

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**PLANNING COMMITTEE**

**Minutes from the Meeting of the Planning Committee held on
Monday, 17th December, 2018 at 10.15 am in the Assembly Room - Town
Hall, Saturday Market Place, King's Lynn PE30 5DQ**

PRESENT: Councillor Mrs V Spikings (Chairman)
Councillors R Blunt (sub), Mrs C Bower, A Bubb, C J Crofts, Mrs S Fraser,
B Long (sub), A Morrison, T Parish, M Peake, Miss S Sandell, D Tyler,
Mrs E Watson, J Westrop (sub), A White and Mrs S Young

PC74: **APOLOGIES**

Apologies for absence were received from Councillors Hipperson, Storey and G Wareham.

The Chairman, Councillor Mrs Spikings thanked Councillors Blunt, Long and Mrs J Westrop for being a substitute at the meeting today.

PC75: **DECLARATIONS OF INTEREST**

Councillors Crofts, Long and Mrs Young declared that they Council representatives on the Internal Drainage Board, who had made comments on the application.

PC76: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business under Standing Order 7.

The Chairman, Councillor Mrs Spikings advised the Committee that in relation to the Schedule of Public Speakers Mr Marrow and Mr Crook would no longer be speaking and Mr Ayres would be speaking before Mr Mann.

The Chairman, Councillor Mrs Spikings also reported that Liz Poole from Norfolk County Highways and Alan Gomm, LDF Manager were present at the meeting.

PC77: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillors attended and addressed the Committee pursuant to Standing Order 34:

Lord Howard	8/1(a)	17/01151/OM
	8/1(b)	17/01106/OM

Mrs E A Nockolds	8/1(a)	17/01151/OM
	8/1(b)	17/01106/OM
N J Daubney	8/1(a)	17/01151/OM
	8/1(b)	17/01106/OM

PC78: **CHAIRMAN'S CORRESPONDENCE**

The Chairman, Councillor Mrs Spikings reported that any correspondence received had been read and passed to the relevant officer.

PC79: **RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

A copy of the late correspondence received after the publication of the agenda, which had been previously circulated, was tabled. A copy of the agenda would be held for public inspection with a list of background papers.

PC80: **INDEX OF APPLICATIONS**

The Committee noted the Index of Applications.

PC81: **DECISIONS ON APPLICATIONS**

The Committee considered schedules of applications for planning permission submitted by the Executive Director for Planning & Environment (copies of the schedules are published with the agenda). Any changes to the schedules are recorded in the minutes.

RESOLVED: That the applications be determined, as set out at (i) and (ii) below, where appropriate, to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chairman.

- (i) **17/01151/OM**
South Wootton: Land NW of South Wootton School, off Edward Benefer Way, King's Lynn: Outline Major Application: Sustainable mixed use urban extension comprising: up to 450 dwellings, a mixed use local centre comprising Class A uses (including retail facilities and public house) and Class D1 (such as crèche/day centre/community centre) and B1 uses (such as offices), open space and landscaping, wildlife area children's play areas, sustainable urban drainage infrastructure, access and link road and associated infrastructure: Larkfleet Homes Ltd

The Committee had visited the site prior to the meeting.

The Principal Planner introduced the report and explained that the site was located on the northern side of Edward Benefer Way and to the north west of South Wootton Junior School on Hall Lane to the north of King's Lynn.

The site was currently arable agricultural land and extended to just over 31 hectares.

The site was part of a wider housing allocation for South Wootton under Policy E3.1 of the Site Allocations and Development Management Policies Plan 2016 with the policy requiring at least 300 dwellings on 40ha.

The application was in outline and sought planning permission for proposed residential development of up to 450 dwellings with access off Edward Benefer Way. A new spine road running north south would be provided through the development from Edward Benefer Way linking to the adjoining residential site to the north. The site adjoined the Bowbridge outline application site for up to 125 dwellings which was also for consideration on the agenda. The road would link the two developments together and provide a continuous link between Edward Benefer Way to the south, and Nursery Lane to the north.

The proposal included areas of formal and informal open space and recreation. It also proposed a new wildlife area on the west of the site segregated from the residential and commercial areas, as well as other areas of publically accessible open space. The proposal sought to retain areas of important hedgerows and trees, incorporating them into the design concept.

The proposal also incorporated a mixed-use local centre comprising Class A uses (including retail facilities and public house) and Class D1 (such as crèche/day centre/community centre) and B1 uses (such as offices).

The application was submitted in outline with access for consideration and all other matters reserved for consideration at a later date. An Illustrative Site Layout Plan formed part of the application.

The application had been referred to the Committee for determination as it raised issues of wider concern and the Parish Council had objected to the application.

The key issues for consideration when determining the application were as set out in the report.

In accordance with the adopted public speaking Sir Henry Bellingham (objecting on behalf of both applications) Mr D Goddard (objecting to this application only), Mr J Taylor (objecting on behalf of Castle Rising Parish Council to both applications), Mr D Price (objecting on behalf of South Wootton Parish Council to this application only), Mr T Ayres

(supporting) and Mr M Mann (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Lord Howard addressed the Committee in relation to both applications. Lord Howard declared an interest as a landowner in North Wootton and Castle Rising, a non-executive director in a children's outdoor play equipment business and a member of the Internal Drainage Board.

Lord Howard stated that he was representing the views of North Wootton Parish Council. He appreciated the difficulties that the Council had in keeping an up to date Local Plan, however he understood that the Government was planning to relax the requirements for a 5 year land supply.

He added that the Committee needed to consider the two applications together with the Knights Hill application and how this would affect the communities concerned.

Lord Howard had concerns in relation to the scale and informed the Committee that there was another application to come forward close to the school.

However, his main concern related to the traffic impact and how this would affect Castle Rising. He explained that the roads were not designed for this amount of traffic and would cause problems for the community. He had concerns in relation to the traffic plan in particular the MOVA system for traffic control and read out an extract from a study he had commissioned into the traffic implications, which concluded that there was no benefit from a MOVA system as there was no spare green time at the Castle Rising/Wootton Road junction.

Lord Howard also expressed concern in relation to the impact on the hospital, doctor's surgeries, etc.

He concluded that he accepted that there should be some form of development but not on the scale of what was proposed. He urged the Committee to refuse the application to allow the developers to come back with proposals that would not upset the local communities or have such an impact on hospitals, schools, etc.

Councillor Mrs Nockolds addressed the Committee in accordance with Standing Order 34.

Councillor Mrs Nockolds thanked the Committee for visiting the sites this morning, and explained that South Wootton was not a town or part of King's Lynn and as seen from the photographs it was a village and had a Parish Council and Neighbourhood Plan.

She added that residents did not want to deprive anyone of a home but this application could not be considered in isolation and all the

applications for the area should be taken into account. There would be a total of 575 new houses if both applications were approved together with the other application at Knights Hill would amount to an increase in the village of 70%. She added that this would change the environment of the area and result in an increase in traffic.

Councillor Mrs Nockolds also expressed concern in relation to:

- Flood risk;
- Impact on heritage assets;
- Air pollution – in particular Edward Benefer Way, which was the main route for lorries accessing the docks
- Health – air pollution had an effect on us all.

In conclusion, Councillor Mrs Nockolds stated that there would be an increase of 70% new housing for the village. She stated that we must work with MPs to take forward brownfield sites which were closer to the town and encourage walking and cycling to work. She added that due to people's lifestyles, people needed to use the car which had an impact on air quality and climate change for the worse.

In accordance with Standing Order 34, Councillor N Daubney addressed the Committee in relation to the application. Councillor Daubney explained that he was talking to the Committee as fellow Councillors and that it was our job to make a decision on the application and not as Government agents. He added that everyone was aware of the need for housing.

With regards to growth, he added that this did not have to all be in one village. This proposal also had an impact on traffic. He asked whether it was right to override the village plans.

The Committee needed to take into consideration the impact of all applications on the village and asked why a development plan was produced. Councillor Daubney added that he had participated in the Mayor's Design Awards this year and asked why the Woottons did not deserve similar consideration.

Councillor Daubney also expressed concern in relation to the drip feed effect of development and added that enough was enough. He added that his fellow Councillors were not servants of the Planning Department or Government and should make a decision according to the will of the people.

He urged the Committee to reject the application to allow the numbers to be reduced to a sensible proportion and that all the applications for South Wootton should be considered at the same time.

The Chairman, Councillor Mrs Spikings invited the County Highways representative to address the meeting. The County Highways representative explained that they were aware that there was an issue

with the traffic signal junction at Wootton Gap and the development needed to mitigate its impact at the junction. A scheme had been developed which included the lengthening of the approach lanes on Grimston Road, the introduction of MOVA and some minor modifications on other arms. The scheme had been developed in conjunction with the highway authority and the highway authority would design and deliver the scheme.

In response to the comment that the applications for South Wootton should be determined together, the Chairman, Councillor Mrs Spikings explained that each application had to be determined at the appropriate time and could not be held back.

The Chairman, Councillor Mrs Spikings also asked how much weight should be given to South Wootton's Neighbourhood Plan.

The LDF Manager explained that the Neighbourhood Plan was given the same weight as the Local Plan as it was adopted. The Neighbourhood Plan also went through an examination by a Planning Inspector; the policies had been tested and referred to in the report. A lot of aspects would be considered at the reserved matters stage, for example how the development fitted with the landscape, does the development accord with the Local Plan and Neighbourhood Plan.

The Executive Director commented that he had never seen so many public speakers on an application which reflected the level of local concern. He added that many of the concerns that were now being raised were not new but had been tested at the Local Plan Inquiry. In response to a comment made by Sir Henry Bellingham in relation to the Government possibly relaxing the need for Councils to have a 5 year land supply and bringing housing and jobs into alignment, he explained that he was not aware of what those discussions were but there was currently a requirement to demonstrate a 5 year housing land supply. In addition, the NPPF had recently strengthened the requirements on Councils through the introduction of a housing delivery test. He added that if Government had wanted to change the requirements then they had had the opportunity to do that recently.

The Executive Director further added that Sir Henry Bellingham had suggested that the housing needs of West Norfolk could be met at the Wisbech new town. He added that the proposals for Wisbech were still being developed and considerable investment would be needed to bring that forward. He said that it was neither sustainable nor practical to refuse an application on an allocated site in the hope that it might take place in Wisbech.

Councillor Crofts asked whether, if outline permission was to be granted, future reserved matters applications would be considered at the same time.

The Assistant Director explained that the two sites were in separate ownership and they could not be made to be considered at the same time. Conditions had been put on which would trigger certain aspects to be carried out, so there was some joining up of the two applications in that respect.

Councillor Crofts expressed concern that the whole site had been allocated for 300 dwellings however the Inspector had added the words 'at least' which had allowed for more numbers to be added to each site. He considered that the numbers should be reduced.

The Assistant Director made reference to two recent appeals, where applications had been refused because of an increase in numbers above the allocation and both appeals had been lost. He considered that this site was more sustainable than the other sites which had been lost at appeal.

The Chairman, Councillor Mrs Spikings stated that the LDF Task Group had acted in good faith when they made the initial allocations and did not think that there would be 450 dwellings proposed for the site.

Councillor Long referred to the plans and clarified that the original number of 300 dwellings was for the whole allocation. He added that the application did include good areas of public open space. He considered that there was an opportunity for all three areas to be considered together with an integrated design.

He referred to the scheme at West Winch where the Borough Council would put in an application to secure an integrated approach. He added that what had come forward for consideration today was different to what had been envisaged in relation to the total number of dwellings across all of the allocation.

He made reference to what had happened in Charlton, Andover and did not want to see the same thing happening here.

The Assistant Director advised that with regards to West Winch, there were approximately 13 different landowners so the situation was very different to this where there were 3 different landowners including Norfolk County Council who would be providing access and parking for the school.

He added that each site was providing the different parts of the allocation. There was a large amount of open space for example provided as part of this application.

Councillor Parish made reference to the report where it stated that the statutory consultees had no objection however many had concerns in relation to the application.

He expressed concern in relation to highways, air quality, flooding, biodiversity and health infrastructure. He referred to the 'at least' added by the Planning Inspector and stated that the Council had made the mistake of accepting it and the impact of it was not fully recognised.

Councillor Parish proposed that the application be refused as it stood on the grounds of traffic issues and to allow an independent assessment of this.

The Assistant Director explained that the Transport Assessment had been looked at by County Highways. In relation to the comments from consultees, these had been looked at and appropriate conditions imposed where necessary. The Planning Inspector at the Local Plan Examination had added the words 'at least' to ensure that enough housing would come forward through the plan. It was considered better to have more housing within the allocation sites rather than sporadic unplanned housing development.

He advised that the Committee could refuse the application if they had sound planning reasons however there were no technical objections.

There was no seconder for the proposal by Councillor Parish.

Other Members of the Committee expressed concern in relation to the number of proposed units being over and above what was originally intended and the fact that the Inspector had added 'at least' into the allocations.

The Executive Director advised that it appeared that the 'at least' issue was causing concern amongst the Committee. The recent NPPF and appeal decisions demonstrated that the onus was on the Council to maximise density on allocated sites. He reminded the Committee that they had previously refused 2 sites allocated in the plan on the grounds that the numbers exceeded the allocation and that both appeals had been unsuccessful. He added that the changes to the NPPF to maximise density would only make it more difficult to sustain such an argument on appeal.

He reminded Members of the need for the Council to demonstrate a five year supply of housing land and said that the Council was confident that it had a 5 year supply of land at the moment but by refusing allocated sites this could put that at risk.

He reminded the Committee of the need to determine applications according to both the Local Plan and Government guidance and that if the Council lost a proportion of appeals on major applications then the ability to determine such applications could be taken away from the Council.

Councillor White asked what guarantees were place to ensure that the commercial units would be provided.

The Assistant Director advised that the local centre would not be built by the applicant and there was no guarantee that the commercial units would come forward.

Councillor Bubb asked to see a plan of the roundabout.

In response to a comment from Councillor Crofts, the Executive Director explained that the northern site would provide an extension to the cemetery, this site provided open space and the site owned by Norfolk County Council would provide car parking for the school.

In relation to the provision of public open space, the Assistant Director advised that the applicant did not want the Council to adopt it. They were currently proposing that the future maintenance and management of the developments formal public landscape areas would be by a management company jointly owned by the owners of each property on the development. However the Council would need to be satisfied that this was acceptable, especially in the long-term. The precise details of this would be negotiated through the Section 106 agreement.

The LDF Manager explained to the Committee how the units required for the 5 year land supply were calculated.

With regards to the future reserved matters applications the Assistant Director explained that the applicant might come in with a lower amount depending of the layout of the scheme, however Condition 27 did make reference to a maximum amount of units allowed under this permission.

Councillor Mrs Bower expressed concern that the roundabout was proposed to be located near to an existing set of traffic lights. She had concerns in relation to traffic congestion and air pollution. She added that the Travel Plan should be provided in advance of the development.

The Assistant Director explained that there were conditions requiring the Travel Plan to come forward and triggers had been included to secure this.

The Chairman, Councillor Mrs Spikings referred to the provision of affordable housing in clusters of 12. She stated that she did not want to see large clusters and they should be pepper-potted across the site.

The Assistant Director explained that the policy had been adopted by Council and was used as guidance for developers.

With regards to the proposed roundabout, Councillor Bubb stated that he did not like the idea of two lanes merging into one and would rather see one lane exiting the roundabout and the roundabout being larger.

The County Highways Officer advised that further design work would be carried out on the roundabout during the detailed design process to ensure it was designed and constructed to appropriate standards.

Councillor Blunt made reference to people going through Castle Rising and the County Highways Officer explained that as an additional access was being provided through the site, this would help to stop traffic using other roads.

In response to a comment regarding the use of traffic lights rather than the provision of a roundabout, the County Highways Officer advised that traffic lights had originally been requested, however the applicants had put forward a roundabout and demonstrated that it would work, therefore County Highways could not go against that proposal.

The Committee then adjourned at 12.48 pm and reconvened at 12.55 pm.

Councillor Parish stated that the developer should not be able to dictate that a roundabout would be provided rather than traffic lights. The Assistant Director advised that County Highways had no objection to the provision of a roundabout.

The Chairman, Councillor Mrs Spikings stated that it was a difficult application to determine. If the Committee wanted to refuse the application then full and proper reasons needed to be given which could be substantiated at appeal. She added that officers had to work within the framework set by Government. However, she did understand the concerns put forward by the objectors.

Councillor Long agreed with the comments made by the Chairman that it was a difficult application to determine.

The Executive Director advised that the reserved matters applications would determine the detailed layout and design to come forward. If the Committee wanted to refuse the application then it had to be on sound planning reasons. The principle of development had already been established and the numbers put forward by the applicant could be accommodated on the site without technical objection. He emphasised that the applicant would have to demonstrate at the reserved matters stage that the numbers suggested could be accommodated within the framework of the neighbourhood plan.

Councillor Bubb proposed that the application should be deferred for a cycle to allow County Highways to consider an improved solution in relation to the proposed roundabout. This was seconded by Councillor Mrs Fraser.

The Executive Director advised that the application had been submitted for a long time and County Highways had had adequate time to assess

the traffic implications and they considered that on balance the scheme put forward was a satisfactory solution.

The Committee then voted on the proposal to defer the application, which was lost.

The Chairman, Councillor Mrs Spikings then drew the Committee's attention to the need to correct the report/conditions as outlined in late correspondence which was agreed.

RESOLVED: (A) That, the application be approved, subject to conditions (and amendments/corrections as detailed in late correspondence) and the satisfactory completion of the S106 Agreement.

(B) That in event that the Section 106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be refused due to the failure to secure affordable housing, details of public open space and play facility management and maintenance, Habitats Mitigation Tariff, contribution towards provision of off-site road works at Wootton Gap junction and allotment land.

The Committee then adjourned at 1.05 pm and reconvened at 1.40 pm

(ii) **17/01106/OM**
South Wootton: Land on west side of Nursery Lane:
Outline application with some matters reserved:
Residential development for up to 125 dwellings together
with associated works: Bowbridge Land Ltd

The Committee had visited the site prior to the meeting.

The Principal Planner introduced the report and explained that the site was agricultural land located on the western side of Nursery Lane and to the north west of Meadow Road in South Wootton, to the north of King's Lynn and extended to 6.09 hectares.

It was part of a wider housing allocation for South Wootton referred to under Policy E3.1 of the Site Allocations and Development Management Policies Plan 2016, with the policy requiring at least 300 dwellings on 40ha.

There are hedge boundaries and trees around part of the site with a number of established trees to the northern part of the site which were protected by Tree Preservations Orders (TPOs).

The applicant had submitted an amended plan with regards to the access to demonstrate that it would avoid the protection area of the Tree Preservation Order.

To the south the site was bounded by an area of undeveloped land and a cemetery, beyond which was a development off Church Lane which was mainly residential but also included St Mary's Church, a Grade II* listed building.

To the east the site was bounded by a public footpath beyond which was located an existing residential development off Meadow Road and Bracken Road with frontage residential development onto Nursery Lane. An existing gated access into the site was located at the western end of Meadow Road.

There was a change in level across the site in a north westerly direction with a fall from the 10m AOD in the south east corner to 3m AOD in the northwest corner which represented the lowest part of the site area.

The site was not within the Area of Outstanding Natural Beauty and the nearest boundary was just over 500m to the northwest.

The site was located within proximity of Roydon Common and Dersingham Bog SAC and Roydon Common Ramsar Site, which were approximately 5km and 9.2km away respectively.

The application was in outline and sought planning permission for proposed residential development of 125 dwellings with access off Nursery Lane. The site adjoined the Larkfleet outline application site for up to 450 dwellings, which was also for consideration on the agenda. The plans showed a link road through to the adjoining site. Ultimately, the link road would connect Nursery Lane with Edward Benefer Way.

The application was submitted in outline with access for consideration and all other matters reserved for consideration at a later date. An Illustrative Site Layout Plan formed part of the application.

The application had been referred to the Committee for consideration as it raised matters of wider concern and the Parish Council had objected to the application.

The key issues for consideration when determining the application were as set out in the report.

In accordance with the adopted public speaking Mr D Goddard (objecting), Mr Price (objecting on behalf of South Wootton Parish Council) and Mr M Bagshaw (supporting) addressed the Committee in relation to the application.

Councillor Daubney addressed the Committee in accordance with Standing Order 34. He stated that he was disappointed with the previous decision and urged the Committee to act as Borough Councillors and to do the right thing.

The proposal would double the size of the village. He expressed concern in relation to the traffic. He added that people that he knew were already avoiding coming into King's Lynn and this was having an effect on the town centre.

He concluded that the Committee should do what they considered was right and not what Central Government wanted.

In accordance with Standing Order 34, Councillor Mrs Nockolds addressed the Committee. She stated that there would be a 70% increase in housing for the village. With regards to Meadow Road, she explained that this was used by cyclists and walkers.

Meadow Road was mainly made up of bungalows. Parents of school children were encouraged to park in that area and use the public footpath and walk to school.

She added that many residents walked and cycled and were concerned about the proposed access and young people must be encouraged to walk and cycle to school. She considered that the density should be less. The development just permitted would also use the access.

The Assistant Director advised that Condition 15 required details of a cycle/pedestrian link to Meadow Road, not a vehicular access.

The Executive Director referred to the comments made by Councillor Daubney, and stated that he had sympathy for the situation. He added however that the Council was not able to disregard the legal framework for determining planning applications and that the application had to be determined against both the Local Plan and the NPPF. He advised the Committee that if they were concerned about Government guidance then they needed to take this up with the MPs for the area.

Councillor White referred to Condition 6 requiring the roads, footways, street lighting, foul and surface water sewers to be carried out prior to the construction of the 100th dwelling, and asked if this could be reduced to a lower number.

The Assistant Director suggested that the condition should be amended to state 75% of dwellings for each phase.

Councillor White proposed that the condition should be amended to 40% however there was no seconder for the proposal.

The Executive Director advised that it was important to have a percentage as the number of units would be determined at the reserved matters stage and fewer numbers could come forward.

The Chairman, Councillor Mrs Spikings made reference to the provision of affordable housing on the site and asked that this not be in clusters of 12. She added that the affordable housing needed to be pepper-potted across the site.

The Assistant Director advised that the Neighbourhood Plan stated that there should be small groups of affordable housing across the site.

The Chairman, Councillor Mrs Spikings added that when the original allocation was made, it was not envisaged that numbers like this would come forward. She had sympathy for the residents of South Wootton but advised that the Committee had to work within the adopted framework.

In response to a comment regarding the Parish Council using CIL money to buy land in the Woottons, the LDF Manager explained that open space was a form of infrastructure and thought that this may be acceptable.

The Chairman, Councillors Mrs Spikings drew the Committee's attention to the need to amend conditions 6, 9, 15 and 18 to refer to 75% rather than the 100th dwellings which was agreed by the Committee.

Councillor White asked for it to be noted that he did not agree with the above.

Councillor Parish asked if another link road was required. In response, the Assistant Director explained that it was agreed as part of the Core Strategy and Site Allocations Plan.

The LDF Manager explained that it had been proposed in that location to avoid adding an access point onto Hall Lane.

Councillor Parish asked for his vote to be recorded against the following resolution.

RESOLVED: (A) That, the application be approved subject to conditions and amendments to conditions 6, 9, 15 and 18 to refer to 75% rather than the 100th dwelling and condition 12 (as detailed in late correspondence) and the satisfactory completion of the Section 106 Agreement.

(B) That the application be refused in the event that the Section 106 Agreement is not completed within 4 months of the date of this Committee meeting due to the failure to secure the provision of affordable housing, public open space and play facilities, payment of Habitats Tariff, contribution towards off-site highway improvement works and transfer of cemetery land to the Parish Council.

The meeting closed at 2.35 pm