



**Planning Committee**  
**Monday, 2nd July, 2018 at 10.00 am**  
**in the Assembly Room, Town Hall, Saturday Market**  
**Place, King's Lynn PE30 5DQ**

**Reports marked to follow on the Agenda and/or Supplementary Documents**

1. **Receipt of Late Correspondence on Applications (Pages 2 - 5)**

To receive the Schedule of Late Correspondence received since the publication of the agenda.

**Contact**

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**PLANNING COMMITTEE**  
**2<sup>nd</sup> July 2018**

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

**Item Number 8/1(a) Page Number 7**

**Heacham Parish Councillor:** Concerns have been raised in relation to the following:

- That the published draft minutes of the last Planning Committee of 4<sup>th</sup> June 2018 have mistakenly been recorded incorrectly in relation to Cllr Parish's comments; and
- That the Agenda for this meeting is incorrect as it states "The application was deferred following a request for more information and legal advice regarding common land issues".
- It was understood that the application was to be deferred so the Secretary of State could be consulted on the Heacham Head of Common before the planning application would be debated.

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**Third Party:** 1 letter of **OBJECTION** has been received which can be summarised as follows:

- The proposed planning could have considerable effect on our lives in our twilight years. The proposed new houses are directly behind our bungalow and this has always been a "retirement" area.
- Due to the rise of the ground on Knight's Hill any houses would completely overlook us.
- We already have great difficulty at times driving out from Sandy Lane or the Asda turning onto Grimston Road (where there have already been accidents). The proposed developments will add probably another thousand cars with all that entails – not to mention the building period.
- The schools are already over-subscribed and residents are continually complaining about the parking problems this causes.

**Agent:** The Applicant would like to respond to recommended condition 30 (52 residential units) and seek clarification on condition 32 (link road).

Condition 30 restricts the development to no more than 52 residential units. We would respectfully request that this condition be removed or varied to increase the number to 60 dwellings. This is because the exact number of dwellings proposed at reserved matters stage will be determined by site constraints, CIL and compliance with local and national planning policy, including green infrastructure and affordable housing. The Applicant owns the site and has made a significant investment to secure delivery of the site and would not want such a restriction to prevent delivery of much needed houses. Furthermore, we would argue that such a restriction goes against the spirit of the NPPF, which requires decisions for planning permission to be made positively and proactively.

Condition 32 requires a link road as illustrated on the Proposed Masterplan Drawing No. 06 Ref F. Please confirm that this condition or any other condition does not require the Applicant to deliver a continuous Type 2 Road through the site.

**Assistant Director comments:** The Applicant's request in relation to the number of units is considered reasonable as this would not result in a significant increase in density (23dph compared to 20dph currently). Given that this is an outline application only with all matters

reserved, it would still be up to the applicant to demonstrate at reserved matters stage that an appropriate layout for 60 units that meets all policy requirements could be satisfactorily accommodated on the site. If a suitable layout for 60 units could not be achieved the number would need to be reduced accordingly.

In terms of clarification regarding condition 32, the link road would need to be a continuous Type 2 road as requested by Norfolk County Highways in their comments on the application.

**Amended conditions:**

Amend condition 30 to read as follows:

30. Condition The development shall comprise of no more than 60 residential units.

30. Reason To define the terms of the consent.

Amend condition 32 to read as follows:

32. Condition A link road as illustrated on the Proposed Masterplan Drawing No. 06 Ref F shall be constructed as a continuous Type 2 road and made freely available for use by pedestrian and vehicular traffic between Grimston Road and the eastern boundary of the site, providing an integral operational link to the larger part of the Knights Hill allocation development, no later than the commencement of the 20th dwelling on the site. Thereafter no dwelling shall be occupied until the said road has been completed to the written confirmation of the Local Planning Authority.

32. Reason To ensure the provision of a Type 2 road up to and abutting the eastern boundary of the site so as to enable a vehicular link to be made through to the highway layout on the adjoining land, for the proper planning of the area in accordance with the terms of Policy E4.1 and the provisions of the NPPF.

**CORRECTION**

Amend the reason for condition 31 to read as follows:

31. Reason To ensure that the development takes place substantially in accordance with the principles contained with the Habitats Regulations Assessment.

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**KLACC – Planning Sub-Group: OBJECT** on the following grounds:

- The cumulative impact of the existing stacks and those which were planned for the future in relation to noxious gases.
- The proposed height of the stack.
- The visual impact of the proposal particularly along the riverfront.
- Noise and traffic during the construction works.
- How would the proposal benefit the local economy.
- Will local people be given work opportunities.
- Noise of the turbine once constructed.

**County Councillor Kemp: OBJECT** on the following grounds (directed to the Secretary of State for BEIS as determining authority):

- How it is possible to allow EP to double the original output capacity for energy on the facility, when they have admitted that the higher energy efficiency leads to more air pollution but have so far failed to say by how much?
- Why is the Government relaxing the new EU limits for air pollution for UK power stations, when its lack of action on air quality is already known to cause 40,000 early deaths a year? This is not protecting the public.
- Why will 3 power stations, Centrica A, King's Lynn B and Palm Paper, be allowed upwind of, and so close, to Lynn?
- Why was no air quality dispersion modelling undertaken from the site itself, which being next to the River Ouse, has very different weather conditions from the weather station in inland Marham, including temperature inversion, which traps pollution into the ambient air?
- While we are pleased that the Applicants have committed not to burn diesel in the Power Station, and at our request, to abandon the high fire risk of the 400 MGW lithium ion battery facility they had initially proposed, nevertheless, the lack of a meaningful cumulative impact assessment of the air quality is likely to lead to the Government being in further default of its clean air obligations.
- I object to the fact that, as EP's maps in the Human Health Assessment show, the highest outfall of pollution is in South Lynn which is within the 5% most deprived areas in England, and that EP failed to model the health impacts of the air pollution from the power station using local longevity statistics, which they could have easily obtained, but instead used national figures. How are we going to tackle health inequalities if the facts are not properly examined?

**Agent:** Additional information and clarification has been received as follows:

- The King's Lynn 'A' stack is 60m.
- The variation seeks a stack height of between 80 and 90m. The 2009 Consent is for 80m.
- For air quality we have assessed an 80m stack and the results of the assessments are that any effects will be negligible. A higher stack would reduce those further.
- For landscape and visual we have assessed a 90m stack as worst case.
- As air quality effects are negligible at 80m it is likely that the stack as built would not exceed this.
- It is also worth me highlighting that the scale and massing of the other buildings and structures is based on the largest possible/worst case envelope for EIA purposes in order that it can accommodate all the different technology suppliers. In reality the power station as built would not be as large.

**CONDITIONS:**

The wording of the additional conditions recommended by Environmental Quality and the Council's tree Officer should read as follows:

1. Condition The construction of the Development shall not take place until the Company has carried out an investigation and risk assessment to assess the degree of ground contamination of the Site and potential impact and submitted a written report of the findings to the relevant planning authority and the Environment Agency. The investigation shall include testing for hydrocarbons and other contaminants, together with leachability testing. The survey shall include the leachability test results along with the locations at which they were sampled. Any groundwater encountered during the survey shall also be tested for contaminants, in order to assess the mobility of any contaminants encountered.

1. Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
2. Condition No building or other operation shall commence on site in connection with the Development hereby approved (including any tree felling, tree pruning, engineering work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles) until a tree survey showing the following has been submitted to and approved in writing by the Local Planning Authority:
  - a) a plan indicating the location of and allocating a reference number to each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing clearly which trees are to be retained and which trees are to be removed, and the crown spread of each tree;
  - b) details of the species, diameter, approximate height and condition of each tree in accordance with the current version of BS:5837, and of each tree which is on land adjacent to the site where the crown spread of that tree falls over the application site and where any tree is located within 15m in distance from the application site.
2. Reason To ensure that the existing trees are properly surveyed and full consideration is made of the need to retain trees in the development of the site in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for trees to be lost during development.

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**CORRECTION**

The last sentence of the 5<sup>th</sup> para on page 80 of the agenda and the 6<sup>th</sup> bullet point within the 'Supporting Case' on page 80 should read as follows:

"There will be 2 x 1 bed, 2 x 2 bed, 2 x 3 bed flats".