LAND OFF WOODBASTWICK ROAD, BLOFIELD HEATH, NORFOLK
Highway Consultancy Advice in Relation to Application Number 20161588

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Date: 28th February 2018
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1.0 INTRODUCTION

1.1 Create Consulting Engineers Ltd have been instructed by Broadland District Council (BDC) to provide expert highway consultancy advice in relation to a proposed planning application for four residential dwellings at a site off Woodbastwick Road, Blofield Heath, Norfolk (Application Reference 2016188).

1.2 Create had previously been instructed by BDC to provide advice on a similar application on the same site and prepared Report Reference JPC/AS/P14-696/01, dated July 2014.

1.3 Since this earlier application was determined, the applicant, Jenkinson Properties Ltd, has reviewed its proposals and submitted an amended application for four dwellings to be served by a private drive.

1.4 This report assesses the access proposals submitted as part of the application and provides advice on their suitability and potential deliverability.

1.5 The adjoining Heathlands Social Club have objected to the proposed application on the basis that they believe some of their land is required to provide adequate visibility at the site access. This aspect is also reviewed and advice provided in relation to the interaction of the two properties.

1.6 This report is limited to providing advice in relation to the access design and the position of the highway boundary. All other planning matters are outside the scope of this report.
2.0 DESCRIPTION OF ACCESS PROPOSALS

2.1 The latest scheme submitted by David Futter Associates Ltd (DFAL) is Drawing Number 5904/SL/11 Revision C. This drawing shows a proposed private drive 4.2m wide with a splay arrangement at the junction with Woodbastwick Road. The splay starts 4m back from the channel and widens at the vehicle crossover arrangement to 12.4m wide.

2.2 At the site entrance, DFAL have shown the carriageway of Woodbastwick Road dimensioned as being narrowed to 6m; measured from the kerbline on the opposite side of the road to the access.

2.3 The drawing shows a visibility provision of 2.4m x 65m in both direction. Although it is to be noted that the Drawing Number 5904/SL/11 Revision B does not show the full extent of the visibility splays, it does however show the extent of the highway boundary at the site entrance. It has been assumed that the drawing has been clipped so that the access area can be shown in greater detail.

2.4 On this plan, DFAL have identified what they considered was the site boundary of Heathlands. The location of this will be discussed in Section 3.0. However, it is to be noted that DFAL claim that no land is required from Heathlands in relation to the details shown on Drawing Number 5904/LS/11 Revision C.

2.5 In addition to reviewing the access plan, I have met the applicant’s agent, David Futter, to discuss the proposals in more detail. I have also been supplied additional supporting information which has been submitted in support of the application. This has included the following information:

- DFAL letter to BDC, dated 15 March 2017, which enclosed the following:
  - Drawing NCC 1
  - Drawing NCC 2
  - Drawing Number 5904/SL/11 Revision B
  - Land Registry Plan – NK246624
  - Land Registry Plan – NK234186
  - Land Registry Plan – NK454772
  - Drawing Number 5904/LRP/01
3.0 HEATHLANDS

3.1 Heathlands, throughout the various planning applications that have been submitted in relation to the site, have consistently stated that their land is required in order to deliver an access arrangement to the site. Heathlands have instructed a local engineering consultancy, Rossi Long Consultants, to act on their behalf.

3.2 In reviewing Heathlands’ objection, we have been provided with the following correspondence.

i. Letter from T W Norton to BDC dated 15 October 2016.
ii. Email from TW Norton to BDC dated 24 November 2016.
iv. Email from TW Norton to BDC dated 22 May 2017.
v. Email from TW Norton to JPC dated 10th December 2018

3.3 In addition to the above information, I have also met with Terry Norton of the Heathlands Management Committee to discuss the access proposals.

3.4 The main issues relating to the access arrangements are shown on Ross Long Drawing Number 131.208.CL01-Rev 09.

3.5 Heathlands believe that their land boundary is to the south of the existing hedge which forms the northern boundary of the access track to the application site. Title Number NK454772 clearly shows the land boundary located to the south of the track which runs along the southern boundary of the Heathlands site. Due to the accuracy and scale of this plan and the lack of dimensions we do not think it is possible to determine if Heathlands’ boundary is either the southern side of the boundary hedge or the centre.

3.6 Heathlands, through their consultant Rossi Long, believe that the latest proposal put forward by DFAL still requires a small section of their land to the north of the access to enable the required visibility provision of 2.4 x 65m to be provided.

3.7 Further representations have been made by Heathlands in relation to the highway boundary shown on Create Drawing 1339/00/003. Following a meeting with Terry Norton on behalf of Heathlands on the 8th December 2017, and a follow up email dated 10th December 2017, they have claimed that the highway boundary is not set back as far as shown on the Create plan and that Heathlands land is therefore required to achieve the required visibility from the site. See Appendix E. They have also stated that they are concerned about safe access for the adjoining property Treetops and there is an issue with refuge collection.
4.0 REVIEW OF ACCESS PROPOSALS

4.1 Looking at the information provided by both parties, I think there are inaccuracies with both the applicant’s supporting information and the information provided by Heathlands. The following sections discuss the various issues with the information supplied.

Base Topographical Survey

4.2 When Create was originally instructed to provide advice on the access proposals for the site, an independent topographical survey was commissioned of the access. This survey was undertaken by Survey Solutions (SS) one of the leading survey companies in the UK. The survey covered the full length of the effected section of Woodbastwick Road as well as the site entrance. The survey picked up the full highway corridor as well as any street furniture and utilities apparatus. See Appendix A for the original SS survey.

4.3 David Futter stated in his letter dated 15 March 2017:

“Whilst the surveyors’ (employed by the Broadland District Council) plan are ‘flawed’ in that they do not relate to GPS, our own surveyors are happy with their overall accuracy.”

4.4 This statement is incorrect and the original SS survey was related to GPS datum as stated on SS drawing within the main key area titled Survey Grid and Level Datum. Which states:

“Ordnance Survey (OS) national grid coordinates have been established for survey control point ST02 using GPS and related to OSTN02 (GB) and OSGM02(GB). The survey grid is orientated to Grid North with a scale factor of 1.000.

“All levels relate to the Ordnance Survey (OS) level datum at survey control point ST02 established by GPS using OSGM02(GB).”

4.5 There is, however, an error in that the control was 20m offset to the GPS datum. However, all of the information on the survey itself accurately related to each other in its position and therefore for the purposes of this exercise is more than adequate.

4.6 The survey which appears to form the base of the applicant’s access drawing seems to be a mix of topographical survey with Ordnance Survey. Unfortunately this can often lead to inaccuracies within the base drawing information as Ordnance Survey vary rarely fits accurately with a topographical survey. The original DFAL drawing 5904/SL/11 Rev B did not reference its base topographical survey or Ordnance Survey. In addition there was no street furniture identified on the survey which is key when considering the extent of the highway boundary. With Revision C these discrepancies have been addressed.
4.7 The survey which has been used by Rossi Long in the production of their drawing for Heathlands, Drawing Number 131.208.CL01-Rev 09, has also not surveyed the full extent of the highway, nor has it picked up all of the relevant street furniture in the area.

4.8 On this basis in order to review the proposed access we have utilised the original SS survey as we consider that this is the most complete and accurate survey available. This has now also formed the basis of Dfal latest drawing.

**Highway Boundary**

4.9 Both DFAL, on behalf of the applicant, and Heathlands have both submitted additional supporting information regarding the extent of the public highway. DFAL have submitted two documents which were labelled NCC1 and NCC2 and were attached to DFAL letter dated 15 March 2017, see Appendix B. NCC1 appears to be a straight print of NCC’s standard highway boundary information for the area. This is based on an Ordnance Survey base and is shown at a scale of 1 to 500. The plan does not appear to pick up any detailed topographical features or relates to any of the detailed property boundaries and shows almost a generic width of highway, there are no specific dimensions noted. The only way of using this data in this situation would be to overlay the information over a topographical survey in a “best fit” manner, looking at key features on site and then making an informed decision. For example NCC1 would indicate a carriageway width in the vicinity of the site of 5m, when the topographical survey shows a carriageway width of 6m.

4.10 The second document which DFAL submitted is NCC2, this they state is prepared by NCC’s Cartographer and is claimed to show the same Highway Boundary overlain over the Ordnance Survey Basemap and DFAL’s surveyor’s topographical survey. We are very surprised if this plan has been issued by NCC as they would have had to use third party unwarranted supplied information and then collated it together to issue what DFAL term as a definitive highway boundary. I would like to see correspondence from NCC confirming what the status of this plan is from their point of view. Even if the plan has been prepared by NCC, my comments in relation to the DFAL survey and the highway boundary information still stands.

4.11 Unfortunately this plan, NCC2, even if it was correct shows that the applicant would need some of Heathlands land to deliver the visibility provision of 2.4m x 60m as shown on the applicant’s access drawing. This requirement would be the same if you use either the centre line of the hedge or the southern boundary of the hedge as Heathlands legal boundary. To show the area in question we have enlarged an extract of NCC2 and highlighted the area, see Appendix C.

4.12 Heathlands, in trying to determine the extent of the Highway Boundary in the vicinity of the site, have based their assumptions on what they believe is a stated width of highway of 10m wide. It is claimed that NCC have confirmed that the highway boundary opposite the boundary wall of the Willows is precisely 10m wide. They then extend this boundary across the site.
frontage to identify what they consider as the highway boundary and this would then result in the visibility splay crossing their land.

4.13 We are not aware of any formal written evidence that this is NCC’s position on this matter, nor would I expect NCC to provide such a rigid dimension without undertaking detailed research of actual topographical features on the site. In addition Rossi Long’s base drawing which Heathlands are relying on did not survey the full extent of the highway boundary, therefore, they are also relying on a number of isolated measurements of footpath widths to determine where the 10m dimension is taken from. Heathlands also claim that DFAL have not taken into account the bend in the road at the vicinity of the site access in considering where the Highway Boundary is located.

4.14 Looking at the Survey Solutions topographical survey which was used as the basis for Creates Drawing 1339/00/003 there are two items of infrastructure picked up on this survey, which I believe will be located within the Highway Boundary. The first is a Marker Post identifying the location of a Fire Hydrant the second is the telegraph pole just to the south west of the junction with Rosemary Road. If a straight line is drawn between these two features which in this scenario is a reasonable assumption and this is taken as being the location of the highway boundary then the dimension that Heathlands refer to is incorrect, as the distance to the face of the wall is 10.3m, not the 10m claimed. If this line is then extended across the site access it links up with a number of key features which again would indicate that this was the location of the highway boundary.

4.15 When Create was originally instructed, we obtained details of the highway boundary from NCC, similar to those indicated on NCC1 provided by DFAL. These were superimposed on to the top of the SS survey and then a detailed appraisal on site was undertaken of each of the boundaries to identify key features which would help locate the overlay as accurately as possible, in particular in the vicinity of the site access. The SS survey picked up a number of street furniture/utility apparatus which has not been identified by any other surveys. These have included a foul water vent pipe, a fire hydrant and its marker post, all positioned just to the north of the Heathlands access. Fire hydrant marker posts are nearly always located at the rear of the highway boundary. In this case the marker post is completely overgrown and could be completely missed by a surveying team. See Photograph 1 below.
On the basis that all of these are more than likely to be located within the public highway, we used these as clear marker posts. On this basis for the purposes of this assessment we have adopted the same highway boundary as we originally showed and used this base for Access Appraisal Drawing Number 1339/00/003. This provides what we believe, using the evidence available, is an accurate representation of the extent of the Highway Boundary.

Dfal latest access plan Drawing No 5904 SL 11C shows the highway boundary as shown on Drawing No 1339/00/003

**Southern Boundary of Heathlands**

The final element of this jigsaw is the southern boundary which is adopted in the appraisal for the Heathlands site. Heathlands have provided dimensions for this boundary from the edge of their main building, however, there are no specific dimensions shown on any of the land registry titles/deeds. This boundary, however, would appear to form the southern boundary of the existing adjoining hedge, meaning that the hedge would be within Heathlands’ ownership. Looking at the registered titles for both Heathlands and the land to the south, there is reference in Title NK234186 to a 10 foot wide track which is showing to run to the south of the Heathlands building and there is a clear gap between the edge of the track and the boundary of the title. Unfortunately due to the scale and potential accuracy of the title plans based on OS data it is almost impossible to accurately scale what this distance would be. The alternative would be that the centre of the adjoining hedge was the boundary between the two titles. It is to be noted that there is an overhead electric cable along this hedge and, subject to determining which landownership the easement/wayleave has been
secured, may help in providing further evidence on where the land boundary physically is between the two titles.

4.19 Following my meeting with the applicant’s agent David Futter, he confirmed that in an attempt to reach some form of agreement on this issue, he was prepared to accept that the southern boundary of the hedge was Heathlands’ land boundary.

4.20 When the original survey was completed by SS they identified in the section of boundary hedge immediately adjacent to the access, a short section of post wire fence which is identified on the survey with the note P/W. Following a further investigation on site, deep within this section of hedge and now overgrown you can still see the remains of a post and wire fence to the southside of the hedge. With this in mind we have taken this as the boundary between the two properties.

**Proposed Access Arrangements**

4.21 The applicant is now applying for a total development of four dwellings which are to be served by a private drive. The drive proposed is to be 4.2m wide and is intended to have a splayed vehicle cross over at its junction with Woodbastwick Road. In order to see if this arrangement could be achieved at this location without the need for third party land, we have taken the SS base survey and the Highway Boundary referred to in Paragraph 4.12 and shown the developer’s proposed access arrangements. We have also used the Heathlands southern boundary based on the surveyed fence line again as outlined in paragraph 4.17. This has all been shown along with the required visibility splay of 2.4 X 65m on Drawing Number 1339/00/003 which shows that the access is achievable without third party land being required from Heathlands, whilst maintaining a carriageway width of 6.14m on Woodbastwick Road.

4.22 Even if there was a discrepancy with the location of the highway boundary, it would still be possible for the applicant to pull the channel slightly over to the east, reducing the carriageway of Woodbastwick Road to 6.0m wide, which is still adequate for a bus route. Enabling the provision of the visibility splay to be more easily achieved.

4.23 Dfal latest access plan 5904 SL 11C dimensions the carriageway width at the site access as being 6m wide. This is actually an incorrect dimension on the plan and the carriageway width actually measures 6.14m wide in this location as stated above in para 4.21. This incorrect dimension means that there is still scope to move the channel over further effectively ensuring that visibility splays would avoid Heathlands land ownership.

**General Comments**

4.24 It is to be noted that as the new access is intended to be a private drive, it is unlikely therefore that a refuse collector contractor will access the development due to insurance and operation
restrictions. The various bins for waste, recycling and garden waste will all need to be brought down to the entrance of the site, if they are to be collected. This needs to be considered in relation to keeping the access clear to Treetops and for ensuring that both the full and emptied bins do not become an eyesore. I do not however believe that this is insurmountable and would recommend that a condition be imposed, requesting details of how the applicant intends to manage this aspect.

4.25 It is understood that the applicant intends to completely reconstruct the existing private drive access arrangements, whilst leaving insitu the hardstanding areas outside of this new drive area which are currently used by Treetops. It is important that the requirement for the drive to be constructed in accordance with NCC’s Design Guide for Private Drives is secured by condition. The Council may also wish to request that these additional areas of hardstanding are removed so that the access is clearly defined. The access road design also needs to ensure that vehicles exiting Treetops can do this safely, this may require a small verge to be introduced between the edge of the drive and the existing property boundary. Traffic movements along the new drive as long as the development is restricted to 4 dwellings will be relatively small, so I wouldn’t expect this to be a major issue.
5.0 CONCLUSIONS

5.1 From reviewing the information provided to Create Consulting in relation to this application, we have looked at the access proposals and detailed supporting information put forward by both the applicant’s agent, DFAL, and the adjoining property, Heathlands, in objection to the proposals and can advise the following.

5.2 In our view a private drive can be provided in this location suitable to serve four dwellings, broadly as outlined in the applicant’s proposals. To demonstrate that this is achievable in this location we have looked at each key component and believe that the access as shown on Drawing Number 1339/00/003 can be achieved without third party land. This is based on the topographical survey undertaken by Survey Solutions, Create’s evidence based Highway Boundary and the surveyed southern boundary of Heathlands.

5.3 DFAL latest access plan Drawing No 5904 SL 11C shows that an access can be achieved in this location without impacting on Heathlands landownership. This plan adopts the Highway Boundary shown on Create’s drawing 1339/00/003. Even if there was a minor discrepancy in the highway boundary as shown on this plan, I still consider that an appropriate safe and usable access can be provided for 4 dwellings in this location without the need for third party land and that no objection in Highway terms can be sustained.
APPENDICES
BROADLAND DISTRICT COUNCIL
16 Mar 2017
20161588
PLANNING CONTROL

ADDITIONAL PLAN

Woodbastwick Road
Blofield

Norfolk County Council
Planning & Transportation GIS
Scale 1:500
Centred on 632724 311690
Hello Jonathan

Following our meeting Friday, I was pleased to see that you have received a copy of our drawing sent to Mr Harriss (20/11/17) showing the 10.000 dimension of the highway marked accordingly on your preferred survey by Survey Solutions.

This dimension is that stated by NCC Highways boundary officer as being "precisely" the width of the highway, from the brick wall of Wilover Cottage to the east boundary of Heathlands. As we pointed out to Mr Harriss in our earlier email (15/11/17) this east boundary of Heathlands is identical to that stated by our solicitor, Nicholas Hancox who, as you may know is also a Highways Lawyer and has clarified his findings.

We have attached a copy of DFAL's latest dwg. with this 10.000 width added and as you can see this now matches our own consultants Rossi Long's dwg. and both these now demonstrate, quite clearly, that the applicant cannot achieve the north visibility splay without encroaching over Heathlands land.

With respect, may we remind you that nplaw stated that it should be the applicants responsibly for establishing control of land, or otherwise, which he has failed to do. As therefore no alternative evidence has ever been produced to challenge our consultants latest dwg., matching your own preferred survey, we see no reason why this should not be the conclusive document.

May we also remind you of some other items =

The safe access from Tree Tops remains unresolved.
Significant problems of waste collection have been revealed.
The reduction in the width of Woodbastwick Road is now a significant danger, due to the increased volume of traffic.
BDC have previously refused an application (20130292) for a Type 6 access, without reservation.
The applicant was granted approval but chose to let it lapse.
The applicant has chosen to ignore a solution.

Without all these issues being resolved, the users of Heathlands and our wider community will be seriously compromised and trust you will kindly address these in your report.

regards
Terry Norton
South boundary
Line of hedging to boundary planted by Heathlands

East boundary

Site Boundary
(claimed by Heathlands,

Woodbastwick Roac
Asphalt - 30mph

Heathlands shown in red.

Enlargement of DPAL
59045 SL 11C