

**PLANNING COMMITTEE**  
**5<sup>th</sup> September 2016**

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

**Item Number** 8/1(a) **Page Number** 9

**Third parties:** **TWO** letters of support for the confirmation of the order

**Item Number** 8/2(c) **Page Number** 51

**Heacham Parish Council:** Additional comments relating to:-

- Condition of Fenway – Requests that a condition is attached to any consent requiring that the care home pays a proportion of any repair work done to the Fenway between their site entrance and the junction with Folgate Road;
- Flooding – queries whether sequential and exception test has been carried out.

**Officer comments:** As far as Fenway is concerned, the report concludes that the development will not give rise to a significant increase in traffic. The comments from the Parish are clear that the condition of Fenway is of concern currently. Applicant's should only be required to mitigate the impacts of their development and not to address existing problems.

Flooding is addressed on page 57 of the agenda papers.

**Item Number** 8/2(d) **Page Number** 61

**Officer comments:** A legal opinion has been sought regarding the ability of the Council to grant planning permission in the absence of information that allowed it to carry out an appropriate assessment as required by the Habitats Regulations 2010 (as amended). On the basis of this opinion, it is your officers' advice that the grant of permission without being able to carry out an appropriate assessment would breach the Habitats Directive and the Habitats Regulations 2010.

**Item Number** 8/3(b) **Page Number** 82

**Congham Parish Council:** **NO OBJECTION** to the revised plans.

**Third Party:** **ONE** item of correspondence **OBJECTING** raising the following issues:

- Large houses are out of keeping with the area; and
- Road inadequate for additional traffic.

**Item Number** 8/3(c) **Page Number** 92

**Third parties:** **THREE** additional representations received **OBJECTING** to the proposal

and raising the following points:-

- Description is mis-leading;
- Request that tree proposed for TPO is so protected;
- Potential for an additional plot;
- Request conditions limiting working hours and to protect trees;
- Scale of extensions;
- Overlooking;
- Trees;
- Suggest that approval should be subject to a condition that requires a bat licence to be in place before works proceed.

**Officer comments:** The points raised by objectors are covered in the officer report. On a specific point, ecological impacts and the relationship between the planning system and the Habitats &c Regulations 2010 is covered on pages 100 to 102 of the report. It is your officer's opinion that in this instance there is sufficient information available to allow permission to be granted. A condition requiring a bat licence to be secured would be ultra vires.

**Amendment:** Suggest that condition 4 is amended as follows to provide additional protection to the trees on-site:

Condition 4 No development or other operations shall commence on site until the existing trees to be retained have been protected in accordance with the scheme that has been submitted to and approved in writing by the Local Planning Authority.

Fencing in accordance with BS5837:2012 shall be provided for the whole of the root protection areas for retained trees numbered T1 and T4 and, as detailed on the plan, for part of the root protection areas for retained trees T2 and T3 (Drawing 0811-16/02 REV C receipt dated 22/08/16, which excludes the existing driveway) before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations.

The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site.

If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

**Item Number 8/3 (d) Page Number 105**

**Applicant's Agent:** Letter received **WITHDRAWING** the application.

**Item Number 8/3(g) Page Number 132**

**Third party: ONE** letter **OBJECTING** to the application raising the following points:-

- No need for another store;
- Adverse impact on existing stores; and
- Additional traffic.

**Councillor C Crofts:** Comments that the site has not been used for the production of gas for more than 100 years.