

FRIENDS OF NORTH LODGE PARK

North Lodge Tea Rooms, Overstrand Road, Cromer, NR27 0AH
friends@northlodgepark.org.uk

13 November 2016

Dear Ms Duncan,

PF/16/1251

Change of use of former tennis court/play area to public car park (48 spaces) with new access from Overstrand Road & conversion & alteration of former potting shed, to form new public toilets

Childrens Playground North Lodge Park, Overstrand Road, Cromer

I have been passed your letter to Chris Burgess at Hansells regarding our concerns that due process is not being followed in the planning process related to the application by North Norfolk District Council Property Services for a car park and toilet facilities in North Lodge Park.

You raise some interesting points in your letter which need clarification.

Your letter clearly states that due process is being followed in the determination of this application, and that all documents that would be required of any developer have been requested and submitted. This establishes due process for future planning applications.

1. Arboricultural survey

The development of the car park in North Lodge Park requires significant excavations around the roots of established trees which would normally require an independent arboricultural 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."* No independent Arboricultural survey has been submitted to support this planning application.

Please can you confirm that it is no longer necessary for developers to obtain an independent Arboricultural Assessment when making a planning application, and that the North Norfolk District Council Planning Department will assess any arboricultural impacts and condition a development as necessary.

2. Bat survey

Legislation states that 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.

One of our members has reported that in a recent planning application North Norfolk District Council criticised a Bat Survey undertaken by the Norfolk Wildlife Trust, an organisation licensed to work with bats, because the survey was *"...limited due to inability to access all of the loft spaces and in this*

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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."

North Norfolk District Council have acknowledged that bats are known to fly around the North Lodge Park, yet no independent bat survey has been commissioned in support of the development of the new toilet facilities.

Please can you confirm that North Norfolk District Council have changed their interpretation of the legislation, and it is no longer necessary for developers to commission an independent bat survey from a licensed operator before submitting a planning application.

3. Traffic Assessment

Traffic flow around Cromer is difficult, especially 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 be directed to and from the proposed site, and onto other car parks when the car park is full?
- What will the impact be on current on-street parking (for example, how many on street spaces will be lost to enable the car park?)
- What addition street furniture will be needed round Cromer?

Please can you confirm that North Norfolk District Council have changed their policy with regard to traffic assessment of planning applications, and that it is no longer necessary for developers to assess the impact of a development on traffic before submitting an application.

4. Brownfield Land

The Design and Access Statement and press release refers to the site as Brownfield Land. The National Planning Policy Framework specifically excludes parks from the definition of Brownfield Land. The Application form refers to the site as vacant in spite of its current usage for waste transfer, builders yard, contractor parking and informal play. Are you content that this is not misrepresentative and these descriptions in the application are valid.

5. Open Space

NNDC's planning requirements state an open space assessment is required in the case of development proposals within existing open spaces. It states "*The applicant would need to demonstrate through an assessment that the land is surplus to local community requirements.*"

Please can you explain why NNDC as an applicant does not need to follow this requirement?

6. Dimensions on Plans

The Friends of North Lodge Park recently submitted a planning application that was not validated by the Planning Department because although a simple shed was described as 6ft x 4ft and drawn to scale on a site plan, the application did not include a dimensioned floor plan.

No dimensions are included on the Car Park plan in spite of this being rather more critical as it would expose the fact that the car park spaces are below NNDC's own parking standards included in the Local Development Framework. Please can you confirm you do not consider this to be a case of double standards.

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7. Conservation Officer & Landscape Officer Comments

The Planning Department's Conservation Officer and Landscape Officer both refer to the condition of the existing site as "*unkempt and unsightly*". The National Planning Policy Framework states at Clause 130: *Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.*

Please can you explain why both these Officer's as well as the Design and Access Statement use the deteriorated state of the site as justification for the proposals.

On a related matter, we have concerns over the legality of the Car Park Order which was raised earlier this year to increase charges on the coastal car parks across North Norfolk, onto which was added an order to enable a pay and display car park in North Lodge Park. According to legislation, *The Local Authorities' Traffic Orders (Procedure) (England) Regulations 2012*, before making such an order an authority must consult with "*persons or organisations ... likely to be affected by the making of the order*" and "*A notice of proposals must be published ... informing persons likely to be affected by the making of the order.*" Please can you advise why residents, organisations and businesses which will be affected by this Car Park Order were not informed, and why it was not deemed necessary to post notices of the Car Park Order in North Lodge Park.

Please could you advise on these matters to enable us to determine how to proceed.

Yours sincerely



Barry Meadows

Secretary, Friends of North Lodge Park