

PLANNING COMMITTEE

5 JUNE 2023

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

Item 10/1(a) 22/01648/FM Page No.16

Snettisham Parish Council: Provided the following comments:

At the meeting of Snettisham Parish Council Amenities Committee on 30th May 2023, Councillors received an update on the planning application 22/01650/FM that included information about a highways feasibility study identifying options to improve the Lamsey Lane/A149 junction, closure of other junctions onto the A149, signage and information to encourage visitors to use main routes. Cllrs agreed that a roundabout to improve the junction would help to alleviate concerns and resolved to **SUPPORT** the application with this planning improvement in place.

Additional Third Party Representations:

SIX letters of **SUPPORT** summarised as follows:

- Wild Ken Hill will continue to provide a range of benefits to the local area and will be good for the village;
- Educating people in sustainable and renewable farming/land management practices, biodiversity restoration, educational and cultural prospects for local community to interact with nature and learn about biodiversity, ecosystems etc;
- Employment opportunities, high quality jobs;
- Fantastic point of interest in Snettisham/Heacham with a destination point for all to enjoy;
- New walking and cycling path between Heacham and Snettisham will encourage sustainable transport modes and connect the two villages;
- Disappointment that the Wild Ken Hill planning applications were deferred at Planning Committee in April;
- Positive enhancements to the AONB, better access to the countryside;
- Educational and cultural engagement opportunities for local people;
- The evidence that people benefit from time outdoors in nature is overwhelming and in these challenging times the proposal gives many more people that chance to be out in this exceptional landscape;
- Should not blame Wild Ken Hill for existing issues with Lamsey Lane Junction, data confirms their proposals would not materially worsen the junction and this is supported by NCC Highways;
- NCC Highways have stated that it has finished its own feasibility study into the Lamsey Lane A149 junction, which is very positive news;
- With all of the commitments made by Wild Ken Hill and the conclusion of the NCC Highways feasibility study, it seems to me that the Council has all the information it needs to make a positive decision;
- Closure of farm accesses to A149 and the removal of agricultural vehicles using them will reduce traffic flow onto the road;
- Positive benefit of improvements to cycle path/walkway between Heacham/Snettisham in terms of safety;
- Safe cycling opportunities for young people;
- Café will be of benefit to visitors with no other facilities close by;
- Disappointed at lack of discussion of positive benefits of the proposal at the last meeting ;
- Representations hope that Councillors will now approve these applications.

Planning Committee
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ONE representation from **Coastal Red Ltd t/a Lynx**, stating comments in **SUPPORT**, summarised as follows:

- Coastal Red Ltd t/a Lynx operate frequent bus service routes (34/35/36) up to every 15 minutes, 7 days per week between King's Lynn and Hunstanton. All three routes would thus serve the proposed development at Wild Ken Hill
- It is of our opinion that after discussions with Dominic Buscall of Wild Ken Hill that the benefits brought about by the scheme would far outweigh any disbenefits arising from a small increase in additional vehicle movements in the area.
- We are thus in support of the proposals for the following reasons:
 - We have already been liaising with Norfolk County Council with regards to improvements to A149/Lamsey Lane junction. We understand there are potential Bus Service Improvement Plan (BSIP) funds for assisting buses making the left turn in and the right turn out of Lamsey Lane.
 - These improvements may also result in improvements to the existing bus stop, potentially including relocating the stop to a safer location on Lamsey Lane itself near to the proposed new visitor entrance to Wild Ken Hill.
 - We understand that Wild Ken Hill has offered any non-Public Highway land available to make any Highway improvements at this location.
 - The development is likely to increase patronage on our bus services. This will arise from additional journeys undertaken by locals, tourists and new employees of Wild Ken Hill. This helps our services to be more sustainable in the longer term.
 - The relative high frequency, operating hours and 7-day operation of our routes that would serve the development would mean visiting the attraction by bus (as opposed to private car) is much more likely than locations that are not served by bus at all (i.e. Lidl at Heacham).
 - The closure of 3 accesses onto the A149 and new off-road link would help to improve safety on the A149

Kings Lynn and West Norfolk Bike Users Group (KLWNBUG) – provided detailed comments in **SUPPORT** of the application and requesting amendment to Condition 14, summarised as follows:

- Contrary to the officer report's summary, KLWNBUG is very supportive of this application, including the initiative to provide over 2km of off-road trail linking Snettisham with Heacham and Hunstanton, as well as the cycle-friendly sustainable tourism facilities.
- This will bring forward a vital piece of active travel infrastructure and support access between the two villages and visits to Wild Ken Hill by non-car means, helping to promote the health and environmental benefits of active travel, whilst at the same time providing a significantly better environment than the existing alternative of the A149, its busy carriageway and its crumbling footway.
- However - what we cannot agree with is the drawings for the Snettisham access.
 - We understand that these are indicative, which is great because a 3m path with zero-radius turns onto a crossing with a small 2.5m refuge would discriminate against people who use tricycles for disability reasons. Norfolk County Council has just been awarded funding to replace one undersized crossing refuge on the A149 at Sandringham, so it would be madness to allow another one to be built at Snettisham.
 - We hope the final design will comply with Local Transport Note 1/20 Cycle Infrastructure Design and the Design Manual for Roads and Bridges CD 116 Section 8, such as providing a zebra or signalised crossing due to motor traffic volumes, or using lightweight measures to change the geometry to a compact roundabout with cycleways (sometimes called a Dutch-style roundabout).

- Therefore, we ask councillors to amend the proposed condition 14 so that the fourth bullet point does not basically require the discriminatory substandard indicative design. Please make the condition read instead in a similar way to what the committee has recently used for other developments, referencing the national design guidance:
 - ‘Provision of a cycle link to the B1440 that follows Department for Transport Local Transport Note 1/20 Cycle Infrastructure Design.’
- Given the benefits of this planning application to active travel provision and delivering the local planning policies on Transport and Travel Choice, KLWNBUG supports this application, especially if condition 14 is amended as suggested.

Assistant Director’s Comments:

Snettisham Parish Council’s comments state support of the application subject to a roundabout being in place as a ‘planning improvement’. Whilst these comments are noted, as discussed in depth within the Committee Report, the roundabout is option 1 of two options put forward as part of the feasibility findings for future improvements to the Lamsey Lane junction. NCC Highways have previously agreed it would not be reasonable to seek significant improvements to this junction as a direct result of the current application, however as noted throughout the Committee Report, the applicant has guaranteed that the land required to implement improvements (the details of which have not yet been agreed) would be available for the next 15 years.

Comments from Third Parties are noted the point raised have previously been addressed within the Committee Report.

Comments from KLWNBUG are also noted, in particular the reference to the wording of Condition 14. The current wording of Condition 14 was recommended by the Local Highway Authority and is considered to allow sufficient flexibility for the crossing, including an improved refuge island, to comply with the relevant standards without detriment to users. The Condition requires a specific width of the footway itself, however, does not outline any specific parameters for the crossing which therefore allows flexibility at the discharge of condition stage.

As previously discussed within the Committee Report, detailed engineering drawings will also be considered by the Local Highway Authority as part of the S278 process which includes a safety audit. It is not therefore considered necessary to amend Condition 14.

Item 10/1(b) 22/01650/FM Page No. 83

Snettisham Parish Council: Provided the following comments:

At the meeting of Snettisham Parish Council Amenities Committee on 30th May 2023, Councillors received an update on the planning application 22/01650/FM that included information about a highways feasibility study identifying options to improve the Lamsey Lane/A149 junction, closure of other junctions onto the A149, signage and information to encourage visitors to use main routes. Cllrs agreed that a roundabout to improve the junction would help to alleviate concerns and resolved to **SUPPORT** the application with this planning improvement in place.

Additional Third Party Representations:

THREE letters of **SUPPORT** summarised as follows:

- Benefit of camp site close to Wild Ken Hill and reducing individual car use to the area from people staying elsewhere;

- Easy access for campers to facilities in Heacham/Snettisham, and further improvements from cycle/walking route, benefitting local economy;
- Easy access from camp site to Wild Ken Hill for visitors;
- Support the development as a whole, providing a range of benefits to the local area;
- Great way to educate people in sustainable and renewable farming/land management practices;
- Provide jobs for the local economy;
- Fantastic point of interest/destination for Snettisham/Heacham area;
- Benefits of walking and cycling path between Heacham and Snettisham which will encourage sustainable transport modes;
- Disappointed that the applications were deferred;
- Huge benefits for area, education/cultural/engagement opportunities;
- Should not blame Wild Ken Hill for existing issues with Lamsey Lane Junction, data confirms their proposals would not materially worsen the junction and this is supported by NCC Highways;
- NCC Highways have stated that it has finished its own feasibility study into the Lamsey Lane A149 junction, which is very positive news;
- Representations hope that Councillors will now approve these applications.

Please note – comments from Coastal Red Ltd t/a Lynx above also referred to this application however were not specifically submitted for inclusion on this file.

Assistant Director's Comments:

Snettisham Parish Council's comments state support of the application subject to a roundabout being in place as a 'planning improvement'. Whilst these comments are noted, as discussed in depth within the Committee Report, the roundabout is option 1 of two options put forward as part of the feasibility findings for future improvements to the Lamsey Lane junction. NCC Highways have previously agreed it would not be reasonable to seek significant improvements to this junction as a direct result of the current application, however as noted throughout the Committee Report, the applicant has guaranteed that the land required to implement improvements (the details of which have not yet been agreed) would be available for the next 15 years.

Comments from Third Parties are noted the point raised have previously been addressed within the Committee Report.

Item 10/1(c) 22/02113/F Page No. 137

Third Party: TWO letters of **OBJECTION** summarised as follows:

- Representations are happy that the revised report now states the distance between buildings accurately and that this has been confirmed via a site visit
- The distances between properties has changed dramatically, the extension has had a detrimental, oppressive and dominating impact as a result of loss of light
- The extension is adjacent to two north facing windows, to rooms in regular use which have been significantly impacted in relation to daylight and sunlight deprivation and the dominating and overbearing impact
- Neighbour will be speaking at the meeting and will object – valuable opportunity for the Committee to hear first hand of the impacts of the extension.
- The agents seeking to circumvent the planning system through use of permitted development rights has added to distress caused

- Concern over comments within the report regarding ‘no obligation for distance from neighbouring property to be accurately measured by the applicant’ – how can this allow accurate assessment, by planning officers or by committee?
- Original garage had no impact on the rooms whereas proposed extends in front of the 2 rooms
- Comments regarding ‘25 degree rule’ discussed within the report, which states that no right to light consultant is needed given the scale of development and limited breach past 25 degree line, stating the breach is not insignificant and has lead to a reduction in light and overbearing.
- Concern that the issues raised are dismissed as irrelevant or marginal, and the assessment that has been made is subjective interpretation of the impact on amenity.

Assistant Director’s Comments: The additional third-party representations are noted and the majority of issues raised are discussed and addressed within the officer’s report to Committee. The Committee Report outlines the reasoning behind the recommendation to approve with reference to the BRE guidelines as well as with reference to the LPA’s adopted policies. In regard to comments on how an accurate assessment can be made without accurate representation of surrounding sites on the plans, the Officer has conducted multiple site visits as part of the planning application process which inform consideration of the scheme.

Item 10/2(a) 22/02214/F Page No. 152

Third Party OBJECTION received, as follows:

- The renamed application has not been through any scrutiny from Parish or neighbours. It adds material not previously discussed such as widening of roads in the future, storage of sugar beet, more use throughout the year which would increase traffic, noise pollution and means dangerous muddier roads and a potentially much bigger operation there.
- No application with false statements should be entertained by this Council or the Parish. The statement of truth breach is tantamount to perjury. Passing this will open the door to future application fraud.
- Station Road of Terrington St Clement has no 7.5t weight limit, wider road and closer to the applicant’s farm. I understand a 7.5t weight limit is considered for Station Road, Clenchwarton.
- Now mobile grain dryers are raised, a significant matter to residents of Station Road and beyond.
- A new application with all these new items transparently stated, with the new highways matters raised, must be first submitted so democratic scrutiny takes places.
- The first three applications contain false statements and must not be given planning now, based on fraudulent lies.
- Damage to my property has already taken place by HGVs on Station Road. Exacerbating this will cost the Borough Council substantially. There is a photo to follow, indicating the damage, which can be felt as the lorries go by. Doubling or quadrupling this traffic, now adding the sugar beet storage on top of the grain, is going to cause further structural damage.
- I have not received any letters or notifications by email, only hearing of this today from another neighbour.

2 Representations by Cllr Kemp setting out OBJECTIONS, as follows:

- The use of the access will pose a danger to the highway.
- How are lorries to turn around? Backing out would increase highway hazard.

- The planning committee report wrongly attributes me to a statement that current levels of HGVs and traffic on Station Road are acceptable, but this is far from the case. My objection called into doubt the low estimate of traffic generated from the development. Clenchwarton is taking forward a 7.5t weight restriction and traffic slowing measures on the long north stretch of Station Road, due to the noise, cracking and shaking of resident's homes from constant HGV movements. Assurances that HGV's would enter and exit from the A17 are impossible to enforce.
- There is a shallow bend in the road's alignment over which the ability to see vehicles approaching the inside of the bend can be affected.
- Concealed lorries, skewed across the narrow width of the highway would be a safety risk to vehicles and pedestrians coming from both directions.
- Mr Wilkie has not been consulted, but would be directly affected by the use of the access.
- Highways email of 18th May states there is no room on the shallow bend for two lorries to pass. As there are drainage ditches on the verges it is not clear how road widening would be possible.
- The application risks a horrendous impact on residential amenity from the use of grain dryers which are extremely noisy, dusty and pose a fire risk. Grain dryers should not be sited anywhere near a residential area. The condition to prevent a fixed grain dryer cannot prevent mobile equipment being used. This would put all residents of Station Road at risk of intense, high-pitched noise.
- CSNN recommended a noise management plan for the grain store. The risk to neighbour amenity and highway safety is too great. This application should be opposed.

Local Highway Authority: Makes the following comments:

- Hard standing measures 68m long and is between 27m and 38m wide. The standard turning facilities for HGVs can easily be accommodated within this area, so HGVs are able to enter and exit in forward gear.
- The access point accords with standards in terms of visibility and exceeds usual width requirements.
- Turning movements into and out of the site could add a momentary obstruction to the view for other road users until the turn is completed, but such a manoeuvre is commonplace at junctions and accesses and therefore drivers would be expected to exercise their usual judgement in such circumstances.
- We believe it is difficult to substantiate a highway safety objection and our recommendation remains.

Assistant Director's Comments:

With regard to Cllr Kemp's comments:

- Matters relating to highway safety have been considered by the Local Highway Authority and set out in the committee report. The Local Highway Authority has also provided further response set out above which addresses the points raised. Road widening was considered by the Local Highway Authority, but ultimately it was concluded that road widening would not be necessary.
- It is acknowledged that part of Cllr Kemp's comment was incorrectly paraphrased in the committee report, a correction is set out below.
- It is considered the use of the building for general storage would not give rise to any significant noise concerns. The potential for grain dryers has also been sufficiently considered in terms of both permanent installations and use of mobile equipment through the suggested conditions. Mobile grain drying equipment shall be included in the noise

management plan condition because mobile equipment does not constitute development. It would allow CSNN to require advanced notice of mobile equipment being used and details of sound power levels in order to assess any potential impact on nearby residents. It should be noted the applicant has stated they have no intention of using such equipment.

- CSNN have no further comments in light of Cllr Kemp's letters.

With regards to the Third Party comments:

- The application has not undergone any significant changes since first submission. Matters relating to grain dryers and road widening are speculative at this stage and do not form part of the proposal.
- The storage of sugar beet is not considered to represent a significant change to the application that would require further re-consultation. The application description does not specify the store to be for grain only, it is expected that the use of the building would include storage of different produce and ancillary machinery.
- It is acknowledged some parts of the application form were incorrect at the time of submission, however these matters have all been clarified and corrected through the course of the application. It is not considered necessary for a new application to be submitted.
- Mobile grain dryers are not development and therefore would not require planning permission to use.
- Vibrations to properties from HGV movements have been considered as part of the assessment and based on the predicted figures provided by the applicant it is considered the development would not result in any significant additional impact in this respect.
- The Council fulfilled its statutory duty to consult with neighbours by placing a site notice near the application site. A letter was also sent to Lyndhurst but was failed to delivered by Royal Mail. Notwithstanding this, a site notice was displayed.

CORRECTION:

Under the section 'Any other matters requiring consideration prior to determination of the application', page 164, final paragraph, Sentence 4. Amend wording to:

Concern is also raised that the building could result in increased traffic over time, above the estimate of 2-3 lorries a week.

Item 10/2(b) 23/00271F Page No.167

Applicant : An updated location plan has been provided by the applicant dated 1st June 2023, showing the extent of the neighbour's boundary drawn to scale.

Assistant Director's Comments:

The amended drawing does not propose any changes to the proposed development. The drawing shows a more accurate (scaled) layout of the neighbouring properties garden.

Item 10/2(c) 23/00078/F Page No. 176

Agent: The agent has queried the need for conditions 12 and 13 given this is a site in the Conservation Area and not a Listed Building. The Agent considers these conditions are unreasonable and certainly condition 13 is not possible.

Representations by:

No objections to the scheme.

Assistant Director's Comments: The Conservation Officer has reiterated the need for conditions 12 and 13 on the grounds that details of any vents, ducts and flues, as well as joinery details, should be provided to ensure these are of a high quality/ suitably positioned to minimise the impact on the street scene in the Conservation Area. However, it is not necessary for the windows to be single glazed. Therefore condition 13 should be amended accordingly.

Cllr Moriarty and Cllr Devulapalli's comments are noted. The application was 'called in' by the previous ward councillor, Cllr Howland, following an objection from the Parish Council. The amended scheme has addressed the Parish Council concerns and their revised response is 'no observations'.

Amended condition:

13. Condition No development shall take place above foundation level until 1:20 drawings of all new windows shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

13. Reason To ensure that the materials are appropriate in the Conservation Area in accordance with the principles of the NPPF.

Item 10/2(h) 23/00092/F Page No. 219

Third Party comment received, as follows –

'The applicant Colin Bond has asked me to email you to offer my agreement to the revised Planning proposals.

As you know Colin Bond and I agreed operating times for the containers and the storage area, and erection of additional acoustic fencing.

With regard to the acoustic fencing, we agreed that the new sections will link up with and match in design and quality as that erected to satisfy the (original planning 09/00136/CU). The acoustic fencing is specified in this planning permission.

It's to be continued:

1. West along the concrete road to the wooden field gate on Stoke Ferry Timber's side of the hedge (Application 23/00092/F)
2. East up to the road entrance of Stoke Ferry Timber onto Boughton Road North. (Application 23/00098/CU),

Please could you make sure that both sections of fencing are written into the respective planning conditions? The reason is that this gives certainty to us, and future owner's of our property, that the fencing will be maintained, and replaced when it rots.

Please can you make sure that the hours of operation Colin Bond and I agreed, as per the revised application 22/00125/CU covers the container facility as well as the other parts of the business?

Colin Bond assured me that the storage area is for his own woodyard and his private use only, not for other businesses operating out of the premises. I'm happy with that from the potential security and noise issues.

I hope this provides you with the information you need to complete the processing of these linked Planning Applications.'

Assistant Director's Comments:

The third party's comments are noted. Planning application 23/00098/CU referred to in the comments was withdrawn as the application did not constitute development. As such, the erection of the acoustic fence along the east boundary to the entrance of Stoke Ferry Timber is not considered material to the planning application. Other comments have already been addressed within the Officer's report.

Item 10/2(i) 23/00125/CU Page No. 229

Third Party comment received, as follows –

'The applicant Colin Bond has asked me to email you to offer my agreement to the revised Planning proposals.

As you know Colin Bond and I agreed operating times for the containers and the storage area, and erection of additional acoustic fencing.

With regard to the acoustic fencing, we agreed that the new sections will link up with and match in design and quality as that erected to satisfy the (original planning 09/00136/CU). The acoustic fencing is specified in this planning permission.

It's to be continued:

1. West along the concrete road to the wooden field gate on Stoke Ferry Timber's side of the hedge (Application 23/00092/F)
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Please can you make sure that the hours of operation Colin Bond and I agreed, as per the revised application 22/00125/CU covers the container facility as well as the other parts of the business?

Colin Bond assured me that the storage area is for his own woodyard and his private use only, not for other businesses operating out of the premises. I'm happy with that from the potential security and noise issues.

I hope this provides you with the information you need to complete the processing of these linked Planning Applications.'

Assistant Director's Comments:

The third party's comments are noted. Planning application 23/00098/CU referred to in the comments was withdrawn as the application did not constitute development. As such, the erection of the acoustic fence along the east boundary to the entrance of Stoke Ferry Timber is not

considered material to the planning application. Other comments have already been addressed within the Officer's report.

Item 10/2(j) 23/00265/CU Page No. 240

Walpole St Andrew Parish Council provided the following OBJECTION -

- Concerns raised regarding the lack of details on the two children between the ages of 11-17. This village offers little for this age bracket to do and where would they socialise? Not good infrastructure for teenagers with nothing to entertain them such as clubs and poor bus route/service.
- Support the long-term residents of Folgate Lane in REJECTING the application.
- Residents also believe a second property has been bought in Folgate Lane by the same person.
- Neighbours loss of privacy is a huge concern.
- Other home on Wisbech Road has not direct neighbours so would create less resistance.
- A number of elderly residents are concerned about intimidation and feel the location is wrong.
- The area is mainly an elderly residential area and rural which should be taken into account.
- The bungalow is very basic to house 2/3 children and carers especially as the prefabricated buildings were not deemed as liveable, hence Freebridge moved out the residents and sold them.
- The Parish Council feels this should be investigated in depth as comments on the portal are not supportive.
- Original objection was sent on 23rd May but does not appear on the Portal.

IDB received following re-consultation -

Similar comments received to the original consultation with the addition of the following comment. It is noted that the applicant intends to carry out the installation of fencing which is within 9 metres of the Board Maintained watercourse. Consent would be required for this under Byelaw 10 and I recommend an application is made for consent at their earliest convenience.

NINE additional third-party OBJECTIONS and ONE petition with TWENTY-TWO signatures covering the following –

A number of issues raised are similar to those previously stated and outlined in the Committee Report. New issues raised are as follows:-

- The agents statement says Norfolk Constabulary do not express concern about anti-social behaviour but the letter is from the Designing Out Crime officer who I suggest doesn't have access to crime records for the area or the existing Care Home which has children with behavioural problems. The police should be asked how many times they went to the existing home and what crimes were committed.
- Crimes from the existing home are vandalism, theft, verbal abuse of elderly, threats of violence with a weapon. The agent has stated they will be supervised at all times but not all over 16 year olds will be supervised all the time and how were crimes allowed to happen at the existing care home if they were supervised? New regulations in September 21 allow children over 16 years old to stay out all night if they wish.
- The village is over saturated with care homes in relation to size of the village population. If the number of care homes and the number of population in the East of England are

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taken into account there would be one care home per 31,051 population. The Walpoles have a population of 1,576 and already have one home which is 20x the regional average. If another home is approved, they will have 40x the regional average and that will change the character of the neighbourhood with non-resident staff doing shifts that will cause noise and disturbance.

- The applicant is based in London, and this is a business opportunity to purchase cheap property and make a profit with no facilities for children.
- Environmental Impact with the children located in an area which cannot serve their needs (school and clubs etc) and all the additional journeys this will required for staff, deliveries etc.
- Within 50m of the site is a working farm with animals, chemicals and fertilizer which can be a danger. The new battery storage plant is half a mile away and will be classified as hazardous.
- Additional statistics relating to crime were submitted. ONS (Dec 22) states 15-17 year olds are 15x more likely to be criminalized if they live in care rather than other children in the community. NYAS (National Youth Advocacy Service) 2021 states 13 to 15 year olds that live in care are 20x more likely to be criminalized than children in the community. Youth Justice Reference Hub states 92% of children in care with SEN had received a custodial sentence by the age of 24. Fear of crime is a reality.
- Cars sometimes exceed the speed limit on this single-track lane (55mph recorded and reported in the village magazine the Walpole Crier).
- Understand that the applicant has applied to OFSTED which means that the children that will be homed there have been expelled from all schools and have social problems.
- The report for Planning Committee was written before the closing date for comments which is 12pm on 24th May 23. How can it be written before all comments are received; this looks like due process has not been carried out. Also, how can the report be dated 5th June when the report is written before this date, is this legal?
- The report looks biased as there are a lot more objectors than supporters but the reasons for objection are proportionally less per person than the reasons for support.
- The Parish Council stated that they objected at the last Parish meeting, and I would think that they would have submitted their comments.
- Object to people writing in support of the application who do not live in the vicinity of the home.

SIX additional third-party comments of SUPPORT covering the following –

- Children in care means the children need care. A child placed in care because their home is not a safe place, or a child with severe psychological problems needs help not being labelled an antisocial criminal. Those working in children's services provide vital work for young people in care and stability and a safe space is important.
- Experience of working with homeless adults and all their issues were brought about by neglect or abuse in childhood. Most troublesome neighbours are adults not children and qualified staff.
- As a registered manager of a children's home, this area is safe and away from risks to vulnerable children who need a safe, calm environment. There are many children that live with their own families that cause disruption and anti-social behaviour, but we do not exclude them from the community.
- Those working in children's services provide vital work for young people in care and stability and a safe space is important.
- Rather than the Council objecting and saying there is not much for them to do, they should improve the area and do something to support local youth.

Assistant Director's comments:

The Parish Council objection is noted. Most of the issues raised have been covered within the committee report. More detail regarding the children is not known at this time as this is a matter for OFSTED and Social Services. The matter relating to the date of submission of the Parish Council comments is being investigated.

The additional comments from the IDB relate to the erection of a fence and gates to the front of the dwelling. The agent and the plans have confirmed that these will be no higher than 1.0m and therefore these can be erected under Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, as amended and therefore do not require planning permission although consent from the IDB is required (under Byelaw 10). An informative would be placed on any decision relating to the applicant applying to the IDB for a relaxation of Byelaw 10.

The additional third-party representations are noted; most of the issues are covered within the Committee Report. Possible potential future crime is not something that would be reason to refuse the application, nor can the application be refused on the basis of the issues experienced at a different care home which is run by a third party. The financial motivations of the applicant are not a material planning consideration in the determination of this application. It is of note, as already mentioned within the report, that the dwelling could be lived in by a family, and therefore its proximity to a working farm and battery storage facility would be no different than if it is a care home. All care homes have to be registered with OFSTED and this does not determine which children will be placed in the home.

There is an objection that the planning committee report looks biased towards the support comments given the issues raised and the number of objectors. When third-party representations are received the main issues are summarised so that there is not repetition. The number of points raised will therefore depend upon the issues that third party representations have submitted, rather than the number of objectors. This does not represent bias but is a recording of the issues raised.

Planning committee reports are written in advance of the planning committee. The date of 5th June is on the Planning Committee Report as the application is being considered at the Planning Committee on the 5th June. Just prior to writing up the Planning Committee report, the application description was changed from 'up to three children' to 'up to two children'. Because of this change in description and in line with the regulations the application was readvertised, and a site notice and consultations were undertaken, and this consultation period expired on 24th May with the site notice expiring on 28th May. It was not envisaged, due to the fact that this change in description lessened the intensity of the change of use, that there would be comments from statutory consultees or third-party representations that were significantly different from those submitted when the application was validated. Therefore, the recommendation was written up for determination at Planning Committee and any representations received after the report was written have been included within Late Correspondence, as is the norm.

Item 10/3(a) 2/TPO/00647 Page No. 254

Third Party: ONE letter of **OBJECTION** regarding the following matters:

1. The two fast growing Cypress trees, despite their current distorted form, height and girth, are juvenile in their lifespan – often reaching heights of 40 metres. The trees are non-indigenous and displace native habitats. To say that they are a valuable historic landscape contribution is nonsense since the species was not even introduced into the UK until some

25 years after the town was built and are now considered to be an invasive pest with no place in urban gardens. This assessment was confirmed in an email dated 21/05/2021 where Stuart Ashworth states, "The Council's Arboricultural officer has recently served another TPO, however, after further discussions and following a further detailed inspection of the trees on site, he is now of the opinion that the trees are on balance no longer worthy of a TPO. Therefore, the TPO will be withdrawn."

2. I have prima facie evidence that on or about 6th December 2022 council officers and others conspired to obtain a TPO, as set out before you, following an "Urgent TPO Request" from the tree owners. It is untrue that I and the tree owners do not have a good relationship, unless this refers to my taking legal action against them to prevent harassment, intimidation and anti-social behaviour on their part.
3. It is untrue that the council have dealt with this matter in an even manner. There has been secrecy and opacity in their behaviour throughout - never having even discussed the issues involved with me at any time. I was not informed of this Planning Committee Meeting - presumably in an attempt to prevent me contributing.
4. Secrecy is corruption.
5. A Jonathan Bundock – a private contractor – was employed to provide the "evidence" the council needed. He produced a TEMPO form a week after his alleged site visit after being chased by the council. He initially stated in an email dated 07/12/2022 (FOI) that the score would be 12 or 13. In the event he gave a 14 score, presumably to try and justify the scam. His "survey" was apparently from one side of the trees only and therefore could not address my concerns and the effects it was having in respect of my substantial loss of residential amenity and interference with my enjoyment of the garden. Had the council wished to, they could, and should have, served a Section 214B notice to gain entry to my property to carry out a complete and balanced survey - but that would have given the game away. The actual TEMPO score should have indicated that imposing a TPO would be legally indefensible. His scores have been hastily scribbled into the boxes without any explanation as to how they were derived and entered simply to justify the end result requested by the council - recommending a TPO. There are no site notes or images included as would be expected of a proper professional survey and a FOI request indicated that they do not exist. Similarly, no risk assessment was undertaken despite the trees being in close proximity to and taller than the surrounding buildings. The trees have already caused drain damage and desiccation of the ground, killing the lawn.
6. A Freedom of Information request was made to the council to obtain details of their processes in respect of TPOs in general and this case in particular. They failed to respond until one day before the Information Commissioner's deadline for obtaining a Contempt of Court ruling in the High Court. This is quite understandable as they were reluctant to release the incriminating evidence.
7. Documents relating to this are in the public domain at - http://www.whatdotheyknow.com/request/tree_preservation_orders_34 and <https://icosearch.ico.org.uk/s/search.html?collection=ico-meta&profile=decisions&query&query=IC-215915-M1X7>
8. Public officers carry out their duties for the benefit of the public as a whole. If they neglect or misconduct themselves in the course of those duties this may lead to a breach or abuse of the public's trust. (Crown Prosecution Service)

9. The provisional TPO is invalid, unlawful and breaches Section 44 of the Companies Act 2006 making it Void ab initio (void from the beginning). It also may lead to charges under the Perjury Act, 1911 and the Fraud Act 2006.
10. Councillors may wish to distance themselves from the inevitable developments in this case and determine to Not Confirm this Order.

ONE Letter of **SUPPORT** regarding the following:

I wish to express my support of the application.

Visually these trees make a positive contribution to the conservation area, being in a central position of sight from the rear of the houses on Greevegate, Austin Street, and Church Street as well as from the recreation ground on the A149. In addition they provide a habitat for birds and bats and contribute to atmospheric CO2 reduction.

The trees are a major part of the rear garden landscape and provide privacy screening throughout the year to the houses.

Having taken decades to reach their present height and maturity, I urge you to approve the application and provide these trees with permanent TPO protection.

Assistant Director's comments: Matters relating to the Freedom of Information request are being dealt with separate to the TPO process. Notwithstanding the Third party's comments, the Council does not object to works to the trees being undertaken however excessive pruning would affect the trees and thus have an impact on the visual amenities of the Conservation Area. The Tree Preservation Order is therefore considered necessary and expedient.