

PLANNING COMMITTEE
31st July 2017

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

Item Number 8/1(a) Page Number 9

Cllr Tilbrook: The matters raised can be summarised as follows:

- Not against a business expanding and indeed support Congham Hall growing but current proposals are not acceptable.
- Ancient parkland and woodland is listed by Norfolk Heritage Explorer (ref no. 31969).
- The protection of this valuable site needs to be taken account as this land is not just any land but a listed Heritage site.
- Expansion of this site will lead to greater car travel as tourist will tend to head for our coastline and other attractions by car.
- This is not a small scale development, it is not in a sustainable location and it will be detrimental to our valuable natural environment.
- Development of the site will breach the Borough's core strategy as Congham is classed as a small village with a requirement for limited minor development.
- Committee report misquotes the letter from Grimston Parish Council that the hotel runs through Grimston. This is not what was said. Only the road to the hotel runs through Grimston, the remaining land is all in Congham.
- The bat survey does not follow the Good Practice Guidelines published by the Bat Conservation Trust and protected species have not been adequately considered.
- The current flood plan is to build houses on stilts with walkways which are a potential danger.
- Flow of water under houses and walkways brings the added risk of pollution damage (sewage leaks etc.) downstream to Roydon Common SSSI.
- Development will be setting a precedent that will be copied throughout the Borough.
- Dispute figures put forward in terms of job creation.
- This proposal has little support within the area.

Third Party: FOUR letters of **SUPPORT** – these can be summarised as follows:

- Expanding a business will only bring further employment to local people, not only those they directly employ but also suppliers.
- Area has so many great assets already and this project will only support and add to this, whilst maintaining the beauty of what our villages offer.
- Congham Hall wanting to invest to improve what is now a successful part of our community should be fully welcomed.
- Until the hotel was purchased by its current owners it had fallen on hard times. Since 2012, there has been considerable investment in the hotel, spa and the Congham employees of which there are around 80. The new development would allow Congham Hall to not only improve its business but to also develop existing employees and provide new employment opportunities, including for local tradesmen and suppliers.
- The parkland has been neglected for many years and the discreet location of the proposed cottages would not intrude on others.
- New and existing customers will support local businesses such as the pubs, village

shop and post office.

- The benefits for the local community, business and the environment itself outweigh the detrimental effect of the proposed expansion.
- The development will actually mean that the parkland will be managed rather than just used for grazing. Therefore giving the opportunity to create an improved habitat for the local flora and fauna.
- Every community needs the facility to offer people the ability to improve their fitness levels.

ONE letter of **OBJECTION** – the matters raised can be summarised as follows:

- The proposed development would be damaging to ancient woodland and the numerous species that rely on such habitat.

Agent: In response to matters raised by Cllr Tilbrook in relation to protected species, the Ecologist has advised the following:

The survey work complies with the guidelines in the Bat Conservation Trust Good Practice Guidelines. The guidelines state that “the type of survey (or suite of surveys) undertaken and the amount of effort expended should be proportionate to the predicted impacts of the proposed activities on bats”. The woodland is not being physically removed, or isolated, or connectivity through the site disrupted, only a single low potential tree is to be lost from the woodland and measures can easily be taken to minimise potential lighting impacts. Therefore, the survey effort was considered proportionate.

It was predicted that bats would be using the woodland and vegetation on the boundaries of the hotel site for commuting. The proposed development, however, will not result in physical severance of these linear features or isolation of woodland. Tree and scrub clearance is expected to be minimal so there should be no significant loss of foraging habitat and a large amount will still remain available during and after construction. The key issue for consideration therefore is that the introduction of new levels of lighting and noise could impact upon bat behaviour.

During the two visits, three static monitoring devices were located in key spots where development will take place and collected a good amount of data. The two surveys confirmed what we expected; that bats were using the woodland and linear features on-site. They also told us that common and soprano pipistrelle were dominant on-site; species which are believed to be more tolerant of lighting than some others. This information was considered sufficient to inform the mitigation and it is not thought that additional surveys would alter the mitigation recommended in the report. The mitigation recommendations outline, among other things, the requirement to ensure that a bat sensitive lighting scheme is implemented and that the western part of the woodland is fenced off to discourage access from guests; to provide an undisturbed area for bats.

The aim of the ground assessment of trees within the bat roost survey report was to determine the level of potential to support roosting bats, not to determine presence or likely absence of bats. This assessment informs the need for further survey and/or mitigation. Using the information gathered the cabins were positioned to minimise the removal of trees with bat potential as much as possible. This was achieved with the exception of tree T6 ; a low potential tree due to the presence of some ivy that could provide an opportunistic roosting space. Due to the opportunistic nature of the roost, further survey is not recommended but a precautionary approach to felling is considered more appropriate. The information gathered will be used to ensure retained trees are protected during works and that trees with potential are not directly lit.

The ditches on-site are being retained and standard pollution control measures during construction will be employed to protect the water. Furthermore, water vole are animals of wetland habitats. They prefer steep banks for burrowing with tall herbaceous vegetation (providing food and cover from predators) and plenty of marginal vegetation at the waters' edge. The ditches within the woodland do not meet these criteria and are also heavily shaded.

In relation to heritage matters raised by Cllr Tilbrook, the agent's response can be summarised as follows:

The Hall and its grounds do not constitute a designated heritage asset having regard to the definition contained within the NPPF. Rather the Hall and its grounds are a non-designated heritage asset.

The Heritage Statement that was provided with the application explains the significance of Congham Hall and its park as a non-designated heritage asset – on this matter it concludes that Congham Hall has historical, architectural, evidential, natural and social values. It is experienced within its parkland setting and although not of high significance, it has some significance in its local context.

Therefore as an undesignated heritage asset the application site is of moderate significance and that significance which it does possess is derived chiefly from its setting within an area of private parkland, the Committee Report expresses the same judgement. The Heritage Statement concludes that the proposals have been carefully considered to cause as little harm as possible to the setting and have been heavily informed by landscape and ecological considerations. The impact upon the significance of the asset is therefore very limited and certainly it is manifestly incorrect to suggest that site would be 'lost' as a result of the development proposals. The committee report reaches the same conclusion.

Therefore, if harm is perceived to the heritage asset then it is only very slight and in terms of the NPPF it can only be categorised as 'less than substantial', accordingly the weight to be given to this harm can only reasonably be very limited. Having regard to paragraph 134 of the NPPF this harm should be weighed against the public benefits of the proposals. The public benefits in this instance are set out in the committee report and are significant - it is clear that they outweigh any finding of less than substantial harm to the heritage asset concerned.

Item Number 8/1(b) Page Number Late Report p. 2

Cllr Parish: The matters raised can be summarised as follows:

- Inspector Hogger suggested the 'at least' phrase to go in front of indicative site housing numbers to 'strengthen flexibility' and enable planning to be 'positively prepared'. There is no indication that he or anyone else meant that housing numbers should be doubled or trebled.
- There was never any 'phase 2' indicated for this site within the current Local Plan.
- The Planning Appeal regarding an application at School Road Heacham (APP/V2635/W/14/2221650) which reported on 14th July 2014 has a significant bearing on this application. In that enquiry the Borough Council maintained that the number of marketable houses allocated to Heacham (then 75) was sustainable and adding 70 more would not be.
- There is another issue about last year's appeal and this application. Broadland

Housing Association was defeated, in part, due to the proposed doubling of market housing from around (then) 75 to 145 did not fit the requirements of the current Local Plan and was unsustainable. If this application before you is accepted then the number of houses on the allocated sites goes up to 141. And don't forget the windfalls. Consequently, that aspect of the appeal could be construed as weakened. Sir Henry Bellingham MP, who was also present at the appeal, shares my concern.

- Proposal is contrary to the current Local Plan in that it will cause the number of new marketable houses coming forward in Heacham through allocations and other factors to more than double and become unsustainable.
- The application is also contrary to public consultations carried out as the current plan emerged; residents of Heacham took that consultation in good faith and the original 66 houses allocated were reluctantly accepted.
- The planning committee agreed to the site access for 69 houses not 133.

County Cllr Michael Chenery: OBJECTION on the following grounds:

- The school crossing lies between the brow of the hill, being on a blind point where the access is proposed and immediately before another blind bend at the junction of Malthouse Crescent.
- To compound this problem further, parents collecting / dropping children off for school, leads to cars parking bumper to bumper from Malthouse Crescent going well beyond the proposed access over the brow of the hill twice daily.
- Should this be the only access point?
- Concerned regarding the impact these additional 64 houses will have on the already overstretched NHS Heacham Group Practice which also covers Snettisham where other large developments have been proposed.

Third Party: TWO letters of OBJECTION – matters raised can be summarised as follows:

- Another example of the creeping housing development in and around Heacham.
- No consideration given to local infrastructure, traffic, medical services, schools.
- Proposal will increase traffic on Cheney Hill where there is a primary school. The school run already causes dangerous traffic congestion.
- Object to the increase of housing proposed.
- The site access is still where the children and parents/guardians/siblings cross the road twice a day – if this goes ahead, there will be an accident at some point.
- Holiday homes (which they will become) will kill off this village.

Agent: The current application (16/01385/OM) will provide 13 affordable housing units (20%). Pages 18/19 of the committee report (Late Report) make reference to the provision of 27 affordable units which is the total amount for both applications (15/00352/OM and 16/01385/OM).

CORRECTION:

Amend 2nd paragraph on page 19 of Late Report to read:-

'An Affordable Housing Statement has been submitted within the Planning Statement. The provision of 13 affordable units (9 for rent and 4 for shared ownership) for this Phase 2 proposed development meets the Council's policy requirement to provide 20% affordable housing. This would result in a total of 27 affordable dwellings (19 for rent and 8 for shared ownership) across the wider site (Phases 1 and 2). The Masterplan shows that the site provides the opportunity to locate affordable accommodation throughout the site in a

manner that reflects the requirements of both the eventual Registered Social Landlord and the Council.'

Item Number 8/1(c) Page Number 36

Agent: Description of application should be varied to include the proposed associated facilities as follows:

“Development of 229 Park Homes, communal zone to comprise a swimming pool and associated facilities including parking and 20 associated individual plots.”

Third Party: TWO letters raising the following concerns:

- Increased traffic and impact on highway safety;
- Lack of joined up working between Cambridgeshire and Norfolk Highways;
- Late consultation from Cambridgeshire;
- History of traffic issues in locality.
- Error in report on p39; should read Walsoken Parish Council and not Walpole Parish Council.

CORRECTION

P39, Response to Consultation, Walsoken Parish Council, 2nd paragraph – should read Walsoken Parish Council, not Walpole Parish Council.

Item Number 8/2(a) Page Number 44

Parish Council: Brancaster Parish Council maintains their OBJECTION.

Third Party: TWO letters of **OBJECTION** – matters raised can be summarised as follows:

- The site is outside the development boundary therefore Policy DM2 is the correct policy. The proposed replacement dwelling does not fall under any of the 7 exceptions identified within Policy DM2, thus the scheme is clearly in direct breach.
- In terms of Policy DM5, “will preserve the character or appearance of the streetscene or area in which it sits” – applicant has specified black slate tiles, 99.9% of all other houses in Brancaster have clay pantiles.
- Of the 7 houses nearest the proposed development 5 have objected as well as the Parish Council.
- It is definitively the case that the NPPF ‘presumption in favour of sustainable development’ does not apply in an AONB and that development should be restricted.
- The introduction of a new 2 storey backland dwelling outside of the development boundary cannot sensibly be judged to blend in with adjacent properties located within the development boundary, or to maintain the character of the village.
- Proposed development will occupy the equivalent width of three of the existing residencies.
- Adjacent properties will directly overlook the proposed development which will be intrusive and out of character, particularly in view of its two storey construction and slate roof.
- Adjacent properties will lose the view of the beautiful coast and characteristic big sky so typical of north Norfolk.
- View from the coastal area of the typical style of terrace cottages will be obliterated by an inappropriate dominant modern building.

Additional Conditions:

5. Condition: Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan (drawing number 12681C) in accordance with the highway specification (Dwg. No. TRAD 5). Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

5. Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy DM15 of the adopted Site Allocations and Development Management Policies Plan 2016.

6. Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

6. Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with Policy DM15 of the adopted Site Allocations and Development Management Policies Plan 2016 .

7. Condition: Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the off-site highway improvement works (passing bay) as indicated on drawing number 12681C has been submitted to and approved in writing by the Local Planning Authority.

7. Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policy DM15 of the adopted Site Allocations and Development Management Policies Plan 2016.

8. Condition: Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in Condition 7 shall be completed to the written satisfaction of the Local Planning Authority.

8. Reason: To ensure that the highway network is adequate to cater for the development proposed in accordance with Policy DM15 of the adopted Site Allocations and Development Management Policies Plan 2016.

Environment Agency: Additional comments can be summarised as follows:

The site is situated within Flood Zone 3 (high probability of flooding) in our Flood Map for Planning and falls within Flood Zone Category 3 and the Hazard Zone of the Borough Council of King's Lynn and West Norfolk's Strategic Flood Risk Assessment. Our 2015 Tidal Hazard Mapping indicates that the site could flood up to depth of 2 metres in an event of overtopping or breaching of the coastal flood defences.

The submitted Flood Risk Assessment (FRA) provides an acceptable overview of the flood risk to the site and has considered the standard of protection which protects this site with only a single defence line in this section of the coastline. Occupancy particularly between the months of December to January should be avoided as this is part of the highest risk

period during the storm tide season when damage or overtopping of the defences are likely to occur.

Your Authorities Local Plan Policy DM18 and Coastal Flood Risk Planning Protocol is very clear in this area that “Seasonal occupancy will be limited to between 1st April and 30th September. Applications to remove, relax or vary (by way of extension) any existing seasonal occupancy condition will be resisted”. Therefore, we consider that the current occupancy restriction should not be removed.

Access & Egress - We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

We have considered the findings of the FRA in relation to the likely duration, depths, velocities and flood hazard rating against the design flood event for the development proposals. We agree that this indicates that there will be a danger for all people (e.g. there will be danger of loss of life for the general public and the emergency services).

CORRECTION:

Amend page 79 final paragraph to read as follows:

“Notwithstanding that the Emergency Planner has recommended that the caravan site could sign up to the flood warning service and produce an appropriate evacuation plan, it is considered that the proposal has also failed to address that the development will be safe over its lifetime.”

Item Number 8/2(e) Page Number 82

Agent: Supporting case submitted which can be summarised as follows:

- The proposal occupies the historic parking area between the main building and Lighthouse Lane and is set to the rear of the main elevation fronting Kings Road. Any alternative locations on the site set behind the suggested building lines to Lighthouse Lane and Kings Road places the garage across the main windows of the ground floor bedrooms and also encroaches unnecessarily into the private amenity space.
- It is considered that the location of the proposal will benefit both the occupier and the neighbour. It provides a visual and sound barrier between both properties and storage facilities for the variety of additional trailers and general items in a secure environment out of view from No.33.
- The shallow pitched roofline and low eaves level will only marginally effect the outlook from No.33 compared to a 2 metre high permitted development fence.
- Design of proposal deliberately chosen to reflect similar development in this area of Hunstanton.
- The secure enclosed garage is set as far as possible behind the front of No.33 with the hipped roof open carport arrangement towards the road in order to minimise any impact.
- There are double yellow lines both sides of Lighthouse Lane and across Kings Road frontage resulting in both secure on-site parking and garaging being pressurised.
- There is increased demand for parking and garaging in the area to accommodate

increased reliance on cars and provide more secure storage facilities in order to combat crime.

- The proposal fully encompasses the requirements of Policy CS05 and in principle the proposal also complies with Policy DM2.

Item Number 8/2(f) Page Number 89

Agent: Comments made can be summarised as follows:

- The applicants are elderly and have particular medical requirements which would warrant a departure from established policy and form and character considerations in this case.
- They are dependent on local facilities, family and carers and are seeking to retain as independent a lifestyle as possible. The proposal would enable them to remain in their own bespoke designed property rather than having to live in sheltered or care home accommodation.
- No new or existing properties on the market have been found which would meet their physical requirements.
- The proposal could not be replicated elsewhere as no other properties incorporate the same width to their plots and incorporate outbuildings (some of significant scale) within their rear gardens.
- There will be no overlooking or overshadowing to neighbours.

Arboricultural Officer: Objects as a result of the lack of an arboricultural implications assessment.

Additional Reason for Refusal:

3. Insufficient information has been submitted to demonstrate that the development would not have a detrimental impact on trees to the rear boundary of the site, contrary to Policy CS12 of the Core Strategy 2011.

Item Number 8/2 (g) Page Number Late report p57

Applicant: The access onto the adjacent agricultural land is part of the proposal, albeit an agreement is not yet in place with the farm. However, the IDB have suggested that it would not be a problem if an application were made to culvert the dyke. The proposal will need to be agreed with all traffic volumes coming along Crossbank Road, but the commitment is there to use the farm access, subject to commercial agreements. This will then decrease the traffic on Crossbank Road.

The Associated British Ports objection was removed prior to determination of the previous application. ABP supports the application and a maintenance agreement will be in place to contribute to the maintenance of the road.

The byway usage is being seen as a concern in the application, but the access is a complicated issue with members of the public having to cross a number of sections of privately owned land, without defined permission on the titles. We welcome byway users onto our land and so do not see that 4 vehicles per day will have any impact on safety, post improvements. Current an average of 45 users/day (cars, vans, HGVs bikes and walkers) have been monitored during the proposed hours of operation.

Third Party: summarised as follows - The spelling of Mikram should be Mickram Ltd. You quote that the AD would provide equivalent power for 2000 households – it is important for

Councillors to be aware that none of the energy will be going to households, its exclusively for Dow chemicals and KI Technologies. You also state that there is a flare stack; this is no longer part of the plan. On the second page of your report (p.58) you state that that a hedge separates the site from Crossbank Road; this is an error. Point Cottages (4 households, all objected on the NCC portal), are just under 800m further north along this byway.

The previous AD proposal used 12,000 tonnes of cereal crop; it did not produce it as the report states. The latest 19,200 tonnes may or may not use locally grown maize, sugar beet waste which would be transported from Wissington 18.5 miles away. With regard to the animal slurry, we do not know where from and there are no livestock farms close by. As there is no definitive list of producers of feedstock, there cannot be accurate numbers of vehicle movements predicted.

The applicant has written his own sequential test. It is not a designated site for waste management.

On pg.59 bullet points 6 and 13 mention possible links to the farm behind the site; there has been no development on this so far and the IDB report to NCC that the applicant has not applied to culvert the dyke. There is no correspondence on the County Portal from the farm owner. Bullet point 11 mentions significantly less spoil being removed from the site, as the design is little changed from the previous application; we find this surprising. The reduction in HGV movements seems unfeasibly large. The last but one bullet point is incomplete.

Whilst we believe that this development would have some impact on all the items listed on page 63, the most significant one is Public Safety including road safety and users of footpaths and byways. Crossbank Road has no footpath for much of its length and is well used by pedestrians and cyclists. The swing bridge is open for 10 mins, fisherman park their cars, forklifts go in and out. The Fisher Fleet is at present only 5.4m wide. Heavy vehicles will add congestion and it is impossible to judge accurately the number of vehicles used in the construction or operational period. Widening the section of byway will require additional engineering work. This road occasionally floods during high spring and autumn tides. The widening of the byway is half tarmac half shells and will have an uneven surface. There is a poor visibility splay from the AD plant onto the byway. If the design was altered so that the entrance and exit were at the back of the site onto a proper road (constructed through from the access to Greenworld), then this site would be suitable.

NCC MWPA: The applicant has served the required notice on Mr Gavin Lane, North Lynn Farms and completed certificate B on the application form. A suite of amended documents has been published for formal consultation. the following points are of note:-

- The flare stack has been removed from the proposal and is replaced by a biogas boiler.
- On Average there will be 0.3 trips per day of slurry.
- Confirmed delivery times during construction phase from 09:00 to 17:00 Monday to Friday and at no times Saturday and Sunday.
- The applicant has intimated the use of a direct field access as shown on submitted plans but this is not the primary route of transporting maize from the adjacent farmland.

KLACC Planning Sub- Committee: Make the following comments:

- Questions raised over lorry movement figures set out in the Transport Assessment

- Concerns raised over closing of the PROW for 9 months to non-residents
- Concerned over road network and size of the roads for the chosen route, particularly of passing provisions for lorries
- Flood Risk – location for the proposal not right given the potential for flood risk. Major concerns over potential for pollution and impact on ecology in the event of flooding.
- Queries the service route set out in the supporting information, particularly over the swing bridge.
- The economic benefits are very limited
- Concerns over the potential for odours on site and during transportation

CORRECTIONS:

Amend text box on Late Report page 58 to read as follows:

“NO OBJECTION subject to the resolution of issues regarding landscape, flood risk and the safety of the highway users of Crossbank Road.”

Amend paragraph 4 on Late Report page 58 to read as follows: *“An existing mature hedgerow and intermittent trees are on the western side of Cross Bank Road”.*

Amend paragraph 8 on Late Report page 58 to read as follows: *“The previous proposal used 12,000 tones...”*

Amend 2nd bullet point on Late Report page 60 to read as follows: *“A wooden noise barrier would be installed to further improve containment”.*

Item Number 8/2(i) Page Number 104

Conservation Officer: The site is close to the edge of the Old Hunstanton Conservation Area boundary and will therefore have an impact on the views into and out of the conservation area.

Most of the properties along Hamilton Road have an early 20th century style and character and are detached properties in quite large plots. There are other properties along this road of the same, or similar distinctive design as No.6 and they sit comfortably together.

It would therefore be preferable to see this property retained, as its loss will start to erode the character of this part of Old Hunstanton and set a precedent for demolition of other similar properties, thereby impacting on the setting and character of the Conservation Area.

Any proposed new build should respond to the local character, as stated in the NPPF (7) (58). Therefore, any new build should reflect the design, style and materials of this area so it does not have a negative impact on the special character of the area or any nearby designated heritage assets.

Agent: Comments made can be summarised as follows:

- Current planning application is an outline application with all matters reserved for the demolition of an existing house and replacement on an existing residential site.
- Applying for the principle of a replacement dwelling and therefore the preliminary design which has been submitted as part of this application is not being determined at this stage.
- This dwelling has been in our client’s family for around 70 years and whilst they

appreciate that the existing house has character, along with several other of this “beehive design”, they are conscious that in its current unmodernised state does not provide the accommodation and floor layout suitable for current living requirements.

Third Party: ONE letter of **OBJECTION** – matters raised can be summarised as follows:

- Object to the possible demolition of 6 Hamilton Road, Old Hunstanton.
- The “pepperpot house” should be considered a non-designated heritage asset.
- No.6 is part of the character of the area and is very much appreciated by local residents and visitors.

Item Number 8/2 (j) Page Number 112

Environment Agency: Has issued the permit in relation to the works covered under 15/02026/FM.

Item Number 8/2(l) Page Number 135

CORRECTION

P142, Drainage, 3rd paragraph – replace paragraph with the following text:

As such, whilst the North Runcton and West Winch Neighbourhood Plan has been through Examination, and therefore carries weight in the determination of planning applications, because it has not been to Referendum yet and is not adopted policy, your officers believe it is acceptable to condition drainage.