

PLANNING COMMITTEE
29th April 2019

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

Item Number 8/1(a) **Page Number** Late pages

Agent: An updated site plan has been provided with the affordable housing units marked on (dwg no. 003 rev P09). Also, a revised plan has been provided for combination blocks 3B/3B/3B plans and elevations relating to plots 76-78 and 82-84 (dwg no. 062 rev P03).

Amended Conditions

1. Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:

003 rev P09 Site Development Layout
010 rev P00 Sheet 1: Sections A, B + C
011 rev P00 Sheet 2: Sections DD, EE, FF, GG + HH
050 rev P02 2B/2B Plans and Elevations
051 rev P02 3B/3B Plans and Elevations
052 rev P02 3B/2B/3B Plans and Elevations
053 rev P02 3B/3B/3B Plans and Elevations
054 rev P02 2B/2B/2B Plans and Elevations
055 rev P03 3B/2B/2B/3B Plans and Elevations
056 rev P02 2B/2B/2B/3B Plans and Elevations
057 rev P02 2B/2B/2B/2B Plans and Elevations
058 rev P02 3B/3B/3B Plans and Elevations
059 rev P02 3B/3B Plans and Elevations
060 rev P02 3B/3B/3B Plans and Elevations
061 rev P02 3B/3B/3B Plans and Elevations
062 rev P03 3B/3B/3B Plans and Elevations

1. Reason: For the avoidance of doubt and in the interests of proper planning.

4. Condition: Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan ref: 003 rev P09. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

4. Reason: In the interests of highway safety in accordance with the provisions of the NPPF (2019).

CORRECTION

Underneath 'Date for Determination: 3 January 2019' on page 3 of the Officer's report it should read: 'Extension of Time Expiry Date: 2 May 2019'.

Item Number 8/2(d) **Page Number** 33

Assistant Director's comments:

For clarification purposes, an existing enforcement notice requires the existing car port's removal. The proposed plans submitted as part of the current application 19/00484/F show a reduction in the size of the car port.

The car port is proposed to be reduced from a two bay car port to a single bay, with plans showing a reduction in the depth of the structure from 6.2m to 3.4m. The roof is also proposed to change, with the hipped roof leading to a reduction in height from 4.1m to 3.5m.

Item number 8/2(f) Page Number 46

Third Party: As a result of the applicant agreeing to the removal of the bedroom window closest to our house on the north elevation (reference number 3375.10F) my wife and I withdraw our objection to this application.

Item number 8/2(g) Page Number 53

Third Party: A total of **FOUR** letters of objection regarding the following (summarised) and reiterating earlier concerns:

- Disappointed at the recommendation;
- Remain particularly concerned regarding the loss of residential amenity, weakness of the proposed business plan, precedent being set for similar developments, retention of the mobile homes in light of the tenuous/non-existent functional need for them;
- Consider that conditions should be tightened up;
- Considers that 100mm soundproof installation is only 2/3rds of that recommended by CSNN (and cites CSNN correspondence);
- Storage of vintage vehicles should be defined and controlled by condition limiting the number of vintage vehicles to 2 and specifying the buildings in which they will be stored;
- Applicant should be required to maintain a register of visitors for Council monitoring purposes;
- Impose a restrictive condition limiting activities that can be undertaken under the GDPO.
- Stipulations should be put in place to ensure the mixed-used balance of the site and to prevent further non-agricultural activities;
- Quantifiable success conditions (to demonstrate the viability of the business at the end of the three year period) and a requirement to demonstrate a clear functional need for the retaining the mobile homes in 2022;
- Foul water drainage conditions should be imposed;
- Condition 2 (occupancy condition) is vague and should be tightened up. Refers to Policy DM6 of the SADMP and queries why the condition has gone away from the existing occupational dwellings model;
- Disagrees with the NCC highways comments regarding the number of vehicular movements – client movements alone will be 32 vehicles per day. Visibility is also impaired when existing the site;
- Visibility restricted to south-west of access along The Drove;
- The Environment Agency states that the mobile homes should not be used for longer than 3 years as a result of flood risk. The applicant has already had three years and the request to extend for a further 3 years increases the risk;
- No overnight accommodation is required;
- Lack of appropriate drainage to kennels;
- The business has not worked over the last 3 years and therefore Policy DM6 should not apply and there is no exceptional reason to give additional time;
- Failure to comply with the existing occupancy condition – believe that the primary income was from a secondary source and not the rural enterprise;
- The development is neither agriculture or forestry and development should be resisted in accordance with CS06;
- Drainage and waste is not appropriate and there is no condition relating to drainage;
- Do not consider an additional 3 year presumption in favour of development acceptable nor does the business plan support any figures that would make it possible to build a dwelling for this business after an additional 3 years;
- Occupancy condition proposed this appears to be a relaxation of the existing agricultural

occupancy condition and therefore fails DM 6 of the SADMP.

Internal Drainage Board: The Council should satisfy itself that there is a proper method of surface water disposal on the site.

CSNN: Confirm the surrounding structure of the kennels element within the building (walls and ceiling) shall contain 150mm of Rockwool/fibreglass. This also applies to the external walls of the remainder of that building.

Assistant Director's comments:

In response to complaints raised, details of the thickness of insulation material has been reviewed and agreed with CSNN, so Condition 7 is proposed to be amended accordingly. Also Condition 3 amended (approved plans).

The commercial storage of vehicles is proposed to be contained within the main barn (Building C) which would be self-restricting given the floorspace available (see Condition 13 below).

At the time of compiling the report it was understood that the foul water drainage matters were under investigation under the provisions of the Environment Protection Act. It appears that this has not proceeded and the matter along with surface water can be covered via condition (see Condition 14 below).

Licencing will require compilation of a log or register of customers/dogs for monitoring purposes. Same can be applied to horses but there is not likely to be such a significant turnover in customers.

This is a mixed use and therefore activities that can be undertaken by separate uses under the GDPO are not applicable; so there is no requirement for a restrictive condition.

The uses put forward are considered to have adequate controls imposed given the proposed numbers of horses and dogs and limits imposed by conditions.

The success of the business would be addressed after the establishment period. Indeed it would be expected to receive audited accounts at that point.

Highway issues are covered in the original report. Reference was made to securing the repositioning of the front access gates to allow vehicles allow vehicles to pull clear of the highway; in error this was missed from the recommendation but is added below (see Condition 12). If visibility is impaired to the south-west of the access, it is by virtue of the neighbour's hedge encroaching over highway land. Should this have been an issue of concern to the LHA, it may have been cut back under their powers. The LHA raised no objection to this application.

The remainder of the issues raised as late correspondence are believed to have been addressed in the officer report.

Policy DM6 contains a section on the removal of agricultural occupancy conditions, however this relates to existing tied dwelling houses or bungalows, not temporary accommodation during the establishment of a rural enterprise.

Amended Conditions:

3. Condition: The development hereby permitted shall be carried out in accordance with the

following approved plans: 18/8/2095, 18/8/2095/1 Revision B, 18/8/2095/2 & 18/8/2095/3 Revision A with the exception of the depth of insulation material required to meet the provisions of Condition 7 below.

7. Condition: Prior to the commencement of the use of the dog day care facility, the acoustic mitigation measures shall be fully implemented in accordance with the approved plans (Drawing No. 18/8/2095/3 Revision A) with the exception of the insulation material to the walls and ceiling containing the kennels plus internal walls of the remainder of the building, which shall comprise 150mm of Rockwool/fibreglass. The roller shutter door and any personnel doors to the building shall remain closed, other than for entry or egress, to contain noise.

Additional Conditions:

12. Condition: Within 1 month of the date of this decision, the front gates shall be repositioned as per the approved plans (Drawing No. 18/8/2095/1 Revision B) with the access gates or other means of obstruction hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway.

12. Reason: In the interests of highway safety to enable vehicles to safely draw off the highway before the gates/obstruction is opened; to accord with the provisions of Core Strategy Policy CS11 of the LDF.

13. Condition: The commercial storage of motor vehicles shall be contained within Building C defined on Drawing No. 18/8/2095/1 Revision B.

13. Reason: To define the terms of this permission and in the interests of visual and residential amenity to accord with the provisions of the NPPF & Policy DM15 of the SADMPP.

14. Condition: Within 1 month of the date of this decision, full details of the foul and surface water drainage arrangements for the site shall be submitted to the Local Planning Authority. The scheme shall be implemented as agreed within a further month from the date of agreement and maintained thereafter.

14. Reason: To ensure adequate drainage facilities for the site in accordance with the provisions of the NPPF.

Item number 8/2(h) Page Number 67

Third Party: THREE letters of objection have been received from **ONE** local resident. Their expressed concerns can be summarised as follows:

- Clearly this is a major development for Thornham and the Planning Officers should not be allowed to disregard the NPPF because of a judicial review elsewhere in a National Park. Natural England pointed out to your Officers that this was a Major Development since the Planning Department had incorrectly classified it as a minor.
- The proposed development site is adjacent to the Norfolk Coastal Path this has not been highlighted in the Officer's report.
- The report states that only 7 objections have been received, falsely claiming that there were very few third party objections. This is incorrect since 14 households have objected to this proposed development.
- In the 'supporting case' it is stated that three out of four direct neighbours, who share a boundary, have written letters of support. However, there are only two dwellings that share a boundary.
- In 'Conservation and AONB' it is stated that there were 7 letters of support. This is

misleading since there were only indications of support from 4 dwellings.

- Lack of evidence of need for the development.
- Plots 2 and 3 are very much smaller than other new homes currently being built in the village.
- All properties on Choseley Road are detached homes. All the nearby surrounding properties are large houses on large plots. Clearly the houses in this proposal are not in keeping with the surroundings area or village in terms of plot sizes.
- Where bedroom numbers have decreased in some plots the house design and scale has remained totally unchanged so that the developer can reinstate the bedrooms in the loft space.
- There has been no submitted floor plan for Plot 9.
- Arboricultural Impact Assessment site maps are misleading in that some of the trees surveyed lie outside the Land Registry boundary of The Pastures.
- Arboricultural Impact Assessment has been totally ignored in terms of the shading effects within 6 of the 9 proposed dwellings.
- Too many dwellings in this wooded area are being proposed. The trees that remain on site will be under constant threat of felling or being cut back.
- Refuse lorries, along with delivery vehicles, will require a turning circle within the site.
- There is no provision for visitor parking on the site.
- Officers have ignore Policy 175(c) - development resulting in the loss or deterioration of irreplaceable habitats (such as Ancient Woodland and Ancient or veteran trees) should be refused.
- Natural England never directly or indirectly said they had no objections to this development in its letters of the 4th and 7th February.
- Victorian Pump House – It should be noted the developer failed to even mention this building in the original application.
- The Planning Officers report claims that the 5 new houses allocated in SADMP 2016 (& 2019) represents a minimum figure, I am not convinced that this interpretation is correct.
- This application should be classified as a major development and therefore two people should be invited to speak both against or in favour of the development.
- The proposed new development includes 27 parking spaces. These additional vehicles accessing the Choseley Road, at one of its narrowest points, will create a further hazard to other vehicles, local residents, dog walkers and walkers on the Norfolk Coastal Path – in effect creating an ‘accident blackspot’. There are also local concerns about the increased traffic turning right from the Choseley Road on to the Coast Road A149, especially in peak holiday periods, because of poor visibility.

Assistant Director’s comments:

The majority of the additional comments made have been covered in the officer’s report. However the following additional comments are made.

In relation to the query raised whether this application is for ‘major’ development, the application is for 9 dwellings and is therefore correctly not defined as a major in terms of the Town and County Planning (Development Management Procedure) (England) Order 2015. This is because the application is for 9 dwellings and the numbers are known. We report back to Government using this definition, which is set out in legislation.

The committee report does mention the NPPF definition of major development, particularly in the context of the AONB, although as the report explains, when assessing development in the AONB, whether a proposal is ‘major development’ is a matter for the decision-maker. The LPA is content that the application has been correctly categorised.

Notwithstanding the above, the Chairman, using her discretion, has said that in the circumstances two people will be able to speak for 5 minutes each on this application.

In response to the query raised regarding the number of objections, the report does state that

'letters of objection have been received from occupiers of seven properties'. However, there have been letters of objection received from 14 local residents, although the issues summarised within the Officer's report are correct.

In response to the query regarding the allocation in the Local Plan representing a minimum figure, it is important to note that not all of the required housing growth across the Borough will be delivered through site allocations. Part of the growth will be delivered on sites with existing planning permissions, and others will come forward on unallocated (windfall) sites within development boundaries (which this site is). So clearly more development than those which have been allocated can take place. The SADMPP has an allowance for such windfall sites coming forward within the overall housing numbers.

For Thornham the LPA were unable to find a site to support for allocation outside of the development boundary, as part of the SADMPP, as those put forward for consideration were all constrained. This approach to housing growth was found sound by the Inspector.

The draft Local Plan review currently out for consultation does not seek to make an allocation at settlements below Key Rural Service Centre (KRSC) level in the settlement hierarchy provided within the draft Local Plan review. So we are not seeking currently to make an allocation at Thornham. However the Parish Council have signalled their intention to prepare a neighbourhood plan for the area (formally designated in late 2017) and they may choose to make an allocation.

Whilst Choseley Road is the route of a published circular walk in the area, this is no reason to refuse the application.

With regards trees on the site the Arboricultural officer has recommended no objections and has looked at this site in detail. The issue of trees on the site is covered in the report, and the committee will consider the issue of the amount of development proposed for the site. Paragraph 175 (c) of the NPPF is not relevant to this application, as this application is not leading to the loss or deterioration of irreplaceable habitats.

Natural England do not object to this application.

The floor plans for plot 9 are available to view on the council's website.

The layout of the roads is such that it has the width of adoptable standard roads, and a refuse vehicle will be able to access the site and turn.

Finally there is an area(s) of open space shown on the layout to the north of plot 9, which is outside of any individual plot, and details of the maintenance and management of this area(s) is proposed. It is also proposed to include details of the shared access within the site, which is an issue that has come up at a previous recent committee meeting on another site, although members may wish to consider if this aspect is necessary.

Additional condition

23 Condition: Prior to the first occupation of the development hereby approved, full details of the maintenance and management regime for the area(s) of open space to the north of unit 9, as identified on the site and location plan (plan number D1.9-5001), and the shared access roads within the site, shall be submitted to and approved in writing by the Borough Planning Authority. Thereafter the area(s) of open space and the shared access roads shall be maintained and managed as agreed.

23 Reason: To ensure the areas of open space outside of the areas owned by the individual dwellings will be suitably maintained in the long-term.

Item number 8/2(i) Page Number 87

Correction: The location plan on page 87 is incorrect. The correct site location plan is attached to late correspondence.