
To: Steve Blatch; ~ Members

Subject: Re: Public Question to Overview and Scrutiny Committee meeting 09 11 16

Following the question I raised at yesterday's Overview and Scrutiny, and further to the email from Steve Blatch regarding the correspondence between our legal representatives with regard to the planning process around the planning application for the car park and new toilet facilities in North Lodge Park Cromer, I list below some of the details that have not been addressed by the legal rebuttal of our concerns.

As I questioned at the Overview and Scrutiny Committee, the application was submitted, and validated/accepted, without a number of key reports that are required to ensure an application is fit for purpose, and are necessary so that the impact of the proposed development can be judged, so the public can understand the implications of the development and so the Planning Authority can make an informed decision.

Our legal advice, confirmed by NNDC legal advice, says that the same process must be followed - including the commissioning of required independent surveys - by NNDC as is required by any developer. The evidence shows another developer would have been asked for these reports before an application was validated, so why has this application been allowed through, and why has your legal adviser supported this?

3 detailed examples of where it seems that due process has not been followed, and that we have raised with NNDC Property Services and the NNDC Planning department are listed below; there are more examples should you wish for more details,

Arboricultural survey

- The development requires significant excavations around the roots of established trees which – for any other developer – would immediately trigger the need for a tree survey as evidenced by a letter received by one of our members on submission of a simple planning application: *“a Tree Survey/Arboricultural Implications assessment is required where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees). Information will be required on which trees are to be retained and on the means of protecting these trees during construction works.”*
- Why wasn't NNDC Property Services instructed to commission an independent arboricultural survey before the application was validated as would have been the case with any other developer?

Bat survey

- Legislation states: *local planning authorities must fully consider a proposed development's impact upon protected species as they are a 'material consideration' in the determination of planning applications. In the context of bat surveys, where there is a reasonable likelihood of protected species being materially impacted upon by a development, surveys must be carried out before a planning application is determined.*
 - bats are known to fly around NLP, yet no bat survey has been commissioned

- the planning department (*as far as we can determine* not licensed for undertaking work with bats, nor independent) has made their own assessment of the likelihood of bats: “*It is likely that bats are found in the local environment with many good roosting opportunities in the residential dwellings surrounding the site*” but concluded that no bat survey was required!
- One of our members has reported that in a recent planning application NNDC criticised a Bat Survey undertaken by the Norfolk Wildlife Trust because the survey was “*limited due to inability to access all of the loft spaces and in this regard was not comprehensive. There was no desk top survey which is a recommended component of Bat Surveys as stated in the Bat Conservation Trust publication Bat Surveys, Good Practice Guidelines, 2012.*”
- It is difficult to not interpret this as a case of double standards: the assessment undertaken by NNDC’s landscape officer and relied upon by the planning assessment report does not cover the roof void and also does not include a desk top survey.
- As well as not inspecting the void and producing a desk-top survey there are two significant omissions in the 'assessment':
 - There is no assessment on the impact on bats or their foraging habitat from increased human presence generated by the car park or the noise generated by cars and light from their headlights.
 - There are no proposals for enhancing the opportunities for diversity and roosting and foraging potential for bats.
- Why wasn't NNDC Property Services instructed to commission an independent bat survey before the application was validated as would have been the case with any other developer?

Traffic assessment

- Traffic flow around Cromer is difficult in the summer; this proposal is for a car park on a route where traffic is discouraged so there will need to be a significant change to traffic flow to facilitate use of this car park:
 - how will cars get to and from the site, and onto other car parks?
 - What will the impact be on current on-street parking (for example, how many (free) on street spaces will be lost to enable the car park?)
 - What addition street furniture will be needed round Cromer?
- Answer to these questions are a key part of the decision process and should have been part of the original submission
- Highways have stated that "no works shall commence on site ... until a detailed scheme for the off-site highway improvement[s]..."
- Why wasn't NNDC Property Services asked for a traffic assessment before the application was validated?

As well as not following procedure, the developer has misrepresented the proposal. The site was called 'brownfield land' which it isn't, the application makes no reference to the site being an open space, public realm nor in a conservation zone - and the design is such that it doesn't actually support the only justification in the proposal. Why didn't the planning assessment challenge these misrepresentations as they would for another developer?

Are you really happy to accept that your council is behaving in such a manner? Are you happy to support a car park design that is not fit for purpose? I accept that this is 'a live planning application' but does that really mean your council can't listen - and react - to concerns?

Thank-you for the opportunity to raise these concerns and I hope that common sense will prevail.

Barry Meadows

Secretary, Friends of North Lodge Park