



Planning Committee
Monday, 7th March, 2022 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 - 10)**

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

Contact

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**PLANNING COMMITTEE
7 March 2022**

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

Item 8/1(a)

Page No. 8

Third Party: One Third Party sent 18 letters to Members of Planning Committee regarding the following (summarised):

- Refers to the scale of the development, located between two schools and is a greenfield site which is widely used by the community and dog walkers;
- States that the site is Flood Zone 3 and its associated feeder road for evacuation.
- Considers that errors in the FRA relate to evacuation routes in the event of an emergency and erroneously indicates the locations for evacuation.
- Points out that the FRA states that if flood waters exceed 30cm that people take refuge upstairs in their homes;
- The Council knows that the site is at risk of flooding but will build on it in any event;
- Points out that Gaywood is one of the poorest areas and people can ill afford repairs in the event of a flood;
- Points out that poorer areas have a third less open space than that of the wealthier areas and that outdoor space benefits health and well being;
- King's Lynn is notorious for its high traffic and pollution levels and 226 homes would exacerbate this;
- The entrance and exit to the site are located on the same road which is the main feeder road for this area located between two schools;
- Heightens disruption for schools;
- No planned provision for infrastructure in place for the development;
- Does not understand the need for the development and over 250 people in the community object to the development
- Refers to successful campaign to prevent development on the larger site and that land was saved for use by wildlife and people.

SIX additional letters from third parties regarding (summarised):

- The site is located in the highest flood risk area with vulnerable development;
- Queries how building homes that are vulnerable on land that has a high risk of flooding be sustainable;
- Considers that the FRA does not take proper account of climate change in terms of surface water and sea level increases;
- Considers that the field and surrounding species of mature trees and unique and totally irreplaceable and that replacing saplings for mature trees is a joke;
- There used to be a woodland up to and beyond the King's Lynn bypass and its gradual destruction leaves a mere fragment of the once country estate The housing estate will remove even more trees;
- The Council wants to hurry the decision to build;
- The site is open to flooding;
- Noise from the nearby factories would be more audible for the new builds;
- Only entrance is via Queen Mary Road which carries all the traffic from the housing estates as well as traffic in associate with two schools. The threat of more traffic would add to an already huge problem in the area;
- Concern regarding access form emergency vehicles given worsening traffic;

- Trees need protecting
- Area south of play park should be left for recreation;
- Difficulty in getting GPs appointments now and concerned that they will not be able to cope with extra demand
- A pedestrian crossing should be created over Tennyson Avenue, near Spa Shop;
- Area could be used for other things such as a sports centre, pitches, car parking etc. A waster opportunity;
- Considers that original proposal for bridge to Hardwick would be better to alleviate traffic;

Natural England: Clarifies that financial contribution referred to is to mitigate the impacts of the additional recreational disturbance as set out in the Borough Council's monitoring and mitigation strategy.

Cllr Rust: Can you tell me if there are any TPOs on the trees proposed for felling on the parkway site? Has there been a detailed assessment conducted on the trees?

Cllr Alun Ryves: Ask the following questions:

1. Please can I see the records for traffic flow at the Gayton clock and records of congestion at This junction. Can you confirm that improvement of the junction is not practicable.
2. Also, where does the estimate of 714 additional car movements per day come from and what allowance is being made for home delivery vehicles, and what information is offered on the timing of these journeys please, as to time of day and as to seasonality?

And in addition:

Page 10

Please explain why it not considered that the development would cause significant environmental effects such that no environmental statement has been submitted.

P14 " the viability assessment prepared in support of the application shows that the scheme is not viable at around 12% profit margin. ...for this reason it is not possible to secure all of the planning obligations sought by statutory consultees. " What does this mean please

p.17 has LDA consent been achieved?

p.18 has " well designed...green infrastructure" been set out?

p.19 what are the new tree planting proposals, and do they meet the concerns of the NWT regarding compromise of the wetland habitat

p. 20 what is the history of flooding of this field

p. 24 given that the council is more cognisant of the increased risks of flooding I wonder if it is valid to claim no sequential testing required. What is the basis of EA modelling?

p. 26 what happens if AW do not accept the SUDS infrastructure

p. 31. " scrub enhanced scrub/planting of wet woodland. " BUT a major part of the original application was predicated on the nature of the land threatened. Planners say scrubland, everyone else says high quality alkaline fenland. This is indeed the view of NWT. They have asked for a Landscape and Ecology Management Plan (LEMP)

p. 31. Justification of 3 for 1 ??

p. 31 I thought discussions were proceeding with NWT to set up a CWS on the eastern side of the site?

p. 32 has “ Appropriate Assessment “ been completed?

p. 32 ecology over reliance on scoping

County Cllr Robert Colwell (summarised):

Flood risk

- Considers that KLWNBC should avoid locating development within areas that are at risk of flooding like the proposed Parkway development;
- Notes that revised plans are still considered inadequate according to the EA’s latest comments;
- Anglian Water appears yet to have confirmed whether it has a hydraulic model of the relevant network from the development into the Middleton Stop Drain;
- The area is at risk from coastal flooding; if the defences fail, emergency services will be stretched to meet need to move people safely to higher ground and rescue centres;
- KLWN must consider the impacts of climate change and should not be building on a greenfield site in areas at highest flood risk
- Flood emergency response plan directs traffic north along Queen Mary Road, a known congestion hot spot and queries the routes;
- The wider sustainability benefits of affordable housing do not outweigh the harm;
- Considers that the proposal is not sustainable.

Traffic congestion and pollution

- Gaywood Clock area has a problem with congestion and 226 dwellings will make the location worse ; constituents are already late to work and construction vehicles and additional traffic will make matters worse;
- Gaywood Clock area is also an area of high pollution with high pollution levels during rush hour. High pollution causes health problems and this area is busy at rush hour with high pedestrian levels including children walking to school. KLWN and NCC have not done enough to reduce the existing problem let alone with a further 225 dwellings;

Loss of green space

- Recognises importance of green space and there is not much left in King’s Lynn. Much of Lynnsport has already been developed and lost to housing. Should think when considering the Sport England objection because of their opposition to the loss of green space;
- Important for mental health and should be reason to preserve within walking distance of homes;
- Parkway recreation area is one of the last green spaces;
- Disappointed about the removal of grade A and B trees; tree replacement programme has been criticised and NWT are worried about planting in the area of wetland that would have an adverse effect on habitat;
- The proposal could affect European designated sites as a result of increased population

School capacity

- Concerned that there are insufficient secondary school places in King’s Lynn as a result of this development in combination with other developments;

Assistant Directors Comments:

With regard to Cllrs Rust’s queries, none of the trees on the site are covered by a TPO; the trees are, and will remain, under the ownership of the borough. A detailed assessment has been carried out on the trees with the submission of an Arboricultural Impact Assessment by A T Coombes Associates and is available on Public Access.

With regard Cllr Ryves and Cllr Hudson’s queries:

1. The Transport Assessment and Addendum for the current application and the previous 2020 application are available on Public Access.

As part of the previous application at the site, for some 379 homes, two potential options were developed for the Gaywood Clock junctions with the aim of making the traffic signals more efficient. Both of the options presented minor works but achieving even these modest changes required significant changes to, or even the removal of, the footways/cycleway or pedestrian crossing.

Since that application was made, the government’s policy on walking and cycling has changed significantly as has the best practice guidance for transport planning methods in developments. As a result, the use of the new Decide & Provide methodology was agreed with the Local Highway Authority. This was on the basis of King’s Lynn having a particularly high level of walking and cycling, and also because the emphasis on walking, cycling and public transport would be of significant benefit not only to the Parkway development but, importantly, to the local communities in the wider area. The substantial enhancements to walking and cycling will support the aims of the town’s LCWIP, and will enable access to employment, education and day to day services along Parkway/ Queen Mary Road, and extending west, south and east to the town centre, hospital and employment land at Hardwick.

2. The 714 daily car movements has been estimated using the guidance issued by TRICS (the standard database approach used across the transport planning sector). This equates to just over 3 trips per day per home. The methodology does not differentiate by season, and this is in line with all the relevant transport planning standards and guidance.

Table 6.2 in the Transport Assessment sets out how the “car trips” are distributed in the network peak hours and the key information is reproduced below:

	AM in	AM out	AM Total	PM in	PM Out	PM Total	Daily total
Car trips	20	64	84	56	25	81	714

The methodology expresses all vehicular trips to and from the site in terms of “cars”. The data which underpins this work was provided in full to the local highway authority at a very early stage and as key data in the Transport Assessment. This data (the TRICS output) provides data for all types of vehicular travel to and from the site including deliveries, refuse collection etc and it is this total vehicles data which has been used to estimate the trips for the site.

With regard to Cllr Ryves additional queries:

Page 10 – The Screening Opinion is available on Public Access, scanned on 3rd November 2021.

Page 14 – The statement forms part of the Applicant’s submission. Please see page 37 – 38 for a full explanation around the viability of the scheme.

Page 17 – Consent under the Land Drainage Act is a separate consenting process. The applicant is fully aware of its obligations to gain the necessary consent.

Page 18 – A full description of the layout of the development, impact on trees and open space and landscaping is set out on pages 23, 30/31 and 34/36. The proposal is well designed.

Page 19 – The replacement tree planting proposals are set out on pages 30 and 31 and will be secured by Condition 24 in terms of number, type, size and location of replacement trees. The wetland habitat and biodiversity enhancement area will be secured by Condition 25. This is fully in accordance with the comments of NWT. The table below shows the number of trees on site and the number removed:

Total No. of Trees on Site (Approx.)	Total No. of Trees to be Removed on Site (Approx.)	Minimum Tree Replacements
221	22	66

Tree Group	Category Grading	Total No. of Trees in Group (Approx.)	Total No. of Trees to be removed in group (Approx.)
G1	A	70	3
G2	A	90	0
G3	B	21	9
G4	B	19	1
G5	C	6	6

Page 20 - According to the FRA (which takes account of EA and NCC records), there is no history of flooding in the vicinity of the development.

Page 24 – The site is an allocation of the development plan and has already been sequentially tested as part of the Local Plan process. Please refer to Policy DM21 of the SADMPP which confirms the same.

Page 26 – The surface water drainage scheme shall be implemented in accordance with the requirements of Condition 16. If the surface water drainage scheme changes, a further application to vary that condition may be required to ensure a suitable scheme comes forward. However, there is no indication that Anglian Water would not adopt the drainage crates subject to following the AW consenting process.

Page 31 – The position re habitat enhancement is set down on p 31 and the Ecology section. It is clear that sufficient habitat mitigation and enhancement is proposed as part of the development. No objection has been raised by Natural England nor NWT.

The 3 ratio of 3 replacement trees to 1 lost was advanced by the applicant and is fully acceptable subject to exact replacement tree details being submitted as required by Condition 24.

The habitat enhancement area to the east of the site i.e. the wildlife area is in the control of the applicant (blue land). Habitat creation/enhancement and its management thereafter is controlled by Condition 25. This is fully acceptable to NWT.

Page 32 – The Appropriate Assessment is contained in Appendix 1 on p 52.

The Ecologists use standard methodology for scoping (please refer to Public Access for the full Ecological Assessment dated January 2022). You will note that the site has been surveyed under the original application and the current application within 2 years which forms a thorough understanding of species and habitat on the site.

With regard to Cllr Hudson's comments regarding air quality, the air dispersion modelling carried out by Royal Haskoning (AQA Addendum October 2021) used this Decide/Provide estimate for AADT trips in the final build-out of the 2025 scenario (with and without development; 714 AADT) in addition it factored in the necessary growth factors. As the modelling was based on 2019 base year rather than one during Covid it takes a precautionary level. Furthermore, queuing traffic (congestion) was also considered in the modelling, for example within the AQMA areas of the town centre and Gaywood Clock traffic speeds were selected by Royal Haskoning as 10kph. Consequently, air quality impacts were estimated as negligible at all receptors based on the accepted IAQM methodology.

It must be realised however, that notwithstanding impacts when compared to the maximum pollution limits that the IAQM (2017) guidance makes it clear that all developments, especially those considered as major developments, as in this case, that they should follow best practice principles in terms of the mitigation and offsetting of the additional emissions where necessary. IAQM (2017) provides some guidance on the approach.

We considered the level of mitigation being proposed against the Council's Air Quality Action Plan (AQAP) and which appears in accordance with the measures. It must be noted that this AQAP is being reviewed currently to bring it up to date with a number of important changes that have occurred since the original was adopted, including the King's Lynn Area Transport Strategy, which is now at stage-3 of implementation. Other notable changes to consider include the Council's Climate Change Strategy (2021) with a clear mandate now to reduce emissions.

In relation to the enquiry about air quality monitoring, data is available via from the following website (www.norfolkairquality.net/) as real-time. This is from this Council's automatic analyser at Gaywood Clock. It measures the nitrogen dioxide (NO2) concentration. Results are reported to Defra via this Council's Annual Status report on air quality;

https://www.west-norfolk.gov.uk/downloads/download/346/air_quality_information_documents

Comments regarding flood risk are dealt with within the main body of the report. For clarification, the updated Flood Risk Assessment 18th February 2022 has clarified flood evacuation routes.

All other third party comments are addressed within the main report.

Item 8/1(b) Page No. 55

The Agent: Provided additional highway safety comments and a supporting statement. The points raised relate to the following issues:

- Reference to an amended site plan (Rev C) and highway statement to overcome concerns raised by the Local Highway Authority
- Reference is made to the comments from CSNN and existing development across Whittington which could be at risk of similar noise and disturbance and potential for additional noise mitigation measures on top of insulation and triple glazing
- The agent refers to policy DM3 and the criteria necessary to be categorised as 'exceptional quality'.
- Reference to an error within Historic Environment Service's comments (clarified below)

The Local Highway Authority: Provided the following additional comments received 24th February 2022:

The following outstanding issues could potentially lead to highway safety concerns.

- Large junction radii can increase the speed of vehicles entering the estate road.
- If the visibility splays are not secured in perpetuity they could become overgrown and obstructed.
- New estate roads should be subject to a self-enforcing 20mph zone in the interests of pedestrian safety.
- Junction radii at the turning area that are too small could result in large delivery / refuse vehicles overrunning the footway.
- Insufficient or poorly laid out parking can lead to on-street parking, which often results in the footway and / or road being obstructed.
- An increase in dwellings will result in more pedestrians. A footway less than 1.8m wide is not sufficient for prams / wheelchairs to pass. Resulting in the need to step onto the carriageway of the adjacent road.

Historic Environment Service: Provided amended comments, removing the reference to the incorrect site in their updated comments received 22nd February 2022.

Assistant Director's Comments:

The supporting statement and additional highway comments supplied by the Agent make reference to an amended plan (Rev C) which the Borough Council have not had the opportunity to consider and for which the Local Highway Authority have not provided comments.

It is recommended that this item be **DEFERRED** for one cycle to allow for consideration of the amended plan and further consultation with the Local Highway Authority.

Item 8/2(a) Page No. 69

Third Party: Queries the second single storey extension adjacent to his boundary given the description reads “extension”.

CORRECTION:

The description of the development on p 6 and 94 should read:

Proposed single storey rear extensionss incorporating internal alterations of residential care home (Use Class C2) following the removal of existing conservatory structure. Proposed single-storey garden room to rear of site following removal of outbuildings

Assistant Director’s comments: The amended plans clearly show 2 singles storey extensions and the typographical error has been corrected above. For clarity, the neighbour refers to the proposed east elevation projection - a single storey, side extension which is clearly shown on the plans.

Item 8/2(d) Page No. 102

CORRECTION:

P.105 concluding paragraph of The Application section, the statement in brackets should read as follows:

(i.e. a further **19** hours of work per week).

Assistant Director’s Comments:

This corrects a typo in the Committee Report and is consistent with the hours of work referenced in the first paragraph on P.110.

Item 8/2(e) Page No. 113

The Agent: Submits a supporting statement as follows:

The following sets out my business plan for the future. I confirm that I have been trading profitably for the past three years, as set out in the HMRC Tax returns forwarded to you during August/September.

The current business provides:

- DIY Livery
- Part Livery
- Full Livery (also providing external Full Livery at other yards, providing holiday cover,etc)

I am proposing to provide Full Livery on site for the following:

- When owners are on holiday
- When owners are unwell
- When owners have family/work commitments
- Tending to horses or ponies after-care, working with the Vets from the Equine Hospital

Reasons why I require Change of Use and siting of Residential Accommodation are:

All of the proposed Full Livery services require 24 hour attendance on site, particularly after-care of horses and ponies. CCTV cameras are on site covering the whole of the yard.

With regard to Insurance for the business, one of the stipulations is that I am required to be on site for 24 hours, 7 days a week as the value of the equines may be anywhere between £4,000 and £12,000 per animal. Owners will trust me to provide 100% care for their animals.

My current residence is now sold, subject to contract, so I will need to arrange the residence at the yard as soon as I can.

I am confident that despite the setbacks of the past 2 years due to Covid I can provide a valuable service to the equine community in expanding my business and providing the services outlined above and I would greatly appreciate the Council expediting my application.

Assistant Director's Comments:

Although the applicant is in the process of selling their home, the site is not far from alternative housing options within or near to Walton Highway. There is insufficient information to demonstrate that all security methods have been fully considered. Furthermore, it is considered there is not sufficient justification for the creation of a new dwelling in this countryside location which would be contrary to planning policies.

Item 8/2(f)

Page No. 123

Third Party: TWO further letters or representation received in OBJECTION to the proposals. These raise the following issues-

- The removal of the wall and replacement with black railings makes the area look like an industrial site at worse a prison and a visually unacceptable addition to our village.
- Blatant disrespect to the planning approval and any care for the local environment and local opinion.
- New application preferable to initial scheme, however the wall should be totally replaced back to where it was prior to this company moving in. Should also replace/ plant hedging for wildlife.
- There are no changes I can see in the height of the wall. It is still 0.9 m far lower than the original. The wall should be re-instated as it was.
- Why the short consultation period? Concerned trying to rush it through.

Assistant Director's comments:

The objections detailed above continue to raise concerns detailed within the officer's report and have been covered in the committee report.