



Planning Committee
Monday, 9th January, 2017 at 9.30 am
in the Committee Suite, King's Court, Chapel Street,
King's Lynn

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
9th January 2017

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

Item Number 8/1 (a) **Page Number** 8

Parish Council: Heacham Parish Council **OBJECTS** to this planning application on the same grounds as before. In addition, it has concerns about recent accidents on the A149 and wishes to bring this to the attention of Highways.

Natural England: Natural England has previously commented on this proposal. Our previous response applies equally to this amendment although we made no objection to the original proposal.

Norfolk Coast Partnership: I recognise the additional work that has been done on assessing the potential landscape and visual impact of this proposed development on the edge of the AONB and note the conclusion of the report that the new native planting to the boundary and removal of the existing detracting buildings would provide long term protection and enhancement to the AONB. Although I agree that the impact is likely to be no worse than the existing buildings that would be replaced, and may indeed be an improvement overall, the design of the building and landscaping could be improved to maximise benefits.

The building design is one that appears to be essentially standard for all the company's stores and which, although it may well be appropriate in an urban setting or industrial estate, makes no substantive concessions to its rural and AONB edge setting in this case, with large areas of glazing, for example, on its eastern and southern elevations. Good design in this context would need to be much more than inclusion of token features into a standard model.

Although the setting of the AONB is an important consideration, I recognise that this is not a site of the highest sensitive in terms of visibility and impact on the setting of the AONB. If the Borough Council is minded to approve this design, it may be possible to achieve some further mitigation of its impact in this setting by attention to landscaping details.

It is not apparent how high the native hedge on the western and southern sides is intended to be but clearly the higher this is, within reason (and at least higher than the ornamental shrubs inside it) the more effective the screening would be. I would also suggest that a simpler mix of locally native shrubs (predominantly hawthorn and blackthorn, with only occasional, irregularly spaced individual plants of other locally native species such as hazel and crab apple) would provide a more rural appearance.

While I recognise that visibility from the highway is likely to be a requirement of the company, my preference would be for continuation of the native species hedge on the eastern side facing the AONB, possibly at a lower height (but still higher than the ornamental shrubs behind it) and inclusion of some smaller locally native trees on this side e.g. field maple. Taller native trees and shrubs might also be included on the western side (although this is perhaps less relevant to the AONB setting, but would help with overall integration in views from the south).

Third Party: One letter in **SUPPORT** (summarised) regarding:

- Very disappointed in democratic planning process, given Members comments regarding highways despite the clear advice from the Council's Executive Director being "it's important that the reasons are clear and they are defensible" and the comments from Liz Poole of Norfolk County Council stating that "this is by far the best highways solution for this site".
- Does not want to be billed for anything up to £100,000 in legal fees in connection with an appeal by Lidl when we cannot afford to keep our public lavatories open simply for some members of this committee to dig their heels in, when the clear recommendation from all the planning and highways experts is to pass this application. Colchester Borough Council recently spent £91,888.70 of taxpayers money defending an appeal at Stane Park and does not wish to see that process repeated here.
- Attended the public consultation for Lidl's proposals back in August 2015 and can only report the sizeable excitement and enthusiasm in the room for the plans with 990 locals (88%) supporting the scheme.
- Consider the 40 well paid jobs at stake here and of the need for more choices of food at affordable prices. Lidl were the first supermarket to adopt the National Living Wage for all employees and would be a very welcome addition to the area.
- This application will not overstretch doctors, schools and the like or indeed cause the horrendous muddy delays currently being experienced with the creation of a new roundabout in Heacham.
- Asks Members to support the scheme.
-

Two letters of **OBJECTION** (summarised) regarding:

- Heacham is a village, not a town, therefore should not be portrayed as a town to people outside of the West Norfolk area.
- Soon villages will be no more if supermarkets are being built in them, which would be very sad, and could make the area less aesthetically pleasing, as Heacham is a very pretty place.
- The villagers themselves will not benefit as it will be a long walk to the Store and they will have to use their cars to be able to access the Supermarket as no bus will pass the Store directly from the Village.
- The additional traffic along the A149 will cause major disruption in the area. I believe this Planning Application should be blocked. It would appear that Lidl are seeking to establish themselves in this area so that they will benefit from the custom of the surrounding area without having to apply to Hunstanton for permission to build in their Town.

Correction: There is an error in Condition 28 in relation to the net sales and comparison goods sales areas. The areas quoted are 1,325sq m and 245sq m respectively, but should be (as per the original officer report) 1,425m² and 285m² respectively. As such Condition 28 should be amended to read:

28. Condition The development hereby permitted shall be used only for A1 retail use and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town

and Country Planning (Use Classes) Order 2015 or in any provision equivalent to that Class revoking or enacting that Order). The net sales area shall not exceed 1,425sq m and no more than 20% (285sq m) of this net sales area shall be used for the sale of comparison goods. The number of lines that shall be for sale in the store at any one time shall be limited to a maximum of 1,600; and the store shall not include any post office, pharmacy or butchers. For the purposes of this condition, comparison goods are items not obtained on a frequent basis, including clothing, footwear, household and recreational goods.

28. Reason For the avoidance of doubt and to ensure that the permitted development does not have a negative impact on the vitality and viability of other centres in the locality in accordance with the NPPF and Development Plan.

Item Number 8/2 (a) **Page Number** Late Report

Agent: The draft report to committee which seems to be recommending that consent be granted subject to S106 covering the education, library, play equipment, Village Hall contribution, SUDs maintenance. There is also within the report concern that the anticipated decontamination costs are conservative.

At the time I undertook my assessment the requirement for Education Payment and SUDs maintenance were not requested and so no sums were included in my assessment for those items. Any revision of that assessment would need to include sums for those items.

Your Option 1 assessment shows that even with no affordables, and without SUDs maintenance, the scheme is not viable if Education Payments of £81000 are required. It is non viable by almost exactly the level of the education payments. As such I am not quite sure why the recommendation that has been reached in the terms it has, when on your own figures, even with the adjustments you have made which I query below, it is not viable. If the 81508 education contribution is removed from your scenario 1, and one were to accept that SUDs maintenance would fall on a residents association rather than the developer, then the scheme would show a deficit of £10000, and could be considered marginal.

I note you have now adjusted your scenario 3 to provide full play equipment and you acknowledge that even with no affordable housing provided this still leaves a £23000 deficit. Again if the £13000 partial education contribution is removed this would equate to Scenario 1 without the education contribution.

Whichever way you look at it this scheme cannot support affordable housing or education contributions.

Without your adjustments or if decontamination were to exceed the levels adopted it would be even less viable. Chris Parsons is revisiting the decontamination figures with advisors in the light of the comments.

I note from the email of 27th July that the areas where you have adjusted my figures are principally

1 Land value – I have used £360000 representing around £300000 per Ha. This is the level that was used in the CIL viability study as being the minimum level at which land was likely to be brought forward. It is below historic land purchase cost which I understand was £500000. I would argue that this is the minimum competitive return to the land owner that would mean the site was delivered. It has historic use for commercial purposes which could be continued without needing specific consent and would be fit for

purpose for such a use without major decontamination expenditure. I believe it would have a value at this level for commercial purposes. I thus disagree with you reducing land value below this threshold figure.

2 House values – I have looked at your comparable evidence of other properties. These differ from my evidence in that whilst they are new build they are virtually all in Watlington, a village on a mainline rail link and just off the A10 about 5 miles from both Lynn and Downham where values for that reason are higher. I disagree with the increase in values you have applied, which makes very significant difference to the viability. You acknowledge that Stoke Ferry is lower value and I believe my property values are supported by the local evidence. You generally have used about 2000 / sq m values throughout. If you consider your evidence for Fincham and Marham at around £1575/sq m I don't think my use of £2000 / sq m for the smallest units to £1850 / sq m for the larger is unreasonable, or understates viability

3 Timescale – I had used 20 months and you have reduced to 15. A site of this size will be undertaken by a small/medium size developer whose capacity will be to undertake this scale of development will be on the basis of a longer time period than a company doing a site of 50 – 100. It is a question of cash flow / funding ability as well as labour availability. They will engage the right numbers of contractors to maintain progress but not have large quantity of partially built properties that they are funding. As such I believe 20 months including establishment on site is realistic for this scale project. On your basis with sales only starting 6 months before project completion they would have to fund.

I would continue to argue that your revisions of threshold land value, house values and timescale are not appropriate. You have increased GDV by £150000 or more in scenario one by your alterations whilst reducing site and finance costs by £100000, i.e. a £250000 swing. In other scenarios the adjustments have similar effect.

However, in this case, given the recommendation on the draft report to remove affordable housing requirement, which mirrors your Scenario 1, even if the changes you have suggested are not reversed, then the recommended decision does not leave a viable scheme unless the education payment requirement (which at this stage is dependent on other schemes being delivered first and so may not be needed) is removed.

I would suggest that to demonstrate a viable scheme the requirement for affordable housing and education contribution needs removing, leaving the s106 covering Library, Hydrant, SUDs maintenance and Play Equipment, plus the village hall contribution.

Housing Strategy Officer: The Agent is correct in pointing out that scenario 1 referred to in my original email dated 27th July 2016 suggests that with all contributions included and no affordable housing, the development is still not viable due to a deficit of just over £80k. This figure is very similar to the education contribution. If the education contribution is removed, this reduces the deficit to £10,000 which I would suggest could be covered by the developer reducing their return slightly.

This suggests that with the inclusion of the play area equipment, library contribution, fire hydrant and village hall contributions, it is not viable to provide any affordable housing or education contributions.

NCC – Planning Obligations: Unfortunately the County Council is not in a position to be able to waive the contributions sought for education (see attached requirements) as the catchment primary school (All Saints Academy) is already over-subscribed and when other proposals are taken into account this will simply add to the pressure on this school.

Without developer funding from this proposal towards the school's expansion, there is a serious risk of the school being oversubscribed with increasing class sizes and the

potential for mobile accommodation to be brought in; or local children having to be bused to the next nearest school with available places. In turn this could have an adverse impact on the attainment of pupils attending the school.

Therefore your planning committee needs to be aware of the consequences of not securing developer funding at this school before making a decision.

Assistant Director's comments: Further to additional information received from the Agent along with the Housing Strategy Officer's comments, it is confirmed that it is not viable to provide affordable housing and education contributions as part of the proposal. The Agent confirms that all other obligations will be provided.

Whilst the comments of the County Council are noted, the NPPG is quite clear that in order to bring back into use brownfield sites, LPA's should "...take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable". Further, that "Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.

As a result, it is recommended that the Recommendation B be amended as follows:

Amendment

B) In the event that the S106 is not completed within 4 months of the date of the Committee resolution, **REFUSE** on the failure to secure library contributions, open space provision and maintenance, SuDS maintenance and the village hall car park.

Item Number 8/3 (a) **Page Number** 27

Agent:

- The application and supporting case section of the report states that the application is for a 3 bedroom dwelling where the revised proposal is for a 2 bedroom dwelling
- The site has not been used as garden land for a number of years
- The Parish council's response is incorrect
- Conservation Officer's comments are in regards to the original scheme
- It is misleading that the comments in the representation section do not distinguish between the original and latest set of plans
- Reference is made to the lack of private amenity space though the latest proposal does include a patio area and sections of the garden could be enclosed by hedging.
- Has this scheme been consulted upon

Parish Council: Comments in regards to the latest set of plans Rev C as follows:

- Docking Parish Council has no objection to the above vehicle entrance at the above application.

Conservation Officer: Comments in regards to the latest set of plans Rev C as follows:

- My comments made on the original scheme remain largely the same. Although the scale and design of the proposed building has been amended, the overall impact on the conservation area will remain.

- The conclusion from the discussion at the Conservation Area Advisory Panel meeting regarding the original design were that no building should be approved on the site and their comments therefore remain the same.
- In conclusion, although the design of the proposal has changed, the harmful impact will remain the same, and therefore no development should be approved on this site.

Assistant Director's comments: The latest sets of plans were available online during the re-consultation period as Rev B drawings. It is clear from the report that comments have been received regarding the amended plans (p. 30). The Agent's comments in regards to the lack of amenity space are a material consideration in the determination of this application, which Members will take a view on. The LPA considers that the proposal remains a cramped form of development irrespective of providing screening and a patio area.

Correction:

Page 28 (para 1 & 2), Page 29 (para 8) – Correct sentence to:

The application is made for full planning permission for the erection of a single 2 bed dwelling...

Item Number 8/3(b) **Page Number** 34

Agent: With reference to the above planning application, and following publication of the agenda for the Planning Committee meeting of 9th. Jan. 2017, there are a number of factual inaccuracies within the case officer's report.

The report states that "The proposal significantly increases the bulk of the building through the increase in the depth of the house to 13.3m and increase in frontage width to 16.8m...." This is not the case. The depth of the proposed building measures 13.0m. This compares to an existing depth of 11.76m. (inclusive of all existing extensions) - an increase of just 1.24m The proposed frontage width measures 17.0m. This is exactly the same as the existing frontage width (again including all existing extensions).

It is firmly asserted that the above parameters do not represent a "significant increase".

The existing footprint of the dwelling is 150 sq.m., compared to a proposed footprint of 221 sq.m., set within a residential curtilage of just over 920 sq.m.

The officer's report states that the frontage width plot is 20m. This is not the case. The frontage width plot measures 21.0m.

Referring to "Impact on residential amenity" - overbearing and overshadowing. In the case of "Downer" the proposed dwelling is separated from "Downer" by some 4.0m. at the east of the 2 buildings increasing to 10.5m. at the west of the buildings. "Downer" is orientated at an angle of 45 deg. to the proposed dwelling, and the northern gable end of the proposed dwelling faces and is adjacent to the front garden of "Downer" - i.e. the access drive. Under such circumstances it is firmly asserted that there is no significant overbearing impact of the proposed dwelling upon "Downer". Additionally, the south-west gable end of "Downer" has no significant openings. Any potential for overshadowing of the proposed building on "Downer" is minimal. In the case of "Heathcote", as the proposed dwelling lies immediately to the north of "Heathcote" on the same front and rear building lines, it is clear that the proposed building cannot overshadow "Heathcote". Similarly, both buildings

(proposed and "Heathcote"), being on the same front and rear building lines, the proposed building could not be considered to have an overbearing effect on "Heathcote".

Assistant Director's comments: The comments of the Agent are noted however the measurements were taken from the submitted scaled 1:1250 and 1:500 plans. The width of the site frontage based on these plans ranges between 20.5 and 21m. Given the proximity of the proposed dwelling to neighbouring properties, Officer's consider that it would have a detrimental impact on neighbour amenity both in terms of overshadowing (to Downor to the north) and being overbearing (to Heathcote and Downor) and therefore disagree with the Agent's conclusions.

Item Number 8/3(c) **Page Number** 40

Agent: Should planning permission be granted it is likely that the client would be looking to dispose of the site as potential self-build plots. To facilitate this process, requests that conditions 6, 7, 8, 9, 10 and 12 relate to each plot e.g. prior to the occupation of each plot on the development hereby permitted... It also requested that Condition 14 be amended to confirm that each plot cannot exceed 200sq.m.

Historic Environment Service: Previous recommendations for a conditioned programme of archaeological mitigatory work remain valid.

Assistant Director's comments: Whilst the comments of the Agent are noted, there is a significant risk that the off-site highways works (footpath across the site frontage) required by Conditions 7 and 8 are not achieved if conditions relate to individual plots. It is therefore considered that the conditions should remain as per the report. With regard to Condition 12, there is no risk to the Council in amending the condition as follows:

Amended condition

14. Condition The Gross Internal Area of the development hereby permitted shall not exceed 1000m² and no plot shall have a Gross Internal Area exceeding 200m².

14. Reason To define the terms of the permission in accordance with the national indicative thresholds as specified in the NPPG.

Item Number 8/3(d) **Page Number** 50

Assistant Director's comments: The Agent has submitted additional information in support of the proposal. However, due to unfortunate and exceptional medical circumstances both the Agent and Applicant are unable to attend the Committee meeting in support of the application and have therefore requested that the application be deferred.

It is recommended that given these exceptional medical circumstances, the application be **DEFERED** to February Committee.

Item Number 8/3(g) **Page Number** 76

Third party: ONE letter of OBJECTION regarding:

- For the benefit of members, it is critical that they are aware that "Linksway" is not a hotel. It is our full-time home.

Concerns about:

- Impact on our privacy and quality of life
- Overdevelopment
- Overlooking
- Proximity of development to boundary
- Overbearing
- No justification for fifth building (garage)
- The pathway will not resolve traffic and safety concerns
- Visual impact pictures don't give a fair representation
- The loss of habitat is not justified through compensatory payment

Assistant Director's comments: These issues are addressed in the officer's report.

Item Number 8/3(h) **Page Number** 91

Agent: Submitted a revised drawing omitting rooflights from the front elevation of the proposed extension.

Correction.

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

* Location and Plans drawing no. 2/639/3B dated 19th October 2016 received 31st October 2016

* Elevations and Floor Plans drawing no.2/629/2J dated 21st December received 21st December 2016

Item Number 8/3(i) **Page Number** 100

Third Party: ONE letter querying the meaning of affordable housing – affordable to who, local people or others from away.

Item Number 8/4(a) **Page Number** Late Report

Congham Parish Council: Support removal of the payphone service and kiosk – commenting removal was previously approved in a single application 12/01447/BT due to unkempt condition and lack of use

Gayton Parish Council: Agree to removal of payphone service – but wish to adopt the kiosk for community use

King's Lynn Area Consultative Committee (KLACC): At its meeting on 5th January 2017, relative to removal of payphone services in King's Lynn and West Lynn only, it was resolved to:

1. Agree to the complete removal of 4 payphone services
2. Object to the removal of 6 payphone services for the following reasons:
 - Number of calls made in the last 12 months;
 - Located at a transport hub (West Lynn Ferry);
 - Located close to COWA.

Assistant Director's comments: A copy of the amended full list of phone boxes is attached to this Late Correspondence. As a result of the aforementioned consultation responses, it is considered that the recommendation be amended as follows:

Amendment:

RECOMMENDATION: Split decision:

The Planning Committee are invited to review the list of 97 payphone kiosks, listed for removal and which BT has advised are no longer viable, and consider if all, or part of, that number of kiosks should be removed.

Officers recommend that the Committee responds to BT as follows:

- 1) No objection to the complete removal of 70 kiosks, where the Parish Council and KLACC has raised no objection or has not responded;
- 2) No objection to the removal of a further 12 payphone services, with the proviso that the kiosks remain in situ at the request of the Parish Council for adoption;
- 3) Object to the removal of 15 payphone service kiosks as requested by Parish Councils and KLACC, who provided reasons for their retention .