



Planning Committee
Monday, 16th August, 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 - 8)**

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

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PLANNING COMMITTEE
16 August 2021

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

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

Emergency Planners comments:- The policy is in place to reduce the risk to life in the area during the most hazardous part of the year when flooding is most likely to occur. The irony is that in 1953 scenes of rescue following the East Coast flood surge area of South Beach Road where military personal from the United States Air Force were brought into rescue and recover bodies. I do not want further scenes such as that to be replicated whilst I am responsible for emergency planning in the area

Cllr Charles Joyce: At present the applicant has permission to occupy the property from April - September. It is suggested that an extension could be between 16 February and 15 January the following year. It is not clear why these dates have been chosen. Is the applicant willing to consider any other dates if this reduce a risks of flooding? Or are the chosen dates simply to correlate to the dates of the neighbouring properties thereby ensuring the occupancy of the 3 properties to the same dates reduces the possible use of blue light services cover.

Has the applicant agreed or refused to sign up to the early flood warning system?

Has the applicant submitted a flood evacuation plan?

The building is 2 storey is there a safe refuge in the higher storey?

Will there be any sleeping accommodation in the lower storey?

How is any risk to life greater at this property than at the occupied properties either side?

What is the relevance of the appeal quoted as it refers in Paragraph 3 *Main Issue* to be permanent residency and this application does not seek full year occupancy?

On page 12 of the agenda under *Flood Risk* it is suggested there will be an unacceptable and unnecessary risk to rescuers. How is this risk quantified to conclude it is unacceptable and unnecessary given that properties either side are occupied?

Given the withdrawal of the Environment Agency's objection under DM 18 in response to the agent's email of 1 March 2021 as relates to 20/01529/F which is in the same road. What considerations have been given by the Environment Agency in relation to this application as to how this application is affected by the same issues as were identified in the said email of 1 March 2021?

How is the refusal recommendation for this application consistent with applications at 91 South Beach Hunstanton?

In application 19/01612/F with objections from both the Emergency Planner and the Environment Agency the delegated officer decision was to approve amended scheme of application 15/01989/F which was for a single storey dwelling and garage in the same road as the application. 15/01989/F was approved at committee under officer recommendation to

approve on 16 June 2016. DM 18 was not approved at this stage but DM 18 and the then prevalent policy are materially similar. However, DM 18 was approved before 2019. Therefore, there appears to be an imbalance what are the reasons?

3rd Party Correspondence

- The application is reasonable and understandable
- More is needed than standard policy quotes what is the risk assessment on this
- Why not condition that in the event of a serious flood the occupant is required to leave to a place of refuge.
- People are told in advance about storms
- Lets have some genuine consideration from the committee, or there is risk that they will undermine public confidence in their decision making
- Planning Officer's do not always get it right.
- Measure risk against the benefits when making a decision

Cllr Bower:- I feel very strongly that it is totally illogical to restrict occupancy of 113 South Beach Road to 7 months when other residences in the same terrace are allowed 11 months occupancy. I am in total agreement with Hunstanton Town Council and would ask members to approve this application.

Assistant Director's comments:- Paragraph C.19.8 of the SADMP that supports DM18 clearly states that the safest period of occupancy within the Coastal Hazard Zone is between 1st April and 30th September. Occupation outside of these dates in this location would not be considered safe due to high flood risk and would therefore be contrary to the National Planning Policy Framework. Merely signing up to the flood warning service would not render the occupant to be safe, as the tidal pressure from breach and topping of tidal defences pose a significant risk. Even if this were a new dwelling built today to modern construction methods, the proposal would have to meet all 7 criteria listed in DM18 to be considered to be safe from flood risk to gain approval.

At present, as approved under application reference HU1260, the building has sleeping accommodation on the ground floor with living room and kitchen upstairs, which places people at risk of flooding when they are sleeping. It is noted that there is upstairs to avoid flooding, but the building itself would have limited resistance in the event of a tidal breach.

The appeal attached references the importance of seasonal occupancy conditions and how DM18 has stood up in terms of the rigors of an Inspector.

The current properties are occupied under old consents that pre-date policy DM18.

20/01529/F relates to the proposed temporary removal of an occupancy condition at a holiday chalet site at 3a South Beach Road. In July 2020, there was a written ministerial statement that encouraged LPA's not to undertake enforcement action which would unnecessarily restrict the ability of caravan parks, campsites and holiday parks to extend their open season, following the pandemic, and the loss of business it caused. The statement came into effect on the 14th July 2020 and will remain in place until 31st December 2022. This is an entirely different set of circumstances to 113 South Beach Road, which is not a holiday park site, and therefore would not benefit from this temporary exemption.

19/01612/F relates to amendments to an approved scheme for a replacement dwelling at 91 South Beach Road. 91 South Beach Road had the benefit of an extant permission for a replacement house and studio annex, 15/01989/F, that was considered against policy DM18. The replacement house had no occupancy condition imposed upon it, as the existing property to which it replaced had no seasonal restriction. Nevertheless the 2015 permission and 2019 permissions demonstrated that they complied with the remaining 6 criteria requirements in permitting a replacement dwelling in the Coastal Hazard Zone as stated in policy DM18.

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Omission to National Guidance:

Planning Policy for Traveller Sites 2015 (abbreviated to PPTS in the text of the report)

Abbreviation clarification:

GTAA = Gypsy & Travellers Accommodation Assessment 2016 – provides a robust and credible evidence base which can be used to aid the implementation of Development Plan policies and the provision of new Gypsy and Traveller pitches and Travelling Showpeople plots for the period up to 2036.

The GTAA was produced by Opinion Research Services, a professional consultancy which undertakes this type of work for local authorities.

The study was commissioned by a consortium of eight neighbouring local authorities, covering the administrative areas of:

- Cambridge
- South Cambridgeshire
- East Cambridgeshire
- Huntingdonshire
- Peterborough
- Kings Lynn & West Norfolk
- Forest Heath and St Edmundsbury

Cllr Charles Joyce raises the following points (answered by the Assistant Director in italics and emboldened for ease of reference):

In the applicant's Planning Statement of 26 February 2019 he refers to PPTS 2015 Annex 1

Notwithstanding your own request of 21 April 2020. Can we be clear this application is not referring to travelling showpeople? Or is it?

To confirm, this application refers to Gypsies & Travellers not Travelling Showpeople.

If not, have the prospective residents previously led a nomadic habit of life?

They currently lead a nomadic habit of life by meeting the definition of G&T in Annex 1 of the PPTS (2015) as stated in the report.

What are the reasons given for ceasing their nomadic habit of life? This in particular does not appear to have been addressed in your report.

Please see above.

Is there an intention of living a nomadic habit of life in the future? If so, When? And under what circumstances?

Please see above.

CS09 refers to a minimum 146 permanent pitches (hence not travelling showpeople under PPTS 2015 Annex 1) up to 2011. It also requires an annual survey to be judged against the Regional policy for 2011-2021. Has the annual survey identified additional need above the 146? If so, what are the numbers for each year?

The below table sets out the need identified for new pitch provision in the current GTAA, October 2016. This GTAA covers the period of 2016 to 2036. It is important to note that these figures are not a quota. The GTAA provides a robust and credible evidence base which can be used to aid the implementation of Development Plan policies and the provision of new Gypsy and Traveller pitches and Travelling Showpeople plots for the period up to 2036.

Figure 6 – Additional Need for Gypsy and Traveller Households in King’s Lynn & West Norfolk 2016-2036

Status	Total
Travelling	5
Unknown	0-35
Non-Travelling	40

Reference is made to a Fenland District Councillor. Can the Committee be advised of the contents of this documentation?

The Councillor has known the family for approx. 20 years through involvement with the boxing club. He confirms that they are Romany Gypsy and the family can be traced back to 18th Century. For the entire time he has known them they have carried out a nomadic lifestyle, leaving the local area for work around the country and sometimes in other countries, he has no doubt that this will continue well into the future, their work ethic dictates that where there is work, they will travel to do it.

The report states that the Housing Strategy Officer has confirmed that it is accepted that the proposed occupiers meet the definition of G&Ts and there is a demonstrable need for the proposed pitches to accommodate the next generation. Can the Committee be given sight of this confirmation and the evidence on which it is based?

The position was reached by virtue of a case conference with Karl Patterson (Housing Strategy Officer) going through the information supplied in relation to the applicants in standard questionnaire format and the statement of the Fenland Councillor plus local knowledge.

With regards to access to evidence, advice from our Legal Services has been sought on this matter and they opine as follows:

“On disclosure of personal information, the information is exempt from being disclosed under section 40(2) and 40(3A) of the Freedom of Information Act 2000. In particular the information constitutes personal data (which is not that of the requester and therefore would be a subject access request) and disclosure of the information would be in contravention of the data protection principles in the Data Protection Act 2018 and GDPR.

If the personal data could be redacted and there is additional information left, you may wish to consider if this information is exempt from disclosure under section 41(1) of FOIA where information has been provided in confidence. In order for this to apply:

- 1. The information must have been obtained from another person;***
- 2. Disclosure must constitute a breach of confidence (Human Rights Act has developed the case law on this that authorities pay appropriate regard to individuals right to privacy and family life) but must not already be information in the public domain;***
- 3. A legal person must be able to bring an action for the breach of confidence to court; and***
- 4. That court action must be likely to succeed.”***

The latter point has been considered and the amount of information left after redaction would render the document worthless.

The report identifies one potential resident as living unlawfully elsewhere, and 3 others living in touring caravans. Are these 3 caravans subject and complying with the 1960 Caravan Sites and Control of Development Act as highlighted by the Housing Standards Officer except in regards to the site the 3 presently living in touring caravans are habiting? If not, is the Committee looking at 4 possible residents who are presently living unlawfully? And that 3 are presently occupying a site owned by the applicant?

Three of the applicant’s children are residing in their own touring caravans on the family pitch which comply with the terms of the site licence. These are effectively bedrooms with family living accommodation contained within the main mobile home. The other child is residing elsewhere outside this district ‘doubled up’ on an existing pitch as there is no room available on this family pitch.

In paragraph 2 in ***Amenity of Neighbours*** on page 34 it is suggested that the Parish Council have taken Government policy out of context and that community means the village not individual or groups of properties. In the case summary it states the site is 762 metres outside the village, does this not confirm the parish council's interpretation?

Paragraph 14 of the PPTS states: When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Settled community is taken as the village itself, not 'members of the' settled community which would indicate individual or groups of properties. To illustrate it would not be suitable for a 50 pitch G&T site to be located near a hamlet of 10 dwellings. Conversely this is 4 pitches reasonably close to a Key Rural Service Centre (combined with Outwell).

In **Grade 1 Agricultural Land** on page 33 it is stated "It is clear that this land has not been in agricultural production for quite some considerable time and the benefits to the community in the form of additional pitches is considered to be an overriding factor." How is this consistent with the statement in Amenity of Neighbours in that the community means the village not individual or groups of properties?

As with any other form of housing supply associated with this locality/community, it would be affected in a positive way in that the family with long-established ties to Upwell will be able to continue to have a base here and have children going to school and spending at/using services whilst maintaining their nomadic lifestyle.

How does the present use of the land reduce the quality of the land? Or irrespective of its present use is the land Grade 1 agricultural land?

This, like all other land surrounding the village, is broadly classed as Grade 1 agricultural land.

Third Party correspondence – ONE further item of correspondence received re-iterating earlier concerns regarding surface water flooding. Over winter the extent of surface water flooding has increased in the garden of No.200 Small Lode. Request that land drainage is installed as global warming indicates wetter winters.

Assistant Director's comments – Whilst surface water drainage may be secured with any planning permission, it must be clear that it can only relate to the current development proposed and not resolve any existing drainage issue involving other land. That would be a civil matter.

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3rd Party Correspondence received:

TWO Objections

- The pub is an asset to the village, and the application should be refused.
- Premises should go on open market as a licensed property, and someone else may be able to run it. Has been a decent pub for many years. If let for large groups I envisage noise problems for adjacent properties. Local authorities should better value these facilities.
- Attention is drawn to Policies – Core Strategy CS06 and CS10, Site Allocations and Development Management Policies Plan DM9 and Upwell Neighbourhood Plan ET2 and ET3.

ONE Support

- Family were able to visit the premises as a holiday let in August 2020. Accommodation is immaculate. Local manager met us on arrival to show us round and gave her mobile number and email address for any issues. Car park was more than sufficient for us as guests. Used local shops (including butchers and Premier) and local café. Enjoyed our stay and visited surrounding areas while staying there. Would like to visit again.

Five Bells Inn Preservation Society

The Five Bells Inn Preservation Society has submitted a copy of their application to register the public house as an Asset of Community Value (ACV). This includes the Asset of Community Value Nomination Form and a number of appendices which include:- The Five Bells Inn Preservation Society Constitution document; land registry details; proposals for future use; and examples of local support for preservation of the public house.

Assistant Director's comments – The representations received and detailed above include points already discussed within the Officer Report. Likewise the policies are listed within the report and the application for ACV status is also referred to in the Officer Report.