



Planning Committee
Monday, 10th January, 2022 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 - 10)

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

Contact

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PLANNING COMMITTEE
10th January 2022

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

Item 8/1(a)	Page No.8
Agent: Additional Comments from the Agent regarding Page 14, para 2 of the Conservation Officer comments – “the information sent to Historic England at pre-app stage was the same as to the Council. The major change, to address HE concerns, was the removal of the external stair tower in the submitted scheme. With regard to windows, HE stated in their letter of 20th December 2020 ‘ The replacement of the windows with similar powder-coated metal ones would not adversely change its contribution to the Area.’ So they ultimately did not consider the changes would have an unacceptable impact on the Conservation Area.”	
Conditions- suggests changes to conditions to account for phasing and minor reworking of condition 27. Concerns were raised that Condition 7 as worded appears to require a planning application for any change in use. The planning permission would give a flexible use allowing changes between those approved uses without requiring planning permission. It is assumed you do not mean these would be restricted. This is therefore intended to apply to changes of use under pd outside those uses. I believe all of these would be covered through the Prior Approval process and therefore the amenity would be protected.	
Third Party: ONE letter has been received solely objecting to the parking provision provided within this application.	
UPDATED CONDITIONS (7, 8, 18, 19, 24 and 27).	
7 <u>Condition:</u> Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no changes of use outside of Class E shall be allowed without the granting of specific planning permission.	
8 <u>Condition:</u> Prior to the first occupation of each phase of the development hereby approved, a detailed outdoor lighting scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.	
18 <u>Condition:</u> Notwithstanding the information submitted with the application, no development above foundation level shall take place on site until a detailed scheme for the sound insulation of phase 1 – main building conversion - of the building has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include that the separating floor between the ground floor commercial unit/s and the flats be increased to 50 dB DnTw + Ctr, and shall include replacement glazing and acoustic trickle ventilators. No development for phase 2 new 3rd floor units shall take place on site until a detailed scheme for the sound insulation for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the development for each phase is brought into use and thereafter maintained as such.	
19 <u>Condition:</u> Prior to occupation of the ground floor commercial floorspace, a detailed scheme for phase 1 – main building conversion showing the siting of all internal and external plant and	

machinery, including any mechanical extract systems, and the insulation of the buildings against the transmission of noise and vibration has been submitted to and approved in writing by the Local Planning Authority. No development for phase 2 new 3rd floor units shall take place on site until a detailed scheme for the siting of all internal and external plant and machinery, including any mechanical extract systems, and the insulation of the buildings against the transmission of noise and vibration has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include sound power levels of all plant/machinery and equipment and shall be implemented as approved before the development is brought into use, and thereafter maintained as such.

24 Condition: Development for each phase shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the clearance and construction period has been submitted to, and approved in writing by, the LPA. The scheme shall be implemented until the development is completed.

27 Condition: Prior to commencement of any development work on site, a foul and surface water drainage survey shall be carried out to ascertain the condition of the existing infrastructure and its suitability to meet the future drainage needs of the site. The conclusions of this survey shall be presented in a foul and surface water drainage strategy for the development, which shall include the additional measures to reduce the surface water run-off of green roofing such as rooftop rainwater harvesting and any steps required to upgrade, repair or enhance the foul drainage infrastructure for the site. The report shall be submitted to and approved in writing by the Local Planning Authority prior to commencement. Work required to enhance the existing drainage systems and drainage details for additional drainage measures shall be undertaken/constructed as approved before any part of the development hereby permitted is brought into use.

Assistant Director's Comments:

The Local Highway Authority raised no objection regarding parking provision within their response and the impact on highway safety/parking has been fully assessed within the officer's report.

Condition 7 is amended for clarification; conditions 8,18,19 and 24 are amended to account for phasing and condition 27 is amended based on agent correspondence in regard to the wording.

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Third Party: ONE additional representation and further traffic data has been received from a Third Party - detailing traffic numbers and average speed along the A134 towards Cranwich from 11am on 19th December 2021 to midday on 3rd January 2022. The representations are summarised as follows.

The third party supports the application in principle due to the benefits of housing for the village however remains concerned about the site's proximity to the high risk site at the junction of the A134 and Methwold Road. The traffic data supplied recorded an overall average speed of 47.54mph along this part of the A134. Based on weekly average, around 30% of vehicles were travelling over the speed limit with an average speed of just over 55mph (9,064 out of a total of 29,571 vehicles). Requested average speed cameras or other traffic calming measures are implement alongside site access improvements.

Local Highway Authority: Provided comments on the Third Party evidence as follows:

As you'll be aware from our application responses this proposal has been subject to consideration by our Development Team, a collective which is made up of various officers within Highways including Development Management, Safety, Maintenance & Design.

While we would normally look to resist new development accessed direct from the Principal Road network (such as A134) it is recognised in this instance the application looks to redevelopment a

brown field site. It is accepted therefore that the existing permitted use of the site will generate some degree of vehicular slowing stopping and turning movements on A134. As you'll recall additional information regarding the previous use was submitted by the applicant, in response to which we advised that we could not substantiate a highways objection in this instance. We have considered the attached information and our recommendation remains unchanged.

AMENDED CONDITIONS

Conditions 5, 12, 22 amended to refer to amended indicative plan

5 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans, in relation to access only: SE-1419-PP1001 Revision J

12 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 as indicated on Drawing No SE-1419-PP1001-Rev J has/have been submitted to and approved in writing by the Local Planning Authority.

22 Condition: Prior to the first occupation of the dwellings hereby approved, a scheme for the future maintenance of the footpath to Methwold Road shown outlined in red on dwg No. SE-1419-PP1001 Revision J shall be submitted to and agreed in writing by the Local Planning Authority. The public footpath shall be made available prior to the first occupation of any dwelling on site, or in accordance with a programme agreed in writing with the Local Planning Authority and shall be retained and maintained as available for this specific purpose in accordance with the approved details thereafter.

Condition 19 to be updated to refer to corrected condition.

19 Condition: Notwithstanding Condition 18, prior to the commencement of the development hereby permitted, including any site clearance works, further surveys to identify the extent of bat populations on or adjacent to the development site shall be undertaken in accordance with a written survey proposal, which shall have been submitted to, and approved in writing by, the Local Planning Authority prior to the survey taking place.

Assistant Director's Comments:

The traffic figures supplied are noted. The Local Highway Authority considered the balance of traffic as part of their response and the impact on highway safety has been fully assessed within the officer's report. The Local Highway Authority do not consider any further highway improvement works requested in the third party representation are required in order to achieve a safe access.

Item 8/1(c) Page No.53

AGENT: Amended plans submitted to rectify a minor discrepancy relating to chimney proportion on House Type K [Plots 08, 09, 21, 23, 41 & 42].

Water Management Alliance (IDB): As per our previous discussion over the phone and in relation to planning applications 21/00589/RMM and 16/02230/OM please be aware that the Board issued the following consents on the 14th December 2021:

21_04366_C - Byelaw 3 Surface Water – 5.1l/s attenuated surface water discharge into the realigned Board watercourse

21_04367_C - Byelaw 10 – For the drainage outfall pipe, headwall and revetment only.

21_04368_C - Section 23, LDA 1991 and Byelaw 4 – Realignment of the Board adopted watercourse.

AMENDED CONDITIONS

Condition 1 (approved plans) to be updated to correspond with amended plans:

1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:

2021-01 0200 K Development Plan

2021-01 0250 R House Type Plan

2021-01 0450 D External Works - Soft Landscaping, Landscape Spec & Details

2021-01 0451 E External Works - Hard Landscaping

2021-01 0460 B Playground Layout

2021-01 2101 F House Type A [Plot 1]

2021-01 2101.1 House Type A [Plots 39 & 40]

2021-01 2102 D House Type B [Plot 43]

2021-01 2103 F House Type C [Plots 20, 27 & 35]

2021-01 2103.1 House Type C1 [Plot 36]

2021-01 2104 E House Type D [Plot 13]

2021-01 2105 G House Type E [Plot 07]

2021-01 2106 G House Type F [Plots 06 & 12]

2021-01 2106.1 A House Type F1 [Plot 22]

2021-01 2106.2 House Type F [Plot 24]

2021-01 2106.3 House Type F [Plot 32]

2021-01 2107 F House Type G [Plots 02 & 03]

2021-01 2107.1 House Type G [Plots 14, 15, 33 & 34]

2021-01 2108 G House Type H [Plots 37 & 38]

2021-01 2108.1 House Type H [Plots 04 & 05]

2021-01 2109 F House Type J [Plots 10, 11, 25, 26, 30 & 31]

2021-01 2109.1 House Type J [Plots 18, 19, 28 & 29]

2021-01 2110 A Garages

2021-01 2111 F House Type K [Plot 08]

2021-01 2111.1 A House Type K [Plots 21, 23 & 41]

2021-01 2111.2 A House Type K [Plots 09 & 42]

2021-01 2112 E House Type L [Plots 16 & 17]

Assistant Director's Comments:

As stated above, the amended plans submitted rectify a minor discrepancy relating to chimney proportion on House Type K; these amendments will not impact upon the determination of the planning application.

Item 8/2(a) Page No. 72

Applicant: Application has been **WITHDRAWN**.

Item 8/2(b) Page No. 83

Third Party: TWO additional representations were received on 5th January 2022 stating concerns regarding contamination, the potential impact the demolition and construction works may have to their property. Concerns were also raised regarding lack of information surrounding the changes in levels of the site.

Agent: An additional drawing was submitted on 6th January 2022 (drg no. D2-06-04003) and shows the finished floor levels of the proposed dwellings at 200mm above the existing pavement.

Further, a supporting letter was received from the applicant stating the following:

This a brownfield site within the boundary of a village where new residential development is acceptable in principle. As you know, the application has been with the Council for over a year, and in that time my team has reviewed the comments of Officers, the Parish Council, residents and consultees and responded positively to them. The original modern design aesthetic has been dropped in favour of an attractive vernacular approach. The dwellings have been reduced in size to two modest 2-bedroom cottages, and first floor windows removed that might have overlooked neighbouring properties. The frontages, dwelling size and avoidance of plot overdevelopment. In short, the Neighbourhood Plan seeks smaller dwellings that fit in with the village, that don't create on-street parking and do not dominate their plots. The proposal meets these objectives.

As the Officer report rightly highlights, Policy CS10 seeks to retain existing commercial uses unless certain criteria are satisfied. The report explains how the redevelopment of this site for residential use satisfies those criteria. I wish to emphasize to the Committee that:

1. Professional marketing of the existing site for continued commercial use has not secured a tenant.
2. Langton Homes has sought planning permission for a mixed use scheme to maintain commercial use on the site, but was refused in August for several reasons including on-street parking pressure, and the impact on residential amenity of neighbours.
3. Any viable commercial use of this site is going to give rise to the issues identified in that refusal. The Highway Authority objections to any intensification of parking pressure. It does not object to the residential before the Committee.
4. Overall, continued use of this site for commercial purposes has been explored but for commercial and planning reasons it is not a workable way forward.

I am grateful that Officers have taken a sensible and pragmatic view about continued commercial use within Policy CS10; indeed, I would suggest that in light of previous refusal it would have been illogical for any other view to be taken.

AMENDED CONDITION

Condition 2 (approved plans) to be updated with the correct drawing numbers and an additional updated drawing relating to ground and finished floor levels.

2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans drawing no's:

D2-6-04003 Proposed Site Layout Received 08/09/2021

D3-9-04003 Proposed Floor Plans Received 08/09/2021

D4-6-04003 Proposed Elevations Received 08/09/2021

D2-6-04003 Proposed Finished Floor Levels Received 06/01/2022

CORRECTION

It was originally stated that a total of 16 OBJECTING representations were received (from 15 individuals). However, of the 16, only 3 OBJECTING representations were received (from 3 individuals) following the receipt of amended plans. The representations included the following reasons for objection:

- Density
- Over development
- Contamination
- Preferred commercial use

Assistant Director's Comments:

All of the representations received were taken into consideration during the determination of the planning application, however, 3 of the representations were made following the receipt of the most recent amended plans, therefore, these are the most relevant comments. The additional drawing provided (drg no. D2-06-04003) evidence that the new dwellings will have a finished floor level at 200mm above the existing pavement. The drawing is considered to address concerns raised through multiple representations who questioned what the new levels will be. The proposed floor level is acceptable and will not result in detrimental overlooking, overshadowing or loss of privacy.

Item 8/2(c) Page No. 97

CORRECTION

It is stated in the report, in Case Summary, page 99 and in the Application section of the report and page 100 and Planning History page,103 the annexe has been unlawfully used as a holiday let. This is incorrect, the annexe has been used unlawfully as a “dwelling” as specified elsewhere in the report and the supporting case.

Assistant Director's comments

The planning history of the site, 19/01123/LDE, identifies that the Annexe has been used unlawfully as a residential dwelling house; correction of the typographical errors does not alter the Officer recommendation. The application is recommended for approval.

Item 8/2(d) Page No. 108

Agent: Supplied drawing no. 557-02 A detailing the parking and turning ability for 3 cars.

Third Party: The Church Car Park and access road is included in the application. 1 Church Farm Barns do not own this area. Lord Romney of Gayton Hall Estates states that the land was given to Gayton PCC as an extension to the graveyard. The access off Back Street, to the new Church Farm properties, is obviously not to become an overflow carpark for the Church Farm properties.

Visitors to St Nicholas Church, use the car park regularly, both for services and to attend to graves in the churchyard. Recently, the car park is often full of cars and over Christmas this year, there have been no spaces available apart from double parking. We had a wedding shortly after Christmas and parking was a problem. This is a great concern to us. Many of our Church congregation are elderly and accessibility issues and need to park as close to the church as possible.

I would suggest that the application is postponed at this stage to allow the applicant to make the correct drawings so that the conversion of the garage to living accommodation can be considered

Parish Council: The Parish Council wishes to object to the application. The proposal is contrary to condition 7 of the permission 2/80/3615/CU/F which states that “no outbuilding within the curtilage of the dwelling shall be used for purposes other than those incidental to the needs and personal enjoyment of the occupants of the dwelling and at no time shall be used for business or commercial purposes”.

Thus the original house and the new annexe are not occupied by the same family. The PC suggests that this application does not conform to condition 7 of the original planning approval as it goes beyond using an outbuilding for purposes incidental to the needs etc. of the occupants of the main house.

The land outside of the boundary of 1 Church Farm Barns is a shared access and the Church carpark belongs to the Church for users of the Church and is not an overspill facility for 1 Church Farm Barns. This is a car park for users of the Church and for when the community attends relatives' graves. The cars “using” 1 Church Farm Barns are habitually parking in the Church Car Park and the PC objects to this application as this is likely to continue and exacerbate this parking problem.

Inappropriate design - The garage at 1 Church Farm Barns is now a separate dwelling but with the garage door still in place so that looks, to all intents and purposes like a garage but it has home behind them. Gayton PC also wishes to draw the following relevant to the attention of the Planning Officer:-

The property is covenanted and stipulates a limit of 6 dwellings each for a single family. In addition the covenant states that it can only be used as private dwelling and not for business.

The curtilage is drawn incorrectly and takes into account land that goes beyond the boundary. The application is retrospective and approving this would encourage other retrospective applications

Why did the applicant need to build into the garage?

The Parish Council is not clear about how the planning permission can be granted for a period of 5 years. Will it revert back to garage and will planning check up on this property?

Assistant Director Comments: Whilst there is the breach of condition 7 of 2/80/3615/CU/F, the Planning Officer has considered that the annexe remains part of the same planning unit with 1 Church Farm barns and relies upon the main house for washing facilities and the scale of the accommodation is subordinate the main house. The proposal, in all other aspects, is considered to comply with Policy DM7. As stated in the Officer report on page 116, the red line simply incorporates the church parking and access track to show access to the public highway and served the prerequisite notices upon adjacent neighbours (Cert. B). No highways objections have been received and the applicant has demonstrated that there is the ability for 3 cars to turn and leave the site (the required minimum of parking spaces for a C3 use for 4+ bedroom properties). Any restrictive

covenants are enforced under civil law and are not within Planning Control. The officer has explained that a 5 year temporary consent is unnecessary for reasons outlined on p115 of the report.

Item 8/2(f) Page No. 129

Third Party: **FOUR** letters of **OBJECTION** received noting comments which primarily reiterate to representations received during the course of the application (relating to ownership of the land, impacts on drainage in the wider area and design/impacts on neighbours). These issues are addressed within the Officer's report. The additional comments noted the third party is satisfied with the proposed tree mitigation measures however raised concern over the level of detail shown on the proposed plan in relation to these measures and also queried whether the wording of Condition 4 (prior to occupation) is appropriate.

One of the objections received summarises one of the third party's objections received throughout the course of this application and outlines the history of a culverted drain which is partly within blue land to the south of the proposed plot and leads towards the drain proposed to be culverted as part of this application. Comments were received relating to consultation of neighbours further to the north of the site.

The fourth objection letter submitted again refers to issues dealt with within the officers report and refers to comments from the IDB. Reference was also made to the Armed Forces Covenant discussed in the Applicant's supporting statement.

INTERNAL DRAINAGE BOARD: The Board has been made aware that further information has been added to the portal in relation to the above application. It is disappointing that you have not consulted the Board, as part of this information relates to drainage.

The Board has been informed that the proposed watercourse to be infilled may not be in the ownership of the applicant. Under land drainage law, unless title deeds clearly state otherwise, it is deemed that the landowner either side of the watercourse owns to the centre line of the watercourse and is referred to as riparian ownership.

The Board is concerned that if the applicant does not own the ditch and does not gain the permission of the neighbour to infill it, then the new build will restrict access for the maintenance of the watercourse. As has already been stated by the Board, our consent is required for the infilling of the watercourse and is a separate requirement from the planning process. We would also require a detailed design on how the existing 150mm pipe at the rear of the site which helps to drain neighbouring properties, will be connected to the proposed new pipe.

Assistant Director's Comment: Conditions have been recommended as part of the approval relating to detailed foundation plans and tree mitigation details which will allow the submission of additional detail prior to construction commencing on site – this enables suitable mitigation measures to be put in place in conversation with a structural engineer and for these details to be agreed by the Arboricultural Officer.

Comments surrounding the wording of conditions and details of screening prior to the occupation of the dwelling are noted – the wording of this condition (Condition 4) allows revisions to the proposed screening and steps once the positioning and type of proposed foundations have been confirmed under Condition 3. This condition is in place to ensure the privacy of neighbouring dwellings.

The IDB replied to comment on the 18th November 2021 (in response to revised plans) and removed their initial objections/concerns raised to the scheme. No changes have been made to the culvert on the plans since this response was received. Comments then received on 23rd December refer to ownership and raise concern over the ownership issues noting that if the ditch is not wholly within the control of the applicant then the dwelling could restrict access. Comments relating to the existing culvert to the rear of the site relate to works outside of the red line area which cannot be controlled by this consent and the Board's consent would be required under a separate process.

The Armed Forces Covenant was mentioned both within the Applicant's supporting statement and within a response from a third party representation. The Armed Forces Covenant relates to fair and equal treatment for members of the armed forces however as a covenant this is not considered to form a material planning consideration.

In reference to lack of consultations to neighbours further to the north of the site, as these properties are not immediately adjacent to the site, no neighbour consult letters were sent out, a site notice was however displayed on the site for the required period and this complies with the necessary procedures.

Item 8/2(g) Page No.140

Parish Council: The members of Terrington St John Parish Council would like to make the following comment regarding this application. Although the Parish Council is not happy about the variation of condition 8, they understand the current Covid 19 situation may have necessitated this request. The members are able to agree to the condition variation but strongly feel the footpath works along Old Church Road must be completed before 23rd unit is sold.

Assistant Director's Comment: The usual trigger is that of occupation of a dwelling rather than its sale as this is clearly/easily demonstrable and enforceable. This effectively accords with the terms of Condition 3 which states:

No more than 22 dwellings shall be occupied prior to a detailed scheme for the off-site highway improvement works to provide a **continuous footway on Old Church Road** (as indicated on drawing number 36480/5501/SK01 rev A) has been agreed and **completed** to the written satisfaction of the Local Planning Authority.

The Parish Council's comments have therefore been addressed.