripping and falling, and that until such issues were addressed, the addition of more elderly members to the community would only exacerbate problems. He considered there to be inadequate infrastructure and water supply to support the development, with existing issues in Stalham were it not uncommon for water to be shut off due to burst water pipes or damaged water mains for extended periods of time. Cllr M Taylor expressed his disappointment that no traffic survey had been produced given the size of the scheme which he considered would place additional pressure on already poor junctions located in Stalham, in particular the T Junction with the A149 and Old Market Road by Tesco's.
- ii. Cllr P Grove Jones- Local Member, reflected on both the need for affordable housing and assisted living accommodation in North Norfolk and the objections made by members of the public, Conservation and Design and Landscape Officers. She considered the size and the impact of the three storey building to be unattractive, with restrictive landscape provision, and would add little to the local economy. She commented that the jobs provided by the development of the Care Home would likely be low paid, and that there was already a desperate need for care workers with vacancies remaining unfilled. She considered that Stalham was in need of well-paid vibrant jobs. The Local Member advised that traffic on the Yarmouth Road

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could be horrendous particularly at busy school pick up and drop off times and this was further worsened by narrow roads and pavements. She stated that there was pitch point for traffic at the double roundabouts and at the T Junction by Tesco's onto the A149. The Local Member commented both she and County Cllr Dixon had fought for a roundabout or additional lighting to be placed at the T junction with the A149, but that Highways did not see the need for change. She affirmed that she could not understand why a traffic survey had not been undertaken.

- iii. In response to questions from the Chairman, the MPM advised that Norfolk County Council would be putting monies towards the project, as would the District Council. He advised that development viability was a strong factor in this application, and noted that there were elements which the proposed development could not viably provide. As such there were different financial considerations for the project as against a straightforward market led scheme. The MPM reflected that the application being considered by Members did not comply with all development plan policies, nor the original allocation for the site as designated employment land, and that it was a matter of planning judgement for Members in weighing the benefits of the scheme against its shortfalls in policy.
- iv. The Chairman invited the Highways Engineer to make a representation and to respond to questions from Members. The Highways Officer advised that the number of movements generated on the site by the Care Home and Dwellings was not considered to be at a significant level to require a full transport assessment. Modelling would only be considered on proposals with an excess of 100 homes and where traffic movements were expected to increase by 10%. The proposal was not considered to generate an unacceptable amount of additional traffic, with an estimated 18 movements at peak hours for the Care Home, and a similar number for the neighbouring properties listed under the proposal. He also considered that the traffic generated was not guaranteed to use the same route, and would be spread across different directions, therefore could not be considered to place a significant cumulative impact on the T Junction with the A149. Under the NPPF the Highways Authority could only object to a development if the impact was considered severe, and if the residual traffic impact was considered severe. The proposal was considered agreeable subject to appropriate conditions.
- v. The PL advised in support of the Highways Officer, under Paragraph 111 of the 2021 NPPF, that development should only be prevented or refused on highways grounds, if there would be an unacceptable impact on Highways Safety, or the residual cumulative impacts on the road network would be severe.
- vi. Cllr J Rest drew comparisons between the proposed development and a site within Fakenham that had been successful. He considered that there was a high demand from local residents to downsize and move such locations, which would make available larger properties. The location of the proposed development was very similar to that of the Fakenham development, being near the doctor's surgery and a supermarket.
- vii. Cllr A Brown noted the pressing need for affordable housing schemes, and the concerns raised by the public, Local Members and County Councillor. He reflected on the lack of information contained within the Agenda Pack on

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alternative sites for employment land within Stalham. He affirmed that the responsibility rested with the developer to engage and consult with the community and the Town Council.

- viii. Cllr P Grove-Jones expressed disappointment over the lack of public consultation made by the developer, and whilst there was no legal requirement to do so, the absence of a public consultation did not sit well with herself, the Town Council or local residents. She stated that the proposal would contravene many of North Norfolk's Core Strategy Policies and aspects of the NPPF, and that there had been no public support for the application. Cllr P Grove-Jones stated her frustration over the lack of a traffic survey, and affirmed that traffic within the town could be horrendous, and the pavements and walkways into Stalham were awful.
- ix. Cllr J Toye commented on his frustrations with the Highways Authority and noted pre-existing issues within Stalham with Footpaths being poorly maintained and an overgrowth of vegetation on the paths near the proposed development. He noted that the Tesco junction was already considered to be unsafe by residents and acknowledged that this was a pre-existing issue and that the proposal would not change this matter. He understood the local communities concerns about the T Junction and affirmed that such concerns should be addressed, but considered that the proposed development would not be the appropriate way to do so. On employment land viability, he noted the assessment contained within the Officer's report that the viability for industrial units was minimal. He stated that the three storey development, whilst impacting the broadland skyline, would be somewhat contained behind high hedges, and that under policy changes for permitted development third floor extensions could be granted. If the development were limited to two stories, the additional units would need to be sought elsewhere. On reflection of the balanced arguments, Cllr J Toye proposed acceptance of the Officers Recommendation.
- x. Cllr J Rest seconded the Officers Recommendation.
- xi. Cllr N Pearce acknowledged the need for additional low cost housing but stated his opposition to the development in that the loss of employment land was indefensible, and that the development was against many of NNDC's Core Strategy Policies. He considered not enough thought had been given to the siting of the development, which may affect individual's right to sunlight and that the lack of a traffic survey was appalling. Cllr N Pearce expressed concerns that the affordable housing would get the runt end of the deal, and could be considered to end up with second rate buildings and designs.
- xii. The MPM referred Members to pages 31 and 32 of the Officers Report, and advised that the proposed development was not considered to overshadow neighbouring dwellings. With respect of highways traffic assessments, he advised that this was a balance between requiring so much information up front against with what was considered to be proportionate for the particular application. He noted that this application, even when combined with the upcoming proposal would not be considered to be of a scale requiring a full transport assessment.
- xiii. Cllr V FitzPatrick determined an even handed approach was needed, he noted the local opposition against the proposal, and the clear public benefit which affordable homes would bring. Cllr V FitzPatrick asked if a S106 could

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be applied for traffic mitigation.

- xiv. The SPO-RR advised that for an application of this size, any off site traffic S106 highway improvements would not be proportionate. The Highways engineer advised that a S106 would need to apply to an identified scheme, which there wasn't one for this proposal. The MPM added that a S106 would only apply where there was a planning reason to do so, and that this proposal would not justify traffic mitigation off site. The use of S106 in such circumstances without justification could be considered unreasonable and unlawful.
- xv. Cllr R Kershaw commented that had the site been retained as designated employment land, the businesses located there would lead to increased traffic usage at rush hours also. He understood the concerns of objectors but considered that the public benefits would outweighed the harm caused by the development, and reflected on the similarities with the Fakenham scheme which had been successful. Cllr R Kershaw acknowledged that there was limited funding available for the development of employment sites in North Norfolk, with much of the growth forecasted for the region concentrated around the Northern Distributor Road.
- xvi. Cllr G Mancini-Boyle expressed his concern for the development both due to its height and massing, and due to the loss of employment land. He reflected that once the commercial land was lost it could not be given back, and that it was important that this land be developed for this purpose.
- xvii. Cllr A Brown considered the traffic generated between this and the second Stalham application; reference PF/21/2021, should be considered together as they would result in over 100 properties. He questioned if such applications were considered together whether they would fall under the NPPF to constitute a scheme under Section 278 contributions for traffic improvements. At the discretion of the Chairman, the Highways Officer affirmed that the two developments, even if taken together, would still not reach the threshold for a full traffic survey. If the two applications had been considered together they may result in a transport statement and not a full transport assessment. He advised that a transport statement does not tend to include an analysis of junction capacity of the wider network, rather it would focus on if safe access is provided and if there are walking routes to local services in the wider community.
- xviii. Cllr P Grove-Jones stated that the traffic in Stalham was getting worse, and would continue to worsen with future housing developments. She determined that once the commercial land was lost, it could not be returned, and that other economic development land remaining in Stalham was in poor condition. She stated that the limited economic land within Stalham was gradually being sold off as it was more profitable for developers. Cllr P Grove- Jones commented that the development was visually unappealing in its size and massing, and could be compared to historic council estates with affordable housing amassed in one location. She would prefer that affordable housing was spread amongst ordinary marketable housing.
- xix. Cllr T Adams reflected that this was a finely balanced application, and acknowledged the concerns raised by the public and local members. He noted the need for this type of housing and infrastructure within North Norfolk which would support many residents. He questioned the archaeological

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survey, confirmation of parking provision, and detail about the loss of trees through the scheme.

- xx. In response to questions by Cllr T Adams the SPO-RR advised that the archaeological assessment was applicable for the second Stalham application, and that the current proposed site had been studied and excavated under previous planning permission. He referenced the landscaping scheme contained within the Officers Report, and advised that there would be a total of nine trees lost through the development for highways access, but that new street trees were intended to be planted. The parking provision was above the minimum levels required, and the developer intended to keep this.
- xxi. Cllr A Yiasimi thanked Officers for their thorough report, and acknowledged the representations made by residents, and the need for affordable housing schemes.
- xxii. Cllr M Taylor spoke against the Officers Recommendation, and commented that both he and residents did not object to having an assisted living facility or affordable housing in Stalham, but that this was not the appropriate site and far more infrastructure was needed. He questioned the viability of Anglian Water to meet the added demands of the development, and noted the poor condition of the town's paths and pavements, and the lack of public transport. He expressed his frustration that the developer had not engaged in a dialogue with the Town Council or the public which had resulted in tensions.
- xxiii. The SPO-RR advised that Anglian Water considered that they had adequate capacity within the network to support the development.
- xxiv. Cllr A Brown enquired about the absence of the developer from the meeting. The SPO-RR advised that an invitation be been extended but had been declined.
- xxv. In summarising the Officer's report and Members debate, The MPM concluded that the Officers Report acknowledged that the development would not comply with elements of the NNDC Core Strategy and aspects of the NPPF, but that considerable weight needed to be given to the affordable housing provision, and it was a matter of planning judgment by Members whether to grant planning permission.

RESOLVED by eight votes for, and five votes against.

That planning application PF/21/153 be APPROVED subject to conditions contained within the Officers Recommendation.

At the discretion of the Chairman, the meeting took a short break at 11.20am and returned at 11.35am.

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WITH ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS . LAND NORTH EAST OF YARMOUTH ROAD, STALHAM

The SPO-RR introduced the Officer's Report and recommendation for approval subject to conditions and a Section 106 agreement due to the substantial public benefits outweighing the development plan policy departures in this instance. Since the publication of the committee agenda a further four representations had been received from Sutton Parish Council, the Highways Authority, a Member of the Public and County Councillor Nigel Dixon.

The site currently had planning permission for 3150 square metres of employment buildings under PF/12/1427 but that little substantive information had come to light that the units would be developed.

The proposal had been through a series of design interactions which had revised the layout of the site and introduced variation in external materials. The current proposal had been amended to introduce design features which would soften its impact. However the proposal had been objected to by landscaping, conservation and design and planning officers.

The southern section of the site would be subject to pre commencement conditions for archaeological excavation, at the request of Norfolk County Council Historical environment service.

Public Speakers

Kevin Baynes - Stalham Town Council

Katie Newman – Objecting

John Daulby – Objecting on behalf of Sutton Parish Council

Martin Towers – Objecting

- i. Local Member – Cllr P Grove-Jones acknowledged the need for affordable housing and that 903 individuals had expressed a desire to live in Stalham as set out within the Officers Report. She recognised the loss of economic land which when lost could not be returned, and the considerable number of issues raised by Officers and from the public. The Local Member affirmed that Yarmouth Road was dangerous, and her frustrations with the Highways Authority.
- ii. Local Member – Cllr M Taylor, spoke against the application, and noted the historic settling of the site as a former encampment for the Royal Sussex Regiment, which he considered should be preserved as part of the Statham's history and culture, and that not enough investigation of this matter had been undertaken. He asked that prior to the granting of any permission that a full metal detecting survey be carried out as well as an archaeological assessment of the site. Cllr M Taylor raised concerns regarding emergency vehicle access to the site, and stated it prudent that this be considered given the age demographic of residents. He commented that emergency vehicle access would be further worsened by the lack of visitor parking on the site resulting in increased road parking. He was extremely disappointed that the developer had not engaged with Stalham Town Council, which would have eased public tensions.
- iii. The Chairman noted that Archaeological considerations had been made, with details contained within the Officers Report, and that areas of the site which had not been excavated during scoping works would be appropriately

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excavated prior to the commencement of the proposed development.

- iv. In response to comments made by Cllr M Taylor, the SPO-RR confirmed that a condition was in place requiring that a footpath be placed on the site linking to Ingham Road. The Highways officer advised that the scale of the site did not require an emergency access road into the Hopkins development to the north.
- v. In response to comments made by Members of the Public, Cllr J Toye confirmed the definition for affordable housing, and that affordable housing includes social rented, affordable rented, and intermediate housing provided to specific eligible households whose needs were not met by the market. He noted the highways concern raised by objectors, but advised that this was a pre-existing issue which would still occur irrespective of whether the application was granted, and therefore this matter should be considered separately. He asked if the housing was being constructed to minimum standard required with respect of thermal efficacy and design. He noted on comments raised on the previous application by Members, drawing parallels with 1970's council estates, but considered that not all historic council estates were an issue and that they were very forward thinking for their time.
- vi. The SPO-RR noted the contents of the Officers Report on pages 78-79 which contained details of the sustainable construction methods to be used with a fabric first approach to the development and additional thermal bridging techniques.
- vii. Cllr N Pearce stated his frustrations with the lack of a Highways transport assessment and that the lack emergency road access to this development was appalling. He considered the loss of employment land in Stalham as scandalous. Cllr N Pearce stated he was pleased that the former heritage of the site had been considered and been given due diligence. He reflected that the development would be similar to that of a 1970's council estate and cited specific issues with such developments.
- viii. Cllr P Grove-Jones affirmed that there were very poor public transport links to Stalham, and noted the lack of employment opportunities with the nearest large employment towns being 17-18 miles drive away by car. She noted that the Council had declared a Climate Emergency and consideration should be made to reduce personal car usage, irrespective of whether there be electric charging points placed on the site to encourage electric vehicles numbers. She commented that the destruction of the economic development land would be short sighted.
- ix. Cllr Rest sought confirmation over the numbers of parking spaces provided to the dwellings. He noted the volume of complaints of a similar development in Fakenham from residents who had only been allocated one parking space per property which they considered to be insufficient.
- x. Cllr T Adams reflected on the lack of pre-consultation from the developer and the negative feelings of the local community. He commented that the development would aid with the vitality of the Town and noted that the traffic generated from the proposal was reported to be minimal. He affirmed that there is a need for affordable housing, and this development would provide an opportunity for individuals to get on the housing ladder. Cllr T Adams proposed acceptance of the Officers Recommendation.

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- xi. Cllr A Brown seconded the proposal, and noted that although several policies were challenged by this proposal, this was outweighed by the need to provide affordable homes within the district, and within Stalham, in order to meet the Councils 5 year land supply.
- xii. In response to questions from Members with regards to emergency vehicle access, the Highways Officer advised that there was no requirement within national guidance to provide for 2 access points into any residential development. He considered that the roads contained within the proposal were wide enough for 2 cars and would be sufficient to serve the development.
- xiii. The MPM informed members safety issues had been considered and that Norfolk Fire and Rescue Service had been consulted to which they had recommended the provision of fire hydrants. He advised that the nature of the proposed development was not a new issue for the fire service with many other developments also having a single point of access.
- xiv. Cllr R Kershaw noted that the adjacent Hopkins site had a more convoluted road layout than the proposed site, and that there was no evidence of emergency vehicles being hindered by that road.

RESOLVED by 7 votes for, 5 against, and 1 abstention.

That planning application PF/21/2021 be APPROVED subject to conditions contained within the Officers Recommendation