



**Planning Committee**  
**Monday, 31st July, 2023 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)**

**Contact**

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**PLANNING COMMITTEE**

**31 July 2023**

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

**Item 9/1(a) 22/01333/FM Page No. 14**

**Correction:** As a result of amended plans showing an indicative bund, the following conditions are required to be amended:

2. Condition: The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos:

22 041030 02 EXISTING SITE PLAN received 28 Jul 22

22 041030 05 ~~B D~~ PROPOSED SITE PLAN received ~~23 Nov 22~~ **21 Jul 23**

SHEET 3 NEW CHILL STORE received 4 Oct 22

E13686/1 PROPOSED CHILLI STORE EXTENSION- PROPOSED LAYOUT AND SECTION  
HIGH CARE PHASE received 28 Jul 22

E13686/3 PROPOSED CHILLI STORE EXTENSION- PROPOSED SECTIONS PHASE 1  
received 4 OCT 22

SHEET 2 NEW CHILL STORE

2. Reason: For the avoidance of doubt and in the interests of proper planning.

4. Condition: The building identified as the 'existing cold store' on Drawing no 22 041030 05 ~~B D~~ hereby approved shall only be used for the packing of vegetables and for no other purpose without the prior consent of the Local Planning Authority being granted under separate planning permission.

4. Reason: For the avoidance of doubt and to allow the local planning authority to retain control over the use of the building in the interests of the amenities of neighbouring residents in accordance with the NPPF and Development Plan.

5. Condition: All external doors to the building identified as 'existing cold store' on Drawing No 22 041030 05 ~~B D~~ shall remain closed other than when being used for access and egress from the building. No machinery shall be operated within the building unless all external doors are closed.

5. Reason: In the interests of the amenities of neighbouring residents in accordance with the NPPF and Development Plan.

6. Condition: The building identified as the 'new cold store' on Drawing no 22 041030 05 ~~B D~~ hereby approved shall only be used for the storage of vegetables and for no other 28 22/01333/FM Planning Committee 31 July 2023 purpose without the prior consent of the Local Planning Authority being granted under separate planning permission.

6. Reason: For the avoidance of doubt and to allow the local planning authority to retain control over the use of the building in the interests of the amenities of neighbouring residents in accordance with the NPPF and Development Plan.

14. Condition: Notwithstanding the details shown on the approved plans, prior to the commencement of use of the building identified as the 'new cold store' on Drawing no 22 041030

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05 B D hereby approved, full details of an earth bund to be located to the north of the 'new cold store' shall be submitted and agreed in writing by the Local Planning Authority. These details shall include the levels and contours to be formed and a landscaping scheme for the earth bund. The landscaping scheme shall include planting plans, schedules of plant species, plant sizes and proposed numbers where appropriate.

The earth bund shall be constructed and the landscaping works shall be carried out in accordance with the approved details prior to the commencement of use of the building identified as the 'new cold store' on Drawing no 22 041030 05 B D or in accordance with a programme to be agreed in writing by the Local Planning Authority. Any plants/ trees that within a period of 5 years from the completion of the development die, are removed or become seriously diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

14. Reason: In the interests of the amenities of the locality, and to ensure the work is carried out within a reasonable period in accordance with the NPPF.

**Assistant Director's Comments:** The corrections to the conditions above are to reflect the amended plan received which illustrates the inclusion of an indicative earth bund and the associated amendments to the staff car park. Specific details of which are conditioned under Condition 14.

**Item 9/2(a) 23/00626/F Page No. 31**

**Applicant:** Submitted details of cycle parking.

Confirmed that a supporting statement will not be submitted in time.

Confirmed agreement to pre-commencement conditions relating to tree protection and a tree planting scheme. Also advised that Golden Tree Surgeons have been contacted to help with the layout of the new tree planting around the new car park extension. Their report is being prepared.

**Arboricultural Officer: No objection** in principle to this proposal, but this replacement/new application does not contain enough information to adequately cover tree protection or new tree planting. Pre-commencement conditions are recommended.

**Assistant Director's Comments:** The applicant's comments are noted. However, the cycle parking details and new tree planting scheme will be dealt with via a discharge of condition application if planning permission is approved.

The Arboricultural Officer's comments are noted, and the recommended conditions are already in the officer's report on pages 38 and 39 of the agenda.

**Item 9/2(c) 23/00086/F Page No. 51**

**Correction:** Amendment to conditions 4, 5 and 7 as follows:

4. Condition: The temporary construction access and haul road hereby approved shall be used for the construction of the Grimston Road roundabout and associated infrastructure, as approved by application 16/02231/OM only. The temporary access and haul road shall be used for the sole purpose of constructing the roundabout.

5. Condition: The temporary construction access and haul road shall be permanently removed no later than 21 days following receipt by the Applicant (or their Successor's in Title) of the Certificate of Final Completion by Norfolk County Council or their appointed contractors regarding the roundabout as approved under: 16/02231/OM, and the land re-instated to its previous condition in accordance with drawing number HKL01-001-08 A 'TEMPORARY ACCESS RE-INSTATEMENT PLAN'

7. Condition: No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) which outlines the required methods and mitigation during clearance for, and lifespan of, the temporary access route has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not be limited to, the following:

- a. When and where an Ecological Clerk of Works will be required
- b. Fencing/protection of EMZ i prior to commencement
- c. If lighting required, sensitive lighting scheme in place prior to works
- d. Clearance of tall vegetation (to a height of 15-30cm and minimising disturbance to ground layer) prior to March (or nesting bird check if clearance between March-August (with likelihood of delays)
- e. Ecologist-supervised clearance of ground-level vegetation to avoid risk to reptiles, conducted outside the reptile hibernation period which runs from October to March inclusive (dependent upon weather conditions).
- f. Use of materials from vegetation clearance to create reptile features within EMZ i

The approved CEMP: Biodiversity shall be adhered to and implemented through the construction phases strictly in accordance with the approved details, unless agreed in writing by the local planning authority.

A 'statement of good practice' shall be signed upon completion by the competent ecologist, and be submitted to the LPA, confirming that the specified enhancement measures have been implemented in accordance with good practice upon which the planning consent was granted.

**Cllr Coates: (Correspondence summarised for clarify)**

- I objected to this application and expect to speak in support of my objection at the planning committee. At present, during times of heavy rain, material from the present working on the site, runs off from the site, down Grimston Road and into one of my Constituents' front gardens. I've complained to the Agent for the Developer but, apart from acknowledging my complaint, I've received no response. I don't think putting a condition into any planning condition would be sufficient. We need to see actual detailed plans submitted showing how the Applicant will deal with the drainage and stop it draining on to the public highway.
- I'm concerned about the wheel wash facility. Looking at the latest plans submitted, this facility appears to be partly in the area that the Applicant has claimed is in the highway. Can you confirm that, please?

There is no detail about the wheel wash and I'm concerned that if it's as crude as a man with a hosepipe, dirty water will be draining on to the highway as lorries pull away. Ideally the wheel wash facility will have a drain area underneath. Again, ideally, the facility will be located a distance inside the haul road so that residual dirty water will not fall on the public highway.

It seems to be accepted that the haul road will become dirty and the Applicant says the haul road will be clean for safety reasons but there's no provision made to clean the public highway if that should become dirty. Is there any way that a planning condition can be made to stop lorries exiting the site if they should be dropping mud on the road?

- Looking to the East of the proposed access and assuming the 160m indicator is the visibility splay line, that would mean the Applicant would need to get the County Council Highway Authority to agree to have some very substantial and significant trees cut down as well as hedging removed. Is there anything in the planning file that indicates that the County Council has been approached about the removal of these trees and hedging or is there anything that would suggest that this would be done?
- What authority do the Applicants have to remove hedges and trees that belong to someone else. The Highways email to say that it has no comment, falls a long way short of the authority I'd like to see so I've emailed NCC Highways for a more detailed comment which, hopefully, will be available by Monday morning.
- Proposed wording of Condition 5:  
The access and haul road shall be "removed no later than 21 days following receipt of the Applicant ... of the Certificate of Final Completion by Norfolk County Council ..." I think "of the Applicant" should be "by the Applicant".
- I'm concerned that 5 leaves the Local Planning Authority out of control of the situation. We have to rely on another party (NCC or more likely its contractor) telling us that it has given yet another party (Applicant or Successor in title) a certificate of final completion which it might be in no great hurry to do. There could be minor works not completed for some time. We would have no control over when that Certificate of Final Completion is issued by NCC (or its appointed contractor, is that Tarmac?). Presumably, this final completion certificate might be tied into a request for final payment which would help.
- I'd be happier with a more direct wording that doesn't rely on other people/organisations so much. How about: "No work on any infrastructure permitted by (the main plan number) other than the roundabout may commence whilst the temporary construction access and haul road exist".
- If you don't accept my simple suggestion, has the Applicant agreed to the 21 days? Seems a short period to me and I'd have thought longer might be needed in practice. We don't want them coming back later and doing it from Grimston Road and closing off one carriageway to do it!

**Cllr Rust:** Forwarded communication from Barratt Homes to regarding the temporary access.

**Assistant Director's Comments:** The correction to Condition 4 removes the additional wording of "and no construction traffic thereafter shall access the development site other than via the roundabout". Whilst this is the desired outcome, this part of the condition would relate to works outside of the scope of this application within the reserved matters development. It would not therefore meet the tests for planning conditions, notably 'relevant to the development to be permitted' and removing this part of the condition rectifies the issue. The other conditions alongside condition 4 included within the recommendation would ensure that the temporary access and haul road serve the construction of the roundabout only and should be removed following its completion. Regarding condition 5, reference to the roundabout itself has been added for clarity and wording corrected; there are no changes to the requirements of the condition. Regarding the correction to

condition 7, the wording is slightly altered to remove duplication; there are no changes to the requirements of the condition.

Regarding comments from Cllr Coates, condition 3 would state that: "Notwithstanding approved plans, no part of the development hereby approved shall commence until a detailed scheme including construction and drainage details has been agreed in writing with the Local Planning Authority. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway. The development shall be constructed in accordance with the detailed scheme." As such, these details would be required prior to works starting so it is not considered that details are required prior to determination as this would have to be discharged before the development commences. It is also of note that this application relates to the area of the temporary access and haul road only and the wider site cannot be controlled via this application. The highway boundary was included on plan to demonstrate that visibility splays could be achieved as proposed. The wheel wash facility is within the proposed haul road and red line of the application. Drainage details would be provided by condition, but a Construction and Operation Management Plan is also conditioned (condition 10) which would include, amongst other details, the details of how vehicles will access the site which would include the wheel wash facility.

Regarding the visibility splays and impact on trees and hedges, plan: TEMPORARY ACCESS RE-INSTATEMENT PLAN, drawing number: HKL01-001-08 A shows the splay in addition to the other plans submitted. NCC Highways have reviewed the application, including the proposed visibility splays and raise no objection. As detailed within the submitted Arboricultural Report, the proposed development requires the part-removal and the pruning of areas of hedging. The Proposed Development is considered to carry a low risk of residual harm to the retained trees and hedgerow. In addition to this, the land would be required to be re-instated to its previous condition under Condition 5 and a Landscape and Ecology Management Plan (LEMP) is required under condition 8. This would, amongst other requirements be required to provide details of the reinstatement of hedgerow and any trees, shrubs or hedges that die or become severely damaged or seriously diseased within 5 years from the completion of the development would be required to be replaced. Both the Arboricultural Officer and Ecologist raise no objection.

The applicant has control over the front boundary and visibility splays can be provided within the legal highway boundary to which NCC Highways raise no objection, further permission would be sought via highways legislation should permission be granted. Condition 5 is amended as detailed above. Condition 5 is considered to relate to a tangible point whereby it can be confirmed that the temporary access is no longer required as the roundabout would be completed, this is considered to meet the tests for conditions. The LPA would not be able to condition a restriction on infrastructure outside of the scope of this current application for the temporary access and haul road as that would not be considered a lawful condition that meets the tests for conditions, namely 'relevant to the development to be permitted'. The applicant has agreed to the currently proposed condition including the 21 days within condition 5.

Regarding correspondence from Cllr Rust, this correspondence from Barratt Homes consists of supporting information, much of which is included within their supporting statement submitted within the officer report for this application. It has also been uploaded to the online file for transparency.

**Item 9/2(d) 23/00185/F Page No. 71**

**Agent: DEFERRAL REQUEST:** The above application was added to the agenda with the recommendation of approval however, the Parish Council objected to the proposal.

The applicant has decided to provide amended plans in an attempt to overcome the Parish Councils objections and therefore, requests that the application is deferred from this Committee. This would allow time for amended plans to be submitted and consulted on.

**Assistant Director's Comments:**

The Agent requests deferral to consider further alterations, so it is recommended to defer the application and return to the Planning Committee at a later date, if the local Member maintains a call in request.

**Item 9/2(e) 23/00591/F Page No. 82**

**Community Safety and Neighbourhood Nuisance Officer comment:**

The applicant has confirmed that should planning permission be granted he will change the existing cess pit to a septic tank with soakaway / drainage field system in place. The main benefit is that this would significantly limit the amount of collections required by Doubledays who empty the cesspit.

**Assistant Director's Comments:**

Should the application be permitted a foul drainage condition could be applied requiring foul drainage arrangements to be agreed and then carried out as agreed within a set period of time.

**Item 9/2(f) 23/00367/F Page No. 95**

**Correction:** The Officers report was mistakenly uploaded with some track change comments still visible and included the checking officers' initials.

An amended report has been added as **Appendix 1** without the track change comments.

**Assistant Directors Comments:** The amended report does not contain any additional or new information. The original report has simply been edited to remove the track change comments and to allow for the report to be formatted.

