

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

Minutes from the Meeting of the Planning Committee held on Wednesday, 28th August, 2024 at 10.45 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor T Parish (Chair)
Councillors B Anota, T Barclay, R Blunt, C J Crofts, M de Whalley, T de Winton, P Devulapalli, S Everett, D Heneghan, B Long, S Ring, C Rose, Mrs V Spikings and M Storey

PC34: **APOLOGIES**

Apologies for absence had been received from Councillor Bubb (Cllr Crofts sub) and Councillor Coates (Cllr Long sub).

The Chair thanked the subs for attending the meeting.

PC35: **DECLARATIONS OF INTEREST**

There were no declarations of interest.

PC36: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business.

PC37: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Members attended and addressed the Committee:

Councillor A Kemp (Norfolk County Councillor)

Councillor Nash (Ward Member)

Councillor J Moriarty (Portfolio Holder)

PC38: **CHAIR'S CORRESPONDENCE**

The Chair reported that any correspondence received had been read and passed to the appropriate officer.

PC39: **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 along with a list of background papers.

PC40: DECISION ON APPLICATION - 13/01615/OM

The Committee considered an application for planning permission submitted by the Assistant Director for Planning and Environment (copies of the schedules were published with the agenda). Any changes to the schedule will be recorded in the minutes.

RESOLVED: That the application be determined, as set out below, where appropriate to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chair.

13/01615/OM

North Runcton / West Winch / King's Lynn: Land west of Constitutional Hill, Constitutional Hill, North Runcton: Outline application: change of use from agricultural/undeveloped land to a new development of housing and associated facilities; comprising a mix of up to 1110 residential units (Class C3); primary school (Class F1), local centre (Class E, F2); public open space, landscaping and highway access on the A47 and A10: Hopkins Homes Ltd

[Click here to view a recording of this item on You Tube](#)

The Planning Control Manager explained that the Committee had undertaken a tour of the site prior to the meeting. She displayed the route taken on the screen and reminded the Committee of the main points that had been explained to them.

The Planning Control Manager introduced the report and explained that the site amounted to approximately 50ha and was located to the south-east of King's Lynn, to the north of West Winch, and to the north-west of North Runcton. The site was triangular in shape, running southeast from the Hardwick roundabout and set between the A10 and the A47. The site was within the parish of North Runcton.

The site was located within a strategic area of growth for King's Lynn, as identified by Policies CS03 and CS09 of the Core Strategy (CS) 2011 and identified as West Winch Growth Area as defined by Policy E2.1 and Inset Map E2 West Winch of the Site Allocations and Development Management Policies Plan (SADMPP) 2016. The West Winch Growth Area amounted to 192ha and encompassed parts of the parishes of West Winch and North Runcton. The current Development Plan identified at least 1600 dwellings, together with associated facilities and infrastructure, including 1ha of employment land. Importantly, the allocation identified the provision of a new road, known as the West Winch Housing Access Road, linking the A10 and A47 running north to south along the eastern edge of the allocation, which would provide a degree of relief of traffic on the existing A10 around

West Winch and would provide access to new development within the wider growth area.

The application amounted to the northern third of the West Winch Growth Area and was made in outline form only with all matters reserved. The application proposed a new development of housing and associated facilities; comprising a mix of up to 1110 residential units (Class C3); primary school (Class F1), local centre (Class E, F2); public open space, landscaping and highway access on the A47 and A10. The application is EIA Development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and therefore was accompanied by an Environmental Statement.

The application had been amended since its original submission in 2013 to respond to consultation comments and policy requirements resulting from the adoption of the SADMPP 2016. Crucially, an Infrastructure Delivery Plan (IDP) for the Growth Area was adopted by the Council in 2018 which set out the key strategic infrastructure that was required to support housing and identified where and at what time that infrastructure was required. Further, the West Winch Growth Area Framework Masterplan (adopted January 2023), represented the pictorial version of the IDP and provided a template against which the Council would assess all individual applications to ensure that the Growth Area was developed comprehensively. This application was in accordance with the requirements of the IDP and Masterplan and provided the necessary infrastructure to make the development acceptable in planning terms.

The application had been referred to the Planning Committee for determination as the Parish Councils objected and the scale of development required reference to the Planning Committee.

The Committee noted the key issues for consideration when determining the application, as set out in the report, namely:

- Environmental Statement matters
- Principle of development
- Transport and impact on the highway network
- Heritage matters
- Form, character and landscape matters
- Impact on Ecology and biodiversity
- Flood risk and drainage matters
- Air quality and noise matters
- S106 matters
- Any other matters requiring consideration

In accordance with the adopted public speaking protocol, Mr Holden (objecting), Gail Reading (objecting), Alan Johnson (objecting on behalf of West Winch Parish Council), Rick Morrish (objecting on behalf of

North Runcton Parish Council) and Graeme Warriner (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor Kemp (Norfolk County Councillor) and Councillor Nash (Ward Member) addressed the Committee objecting to the application.

Councillor Moriarty (Portfolio Holder) also addressed the Committee in support of the application.

The Committee then adjourned at 12.20 pm and reconvened at 1.00 pm.

Councillor Storey left the meeting.

Upon reconvening, the Planning Control Manager responded to comments made by the public speakers, which had not been covered within the report.

The starting point for determining the application was the Development Plan. There was an extant Development Plan 2016, Site Allocations and Development Management Policies Plan 2016 and Core Strategy 2011 which identified the growth area for up to 1600 homes. In addition, there was criteria E2.1 of the SADMPP. This development fully complied with the criteria outlined in Policy E2.1. We are required to make decisions in accordance with the Development Plan unless material considerations indicate otherwise. The evidence that had been submitted for this application had been found to be fully acceptable by statutory consultees. There were no material considerations that had been advanced that would outweigh this policy of the development plan and therefore the development was fully acceptable. In terms of traffic impact, again all the expert evidence submitted demonstrated that the development was acceptable in traffic and transport terms. She advised that the Committee needed to take into account that expert evidence in their decision-making. No evidence had been advanced that would outweigh the statutory consultees in this regard, as they had found it acceptable. Further there was appropriate mitigation proposed in terms of conditions and as part of the Section 106 Agreement to ensure that development could come forward in a comprehensive manner and it would not prejudice the West Winch Growth Area.

The second point related to the relationship between the application site and the West Winch Housing Access Road and Outline Business Case. D Alfrey, Assistant Director for Infrastructure and Delivery at NCC explained that part of his role was the delivery of the West Winch Housing Access Road which included the delivery of the business case to the Department for Transport. The key point he wanted to make about the business case was the importance of the relationship in terms of Value for Money with the delivery of the housing. The delivery of housing was the key component, which delivered the value for

money in terms of the cost benefit ratio for the project. Without the housing delivery, it could undermine the investment decision that DfT could make. In responding to DfT's queries, it was important for NCC to demonstrate clear progress in relation to the delivery of housing.

The third point which had been raised related to the contributions that were required through the Section 106 Agreement and this was explained on page 53 of the agenda. Page 54 of the agenda explained the infrastructure costs set out in the IDP. They were consulted upon in terms of the level of contributions and those contributions arise as a result of consultations with the statutory consultees. In terms of receiving those contributions, the trigger points would be set in accordance with the statutory consultee requirements and set down within the S106 agreement.

In terms of the requirements of the S106, no further negotiation could take place. However, the Stakeholder Group could be kept informed regarding progress and implementation. In relation to having third parties negotiating the S106 Agreement, this could not occur.

In relation to Anglian Water, there had been no objection raised subject to a condition, as detailed on page 20.

The photographs had been taken on 22 August 2024.

The Chair then invited questions / comments from the Committee:

In response to comments raised by Councillor Mrs Spikings, Liz Poole, Major Estates Team Manager, Norfolk County Council explained that it was her team who had assessed the information that had been provided as part of the planning application. She explained to the Committee what had been included and that all the housing that had been allocated within the Local Plan had been taken into account. Anything that had been included within the area would be included within the forecasting information. The King's Lynn Transport Strategy also included all of the development which was taking place and had been through the development plan hearing, so all information had been taken into account going forward.

Nikki Patton, Housing Services Manager, explained that the affordable housing had been subject to a viability appraisal which had been independently assessed. In the Section 106 agreement, there would be a viability review mechanism to ensure it was compliant with the NPPF viability guidance to ensure that the 10% was a minimum, and that we then seek to achieve the policy compliant level of 20%, which was the Council's current policy over the course of the development. That would be done through a series of reviews of viability information. Any changes in house prices and costs would all be taken into account at the time of the Viability Review being submitted. Paragraph 9 of the NPPF viability guidance did say that review mechanisms were not a tool to protect a return to the developer, but to strengthen local

authorities ability to seek compliance with relevant policies over the lifetime of the project.

The objective would be to go from the minimum of 10% which was being proposed today to go upwards. The triggers for delivery and distribution across the site would be addressed via the S106 agreement.

In terms of a registered provider, the Housing Services Manager explained that the Council worked with a number of providers in the area. Also, the West Norfolk Housing Company was the Council's own registered provider and that in fact, was set up a number of years ago directly in response to that issue, where providers did not have capacity. The West Norfolk Housing Company could take the units should other providers not have the capacity to do so.

In terms of the trigger points and the clustering that would again all be done in accordance with the application and the reserved matters and clearly set out as part of the Section 106 Agreement.

In relation to the principle of affordable housing provision of 10%, the NPPF identifies that developers can bring forward viability evidence. There was a significant amount of infrastructure that was necessary for this application. Also the developers need to contribute to some of the wider site infrastructure benefitting the rest of the growth area in future years, therefore a balance was struck across the entire pot of section 106 requests.

We are seeking to strike that balance, to ensure that all of the section 106 contributions can come forward, and that as we continue to review the viability and the cash flow as the development is built out, we will seek, where possible, in accordance with the viability evidence to achieve the 20% affordable housing, and that is in accordance with the NPPF viability policy.

It was explained that another important factor with the section 106 agreement was that it was binding on the land, not the developer. So if the land was sold or the developer sold off parcels, those obligations transferred with that piece of land, so it's irrelevant who the developer was. They would be expected to comply, and that was why we have a number of Section 106 agreements (Framework Part A and B and Site Specific S106) set out with this application to ensure that those developers were contributing to the provision of the WWHAR, wider infrastructure and the site specific infrastructure.

In response to a question regarding if the 10% affordable housing figure could reduce below that, the Housing Services Manager advised that the Section 106 Agreement required a minimum of 10% and if the developers wanted to challenge that then they would have to submit a new planning application.

Councillor Long added that the crux of this application related to whether a decision on the funding for the road was known. Another issue that was raised was drainage and water mitigation, and he noted within the late correspondence there was still the issue of whether the water gets routed through the Puny drain or the Pier Point drain. The Pier Point drain had just had a major financial input to it to increase the capacity of the pumps. But of course, the Pier point drain was also going to be taking water from other developments which were coming along as well. He added that it was good news to hear that the developer was proposing to mitigate the flow rates off the site to the same as the agricultural land. He advised that the difficulty for him in all of this was what the decision should be ahead of knowing the decision on the funding for the road.

Councillor Long added the application had been 10 years in the making and he asked what impact another year or 2 would have to find out whether the funding for the road had been successful or whether determination of this application was premature to that decision.

The Housing Services Manager explained that the West Winch Housing Access Road was there to serve the growth area. The road was coming forward under the bid to government as a West Winch Housing Access Road, principally to serve the growth area and enable 4,000 homes to come forward. The entire business case and the value for money was predicated on the housing and delivery.

The Borough Council, along with Norfolk County Council had always taken and sought to take an infrastructure first approach. The community had been listened to extensively and also the speakers today about the importance of the West Winch housing access road in terms of the growth and also to alleviate some of the existing pressures that existed on the A10. The County were leading, with support from the borough to access the government grant funding. But even if that work was not being undertaken the application for Hopkins Homes would still be before the Committee. She emphasised that it was really important to government given that they were going to invest £105 million, (£18 million of that was already being secured from Homes England), to see that the housing would be delivered.

The Hopkins Homes application would still be before the Committee to be determined in its own right without the WWHAR.

David Allfrey advised that NCC were in a process and that they were well practiced in working with DfT to get through. The West Winch Housing Access Road was actually already through its 1st stage with DfT in terms of strategic cases being agreed, so the principle of that was there. That principle also established that the housing was the key component of the value for money test.

He emphasised that NCC were well practiced at this and had recently delivered and opened the 3rd river crossing in Great Yarmouth and had

gone through the same process for that. They had recently started construction of the Long Stratton Bypass using exactly the same process.

D Allfrey explained the purpose of the Cabinet Report which set out the need to update the financial position for the project. He added that NCC were doing everything they could to deliver the road as soon as possible.

Councillor Heneghan added that it was important to pursue the higher amount of affordable housing and that it needed to be pepper-potted. She asked if the secondary schools would be able to cope with the increase in pupils.

The Planning Control Manager advised that in relation to secondary schools the applicant was providing a contribution. Part of that was for 6th form contributions as well as secondary education contributions.

In terms of sustainable transport, there was a sustainable transport strategy put forward as part of the Outline Business Case, but notwithstanding that the application itself was based on active travel principles. There was a sustainable transport contribution of £500 per dwelling secured by Section 106 Agreement.

The growth area was split into 3 chunks and required 3 local centres and the areas were highlighted on the plan.

Councillor Ring stated that homes had to be built for people to live in, but care needed to be taken to where these properties were built. He reminded the Committee of the Knights Hill development and because it was allowed at appeal, 83 conditions had been reduced to 23 when the Secretary of State approved it and the Council lost control of how the site would be developed, whereas with this application the Committee would have the opportunity to look at it at every stage. He congratulated the officers for the conditions that had been put in place. In relation to the A10, all of the improvement measures that everyone wanted to see would only be delivered by starting this development and starting the process of demonstrating to DfT and Homes England that the Council was serious about building this site. He added that if the Committee deferred or refused the application, that would send messages to those organisations. This administration and the past administration were committed to housing within the Housing Companies that the Council had. Hopkins Homes had brought this application forward – it might be that the Council might build houses on there. There was a housing target to meet for new homes. In relation to the funding for the road, he added that there was a process which had been used before and there was evidence that it would come, although it was not guaranteed, but if the application was granted approval the Council would fall into problems and the WWHR would not be delivered.

Councillor de Winton agreed with the comments made by Councillor Ring and added that the Council needed to keep control of the process. He suggested that there should not be any significant development on site until the funding for the road had been secured. He added that there needed to be proper liaison with the Parish Council. He added that West Norfolk was a great place to live and work.

In response, the Planning Control Manager advised that there would be stringent conditions attached to the planning consent, and there was a Stakeholder Group already established, which included reps from the Parish Councils, and they had been consulted every quarter and every stage of the process.

In response to a query from Councillor de Whalley, the Planning Control Manager advised that there was no requirement for Biodiversity Net Gain as the application had been submitted before the requirement came into force. The application would provide landscaping and enhanced landscaping.

In terms of the wider growth site, there were significant areas which were open as a result of the gas mains and there would be additional landscaping and mitigation to address BNG. In future, any further sites that came forward would be subject to BNG. Condition 11 contained all the mitigation for biodiversity.

Councillor de Whalley referred to active travel and referred to comments made by North Runcton Parish Council who suggested that it was rather a car orientated development and he noted that there was an objection from the Bicycle User Group and referred to their comments.

In response to Councillor de Whalley's comments, Liz Poole advised that in relation to the removal of conditions 26 and 27 regarding the travel plan, money had been secured through the sustainable transport plan contribution. In terms of the sustainable links within the site this was in outline form and none of that had been determined and would be included within the reserved matters application.

The Planning Control Manager added that there were design codes for each phase of development and the overall site.

Councillor Lintern referred to the density plan which showed the main density next to the WWHAR. The Planning Control Manager explained that the plans illustrated the maximum densities that could come forward and there would be design codes to comply with.

Councillor Lintern also referred to page 59 of the report in relation to street lighting and asked if there would not be any street lighting across the development. In response Liz Poole explained that the County Council did not adopt street lighting particularly in residential areas but that did not stop the relevant Parish Council being the adopting body.

Councillor Lintern asked whether there was any provision to make the width of the path on the A10 any wider. Liz Poole explained that the existing path was 3m wide for most of its length. Under the Sustainable Transport Strategy there were proposals to introduce sustainable travel measures along the A10. The road would be a bus route so the carriage way could not be reduced.

Councillor Blunt added that he had been involved in the Local Plan. The officers had done an incredible job in building the framework for the site and to get where we are now. He added that he had previously chaired the Stakeholder Group, so he understood the concerns raised by the Stakeholders. He added that a lot of consultation had been carried out and he considered that the main issue related to the delivery of the road. He asked if there was any merit in deferring the application until the new Local Plan had been adopted.

The Housing Services Manager advised the Committee of the possible risks in deferring the application.

The Planning Policy Manager confirmed that there was no advantage in waiting for the emerging Plan to be adopted. At the Local Plan examination, the Inspector had been very clear that the application could be determined under the current one.

Councillor Spikings added that she had noticed that there was no CIL funding available on the site but there would be nothing stopping the Parish Council to apply for CIL funding towards street lighting if they wished. She referred to the fact that the A10 was a corridor of movement and as such any new development had been resisted and asked what would happen now.

Liz Poole explained that to date Norfolk County Highways would continue to object to applications on the A10 corridor of movement. When the West Winch Housing Access Road was built the A10 would no longer be classed as a corridor of movement and people could re-apply for planning permission.

The Housing Services Manager, in response to Councillor Spikings comments regarding costs of the WWHAR, the cost of the WWHAR was in its entirety and that was what the government was being asked for. Hopkins would provide a contribution to the provision of the WWHAR.

David Allfrey advised that the update to the outline business case had been a thorough exercise to update the costs of the project. In terms of timescales, the programme and risks had been updated. We are aiming to get the OBC decision as soon as possible from Government. He outlined the timescales and advised that it was looking to have the road open by the end of 2027.

Councillor Devulapalli outlined her concerns to the application particularly in relation to building on a greenfield site. In response to questions raised by Councillor Devulapalli, the Planning Control Manager explained that there was no requirement for the applicant to provide a medical centre on the site. There was provision for a local centre which could be a medical centre should the market see fit.

In response to a comment from Councillor Long, Liz Poole outlined the details of the estate road and that this would come forward as part of the reserved matters application.

In response to a comment from the Chair, the Planning Control Manager outlined the drainage arrangements.

The Chair referred to the comments from Sports England. The Planning Control Manager clarified that this did not form part of the application but could come forward as part of the wider growth area in accordance with the IDP and Policy E2.1.

The Chair added that in relation to affordable housing, he found the shift from 20% to 10% appalling because affordable housing should be a priority. He added that all new developments should have solar panels, and when the scheme was designed the roofs of the dwellings should be orientated to maximise output of solar pv. Conditions depended on monitoring and enforcement, and he hoped that the Council had the capacity to do that.

The Planning Control Manager explained that condition 28 needed to be amended to include the detail of a construction flood management plan.

The Committee then voted via a show of hands on the changes to the conditions outlined in late correspondence (pages 7 – 10), changes to conditions 10 and 14, and the need to include the construction management plan within condition 28, which was carried.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to changes to conditions outlined in late correspondence (pages 7 – 10), changes to conditions 10 and 14, and the need to include the construction management plan within condition 28 and, after having been put to the vote was carried (13 votes for, 1 against and 1 abstention).

RESOLVED: That the application be:

(i) **APPROVED** subject to the attached conditions and signing the following S106 agreements (authority to be delegated to officers to make such amendments to the conditions considered necessary and to the Section 106 agreements as considered necessary to achieve the heads of terms set out below);

Framework Agreement Part A – to secure the transfer of the land for the delivery of the WWHAR;

Framework Agreement Part B – to commit to delivering integrated development in accordance with the West Winch Growth Area Strategic Master Plan and to contributing to and/or delivering the infrastructure set out within the IDP.

Site Specific S106 Agreement – to secure the pro rata contribution as set out in Table 1, affordable housing and GIRAMS contributions.

(ii) REFUSED in the event that the S106 is not signed within 4 months of the date of the committee resolution on the failure to secure obligations set down in (i) (a-c inc) above.

The meeting closed at 2.40 pm