



Planning Committee
Wednesday, 31st March, 2021 at 9.30 am
in the Remote Meeting on Zoom and available for the
public to view on WestNorfolkBC on You Tube - Zoom
and You Tube

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

1. **Receipt of Late Correspondence on Applications (Pages 2 - 7)**

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

Contact

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SPECIAL PLANNING COMMITTEE
31 March 2021

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

Item No. 7/1 **Page No.** 2 of report marked to follow

Agent: I note that the travel plan submitted previously, and attached, is on the portal. Could we therefore rephrase condition 27 to say "in accordance with the travel plan submitted..", please or has this not yet been reviewed? If it will delay things to consider it at this stage, we would be happy for this to remain as stated.

As discussed, regarding the WSI referred to at Conditions 8 and 10: It would be helpful if this could be phased as per earlier request for the east and west phases, please.

Finally, with respect to Condition 16, as the bridge works are programmed to commence 12 months after the housing and would be administered separately, could this condition allow for the two separate delivery phases i.e. of the housing and bridge works, please?

NCC Highways: In response to the queries raised by the agent - We have received the Interim Travel Plan and it has been reviewed. All is in order except that funding will need to be secured by S106 before it can be approved. Would you please retain condition 27 as proposed.

With regard to condition 16, we do recognise that the housing and bridge can be viewed as discrete projects but there are interdependencies and traffic routing requirements will change as they both progress. It is a normal expectation that phasing is reflected in the Construction Traffic Management Plan and that can respond to different elements of the project. We would be grateful if you could retain the condition as per your report please.

Conditions are also required for the additional off-site highway works to deliver a footway at Parkway. The works would be within existing highway and as such require an approved design which would be delivered via a S278 agreement.

Third Party: FIVE additional letters of OBJECTION have been received which can be summarised as follows:

- The proposal as it stands uses land that does not form part of the allocated land in the local plan. No meaningful consultation has been performed by the council to gauge the public's views on this.
- Meetings to discuss the proposals have been held away from the public view which goes against council rules.
- It goes against several of the council's own policies with regard to enhancing green spaces, safeguarding wildlife, and promoting active travel. The cycle and foot path that is proposed is frankly dangerous and goes against all expert advice on the matter.
- Do we really want to leave our children a barren town devoid of green spaces and wildlife? Mental health problems are closely linked to lack of access to natural spaces, and this development will only worsen it in one of the most deprived wards in the county.
- It will lead to higher carbon dioxide emissions as well which will not help us to meet our net zero targets by 2050.
- It will increase flood risk for the inhabitants of Lynn in the surrounding areas as stated in the submission by Water Anglia.

- The only road out of Gaywood is Queen Mary Road which often gets gridlocked and with nearly 400 houses at the bottom of the road will add to the problem. If ambulance and emergency services need to get through they won't be able to.
- The destroying of the woodland and all the mature trees that have been there hundreds of years which we need for the climate. It's a crime against all the wildlife that live there too.
- Loss of open space. The land South of Plantation Wood is currently a mixture of scrub, wetland and varied and important habitat for wildlife. It forms a valuable buffer between the Fairstead housing area and Hardwick Industrial Estate which will be lost with this development.
- Unsuitability for development. The land South of Plantation Wood has a very high water table and is often flooded. It is considered unsuitable for development as a consequence.
- The proposal to create a link road between Lynn Road Gaywood and Rollesby Road is flawed. Gaywood Clock is very heavily polluted by traffic fumes. The reason given for the construction of the road linking Lynnsport with the Northern By-Pass was for it to be a relief road for Wootton Road in an effort to reduce this pollution. The proposed road through to Rollesby Road will only draw traffic through Gaywood Clock to the Hardwick area and will increase the traffic pollution in this area. It reflects the usual non joined-up thinking by public authorities. To discourage this undesirable increase of traffic no improvement to the junction at Queen Mary Road and Lynn Road should be included in this scheme if approved. The bottleneck would prevent this route becoming too popular.
- It is wrong that this proposal on land in public ownership should be determined by the Borough Council. It should be called in by the Secretary of State for a public local inquiry.
- We do not have confidence in planning conditions to secure design changes of the scale required because they will be constrained by the aspects that have been approved.
- The report in front of you is mistaken to say (in paragraph 6 of its conclusion) that "there would be enhancement to walking and cycling routes, including the pedestrian / cycle bridge over the railway, which again would be a benefit to those beyond the application site". While there is a new bridge, that is shared with motor vehicles with the pollution and ever-present risk of cycleway incursions. The current active travel bridge is more direct for more people and seriously negative changes are proposed to that one.
- If you approve the application we urge you to amend condition 12 to require that the footways and cycleways must be complete to the highways department's satisfaction prior to occupation of the first dwelling of a phase. When the final dwelling is occupied, it is often too late to change habits already formed by most of the earlier residents, who may have moved in months previously, long before safe routes for walking and cycling were completed.
- We urge you to amend condition 29 to include exceeding 2500 AADT as an alternative trigger for intervention to bring motor traffic movements back beneath that level, for reasons of highway safety across two major active travel corridors and past the schools. We doubt whether the applicant is confident in their own transport assessment because they have provided cycleways alongside 20mph roads, which is normally only done for more than 2500 AADT vehicle movements.
- The road directly opposite to build is a disaster of pollution green house gases, residents health, asthma attacks and other health concerns if we don't listen to nature.
- If roads and properties continue to be built around this area the Fairstead Gaywood Community woods of nature won't be able to stand for now or years to come.

Cllr questions / queries from the committee site visits:

1. Please can we be shown the trees to be removed.
2. Will there be road widening or other highway improvements made to Queen Mary Road?
3. Will there be a gate to the play area from Parkway?
4. What is the distance walking and by car to the River Lane pitches and what is the environmental impact of visitor numbers (by car) to River Lane?

5. Should this development be funded via CIL when the site lies in King's Lynn which is a £0 rated CIL area?
6. What contribution to the infant / primary school will be provided as a result of the development?
7. How many disabled spaces will be provided in the drop-off car park?
8. Reversing of bin lorries - Plot 33 looks to require 22-23 metres whereas the British standard is 12 metres.
9. How many bikes can be accommodated in the storage sheds?
10. What size are the proposed garages?
11. Do the affordable units have garages?
12. What is the smallest size of garden?
13. Who is responsible for the roads on Hardwick Industrial Estate?
14. What's the loading / weight restriction of the proposed new road bridge?
15. What is the height of the proposed new road bridge?
16. Why do we not have full details of the proposed new road bridge at this stage?
17. Why are the names of the other site owners (other than the Borough Council) not specified on the certificate of ownership?
18. Will the road and footpath along the southern boundary, adjacent to the sand line railway, be lit?
19. How does water flow through the drainage system? Which direction and where does it go?
20. What is the maintenance regime for shared drives?
21. How are you proposing to deal with the impact of noise arising the industrial estate on both the gardens and properties adjacent to the railway line?

Assistant Director's comments:

In light of the response from NCC Highways, it is recommended that condition 16 and 27 remain as currently worded in the report to committee. Norfolk Historic Environment Service have not responded to the request to phase the archaeology conditions therefore it is also recommended they remain in the form proposed within the report.

In response to the queries raised by Members:

1. The tree constraints and protection plans will be included within the Officer presentation to Members at the meeting.
2. No road widening is currently proposed along Queen Mary Road and the existing traffic calming is intended to remain. However, the proposals are required to secure time-limited school 20mph zones for King's Lynn Academy at Queen Mary Road and & King's Oak Academy at Parkway. This is secured via conditions requiring promotion of a Traffic Regulation Order (TRO). A footway along the south side of Parkway up to King's Lynn Academy is also proposed on the submitted plans which will be secured by conditions.
3. The proposed relocated and improved play area would need to be enclosed by fencing and a gate with access available from Parkway.
4. The edge of the application site is 1.10 km from the main car park at Lynnsport, for an average person this would take between 10 to 12 minutes to walk. By car the journey is 2.25km which would take approximately 6 minutes.
5. This application has been treated the same as all other applications within the unparished area of King's Lynn which is a £0 rated CIL Zone. It would not be reasonable to treat this application any differently just because the Borough Council is the developer in this case.

6. NCC Strategic Planning confirmed in their consultation response dated 4th December 2020 that for Education, mitigation was only required at the Secondary Education Sector for 47 places which would need to be funded through either CIL and / or S106 agreement. In this case, NCC would need to bid for funding from the overall CIL pot. For Early Years and Primary contributions, NCC Children's Services have analysed further the parental preference of primary age children who live in the area and have concluded that if taking into account other local schools close to the proposed development, there will be sufficient places for children generated from the proposed housing and no expansion to either King's Oak Academy or Howard Junior School would be proposed. Therefore no mitigation is sought for the Primary Sector.
7. The drop-off car park is capable of providing 19 no. spaces of which 4 spaces could be lined out as disabled car parking spaces.
8. Barry Brandford (BCKLWN Waste & Recycling Manager) has commented as follows: The access and turning arrangements for RCV's was specifically addressed in my consideration of this application including swept path analysis. I additionally sought the views of waste collection contractor's Contract Manager who is a professionally qualified Transport Manager. The access designs are sufficient and suitable for an RCV used on the Council's contract. The extent to which specific consideration has been given to each plot includes arrangements so that each collection point for each dwelling has been plotted and is considered acceptable in terms of technical requirements and amenity. I am content the distances which need to be undertaken in reverse can be done so safely and have been subject to specific review by appropriate persons.
9. The sheds to be provided will measure approximately 1.2 x 1.8m and would be capable of accommodating approximately 4 no. bicycles.
10. All single garages within the development will measure approximately 7 metres by 3 metres.
11. 6 no. affordable units will have garages.
12. Garden sizes vary across the proposed development depending on the house type / size they relate to but the smallest gardens will measure approximately 40 square metres. However, the majority of units will far exceed this with some dwellings having in excess of 140 square metres of private amenity space.
13. Rollesby Road where the proposed new link road will connect into on the Hardwick Industrial Estate is adopted by Norfolk County Highways.
14. The proposed new road bridge would have a weight restriction of 7.5 tonnes. Condition 24 prevents the new bridge being available for public use until a Traffic Regulation Order for a 7.5t weight limit has been secured by the Local Highway Authority.
15. The height of the new road bridge will be determined by the requirements of Network Rail.
16. Full design details of the new road bridge are not considered necessary at this stage because the full technical and design details are secured by condition 20.

17. A full list of owners was submitted on 26th May 2020 which can be read in conjunction with the certificate of ownership submitted with the application form.
18. NCC Highways do not see the need of lighting the road, however the footpath which is adjacent to the road is lit.
19. The proposed drainage system is designed to accommodate the 1 in 100 year event plus climate change. The site is split between the Eastern and Western sites. Each sites surface water flows to an underground storage crate / tank / pipe, before being discharged at agricultural run off rates into existing drainage systems.
The Eastern site discharges into the existing Anglian Water attenuation pond adjacent to the site and Fairstead. The Western site discharges into the drains running beside the railway line before going under the railway line and joining the Hardwick industrial estate system. Both these systems have been checked to ensure that they are capable of taking the amount of water generated by the sites. The effect of attenuating flows on site may mean that water takes longer than currently the practice, so giving further resilience to the existing systems when under extreme weather events.
Both sites then feed into the existing IDB drains that eventually discharge into the Ouse. The Council is working with the IDB and Anglian Water on this project to assess current system capacities and run off rate strategy, modelling surveys have been conducted.
20. When there are less than 9 properties gaining access from a road NCC Highways will not adopt these surfaces. On the Parkway plan these are shown as 'shared drives'. These roads / surfaces will be maintained in the same way as other development, where a company is set up to manage and repair infrastructure that neither NCC or the Borough Council adopt. Within the sales particulars, those properties effected are required to pay a service charge to cover such costs. The eventual shareholders on the completion of the estate being the owners of the properties concerned.
21. This will be dealt with via condition 38. The reason this was necessary is that, due to the COVID situation, noise levels at the time the investigations were carried out for this development were thought to be lower than the normal level in this area and the impact of the two new railway sidings were not fully understood. As such there is an area agreed with the regulator that requires further investigations prior to these properties being built. It has already been agreed with CSNN that there are solutions to these issues but until the industrial estate gets fully back to normal we are not able to ascertain the best solution for the properties. Already the orientation of the properties in this area has been changed so that any rooms effected can have elevations where windows can be opened, without experiencing excessive noise, which will ensure that building regulations can be met; which is also a requirement to any solution. Most of the solutions that are likely to be considered is the use of trickle, vents triple glazing and positive ventilation systems or a mixture of some of these.
In terms of the private gardens, it is proposed that acoustic fencing is installed where necessary, with soft planting behind to further reduce the effect on gardens.

In accordance with the recommendations of NCC Highways it will also be necessary for a Travel Plan Bond and monitoring charge to be secured by the Section 106 Legal Agreement for the development, should planning permission be resolved to be granted. These are required by NCC Highways in order to cover the on-going costs of reviewing and monitoring a Travel Plan annually and to ensure that the Travel Plan targets are met. It is therefore proposed that the recommendation on pages 5, 55 and 68 be amended as follows:

AMENDED RECOMMENDATION

A. APPROVE subject to conditions and the satisfactory completion of a S106 Agreement to

secure affordable housing, open space provision, a financial contribution of £30,000 towards pitches at River Lane, a financial contribution of £150,000 for compensatory off-site habitat creation / tree planting *and a travel plan bond and monitoring charge* within 4 months of the date of this Committee meeting.

B. In the event that the S106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing, open space provision, a financial contribution of £30,000 towards pitches at River Lane, a financial contribution of £150,000 for compensatory off-site habitat creation / tree planting *and a travel plan bond and monitoring charge*.

ADDITIONAL CONDITIONS

50. Condition: Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works to provide a footway at the Parkway frontage of the site, as indicated on Drawing No. 8966 003 P20 have been submitted to and approved in writing by the Local Planning Authority.

50. Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

51. Condition: Prior to the first occupation of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in condition 50 shall be completed to the written satisfaction of the Local Planning Authority.

51. Reason: To ensure that the highway network is adequate to cater for the development proposed.