



Planning Committee
Monday, 8th November, 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 - 15)

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

Contact

Democratic Services
Borough Council of King's Lynn and West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX
Tel: 01553 616394
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PLANNING COMMITTEE
8th November 2021

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

Item No.8/2(a) Page No.16

Third Party comments:

8 letters received raising **OBJECTION** on the following grounds:

- Wrong location for a care home - prefer industrial units to attract business uses
- Does not fit into surroundings - prefer to be located on new residential estates being planned around the town
- Already busy road with two schools nearby plus Starbucks, McDonald's and Supermarket proposal entrances all within yards of each other too dangerous!
- Downham Market has been subject to the Wade Wright Court development in the past 20 years which is always advertising space for sale
- Downham Market currently has a strain on local amenities such as schools. This should be prioritized
- Care Homes in Downham Market are not out of space to my knowledge either
- We would subject our elderly to noise and light pollution 24 hours daily if this development went ahead
- The parking is totally inadequate, staff would fill these spaces quickly
- In the absence of any public transport nearby, residents would need to keep their own vehicles requiring at least double the spaces

1 letter in **SUPPORT** of the proposal on the following grounds:

- I fully support this proposal as there is an immediate need for such investment in the town and more importantly the people that need these facilities. My only concern would be the flat roof construction that could lead to problems in the future with damp, snow loading etc. A gabled roof would be more beneficial in respect to 'future proofing' of the building, improving insulation and possible mounting of solar panels in the future.

Assistant Director's Comments:

Most of the issues raised are covered in the committee report.

Wade Wright Court is a McCarthy & Stone Ltd development of self-contained apartments for over 55-year-old residents and different to this proposed facility which offers a high level of nursing care.

Residents/patients would not have their private vehicles accommodated on this site and the Local Highway Authority has confirmed that the level of parking provision meets their standards.

It will be noted from the report (Pages 20 & 25) that the developers intend to use solar PV panels on the roof of the building.

Agent Comments: Makes the following comments:

A mapping exercise identified where every registered patient of the practice currently lives. This identified that 5,295 patients lived within 2km to the north the town centre (10,234 within 10 km), and 3,734 to the south within 2km (6,455 within 10 km). Thus a northern location would be closer to a larger proportion of the current population. At this stage a capacity and demand audit was also undertaken to identify where the new housing developments would be, and thus help decide where the best location of new premises would be. The conclusion to this exercise was that there is a shortage of GP facilities across King's Lynn.

Following this, an extensive public consultation exercise was carried out involving an options appraisal involving the practice's Patient Participation Group, councillors and representatives of social care organisations. A patient questionnaire also received 2,098 responses which gave us a detailed understanding of the mode of transport that patients used (some two-thirds came by car), current and maximum acceptable travel times, and what patients were concerned about. Additionally in-depth structured interviews were held with twelve key professional stakeholders who lead health and social care organisations in King's Lynn, who had in-depth local knowledge of both the town and health needs.

The outcome of this was that two sites were by far the most supported. These were the County Council site to the north of the town, and a site on Nar Ouse Way to the south. With this information fully documented a presentation was made to the Health Oversight and Scrutiny Committee (HOSC) who formally supported the recommendation. At this time the CCG also confirmed that funding was to become available for a second site in the south of the town which would both meet the need in this area, and give patients from St James Medical Practice, who lived in the south, a choice should they wish to change practices if the Nar Ouse site was closer to their home.

In terms of what additional services could become available, the following has been suggested: Community Dermatology, Community Eye Services, Community Cardiology Diagnostics, Community Endoscopy, Computerised Tomography (CT), Community Cardiology, Community Chronic Pain Management, Community Fracture Clinic, *Community Gynaecology, Community Physiotherapy, Community Skin Surgery, Community Vasectomy, Continuing Care Services, Dual Energy X-ray (DEXA), Diagnostics, Flexi Sigmoidoscopy, Non-Obstetric Ultrasound (NOUS), MSK Carpal Tunnels, Musculoskeletal Back and Neck Pain, Termination of Pregnancy, Podiatry, Diabetes Education Programme, Diagnosis of Autistic Spectrum Conditions, Ear, Nose and Throat Services, Integrated Respiratory Services, Lymphoedema Services, Minor Oral Surgery, Palliative Care, Supported Living.*

There is strong evidence that delivering such services in primary care is liked by patients as care is closer to their homes, and cheaper for the NHS. Moving services out from hospitals frees up space for the most appropriate services to be delivered in these settings.

Parish Council: Makes the following comments:

We write to you today on behalf of the above Parish Councils who have been working together to seek highway and transport improvements. On Monday 8th November 2021, you will be asked to consider the above application. To make an informed decision we felt you should have a full understanding of the history and reasoning behind our access suggestion for the new proposed Healthcare Centre.

In the light of recent disastrous planning decisions at South Wootton we were heartened that NCC Highways were suggesting the Health Care Centre use the proposed new Larkfleet roundabout for access. This is certainly the common-sense approach. We were

saddened to read that following discussions between officers NCC have been persuaded to drop this proposal and accept another proposed junction on the busy A148. This junction was applied for and is designed solely to serve the new Health Care Centre. This is utter madness; the roundabout is a far better and safer option with easier access and is already planned to serve the Larkfleet and Persimmon developments. The use of this roundabout for access to the Health Centre has the full backing of South Wootton, North Wootton and Castle Rising Parish Councils as the best solution.

We all welcome and want this new medical facility but it has to be sustainable, easy and safe to use by car drivers (many elderly) needing health care. The 3 parishes clearly understand the difficulties and delay the proposed junction would cause. Those accessing from the Low Road direction must cross the busy A148 and this will cause traffic tailback. Likewise, those leaving via this junction wishing to travel to Kings Lynn have to cross the same busy road. These problems would disappear, and safety would be enhanced if the roundabout option were selected. Sadly, it would appear Parishes and residents' fears are again being ignored by officers failing to recognise a better approach

As you know the three parishes of South Wootton, North Wootton and Castle Rising have all been working together to try to seek highways and transport improvements to the main A148 Grimston Road which travels through South Wootton to Kings Lynn. This is the only designated HGV route to North Lynn, the Docks, and the Town Centre. The additional proposed junction would add to the problems and would pose a major safety issue. Please support the Health Centre application with a condition attached that planning be granted subject to being serviced by the Larkfleet roundabout.

To give you a clear understanding of the traffic problems we have detailed below our recent bitter experiences where consultation without true consideration has become a regular tick box exercise. We ask you as sensible planning committee members to support us on this occasion. Please go for the safer more integrated roundabout option for this Health Centre and help save further unnecessary delay on our overburdened A148

As you know 1250 extra homes in the Woottons were granted despite vigorous opposition from the 3 parish councils to reduce this number. The objections were raised on the grounds that the limited infrastructure and highways improvements would not cope. The cars and service vehicles resulting from 1250 extra homes being added to highways already overcapacity will bring traffic to a standstill. This is planning madness at a time when we are all trying to improve the environment and reduce emissions. We understand the need for extra homes, but the numbers must be at a sustainable level and comply with the NPPF. This level of development on greenfield and agricultural land does not comply. This is planning at its worst with serious implications.

We were delighted when your planning committee originally turned down the 600 Knights Hill homes on highways and heritage grounds. We were then later shocked and saddened to learn behind closed doors officers engineered and persuaded new members to drop the highways challenge at appeal. This resulted in a weak case of heritage arguments and the appointment of an inspector who admitted she did not have highways skills and was appointed to consider the hearing on heritage grounds. We as Parishes were permitted to raise the highways and transport issues, sadly these were not fully and fairly heard in that when Liz Poole one of NCC highways officers was summoned to attend the enquiry she failed to do so – the excuse excessive traffic. In the planning inspector's recommendations to the Secretary of State, the inspector stated (despite the officer not attending the hearing) she had no alternative but to accept the highways evidence. At the hearing we had no opportunity to cross-examine Liz Poole the NCC highways officer.

The local view and voice in the Woottons have been totally ignored from day one at

County and Borough level. Their sole aim to achieve housing numbers without proper regard for sustainability. How do we hope to improve our disastrous air quality problems unless we reduce the reliance on vehicles? From our Freedom of Information requests, it is clear the decisions were made on flawed information and underestimates to highways usage. These problems were further impacted by backroom deals made by officers without proper public scrutiny or consultation.

1. The developer traffic assessments for the Larkfleet and Persimmon developments were based on 300 homes the amount originally shown in the Local and Neighbourhood Plans when in fact the figures actually rose to 575 thereby underestimating cars from 275 homes.

2. After all evidence had been lodged for the KH planning appeal a backdoor deal was done by officers and developers to reduce their highways contribution by three hundred thousand pounds (300k). This figure was supposed to be used to help fund public transport to enter this site of 600 homes. There were ridiculous claims made by NCC that occupants of properties could walk to their nearest bus stop on Grimston Road and when returning home the self-same residents including young and old will have to cross a busy A road- sheer madness, hardly a process to encourage use of public transport and get cars off the road.

3. The Developers own Transport Consultants admitted that Grimston Road was already over capacity at peak times. The planning proposals from the four developments will see the addition of a further roundabout to serve the Knights Hill 600 development, approximately 150 yards down Knights Hill a new T junction to serve the 50 Clayland development. A set of lights introduced at the Langley Road junction (even the county planning officer stated this would hold back traffic on the Grimston Road to ease the Wootton Gap junction). This junction has seen a modified Mova light system although these improvements are insufficient to meet the extra volume. We then come to another new roundabout to serve the 575 Larkfleet and Persimmon sites. With all these further traffic intrusions you can appreciate the stops, starts of HGVs vans and cars sitting in a stream of traffic will be disastrous for air quality seriously affecting those living and walking in the area. Yet the FOIs revealed that Borough and County had not communicated with each other about this vast environmental threat.

There are many who wish the whole case to be referred to the Local Government Ombudsman, however in the first instance we would prefer to work with both authorities to seek improvements. We reluctantly accept the level of development, but this should not preclude us from insisting on improvements at detailed planning stage. The only meaningful benefits would be by reducing the number of vehicles. A comprehensive public transport plan must be put in place. A transport hub at the Knights Hill site for residents and others using this road as a park and ride to town should be provided. A regular bus access to this and the Larkfleet and Persimmon developments will be essential to reduce car use and indeed to comply with the sustainability test in the NPPF, and more recent government policy pronouncements including the Decarbonisation of Transport strategy and the Net Zero strategy.

You will have observed from the above County and Borough have totally failed residents and West Norfolk by concentrating this level of development on a road network with insufficient capacity. What should now be done:-

1. Firstly, make sure the application for the Health Centre access is restricted to using the roundabout.
2. Before allowing any of these developments to proceed County and Borough need to

undertake a complete independent highways and transport review reflecting a true figure of the actual traffic generated by these developments and then prepare a remedial plan to put out to consultation.

3. The immediate restoration of the £300,000 KH developer contribution for assisting with a Knights Hill site bus service.

4. On the back of detailed planning, use conditions and section 106 to ensure that funding for sufficient public transport can be put in place. In addition some of the CIL funding could be used to help fund such improvements.

Finally thank you for reading and hopefully understanding the bigger picture. You can make a start by conditioning the use of the roundabout for the Health Care Centre. We also think as a responsible committee representing West Norfolk's residents you have to put more pressure on your officers to be far more robust when it comes to highways and transport provision for major developments. This issue is Borough wide, and we fear the same problems arising with the vast developments at West Winch/North Runcton

Third Party: Makes the following comments:

- Why does the committee report for the above application seem to say that the 21 substandard tight-packed cycle parking spaces (so possibly as few as 11 standard-sized spaces) are acceptable for this development?
- The 44 (your calculation) or 45 (applicant's calculation) spaces required by the Parking Standards for Norfolk are "the minimum provision that should be made" (page 2 of the parking standards) yet the report to committee mistakenly suggests it is a maximum.
- Please would you change to recommending refusal of this application with such woefully-inadequate parking unless the applicant corrects this oversight?
- Also, would you consider dropping SHC 10? It could be addressed as part of SHC 05 if required, but I believe this gradient constraint is inappropriate where a primary cycleway is being crossed because it would seem to prevent the cycleway being on a raised crossing compliant with Local Transport Note 1/20, as shown in Figure 10.13 of that document. As I'm sure you know, Norfolk should follow that design guidance in order to obtain full highways funding from central government in future, under the "Gear Change" policy and related Network Management Instructions.
- I am surprised and disappointed that you feel that the potentially lethal junction layout shown in the plans can be addressed properly during a section 278 process, but I accept that it is a matter of opinion. I doubt that process because junctions built as part of the Sainsburys Hardwick development have never been brought up to any then-current standard.

Kings Lynn & West Norfolk Bicycle Users Group: (summarised) Make the following comments:

- The proposal does not comply with paragraph 112 of the NPPF which requires development to give priority and cycle movements both within the scheme and with neighbouring areas; and
- Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.
- The development will interrupt National Cycle Route 1 (NC1)
- We do not believe that the design problem will be solved during the s.278 process.

- Within the proposed development, there is no priority for cycle movements, with no priority route to the cycle parking, and does not minimise conflicts between cyclists and vehicles.
- The proposal does not comply with paragraph 104 sections (c) and (d) of the NPPF which requires opportunities to promote walking, cycling and public transport are identified and pursued, the environmental impact of traffic and transport infrastructure are identified, assessed and taken into account.
- There is not enough cycling parking. The cycle parking provision should be 45 cycles as a minimum. The cycle parking at the far side of the carpark is not a convenient place for served by a narrow path. No separate parking for staff cycles is provided.
- These defects can be secured by way of condition, but if the parking spaces for a cycle park are only large enough for 10 cycles means it will not be possible to include standard parking for 45 cycles and so the application should be refused. We urge you to refuse permission for the development until such time as it complies with the policies, with regard paid to NPPF paragraph 111 which says “Development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety”

Cllr Joyce Comments:- It is claimed that patients of the present surgery live in South Wootton and Gaywood. They also live in South Lynn and elsewhere. At present patients can travel by bus to the central bus station and then access the surgery without the need to catch a second bus.

The Clinical Commissioning Group suggest that this application meets their idea of a primary care facility in the North of Lynn and they are seeking one to the South to meet the needs of Lynn. North of Lynn means South Wootton where a second surgery already exists and the CCG considers West Winch as a suitable place for South of Lynn. The effect is to leave the centre of Lynn with no surgery that has reasonable access by public transport. The knock-on effect is that the outskirts of Lynn and local villages will have a higher than necessary dependency on private car use. This combined with no surgery in the centre of Lynn will be within easy travelling distance for patients living in the centre of Lynn.

Where is the evidence that the positioning of this surgery meets the sequential test to continue the provision of NHS primary care services in Lynn and with relatively easy access to those who live on the outskirts of Lynn and in local villages? Or is it the proposal of the applicant and the CCG to deny medical treatment to some of the present patients of the surgery?

The application proposes a bus stop around 250 metres from the surgery. This does not meet the requirements of the 2010 Equality Act, nor the 1998 Human Rights Act. It does not even meet the requirements of the Council's commitment to combat climate change. A bus stop 250 metres from the surgery means a higher than necessary dependence on car journeys will be required for patients to access the surgery. Patients who suffer from breathing problems such as COPD will not be able to walk from the bus stop to the surgery without having to stop to take a breath several times going to and from the bus stop/surgery. Patients with mobility problems who use crutches or a stick will find it very difficult to walk such a distance. In addition, paraplegics will find it difficult to wheel themselves the distance even if they are able to find a bus. This amounts to arbitrary discrimination (Article 14) in contravention of the Convention and is supported by a failure to provide a fair hearing (Article 6) and right to privacy (Article 8).

Why has the Local Transport Authority not insisted on a bus stop is situated at the surgery and all services in receipt of a subsidy must stop at the surgery in both directions?

Why has the Local Planning Authority not recognised this as a key issue as well as a material consideration?

Assistant Director Comments: Regarding the highways issues raised, the officer report on page 47, paragraph 2 states a number of off-site works will need to be done to facilitate an access and one which does not affect the flow of traffic. These matters will be secured by condition 25 and covered under the s.278 agreement. It is not envisaged that 45 cycle spaces are to be required at anyone time, hence the acceptance of 21 spaces. The need for any extra cycle storage will be identified as part of the agreed travel plan which will need to be submitted to the authority prior the first use of the development. A separate planning condition to secure 45 cycle parking spaces can be imposed. The final positions of the bus stop will be secured under the s.278 process and Condition 25. The appropriate walking distance to a bus stop is 400m; insistence on a bus stop being closer than 250m cannot be substantiated.

Notwithstanding comments relating to the lack of provision of a roundabout, a safe highway solution has been advanced by the Applicant which has been thoroughly assessed by the Local Highway Authority. The Local Highway Authority confirms that based upon the information submitted it would be unlikely to substantiate an objection should this application be refused.

Regarding the height of the building, the Velux windows on the rear serve treatment rooms and the ones on the front elevation serve the waiting area, both contained at first floor. The building is therefore 2 storey in scale. The relationship of the building to adjacent neighbours has been addressed in the officer's report in the final paragraph of page 45 and the first and second paragraphs on page 46.

Regarding Cllr Joyce's comment on the sequential test for location of the Primary Care facility, the CCG have conducted a sequential search, ruling out 17 sites and shortlisting 4. Surveys have been carried out that identifies that patients travel not only from Kings Lynn Town centre, but to the south and to the north of the town. This location will also help to support the planned new developments to the north of the town. For those to the south of the town, there will be the South King Lynn Primary care development coming forward. The Agent's response in this late correspondence has elaborated on this.

In regards to the issues raised by Cllr Joyce and a potential breach of Articles 6, 8 and 14 of the Human Rights Act, the application has been the subject of public consultation and the ability for anyone to comment and make representation has not been prejudiced. It is not always possible to cater for everyone's needs and the proposal will, through a s.278 agreement, secure bus stop provisions on both sides of Edward Benefer Way at approximately 250m from the site. This is well within the highway standard of a 400m walking distance to a bus stop. It is therefore considered that the proposal is proportionate.

Item no. 8/2(c) Page No.57

Norfolk County Council PRoW Officer: Clarifies their objection is withdrawn and suggests the following condition is attached to the consent-

Condition - No works shall commence on the site until amended plans are submitted to and approved by the Local Planning Authority which demonstrate that there will be no impact on the Public Right of Way. The development shall be implemented in accordance with the details agreed.

Reason - To ensure that the Public Rights Of Way are not impacted with the development in accordance with NPPF.

Assistant Director Comments: It is recommended the condition is attached to the planning consent.

CORRECTION

Condition 2:

Delete - 26215/117 A Proposed Dev Dryer Building Floor Plan & Elevations received 26 Apr 2021 – duplicate plan reference.

26215/020 A Site Location Plan received 31 Aug 2021 should be replaced with 26215/020 C Site Location Plan received 3 Nov 2021. Following clarification received regarding boundary with PROW.

Additional Condition

17 Condition No works shall commence on the site until amended plans are submitted to and approved by the Local Planning Authority which demonstrate that there will be no impact on the Public Right of Way. The development shall be implemented in accordance with the details agreed.

17 Reason To ensure that the Public Rights Of Way are not impacted with the development in accordance with NPPF.

Item no. 8/3(c) Page No.103

Third Party comments: ONE in **SUPPORT** of the proposal on the following grounds:

For several years the outdoor seating area at Marriott's Warehouse has been enclosed by wooden constructions designed by A French group who worked on several projects in King's Lynn. A planning application has been made to replace these with a different type of barrier, a simple steel and glass enclosure which will be more in keeping with the building and allow the warehouse to be more visible from the quayside. I believe that the application will be considered on November 8th and would ask for your support for the proposals.

Cllr Gidney: Makes the following comments regarding the application:

- Under article 4 we can put a barrier in up to 100 cm, as you have done at the Corn Exchange Barrier (110 cm).
- Refers to other barriers and a shed within Tuesday Market Place;
- The H.E. letter for the Marriott's Warehouse, which is a building on a working quay was simply wrong footed given the amount of thought that has gone into this application. The idea of wooden posts and ropes would compete as a 'pastiche' for the historic integrity of the setting, whereas the clean neat functional proposal would be fitting, especially from the visual aspect, being almost transparent and its spatial relationship with the pontoons.
- H.E. suggestion falls short on safety for children and diners, (children climbing/ swinging through ropes). The ropes and wooden posts would be relatively difficult to maintain, the posts difficult to dismantle if needed.
- The Civic Society suggestion of a sculptured enclosure would clutter/ detract the simple quayside appearance of the Warehouse, fail on safety grounds and it would cost a great deal of money.
- The restaurant is a modern use of the building, not an historic feature.
- Marriott's Warehouse depends on the restaurant almost entirely for its continued prosperity, whereas the Corn Exchange Cafe provides supplementary income.
- We need a barrier as per our application, like the one outside the Corn Exchange.
- The Trustees are as one on this for the reasons given.

Assistant Director's comments: The merits of the application are considered in the committee report. It is clear that the Article 4 Direction has no bearing on this matter as the barrier requires planning permission in its own right.

Item No. 8/3(d) Page No.111

Third Party: THREE letters regarding:

- The definitive route of the footpath and associated S257 application and publication within the press;
- Consider that the NCC has not complied with its legal duty to ensure that the route is per the definitive footpath;
- Should ensure that the physical route should comply with the definitive map thereby allowing the public to view the Mill, Mill pond and its picturesque weir which cannot be seen from the current illegal route;
- If the footpath is in its correct position the application cannot be approved;
- Queried whether the S257 application would be considered an raised significant concerns as the S257 is a statutory procedure and cannot be bypassed or foreshortened.

Open Spaces Society: Makes the following comments regarding the application:

I note that your council finally published an advertisement on 11th or 12th October 2021, declaring that this application would affect a public right of way, with comments invited until November 8th 2021. We, as a user body, did not receive any consultation from the Borough Council on this date (nor subsequently - only the related S.257 proposal). Did your council re-issue consultations to all previous consultees (including parish council, and local elected member) specifically pointing out this new information, i.e., that the proposal would affect a public right of way - something which it had initially failed to point out?

Also, as November 8th is still some way off, may I assume that officers will not be coming to a formal opinion on what to put to elected members, until after the expiry of the 8th November 2021 deadline for public comments?

Norfolk County Council PROW Officer: Provides a response to the Open Spaces Society's correspondence included in the officer report:

Para 2/3: From a planning point of view you may wish to counter what OSS describe as "completely undeveloped land". This is all enclosed garden land and appears to have been so for many years.

Para4/5/6: Following on from previous comments, The OSS will be aware that the general (70 year old) description of "pasture" referred to in the Definitive Statement is not really relevant, you will no doubt have some record of the date of Ingol Falls (and others) original Planning consents where this land became enclosed gardens/grounds to private dwellings. The used path is generally hidden behind fencing and hedging and the visual impact from the path is likely to be minimal.

Para 7: Original Planning App did not consider the existence of the footpath as it was believed by applicant that the path ran along established used route outside the garden boundary.

Para 9: It is correct that there is no formal retrospective process as such. What the applicant is clearly trying to say is that the used path has been physically located around the outside of the perimeter of the garden for in excess of 40 years and the proposal is to regularise the use of the publicly accepted route..

Para 11/12/13: There has not been any deliberate attempt to mislead anyone. NCC have carried out investigations into the history of the path and uncovered an archived document of dedication of the original footpath that originated in a similar timeframe to the initial drawing up of the Definitive Map and Statement. The description in the dedication document of 1949 actually, provides the width of 3 feet for the footpath, the details within the Dedication agreement will be considered as supporting the Definitive Statement. It is not therefore a “dubious claim” but based on fact.

The Dedication agreement was accompanied by a hand drawn plan and it has become apparent that while the plan may have intended to locate the dedicated path to the boundary of the property at the time (as remains the case for the remainder of the path) a short section of path was likely mis-drafted and as a result, at least on paper, remains in the garden and subsequently revealed to be affected by the proposed development. The used route remains a long established and accepted one around the perimeter of the garden. In consequence the application to move the path is merely taking the opportunity to correct what is in likelihood a 70-year-old drafting error, for a comparatively short stretch of footpath.

Under T&CPA legislation the proposal is designed to stop up a section of the original route and provide a “reasonable alternative”. In my opinion, the used route is quite likely to be the originally intended route and appears to have been acceptable to the public for as long as anyone remembers. I see no reason why it should not provide a reasonable alternative.

Assistant Director Comments:-

The issue relating to the route of the footpath was only discovered during the progression of the application therefore it was publicised as affecting a public right of way once the issue was known. The issue of diverting the public right of way will not be decided in this planning application but instead via 21/02057/S257, an entirely separate application under S257 of the Town and Country Planning Act 1990 (as amended). This application is not under consideration by Members at this committee meeting.

Notwithstanding the above, the press notice and site notice does not expire until 8th November 2021. Given that this is the date of Planning Committee, it is recommended that this item be **DEFERRED** for one cycle to allow the consultation to end.

Item 9 Page No.147

CORRECTION

Correct Notice for Land at Marlian House, Church Road, Terrington St John is contained in Appendix A.

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19/00464
UNTIDY

Borough Council of
King's Lynn &
West Norfolk



Case Reference No: 19/00464/UNTIDY

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

Borough Council of Kings Lynn & West Norfolk
TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991) ("the Act")

SECTION 215 NOTICE

SERVED BY: The Borough Council of King's Lynn & West Norfolk ("the Council")

To: Miss J Hardy, 106 Teign Bank Road, Hinckley, Leicestershire LE10 0EE

1. THE NOTICE

This notice is served by the Council under section 215 of the Act because it appears to them that the amenity of a part of their area is adversely affected by the condition of the land described below.

2. THE LAND TO WHICH THIS NOTICE RELATES

Marlian House Church Road Terrington St John Wisbech ("the Land") as shown shaded on the attached plan.

3. WHAT YOU ARE REQUIRED TO DO

The Council requires the following steps to be taken for the remedying the condition of the land:

- (a) Remove all overgrown vegetation from the front and side garden areas
- (b) Remove all climbing vegetation from the front and side elevations of the house
- (c) Remove all overgrown vegetation from the front fence bordering the road

4. **TIME FOR COMPLIANCE**

Three calendar months from the date this Notice takes effect.

5. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 19 OCTOBER 2020

unless an appeal is made against it beforehand.

Dated: 1st SEPTEMBER 2020

Signed:



Mr S Ashworth
Assistant Director Environment and Planning
Authorised Signatory

On behalf of Borough Council of King's Lynn and West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX.

A copy of this Notice has been served upon the following person(s):

Miss J Hardy 106 Teign Bank Road Hinckley Leicestershire LE10 0EE

RIGHT OF APPEAL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning and Compensation Act 1991) Section 217.

(1) A person on whom a notice under section 215 is served, or any other person having an interest in the land to which the notice relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal against the notice on any of the following grounds-

(a) that the condition of the land to which the notice relates does not adversely affect the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area;

(b) that the condition of the land to which the notice relates is attributable to, and such as results in the ordinary course of events from the carrying on of operations or a use of land which is not in contravention of Part III;

(c) that the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of any part of the area of the local planning authority, who served the notice, or of any adjoining area;

(d) that the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed.

(2) Any appeal under this section shall be made to the magistrates' court acting for the petty sessions area in which the land in question is situated.

(3) Where such an appeal is brought, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.

(4) On such an appeal the magistrates' court may correct any informality, defect or error in the notice if satisfied that the informality, defect or error is not material.

(5) On the determination of such an appeal the magistrates' court shall give directions for giving effect to their determination, including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellant.

(6) Where any person has appealed to a magistrates' court under this section against a notice, neither that person nor any other shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning and Compensation Act 1991) Section 218.

Where an appeal has been brought under section 217, an appeal against the decision of the Magistrates' Court on that appeal may be brought to the Crown Court by the appellant or by the local planning authority who served the notice in question under section 215.

ENFORCEMENT OF PLANNING CONTROL

Town and Country Planning Act 1990

(As amended by the Planning & Compensation Act 1991)

ENVIRONMENTAL AND PLANNING

King's Court, Chapel Street

King's Lynn, Norfolk, PE30 1EX

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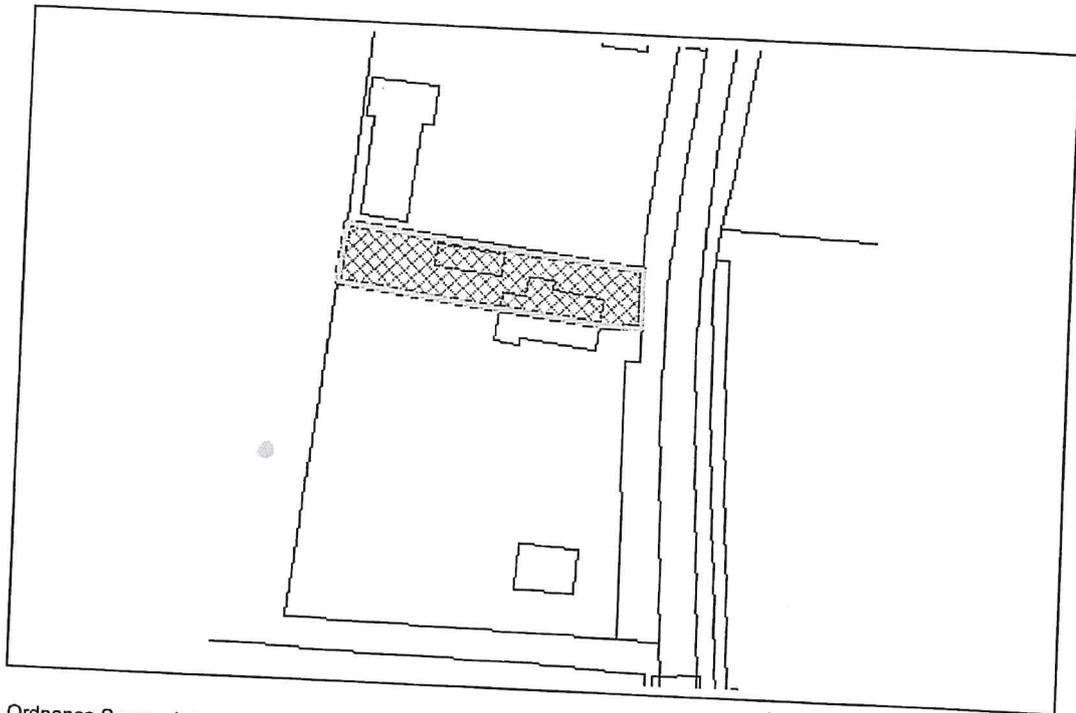
DX 57825 KING'S LYNN

Website: www.west-norfolk.gov.uk

A Plan showing site at Marlian House Church Road Terrington St John Wisbech

Ref: 19/00464/UNTIDY

Date: 25 August 2020



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