

## **DEVELOPMENT COMMITTEE**

**Minutes of the meeting of the Development Committee held on Thursday, 9 May 2024  
in the Council Chamber - Council Offices at 9.30 am**

**Committee Members Present:** Cllr P Heinrich (Chairman) Cllr R Macdonald (Vice-Chairman)  
Cllr M Batey Cllr A Brown  
Cllr A Fitch-Tillett Cllr V Holliday  
Cllr G Mancini-Boyle Cllr J Toye  
Cllr L Vickers

**Substitute Members Present:** Cllr C Ringer

**Officers in Attendance:** Development Manager (DM)  
Senior Planning Officer (SPO-BFC)  
Principal Lawyer (PL)  
Senior Landscape Officer – Arboriculture (SPO-A)  
Democratic Services Officer - Regulatory

**Also in attendance:** Cllr M Taylor  
Cllr K Bayes

### **158 TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr A Varley, Cllr P Fisher, Cllr P Neatherway, Cllr K Toye and Cllr M Hankins.

### **159 SUBSTITUTES**

Cllr C Ringer was present as a substitute for Cllr K Toye.

### **160 MINUTES**

The minutes for the Development Committee meetings held Thursday, 21<sup>st</sup> March and Thursday, 4<sup>th</sup> April were approved as a correct record.

### **161 ITEMS OF URGENT BUSINESS**

None.

### **162 DECLARATIONS OF INTEREST**

None declared.

### **163 CATFIELD - PF/23/2004 - PART CHANGE OF USE OF EXISTING AGRICULTURAL MACHINERY WORKSHOP/STORE AND HAULAGE DEPOT TO INCORPORATE A CONTAINERISED SELF-STORAGE FACILITY (B8 STORAGE) (RETROSPECTIVE) AT LUDHAM ROAD, CATFIELD FOR MR S HILL.**

Officer's report.

The SPO-BFC introduced the Officer's report and recommendation for approval subject to conditions.

He outlined the historic use of the site as an agricultural machinery workshop, store, and haulage depot established after WWII which had been operated as a family-owned businesses. The dwelling, Stanton, had been granted planning permission in January 1975 as an agricultural worker's dwelling and was subject to an occupancy condition ensuring the occupant was either the employer or employed by the adjacent agricultural business. This condition was later removed in April 1991 as the associated business was run down and it was deemed inappropriate and surplus to requirements that the bungalow should be occupied in connection with the business. Later in 1991 permission was obtained to turn the bungalow into an office in association with the business yard. In 1999 Norfolk County Council approved the change of use of the site to a recycle yard and firewood production unit. In March 2000, planning permission was granted to allow the change of use of the office to a dwelling associated with the recycling yard. Due to personal circumstances, the owner sought to move to the site to ensure safety of operations and to exclude public presence on site out of hours. Further, it was determined that 'Stanton' would be inappropriate for occupancy by persons not associated with the business, as it lacked residential amenity.

The Case Officer confirmed that the application was not policy compliant with respect of policies SS1 and SS2 of the North Norfolk Core Strategy but did comply with SS5 of the Core Strategy and paragraph 89 of the NPPF. It was further noted that the operator's license permitted 24 access of the site all year round.

The SPO-BFC advised that the site boundary comprised of a mixture of timber fence, hedge, and corrugated steel. 18 shipping containers measuring approximately 43m in length and between 2.44 and 2.6m in height replaced an existing hedge boundary along the western boundary with Stanton. Concerns had been raised by the owner of Stanton that the proposed development would have a significant adverse impact on their enjoyment of their private garden area. Additional concerns had been raised due to the volume of traffic entering and egressing the site along with noise associated with the operation of the site. In response to these concerns, a vehicle movement survey and acoustic assessment had been undertaken. The Environmental Health Officer had raised no objections subject to conditions restricting hours of use, securing of acoustic measures, drainage, artificial lighting and pest management measures. The vehicle movement survey confirmed that between 3<sup>rd</sup> – 9<sup>th</sup> of December 2023, 5a.m. to 10p.m there were 41 vehicle movements, this compared to 99 vehicle movements per day in the period 2005 to 2016.

The acoustic assessment was carried out at the same time as the vehicle survey. The report concluded that the primary source of noise associated with the existing business was road traffic accessing the site, it was further concluded that noise levels were not particularly high and as such would not adversely affect the area.

It was understood that because of the height and proximity of the shipping containers along the adjoining boundary with Stanton, that there would be some overbearing effects to the detriment of the users of the dwelling and their enjoyment of their private garden area. Moreover, given the position and orientation of the containers are not subject to any degree of control and may change over time, it is considered that the instillation of a 1.8m boundary fence will be required to help soften the boundary between the site and the dwelling.

The SPO-BFC stated that, on balance, whilst there would be some impact to Stanton, many issues could be mitigated against via conditions ensuring proper boundary treatment and restrictions on operational hours. The Case Officer advised that the principle of the scheme was considered to be a departure from North Norfolk Core Strategy Policies SS1 and SS2 but would comply with EN4, EN13, SS5 and Paragraph 89 of the NPPF. Officers considered that there were material considerations which justified a departure from the development plan, including the presence of the existing haulage business on site, environmental benefits with the reduction of 50% of vehicle movements in comparison to the earlier survey, and the scheme was considered to bring economic and social benefits by supporting businesses, communities and private users of the self-storage facility in a rural area.

The SPO-BFC offered images in and around the site including from Stanton.

The DM provided an update to Members following publication of the agenda. He advised that an additional representation had been received from the Parish Council and circulated to Members. The DM advised that the two sites referenced in the letter were not considered by Officers to be relevant in the determination of this scheme. The sites referenced had now been brought to the attention of the enforcement team following the email.

#### Public Speakers

Nicolette Jefferys – Catfield Parish Council  
Glen David Bunting – Objecting  
Graham Tuddenham – Supporting

#### Local Members

- a. The Local Member – Cllr M Taylor – advised that he and his fellow Local Member referred this application to Committee not because they were wholly opposed to the scheme, but because they considered that the conditions proposed were not sufficient and would have an adverse impact on the rights of the occupier of Stanton to enjoy their property. Cllr M Taylor sought the following amendments be imposed should the application be approved:
  1. That the containers be moved by an appropriate distance from Stanton, to ensure they were not visible from the residential dwelling.
  2. Further restrictions on operating hours to remove usage on a Sunday.
  3. Erection of a solidly built acoustic fence with concrete posts and gravel boards to mitigate noise impact.

He argued that these proposed changes were not prohibitive and would positively contribute to the wellbeing of the existing resident who had lived in the property for over 20 years. The Local Member advised this matter had been raised to him over 1 ½ years ago and had been subject to enforcement process resulting in the application before Committee. Cllr M Taylor considered it an appalling situation for the residents physical and mental health in that they were confronted by the wall of metal every time they opened their bedroom window or used their garden. The noise implications from users opening and closing the shipping containers were so severe the occupiers of Stanton had to relocate their bedroom elsewhere in the property in an attempt to escape the noise. The Local Member was not in support of refusal of the application and recognised the benefits from and the need to support local businesses but considered this needed to be weighed in the

balance and be done in a sustainable and sensible way. Cllr M Taylor noted that the 2<sup>nd</sup> and 3<sup>rd</sup> of his amendments had been recommended by the Council's Environmental protection team in an earlier report. Further, he expressed his concern that there was no 24/7 onsite presence and recommended that security gates be added to each row of containers, to be locked up when the site was not in use.

- b. Cllr K Bayes – Local Member – reiterated the same recommendations put forward by Cllr M Taylor, be imposed should the application be approved. He stated that he was not against the proposal in principle but considered that the current conditions attached were not adequate to protect the occupier of Stanton. The Local Member believed that the conditions needed to reflect a fair balance between the operation of the business and the amenity of neighbouring residents, and reflected on the adverse impact the current business, store galore, had on the occupier of Stanton's health and wellbeing. He noted that the access road to the business and Stanton was owned by Anglian Water, and there was no speed restrictions or physical barriers along this road restricting or limiting users who can access the site all hours. The Local Member referenced the Environmental Health Team's report and the right of residents to adequate privacy levels and excessive noise, stating that he was shocked on attending the site by the solid row of blue shipping containers forming a barrier with Stanton and the noise experienced from users accessing the shipping containers. The Local Member was critical of the traffic survey conducted which did not reflect the observations of the local resident.

#### Members Debate

- a. Cllr G Mancini-Boyle expressed sympathy with the local resident, and asked what, if any, consultation was undertaken to determine the operational hours? He suggested it may be more appropriate to reduce the operational hours to limit the shipping containers being accessed late at night.
- b. The SPO – BFC advised that no consultation had been undertaken with local businesses with respect of opening hours. Consideration was given to the historic operational hours which were unlimited, and the consultation response from Environmental Health.
- c. The DM reiterated the Environmental Health suggestion that the operational hours be limited to 7am-8pm Monday to Friday, 7am – 6pm Saturday and closure on Sunday, Bank and Public Holidays. The applicant had put forward their own requested operational hours which were beyond Environmental Health's suggestion. The DM reflected that the Committee in their determination needed consider the balance between the benefits of the scheme against the harms arising to local residents.
- d. Cllr G Mancini-Boyle noted the traffic assessment and considered that the reduction in traffic may justify reduction in opening hours.
- e. The SPO-BFG stated the 50% reduction in traffic movement was in comparison to historic use of the site.
- f. The Chairman noted the historic haulage operation on site allowed for 24/7-hour use, however reflected this proposal was not for a haulage operation, therefore question whether historic use and permissions should be given

much consideration.

- g. The DM advised that each application must be considered on its merits. He also reflected it was important to consider the fallback position in planning terms should the application be refused. The landowner in this instance could choose to revert back to the 24/7-day haulage business which would have a greater impact on residents. The DM advocated for a balanced compromised approach allowing the business to exist without causing adverse harm to the amenity of adjoining properties. Should conditions imposed be breached, this would be a matter for the enforcement team to address.
- h. Cllr J Toye expressed his support for the Environmental Health Team's suggestions, which he considered addressed the concerns put forward by Local Members. With respect of comparative use, whereas vehicle movements could be directly compared, the noise generated from reversing HGV's and the opening and closing of shipping containers was markedly different. He argued that more could be done to limit noise disturbances including a planting scheme in addition to the wooden acoustic fence which would offer a natural acoustic boundary. Cllr J Toye proposed the conditions outlined by Environmental Health be conditioned.
- i. The DM cautioned that the applicant had requested 107 containers on the site, should the boundary between the operational site and Stanton be widened, this may impact the operational functionality of the storage facility. The suggestion that the containers would not be visible from Stanton maybe beyond what could be regarded as reasonable.
- j. Cllr J Toye agreed that even with an acoustic fence it would be reasonable that the containers would be visible from Stanton.
- k. The DM advised that discussion was ongoing regarding the boundary line, though it was understood that the telegraph pole was on the boundary. The DM reflected that planting may not offer the same level of acoustic protection as an acoustic fence.
- l. Cllr J Toye commented that the planting scheme was a suggestion but did not form part of his proposal.
- m. Cllr L Vickers agreed with Cllr J Toye regarding the imposition of an acoustic fence. She considered it would be acceptable to have the shipping containers moved back a few feet allowing for a gap between the containers and the acoustic fence on the boundary.
- n. Cllr V Holliday expressed her support the suggestions put forward by Environmental Health. She noted that within the planning balance both economic and social benefits were considered, and questioned what the economic benefits of this scheme were, including number of employees, whether the business was based in Catfield or elsewhere?
- o. The DM was unable to confirm where the business was based and commented that the applicant had not in the application form detailed the number of jobs associated with the site. With respect of benefits from the proposal, he reflected that many households made use of storage facilities.
- p. Cllr A Fitch-Tillett proposed acceptance of the application inclusive of the

Environmental Health's conditions (as outlined by Cllr J Toye) and the 3 conditions put forward by the Local Members: the provision of acoustic fencing, moving of the shipping containers away from the boundary to an appropriate distance, and closure on a Sunday.

- q. The DM noted the Local Members also suggested use of a security fence to restrict access into the site. He reflected that implementation of the condition would need to be proportionate, and a discussion would need to take place with the applicant regarding how access to the site could be managed.
- r. The PL advised that condition 7 could be expanded to restrict visitors to the development during prohibited hours.
- s. Cllr J Toye seconded the recommendation.

**UNANIMOUSLY RESOLVED** by 10 votes for.

**That Planning Application PF/23/2004 be APPROVED subject to conditions recommended by Environmental health, and those detailed by Local Members. Final wording to be delegated to the Assistant Director – Planning.**

**164 LAND AT DAM HILL PLANTATION - TPO/24/1036 - TO CONSIDER WHETHER TO CONFIRM A TREE PRESERVATION ORDER (TPO) TO PROTECT AN AREA OF WOODLAND NNDC TPO (EDGEFIELD) 2023 NO.23 SHOULD BE CONFIRMED.**

Officer's report

The SLO-A introduced the Officer's report and recommendation that the TPO be confirmed without modifications.

She outlined the site's location, historical context including aerial photographs showing the ancient woodland. The site was located in close proximity to the Holt Lowes SSSI a nationally important heathland and wetland, Holt County Park wildlife site, Edgefield Heath Country wildlife site, Holt Quarry and Edgefield Heath Quarry both geodiversity sites. The site was contained within the Glaven Valley conservation area with outfall to the river from Dam Hill.

The site had been subject to prior planning notifications in May, September and October 2023 – detailed in the officer's report. Concerns were raised about the agriculture report with several trees missing within the plans but visible on site. Officers subsequently became aware that the engineering works to create the access road had resulted in some damage to trees.

The site was subject to two separate felling licenses. It was considered that the felling of the conifers to thin the site had been positive in the management of the site, creating a much better compartment structure.

An exemption certificate was submitted in August 2023 for a camping and caravan site – an illustration was provided of the site map.

The SLO-A spoke highly of the tranquil landscape and special woodland setting which has been adversely impacted by recent works. An enforcement case was

ongoing. Images were provided demonstrating the damage including that to an ancient pollard oak tree, a portion of its roots had been severed by engineering works. It was noted that within the NPPF ancient trees were classed as irreplaceable habitat.

#### Public Speaker's

None.

#### Member's debate

- i. The Local Member – Cllr A Brown - advised that recent changes to the site were a matter of concern for the local community. He was surprised the site was not given designation beyond the Glaven Valley Conservation Area designation as it was an especially sensitive environment. He failed to understand how the applicant had conducted excavation works in such close proximity to the ancient woodland, which would be irreplaceable if damaged. The Local Member noted the owners track record but focused on the damage to the trees on this site. He proposed confirmation of the tree preservation order as set out in the officer's report.
- ii. Cllr J Toye seconded the motion.
- iii. Cllr L Vickers asked if the Oak was salvageable and would survive.
- iv. The SLO-A was unable to confirm at this time.
- v. Cllr C Ringer endorsed comments made by the Local Member. He enquired if the works undertaken were permitted within the exception license for the Shepard Hut, and if, when the license was up for renewal, if the damage inflicted on the site would be a material consideration for future granting.
- vi. The DM advised that some of the development within the site may be classed as permitted development provided it complied with exception permission, other developments however would require planning permission through an application. He noted that there was a live enforcement case and appeal ongoing for the site. The DM expressed his concern how exception licenses were granted by Natural England which were granted to an organiser as opposed to a specific site, and noted instances where exemption certificates were used on land which would typically require planning permission. The exemption process does not negate the need of the applicant to submit a regulation 77 application. The DM advised that in this instance the applicant had sought to pay their GIRAMS tariff.
- vii. Cllr C Ringer asked if more could be done to strengthen protection of the site including seeking special designation for the site.
- viii. The SLO-A stated that she had made a representation to the Norfolk Biodiversity information service who hold the records for ancient woodlands, seeking designation of the ancient woodland.
- ix. Cllr M Batey expressed his support for the protection of the site.

**UNANIMOUSLY RESOLVED** by 10 votes for

**That TPO/24/1036 be confirmed.**

The DM suggested that Officer's write to Natural England raising concern about the process and impact on the environment. This was endorsed by the Committee.

**165 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

- i. The DM introduced the Development Management Report and spoke highly of the speed of decisions. It was noted that there had been recent poor performance for the quality of decisions with one major decision allowed in Bacton – though still within NNDC and governmental targets.
- ii. The PL advised the Milestone former Hospital was out for signature and was expected to complete within the month.
- iii. Cllr A Brown asked how the Thursford application was progressing.
- iv. The PL advised that discussion was ongoing. The applicant were keen to see an expansion beyond what Officer's interpreted the Committee had resolved. This had been a very time-consuming process for a single dwelling application.
- v. The DM advised that should negotiation fail to proceed that a report was drafted, ready to be presented to the Committee.

**166 APPEALS SECTION**

- i. The DM introduced the appeals report and invited questions from the Committee.
- ii. Cllr C ringer noted the decision reached at Baconsthorpe. He suggested this may want to be referenced in communication to Natural England, noting that residents had already taken the matter up with Natural England.

**167 EXCLUSION OF PRESS AND PUBLIC**

None.

The meeting ended at 10.43 am.

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Chairman