

PLANNING COMMITTEE
9th April 2018

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

Item Number 8/1(b) Page Number 15

NCC Highways: Without any draft agreement (s106), I would be unable to formally agree that visibility splays would be achievable in perpetuity, as such, I can advise that if an acceptable draft agreement were submitted and accepted, that Norfolk County Council would not wish to resist the grant of consent and would seek the following conditions, should you Authority be minded to grant consent:-

Condition Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan (4041_22/02 rev L) in accordance with the highway specification (Dwg. No. TRAD 4). 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.

Reason To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

Condition Vehicular and pedestrian (*and cyclist*) access to and egress from the adjoining highway shall be limited to the access (es) shown on drawing No 4041_22/02 rev L only. Any other access (es) or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, concurrently with the bringing into use of the new access.

Reason In the interests of highway safety

Condition:- Prior to commencement of the use hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 8 metres from the near channel edge of the adjacent carriageway. Any sidewalls / fences / hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the (outside) gateposts to the front boundary of the site.

Reason In the interests of highway safety

Condition Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason In the interests of highway safety

Third Party: 1 letter received providing additional comments on the application, which is summarised as follows:-

- The officer's report is considered to be fair, however our application was granted on the basis that we were low noise and low light pollution. We have embraced these conditions and built a brand around quiet woodland camping which attracts bird

watchers and star gazers. All our campers in their T&Cs do not play amplified music and keep the noise down

- If no noise and light pollution restrictions were to be placed on this proposal then we would be unable to continue to make an offer of peaceful camping to our customers.
- If permission were granted without such conditions then we would wish our original conditions in regards to noise and light were to be waived in order for us to retarget our market, in light of the unrestricted activities next door.
- Our preference however is to maintain the peaceful dark sky nature of our woods and prefer if the Planning Committee were to put conditions in place to do so.
- The matter raised concerning the easement and property boundary has been referred to counsel by our solicitor. The officer's report is correct this is a civil matter, but the Planning Committee should be made aware. The sight line to the north could be shortened by 9m. At present this matter is presented to Counsel, and we are awaiting their advice before proceeding to court or respond to the applicant's offer to buy out the easement. In any event the applicant has taken around 1m of our land, removing a boundary post to create the new entrance onto the B1454. The applicant has not to date approached us regarding a section 106 but we would consider this as part of any offer to resolve the easement and boundary issue.

Assistant Director's comments:

In the event of an approval, a Section 106 agreement to secure appropriate visibility would be required. Also if the application is approved, it would be subject to appropriate conditions, including those recommended by the highways officer. No conditions are proposed at present as the application is recommended for refusal.

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Third Parties: 2 letters of **SUPPORT** have been received which can be summarised as follows:

- Shame that the planning department has objected to each design
- If anyone is affected it is occupiers of 17 and 11 Field Lane, & both support the application
- The development will greatly improve the property, giving a more modern look to the lane
- Believe refusals due to the gardens being irregularly shaped, due to the newest development on Orchard Gardens. The former resident of number 15 had to forfeit some of its original garden for the new road to pass from Field Lane into Orchard Gardens.
- The development will be perfect for a young family or retired couple.

1 letter of **OBJECTION** has been received which can be summarised as follows:-

- The application is immediately adjacent to Orchard Gardens a privately owned access road, and no consideration has been given as to how it would be constructed without interrupting traffic flow. Presumably some work and scaffolding would need to be erected on the road, which is only 3.7m wide, any restriction of width would make access impossible for larger vehicles, such as a dustbin, delivery and emergency vehicles
- No contact has been made from Mr Dickerson about how this or any of the previous applications for the site about how construction can be achieved as the proposal requires the removal of the fence between no. 15 and the access road to Orchard

Gardens which is owned by Orchard Garden residents

- The residents wish to have these points be included at the planning meeting with a view to refusing it.

Assistant Director Comments:

The representation refers to civil matters and the potential consents that may be required given the existence of adjacent third party land (the access track to Orchard Gardens).

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Applicant: ADDITIONAL INFORMATION Confirms that the area in question has not been used for allotments for many years. The only use that can be recollected is the owner of No.30 School Lane, who died at least 5 years ago, growing some daffodil bulbs immediately next to his property. The whole area to the left and right of the cemetery tracks is grassed. Most of the actual allotment land borders Methwold Road. There is no waiting list, and despite attempts by the Parish Council to encourage its use, only a very small area is currently rented.

Applicant: PROPOSED AMENDMENT: At a meeting of the Parish Council on Tuesday 3 April 2018, it was resolved that, in relation to the first part of Condition 4 on page 56 of the Officer's report (that the access to the cemetery shall be widened to a minimum width of 4.8m), the application should be amended in that all vehicles including cemetery vehicles, will exit the area via the designated exit from the proposed car park, thus avoiding the use of the cemetery vehicular access as an exit point and the need to widen the said access. Appropriate signage will be displayed to inform all users of the designated entrance and exit points.

Condition 4 was included in order to deal with the situation where one vehicle might be exiting the cemetery while another was entering the cemetery or car park.

The reason for the amendment is twofold;

1. To avoid the extra cost to the Parish Council in carrying out significant ground work to widen the cemetery access point.
2. To avoid the removal of the wrought iron gates and posts which have been a feature of the entrance to the area for many years.

Please refer to the attached amended plan 04.

NCC Highways: With regards the amended plans, they feel that the Parish Council have missed the concerns Highways are raising. The exit that is being promoted relies **totally** on seeing over third party land of which they have no control. This new proposal makes matters worse than that previously put forward as they would now direct all traffic through an egress which has no control of its visibility. If the neighbour does grow any vegetation (which they are entitled to do) then visibility could be at near blind levels.

Our objection could so easily be resolved: The applicant needs to provide some access improvements regardless, they could simply increase the width of the existing Cemetery access for two way flow and utilise it as the only vehicle access/egress. This would be the cheapest option for them as effectively this is the same level of work they are putting forward. Alternatively, if they are insistent on having an 'In' and 'Out' arrangement they

could alternatively move the access over and away from the neighbouring property where they would then have control of the land required for the splay being within their ownership. This option could address their concerns in relation to the gates and the widening of such provided that all traffic is directed as such.

Third Party: Two further letters of **OBJECTION**. They cannot make it to the meeting and wished the comments in his letter to be taken into consideration by the Committee. The first letter submitted was a repeat of a previous letter submitted during the application process, and the second letter comments as follows

- Attended a Parish Council meeting on the 3 April, where it appears that the Parish Council had not fully considered the full implications of the proposal as it was discovered that if the cemetery gate were not open first thing in the morning, parents would be unable to gain access and therefore not use the car park.
- There was a suggestion to amend the application to remove the gates and posts to the cemetery to allow unfettered access to the car park, which would allow larger vehicles to gain access
- At the meeting the Parish Council seemed to disregard the presence of the aquifer highlighted in the environment report they had received.
- The installation of the mesh and regular vehicle traffic would compact the ground making it difficult for surface water to be absorbed giving rise to potential surface water flooding.
- However this would not prevent the easy absorption of oils and fuel spillage which would pollute the aquifer.
- The access would allow vans, trade, commercial vehicles and travellers to use the site
- If there are insufficient parking spaces then it is envisaged the drivers would use the right hand part of the cemetery access road to park as well, unless barriers were installed to prevent it.
- On days when it is dark at 4pm, the car park would have insufficient lighting for car park users who may park there when attending any village functions, thereby giving rise to accidents and potential legal action. Such usage would cause noise and disturbance to residents of School Lane if going on until the late evening
- It is proposed that overnight parking would not be allowed, it is difficult to see how this could be enforced with unfettered access which would allow vans, trade, commercial vehicles and travellers to use the site.

Assistant Director's Comments: In response to the third party comments submitted, the issues raised have been included and considered in the officer report. With regards the amended plan, Highways have suggested that this will actually make the situation worse. At present therefore officers have not suggested that the amended plan be accepted. Members will need to consider this issue when determining the application.

Item Number 8/1(f) Page Number 57

Error: Plan referred to in condition 2 states '5715/02F' but should read as '5715/02E'
Condition 2 should therefore read as follows:

"Condition 2: The development hereby permitted shall be carried out in accordance with the following approved plans: 5715/01H, 5715/02E, 5715/03E & 5715/04F."

Water Management Alliance (IDB): NO OBJECTION - Standing advice offered

Environmental Health & Housing – CSNN: Prepared to remove objection on the basis of new information submitted. There are one or two minor issues remaining, however these should be easily addressed.

Satisfied that foul water is to be connected to mains sewer and pleased that piled foundations will not be required.

Still concerned with surface water drainage details – to be dealt with via condition.

Maintains request for working hours condition.

Assistant Director's Comments: Surface water details are to be dealt with under Condition 6 stated in the report; however it is maintained that a Construction Management Plan on a scheme of this limited size is not necessary.

Item Number 8/1(g) Page Number 3 (Late Report)

Third Party: 1 letter of **SUPPORT** which can be summarised as follows:

- Thornham Deli has put this village on the map and provides so much for the locals from loyalty cards to sponsoring the local cricket team, donating raffle prizes. The deli also sells the bag ladies of Thornham gifts these can be from tea towels to knitted Easter chicks.
- A regular customer visits the deli every day for their lunch and the Deli calls in on the customer if they have not showed up. They provide the customer with lunch on Christmas Day and give them a Hamper. This goes above and beyond to satisfy the locals.
- The deli provides so much for the community and the locals should take advantage. If they had supported their existing village shop and post office it may well still be there.

Third Party: 1 letter of **OBJECTION** which can be summarised as follows:-

- A marquee is a temporary large tent for occasional use for a gathering, an exhibition, a sale room etc., not as a semi-permanent fixture for use as a restaurant. I understand that in the case of the Deli permission was originally for 28 days
- The marquee most certainly does not fit aesthetically with the surrounding dwellinghouses and countryside.
- At the rear of the Deli is a small area containing six refuse bins, this is continually full to overflowing and litter is also stored on a trailer – all liable to attract vermin. In addition this area contains an array of pallets, gas canisters, display fittings etc. a veritable tip partly on view from the road, there is no space to accommodate further rubbish

Agent: Submitted corrected plan showing position of flue on the marquee

Amended condition:

4. Condition The flue and associated wood burner serving the marquee, as shown on drawing no. 386-01 received 28th March 2018 shall be removed within 28 days of the date of decision, and the development when used shall be retained in that condition thereafter.

4. Reason In the interests of safeguarding neighbour amenity.

Assistant Director's comments:

Issues raised by the Third Party in respect to aesthetics and permitted development rights for the erection of marquees have been addressed in the Officer's report. With regards comments made on the location and capacity of refuse storage, it is not considered reasonable or necessary to impose a condition in respect to bin storage on this specific application, given that facilities already exist for this, and there is space on the site to provide additional capacity if necessary. With regards the flue, Condition 4 has been amended slightly to strengthen it.

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Additional Condition recommended:

Condition 7 – Prior to the commencement of the development hereby approved, full details of the drainage field surface water drainage system plus separating system shall be submitted to and agreed in writing by the Local Planning Authority. The systems shall be implemented as agreed prior to the commencement of use of the car parking area.

Reason – To ensure that there is a satisfactory means of drainage in accordance with the NPPF. This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.