

**PLANNING COMMITTEE**  
**4 March 2024**

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

**Item No. 9/2(a) 23/00739/F**

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**Applicant (summarised):** The applicant sent an email to planning committee members on 27<sup>th</sup> February 2024. The email contained further reference to information contained with the existing supporting information, copies of the slides intended to be included within the Committee Presentation, and reiterates that the Local Highway Authority no longer object.

**Assistant Director's Comments:** The email and contents provide a summary of the Applicant's case which is discussed in detail in the Committee Report.

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**Applicant:** We had just noted that the text reading 'including relocation of electrical substation' seems to have dropped off the end of the application description. We just wanted to be clear that the proposed plans include the relocation of the existing substation on site.

Having reviewed the suggested conditions we have a few comments, and recommend officers seek authority to amend the wording of the conditions post resolution as they consider necessary.

*Condition 19 – Stopping Up Order:* We do not consider the position regarding the need (or lack thereof) for a further stopping up order is clear, especially as the order is not phrased in terms of being contingent on physical works being carried out. Revised wording is suggested.

Notwithstanding the details indicated on the submitted plans no works shall commence along the route of any public highway on the site on site (excluding demolition) until a detailed stopping up drawing is agreed and a Stopping Up Order to remove all highway rights subsisting in the highway land indicated on the agreed plan (if necessary) has been granted and all highway rights over the land have been successfully removed.

*Condition 22 – On-site Access, car parking and turning:* We suggest that the condition trigger makes reference to the block in question i.e., it allows for phasing.

Prior to the first occupation of that part of the development hereby permitted, the proposed on-site access, car parking and turning areas (including Valingers Place car park) shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

*Condition 29 – Fire Hydrants:* We no longer are required to provide fire hydrants, so not clear why there is still a need for this attached.

*Condition 35 – Hours of Working:* We note that these hours of working are more strict than those required under Environmental Health Regulations. We can understand the desire to restrict demolition and piling but suggest that restrictions in relation to all construction are unnecessary as this is normally acceptable.

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*Condition 36 Sound Insulation:* We believe that this matter is adequately addressed under the Building Regulations. Please can you clarify why this condition is required?

Additional Information for overshadowing looking at windows and yards for 111 and 112 London Road.

- No.112 London Road – In winter, the yard and ground floor windows are fully overshadowed by the rear wing of No111, its own fences and the existing community buildings. A very small first floor window receives sunlight in the afternoon between about 12:30 and 14:00, the proposed buildings will shade this window for the latter half of that period. In spring/autumn the yard receives sunlight 8:30-14:30 and the windows from 11:30-16:30. The new buildings will not affect the yard and will shade one ground floor window for about an hour (4hrs vs 5hrs). In summer the new buildings will only shade part of the ground floor windows for the last hour of the day (5hrs vs 6hrs).
- No.111 London Road – in the winter neither the windows nor main part of the yard receive any sunlight and will therefore be unaffected by the new buildings. In spring/autumn the yard and windows receive full or partial sunlight for 4hrs and 6hrs respectively and are unaffected by the new buildings. In summer, the new buildings will shade the yard for about half an hour at the end of the afternoon (5.5hrs vs 6.0hrs), and the NW-facing windows on the rear wing for the last 1.5hrs of the afternoon (6hrs vs 7.5hrs).

**Third Party: 1 letter of OBJECTION:**

- When Hillington Square was designed and built in the late 1960s the storm water from the roofs has been deposited through down pipes which runs through the internals of the buildings rather than on the outside.
- During my time living here from 1969 to present as a tenant and leaseholder to my knowledge I have never experienced any flooding caused by the storm water.
- The only time that I recall flooding was in 1978 when the River Great Ouse, came over then only half of Hillington Square nearer to the river was affected. This caused damage mainly to bedsits, ground floor flats and garages. While on this subject there has never been any provisions made on phases 1 to 4 for installing flood defences for the ground floor properties as this is in a flood zone area.
- If the Installation of the SuDSPots get the go ahead this could be another large cost for leaseholders plus the Freebridge tenants to pay for the maintenance and upkeep including another place to dispose of empty drink cans and bottles etc.
- Freebridge Community Housing has been struggling along with their grounds maintenance contractors to maintain the areas and planters on the refurbished blocks. These new SuDSPots could soon become in the same condition covered in weeds like the large tree planters.

**Third Party: 1 letter in SUPPORT** I am supporting this wonderful redevelopment idea for the local area. From April 2016 until September 2023, I operated a busy successful and well respected and recommended childcare setting Giggles N Squiggles which also hosted Jack and Jill playgroup for many years prior.

The redevelopment has a space to be developed for an early years setting to bring back our early years setting to the centre of town.

We are currently operating in a scout hut due to temporary relocation as we have so many families we served in the local area.

**NCC Highways:** No objection to the suggested wording for conditions 19 & 22.

**Norfolk Fire Service:** The applicant has agreed to install the hydrant if we require it, and we do, so they are accepting of the condition as it was originally submitted.

**Assistant Director's comments:** In relation to the description of development, the description was changed at the request of the applicant and the amendment removed the originally included words 'including relocation of electrical substation'. It is clear however that the site area includes the electrical substation that is relocated within the site. It is also clear that consideration has been given to the relocation of the substation which is considered acceptable.

In relation to conditions:

*Condition 19 – Stopping Up Order and Condition 22 – On-site Access, car parking and turning:* The Local Highway Authority has confirmed they have no objection to the proposed amended wording of Conditions 19 and 22.

*Condition 29 – Fire Hydrants:* The Fire Protection Manager has confirmed that a fire hydrant is required, and the applicant has confirmed they accept the condition.

*Condition 35 – Hours of Working:* Extant permission granted under application 12/00546/FM did not restrict construction / demolition hours. Refused application 20/01166/FM had construction / demolition hours conditioned as part of the Construction Management Plan. In relation to the current application, given that it includes development closer to non-associated residential development than the extant or previous submission by virtue of the inclusion of Providence Street Community Centre, it is considered that construction / demolition hours do need to be controlled. However, condition 3 (demolition and construction plan) already requires the hours to be agreed. Therefore condition 35 is not necessary, not because hours do not need to be controlled, but because the hours already require agreement. Condition 35 should be removed, and subsequent conditions renumbered.

*Condition 36 Sound Insulation:* Although the applicant previously suggested additional sound insulation could be suitably conditioned, it is agreed that it is not reasonable or necessary to require standards higher than those required by Building Regulations. Condition 36 should be removed, and subsequent conditions renumbered.

In relation to other aspects: The additional information in relation to overshadowing from the applicant is welcome and noted. The relationship with the properties to the south of the site is considered acceptable in all regards given existing arrangements, window positions and orientation of the proposed development. The third-party comment in relation to early years provision is noted and is covered in the officer report. In relation to leaseholders and maintenance fees, this is not a material planning consideration. In relation to landscaping and drainage management and maintenance these are both suitably conditioned.

**Amended Description:** Amend the description of development from: *Demolition and redevelopment of Providence Street Community Centre and Hillington Square flatted blocks known as Aitken House, Norris House and Chestnut House excluding electrical substation. Development of 65 new dwellings and 1,106 square metres of commercial and community floorspace (Class E and F2) and associated soft landscaping, vehicle and cycle parking, refuse store and associated infrastructure.*

To: *Demolition and redevelopment of Providence Street Community Centre and Hillington Square flatted blocks known as Aitken House, Norris House and Chestnut House excluding electrical substation. Development of 65 new dwellings and 1,106 square metres of commercial and*

community floorspace (Class E and F2) and associated soft landscaping, vehicle and cycle parking, refuse store and associated infrastructure **including relocation of electrical substation.**

**Amended Conditions:**

19. Condition: Notwithstanding the details indicated on the submitted plans no works shall commence along the route of any public highway on the site on site (excluding demolition) until a detailed stopping up drawing is agreed and a Stopping Up Order to remove all highway rights subsisting in the highway land indicated on the agreed plan (if necessary) has been granted and all highway rights over the land have been successfully removed.

19. Reason: To remove the highway rights of way over the land. In order to comply with statutory provisions this must take place prior to commencement of any works that would affect the public highway. In the interests of highway safety in accordance with the NPPF.

22. Condition: Prior to the first occupation of that part of the development hereby permitted, the proposed on-site access, car parking and turning areas (including Valingers Place car park) shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

22. Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with the NPPF and Development Plan Policies CS11 and DM15.

**Remove Conditions 35 and 36 and renumber remaining conditions as set out above.**

**Item No. 9/3(b) 23/00177/RMM**

**Page No. 100**

**Parish Council:** Stoke Ferry Parish Council is supporting this application. We believe our concerns regarding the boundary with the Playing Field have been addressed by adding hedging/trees to the boundary edge.

After engaging with the Highways officer, we understand the design of the road layout, which includes curves/bends, will have natural speed deterrents which will address our concerns of speeding within the development.

However, we are still keen for parking restrictions to be added to Lynn Road, particularly important as we now have a new development on the opposite side of the road which is a busy main going through the middle of the village. The houses adjacent to Lynn Road need to have restrictions in order to stop what is already a parking nightmare which reduces visibility along this stretch of the road.

**Councillor Lintern:** As agreed with SFPC, I am supporting this application. I am happy to see the concerns of the Parish Council and the residents have been addressed. The planting along the boundary with the Playing Field will provide a buffer for both residents and children playing.

I am pleased to see the inclusion of parking restrictions along Lynn Road. This is the main road through the village, heavily used by cars and pedestrians. With the recent approval for the development of the site opposite this application, the need for clear visibility along this stretch of Lynn Road is vital. It would be ideal to have additional speed restrictions within the development, although I understand the current preferred method of achieving this is through natural curves and bends in the road layout.

Overall, this development will be a huge improvement on our current situation and the plans are attractive and will enhance the village of Stoke Ferry.

**Public Rights of Way Officer: No objection.** The overlays do indeed show that the correct legal alignment is coincident with the proposed route within the submitted plans. I am therefore content to remove the holding objection.

As the PROW is to be adopted by the Highways department, they will be able to provide the correct wording for the condition regarding the correct surface specifications to meet their standards.

**Historic England: No objection.** The design of the proposed dwellings fronting Lynn Road now take their influence from traditional buildings of a Georgian age found elsewhere in Stoke Ferry. Their proportions and window positions would be more in keeping with the historic built context of the village.

The removal of 'House 11' on Primary Street from previous proposals and proposed garden extension to the Grade II\* listed Stoke Ferry Hall (P19-0840\_DE\_200\_07D Presentation Layout) would enhance the listed building's green setting.

Amended proposals have reduced the harm that would be caused to the character and setting of highly graded heritage assets. We consider that the harm caused would now be on the lower end of less than substantial harm in National Planning Policy terms.

While development of this scale would inevitably still have some impact on the setting of heritage assets, we acknowledge that the principle of proposals has previously been accepted. We are satisfied that amended proposals sufficiently minimised the harm that would be caused.

Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 200, 201, 203, 205, 206, 208 and 212.

**Assistant Director's comments:**

Acknowledge comments made by the Parish Council, Cllr Lintern and Historic England.

Discussions were held between officers, Cllr Lintern and the Local Highway Authority as to potential options for traffic calming. The Local Highway Authority would not support a raised table between the junction with Lynn Road and the T-junction within the estate. At this T-junction traffic would be slowed down to turn east or west and will therefore have a reduced speed. It is not considered a raised table is necessary.

Parking restrictions on Lynn Road have been conditioned (condition 13).

The surfacing specifications for the PROW are already addressed under conditions on the outline planning consent (19/00274/OM).

It is suggested that a condition is added to secure the final/ top surfacing of private drives prior to occupation of the dwellings hereby approved.

**Additional Condition:**

15. Condition: Prior to the occupation of the penultimate dwelling served by any private drive within the approved estate layout, the private drive(s) shall be constructed and finished in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

15. Reason: To ensure that the development accords with the NPPF, and policies CS11 and DM15 of the adopted Local Plan.

**Item No. 9/3(c) 23/00178/RMM Page No. 121**

**Parish Council:** Stoke Ferry Parish Council is supporting this application.

We understand the need to remove some of the trees along the boundary and we are pleased to see these will be replaced by a mix of native trees, shrubs and hedging, not just laurel.

However, we would request the LAP area stays as a green space and an off-site contribution is given to the Playing Field. We have a large, well maintained and well equipped Playing Field in Stoke Ferry and would prefer to enhance this for the enjoyment of all the village.

**Councillor Lintern:** I am supporting this application. Having reviewed the updated plans, I am pleased to see the trees being removed will be replaced with a mix of native species and not just a plain laurel hedge. I also note there will be TPO's on trees to ensure any newly planted trees will survive.

The village of Stoke Ferry has a large, well-used and well-equipped playing field and it would be preferable to have the LAP area kept as an open green space, perhaps with a bench, and to have an off-site contribution for play equipment at the Playing Field.

**Assistant Director's comments:** The Committee Report addresses the issue raised regarding the open space provision at page 132. There are no further comments to add at this time.

It is suggested that a condition is added to secure the final/ top surfacing of private drives prior to occupation of the dwellings hereby approved.

**Additional Condition:**

9. Condition: Prior to the occupation of the penultimate dwelling served by any private drive within the approved estate layout, the private drive(s) shall be constructed and finished in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

9. Reason: To ensure that the development accords with the NPPF, and policies CS11 and DM15 of the adopted Local Plan.

**Item No. 9/4(a) 23/00234/F Page No. 136**

**Applicant's Agent:** The agent has reviewed the committee report and has raised concerns that limited emphasis was given to the self-build nature of the development, that they had not been made aware of the window (privacy) issues prior to the committee report, and that the Council does not have specific size requirements for private amenity space, and concern that the original officers recommendation changed before finalisation of the Committee Report.

**Assistant Director's Comments:** The comments received by the Agent are noted. The application has the description 'Self-Build Bungalow for owner' and the self-build nature of the development is discussed on page 143 of the Agenda.

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Original concerns regarding amenity were discussed with the agent on 23<sup>rd</sup> November 2023. The window which is the source of the privacy concerns is the only window serving the bedroom. It would be unreasonable to require obscure glazing or removal of this window as part of this consent with no other source of natural light available, and this would not overcome the other issues discussed within the report.

The comments regarding amenity space size requirements are noted. Consideration of whether private amenity space is suitable takes place in relation to various policies throughout the NPPF and Local Plan. Paragraph 135 of the NPPF sets out that developments should function well, and that they should provide a high standard of amenity for existing and future users. This is reiterated by Policy DM15 of the SADMPP (2016).

**Item No. 9/4(b) 23/02202/CU Page No. 146**

The agent has reviewed the committee report and would like to request an amendment to condition 4 which relates to the hours of operation. The condition would restrict the hours to 09:00-17:00 Monday to Saturday but the application had stated the requirement for the hours to be 09:00-19:00 Monday to Saturday to allow for flexibility with clients and their working days. These hours were approved on a similar application for a Tattoo Studio in Emneth in a residential area under application no. 20/00822/F (39 Fendyke Road Emneth).

**Assistant Director's comments:** The example provided by the agent relates to a dwelling located on a through road, not a cul-de-sac, and has no neighbour on the far side of the road, whereas 24 Ford Avenue has neighbouring properties on the opposite side of the street. Given the circumstances, it is recommended that the hours of operation remain as per the report.

#### **CORRECTION**

**Condition 3 is to be amended** as follows to ensure that it is a restricted use in the interests of neighbour amenity:

*The use hereby permitted shall be carried on only by Mr Daniel Wells whilst resident at 24 Ford Avenue, North Wootton, King's Lynn.*

**Condition 5, regarding advertisements, is recommended to be deleted** given that the LPA has no authority to remove advertisement rights.

**Renumber remaining conditions as 1 – 5 (inclusive).**

**Item No. 9/4(c) 23/01843/F Page No. 156**

**Third Parties: TWO letters of OBJECTION (additional comments)** as follows:

- Application does not fall within the settlement boundary.
- Does the scheme provide any disabled access?
- Committee should visit site to address concerns or defer until this is done.

**Assistant Director's comments:** The application lies in the countryside as set out in the officer's report. Regarding accessibility, it is considered the small scale of the development does not give rise to sufficient public interest to enable the Local Authority to exercise its statutory duty under the Equalities Act 2010. It is considered the responsibility for equal accessibility lies with the site operator, and any dispute over equality would therefore be a civil matter. Members have the option to undertake a formal site visit should they see fit.

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**Assistant Director's comments:** In light of the Arboricultural officer comments, it is recommended that there should be an additional reason for refusal as set out below.

**CORRECTION: Additional reason for refusal:**

Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Decisions should ensure that existing trees are retained wherever possible.

This site benefits from trees along the southern and western boundaries which contain lines of topped Italian poplar trees, and along the eastern boundary is a grouping of semi-mature mixed broadleaved trees. Insufficient information has been submitted to demonstrate to the satisfaction of the Local Planning Authority that the proposal has been designed with any consideration to the trees and the constraints they pose, above and below ground or allowance made for their future growth. Insufficient information is also provided to demonstrate that the development could be carried out without significant loss of trees on the site. As such, the application is contrary to Paragraph 136 of the NPPF and Policy CS12 of the Core Strategy 2011.