

Development Control Committee

Minutes

Wednesday, 11 September 2019 at 18:30

Present :

Councillor Annison (in the Chair); Councillors Bird, Fairhead, Freeman, Flaxman-Taylor, P Hammond, Lawn, Myers Wainwright, Williamson, T Wright and B Wright

Also in attendance :

Mr D Minns (Planning Manager), Mr A Nicholls (Head of Planning and Growth), Mrs G Manthorpe (Senior Planning Officer) Ms C Whatling (Monitoring Officer), and Mrs S Wintle (Corporate Services Manager).

1 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2 DECLARATIONS OF INTEREST

Councillor Annison advised that he had been contacted by

3 MINUTES

The minutes of the meeting held on the 7 August 2019 were confirmed.

4 PLANNING APPLICATIONS

5 APPLICATION 06/18/0384/F - MAUTBY LANE, DECOY WOOD (LAND AT)

The Committee received and considered the comprehensive report from the Senior Planning Officer's report.

The Senior Planning Officer reported that the application sought to use areas covered and open wood storage, including a main working area. Members were advised that the application had been submitted by Norfolk County Council (NCC) and that the existing tenant of a woodyard business had recognised that it would be beneficial to relocate the business to another site within the parish.

The Senior Planning Officer reported that the site was located adjacent to a scheduled monument, the Second World War Heavy Anti-Aircraft (HAA) Battery located 345m east of Decoy Farm, Mautby which Members were advised should be given consideration in the determination of the application and would form a major part of the assessment.

The Senior Planning Officer reported that the Parish Council had raised objection to the application but had commented that they would in general wish to support local business and employment and would have no objections in principle were it not for the proximity to and potential effects on neighbours of the site.

The Senior Planning Officer reported that 33 neighbour objections from residents, society members / historians and the local gun club had been received with regard to the application and these were summarised to Members.

The Senior Planning Officer reported that there had also been 4 letters in support of the application received.

The Senior Planning Officer reported that objections had been received from the Broads authority on the grounds of the significant adverse impact on the Broads Authority Executive Area and on the grounds of the impact on the scheduled monument, although it was noted that there had been no comments received back with regard to the amendments that had been submitted, objections had also been received from Historic England in light of the site including an area designated as a scheduled monument and it had been noted by Historic England that no application had been made for scheduled monument consent which would be required prior to any works being undertaken.

Members were advised that the Forestry Commission had responded to the application to state that the woodland in question was not ancient woodland, it was also noted that there were no tree preservation orders at the site.

The Strategic Planning Officer summarised a number of comments that had been received from the Norfolk County Council Community and Environment Service which formed part of the assessment of the application.

The Senior Planning Officer reported that the applicant had submitted and updated reports pertaining to arboriculture, ecology and roosting in support of the application. Members were advised that the information submitted in support of the application was beneficial as it had sought to alleviate concerns regarding the impact on protected species, bats specifically, and the value of trees. While the application has demonstrable significant adverse impacts that cannot be overcome the supporting information had been acknowledged as received and relevant to specific aspects of the application and would hold more weight were a positive recommendation being made.

The Senior Planning Officer reported that the application when assessed on balance, the harm to the scheduled monument and to the Broads Authority Executive Area is sufficient to outweigh any positive outcomes that the application may bring and therefore, the application had been recommended for refusal.

A Member asked for clarification as to the nearest house of the existing site, and it was confirmed as 400m from the previous site and 250m for the proposed site.

Mr Scales, agent addressed the Committee and pointed out the need for Members to understand the importance of the proposals and reminded Members that the application sought to relocate the business. He advised Members that the applicant provided a business which served the local area and provided a strong economic benefit he further summarised a number of reasons for Member to consider approving the application.

A Member sought clarification and a explanation as to the strong economic benefit and it was advised that if the applicant was unable to operate the business then this would have an affect on local residents.

A Member sought clarification on whether the business was a wood yard or logging yard, the agent confirmed that it would be deemed as a wood yard.

A Member sought clarification as to the mitigation steps that would be undertaken in light of the removal of the 47 trees. The agent confirmed that the applicant would be seeking positive action to add to the wooded area over a number of years.

Mr Tom Andrews, objector summarised a number of concerns that had been raised on behalf of the Mautby Gun Club, he commented that they had not been contacted by Norfolk County Council and summarised a number of

concerns that the Gun Club in light of them using the site for their activities.

A Member asked how the relocation of the business would affect the gun club, Mr Andrews advised that they would be unable to access the site if the application was relocated as proposed.

A Member asked if any noise complaints had been made against the gun club and it was advised that no noise complaints had been received.

Mr Dean Hewitt, Objector, reported to the Committee and advised that he was the owner of the land surrounding the application site, he advised that if the proposals were approved then this would see a financial loss to his business as a further 2 acres of land would be lost.

Mr Gary Morgan, objector raised a number of concerns with regard to the application.

Mr Short, objector raised a number of issues with the site and commented that in his opinion the application in question would cause a detrimental impact on the heritage aspect at the site, he also raised concerns with regard to the entrance of the site. Mr Short suggested that a condition be applied if the application were to be approved which would see the site only able to operate Monday to Friday between the hours of 9 till 5, no activities at the site over the weekend and no activities after dark.

A Member sought clarification as to whether complaints had been received with regard to disruption on site, Members were advised that a complaint had been received by Norfolk County Council and the Local Government Ombudsman and that this was still ongoing.

Mr Will Fletcher, Historic England reiterated the concerns that had been raised by Historic England and stated that in his opinion the application should be refused as Norfolk County Council had other sites available for the type of application in question.

A Members asked with regard to the management of non designated sites.

A Member asked with regard to access to the site and it was advised that there was limited access to the site.

Councillor Adrian Thompson, Ward Councillor spoke in support of the application and commented that in his opinion every effort should be given to secure the applicants business and encouraged all parties involved with the site to communicate with each other and he suggested that Members should consider approving the application with conditions if appropriate.

Members hereby entered into a general debate.

The recommendation as detailed within the Senior Planning Officer's report was moved and seconded and following a vote it was :-

RESOLVED :

That application 06/18/0384/F be refused on the grounds that the application on balance, would cause harm to the scheduled monument and to the Broads Authority Executive Area.

6 APPLICATION 06/17/0743/F - HALL FARM, HALL ROAD, MAUTBY

The Committee received and considered the Senior Planning Officer's report.

The Senior Planning Officer reported that the application site was part of a field, measuring 850m² to the south of the group of farm buildings at Hall Farm, it was noted that there is a dwelling to the north east of the site (Hall Farm Cottage) and another to the west (Hall Farm House). The land to the south is open farm land. The application site is approximately 35 metres from the Broads Authority Area which is afforded the same designation and protection as a national park.

The Senior Planning Officer reported that the applicant runs a business from the farm buildings at Hall Farm which involved importing, cutting splitting, storage and distribution of firewood, this use was regularised when a Certificate of Lawful Use was granted on 13th July 2016 (06/16/0280/EU). Storage of logs for the business had been extended onto the field to the south without planning permission, and the applicant had been advised that the storage needed consent and submitted an application that was subsequently granted a temporary consent for a period of one year (06/16/0590/CU). That permission had now expired and the current application would be to continue to use the site for a further two year period.

The Senior Planning Officer reported that the current application had been submitted on the 1st December 2017 to extend the temporary permission by a period of two years until the 1st December 2019. The previous application, 06/16/0590/CU had expired on the 17th November 2017 and therefore, it has been assumed that the use has been on going for the past 21 ½ months without planning permission.

The Senior Planning Officer reported that the planning permission had been subject to a number of conditions including that the permission which was for one year and was personal to the applicant, no deliveries to the site or movement of wood within the site should take place outside the following hours:- 08:00 to 18:30 Monday to Friday and the site should be used for the storage of timber/firewood only and no mechanically powered cutting, sawing or splitting of timber (or other similar operation) should take place within the site. The reason for the temporary approval was in order for the LPA to retain control over the use of the site until the effects of the proposal had been experienced and in the interest of the amenities of the locality.

The Senior Planning Officer reported that at the end of the one year the

applicant reapplied but subsequently withdrew the application. This was followed by the current application. In the mean time it was advised that Norfolk County Council had submitted the application Ref No. 06/18/0384/F to find an alternative location for the applicants existing business and this application has been put on hold pending determination of a further application.

The Senior Planning Officer advised that no objection had been received from the Parish Council nor the Highways Department and that one neighbour objection had been received from the occupiers of Hall Farm, the reasons for their objection were with regard to noise nuisance and disturbance.

The Senior Planning Officer advised that the Environmental Health department had confirmed that some complaints had been received from a neighbour about other activities on land under control of the applicant, they had not substantiated a statutory nuisance and that given the application was for the storage of wood, the service had no objections to the grant of planning consent for this land use.

The Senior Planning Officer reported that the Broads Authority had advised that an objection would have been submitted with regard to this application, however they had been unable to provide comments ahead of the Committee meeting but they they had advised that they would wish to undertake a site specific survey.

The Senior Planning Officer reported that the application was recommended for approval for an additional 2 ½ months as applied and that the temporary permission until the 1st December 2019 was also recommended for approval, and this would allow for the site to be cleared and an alternative premises located.

Clarification was sought as to the ombudsman report which had highlighted the need for the site to be relocated however it was noted that this did not apply to the application as it was a recommendation for Norfolk County Council.

Mr Steven Hewitt, applicant summarised his application to Members and advised that application 06/18/0384/f had been refused there were no other sites possible for him to use, he advised that he would be seeking to submit a further application which would propose a further area for storage, he urged Members to consider approving the application.

Clarification was sought as to the proposed site for storage should another application be submitted, Mr Hewitt confirmed and provided the Committee with an explanation as to where this would be located.

A Member asked how long it would take Mr Hewitt to move the timber that was on the site should the application be refused, he advised that due to the limitations in processing which meant this was only undertaken one day a week and therefore could only move 15 tonnes a day and that there was

approximately 500 tonnes at the site. Members were reminded that they were to consider the application that was within the agenda pack.

Mr Younge, resident objector provided Members with a summary as to the reasons behind his objection and asked the Committee to consider refusing the application.

Members sought clarification as to the time given if the application were approved and this was confirmed as the 1 December 2019.

Following Member debate it was :-

RESOLVED :

That application 06/17/0743/F be approved until the 1st December 2019 was also recommended for approval, and this would allow for the site to be cleared and an alternative premises located.

7 APPLICATION 06/19/0099/O - ST NICHOLAS DRIVE, CAISTER (LAND TO THE WEST OF)

The Committee received and considered the Senior Planning Officer's report which provided an outline application with access.

The Committee were advised that should the outline application be approved then the appearance, scale, layout and landscaping would be decided as a separate application.

The Senior Planning Officer reported that the applicant had submitted indicative plans to demonstrate the site layout which showed 19 plots of various sizes and a indicative road layout.

The Senior Planning Officer reported that objections had been received from the Parish Council who had commented that the site were a playing field and should remain as such, she advised that 37 neighbour objections had been received, the main reasons for the objections were summarised to Members.

The Senior Planning Officer advised that there had been no objections from the Highways Department, Building Control, Environmental Health although conditions had been suggested, Strategic Planning had raised no objection but required receipt of additional information with regard to the future needs of open space.

The Senior Planning Officer advised that Natural England had asked if planning permission were to be granted that this be subject to a condition requiring a programme of archaeological work in accordance with National Planning Policy Framework 2019 paragraphs 189 and 199.

The Senior Planning Officer reported that mitigation steps had been suggested

to prevent any negative ecological impacts and these were summarised with the Senior Planning Officer's report.

The Senior Planning Officer reported that the local school had requested that their right of access from St Nicholas Drive not be adversely impacted by the development but it was noted that the right of access was a civil matter and could not be overwritten by a planning application.

The Senior Planning Officer reported that the proposed access had been a point of objection from local residents who did not want access to be off Stone Hill Road. Members were advised that the access as proposed would be off St Nicholas Drive and Members were reminded that the Highways department had not objected to the the application. It was noted that Highways had commented that to improve permeability that a pedestrian crossing should be installed on Stone Hill Road.

The Senior Planning Officer reported that at paragraph 9.12 of the report there had been an error whereby the agent for the application had not agreed that they were happy to accept a one year permission within which the reserved matters must be submitted in light of the outline application not demonstrating deliverability, however she advised that this one year permission had been recommended.

The Senior Planning Officer reported that the application was recommended for approval subject to conditions as listed within the Officers report.

A Member sought clarification as to the closet area of open green space and it was advised that this was St Georges Playing Field.

Clarification was sought as to the access road.

Some concern was raised as to the issue of flooding within the area and the impact this could have on the land.

Mr Scales, Agent provided comments to some of the points that had been raised and confirmed that there had been no proposal to introduce an access road onto Stone Hill Road, he also advised that the educational land would be retrained.

Following Member debate it was :-

RESOLVED :

That application 06/19/0099/O be approved subject to conditions to ensure an adequate form of development including those requested by consultees and a Section 106 agreement securing Local requirements if children's recreation, public open space or payment in lieu if appropriate, affordable housing and Nature 2000 payment.

8 DELEGATED AND COMMITTEE DECISION LIST 1 - 31 AUGUST 2019

Members received, considered and noted the Delegated and Committee decision list for the period 1 to 31 August 2019.

9 APPEAL DECISION

The Planning Manager reported on the appeal decision.

10 ANY OTHER BUSINESS

There was no other business to be considered.

The meeting ended at: 20:30