

## PLANNING COMMITTEE

Date: 4 November 2024

### SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE PUBLICATION OF THE AGENDA AND ERRATA

Item No. 9/1(a) 21/01824/FM

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**Third Party Representations: SIX** additional letters of **OBJECTION**, summarised as follows:

- Woodland has existed for in the region of 200 years, is within a SSSI Impact Risk Zone and borders a County Wildlife Site
- The site is an Important Invertebrate Area, a County Geodiversity Site
- If the drainage system fails, the county drain leading to the River Nar could be polluted.
- Site will not provide a public benefit and the woodland should be retained for the local community.
- Tree proposals are unrealistic and shallow rooted trees within plots would be required to be removed to prevent treefall impacts.
- Otters are using the site and its surroundings, with additional trail camera footage of this provided.
- Concern that planning policies have not been applied properly; development is not necessary in this position.
- Concern that evidence of protected species on site has not been considered.
- Lack of consistency in planning decisions, referring to recently refused planning application for a swimming pool at Pentney Lakes
- Questions regarding the assessment of the application and the recommendation
- Request for Badger Survey report to be made public

**UK Power Network:** Provided comments relating to underground cabling existing within the red line boundary. It is the applicant's responsibility to ensure this is taken into account prior to construction.

#### **Assistant Director's Comments:**

The majority of additional comments received and summarised above raise issues already dealt within the officer's report.

The Officer's Report to committee sets out the policy provisions which are in support of the development, including reference to historic appeal decisions and the Planning Practice Guidance, alongside recommended conditions which have been formulated in discussions with the Borough Council's Ecologist and Arboricultural Officer. As part of planning consideration, the local planning authority must consider whether planning conditions (and in this case, legal agreements) could make development acceptable.

Comments from the Norfolk Wildlife Trust were initially missed and subsequently re-sent after the current case officer took over the file in June 2022. Since that date, those comments have been considered and new updated surveys submitted. Norfolk Wildlife Trust have provided comments on those amended details as discussed within the report. Neighbour representations are available on the online file and have been considered in depth within the officer's report.

The Tree Officer's initial concerns were resolved through submission of additional arboricultural information, with most recent comments referring to service runs as discussed within the report.

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The planning application conditions when read as a whole prevent loss of those trees not marked for removal within the arboricultural information without the granting of consent and further ensure that additional details are submitted to ensure direct impacts from each lodge's construction are acceptable.

The application for a swimming pool referred to was refused primarily due to lack of acceptable information coming forward to rule out impacts on water quality from the new pool and its drainage system. This application is not for a man-made swimming pool or similar, and the drainage impacts associated with the development have been sufficiently detailed so as to rule out impacts on water quality. A permit would be required from the Environment Agency, and this is covered by separate legislation.

The Borough Council's Ecology Officer and the Case Officer have visited the site on multiple occasions for site visits, with the Case Officer visiting unaccompanied as well as with the Arboricultural Officer and on two separate occasions with the Borough Council's Ecologist – once when defining the scope of surveys needed, and again to confirm the results in regard to otters. The recommendation put forward to planning committee has been based on the current planning policy and it is ultimately for Members to determine the weight given to all aspects of the proposal as per the relevant legislation.

In response to the Badger Survey, submitted in support of this application. It is a requirement that badger surveys are retained as confidential due to risks to protected species. The officer's report to committee outlines the headline results of the badger survey and the recommended mitigation measures required to be put in place.

**Item No. 9/1(b) 24/00141/FM**

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**Amended wording:** The applicant has confirmed they will pay the GIRAMS fee prior to determination, and as such a Section 106 legal agreement is no longer required. The report should be amended as follows:

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#### **Recommendation**

**A) APPROVE** subject to the imposition of the following conditions, and completion of a s106 legal agreement to cover the current GIRAMS fee and the associated monitoring fees; or payment in full prior to issue of the decision.

**B)** If the payment in full has not been made or in the opinion of the Assistant Director/Planning Control Manager no reasonable progress is made to complete the legal agreement within 4 months of the date of the committee resolution, the application is **REFUSED** on the failure to secure the GIRAMS fee.

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GIRAMS – The change of use from hotel accommodation to residential flats requires a GIRAMS payment of £3,686.19. A shadow habitats regulations assessment has been submitted with the application and has been adopted by the LA as the formal appropriate assessment. Subject to the payment of the appropriate GiRAMS fee, this will mitigate against any adverse effects of the proposal on the integrity of internationally designated wildlife sites in relation to increased visitor pressure.

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**RECOMMENDATION:**

**A) APPROVE** subject to the imposition of the following conditions, and completion of a s106 legal agreement to cover the current GIRAMS fee and the associated monitoring fees; or payment in full prior to issue of the decision.

**B)** If the payment in full has not been made or in the opinion of the Assistant Director/Planning Control Manager no reasonable progress is made to complete the legal agreement within 4 months of the date of the committee resolution, the application is **REFUSED** on the failure to secure the GIRAMS fee.

**Assistant Director's Comments:** The above amendments are noted.

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**24/01589/F**

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**Third Party: ONE** letter **NEUTRAL** asking for some additional information on measurements which are already set out within the Committee Report.

**Assistant Director's Comments:** Information is already in the officer's Committee Report.

**Item No. 9/2(c)**

**24/01061/F**

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**Cllr Julian Kirk:** This has never been previously developed land, in fact when you were going to obtain an enforcement notice on it, the land was to be returned to Agricultural land.

**Assistant Director's Comments:** The Councillor's comment is noted. There have been enforcement steps taken since 1993, as the land has changed hands in the interim, resulting in residential caravans being removed. The latest injunction ceases certain activity but does not require return to agricultural land. Whilst the agent claims that this is previously developed land, Officers have not attached any significant weight to this in assessing the proposal.