



**Planning Committee**  
**Monday, 4th December, 2023 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 - 6)**

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

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**PLANNING COMMITTEE**

**4 December 2023**

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

**Item No. 9/1(a) 23/00496/FM**

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**Arboricultural Officer NO OBJECTION:** - The Arboricultural Officer reviewed the above planning application and associated landscape and tree and hedge documents for this application, with particular reference to the impact of the development on the existing hedges proposed to be retained/removed and the proposed new tree and hedge planting. The comments are summarised as follows:

- The Arboricultural Impact Assessment provides a summary of the tree and hedge impacts of the proposed development, and indicative guidance of the principles for the protection of the one retained tree and hedges during construction work.
- Three new openings are proposed along the hedgerow at Creake Road, and one new opening is proposed for the footpath to Beacon Hill Road
- The hedgerow along the south of the site between the site and existing properties will require pruning to make space for the new garages for plots 6-11.
- Hedges cannot be protected by tree preservation orders and can only be successfully retained on areas of public land.
- No comprehensive landscaping scheme has been submitted
- Careful consideration is required to ensure long-term health of proposed trees, trees should be incorporated into the drainage strategy where possible
- It would be our intention to place a Tree Preservation Order on the newly planted trees to ensure their long-term survival and when necessary, replacement within the street scene.

**Amended condition:** As a result of receiving the consultation response above, Condition 6 is required to be amended:

6. Condition: Prior to the first use/occupation of the development hereby permitted, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

i. Hard landscape works, to include but not be limited to, finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts, boundary types, and any paved surfaces (including manufacturer, type, colour and size) underground modular systems, and sustainable urban drainage integration (see detailed design proposals for street trees planting pits/trenches at ii)

ii. Soft landscape works, to include planting plans (which show the relationship to all underground services overhead lighting and the drainage layout), written specifications (including cultivation and other operations associated with plan and grass establishment), schedules of plants noting species, plant sizes, proposed numbers and densities, tree planting details including method of staking, and irrigations, detailed design proposals for street trees planting pits/trenches including, but not limited to, locations, soil volumes in cubic metres, structural soils, root barriers cross sections and dimensions. The details shall include a establishment plan to provide for the initial establishment

and maintenance of all landscaped areas for a minimum period of 5 years and specify the maintenance responsibilities and arrangements for its implementation.

6. Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF, Policies CS08 and DM15 of the Local Plan and Policy 6 of the Neighbourhood Plan.

**Additional Conditions:** As a result of receiving the consultation response above, additional conditions are recommended:

26. Condition: No work or other operations development shall take place on site until a scheme for the protection of the retained hedges and one tree in the form of a site specific Arboricultural Method Statement (AMS), and accompanying hedge and Tree Protection Plan has been approved in writing with the Local Planning Authority. This scheme shall include:

a, Site layout plans to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and root protection areas (section 4.6 of BS5837:2012) of every retained hedge and tree on site and on neighbouring or nearby ground, superimposed on the layout plan. The positions of all hedges and trees to be removed shall be indicated on this plan.

b, the details and positions (shown on the plan at paragraph (a) above) of the Hedge and Tree Protection Barriers, (section 6.2 of BS5837:2012), to form a construction exclusion zone, and the type and extent of ground protection (section 6.2.3 of BS5837:2012) or any other physical tree protection measures. These details are to be identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). Barrier and ground protection offsets must be dimensioned from existing fixed points on the site to enable accurate setting out. The position of barriers and any ground protection should be shown as a polygon representing the actual alignment of the protection.

c, the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 7.7 of BS5837:2012). the details of the working methods to be employed with regard to site logistics including, the proposed access and delivery of materials to the site; space for storing materials spoil and fuel, and the mixing of cement; contractor car parking; site huts, temporary latrines (including their drainage), and any other temporary structures.

d, the AMS shall include details for the installation of any temporary ground protection, excavations, or other method for the installation of any hard structures or underground services within the minimum root protection areas of any retained tree.

The approved Hedge and Tree protection must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Hedge and Tree Protection Barriers are repositioned for that phase. All tree protection works shall be carried out in complete accordance with the approved details.

26. Reason: For the avoidance of doubt and to ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF, Policies CS08 and DM15 of the Local Plan and Policy 6 of the Neighbourhood Plan.

27. Condition: All existing hedges and trees within the site that are shown as being retained on the approved plans shall not be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees, shrubs or hedges removed without such approval, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.

27. Reason: For the avoidance of doubt and to ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF, Policies CS08 and DM15 of the Local Plan and Policy 6 of the Neighbourhood Plan.

**Additional Condition:** For the avoidance of doubt, considering the wording of Policy 3 of the Burnham Market Neighbourhood Plan, the following Principal Residence Condition is recommended in addition to the S106 legal agreement discussed within the committee report.

28. Condition: The dwellings hereby approved shall be occupied only as the primary (principal) residence of those persons entitled to occupy it. The occupiers of the dwelling shall be required to provide evidence that they are meeting the requirements of the condition, and shall make this information available at all reasonable times to the Local Planning Authority.

28. Reason: In order that the development permitted is in accordance with the requirements of the Burnham Market Neighbourhood Plan

**CORRECTION:** On 22<sup>nd</sup> November 2023, Areas of Outstanding Natural Beauty (AONBs) were rebranded 'National Landscapes' to boost understanding of their national significance. Therefore the Norfolk Coast AONB will now be referred to as the Norfolk Coast National Landscape. **Reference within the report to AONB therefore means *Norfolk Coast National Landscape*.**

**Assistant Director's comments:**

The comments received from the Arboricultural Officer are noted. The additional conditions and varied Condition 6 will ensure that all the relevant information comes forward as part of future discharge of condition application, and this will ensure the long-term management of landscaping across the site in line with relevant policies. Given that the Burnham Market NP is the most up-to-date plan, having been through examination, it is considered reasonable to impose condition 28 in conjunction with the S106 to ensure principal residences.

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**Additional Condition:** For the avoidance of doubt, considering the wording of Policy 3 of the Burnham Market Neighbourhood Plan, the following Principal Residence Condition is recommended in addition to the S106 legal agreement discussed within the committee report. As the Burnham Market Neighbourhood Plan is the most up to date part of the Development Plan and explicitly states a planning condition and supporting Section 106 legal agreement will be secured the recommendation is updated to reflect this, notwithstanding the officer's report regarding duplication.

9. Condition: The dwelling hereby approved shall be occupied only as the primary (principal) residence of those persons entitled to occupy it. The occupiers of the dwelling shall be required to provide evidence that they are meeting the requirements of the condition, and shall make this information available at all reasonable times to the Local Planning Authority.

9. Reason: In order that the development permitted is in accordance with the requirements of the Burnham Market Neighbourhood Plan.

**CORRECTION: The application site lies within the Norfolk Coast Area of Outstanding Natural Beauty.** On 22<sup>nd</sup> November 2023, Areas of Outstanding Natural Beauty (AONBs) were rebranded 'National Landscapes' to boost understanding of their national significance. Therefore, the Norfolk

Coast AONB will now be referred to as the Norfolk Coast National Landscape. **Reference to AONB therefore means Norfolk Coast National Landscape.**

**Assistant Director's comments:**

Reference is made to the Norfolk Coast Area of Outstanding Natural Beauty (now Norfolk Coast National Landscape) for completeness. It is not considered that this has a material impact on the recommendation due to the location of the site in the centre of the village and therefore complies with Policy CS12 of the Local Plan. The additional condition 9 would ensure that any approval is fully compliant with the Burnham Market Neighbourhood Plan, as the most up-to-date plan.

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**Correspondence from Councillor Parish:** I have read all the documentation and can find no evidence provided by Lidl that problems exist on the current car park re caravans etc. They make an unsupported statement to that effect.

Have I missed logging of dates, issues, photographs?

The few locals who have noted in their objections that they have seen no parking problems, concur with my own daily observations throughout the last season. I drive past it at least twice per day.

The land on which the extension is proposed is deemed countryside and extends towards the Snettisham traffic island. There is pressure to develop this land further and an extension to the car park would begin this erosion of a valuable demarcation zone. It would also likely make the site more visible from village locations towards The Wash - car park lighting etc - and certainly from viewpoints on the hill containing the Millennium Wood on the other side of the A149.

As far as comments suggesting that cars and vehicles will overspill onto neighbouring roads. That is conjecture with no substance. There is only one realistic nearby local road, The Broadway. There is the odd village car that parks on that to avoid a relatively long round trip to the store car park and back to the village. The size of the car park is irrelevant to that, minor, issue.

I note that a 'selling' point is the provision of electric vehicle charging. This supermarket is not a final destination and neither does it have facilities to enjoy whilst charging is taking place. Local drivers, who are most customers for most of the year should have no need to charge their cars as they can do that at home. Visitors passing through should have charging at their destinations or, certainly in Heacham, can utilise points on BC car parks near the beaches where there are cafes or the opportunities to take a walk. Other useful locations will become available and are certainly available now in Hunstanton.

I find the application a little bizarre and can only relate it to an earlier application, withdrawn, to potentially extend the store premises. It also connects to a persistent refusal by Lidl to replace dead 'landscaping'. If the application accepted, this will be further and unnecessary, removal of open space and a bit of green which may be considered as just grass and scrub by some, but it will have an impact out of proportion to its, current, size.

If the committee is minded to agree with officers' recommendations, I trust that it will agree with all of them, including any from the arboricultural officer, the ecology officer, and CSNN. I note that 'no objection' is recorded against each of these consultees though each of them has significant, often extensive, comments to make.

**Third Party comments:** **ONE** additional Third Party representation of **Objection** has been received as summarised below:

- The additional spaces are totally unnecessary
- Unnecessary environmental impacts
- The entrance and exit is an accident waiting to happen.

**CORRECTION:** On 22nd November 2023, Areas of Outstanding Natural Beauty (AONBs) were rebranded 'National Landscapes' to boost understanding of their national significance. Therefore the Norfolk Coast AONB will now be referred to as the Norfolk Coast National Landscape. **Reference within the report to AONB therefore means *Norfolk Coast National Landscape*.**

**Assistant Director's comments:**

The comments from Cllr Parish are noted; it is considered the issues raised are covered in the officer report.

No additional dates, issues or photographs have been provided by the applicant in support of their application.

The LPA must consider the application as submitted, and that is for an extension to the car park and not an extension to the store.

The objections received from the third party reflect other third-party objections and have been fully covered in the officer report.

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**Third Party:** **One** additional third party representation has been received as summarised below:

- Could all comments made on public access be read out loud, even if they are late correspondence?
- Attended MIND meeting and spoke about the plans. MIND was unaware of the neighbours to the site until they were informed.
- The overview of the meeting (on public access dated 7<sup>th</sup> November 2023) is inaccurate and at variance with the facts and local concerns.
- Request that comments made by the public be read out loud by a member of Democratic Services as they are unable to attend.

**CORRECTION:**

There is a typographical error on p. 138, Form and Character, paragraph 1. The first sentence should read:

The application site comprises a two-storey modern **six-bedroom** dwelling, with an integrated garage, situated to the northside of The Drove in Barroway Drove.

**Assistant Director's comments:** All comments made by Third Parties have been addressed within the Officer's report. Individual comments in full can be found online on Public Access. It is not practice for officers to read out all third party comments.