



Planning Committee
Monday, 2nd October, 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)**

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

Contact

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PLANNING COMMITTEE

02 October 2023

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

Item No. 9/1(a) 23/00894/F Page No. 14

Applicant Supporting Statement

Safety concerns around Congham Bridge were first identified a decade before National Highways took over management of the Historical Railways Estate. In 2003, following a capacity assessment undertaken by Norfolk County Council, the Council recommended that the bridge's original capacity of 44 tonnes be reduced to 7.5 tonnes. Further detailed inspections in 2009 showed evidence the bridge had deteriorated further. Despite urgent works in 2010, it was not long before further movement was observed.

As asset manager of the Historical Railways Estate, National Highways' primary role is one of safety (as stipulated in the protocol agreement we must follow from the Department for Transport). The decision to infill Congham Bridge was made following careful consideration of other possible repair methods; methods which we identified as not being sufficient to ensure public safety was maintained. Despite claims made by third parties, we duly informed Kings Lynn and West Norfolk County Council of our plans for safety work at Congham Bridge ahead of the works taking place. Ahead of works starting, both local authorities responded to advise they did not have any objections to the proposed works.

With regards to heritage and future use, the bridge is considered by heritage professionals working within our supply chain to have low local value as a heritage asset (with two other bridges locally offering better examples of this construction type) and there were no future active travel paths that would be blocked by the infill works as confirmed at the time by the local authorities. Nevertheless, we acknowledge the historical relevance of the engineering methods used for the construction of the bridge. With this in mind, we chose to infill the structure as alternative repair work would have involved breaking out and replacing almost all of the exposed concrete beams (and likely more within the deck itself) meaning the loss of certain key heritage design aspects. Additionally, these repairs would not have addressed capacity issues, meaning the bridge could not be used by any vehicle over 7.5 tonnes e.g. larger farming vehicles.

We are an organisation that respects the communities in which we work, and we strive to go beyond our core responsibility of maintaining the safety of the structures in our care. We undertake several hundred maintenance schemes per year, and we must strike a balance between preservation and safety, as well as our obligations as a public body to provide value to the taxpayer. The process of infilling has a low 'life cost' to a structure due to its ability to restore full capacity through the placement of material underneath the deck. Removal of the infill will ultimately be an additional burden to the tax payer, and will have an impact on the bridge's capacity, therefore affecting its use by heavy vehicles. National Highways would therefore strongly urge the Committee to approve this planning application and allow Congham Bridge to be retained in its current form thereby offering a full capacity bridge to road users.

We have provided extensive information, photos and analysis in numerous documents as part of our planning application to aid the Committee in reaching a decision.

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Further Correspondence from The HRE Group (full representations are available on the online file)

A summary of the HRE groups objection has been submitted. The original summarised representation is included within the officer's report starting from page 21 of the agenda will full reports available on the online file. Further correspondence is summarised below:

The bridge's condition

- National Highways describes the condition of St Andrew's Lane bridge as "very poor" due to cracking to the ends of the east abutment and fractures/spalling to the concrete in which the seven steel beams are encased.
- The only formal engineering evidence provided as part of the planning application (Jacobs' 2019 capacity assessment) includes an inspection which rated 14 of the bridge's 15 structural elements as "Fair", with only the east abutment rated as "Poor". Overall, the bridge's condition was described as "Fair".
- The size of each spalling defect is recorded within the inspection report, with their combined area estimated at 468,100mm². The visible surface area of the girders totals approximately 13,052,780mm². Thus, the spalling can be estimated to affect 3.6% of that surface area.
- The fractures - some of which overlap - total 37.7 metres in length. It should be noted that Jacobs does not deem the beams' concrete encasement to be structural. These defects are typical of those found on reinforced concrete beams of this type and age, and a number of methodologies have been shown to be practical and effective for their repair, depending on size and extent. It should be noted that two of the beams on St Andrew's Lane bridge are already recorded as having "patch mortar repairs".

The case for infilling

- It is difficult to make any meaningful judgement as to whether infilling will help to preserve or is detrimental to the long-term integrity of the structure. As the Conservation Officer states, "Concrete conservation is a quick developing subject and it is clear that much about the subject is unknown."
- Water will percolate into the structure via the grass verges either side of the carriageway. As a result of the infill, this water can no longer escape easily, bringing with it the possibility of accelerated deterioration or corrosion of the beams through any hidden fractures or areas of spalling.
- The bridge is still supporting the carriageway, but the infill has created a collection of hidden critical elements that can no longer be inspected, undesirable from an asset management perspective. National Highways assumes that live load (from vehicles) is being transferred into the infill material, but this cannot be confirmed. Any settlement of the material - and consequential formation of a gap - could reduce or eliminate its ability to accept load.
- It should be noted that the bridge's reduced capacity of 7.5 tonnes (which was the principal driver for infilling) was based only on the edge girders, supporting the parapets. The carriageway-supporting girders had an assessed capacity of 40 tonnes. The overall capacity of the bridge could have been increased to 40 tonnes through engineered strengthening or simply by installing crash barriers adjacent to the parapets, although the latter would have required consent from the local highway authority.
- We believe there was no compelling case for infilling based on the condition of the bridge, the required repairs or the risks presented. Alternative approaches were available and National Highways has acknowledged this.

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- Infilling was chosen because it was perceived to be the cheapest option in the long term, although no evidence has been provided to demonstrate that any other option was actually costed. Furthermore, as the Officer's Report states, cost is not a valid planning consideration.

Correspondence from Councillor Ryves

Original Comment

Before the committee can decide I think the history of the HRE suggests that the organisation has been lax in commissioning structural engineering reports. I refer to the FOI request raised in respect of the bridge at Rudgate Yorkshire which sounds very similar in background to that at Congham. So, I would ask that the full reports commissioned be released to this Council in unredacted form to satisfy ourselves that the HRE has acted competently and is not trying to impose an administratively attractive solution to selected parts of the railway heritage entrusted to its care. Members might be interested in the following, and I note that the same consultant, Jacobs, was the consulting engineer, who seem not to have inspected but reached conclusions for this and possibly many other bridges based on "qualitative assessment", which is most rigorously challenged by The HRE Group.

I quote from " Railway Ramblers"

"Dating from 1846, Rudgate bridge is one of 3,100 legacy structures comprising the Historical Railways Estate, managed by National Highways on the Department for Transport's behalf..... On 6 October 2020, consultants acting for the state-owned roads company told Selby District Council that Rudgate bridge presented "an ongoing and increasing risk to public safety" and would be infilled "to prevent an emergency arising". The structure – which carries a lane that is prohibited to traffic of more than 3 tonnes unladen – had been assessed as having a capacity of 32 tonnes. £133K was spent infilling Rudgate Road bridge – close to the current end of the path – in the spring of 2021. Jacobs, acting as National Highways' consultants, told Selby District Council that the structure was "suitable only for 32 tonnes" and infill was needed "to prevent an emergency arising", but no specific defects were mentioned. However, following a Freedom of Information request, it has emerged that National Highways did not have condition reports for the bridge from either 2019 or 2020, despite being obliged to inspect it every year. The 2018 report described the structure's overall condition as "Fair", with some minor defects typical of masonry arches. The examiner's only recommendation was to repair fencing at a cost of £1K, but a note appended by National Highways' engineer states "infilling preferable to repairs"."

www.railwayramblers.org.uk/dec-2022-yorkshire-bridge-not-inspected-before-emergencyinfill-scheme/

Since assuming responsibility for the Historical Railways Estate in 2013, National Highways has infilled 51 bridges at a cost of £8.01M. Several were needed for new cycle routes or extensions to heritage railways.

The government stepped in to pause the programme in July 2021 after the controversial infilling of a bridge in Cumbria which has to be restored after the local council rejected a retrospective planning application.

National Highways has since set up a Stakeholder Advisory Forum to review all proposals for major works to its legacy structures, and clearly this process should be followed.

Further Comment

To my mind the original report of Jacobs of the inspection of August 2018 (some 5 years ago) shows that for all tests bar one the bridge passed the 44 T test. The exception was that "The edge girders are restricted to 7.5 tonnes Annex D Accidental Vehicle (AV)". So the bridge was deemed unsafe for higher weight vehicles.

I would like to see a costing of restoring the capacity for the bridge so it can safely support the local farming community please.

Third Party comments: **ONE** additional Third Party representation of **OBJECTION** and **ONE** additional Third Party representation of **SUPPORT** received to the application as summarised below:

OBJECTION

- The national highways are acting unilaterally and the bridge could be maintained but they do not appear to have the skill or political will to do so.

SUPPORT

- The long term safety of the bridge has now been ensured
- Full restoration work to the structure would have been an unreasonable financial burden to the tax payer.
- The bridge had some serious structural issues that required addressing in order to guarantee the safe passage of heavy goods vehicles and agricultural plant along the lane.
- The solution that National Highways have opted for is best value for the tax payer. To make further alterations to the infill and the bridge structure would be a huge waste of public resources, that could be better allocated to hospitals, schools or other essential road schemes.
- Given the (private) agricultural land use either side of the lane, losing access under the bridge will not negatively affect local biodiversity or hinder any future green-way plans.
- The only criticism of the solution is that the foamed concrete infill carries a large embodied carbon footprint. Despite this, removal of the infill would now contribute to an even greater waste.

Assistant Director's comments:

The applicant's supporting statement is noted and is in addition to other supporting documentation submitted over the course of the application.

Regarding further comments from The HRE Group, this is technical in nature and seeks to further support previous claims that the works carried out are unjustified. The planning balance of the recommendation is explored in detail within the officer's report outlining the justification for the recommendation and factors considered.

Regarding correspondence from Councillor Ryves, structural reports and supporting information have been submitted during the course of this application. The applicants have also submitted various supporting statements and documentation. Each application is decided on its own merits and whilst there is of course a wider national picture, this application has been considered based on the individual circumstances and work carried as part of this application. The justification and

assessment of the application has been addressed within the officer's report. Costing of restoring the capacity for the bridge would be out of the scope of the application.

Regarding Third Party comments, the planning balance is explained and addressed within the officer's report where points raised by both comments are addressed.

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Third Party comments: **TWO** additional Third Party representations have been submitted in relation to the application as summarised below:

1. This application should not be considered in isolation.
2. Since Little Massingham Manor changed ownership in 2021 the land and buildings has been undergoing an extensive programme of development and changes of use to form part of a business enterprise known as Norfolk Bound.
3. The new facilities, services and uses include:
Multiple accommodation options, including:
Little Massingham Manor - currently 6 double bedrooms;
Manor Cottage - 2 double bedrooms;
Nutkin cottage - 1 double bedroom;
Jacob's Hut - 1 double bedroom;
Ryelndes Hut - 1 double bedroom.
Catering and dining.
Facilities for group activities including:
Shooting films, adverts and photography;
A woodland spa;
Guided nature walks, and woodland activities;
Craft workshops;
Painting/drawing/reading workshops;
Corporate team-building, and;
Wine-tasting.
Wellbeing and Fitness services, including:
Personal Training - 1:1 or group sessions;
Pilates/Yoga/Bodyfit/Body Sculpt/Circuits/Boxfit classes;
Beauty services.
4. The impact of these facilities, services and activities and of the participating visitors and staff on the environment and traffic levels on Station Road should be taken into account in considering the planning applications 23/01419/F, 23/01395/F, 23/01345/CU and 23/01104/F

In addition:

"Further to my previous comments, I would like to add my support for the Parish Council's recommendation to reduce the speed limit on station road from 40 to 30mph. Moreover, I recommend installing a single file traffic calming measure with priority given to Southbound (uphill) vehicles to replace the ineffective STOP notices painted in the road which are invariably ignored"

Assistant Director's comments: The Third Party comments are noted. The officer report explains which applications are currently being considered and that Planning Enforcement are currently

investigating the other uses being carried out at the site in pursuant of an additional planning application(s).

In regard to the speed limit and traffic calming measures, this is beyond the scope of this application and Planning Control. The Local Highway Authority would advise on such a matter where necessary.

Item 9/1 (g) 23/00884/F Page 107

Third Party comments: ONE additional Third Party representation regarding:

We would like to respond to some points regarding the above planning application.

This application has been recommended for approval even after the Conservation Team have submitted their observations regarding the use of materials and the amendments recommended. We were under the impression one of the reasons South Creake is in a conservation area was to preserve the history and the look of buildings such as The Old Chequers.

Whilst we appreciate the comments from NCC saying parking on the B1355 outside The Old Chequers does not affect the current traffic patterns or the free flow of traffic, we find it has already made a difference. This part of the road is narrower than the rest of the street and some vehicles are having to mount the pavement in order to overtake the parked cars. Pedestrians are at risk crossing the road to and from Chequers Lane and negotiating the parked cars and we often cannot access our drive. Having read that the double yellow lines cannot be enforced on the "triangle" to the right of The Old Chequers could this space be utilised sensibly for general parking keeping the bridge and river access free instead of parking on the B1355 outside The Old Chequers.

Prior to the cart shed being converted there were often 2 cars parked in this space. The comments made regarding the safety of this procedure would only apply to The Old Chequers, where it is the safety of the general public which is at risk by parking on the B1355.

Contrary to comments from the owners of The Old Chequers. No consideration has been made to address the fact the spotlight from the new games room does shine directly into our windows – we cannot rely on the utility blind being closed all the time.

I would hope some consideration could be given to these points before approval.

Assistant Director's comments:

The area to the north of the site (triangle) has now had yellow lines added to the carriageway however, Norfolk County Council has confirmed this area is non-enforceable. Notwithstanding this, the area of land is not within the red line and there are no yellow lines on the carriageway adjacent to the application site.

Conservation and parking matters have been dealt with within the main body of the report. The domestic spotlight would not require planning permission and therefore any issues regarding glare would need to be dealt with under environmental protection legislation.

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Agent: Please feel free to use this email as formal acceptance to the proposed extension of time to 5 October 2023.

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Correction – unexpected contamination condition recommended on p. 132

15. Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

15. Reason: In the interests of protecting the environment and the future occupants of the development in accordance with the NPPF.

Assistant Director's comments:

Further correspondence from the Planning Agent agreeing the extension of time for the application are noted.

The condition was requested by Environmental Quality and is missing from the list of conditions within the Officer's report.