

PLANNING COMMITTEE
7th September 2015

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

Item Number 8/1(a)

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NCC Highways: Further correspondence received in response to applicant's additional points and assessment of highways objection. States that NCC's advice is given on the basis of guidance in the Department for Transport document 'Manual for Streets', which sets out visibility requirements based on stopping distances calculated on driver reaction times and vehicle deceleration rates. Disagrees that applicant's survey, based on 8 vehicles, provides a representative figure for 85th percentile vehicle speeds and estimates instead that speeds are around 23-25mph requiring 10m splay to the north and 24m splay to the south in highways land. Even using the applicant's own speed assessment of 17mph, the splay to the north is still 50% of that required by 'Manual for Streets'.

NCC maintains its objection on highway safety grounds.

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Agent: Letter received making the following comments on the agenda papers:

We are concerned that the statistics of our Design and Access Statement have been questioned and for the sake of our reputation we want to put the matter straight.

We refer to the section titled 'Cramped form of development' and in particular the following paragraphs/statements shown below at items 1, 2 and 3.

1. 'The document also refers to plots 3 and 4 having a reduced footprint. However measuring off the plans reveals that there in fact is no change in the footprint of plots 3 and 4.'

The paragraph states there is no change in footprint for plots 3 and 4. We believe there is a misinterpretation of our figures. However, the internal floor area for each of the two dwellings is reduced by 4.2m² (8.4m² total) and the overall building footprint of plots 3 and 4 is reduced by 9.6m². This would have been more; however, we have for good planning reasons introduced a passageway between each of the dwellings at ground floor level only allowing an access to both sides of the properties.

2. 'In terms of the amenity space available to the units, whilst the 'Design and Access: Key Points Statement' refers to Plots 1 and 2 having had their footprints reduced by 11% and 20% respectively, this is incorrect. Plot 1 has a reduced footprint of 7.2m² which is a reduction of 5.5% (including garage area) and Plot 2 has been reduced by 16.45m² which is a reduction 14%.'

Again the figures have been misinterpreted. The larger percentage reductions shown in our Design and Access Statement relate to internal floor areas measured at each level excluding garages where the planning report calculations are for the footprint at ground level including garages.

3. 'In respect of Plot 1; whilst the ridge height is unaltered, the removal of the dormer windows and the parapet wall detailing on the front elevation lessens its vertical

massing.'

The paragraph states that the ridge height has remained unaltered. However, this is incorrect as the ridge height to Plots 1 and 2 is reduced by 140mm compared with the previous application but overall is 900mm lower than the original proposal submitted.

We ask that members of the planning committee are made aware of these facts.

The agent has provide a summary of the between the current and the previous schemes, which is not reproduced here but has been available for inspection on the Council's website with all the other application documentation.

Applicant: Expresses surprise that 7 weeks after neighbour consultation period expired and 3 weeks after the application 'should' have been determined, 3 [sic] letters of objection have been received from neighbours, two of whom had, according to the applicant, said they were content with the amended scheme. Suggests that this is not correct and that these late objections should not be regarded as valid.

The applicant has also sent a letter to Members outlining what they see as the benefits of the proposal, the changes between the scheme that was refused and the current application and the lack of objections from the Parish Council and NCC Highways.

3rd Parties: **FIVE** additional **OBJECTIONS** received from **FOUR** addresses raising the following points:

- Site too small for 4 houses;
- Houses are too high;
- Views from properties opposite dominated by proposed wall;
- Reject applicant's assertion that all neighbours support application;
- Changes between amended original application, which was refused, and current application are minor;
- Out of character with the area.

Planning Control Manager's comments: The points raised by the 3rd parties are covered in the agenda papers. In response to the applicant's comments about the validity of these points, the Council should consider all material planning issues raised prior to determination of the application. The fact that they are received after the neighbour consultation period has expired (which is a mandatory minimum period) does not make the points invalid.

The points raised by the applicant's agent are addressed as follows:-

1. Footprints of units 3 & 4 – the report refers to the footprints of the building and scaling off the plan, as stated in the report, does not reveal the 8.4m² change in internal floor areas stated by the Agent. Notwithstanding this, the 9.2m² change in footprint alluded to by the Agent is still, in the view of your officers, a very small change to the scheme and does not materially alter the assessment of the scheme.
2. The 'Design and Access and Heritage Statement Key Points' documents refers only to 'floor areas' and 'square footage' and does not make it explicit that the percentage changes relate to internal floor areas. Nevertheless, the Agent's letter does not dispute the assessment in the report based on building footprint.
3. The Agent's letter makes the point that the ridge height of the buildings at the front of the site is 14cm less than the scheme that was refused at Committee. This difference is barely discernible from the submitted plans and does not materially alter the assessment of the scheme in the agenda papers.

For completeness, the differences (reductions) between the refused scheme and the current application in internal floor areas, building footprints and ridge heights are set out below based on the Agent's latest comparison sheet.

Internal Floor Area (ex garages)

Plot 1 = - 27.5m²

Plot 2 = - 51.5m²

Plot 3 = - 4.2m²

Plot 4 = - 4.2m²

Building Footprint Area

Plot 1 = - 5.9m²

Plot 2 = - 15.9m²

Plot 3 = - 4.8m²

Plot 4 = - 4.8m²

Ridge Heights

Plot 1 = - 0.14m

Plot 2 = - 0.14m

Plot 3 = - 0m

Plot 4 = - 0m

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Agent: In response to objections, confirms the following:

- The applicant form is completed correctly;
- The application should be determined on its own merits;
- The age and occupation of any proposed occupier is irrelevant;
- The density of the development is not high and in terms of footprint, is less than previously approved in 2002 (and still extant);
- The previous reason for refusal (lack of access to rear of the mid-terraced dwelling) has been addressed as the proposal is now for a pair of semi-detached cottages;
- The 2002 permission remains extant and includes the removal of the trees along the northern boundary;
- The application addresses the previous reason for refusal;
- The planning system is designed to be as fair as possible for all but comments should be limited to material considerations in the determination process.

Cllr Mrs K Mellish: Makes the following comments:

- Any comments made regarding occupation of the dwellings were in response to a conversation with the Developer;
- The application form appeared ambiguous and it is quite in order for members of the public, the Local Authority, Ward Members and the Planning Committee to question the facts as ascertained.
- Leaves it to the Planning Committee to make its judgement and will stand by its decision.

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Heacham Parish Council: Additional comments received as follows:

Heacham Parish Council recommends this application is rejected for the following reasons:

1. There has been no assessment of the biodiversity of the site or of the adverse effect such a fence would have on wildlife entering or leaving the site. For example, deer use this site as a 'green corridor' between Heacham Park and the AONB and also utilise it as a refuge.
2. The fence would seriously detract from the visual amenity afforded by the site to both locals and visitors to the area. Effectively, the fence would be an eyesore.
3. The proposed 2.4m high fence is located outside the site boundary, on the public side of the boundary hedge. A current fence, erected by the site owner, has already caused controversy with NCC for this very reason – erection on the wrong side of the hedge. If the Planning Authority decides to allow the application for this fence, despite points 1 and 2 above, then it should be ensured that the earlier, wrong, action of the site owner is not supported or compounded. Any new fence must not go outside the site boundary and must, therefore, be located within the boundary hedge.

Heacham Parish Council (HPC) would also like to bring to the attention of the Planning Authority the following two points.

- A. Though a Planning Notice appears on the website, local residents along Hunstanton Road have not seen planning notices displayed in any obvious places. HPC requests that the time local residents have to comment on this application is extended and that notices are prominently displayed at several locations.
- B. When the current fence was erected (in the wrong place and presumably without planning permission) considerable disruption was caused to passing traffic.

New Points of Objection Following Additional Documentation and Local Concerns

- i) There are many plots of land between this site and Snettisham and this site and Hunstanton, almost all with an owner desirous of development. Erecting a 2.4m fence along this site would set a precedent and the A149 could see it extended for several miles.
- ii) The laurel hedge intended to be planted behind the hedge is not in keeping with the local hedgerows. Any hedge should be of native species supportive of native wildlife – national guidelines increasing biodiversity.

Supporting Evidence

1. Email from Kelly Groom Highway Technician NCC 13th April 2015 (in connection with a fence the landowner erected without planning permission)

'We are not going to enforce the movement of this fence line as it would not be fair or reasonable due to the extent of the fence line. This has however been registered as an encroachment on the land so should the land be sold this will be flagged up. The landowner is fully aware that part of this has encroached on highway land.'

2. Email from Richard Fisher Arboricultural Officer BCKLWN (in connection with the woodland enclosed by the current fencing)

'We are aware of the situation regarding this piece of woodland, it is currently with our Enforcement Team and I am unable to comment on an ongoing case'.

3. Height of proposed stock fence – the image provided by the applicant is misleading as it shows a fence approximately 1m 50cm high **not** the proposed 2.4m. The white inserts in the submitted photograph reflect the height of the proposed fence better.

Part email from a local resident to planning, 'The photo shows a very reasonably sized fence, confusingly not the size applied for in this application which is 2.4 metres. Unusually high for a stock fence by any stretch of the imagination. Maybe the main focus of attention should be what will be behind it to require such exceptional height? That is a concern and I would expect the Authorities to explore that question thoroughly before arriving at a decision.'

In addition the elevation image more recently provided by the agent indicates a 13cm grid to the stock fence. The height of the fence and the closeness of wires would likely affect bird life such as owls, kestrels, sparrow hawks and other predatory birds – they will crash into it whilst hunting small mammals at the edge of the woodland.

4. Part of email from John Hiskett NWT to planning with regard to deer.

'It could well be that deer would be more impeded by a higher fence than a lower one. However, I'm afraid that we don't have any knowledge of deer populations in this area or their movements. If you take the view that this is a safety issue with regard to animals crossing the A149 you may wish to try to gather information on movement of deer in this area.'

AND response from a local resident on planning portal, 'Comment: Regarding the letter from Norfolk Wildlife Trust, there is deer activity in these woods and we have evidence to back this up. This 2.4m fencing will STOP ALL WILDLIFE entering this woodland, (or is that the intention?).'

5. Part email from planning department to agent acting for land owner which has not been answered.

'Is there any reason why the proposed fence and hedgerow couldn't be swapped around with the fence brought back into the site more and the hedge planted on its eastern side (A149 side)?'

Planning Control Manager's comments: In response to the additional comments not already covered in the report, this application would not set a precedent, as each case would need to be determined on its own merits. The laurel hedge proposed will help to reduce the visual impact and is considered to be acceptable. With regards an enforcement investigation that relates to alleged unauthorised works to the trees within the protected woodland, and that is still under investigation. Finally there is no indication that the extra height of the fence over and above permitted development rights would cause particular

problems to wildlife, and it is noted that the Norfolk Wildlife Trust do not object to the application.

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Agent: Makes the following comments in response to the highways:

1.The property was formerly occupied by Downham Components Ltd who carried out survey work for, and supplied communications equipment and facilities to, the Gt Ouse River and Drainage Authority. This business employed full-time three staff in addition to the owner and his wife.

Accordingly, the number of vehicle movements onto Church Lane and the surrounding road network will be significantly reduced as a result of the current proposal to erect a single dwelling. Furthermore, given the reduction in vehicle movements, there is no need to upgrade the vision splays beyond the (already satisfactory) specifications provided for in the application.

Thus, the Local Authority are currently in a position whereby the use of this property can be regulated in the interests of the neighbours. Furthermore, the site access can be controlled in the interests of highway safety. As a result, no future commercial use of the site, or commercial traffic, would be possible.

2.Notwithstanding the reduction in traffic movements above, the applicant was advised by NCC (in written pre-application advice) that the standards for vision splays would be met by slightly reducing the height of the boundary wall by either 20mm or 50mm (depending on which Highways Officer's email you choose to refer to).

Please note that this issue is now academic. The levels shown on the application plans do not account for the thickness of the asphalt or pavements to be laid to the proposed drive. That is to say, the surfacing of the drive will increase levels by 60mm resulting in the standard advised by NCC being met.

Otherwise, you are in possession of evidence to the effect that the maintenance of the vision splay to the west is provided for in title of sale of No 27.

3.Submits a copy of the application site plan showing an overlay of the NCC highways ownership plan and makes the following comments:

a) Directly in front of the existing site gateway, the overlay reveals a very slight mismatch between the NCC ownership plan, the red line bounding the application site and the vision splay to the east. NCC mapping errors are quite normal. For example, from this plan, NCC appears to own a sliver of land within the ownership of No 27 Church Lane when, in fact, it does not. In all events, with reference to the site's previous history above (and further to advice from the applicant's solicitor) the long-established access serving the site is considered to meet the highway. Plainly, from the evidence of the steel gate and brick piers on site, this gateway has been in operation for many decades and its continued operation cannot be prevented.

b) Between the hedge bounding the garage of No 22 Church Lane and the tarmac of the highway (on the inner bend of Church Lane) there appears to be another minor discrepancy in the NCC ownership plan. In practice, it is understood from the applicant that this verge has always been satisfactorily maintained regardless of NCC mapping errors.

c) It is a material fact (not observed by NCC Highways) that cars travelling along

Church Lane from the south approach the application site extremely slowly. Nonetheless, if it is considered necessary as a belt and braces measure, the already obvious bend in the highway could be further accentuated in the driver's eyeline by erecting a white paling fence (or similar) along the frontage of the application site. The applicant is happy to agree details over the next few days if required.

Planning Control Manager's comments: The information submitted above has been forwarded to Highways for their comments.