



Planning Committee
Wednesday, 20th July, 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

20 July 2022

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

CORRECTION

Index page 6 – Items should read 9/1 through to 9/2(g) inclusive.

Item 8 Supplementary Report - Medworth Adequacy of Consultation request

Third Party Comment: One comment was received from KLWIN as summarised below:

The 5km radius selected by MVV to determine which parishes are appropriate for consultation is flawed. Infrastructure planning regs 2009 simply require that appropriate Parish Councils must be consulted. The choice by MVV of a 5km radius to define appropriateness is counter to the All Parliamentary Group on Air Pollution 2021 whose report cites dangerous levels of dioxins in eggs up to 10km downwind of incinerators. This finding doubles the radius that should be considered. We maintain that the radius should probably be much greater than 10km as plumes from tall stacks can carry for great distances. The Wissington Sugar Beet factory, some 20 km away, can be clearly smelt from King's Lynn on the occasional southerly wind. However, the MVV incinerator is the exact same distance away but precisely on the prevailing south-westerly wind. Our view is that all West Norfolk parishes should have been consulted.

Cllr Blunt: I was disappointed, the Medworth Committee report didn't say more about the extent of the consultation across the parishes north of the site up towards south King's Lynn.

I appreciate that the applicant consulted with certain Parishes e.g. Walsoken , West Walton but this was the minimum requirement. I think they could have done more.

This a very important application where the views of the public should have been widely sought.

The area I am concerned about north of the site heading towards Kings Lynn. This area is flat and emissions from the incinerator blown by southerly wind will travel because there is little to stop them.

I cannot understand why all Parishes in this area including the unparished West Lynn and South Lynn were not consulted.

This area has had to absorb a lot power infrastructure including Walpole Sub-station and all the associated pylons.

The desire to put solar farm in the area again because of the proximity to the substation.

Is the incinerator being sited here because of the nearby substation.

I believe the minimum consultation is not enough, the people deserve the right to be consulted.

Assistant Director's Comments: As stated in the committee report, at this stage PINs are only asking for comments on the consultation process undertaken, hence the limited 14 day consultation period. At this stage we are not considering the multiple issues associated with the case itself, and

PINs have made it clear that there would be plenty of opportunity to comment on the proposals during future stages.

The report provides an officer technical view, but it is structured in such a way so as well as confirming that this stage has no impact upon the in principle objection by the council to the energy from waste plant, it also allows the committee and other members the opportunity to provide their views, on whether they consider that the public consultation exercise undertaken was appropriate or not.

It is clear from the commentary above, that both Cllr Blunt and the third party (on behalf of KLWIN) consider that a much wider consultation area should have been undertaken, for the reasons set out above.

Members will no doubt consider these issues, and the points raised, when providing feedback to PINS on the adequacy of consultation, through this committee.

Additional information has come to light in response to the technical Holding Objection identified by officers within the Recommendation sections (p.3 and p.9) and under Paragraphs 3.4 – 3.6 (p.5), 5.2 (p.9).

The list of persons as may be prescribed (consultees) within the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 has been amended by The Infrastructure Planning (Prescribed Consultees and Interested Parties) (Amendment) Regulations 2013.

These more recent regulations removed the requirement to consult:

- the Commission for Architecture and the Built Environment; and
- the Commission for Sustainable Development.

They also remove the requirement to consult the following for applications in England:

- the Equality and Human Rights Commission; and
- the Gas and Electricity Markets Authority.

Consequently, the holding objection to the consultation process under Section 42 of the Planning Act 2008 should be removed, as it seems that the minimum legal requirements have been met.

In response to the correction, it is recommended that the Holding Objection be removed and the overall recommendation altered as specified below:

AMENDMENT

6.0 RECOMMENDATION:

1. Members consider the technical response by Officers as set out below:

A. No objection is raised to consultation carried out under sections 42, 47 and 48, which is considered to meet the legal requirement.

2. That the further views of Members are sought on the adequacy of consultation.

3. Members note that the ‘in principle’ opposition to the proposal for an energy from waste facility in Wisbech remains as agreed by the notice of motion at the Council meeting on 25 February 2021, and is unaffected by this specific technical consultation response.

Conservation Officer: NO OBJECTION on the following grounds:

This current outline application follows several previous applications for the site, to which conservation have not objected to the principle of residential development on this site. This recent outline application seeks approval only for access, not appearance, landscaping, layout and scale.

A heritage statement has been provided which contains photographs which illustrates the building types previously located on the site, mainly large asbestos clad agricultural/industrial buildings. Whilst this report mainly concentrates on the below ground archaeology, brief mention is made of the setting of the nearby listed mill buildings. The report acknowledges that proposed development will be visible from the listed buildings and also the church. However, it also highlights that given the previous use and the buildings on site, a residential scheme may be considered an improvement.

Notwithstanding the heritage appraisal submitted with this application, I would suggest a condition is added to ensure any future application for reserved matters includes an updated Heritage Appraisal, which provides analysis of key views and vistas and looks closely at building heights and positions in addition to their design. This should reduce the potential to harm the heritage assets in the future.

Additional condition:

25 Condition The details required in accordance with Condition 1 shall include an updated Heritage Appraisal which includes analysis of key views and vistas and looks closely at building heights and positions in addition to their design and their associated impact on nearby listed buildings.

25 Reason To safeguard the interests of listed buildings in accordance with the principles of the NPPF, Policy CS12 of the Core Strategy and Policy DM15 of the SADMPP

Housing Strategy: The applicant is proposing 4 x 1 bed 2 person houses, 2 x 2 bed 3 person bungalows, 9 x 2 bed 4 person houses, 2 x 3 bed 5 person bungalows, 4 x 3 bed 5 person houses, 2 x 3 bed 4 person houses and 2 x 4 bed 6 person houses as affordable housing, this mix is acceptable.

I can confirm the proposed affordable units all meet our space standards and are dispersed well throughout the site.

South Wootton Parish Council: The Parish Council gives qualified support to the development but would wish to see the following issues addressed and where necessary corrected.

The Parish Council are pleased to see that clarification has been made regarding the access to Meadow Road, this now shows on the plans as a path, presumably for pedestrians and cyclists. The Parish Council are also pleased to see that the buff brick element has been removed from the scheme to create a red brick palette and that more carrstone has been added to corner plots at the most visual locations.

The Parish Council would still like confirmation of the other issues on our last correspondence.

- There are still only 4 Bungalows on the site, from the developers we understand these are all Affordable Homes with none on the open market for sale. As previously mentioned, South

Wootton has a high demographic of elderly residents who want ground floor living accommodation.

- The Parish Council still considers that the proposed density of 32dph is excessive and not compatible with the average density of 16dph for existing residential areas in the village.
- The Parish Council would like the developers to pay more attention to Environmental issues, such as the rainwater harvesting and the provision of renewable energy etc.
- The development must be serviced by a regular Bus Service.
- Contrary to paperwork, there are several wildlife species on the site, ie, Brown Hares, Bats etc.

Note: Planning Applications should conform to the Policies laid out in the South Wootton Neighbourhood Plan.

CORRECTIONS:

Condition No. 1: To delete Drawing numbers A8-WD01 - A88C 2 House Type and BT-DET-R21-401 - Brampton

To include the following additional drawings:

Drg No. A8 – WD01 (received 13 July 2022)

Drg No. Bt_Det_R21-401 (received 13 July 2022)

JBA 21-083-SK01 A – Landscaping Masterplan

SW/CP/01 D – Charter Plan

Amended Condition

As a result of the aforementioned corrections, Condition 1 is amended as follows:

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

SW-PPL-100 – Planning Layout – Rev T

SW/CP/MP/01 – Materials Plan

SW/CP/EP/01 – Encloses Plan

SW-TP-100 – Tracking Plan – Rev B

Travel Plan - March 2022

Refuse Collection Scheme - March 2022

12-END-R21-410 - Wentwood House Type

A1-END-R21-410 - Alnmouth House Type

BW-DET-R21-410 - Barnwood House Type

CAS-WD-01 - Castor House Type

CH-DET-R21-410 - Charnwood House Type

DG-END-R21-410 - Dallington House Type

DP-END-R21-410 - Danbury House Type

DP-END-R21-410 - Deepdale House Type

GW-DET-R21-410 - Greenwood Cr House Type

GW-DET-R21-410 - Greenwood House Type

KI-DET-R21-410 - Kielder House Type

RE-END-R21-410 - Rendlesham House Type

RI-DET-R21-410 - Rivington House Type
SA-END-R21-410 - Saunton House Type
SH-DET-R21-410 - Sherwood House Type
WA-END-R21-410 - Wareham House Type
Ga 1.1 105 – Elevations Single Garage
Ga1.1 102 – Floor Plan Single Garage
Ga2.2 102 – Floor Plans double garage
Ga2.2 105 – Elevations Twin Garage
JBA 21-083-01 Detailed Hard and Soft Landscape Proposals for Plots and POS Rev D
JBA 21-083-02 Detailed Hard and Soft Landscape Proposals for Plots and POS Rev D
JBA 21-083-03 Detailed Hard and Soft Landscape Proposals for Plots and POS Rev D
JBA 21-083-04 Detailed Hard and Soft Landscape Proposals for Plots and POS Rev D
JBA 21-083-05 Detailed Hard and Soft Landscape Proposals for Plots and POS Rev D
JBA 21-083-06 Detailed Hard and Soft Landscape Proposals for Plots and POS Rev D
Drg No. A8 – WD01 (received 13 July 2022)
Drg No. Bt_Det_R21-401 (received 13 July 2022)
JBA 21-083-SK01 A – Landscaping Masterplan
SW/CP/01 D – Charter Plan

1. Reason: For the avoidance of doubt and in the interests of proper planning.

Assistant Director's comments: The corrections raise no additional issues and is for clarity to ensure the drawings are up to date with the revisions.

Taking into account the comments from Housing Strategy, it is considered the affordable provision within the site remains acceptable.

It is acknowledged the Parish Council have revised their comments following a review of the recent changes to the scheme. The outstanding matters which have been raised have been raised previously and are addressed in the main body of the report.

Item 9/2(c) Page No.86

Third Party Comments: One additional third-party support has been received. The author writes: *Having reviewed the plans for High Barn, it would appear that the proposed design has been modified following consideration of the feedback received and as such I am supportive of the proposal.*

I would hope the community would welcome a Norfolk family with children wishing to invest in a property, to create a family home in which they can reside permanently in the village.

Assistant Director's comments: These comments are akin to other third-party letters of support and raise no additional issues.

Item 9/2(d) Page No.102

CORRECTION:

P.104 The Neighbourhood Plan box on the front of the report states 'No' in error. Terrington St John does have a neighbourhood plan which is mentioned in the report as well as the relevant policies.

Third Party comments: Nine additional third-party objections have been received which are summarised as follows:-

- *The shop is in the wrong location, in a dangerous place to have a shop because of the road. Additional risk and congestion will be caused by the shop application.*
- *Traffic has increased over the years due to new housing in the area i.e. Smeeth Road.*
- *There is a lorry park in the area that drives on the pavement because of restrictive road width and there are a number of blind spots with restricted sight lines (20-25m). There are too many lorries on the road, animals have been killed and next it could be a person.*
- *Parking issues as residents don't have private parking and manoeuvring into spaces on blind bend is dangerous.*
- *Delivery vans need to reverse in or out of a restricted space on a blind bend.*
- *Issues with the previous consent (15/00829/F) which subdivided the rear residential unit from the rest of 1 The Gambles as parking for both dwellings has not been provided (1 The Gambles parks on the road) which has compounded parking issues.*
- *Additional traffic could block the right of way to Gambles Row or no.5 Gambles Row's private driveway.*
- *The drainage (foul and surface water) is currently shared with 1 The Gambles but no easement is mentioned on the deeds.*
- *Installing a new septic tank could cause flooding as drainage is poor, this will be a health and safety risk if there is raw sewage.*
- *Plans show the boundary at no.5 Gambles Row stopping at the gate rather than the highway, people may park there.*
- *Deeds show the residents of Gambles Row should have access at all times, pedestrian and vehicular (legal document).*
- *Rights of Way, under the [Obstruction] Act 2006 to obstruct or hinder an emergency vehicle responding to calls is an offence.*
- *Applicant has no connection to the area and it's a commercial opportunity.*
- *Should look at why the previous shop failed, it was due to declining need by the local population. The Post Office bought out the contract, replacing with a mobile service which proves an insufficient need for a fixed PO. It is unlikely the business will be viable.*
- *Shop could cause antisocial behaviour and littering*
- *Numerous emails have been sent (to Council, Highways and Members) and there has been no response, do not feel listened to and that public comments have been ignored.*

Assistant Director's comments: The correction raises no additional issues.

The majority of the third party objections raise similar issues to those which were submitted during the application and have been addressed within the committee report, such as highway safety, right of access, drainage etc.

The application is for an extension to an existing shop; the viability of the proposed business use is a matter for the applicant to consider.

The plans do not have to show the land outside the application site in detail. The access to 5 Gambles Row is shown on the location plan.

The previous consent (15/00829/F) which subdivided the original house into two residential units (one of which forms part of this application) has been checked, and there are no conditions on the decision notice relating to the provision of parking spaces for 1 The Gambles, nor is the parking marked on the approved plans.

Officers are unable to respond to individual third party representations as a matter of course given the volume of applications received. This is made clear on the Borough Council's website and within the neighbour notification letters that are issued. Matters raised by third parties are therefore considered within the report which is written when an application is determined.

Item 9/2(e)

Page No.118

CORRECTION:

p.120 The Neighbourhood Plan box on the front of the report states 'No' in error. Terrington St John does have a neighbourhood plan which is mentioned in the report as well as the relevant policies.

Assistant Director's comments: The correction raises no additional issues.

Item 9/2(f)

Page No.130

CORRECTIONS:

p. 7 and p 132 The proposal description within the Index and report heading box should read 'Change of Use from E to F1 with associated alterations at The Pickling Shed and Change of use from Agricultural to E to The Forestry Building'.

p.132 The fifth paragraph under section 'The Application' should read 'Retrospective change of use is sought for the Pickling Shed from E Paving Slab Workshop to F1 Cookery School / Workshop; and The Forestry Building from Agricultural Use to E, a printing and framing workshop'.

p.138 The fifth paragraph under section 'Principle of Development' should read 'Given that the development involves the change of use of existing historic agricultural barns, which have more recently been used for business purposes (E (was B1)) to other small scale business units, the principle complies with the aforementioned Policies'.

Assistant Director's comments: The application was submitted prior to the amendments to the Town and Country Planning (Use Classes) Order 1997 (as amended) which changed Use Class B1 to Class E and therefore requires amendment. The corrections raise no additional issues.

Item 9/2(g)

Page No.147

Agent: Additional information provided via email setting out that the hedge has been planted and fence reduced in height to 1.2m

Amended plan submitted, ref 02 Rev F. Amended plan shows a more accurate representation of the hard and soft surfaces in the site, including the grass to the front.

Parish Council: Amending the description from 'dwelling unit' to 'residential mobile home' provides clarification but we request a condition that the unit must not be a permanent structure.

The Parish Council notes from the file that a residential use has been accepted on basis of a 'recent investigation' as mentioned in agent's email 21st March 2022 which mentions an attachment. No evidence was attached of this investigation and when asked by the officer for a copy, it cannot be seen from the file that a copy of this document was ever provided. The Parish Council requests sight of a copy for consideration and comment before any permissions are granted.

The Laundry/store room would presumably be provided with utilities including power, water and drainage. The plans do not indicate the size of the laundry room but looking at the drawings it appears to be just under half the size of the proposed mobile unit. This is not an insignificant size.

The Parish Council is concerned that laundry room is a permanent structure and would be supplied with requisite utilities to support residence. Accordingly, we require a condition to clarify the laundry room is not to be used for residential use. It should also be clarified the laundry/store would not grant the applicant with any permitted development rights.

If the Council fails to apply these clarifications, then implications could be serious as this would have the effect of giving tacit support for a permanent building for residential use, which has been consistently refused for this site.

Assistant Director's comments: Regarding the Parish Council comments, the site benefits from a lawful development certificate for use as a caravan site for 1 caravan and this lawful use extends in perpetuity. In addition, any further development of the land would require an application in its own right.

The agent provided clarification in an email dated 6th April 2022 that the attachment and 'recent investigation' referenced by the Parish Council was the approved Lawful Development Certificate application 2/01/1570/LD. The decision notice for this application is available on the Council's website, however for the avoidance of doubt a copy has been added to this current application's Public Access online file.

The proposed laundry room / store is intended to be a permanent structure in association with the permanent lawful use of the land as a caravan site. The floor area of the building is approximately 7.3m x 3.65m with an overall height of approximately 3.32m. It is considered the footprint of approximately 26.6sqm is proportionate with the proposed use. It is recommended an additional condition is added requiring that the laundry/storage be used ancillary to the mobile home and not as a separate unit of residential accommodation.

As a result of amended plan, conditions are amended to refer to updated plan reference number. As a hedge has already been planted and fence reduced to 1.2m, conditions 2 and 3 regarding a landscaping scheme shall also be amended accordingly. Summary of the amended conditions below:

Amended Conditions

1 Condition: The development is hereby permitted in accordance with dwg no. 02 Rev F (Location Plan and Proposed Plans).

1 Reason: For the avoidance of doubt and in the interests of proper planning.

2 Condition: Within 3 months of the date of this decision, full details of a scheme for the removal of the 1.2m timber fence to the front (west) boundary and the proposed replacement hedge shown on Dwg no. 02 Rev F shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting schedules, noting details of all plant species, plant sizes, proposed numbers and densities where appropriate.

2 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.

3 Condition: The planting of the hedgerow to the front boundary as shown on dwg no. 02 Rev F and required by condition 2, shall be carried out in accordance with the approved details. Any trees or plants that within a period of 5 years from planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

3 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.

4 Condition: Within a period of 3 months from the date of this decision, the new 1.8m close boarded timber boundary fence shall be erected at the rear boundary (east) of the approved garden area hereby permitted as shown outlined in red on dwg no. 02 Rev F, and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

4 Reason: In order that the domestic garden can be clearly differentiated and remain separate from the agricultural land for the avoidance of doubt.

Additional Condition:

5 Condition: The Laundry room / domestic store hereby approved shall only be used for purposes incidental to the needs and personal enjoyment of the occupants of the mobile home shown within the red line on dwg no. 02 Rev F and shall not be used as an independent unit of residential accommodation.

5 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.