

PLANNING COMMITTEE

24 APRIL 2023

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

Item No. 8/1(a) 22/00929/FM Page No. 7

**Heacham Parish Council OBJECT for the following reasons:-**

*'Heacham Parish Council object to application 22/00929/FM: The only access and exit to this development is via a single junction onto a major road, namely the A149, that will not even be controlled by traffic signals. This is a very busy road, not only with local, but also holiday traffic along the coast. In the past Highways have always objected to junctions from developments that exit directly onto a major road.'*

*Heacham and Hunstanton's Neighbourhood Plans say that there is a need for a buffer or separation zone between our Parishes to preserve a physical demarcation between the two settlements. This application will mean that Hunstanton will not be contributing to that Neighbourhood Plan statement.*

*Anglian Water will not admit that they are have problems at the Heacham Sewage works, there has been 'Over-topping', which possibly contributes to the poor water quality along the coast of Heacham & Hunstanton, with the suggestions that it is not a fit place to bathe. With storm surges being more frequent this will add to the problems, which residents already complain to the Parish Council about'.*

**CORRECTIONS:**

**Amend Condition 3** to include joinery details, sample panels, and details of vents, ducts and flues as requested by the Conservation Officer in their representation on the application.

3 Condition No development shall take place above slab level until full details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) (including joinery details, sample panels, vents, ducts and flues) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Remove conditions 6, 7 and 8 given that the Historic Environment Service has confirmed that these conditions are no longer required. Renumber subsequent conditions accordingly.**

**Amend Condition 11 (which will be renumbered Condition 8)**, as requested by the applicant, to enable site clearance to take place before road and footway details have been submitted.

8 Condition No works other than site clearance shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.

**Amend Condition 24 (which will be renumbered Condition 21)**, as requested by the applicant, to enable flood risk and drainage to be implemented on a plot-by-plot basis rather than requiring

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implementation of the flood risk and drainage strategy across the entire before any dwelling can be occupied.

**21 Condition** The development shall be built in accordance with the flood risk assessment and drainage strategy demonstrated in the report titled Flood Risk Assessment / Drainage Strategy (Author: Rossi Long Consulting | Ref: 211222 | Rev: 04 | Dated: 14 March 2023). The schematic drainage layout adopted must be that demonstrated in the final submitted drainage strategy drawings:

- Drawing Title: Surface Water Drainage Strategy – Highway Drawn by: Rossi Long Consulting.
- Drawing No: C-010 | Rev: P07 | Dated: 14 March 2023.
- Drawing Title: Surface Water Drainage Strategy – Private Areas Drawn by: Rossi Long Consulting.
- Drawing No: C-011 | Rev: P03 | Dated: 14 March 2023

Prior to the occupation of any dwellings, the flood risk and drainage strategy so far as it relates to that dwelling will be implemented. The approved scheme will be implemented prior to the first use of the development. If indicative aspects of the proposals are identified to be unachievable at a subsequent stage of detailed technical / construction design, the applicant must submit sufficient further information, to the Local Planning Authority (LPA), to demonstrate compliance with relevant national and local policy, frameworks, strategies, guidance (including best practice) and statutory/non-statutory standards at a later stage of the planning application process. Any alterations to the drainage strategy should be clearly demonstrated.

**Add two conditions that were originally omitted (27 and 28).** Following renumbering these will be:

**27 Condition** The development hereby permitted shall be constructed in accordance with the Mitigation outlined at paragraph 9.5 of the Ecological Appraisal that accompanied the application (dated 05 April 2022, produced by Hopkins Ecology), and prior to first occupation of any dwelling hereby permitted the Enhancement and Opportunity measures contained within Chapter 9 of the same report and as shown on drawing no:KLHU-CF-ZZ-XX-DR-A-0506 Rev.P2 shall be implemented and thereafter be retained and maintained.

**28 Condition** Before any dwelling hereby permitted is first occupied the proposed on-site access, car parking and turning areas so far as they relate to that dwelling shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

**Additional information from applicant in relation to contamination:**

The applicant sought to have the contamination conditions removed (conditions 26, 27 and 28.) with the submission of amended documents. However, the documents were received at a very late stage and the Environmental Quality Officer still considers that additional information is required. The applicant has confirmed that the conditions are acceptable.

**Assistant Director's Comments:**

Every application has to be considered on their own merits, and in this instance, as covered in the committee report, the Local Highway Authority are satisfied that the proposed access is satisfactory in all regards.

The site lies outside of Heacham Neighbourhood Plan Area and is therefore not covered by its policies. As outlined in the committee report, the site accords with the relevant neighbourhood plan (Hunstanton) and relates to development of two allocated sites.

Anglian Water acknowledged, in their representation on the application\*, that there is currently not capacity at Heacham Water Recycling Centre for foul drainage. However, they also state that they will take the necessary steps to ensure there is sufficient capacity if planning permission is granted.

*\*Anglian Water comments: The foul drainage from this development is in the catchment of Heacham Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.*

**Item No: 8/1(b) 22/01947/FM Page No. 42**

**Representation by Cllr Alun Ryves:**

It does seem very noble that the erection of this carbuncle is widely tolerated as part of the hospital complex.

I wonder how it would be received if it was a commercial application!

To my mind the applicant correctly considers this essential if the plan to redevelop this site is to become reality, and to many this is an overwhelming need which overshadows other considerations which might otherwise be of great relevance in this setting.

My own view is that the Council and the county have failed miserably to work with the QEH in fully investigating the merits of relocating the QEH in the event funding for a rebuild is granted.

I believe that there are available better sites than this for a new QEH and that these would avoid the costs and complexities of pitting ambulance vs bulldozer in rebuilding a working hospital.

I fear that that if we rebuild on this site a huge opportunity to redefine Kings Lynn will be irretrievably lost, and the Borough will be stuck with a poorly sited hospital and the continuation of the endless traffic problems this constrained site will continue to generate.

I hope that the QEH gets the funding and wiser heads will prevail and the merits of alternative sites will be properly investigated and costed, and a proper discussion will be had.

**Assistant Director's Comments:**

Applications must be considered as submitted in line with the Development Plan and other material considerations.

The issue of balance is fully considered in the Committee Report.

**Item No. 8/1(d) 22/01987/FM Page No. 79**

**Third Party (Farms for Farming):** Submitted three letters of OBJECTION covering the following points (summarised):

- Will take 300 acres of agricultural land out of food production for at least 40 years. Puts more pressure on expensive food importation, adding to food price inflation and increasing the carbon footprint of the food supply chain
- UK Government Guidelines issued in early days of solar farms are still valid today and application fails on:

Cumulative impact – already a number of solar farms built or applied for in the area. Scale of development requires EIA.

Land grade – Grade 2-3a land which Government guidelines state as being “Best and most Versatile (grade 1a – 3a) must be preserved for agriculture, regardless of the crops grown”. Refers to DEFRA Food Security Report 2021 which states “ Climate change poses a risk to food production already. Minimising the extent of global warming and addressing the risks it poses to food production are essential to [the] future of food security”.

Wildlife habitat – Solar farm development has significant impact and this area is rich in biodiversity with a diverse population of species many of which will be at high risk if development goes ahead.

Landscape quality – Flat, wide, open landscape with a stunning vista – should be protected as visibility of the solar farm is a key issue.

- Considers that the developer has cynically made the application a 49.9MW project so that it is under the 50MW limit defined as a National Infrastructure Project. Considers that the Planning Inspectorate would reject such a project.
- Considers large swathes of agricultural land are already lost to housing, business parks etc every year.
- Considers that solar farm electricity will become increasingly more expensive pushing more homes into fuel poverty. Considers that solar panels should be put on the roofs of homes instead reducing the demand on power from the grid and reducing dependence on fossil fuels.
- Considers will only generate a max of 49.9MW on a sunny day, and the rest of the time less and not at night.
- Considers that solar farms rarely produces the level of power stated and that carbon savings are overstated and does not take account of construction phase nor decommissioning phase of solar farm. Therefore an independent whole -life carbon assessment should be undertaken.

**Cllr Ryves:** I am surprised that officers have not sought a benefit for the local community in the form of cheaper electricity. This I understand is often invoked in other areas and I think it would be highly appropriate here. I guess a change in political direction may take us that way.

**Assistant Director’s comments:** The comments of the Third Party are addressed within the main report. It is clear from the Applicant’s supporting statement a community benefits package is proposed but this is not a material planning consideration.

**Item No. 8/1(e) 22/01151/FM Page No. 118**

**Cllr Alexandra Kemp:**

Why is this application for a Battery Storage Facility next to the Willows Industrial Estate in South Lynn coming to Committee next Monday, when it has a National Gas holding objection on it? The

site has not been demonstrated to be fit for purpose as it crosses National Grid Pipeline 4 but the land has not been shown it does not have a D.C fault to ground as National Gas asked.

The Battery Storage Facility is coming to Planning on Monday, is recommended for approval by officers, but Ceri Sumner, the Director of the Norfolk Fire Rescue Service wrote that, in the event of a fire breaking out at the Battery Facility, the FRS would decide whether to put it out or let it burn.

Why has no-one considered the implications of letting a chemical fire burn when South Lynn is downwind?

How long could it burn? Lithium battery fires can burn for weeks, extinguish, and then reignite. Even explode. The site would be unmanned and how long would it take for the sensor system that would be in Bury St Edmunds, to alert local residents?

What about the Traveller Site? There is no EIA so no consideration of the air quality and effects on human health.

The claim that they would use phosphate battery units, but Lithium iron phosphate batteries contain a few chemicals, including lithium, cobalt, and nickel. If the battery is damaged or exposed to high temperatures, these chemicals can be released into the air as toxic fumes. These fumes can be harmful if inhaled and can cause respiratory problems and other health issues

Ceri Sumner says (fifth paragraph below): Our priority will be to rescue life. We will then look to minimise risks to people, communities and the environment from the fire, this includes run off from any water used and impact on air pollution. This may involve attempting to extinguish or alternatively allowing to burn and this is dependent on varying factors at the time of the incident.

**Cllr Tom Ryves:**

National grid have requested conditions but these have been redrafted to exclude their request to be a consultee to the approval of pipeline crossings. And their request that the site is not capable of a dc fault has been removed. Why is this?

**Assistant Director's comments:**

With regard to Cllr Kemp's comments, National Gas Transmission's earlier holding objection was removed by correspondence dated 30 March 2023, subject to condition as indicated on Page 125 of the report; the matter is covered by Condition 21 on Page 140.

With regards to fire safety, for context Ceri Sumner's response to Cllr Alexandra Kemp is quoted in full as follows:

"Thank you for your email in relation to the risks associated with Lithium Ion Batteries and the potential associated hazards; I also thank you for your concern over the safety of our Fire Fighters.

I can confirm that Norfolk Fire and Rescue Service are consulted on planning applications of this nature, and we also have a protection duty to audit sites such as these, to ensure they are appropriately built, satisfactorily managed, and the relevant prevention and protection measures are sufficient and well maintained. This may include how the batteries are housed, safely distanced from other structures and employment of automated monitoring systems to ensure early detection of problems and early extinguishing systems.

The service holds information on existing sites around Norfolk that may present a risk to firefighters so that when we are alerted to an emergency, we can take the most appropriate and effective approach. The local fire service teams work with our specialist protection officers to ensure that

technical details and knowledge of sites is transferred into our web-based system providing crews with hazard information and advice regarding the site 24/7.

Local crews will have knowledge of the site through pre-planned familiarisation visits to ensure they are well prepared in the event of emergency to increase the safety of our responders and communities, and the “technical details” information is available to crews through mobile data terminals in fire appliances which allow crews to access whilst enroute to and once on scene. We always respond to emergencies and then take the most appropriate course of action.

Our priority will be to rescue life. We will then look to minimise risks to people, communities and the environment from the fire, this includes run off from any water used and impact on air pollution. This may involve attempting to extinguish or alternatively allowing to burn and this is dependent on varying factors at the time of the incident.

This would be done in conjunction and under advisement from our Hazardous Environment Protection Officers, working collaboratively with our partners such as the Environment Agency and other stakeholders if required.

I hope this answers your question.”

There is a section within the officer report at Page 118 which refers specifically to Fire Safety. It must be emphasised that Norfolk FRS have been fully consulted regarding this proposed development and have liaised directly with the agents/applicants. This has resulted in no objection subject to conditions covering fire risk and mitigation strategy, emergency response plan, transport strategy, automatic detection and fire suppressant systems, water supply and fire spread containment methods. This is covered via Condition 18 (Page 139 of the report).

With regard to Cllr Ryves comments, Planning Practice Guidance states at Paragraph: 016 Reference ID: 21a-016-20140306 (Revision date: 06 03 2014): “It is not appropriate to require in a condition that a development should be carried out to the satisfaction of a third party as this decision rests with the local planning authority.”

Condition 21 as reported on p 140 was worded in such a way as to remove reference to the demonstration that ‘the site is not capable of a d.c fault to ground’, as this effectively constitutes an informative note and clarifies the reason for the details to be submitted. National Gas Transmission would however be consulted on the discharge of Condition 21, to ensure that their requirements are met.

**Item No. 8/2(a) 22/02135/F Page No. 141**

**Agent:** Submitted applicant’s Supporting Case summarised as follows:

I also take this opportunity to highlight relevant approved planning applications on other houses on this recently developed site as a whole, including the adjacent property, No. 11.

The Parish Council reference:

NPPF p126, Policy CS08 and Policy DM15.

All of these points were considered and approval was given to the houses further to appeal. From the street scene/front elevation and the side/road side elevation the changes have no impact at all. To the south, the natural direction of sunlight, is large private open land (countryside under private ownership).

The proposal has allowed for an infill section at ground floor – utilising the EXTENDED flat roof as a terrace. I note extended as if the house as approved was built there is already the opportunity to apply for a terrace. Measures as necessary have been addressed to prevent overlooking and loss of privacy.

Please see notes below on approved applications.

The overshadowing of the neighbour comes not from this proposal – but from the original approved house – IF such can be argued anyway. In other words, the owners of No.11 knew a house would be built close to them on the West boundary. Therefore, the two storey dwelling, with a single storey rear projection, does not add to what is already approved in terms of overshadowing / loss of light etc. The adjacent dwelling also applied for extended plans – these were approved – in the gap between /adjacent to No.12.

One member of the public claims:

The extension is out of proportion with the original development of houses and will look considerably larger than the rest of the houses.

The proportion of the houses is established – the proposal is for a single storey “infill” extension that could be built under Permitted Development Rights once the house is built as approved. By simply not approving this extension results in additional build time, disruption to the overall build and unnecessary additional costs to the owner.

Another:

The original plans with the well modelled sight lines, took into account the amenity of neighbours. This does not, and in fact spoils the sight lines totally.

These are words that are easy to write down but are not factual – no sightlines at all are adjusted from the approved house design – this is a single storey infill extension at the rear of a 2 storey property.

Regarding the neighbours concerns I think it fair to point out not only their planning gain and approval of an extension that was built some 1m from the boundary of No.12 – actually it may be closer than 1m – it is single storey and does not really impact on No.12 but in principle it gained permission to add a larger footprint of development, closer to the neighbouring boundary than we are proposing.

Regards overlooking and the terrace:

Removing the stair case was a decision to demonstrate that the use of the terrace is only via a bedroom. Removing the staircase acknowledges that the terrace is not seen as an extension to the living space or garden for entertaining. This is a terrace that will have the advantage of south and west light and sunsets. This is much the same as other houses here along this boundary of the site.

Our office has submitted and gained permission for 2 other terraces on the flat roof single storey parts of No. 7 and No.8. This proposal allows for an infill single storey extension that would be allowed under PD Rights once the approved house is built; 2 other terraces have been approved; the adjacent No.11 applied for and gained permission for a single storey extension very close to the boundary of No.12.

Overall, the proposed development is considered to be of an acceptable scale, design and form which incorporates appropriate materials and resembles elements of the sites design code. The proposed terrace would incorporate sufficient screening to prevent any overlooking or loss of privacy for the neighbouring property and the development as a whole would not have a detrimental impact on residential amenity. Therefore, the proposal is considered to comply with policy DM15 of the SADMPP 2016 and policy CS08 of the Core Strategy.

**Assistant Director's comments:**

The applicant's Supporting Case is noted.

**Item No. 8/2(b) 22/01913/F Page No. 151**

**Agent:** Submits the following supporting case:

'This email seeks to set out the events leading to this scheme being brought before the Planning Committee.

31<sup>st</sup> October Following validation of this application ourselves and the applicant attended the Thornham Parish Council meeting to present the scheme and take on board adjoining homeowner comments.

10<sup>th</sup> November Revised drawings were submitted to take on board concerns of neighbours and the Parish Council. The changes are summarised below;

*Plot one – The dwelling has been moved eastwards by 750mm providing over 4.2m to the bounding property. Additionally the fenestration of the side elevation has been adjusted to include flint and cladding. The single storey rear projection has been moved west to provide a more open feel within the development and the ridge of this rear projection has been reduced by 550mm to improve light into the bounding property. Plot two – the western elevation has been adjusted to include a small amount of cladding at first floor and a flint garden wall detail on the ground floor.*

10<sup>th</sup> November KLBC Conservation team also confirmed no objection to the scheme summarised below.

*No objections to this proposal as the existing dwelling makes no positive contribution to the conservation area or the street scene. Two well designed and well built houses on this large plot are not likely to cause any more detriment to the setting of the area. Boundary treatments and soft/hard landscaping should be well designed to ensure these properties sit comfortably within this plot. Please condition materials and a sample panel, and also window and door details.*

17<sup>th</sup> November Thornham Parish Council confirmed they unanimously supported the scheme and provided detailed feedback of how the scheme concurred with their Neighbourhood Plan. Their response is attached.

13<sup>th</sup> December the NCC Highways officer confirmed no objection.

17<sup>th</sup> January we received a phone call from the Planning Officer to inform us that a different member of KLBC Conservation Team has now raised concerns on the application from a conservation perspective.

17<sup>th</sup> February a site meeting was attended by Councillor Lawton who confirmed that he had no objection to the proposed scheme. On the same day we met with planners and the conservation team on site to understand their concerns.

6<sup>th</sup> March following a range of correspondence with planning officers, revised drawings and consultation documents submitted to KLBC design changes summarised below.

*Plot 1: Footprint - substantial reduction (previous 197msq now proposed as 156msq).*

*GIA – reduced from 294msq to 252msq.*



*Front façade – this has been simplified with sympathetic window treatments and front projection removed.*

*Overall design – the width of the first floor has been reduced and the roof pitch has been increased slightly to provide a more traditional feel akin to the NDA.*

*Rear projection – this has been stepped away further from the northern boundary.*

*Plot 2: Footprint - substantial reduction (previous 228msq now proposed as 217msq).*

*GIA – reduced from 335msq to 314msq.*

*Overall design – the removal of bedroom six and the study has enabled one of the front projections to be removed. This has improved the open feel within the site and made the home look visually smaller. As with plot 1 the roof pitch has been increased slightly to provide a more traditional feel akin to the NDA. The proposed gables are over a meter narrower than the NDA so the dwelling will appear subservient.*

*Reduction in size of car port / garage this has also been moved further north to create more separation to the NDA.*

21<sup>st</sup> March the KLBC Conservation Team and Planning Team confirmed that they now supported the revised scheme.

4<sup>th</sup> April Thornham Parish Council confirmed they supported the revised scheme and recommended it for approval’.

The Agent also queries whether condition 9 is required as we have already submitted a construction management plan. Could the condition relate more to this plan?’.

**Assistant Director’s comments:** The Applicant’s supporting case is noted.

In regard to condition 9, having discussed this issue with NCC Highways it is accepted that the construction parking information within the submitted information is adequate, therefore the condition will be amended to read:

#### **Amended condition**

9. Condition The development hereby approved shall be carried out in strict accordance with the submitted Construction Method Statement & Environment Management Plan, dated September 2022. The scheme shall be implemented throughout the construction period’.

9. Reason To ensure that the development is carried out in the appropriate manner, in the interests of the local environment and highway safety, in accordance with the provisions of the NPPF.