



Planning Committee
Monday, 14th June, 2021 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 - 7)**

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

Contact

Democratic Services
Borough Council of King's Lynn and West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX
Tel: 01553 616394
Email: democratic.services@west-norfolk.gov.uk

PLANNING COMMITTEE
14 June 2021

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

Item No. 8/1(a) Page No. 8

Agent: Agrees conditions however queries the need for condition 7 (roads and footways) as layout is a reserved matter and asks whether Conditions 11 (construction worker parking) and Condition 15 (construction/demolition management plan) can be combined.

An extension of time has been agreed until 14th October 2021 to allow for the completion of the S106 agreement.

Third Party (summarised): I wish to lodge a further objection in light of recent developments.

1) Queries whether applicant is able to claim riparian rights to utilise the existing drain. The ditch is next to the rear of his garden but is NOT adjoined to it.

2) No consideration has been given whatsoever to the effect the use of that drain will have on my adjacent property. My home would be at least 2-3 feet lower down than the said new properties with the drain they propose to use flowing towards me in line with camber and gravity. Need personal reassurance from the individuals concerned that my home will not be effected and no one has considered my house.

3) Catherine Dew (County Ecologist) refers to the reinstatement of Watlington Primary School pond. This has not been agreed and therefore her comments should be disregarded. Damage has already been done in clearing the land and the report on my bats doesn't seem to have been considered either.

Watlington Neighbourhood Plan Steering Group: The Watlington Neighbourhood Plan Steering Group would like to share with the Planning Committee data from our first full village consultation which was held in April 2021. We hope that this data will provide the Planning Committee with useful information for the decision-making process.

202 village residents completed the survey (10% of households). Of those who answered the question relating to the development of Land Rear of 24 - 36 Downham Road:

106 considered the site not appropriate for development.

In relation to the 106 objections, additional comments given included:

“Do not want the Downham road estate.”

“I would say less building "in" the village, I would say if you need to build go for the outskirts - parking and traffic is an issue already in the village.”

“Back garden developments like Downham Road proposal should never be permitted. This absolutely limits rear garden space and will add to pollution of noise, light and ecological diversity which should be protected at all costs.”

“The rear garden D*ownham development needs to be stopped due to the wildlife there and loss of habitats especially the rare great crested newts.”

“Green spaces and open areas within the village centre should be protected. Sell off of extra large gardens by some people to be used for building a new property is wrong.”

“What is the point in local plans, if a group of people can come into the village, buy up rows of houses and destroy and turn the mature and beautiful gardens full of protected wildlife into housing estates yet STILL get planning permission . No where is safe in this village. ALL gardens should be protected from linear/ back fill development unless one offs.”

“Protect as much as possible, flagrant clearance of wildlife habitats is already killing wildlife and hurting the tranquillity and amenity of the village.”

“There are too few public rights of way and some of this green space being given over to building, should be considered for footpaths in a village rather than more housing.”

With respect to the type of housing desired by residents, the most popular vote was for:

- more two-bedroom houses;
- more affordable homes;
- more eco-friendly builds, and
- more homes built in traditional styles.

Residents specified that any new development should come with:

- footpaths and cyclepaths;
- public green space and plantings, and
- green technology.

Overall 134 respondents voted Green Spaces as being the most important essential component of Watlington (second only to the Medical Centre and a Safe and Secure Neighbourhood). The most popular requirement for the village in terms of the natural environment (and relevant to 20/01661/OM) was:

- Preserving and planting trees and hedgerows (141 responses);
- Creation of wildlife habitat (146 responses).

Finally, 50% of respondents do not want more than 30 houses built in the next 20 years.

Cllr Ryves: I am concerned that there is considerable local comment in respect of this application regarding the presence of a considerable Great Crested Newt Community and that all that has happened is in fact that the applicant has submitted a map of the site and paid a fee. My understanding is that all the applicant has done is apply to join a scheme as that is all that can be done without planning permission, so he has not obtained a licence" permitting the carrying out of activities that would otherwise breach regulations".

There is clearly an implication that he now has permission, whereas all that has happened is that he has presented a certificate of payment, and there is a danger that in agreeing this application the LPA might be committing a criminal act.

Can you please clarify that an acceptable strategy of mitigation has been agreed by Natural England as this is most unclear from reviewing correspondence?

NCC Senior Ecologist: A response is provided to Cllr Ryves query:

There is a (are) great crested newt(s) in at least one pond which was flagged up by the residents and confirmed by Wild Frontier Ecology and Applied Ecology. Population size class surveys have not been undertaken and it is therefore not possible to determine if there is (or is not) a 'considerable' great crested newt population present, only that at least one is present (the one photographed by Wild Frontier Ecology). Under the new district level licensing system the applicant does not actually need to undertake any surveys for great crested newts in order to obtain a licence from Natural England.

District Level Licensing is a mitigation licensing scheme for GCN granted at the local authority level. It allows developers to make a financial contribution towards the scheme instead of carrying out detailed surveys or applying for a separate licence (see Standing Advice). The applicant

submitted a countersigned (by Natural England) Impact Assessment & Conservation Payment Certificate (IACPC) and plan showing the red line site boundary, in support of the planning application. This was checked and everything was in order.

Natural England have advised LPAs that they can accept the IACPC as confirmation from Natural England that the development is suitable for DLL and that the conservation payment is sufficient to compensate for the impacts on GCN - the 'IACPC can be relied upon by the planning authority as confirmation that the impacts of the development on GCN are capable of being fully addressed in a manner which complies with the requirements of the Habitats Regulations.' As such the LPA has discharged its duty under the Habitat Regulations. NE recommend, as I have done to Claire, that a CEMP: Biodiversity (/Reasonable Avoidance Method Statement) is conditioned, to ensure that GCN are not harmed (the DLL allows GCN to be moved out of harms way) (under the Crime and Disorder Act (1998) local authorities have a duty to do all that is reasonable to prevent wildlife crime as outlined in the Wildlife and Countryside Act 1981).

The IACPC is not in itself a licence to carry out the work and the applicant will need to apply to NE for the 'GCN District Level Licence' once planning permission has been granted.

The conservation payment is/will be being used to create new or restore 'ghost' ponds within Norfolk which is being carried out by Natural England in association with the Norfolk Pond's Project. Mitigation and compensation measures are not required onsite under the DLL licence.

So in answer to your question if this 'is an acceptable strategy', it is, and is has been approved by Natural England.

Natural England – District Level Licensing Team: I can confirm that the District Level Licensing (DLL) Enquiry for this particular site has not yet progressed to Licence stage.

DLL is split into 2 parts; Enquiry Stage and Application Stage.

At Enquiry stage we complete an impact assessment for a site and determine what the impacts will be. We create a certificate to confirm the impacts, and outline what the costs will be for a developer to join the scheme. If the developer agrees with these costs, they will sign and return this certificate to us for a countersignature. Once countersigned, the certificate can be used by the developer towards their planning application, to show their obligations to GCN will be met. This is certificate is not a licence granted under regulation 55 of the Conservation of Habitats and Species Regulations 2017 and is not a confirmation or warranty that such a licence will subsequently be granted.

Once a developer receives planning consent, they will then come back to us to enter the DLL scheme. We will invoice for the Conservation Payment previously agreed through the certificate and complete a reasoned statement assessment (if required). Once the funds have been received, and the application assessed with a satisfied decision, we will then issue a licence. This site has not yet been granted a licence. The applicant is at 'Enquiry Stage', having received their countersigned certificate.

Housing Strategy Officer: To clarify, the requirement is for 4 units. The split would be 3 units for rent and 1 for shared ownership.

Anglian Water: Comments relating to water pressure in the locality.

This area is not normally at risk of persistent low pressures, it is supplied from a Water Treatment Works and last year there were a number of times when the treatment works has had a failure which would have given the customer very low pressures. Anglian Water has installed new infrastructure that will allow another treatment to help support the area to reduce these low pressure events.

The development of 22 dwellings has not been assessed for what infrastructure upgrades it needs at this stage but Anglian Water will design the supply to this development ensuring that there is no detriment to the level of service to other existing customers.

CORRECTIONS

P. 6 The description of the development should read “..up to 22 dwellings..”.

P. 10 The applicant’s details are: **VLH Developments Limited**

Assistant Director’s comments: The Agents comments are noted however it is the standard practise of the LHA to require full technical details of roads to be secured at outline stage. The reasons for conditions 11 (highway safety) and 15 (residential amenity) are different and we are satisfied that they may remain separate for clarity.

Cllr Ryves queries have been answered by Natural England and the NCC Ecologist. With regard to Third Party comments, the applicant has submitted drainage arrangements to the Lead Local Flood Authority and the Internal Drainage Board, both of which have confirmed they are satisfied that there is an acceptable drainage solution for the site. Details of which would come forward as part of the reserved matters application.

Initial discussions suggested that the pond at Watlington Primary School could be reinstated. However, there is not a requirement for this mitigation to be provided given that the applicant has proceeded down the route of a District Level License (as detailed above) and provided a financial contribution. Consideration has been given to the presence of both Great Crested Newts and Bats within the preliminary Ecology survey, which is sufficient to inform the outline consent. All relevant ponds were included in the application for the licence.

The comments of the Watlington Neighbourhood Plan Group are noted however such comments carry very little weight given that the plan is in the very early stages of the NP process.

Item No. 8/2(b) Page No. 38

Third Party: 1 neutral letter has been received that raises the following points:

- I am a near neighbour of Mr Kettlewell who owns the Old Battery House which lies approximately just one yard away from the perimeter boundary of the existing workshop. The only barrier is a line of conifer trees. The noise from the existing workshop is clearly audible from his home as the site is served merely by a wire mesh fence.
- Whilst I would hope that the erection of a workshop extension would hopefully serve to tidy up what is clearly an eyesore site, I think that a proper wooden fence with some soundproofing next to his property would mitigate any noise nuisance. In law, we all have the right to be protected from anything which causes us emotional distress. I would trust that the planning committee would not be negligent in this regard, and take into account the close proximity of the near neighbours.
- Enforcement of any planning regulations should also be robust.

CORRECTION

P 41. Penultimate paragraph – Should read “ Currently the workshop engineers weld mainly **outside** the workshop; the workshop space **does not always allow for welding inside the**

building. The extension would allow the engineers to carry **out** this work inside the building in a more controlled and safe manner.

Assistant Director's comments: It is the view of Officer's that a condition requiring the provision of an acoustic fence is not reasonable or necessary in this case given the use is existing and the small scale extension itself is unlikely to result in any significant increase in noise at the site.

Item No. 8/2(c) Page No. 48

CSNN: NO OBJECTION subject to surface water drainage condition.

Agent: In response to CSNN's request for the imposition of a surface water drainage condition: The existing impermeable area is not increasing in any way, we are not changing any existing levels and the slope of the new building is mono pitch away from the units behind and the entire yard slopes away from existing buildings. The existing tarmac yard is also drained and is fully kerbed to its perimeter and all slopes towards the entrance with the drainage channels around the perimeter of the road.

Assistant Director's comments: Given the agent's response and the fact that the site is hard surfaced already, it is not considered necessary in this case for a surface water drainage condition to be imposed.

Item No. 8/2(d) Page No. 55

Third Party: 35 letters of SUPPORT the application on the following grounds (summarised):

- No highway safety concern – the Priory School has an access and there was no objection to the wedding venue near the Didlington/Brandon Road intersection on the A134.
- Visibility is clear both ways and now the road is 50mph the traffic is slower moving – no problems in entering and exiting the site.
- Safer to have cars going in and out than artic trucks as currently
- The site is away from the village and not adding more through traffic.
- Mill Drove has recently been resurfaced and better to drive down than before
- Access far more suitable off the A134 than the suggested alternative route via The Avenue from the B1112 as this is a restricted byway, unmade narrow track that cannot sustain added vehicular delivery/traffic
- Excellent asset to the village and local community and provides seasonal employment
- Vital to keep small enterprises going in very uncertain times and have worked hard to establish a lovely business
- Has supported villagers and many events including village carnivals, social club event and pop up pubs
- Brings new people to the area who will be adding to the local economy and visiting other areas of Norfolk while they stay.
- Environmentally and ethically friendly business which reduces carbon footprint and encourages people to holiday at home rather than abroad
- Hidden gem, calm and peaceful, pet friendly and affordable for those that want to get back to nature
- Operates without impacting on the countryside

Item No. 8/2(e) Page No. 66

Third Party: 1 additional letter has been received that raises the following query:

- What is planned for the wide hedges at the back of our gardens on Ford Avenue?

Assistant Director's comments: If the application is permitted then the report recommends that planning conditions be imposed to secure full details of both hard and soft landscape works, to be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development (recommended condition 9). Also that a plan is submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of all boundary treatment to be erected, prior to occupation of the development (recommended condition 16).

Item No 8/2(g) Page No. 101

Parish Council: WITHRAWS OBJECTION as it is unfair to penalise the owner/developer for failures in the system. Not only was the PC not consulted on the crucial application in 2020, but it was not included on the weekly notification list for some reason!

It would seem reasonable to suggest that Parish Councils are consulted on all developments in the future, whether or not they are permitted development, so that they have the opportunity to make a fair and reasonable recommendation.

Assistant Directors comments: The procedure for applications for prior approval under Class Q, Part 3, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015, for applications for change of use of agricultural buildings is set down in Section W of Schedule 2. Only technical consultees are required to be consulted i.e. the Local Highway Authority, Environment Agency, CSNN, EQ. There is no requirement to consult Parish Councils.

I note the Parish Council's comments regarding consistency with consultation. It appears that our computer system (Uniform) automatically generates Parish Council consultations and has to be removed manually. Unfortunately, this was not done on two occasions relating to applications 18/00114/PACU3 and 16/01195/PACU3 - hence the confusion. Going forward we will endeavour to ensure that this is done accordingly.

These types of application are not included in the 'weekly list'.