



Planning Committee
Monday, 10th August, 2020 at 9.30 am
in the Remote Meeting on Zoom and available for the
public to view on WestNorfolkBC on You Tube - Zoom
and You Tube

Reports marked to follow on the Agenda and/or Supplementary Documents

1. **Receipt of Late Correspondence on Applications (Pages 2 - 13)**

To receive the Schedule of Late Correspondence received since the publication of the agenda.

Contact

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

Item No. 8/1(a) **Page No.** 8

Conservation Officer: No further comments to those of the 2016 outline application. White House Farm has now been restored.

Cllr Ryves: Comments made can be summarised as follows:

1. Density. The proposed density is 64 bedrooms on a 0.96 hectare site. Does 0.96 include the entrance drive which it is not possible to put dwellings on?
2. The affordable units are 2 x 2 bedroom (all the 2 bedroom units proposed) and 2 x 3 bedroom (of 4 x 3 bedroom units proposed) i.e. 10 bedrooms of 64 proposed. Are we happy with this?
3. Regarding the provision of play areas, for how large a development does these become necessary? Where is the nearest playground? My concern is that there have been a number of estates in the village and this development has a large number of 4-bedroom family houses.
4. I understand that this proposal has involved much input from officers. What fees have been payable to the council for this advice?
5. Has an archaeological survey been completed, if so where is it?
6. TPO issue from public correspondence. What is the discrepancy with public comments stating that oak trees are missing from the plans and not considered?
7. Public comment re great crested newts and other ecological issues. What investigation has been done in the light of these claims?

Cllr Joyce: Your report says that all matters were reserved at the outline stage other than access. Is there any update on Conditions 6, 7, 11, 12, 13, 19, and 22 placed on the outline consent?

Third party correspondence: Makes the following comments (summarised):

- No objection to the building of dwellings, but object to the number of dwellings proposed as too many.
- The important existing hedgerow that runs alongside the public footpath along the south east boundary should be preserved. It is more than 30 years old and is part of the eco system, providing habitat for varying species of nesting birds, bats, hedgehogs and other wildlife.
- Bats, barn owls and newts in the vicinity including great crested newts in our garden pond which is situated by the fence which borders the public footpath.
- These hedgerows would qualify for a hedgerow retention notice to run alongside the Tree Preservation Orders of the existing Oak trees and the roots should be protected.
- The number of vehicles coming out onto Chapel Road. There are blind bends in the road past the village green which increases the risk of accident.
- Cars will park on access roads, causing narrow roads and traffic issues.
- Impact on White House Farmhouse, would be affected by the increase in traffic through further development.

- Would you kindly furnish us with the latest information regarding this application?
- When will construction start? It will cause disruption and we would like to be made aware.

Assistant Directors comments: The comments of the Conservation Officer are noted.

In response to Cllr Ryves queries:

1. There are several ways of calculating densities; the number of dwellings upon the whole site (including the access road section) amounts to approximately 18 dwellings per hectare. Para 122 of the NPPF states that 'Planning policies and decisions should support development that makes efficient use of land'.
2. The number of affordable housing units was agreed at outline stage and is policy compliant; the size and tenure of the units proposed reflect the local demand as stated by the Housing Development Officer.
3. In line with the requirements of Policy DM16 only schemes of 20 houses or more are expected to provide play areas; under this policy this development would not be expected to provide facilities for other sites. There is a large recreation and play area at the top of Chapel Road in the village called Hudson's Fen where there is play equipment for children of all ages.
4. There has been lots of negotiation with the applicant during the course of the application. This is covered by the planning fee and there is no separate payment on top of this.
5. There is already a planning condition on the outline permission to ensure one is undertaken before development commences.
6. Since the application was originally submitted a full Arboricultural Impact Assessment and Method Statement has been submitted. The proposed new houses are shown to be outside the root protection area of this tree.
7. The site has been visited several times by the planning officer in connection with both the outline and reserved matters applications. The outline consent was supported by an ecology report. As a result, further survey work will need to be undertaken and appropriate mitigation measures with regard to reptiles and other protected species will need to be in place before development takes place. The principle of this land being developed has already been approved through the outline consent in 2016.

In response to Cllr Joyce, at this stage no details have been submitted in connected with the discharge of conditions 6, 7, 11, 13, 19, and 22 of the outline consent. However, a tree survey has been provided in accordance with the requirements of condition 12.

In response to third party comments, the amount of development, the impact of the proposal upon wildlife, highway safety and the listed building have already been considered in the officer report. The Local Planning Authority does not become involved in the construction side of any development unless there are discrepancies with the planning permission.

Item no. 8/1(b) **Page No.** Report to follow

Cllr Alun Ryves: Asked the following questions:

1. Can I please see the viability proposal which supports a single one bedroom flat as appropriate for affordable housing?
2. Please advise the fees earned by the planning depot in supporting this application?
3. I see that the occupants of 1a Sea gate road are concerned at overshadowing. Please advise and share your modelling results. It is stated "the relationship between the proposed building and existing buildings has been examined". Can I please see this detailed examination?

4. It is not clear to me the number of wheeled bins has been agreed and that there is sufficient space for their “manoeuvring and placing”.
5. What is the distance from no 2?
6. Emergency evacuation in the event of fire - is this an issue? I see they did not respond, should they be asked again please?
7. What measures have been taken to support efficient energy use (ref cond 22)
8. What is the s106 agreement, is it just for 1 x 1 bedroom flat? This is third floor...is this appropriate?

Cllr Alun Ryves: In relation to Question 2, I've done a viability study and it's very much in line with you guys, so I am happy with the recommendation

Third Party: On receipt of a letter asking if they would like to speak at the Committee a third party's response can be summarised as:

- It will get passed regardless, all applications where members of the Council are involved get passed – examples were given, but no planning references were provided
- Infrastructure cannot cope with all the new development being approved in Hunstanton
- Traffic flow needs to be improved before anymore applications are approved
- I will not be wasting my time in a Zoom conference call as this will get passed no matter what the locals say

Assistant Director's Comments: The answers to Cllr Ryves comments are as follows:

1. Forwarded under separate email [to Cllr Ryves]; and now available to view on the Portal
2. The planning application fee was £9702
3. The overshadowing plan is available to view on the Portal. We don't do a written assessment of impacts as such, but assessment of impact is based on the plans and evidence submitted, and the judgement of officers. It should be noted that the scheme was amended following concerns in relation to the impact on No.2 Seagate.
4. I can confirm that our Waste and Recycling Officer is now happy with the plans. His comments are available to view on the Portal.
5. 6.2m
6. The Fire Service were consulted; additionally they receive the weekly list as such, if they wished to comment they have had ample opportunity. Clearly building regulations will be required should this development come forward, and Fire Safety is covered by Approved Document B.
7. There are currently no specific measures & condition 22 seeks to remove permitted development rights for those uses without a separate application coming forward.
8. The S106 will not be started until a resolution to approve has been reached. The S106 will cover the affordable unit and Habitat Mitigation Fee. The 1-bed unit is the one sought by the Housing Team.

With regard to the third party comments, this application is not made on behalf of or by the Council or a Council employee. The third party's wish not to attend the meeting is noted.

ADDITIONAL CONDITION

In the event of an approval an additional condition is required as follows:

30. **Condition:** Prior to the first occupation of the development hereby permitted details for screening the eastern and southern sides of the roof terrace shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be installed as approved prior to the first occupation of the development and shall thereafter be retained.

30. **Reason:** In the interests of the amenity of occupiers of neighbouring properties in accordance with the NPPF and Development Plan.

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Applicant: In response to comments and holding objection from CSNN, the applicant submitted a statement regarding the use of buildings to rear of site which can be summarised as follows:

- Buildings to the east of the site (in blue land on the submitted site plan) were previously in agricultural use however have not be used for any business activity since 1994. No farm animals, chemicals, fertilisers or manure etc. are kept on this land.
- The buildings are now used as for incidental purposes in connection with personal hobbies and interests of the applicants, usually in daylight hours (9am to 5pm). Most recently the shed has been used for carpentry projects however this is for personal use only and not on a commercial scale.
- The applicant states there have never been any noise or nuisance complaints to the council.
- Due to the limited narrow access, modern farm machinery cannot use the access track and the access is therefore rarely used and only for personal use for access to rear amenity space for the adjacent dwellings. 2-3 vehicle movements up and down the existing access driveway in a typical week, mostly by private car.
- Rodney House is currently undergoing a householder extension and the access track has therefore been used for the delivery of building supplies however this also is within normal daylight hours. Google earth satellite images referred to in CSNN comments showed materials for these extensions (timber framing etc.) on the land surrounding the barn buildings.
- Covenants are in place for owners of the land (both present and future) to restrict activities that may lead to excessive noise, nuisance or damage.

In addition, a further supporting statement (summarised) has been submitted regarding the following:

Response to first reason for refusal - infill development

- The private access track is fully tarmacked for the first 50m and is considered to meet the current highways standards. This track is existing rather than a new addition to the street scene. Historically, the track looped back round to join Main Road at both ends. This previous route is shown on the original ordnance survey maps dating from between 1879-86.
- The ordnance survey maps also show the presence of 4 No. C.15 cottages which were located on the application site but have since been demolished. This row of cottages as well as another small group of other dwellings each fronted the historic access track, which has since been split into two sections and reduced in length. The proposed dwelling is shown accessed via the northern half of this historic access track.
- Whilst the access track in its original form has been severed, nothing in DM3 excludes the frontage from being in relation to an established, private, unadopted road. The existing dwellings in proximity to site, Dovedale, Rodney House and the former agricultural buildings to the west all retain a 'frontage' onto this track. The proposed site thereby meets policy DM3.

- There is pre-existing tandem development throughout the wider vicinity. Approvals, 15/00822/F and 15/01772/F, both allowed development in Crimplesham via a private access track, this sets a precedent for this type of development.
- The site is between two dwellings which have both been subject of modern development - a two storey extension to Rodney House under application ref 16/00229/F, and a garage (with a typical barn like appearance) to the South of Hillfields to the north of the site under 15/02118/F. The applicant's intention is to design a dwelling which will accord with the surrounding properties and detailed designs would be submitted as part of the reserved matters application.

Response to second reason for refusal - cramped form of development

- The application site is one-sixth of an acre for a dwelling and regardless of the shape of the site should be considered adequate for a three bedroomed detached property. The shape and size of the plot is not inconsistent with other properties along Main Road as can be seen on the submitted location plan, applications on Springfield Close (15/01805/RM and 17/0016/F) are both for dwellings on small plots that result in very limited amenity space, in contrast to these applications the proposed plot is spacious. As this application is for outline permission with access only, design and layout is not considered at this stage and it is considered a suitable scheme could be produced taking on board comments from the planning officer.
- For the above stated reasons, and given the precedence of similar developments in the village, I do not accept the justification for the recommendation to refuse this very modest application to develop a single dwelling on such an extensively pre-developed site in the built-up centre of the established settlement of Crimplesham, when there have been no public or official objections, and it also has the support of the Parish Council.

CSNN: Following the submission of the additional supporting statement, confirms that the document addresses CSNN's concerns and have no further comments to make.

Assistant Director's comments: The points raised have been covered within the Officer's report. Whilst there are smaller plots within the locality, those granted recently were permitted when the Council could not demonstrate a 5 year housing land supply or granted within the spirit of DM3 which is modest road frontage development.

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Applicant: The Applicant has made the following statement:

"I trust it is not typical practice from the Kings Lynn Planning department to issue documentation that contains false statements and misleading information to the counselling bodies conveniently leaving out important supporting information?"

I ask this because after reviewing the report you published Friday 31/07/2020 with regards to application 20/00662/O it appears to have been produced as a bias report which is written to sway the panel of councillors in favour of your recommendation.

The following amendments need making to this report and the Planning Committee notified of the incorrect information contained within and also be made fully aware of the supporting information left out of your report!

The application

You state the land has historically been used for agricultural / paddock purposes. What information have you used in making this judgement? The land has been unused since the 1970's

which was included in the supporting information, so this is misleading to readers making it appear the land is being used in a manner that is incorrect. Please add the correct information to this statement.

Your report makes no reference to us already having right of access on Back Lane to the land which goes against highways objections to additional traffic movements, also your suggestion of agriculture use would mean we have the right to send agricultural vehicles down the lane to service the plot, surely this is more detrimental to the upkeep of the privately maintained road and would be of a larger concern with regards to safety. Please advise why right to access / service to this plot has been left out of the report?

Neighbour Amenity

Why is there no reference to the southern boundary? There is development to the full frontage opposite this boundary. The Northern boundary that consists of gardens from the East Boundary property has also been missed from the report? Surely it is important to be documenting all the developments surrounding this site?

Response to consultation

Conservation Team - the response from the Conservation Officer at the BCKLWN states "The current site does not enhance the setting of the conservation area and provided the design, appearance and layout are all appropriate in any forthcoming RM application, no harm should be caused to the significance of the East Rudham Conservation Area" this contradicts your statement of "negatively impact on the character and appearance of this part of the village" the Conservation Officers response has only been included because it is contained within our supporting document. This should be referred to in your report to give all the facts. As the conservation officer has no objections and states the site in its current form does not enhance the area, how have you come to the conclusion that it negatively impacts the area?

Natural England and Environment Agency also have no objections to this application, why has this not been mentioned and left out of your report? Surely this is a relevant point as it is a consulted body and all responses should be documented?

You have left out the positive comments from other consultants as noted above however included the objections from highways which seems very convenient to your recommendation. We don't believe highways points have been reviewed by yourself prior to inclusion in your report as we note the following items from highways which are not factually correct:

Highways statement:- SHCR 09 regarding access onto Broomsthorpe Road is incorrect as there is no right of access onto Broomsthorpe Road, it is privately owned, so this reference should be excluded. The very point that you/highways are making is covered by another planning application you have open at the moment stating this road is privately owned. I have attached this for reference but would have thought the planning department would be aware of this already.

Highway Safety page 42:- again reference to Broomsthorpe Road which should be irrelevant. page 43 para 2 should not be included as is factually incorrect as no access onto Broomsthorpe Road. This is also referenced in your recommendation points 3 and 4.

Highways SHCR - 13 this is incorrect as the front of the site is approx. 40m wide providing more than sufficient land to provide adequate visibility at the site access. I do not believe highways have viewed the site as there is ample land to accommodate this. Please advise the date of which the highways officer actually visited the site to make this assessment?

Our application also offers the benefit of using some of the proposed development site to widen the road along Back Lane. This would be to the benefit of everyone and only increase the safety

along this part of the road; however, this enhancement has not been acknowledged by Highways or given any merit in the report.

I will reiterate that the vehicles you are suggesting we can use (tractors/ploughs/diggers/dumpers) to maintain the land would cause a greater concern for safety but seems to have been discounted by the planners and the highways officers. This development offers a safer means of traffic movement along the lane.

Representations

I would like to bring your attention to the objection received from Ms Marian Barnes, as it does not appear you have reviewed this objection correctly. We notified you that the turning point is not apart of this application, correspondence online confirms this. Ms Barnes comment only came in because of the turning point and clearly states she has no objection to the development but her concerns are in relation to the turning point bringing traffic movement further down the lane. As the turning point is not apart of this application how can objections to it be incorporated within your report? As bare minimum it should be noted that this objection is in relation to something that has no relevance to this application.

Further to the above regarding the turning point, you have made reference to this multiple times. This is not part of our planning application but a point raised in early discussion with you to see if it would help everyone and assist discussions with highways. You have been informed directly in response to your email 13/07/2020 that the turning point is not relevant to the application and this correspondence is online. You even stated in your email to my planning consultant 13/07/2020 that should it be part of the application you would have to extend the commenting period. We confirmed it is not included in our application yet you have still added the objecting comments to it and published about the turning point multiple times. By doing this you have published false information in connection with this application. As such please amend these notes as all information relating to the turning point should be discounted and the panel notified of this mistake.

Why have dates not been adhered to during this application. We have paid for this submission and expect to be treated fairly. We have submitted all information inline with the dates and time scales governed by the planning department as well as agreeing to your EOT. You have however included an objection received on the 6th July from a Mr Michael Houldsworth which was three and a half weeks after the closing date for commenting of the 11th June? How can this be a fair processes when you are not adhering to your own deadlines? This objection should be discounted.

You have also noted 5 objections, there are only 3 online, I assume this is a typing error? This needs to be corrected.

I know you would not be aware but the person who has objected based on cars being parked on eye lane is actually the person who parks their car there, the irony! I have photo evidence to this statement to discount the objecting comment.

Support

You have written we have 12 signatures in support which is correct but failing to state they are local residents is misleading to readers. This petition of signatures is from local residents of Back Lane and Eye Lane. A small amendment but its factual.

You have managed to bullet point 29 points from 3 objecting comments, yet only listed 13 bullet points from 6 supporting comments, this looks very weighted on one side. You have repeated or reworded comments under the objections and further to this added three points relating to the turning point which as advised above should not be within this report! There is no mention of continuing to maintain a younger generation for the village, nor a child to contribute to the local

primary school that with the ever diminishing permanent population, due to the buying of second homes in the village seems an important consideration being missed. These are just a couple of further points I easily took from the supporting comments.

Form and Character

This again is contradictory to the Conservation Officers view, why has this not been referred to anywhere in your report? It is clearly relevant and should have been made aware to the councillors, especially when the areas you are making reference to as being negatively impacted sit alongside a conservation area.

Principle of development

You have stated this is classed as market housing? Please advise how this is the case? Both my brother and my family live in our parents home along Eye Lane, my circumstance have change due to the need for support from parents and grandparents since having a child and already have returned to the village. This development offers a route to home ownership so your statement is incorrect for this being open market housing. We are also registered on the self build register which to date have never heard from the council on any opportunities. My understanding of self builds is that they come with rules on selling within certain periods, so if constructed under these grounds I cannot see the logic behind uncontrollable. Also conditions can be applied to add control over the sale of these properties which we have no objection to.

I would like to draw your attention to the Custom and Self-build action plan, publication issued by Kings Lynn Council November 2018. The core attributes of this plan are to introduce new policies which allow small scaled developments to take place outside a development boundary, offering support to owners wishing to bring forward their CSB sites, support neighbourhood plans that encourage CSB (the support of this application clearly identifies the local neighbourhood are behind this development) and finally be more engaging with customers interested in CSB. Quote below taken directly from the publication to the councils direct approach to helping.

'Positively influencing or helping to secure development opportunities where it can support individuals or organisations in our local communities to deliver high quality self-build or custom house building to meet demand in the Borough.'

During your consultation of this application at no point has it been brought to anyone's attention of your interpretation to deem this as open market housing. At no point have you or the council engaged with us to discuss this or discuss any of the points referred to within the CSB publication. I feel let down by the planning department for your lack of engagement with regards to this self build application. We the applicants would have been more than willing to engage with you to discuss conditions that could accompany the approval of this application.

Recommendations

Point 2 - As per points raised above the conservations teams comments completely contradict your statement, whilst I am not familiar with the numerous policies you have listed, the conservation team has clearly stated that providing the character of the proposed properties are in keeping no harm will be done to the area or impact on the conservation area. I ask again why their comments have been conveniently left out of your report and you making contradictory statements to the consulted bodies in relation to this application.

Point 3 - As previously mentioned this is a private road and access on to Broomsthorpe Road is not relevant. Anyone undertaking a site visit that actually walked this route would not be able to make this assessment. The attached planning application also proves this. Please can you advise

when highways undertook their site visit for their determination of this application and how their assessment was reached on the basis of the access over privately owned land?

Point 5 - With regards to those with disabilities there is no provision to any property along back lane for this; however, the new properties would be built to have DDA compliant access, offering more than any other property along back lane as part of planning conditions and required to meet today's building regulations.

Point 6 - We own the entire frontage of the proposed site which is approx. 40m wide please explain what is deemed to be sufficient land to provide an adequate visibility at the site entrance. With the addition of the road widening and passing place being offered there is more than adequate space for adaptations to ensure sufficient visibility is created at the site entrance.

As there are several items which are factually incorrect and supporting information which has been excluded, the report appears to be biased towards refusal. The report should be written in a fair manner giving councillors all relevant information which does not appear to be the case here. I have identified clear instances of misleading and statements which are incorrect and several which are irrelevant. The council's handling of this self-build application may already have had a detrimental effect to the outcome as it has already been issued to The Planning Committee. Applications should be reported fairly and missing fundamental information that is in support of this application certainly fails to meet this requirement."

In addition **Two further emails** have been submitted by the Applicant concerning the following:

- Considers that there was not sufficient dialogue between the officer and his agent in relation to the issue of the dwellings being Self-Build and that the officer does not fully understand the implication of these dwellings being self-build.
- The applicant requested to see a copy of Late Reps to ensure he was happy with the summarisation of his points.

Agent: The agent emailed Cllrs outlining his case in favour of the application in a 'Lobbying email'. The issues raised relate primarily to: the houses being for family members wishing to return to the village, highway safety dangers being over exaggerated, the site being bounded by the development boundary on three of its sides, the Conservation Officer raising no objection in relation to the impact on the Conservation Area, and that the site is not 'countryside' (photos were supplied in relation to the last point).

The email was accompanied by a traffic movement survey that took place over a two-day period (4th and 5th August) on Eye Lane between Springfield Cottage and Back Lane. Over this time there were:

- 14 movements from Back Lane; an average of 2.5 per hour
- 7 movements into Back Lane; an average of 1.2 per hour
- 41 movements up and down Eye Lane passing the entrance to Back Lane; an average of 7.4 per hour

Of the 14 movements from Back Lane, 11 went North up Eye Lane to the A148 and 3 South to Broomsthorpe Road.

Of the 7 movements into Back Lane 4 came from the A148 and 3 from Broomsthorpe Road.

Third Party: **Two** letters regarding the following:

- In paragraph 7 of the Supporting Case, the applicant appears to imply that the refuse vehicle reverses out onto Eye Lane from Back Lane. This is incorrect. The refuse vehicle reverses into Back Lane and drives forwards out on to Eye Lane. I do not wish to sound pedantic, but I think it is important that the information provided factually is correct.

- Please note that since the end of the covid 19 lockdown vehicle traffic and pedestrian use of Back Lane, Eye Lane and Broomsthorpe Rd has increased, making highway safety even more significant. It would seem wrong to grant a planning application against the recommendations of Norfolk C. C. concerning road safety. Approval here would make it hard to refuse other applications where there is a highway objection. The fact that that the applicants may be of local origin does not appear to be relevant at all, especially where there is a very significant road safety issue. The planning system does not discriminate either for or against either locals or applicants who are not local.

Conservation Officer: This site lies just outside the East Rudham Conservation Area. Any proposal here will therefore impact upon the setting of the designated heritage asset. It is disappointing that the conservation area and any impact has not been analysed in this application. However the current site does not enhance the setting of the conservation area and provided the design, appearance and layout are all appropriate in any forthcoming RM application, no harm should be caused to the significance of the East Rudham Conservation Area.

Natural England: No comments to make – subject to Standing Advice relating to the impacts on protected species and ecology.

Environment Agency: No comment to make.

Assistant Director's Comments: The majority of issues are covered within the officer's report. However, given the detailed correspondence above, the following comments are made for clarification purposes:

The application:

The site being described as agricultural land refers to its historic use and natural state and does not relate to it being used for agricultural farming purposes per say.

Regardless of whether the applicant has a right of access over Back Lane or not, the application site is not currently in residential use where the number of vehicular movements created by the proposed development will be greater than the current level. As the site is classed as former agricultural land (regardless of its nil use over the years), the LPA would have no control over agricultural vehicles accessing the site and the subsequent impact on highway safety.

Neighbour Amenity:

Pages 38 and 43 under sections 'The Application' and 'Form and Character' of the Officer's report makes reference to the southern side of Back Lane and the frontage development opposite the site.

The northern boundary of site was not specifically referred to in the report but this does not prejudice the application. For clarification purposes, the northern side of the site bounds garden land of a property to the east which fronts onto Eye Lane.

Response to consultation:

The fact that some consultation responses were not included within the Officer's report to Committee was an unfortunate oversight.

In response to the applicant's query relating to the Officer's conclusion that the proposed development negatively impacts on the area, whilst the Conservation Team have no objection to the proposal, they are looking at a very specific issue in terms of the impact on the historic environment. The Case Officer however, has to consider and weigh up several different issues. The proposal may not adversely impact on the setting of the Conservation Area but that does not mean that, in turn, it does not harm the wider character of the area. It is the character of the countryside and general form and character of Back Lane which is considered to be affected by the proposed development.

Regarding highway comments, highway safety is one of the main considerations within the application. The LHA's comments were fully considered and discussed with the LHA Officer before including them in the report.

Highways SHCR 09 – There has been no evidence submitted to suggest that there is no right of access over the westernmost part of Back Lane onto Broomsthorpe Road during this application. Notwithstanding that, this is a civil matter and is still relevant in the consideration of this application as vehicles can still physically use the said access unknowingly and if this occurs, there would be severe highway safety concerns.

Furthermore, if there is no right of access onto Broomsthorpe Road, the approval of this development would lead to increased levels of vehicular activity along Back Lane which would result in increased potential for conflicting vehicle movements at the narrow restricted access points.

Even if egress is not taken from Back Lane onto Broomsthorpe Road, there are other highway safety concerns at the other two access junctions serving the site, described within the report.

Paragraph 2 under section 'Highway Safety' on page 43 of the Officer's report is factually correct.

Highways SHCR-13 actually relates to access points from Back lane onto Eye Lane and Broomsthorpe Road and not the literal site access as suggested by the Applicant.

There was no reference in the original submissions to the proposed widening of Back Lane to the site's frontage, this was suggested following the LHA objection. However, those mitigation proposals did not overcome the LHA concerns with regards to restricted visibility at the access onto Eye Lane and the submissions were not made formal by the applicant's agent so were therefore not considered within the Officer's report.

Representations:

For clarification purposes, the turning head further up Back Lane to the west of the application site suggested by the applicant to help mitigate against the LHA's concerns does not form part of the application and was therefore not considered within the Officer's report to Committee.

However, the passing bays were referred to on page 44 of the report as they were a recommendation within the Traffic Management Plan. Whilst the passing bays do not form part of the application at this stage, this point needed addressing in response to the TMP.

All individual issues raised by Third Parties (either supporting or objecting) are listed in a summarised format, as a matter of procedure. All matters are listed whether they are factually correct or not.

With regards to dates being adhered to during the application process, the LPA has a statutory 8 week period to determine a minor planning application (such as this), within which a 21 day consultation period for statutory consultees, as well as neighbours, is undertaken. All responses are considered up to the date of determination whether submitted within that 21 day period or not.

The Officer's report is correct in stating that there were five representations received objecting to the proposal, at the time of writing the report.

Support:

In relation to letters of objection and support, as stated above, all individual points are summarised and listed within the report as factual matters

Principle of development:

It is clearly acknowledged within the Officer's report that the proposal is for self-building dwellings and full consideration has been given to this on page 42 of the report. Whilst the LPA has a duty to consider the self-build register and to give enough sustainable permissions to meet the identified need, it has to be considered in the planning balance against other issues. In this case, the other issues raised within the application outweighed the benefits associated with a self-build development in this location. It also clear from the report that the Council is meeting demand. Whilst the LPA can sympathise with the individual circumstances of the applicants, personal circumstances are not a material planning consideration and there would be no control over a change in those circumstances and the dwellings then being sold on within the free market.

All communications regarding the issues with the proposed development took place throughout the course of the application between the Case Officer and the Planning Agent, which is a matter of procedure.

Recommendations:

'Point 2' relating to the Conservation comments has been addressed above.

'Point 3' relating to access onto Broomsthorpe Road has been addressed above. Further, the LHA Officer made his assessment from driving his vehicle the whole length of Back Lane out onto Broomsthorpe Road to get an accurate account of the highway safety issues.

'Point 5' relating to the new properties being DDA compliant is noted.

Point 6 – The lack of land for visibility splay purposes relates to the junctions of Back Lane with Eye Lane and Broomsthorpe Road as described above.

All the relevant planning issues are considered in the Officer report and the recommendation is the Officer's professional assessment of the proposal taking into account national and local planning policy, and other material considerations. It is the Case Officer's role to provide a professional opinion to Members.

The issues raised by the Agent are already covered in the report, although the traffic movements are noted. The photographs mentioned are akin to those taken by the officer.

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Cllr Ryves: Comments made can be summarised as follows:

In June 2016 an ecology report was commissioned, which recognised that this site was designated a priority habitat and provision was made for a S106 contribution to mitigate this. However, no such condition has been proposed here...why is this? Yet CS12 clearly requires action in the event of adverse impacts on biodiversity, as set out in NPPF 174(b), 175(a).

Assistant Director's Comments: That was a concern on the previous applications because the proposed development comprised the whole of the site, which may have affected the protected grassland to the very rear (west). However, the current application has reduced the density of development and the building works are not proposed to the western most part of the site, therefore it is no longer an issue. The standard Habitats Mitigation fee has been paid at £50 per dwelling.