



Planning Committee
Monday, 12th July, 2021 at 9.30 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 - 7)**

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

Contact

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PLANNING COMMITTEE
12 July 2021

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

Item No. 8/1(a) Page No. 7

Third Party: One representation received expressing the following concerns:

- This site is not barely visible as you can see (submitted photographs) and some of them are clearly not matt green

Historic England - Inspector of Ancient Monuments, submitted additional comments as follows:

Further to our advice on this application (sent 16 July 2021) it has been brought to our attention that the existing containers at the site may not be entirely green as shown in the computer generated images submitted with the application. However, we have not been able to visit the site to confirm this ourselves.

If intending to grant planning permission, your authority may wish to consider applying a condition governing the colour of the containers to ensure that any visual impact on designated heritage in the surrounding landscape is negligible.

Assistant Director's comments: A condition has been recommended requesting all containers to be painted green and retained thereafter as such.

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Housing Development Officer: No comments

Environmental Quality: No additional comments

Third Party: 8 additional letters of **OBJECTION** have been received and some of these have been copied to all committee members. Their expressed concerns can be summarised as follows:

- in favour of demolishing the existing buildings on site and the replacing with new buildings, but do not believe that the design of the development is of sufficient quality both in terms of design and use of materials to complement the historical context and setting of the neighbouring buildings.
- This development site, set within historically sensitive areas, remains one of the last opportunities to provide a high quality contemporary intervention that will complement its historic neighbouring buildings and be an asset to the town.
- We believe the design of the proposed development lacks any contextual approach and does not relate to its surrounding buildings, be its historical neighbours or the recently completed phases of the Hillington Square Redevelopment and we feel that this is a real missed opportunity.
- The detailing of the new developments lacks depth and quality in its detailing.
- Rather than embracing views to the St Mary's Church, the building overshadows this building with its massing.

- We hope that the proposal can be refined to provide a well-designed contemporary scheme that improves the existing streetscape and becomes an asset to the town.
- the proposals are highly problematic, with mass and height inevitably resulting in loss of light negatively impacting on quality of life of immediately adjacent residents.
- the design is a throwback to the earlier (discredited) 1960s iteration.
- the listed buildings (in which the owner-occupiers justifiably take such pride in maintaining for the benefit of all) will be multiply adversely affected (loss of light, potential damage to property, negative aesthetic impact on the locality).
- visual and physical impact on All Saints Church, the most ancient site of Christian worship in the town but still a vibrant and living community and the jewel of King's Lynn.
- Having survived the Reformation, the English Civil war, the Luftwaffe, and the brutal impositions of the 1960s, it would indeed be an error of judgement to imperil its future (as detailed by others) in what I would like to think of as being more enlightened times and I reaffirm my objection.
- Object to method of consultation of amended plans and insufficient timescales for comment
- Research of other Planning Departments in Lincolnshire and Norfolk revealed all accepted that the amount of change to the original plans and any subsequent consultation period was a matter for assessment by the 'caseworker';
- The consensus was that the consultation period for variation of condition amendments was between 14 and 21 days and used site notices;
- I utterly refute your assertion that the legislation could be ignored and abandoned in both fact and principle after the primary consultation was concluded.
- the three day time-window was ignored regarding the notification letters sent out by the planning dept.
- A recent High Court ruling has established that if a notification letter arrives on a Saturday it is not considered to have been served/received until the next working day, which was the 21st June 2021. This was the date when the planning depart website went offline due to 'routine maintenance' and this work by the very nature of it being 'routine' must have been arranged in advance and therefore the planning dept knew when it was scheduled.
- the 14 day period would have been scheduled to run from the 24th to 8th July 2021.
- application 20/01166/FM has been singled out for different treatment to that of other planning applications.
- That comments/objections will be accepted for application 20/01166/FM until 5:15pm on the 8th July is not a compensation for the council's disregard to any and all known established procedures for the consultation.
- There can be no doubt that the planning department has cheated all those who wished to take part in the consultation for the variation of planning application 20/01166/FM out of almost 6 days.
- Views - all five of the 'views' presented by Freebridge as an improvement created by their new proposal either already exist and will not be changed by their new plan or will not actually exist even after demolition and rebuilding. Their inclusion as a benefit is therefore wholly inaccurate and misleading. An explanation is required as to how this false information came to be submitted in their consultation document.
- Routes - none of the changes to routes referred to by Freebridge's proposal will be improvements; and the only likely change is to Route 3 (linking centre of site to Bridge Street) which will be reduced by restricting the size of it.
- Submission of list of 74 comments / objections / inaccuracies within the Officer's committee report relating to :-
 - definitions of works; existing flats have been refurbished not redeveloped; use of the residential units as hostels; routes and views through the site; the numbers of resulting units; reasons why consultee responses should be discounted; presence of on-site asbestos; numbers of cycle spaces; lack of transparency with information; impartiality of the planning department; use of terminology; lack of structural surveys for the church; exacerbating parking situation; amendments to scheme to include additional windows with no consultation; will increase flood risk; building over green sward; use of phrase 'third party' as being derogatory; methodology of

public consultation; loss of open space; community use will not be for community; lack of comparison with the refurbishment scheme already approved; the planning department is an advocate for Freebridge; no acknowledgement that 5 leaseholders have refused to sell their properties and this scheme is a dead end.

- Evidence submitted regarding presence of asbestos in the building
- Copy letter of Freedom of Information request to The Queen Elizabeth Hospital NHS Trust regarding discussions with Freebridge regarding the use of Aitkin, Chestnut and Norris Houses for nursing accommodation.

Kings Lynn Preservation Trust: Make the following comments:

- highlight the responsibility to undertake pre and post condition surveys on the nearby listed properties including the Greenland Fishery which is owned and maintained by the Trust.
- the application will require extensive groundworks and the Trust needs to be confident that any negative impact on any of the listed properties within the vicinity of the works is prevented or suitably rectified if it occurs.

Cllr Charles Joyce: It is incumbent on a public authority to ensure everyone receives a fair hearing. In this instance, Late Correspondence is not suitable as very basic questions need answering giving all involved the opportunity to seek clarification.

Were the relevant papers available to the public while the website was offline? Is the applicant insisting on determination within a statutory timeframe? Or is an extension possible? Who decided to send letters informing previous interested parties that a 14 day consultation period was to take place on an amended scheme 2 days after the consultation period had started? What case law exists to support the suggestion that weekends can be included in a period of consultation because website information is available?

CORRECTION

Page 50 4th paragraph from the bottom - amend 'preciously' to 'previously' to read '*The position of the remaining blocks within the site are similar to those in situ and the scheme previously approved.*'

Page 50 4th paragraph from the bottom - amend 'in' to 'is' *The design of the buildings follows that of the redeveloped flats and is sufficiently in keeping to be supported in policy terms.*'

Page 51 third paragraph, 4th line - amend 'Atkin' to read 'Aitken'

Assistant Director's comments: The submissions by the Housing Development Officer and Environmental Quality are noted.

The majority of the third party concerns raised by the additional objections have already been considered and addressed within the Officer report.

Concerns that the consultation letter relating to the amendments was received on 19 June 2021 are noted and addressed in the Officer report. Members of the Public are at liberty to visit Council offices (subject to covid rules) to view plans if necessary. The consultation was carried out in accordance with the Council's Statement of Community Involvement and other than the statutory 21 day initial consultation period on the originally submitted plans, there is no legal requirement to consult on *amended plans*. The time frame for the consultation on the revised plans means that there has been 19 days (up to 5.15 on 8 July) to comment on amendments to the scheme submitted, or to submit any other comments. Even taking into account the time the Public Access facility was down due to essential maintenance, this is above the 14 days stated in the letter. It is considered there has been ample opportunity to make further representations.

The site already has planning permission for a refurbishment scheme and this is referred to in the Officer report.

The local planning authority is aware that land and buildings within the application site is in multiple ownership as this information has been provided on the application form. The applicant has signed the correct forms to confirm that the correct notices have been served on the land owners. The grant of planning permission does not mean that development can automatically proceed.

Concerns about asbestos are already covered by the recommended imposition of conditions 11 – 14.

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Third Party: 1 additional letter of OBJECTION has been received. Their expressed concerns can be summarised as follows:

- The dwellings will look straight into the lounges, kitchens and 1 bedroom of 7 bungalows on Waterside nos 27, 29, 31, 114, 112, 110, 108 causing a massive effect to our privacy and health.
- At least 5 of these bungalows are lived in by disabled people with underlying health issues. All of us have to do limb exercises in our lounges on a daily basis and one lady has carers who have to deal with personal care which also has to be done in her lounge. There are also several people on strong medication that means sleeping for an hour or so in the afternoons many whilst sitting in recliner chairs in their lounges. If you go ahead with this proposal you will cause harm to people's health.
- We are all people in our late 60s to late 80s and we should be given the right to peace and privacy which is why we are in sheltered accommodation.

Agent: A Construction Traffic & Environmental Management Plan (CEMP) has been submitted which includes details of on-site phase-by-phase construction workers' parking.

I hope this will be satisfactory and therefore the pre-commencement conditions in this regard can be removed / amended (to no longer require submission of details for approval prior to any commencement).

Regarding the recommended condition concerning submission of precise drainage and highways details, I would suggest that prior to such details being approved the developer could commence with site clearance & installation of security perimeter, engineering/profiling of the land, temporary roads and surfaces required for construction, and digging of trenches for the foundations of the houses. All these operations would either not impact on the subsequent construction of roads, drains etc, or could be readily amended accordingly.

Environmental Quality: The CEMP sets out the primary routes for construction traffic which is via Lynnsport Way and Greenpark Avenue and a temporary route while Salters Road is made to a suitable standard. Fifteen to 20 vehicles are expected on site during the remediation and site preparation phases. During construction, it is expected that 30 – 40 vehicles may be accommodated at any time. A system of 'no-entry' times is proposed to reduce traffic at peak times.

The plan includes procedures for dust suppression, for minimising emissions from plant and machinery, and for monitoring the effectiveness of the controls. Therefore it is considered that this is a suitable CEMP. Providing the measures are implemented and monitored, the construction of the development is not likely to cause a breach of the relevant short term air quality standards.

NCC Highways: I can confirm that I would have no objection to the operations listed taking place prior to approval of the detailed designs for the roads, footways and sewers required by condition 12.

I can also confirm I have no objection to the submitted CEMP, which details the location of on-site construction workers parking required by condition 16.

Assistant Director's comments: The potential for impact on the amenity of occupiers of properties on Waterside, as raised by the additional third party objection, has already been considered and addressed within the Officer report.

Given NCC Highways have no objection to the submitted CEMP, condition 16 can be omitted and it is proposed that condition 19 is amended to include the approved CEMP.

OMIT CONDITION 16, RE-NUMBER REMAINING CONDITIONS AND AMEND CONDITION 19 (TO BECOME CONDITION 18) AS FOLLOWS:

18. Condition: The development hereby permitted shall be carried out in strict accordance with the submitted 'Project Management Plan' prepared by Lovell dated May 2020 and the 'Salters Road King's Lynn Construction Traffic & Environmental Management Plan' version 2 prepared by Lovell dated July 2021.

18. Reason: In the interests of the amenities of the locality in accordance with the NPPF.

Item No. 8/3(b) Page No. 110

Third Party comments 1 additional letter of **OBJECTION** has been received. Their expressed concerns can be summarised as follows:-

- The development will degrade the character of the Conservation Area by blocking tree views, and removing some of the smaller trees. The applicant's tree assessment is inaccurate regarding the size and position of specific 3rd party trees on No.63 that are close to the footprint.
- The revised application position set out in plan 1086.02 Rev C will still risk damage to the RPZ of 2 mature trees, both require a Route Protection Zone closer to 7m.
- Condition 10 does not require Route protection zone of all retained trees on the site, including any future permitted development schemes. The condition needs to be made more specific
- Condition 9 does not specify that drainage and soakaways are designed to avoid the RPZ.
- The trees should be secured by a group TPO.
- The report has not fully explained the overshadowing implications upon no.63. Sunlight will be blocked from the higher and lower parts of the proposed roofline in plan 1086.02 Rev C, especially during the September to March period. The report omits the fact that light will be blocked as sun tracks westwards. The report underplays the impact upon 61a and 63 and does not acknowledge that the flats above Petals tea rooms at no.61
- The report references a pre-application 13/00115/preapp which was for the construction of a dwelling with demolition of existing workshop and partial changes of use adjacent to 59A ManorRoad, what has changed since that advice was given. It is not explained why this current application is recommended for approval, nor whether any pre-application was sought.

Assistant Director Comments:-

During the course of the application, the siting of the dwelling has been revised to take into account what impact the development would have on the retained trees. No trees are proposed to be removed as part of the scheme. The Arboricultural Officer has been consulted on the amended scheme and has no objection to the proposal.

Condition 10, explicitly states that all trees on site and shown on the approved plan will be retained and protected for the full duration of the development in accordance with BS:5837. The Arboricultural Officer has not deemed it necessary to impose a TPO on the trees, any works to the trees going forward will require consent by virtue of the trees being situated within the Conservation Area.

Should planning permission be granted, the Arboricultural Officer can be consulted when discharging condition 9 of the planning permission to ensure that the drains do not detrimentally affect the integrity of the trees.

Neighbour amenity issues regarding overshadowing and overbearing are referenced in paragraphs on page 119 of the Agenda. Given the single storey nature of the development, window positioning and orientation, it is considered that the proposal is fully acceptable. Given that the south elevation of the proposed dwelling is on the boundary 61a, permitted development rights for the insertion of windows will be removed from that elevation.

The pre-application 13/00115/PREAPP was for a large footprint dwelling on a smaller site and had a different vehicular access arrangement and was not acceptable. The current proposal is fundamentally different in its access arrangement, appearance, scale and layout and is considered acceptable.

There is no requirement for an applicant to submit a pre-application before any formal submission.

Additional condition

In order to fully safeguard the amenities of the neighbouring residents at No. 61a, a condition will be recommended as follows:

13. Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no new windows/dormer windows (other than those expressly authorised by this permission) on the south elevation of the dwelling hereby permitted, shall be allowed without the granting of specific planning permission.

13. Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the above mentioned Order.