

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

Minutes from the Meeting of the Planning Committee held on Monday, 5th June, 2017 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor Mrs V Spikings (Chairman)
Councillors A Bubb, C J Crofts, Mrs S Fraser, G Hipperson, A Morrison, T Parish,
M Peake, Miss S Sandell, M Storey, G Wareham, Mrs E Watson, Mrs A Wright
and Mrs S Young

An apology for absence was received from Councillor D Tyler and A White

PC1: **APOLOGIES**

PC2: **MINUTES**

The Minutes of the Meeting held on 8 May 2017 were agreed as a correct record and signed by the Chairman.

PC3: **DECLARATIONS OF INTEREST**

The following declarations of interest were declared:

- The Chairman declared an interest in planning application 17/00294/F – Downham West as she was related to the agent. The Chairman explained that she would leave the meeting during consideration of the item.
- Councillor Storey declared an interest in planning application 17/00593/F – Feltwell as a member of Feltwell Parish Council but had taken no part in the consideration of the application.

PC4: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business under Standing Order 7.

PC5: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

There were no Members present under Standing Order 34.

PC6: **CHAIRMAN'S CORRESPONDENCE**

The Chairman reported that any correspondence received had been read and passed to the relevant officers.

PC7: **RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

A copy of the summary of late correspondence received since the publication of the agenda, which had been previously circulated, was tabled. A copy of the summary would be held for public inspection with a list of background papers.

PC8: **INDEX OF APPLICATIONS**

The Committee noted the Index of Applications.

a **Decisions on Applications**

The Committee considered schedules of applications for planning permission (submitted by the Executive Director for Planning & Environment (copies of the schedules are published with the agenda). Any changes to the schedules are recorded in the minutes.

RESOLVED: That, the applications be determined as set out as (i) – (ix) below, where appropriate to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chairman.

- (i) **16/00813/OM**
West Walton: Tamar Nurseries, School Road: Outline application: Residential development including construction of village store and post office: C/o Agent

The Planner introduced the report and explained that Members might recall the application coming before them at the Planning Committee Meeting in February in combination with application 16/00812/FM for a new nursery at West Drove, Walton Highway.

The Committee resolved to approve the application (following approval of application 16/00812/FM) subject to the completion of a suitable S106 Agreement within four months of the date of resolution (06.06.2017). Unfortunately, due to the complexities of the Section 106 Agreement, it had not been possible to finalise it within the timeframe.

The report was therefore coming before Committee to seek an extension of time to deal with the Section 106 Agreement. A further 3 months was sought from the date of resolution.

It was reported that negotiations had been on-going regarding the Section 106 Agreement. There had been difficulties around aspects of

the Section 106 including the provision of the shop, and there was now not enough time for a completed Section 106 to be circulated and signed by the relevant parties.

If a further extension of time was not agreed, the application would need to be refused. This would result in the inability of the nursery to fund its relocation as permitted under 16/00812/FM.

RESOLVED: That the application be approved subject to:

- (a) The conditions listed at the end of the original report as attached at Appendix 1; and
- (b) The completion of a suitable Section 106 Agreement (for the provision of on-site affordable housing; on-site open space, provision of an on-site village store; SUDS maintenance and management; and to tie this application with application 16/00812/FM within 3 months of the date of this resolution to approve.

(ii) 17/00294/F

Downham West: Shining Tree Healthy Living Centre Ltd, Downham Road, Salters Lode: Completion and retention of conversion of gym into dwelling (amended design to 13/01149/F approval) and continued use of associated extended health and leisure facilities including eco unit for clinic: Shining Tree Healthy Living Centre Ltd

The Chairman, Councillor Mrs Spikings declared an interest in the application and left the meeting during consideration of the item. The Vice-Chair took the Chair for the item of business.

The Senior Planner introduced the report and explained that the Shining Tree Healthy Living Centre was located on the north-western side of the A1122 in Salters Lode, midway between its junction with Kemp's Close (to the north) and Waterman's Way (to the south). The settlement was categorised as a Smaller Village and Hamlet in the Settlement Hierarchy of the Core Strategy, and it was located approximately 2.3km southwest of Downham Market. The site was located within Flood Zone 3 and a Hazard Zone as depicted in the Local Authority's Strategic Flood Risk Assessment.

Permission was sought for the completion and retention of conversion of gym into dwelling (amended design to 13/01149/F approval) and continued use of associated extended health and leisure facilities including eco-unit for clinic purposes.

The application had been referred to the Committee for determination as the views of the Parish Council were contrary to the officer recommendation.

The Senior Planner then outlined the key issues for consideration when determining the application, namely:

- Principle of development;
- Impact upon appearance of the countryside;
- Impact upon amenities of adjoining properties;
- Flood risk; and
- Other material considerations.

RESOLVED: That, the application be approved, as recommended.

(iii) 17/00593/F

Feltwell: Land north of 46 Lodge Road: New dwelling: Mr P Hills

The Planner introduced the report and explained that the application was made for full planning permission for the erection of a single 3 bedroom bungalow.

The application site was located outside of the development boundary for Feltwell.

The application had been referred to the Committee for determination at the request of Councillor Lawrence.

The Planner then outlined the key issues for consideration when determining the application, namely:

- Principle of development;
- Access; and
- Impact on residential amenity.

In accordance with the adopted public speaking protocol, Mr D French (supporting) addressed the Committee in relation to the application.

The Planner explained that the site was currently being used as garden land and part of it was countryside and had been incorporated unlawfully.

It was reported that Planning Enforcement was not aware of how long it had been used as garden land but it may be possible for the applicant to apply for a Certificate of Lawful Use. However Planning Enforcement would need to investigate this further.

The Assistant Director advised the Committee that they were considering a site which was located outside of the development boundary for Feltwell.

Councillor Lawrence stated that the site had been like that for as long as he could remember. He stated that this would be an infill plot and made reference to the other properties in the vicinity. He added that there would be no impact on other properties and there had been no objection from County Highways in relation to the access

arrangements. He made reference to the fact that the applicant was proposing a bungalow, which was in short supply in Feltwell. He therefore proposed that the application be approved, which was seconded by Councillor Storey.

Councillor Storey added that both the Parish Council and neighbours supported the application. He also considered that the development would fit in with the form and character of the area and could not see any reason to refuse the application.

Councillor Parish stated that whilst he has sympathy for the applicant, he supported the officer's view as the site was located in countryside.

Councillor Crofts suggested that an annexe could be added to the donor property rather than building another dwelling in the countryside.

The Committee then voted on the proposal to approve the application on the grounds that there would be a lack of planning harm and that it was an infill plot in a sustainable location, which was carried.

RESOLVED: That, the application be approved, contrary to recommendation, subject to the imposition of additional conditions to be agreed, following consultation with the Chairman and Vice-Chairman.

(iv) 16/02081/F

Fring: 8 The Barns, Bircham Road: Change of use of redundant barn into a dwelling house including raising the roof by 1500mm. Wall to east to be demolished and moved back to create a refuge for people on foot, or cycle and bin collection area: Mr & Mrs P Henry

The Principal Planner introduced the report and explained that the application was for full planning permission which proposed the change of use of an existing barn into a dwellinghouse, including raising the roof to incorporate a first floor. Parking and turning facilities to serve the new dwellinghouse were proposed to be provided in the corner of a field on the opposite side of Bircham Road.

Consequently the application site comprised two components; the barn and garden land on the northern side of Bircham Road and the corner of an agricultural field to the south of Bircham Road.

The site was within the village of Fring, which was a Smaller Village and Hamlet.

The Principal Planner advised that a further letter had been received from the applicant's solicitor. The Principal Planner also referred to the amended plan which had been circulated with the late correspondence.

The Principal Planner then outlined the key issues for consideration when determining the application, namely:

- Principle of development;
- Form and character and impact upon the Conservation Area;
- Impact upon neighbour amenity;
- Highways issues; and
- Other matters.

In accordance with the adopted public speaking protocol, Jenny Bland (supporting on behalf of the Parish Council) and Gary Thomas (supporting) addressed the Committee in relation to the application.

Councillor Mrs Wright addressed the Committee in relation to the application. She explained that Fring Parish Meeting had sent in a letter on 4 May, outlining their agreement to the proposed parking arrangements. She referred to the NPPF which stated that the planning system should facilitate and promote sustainable and inclusive patterns of rural development by ensuring that new development was located where it would enhance or maintain the vitality of existing communities, and considered that this application did just that. She added that the conversion would improve the street-scene and breathe life into a heritage asset. In addition, Fring needed more permanent residents.

In relation to the proposed car parking arrangement, Councillor Mrs Wright explained that 2 cars would not be above hedge height. The objection could be overcome by a Section 106 Agreement as outlined in the late correspondence.

Councillor Mrs Wright then proposed that the application be approved on the grounds that there would be no impact on the neighbouring amenity, it would be a permanent dwelling, the principle of development was acceptable, the form and character and impact on the conservation area would be enhanced, and the highways issues had been resolved.

The Executive Director explained to the Committee that a degree of balance needed to be applied. There were two issues for the Committee to consider – the conversion of the barn and the creation of the car park in the countryside.

The Executive Director referred to the site plan of the proposed new car park, which showed 5 car parking spaces on the northern side and 5 on the southern side. He asked whether 10 car parking spaces were reasonable. He expected a lesser degree of encroachment into the countryside.

The Assistant Director explained that in relation to the number of car parking spaces, according to Norfolk County Council standards, a 2 bedroomed property would require 2 car parking spaces.

The proposal to approve the application was seconded by Councillor Mrs Young.

The Chairman, Councillor Mrs Spikings suggested that if the application were to be approved, then additional conditions be imposed to restrict the number of car parking spaces suitable for the property, and to retain the hedge.

The Assistant Director explained that if the application were to be approved, there would not be a need for a Section 106 Agreement.

The Committee then voted on the proposal to approve the application on the grounds that the proposal would bring a heritage asset back into use and subject to conditions relating to the number of car parking spaces and the retention of the hedge, which was agreed.

RESOLVED: That, the application be approved, contrary to the recommendation subject to the imposition of conditions, including the number of car parking spaces and the retention of the hedge, following consultation with the Chairman and Vice-Chairman.

(v) 17/00466/F
Hunstanton: 99 South Beach Road: Removal of condition 16 of planning permission 16/01660/F to allow 12 months unrestricted occupancy: Mr Justin Wing

The Principal Planner introduced the report and explained that the application site 99 South Beach Road, Hunstanton was located on the Coastal Hazard Zone (Holme to Wolverton Creek) and Flood Zone 3.

The site had recently benefitted from permission for a replacement dwelling which was subject to an occupancy restriction, condition 16, 16/01550/F, in line with Policy DM18 (Coastal Flood Risk Hazard Zone) of the Site Allocation and Development Management Policies Plan.

The application sought consent to remove condition 16 to allow 12 month occupancy of the new dwelling.

The application had been referred to the Committee for determination at the request of Councillor Mrs Bower and the views of Hunstanton Town Council are at variance with the officer's recommendation.

The Principal Planner then outlined the key issues for consideration when determining the application, namely:

- Principle of development and planning history; and
- Flood risk

The Principal Planner made reference to the appeal decision attached with the report, for a similar application in Heacham, which had been dismissed by the Inspector.

In accordance with the adopted public speaking protocol, Councillor Christine Earnshaw (supporting on behalf of the Town Council) and Mr Justin Wing (supporting) addressed the Committee in relation to the application.

In view of the comments made by the applicant that the existing bungalow on the site could be occupied for 11 months of the year, the Assistant Director suggested that the application be deferred for further information to be obtained, which was agreed by the Committee.

RESOLVED: That, the application be deferred.

The Committee adjourned at 10.35 am and reconvened at 10.45 am

(vi) **17/00515/F**

**Marshland St James: Willowdale Farm, Moyses Bank:
Variation of condition 4 of planning permission
08/02596/CU: To allow use of kennels for rescue dogs and
emergency boarding of rescue dogs: Ms Timbrell**

The Senior Planner introduced the report and explained that the application site was within the countryside and in a relatively isolated location in relation to other residential dwellings. On site there were existing kennels and a dog exercise area which were granted planning permission in January 2009 (08/02596/CU) with a condition that it should be used for the applicant's own dogs only and not for commercial purposes. The applicant recently bought the property and this application sought to vary the condition to include the keeping of rescue dogs and the emergency boarding of rescue dogs.

The application had been referred to the Committee for determination as the views of Marshland St James Parish Council were contrary to the officer recommendation.

The Senior Planner then outlined the key issues for consideration when determining the application, namely:

- Planning history;
- Amenity issues;
- Highways issues;
- Other material considerations; and
- Crime and Disorder.

In accordance with the adopted public speaking protocol, Parish Councillor (objecting on behalf of the Parish Council) addressed the Committee in relation to the application.

In response to questions raised by the public speaker, the Senior Planner confirmed that kennels would not be charging fees, as this was a facility to be used when needed.

The Executive Director advised the Committee that they needed to consider whether this was an appropriate location for the use and he considered that the right location for dog kennels was in the countryside.

Councillor Storey added that the applicant should be commended for what she was intending to do.

RESOLVED: That, the application be approved, as recommended.

(vii) 17/0044/F

Old Hunstanton: 1 Sea Lane: New vehicular access: Mr & Mrs Wase

The Principal Planner introduced the report and explained that the application site was contained within the development boundary of Old Hunstanton and within the Conservation Area, on the northern side of the Old Hunstanton Road. The application site contained a two storey detached property with an outbuilding to the rear.

The application site had been the subject of an appeal APP/V2635/A/14/2228705, to planning application 14/01075/F for the change of use of the outbuilding to the rear to provide a single person accommodation and double garage extension, which was dismissed.

This application was for a new access and parking area to 1 Sea Lane from Old Hunstanton Road.

The following item on the agenda was for the change of use of the outbuilding to the rear of the application site, which would be dealt with separately on the agenda.

The application had been referred to the Committee for determination as the views of Old Hunstanton Parish Council were contrary to the officer recommendation.

The Principal Planner then outlined the key issues for consideration when determining the application, namely:

- Principle of development and planning history;
- Impact upon the Conservation Area;
- Impact upon highway safety;
- Impact upon neighbour amenity; and
- Other material considerations

In accordance with the adopted public speaking protocol, Mr Mike Tuffs (objecting), Parish Councillor Nick Torry (objecting on behalf of the

Parish Council) and Mr Philip Kratz (supporting) addressed the Committee in relation to the application.

The Chairman, Councillor Mrs Spikings referred to a comment made by the public speaker that comments from the Conservation Officer had been taken off the website. The Principal Planner advised that the comments should still be on the website.

Councillor Mr Wright referred to the access arrangements and advised that this was a very busy road, with cars often parked on the road. She asked whether County Highways had visited the site.

The Assistant Director advised that County Highways had been asked to look at the application again, and their response had been reported in late correspondence.

The Committee was shown the road via Google maps. It was confirmed that the bus stop would be staying.

Councillor Watson added that the traffic in Old Hunstanton travelled slowly due to cars being parked on the road. She advised that she had been approached by both parties. The applicant was in ill-health and she considered that it would be a pity if the buildings could not be utilised.

Councillor Morrison considered that the visibility was acceptable.

Councillor Blunt added that he knew the area well, and had concerns in relation to pedestrians walking along that stretch of road. He considered that the proposal would create one access too many.

The Chairman, Councillor Mrs Spikings considered that the Committee needed to see the arrangements for themselves, and therefore proposed that a site visit be undertaken. This was seconded by Councillor Parish and agreed by the Committee.

RESOLVED: That, determination of the application be adjourned, the site visited and the application determined at the reconvened meeting of the Committee.

(viii) 17/00444/F

Old Hunstanton: Removal of condition 2 of planning reference number 2/85/3706/CU/F/BR to enable the two storey dwelling and the annex to form two separate planning units: Mr & Mrs Wase

RESOLVED: That determination of the application be adjourned, the site visited and the application determined at the reconvened meeting of the Committee.

(ix) 17/00537/RM

**Old Hunstanton: Sonda-Del-Mar, 7 Golf Course Road:
Reserved Matters Application: Construction of two
dwellings following demolition of existing dwelling: Mr M
Ash**

The Principal Planner introduced the report and explained that the application was made for reserved matters approval; access, layout, scale appearance and landscaping, following the grant of outline planning permission granted under reference 15/01633/O, for the erection of two dwellings on land at Sonda-Del-Mar, 7 Golf Course Road, Old Hunstanton.

The application had been referred to the Committee for determination as the views of Old Hunstanton Parish Council were contrary to the officer recommendation.

The Principal Planner then outlined the key issues for consideration when determining the application, namely:

- Principle of development;
- Form and character;
- Neighbour amenity; and
- Other material considerations.

RESOLVED: That the application be approved as recommended.

PC9: **PLANNING ENFORCEMENT SERVICE - QUARTERLY REPORT**

The Committee received a report which provided an update on service performance for planning enforcement during the first quarter of 2017.

Attached to the report was a list of live cases to 22 May 2017.

It was noted that the total number of live cases was 236 and 129 cases had been closed. In addition, 14 formal notices had been served.

RESOLVED: That, the report be noted.

PC10: **PLANNING AND ENFORCEMENT APPEALS - QUARTERLY REPORT**

The Committee received a quarterly update report covering performance for the period 1 January 2017 – 31 March 2017.

The data showed that for the first quarter of 2017, 15% of all appeals were allowed. For the 12 month period to 31st March 2017 an average of 15% of all appeals were allowed. This was well below the post

National Planning Policy Framework national average figure of 36% of all appeals allowed.

RESOLVED: That, the report be noted.

PC11: **UPDATE ON TREE MATTERS**

The Committee received a report which updated Members on Tree Preservation Orders (TPO's) that had been served since 30 April 2016, along with a summary on some of the other aspects of the work in relation to trees.

It was reported that 19 TPOs had been served since April 2016. Where no objections had been received they had been confirmed under delegated powers. When objections had been received these would need to be considered by the Planning Committee, as to whether or not the TPO was confirmed. Since April 2016, 13 TPOs had been confirmed under delegated powers with 6 confirmed at Planning Committee.

3 appeal decisions relating to refusals for works to protected trees had been received. All 3 appeals had been dismissed. There was currently 1 further appeal being processed.

PC12: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

The meeting closed at 11.30 am