



## Planning Committee

**Monday, 4th November, 2019 at 10.30 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 - 6)**

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

#### **Contact**

Democratic Services  
Borough Council of King's Lynn and West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
Norfolk  
PE30 1EX  
Tel: 01553 616394  
Email: [democratic.services@west-norfolk.gov.uk](mailto:democratic.services@west-norfolk.gov.uk)

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

**Item no. 8/1(a) Page No. 9**

**Agent:** In relation to the Crime and Disorder section of the Officer's report, drawing 02C added a kitchen window in Plot 22 overlooking the parking area on the advice of the Architectural Liaison officer.

**Item no. 8/2(e) Page No. 51**

**Third Parties:** THREE objections have been received raising concerns on the following grounds:

- Insufficient parking space for residents and patients using the Fairstead Surgery.
- The plan for building there, is an environmentally bad idea.
- William Booth Road is the cut through road and the car park is always used. Where else do they park? School particularly, supermarket, surgery, community centre?
- There is fast driving on this road.
- Think of the litter as well, all extra.
- Overcrowding.
- It says these houses are being built due to lack of housing in our area. Are these going to be local authority homes then as this is what we need if anything.
- The car park is always full with parking horrendous on the roads with hospital staff and patients parking in the car park outside our homes, not to mention school runs.

**BCKLWN Waste & Recycling:** I have reviewed the application 19/00904/F and have no objection although I would require by means of condition, the removal of the fixed height restriction to the car park entrance and its replacement with an openable barrier with a lock to allow access for an RCV to be able to collect the bins with least disruption to residents thus preventing loss of amenity to neighbouring residents due to bins being presented in a group in the open and potentially not being taken back to the properties.

**Assistant Director's comments:** All the third party issues outlined above have previously been raised and are covered in the report. Following further discussions with the Waste and Recycling manager, given the proposed location of the refuse collection point (at the northeast corner of the site), there is no need for a refuse collection vehicle to enter the car park and therefore there is no need to remove the existing barrier.

Currently there is a condition (14) that has been appended requiring a tree survey to be submitted. However this is not considered to be relevant, as the condition does not protect the existing trees. This should be replaced by the following condition which is therefore considered necessary. In addition, the officer report states a requirement for a condition requiring boundary details to be appended if permission is granted. The condition was inadvertently omitted from the list of conditions. As such an extra condition is also proposed.

**Replacement Condition:**

14. Condition: No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of

development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

14. **Reason:** To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.

**Additional condition:**

15. **Condition:** Prior to first occupation/use of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation/use hereby permitted is commenced or before the building(s) are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

15. **Reason:** To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.

**Item no. 8/2(f) Page No. 63**

**Agent:** Submits the following supporting statement:

The principle of the development was established under the approval of 17/01048/F.

In comparing the extant consent and the current application, the following should be noted -

1. The principle of development remains the same as that approved
2. The design and appearance of the development remains the same as that approved - both being described as being "utilitarian type structure"
3. The use of materials remains the same as that approved
4. The size - length, breadth and height remain the same as that approved
5. The location remains the same as that approved
6. The relevant planning policies remain the same as those associated with that which was approved
7. The proposed use remains the same as that which was approved

Clearly, what is now proposed does not differ from what has been approved and remains extant.

However, it is now proposed that the current application is restricted by way of planning condition requiring the existing mobile home to be removed within 2 months of the decision date. The existing extant planning consent required the mobile home to be removed within one month of the completion of the agricultural barn. The quoted reasoning behind the imposition of such conditions is the same in the 2017 planning consent, and the current application.

It is clear that the current application does not significantly differ from what is extant, and therefore it is considered that altering the planning conditions is unreasonable, not necessary, and puts unfair pressure upon the applicant to complete the construction before the end of this year. If the application hasn't changed, then why try to alter the associated planning conditions?

We therefore ask that the application is approved, with the same planning conditions as those associated with the extant planning consent

It is noted that the applicant retains the option of reverting back to the extant planning consent, by way of re-building the agricultural barn as detailed in 17/01048/F, in which case the mobile home will be removed from the site within one month of the completion of the agricultural barn".

**Assistant Director's comments:** It must be noted that this proposal is not in accordance with the original consent in terms of its current built appearance. Given the time elapsed between the original consent and this current application for retrospective consent (in-part), combined with the fact that the building itself is watertight, it is reasonable to impose a condition to remove the mobile unit within 2 months of the date of the decision. Members will of course consider the merits of the Agent's submission.

---

**Item no. 8/2 (g) Page No. 71**

**Third Party (summarised):** The development has been constructed over a ditch and partially across a green lane/bridleway. The Applicant has signed Certificate A to say that he owns all of the land but does not appear to be the case after conducting Land Registry Searches. Therefore, the Applicant has not served the correct ownership certificates and fails to comply with the provisions of the Town and Country Planning (Development Management Procedure) Order 2015.

**Assistant Director's comments:** The green lane is not a formal Public Right of Way and is a maintained unsurfaced road. Members will note that there is no objection from the Local Highway Authority. However, given the land ownership issues raised, it is recommended that the application be **DEFERRED** to allow the correct ownership Certificates to be served.

---

**Item no. 8/2 (h) Late report**

**Third Party:** One further item of correspondence received raising the following concern:

"...it has been brought to my attention that the strip of land between the highway at the end of Walnut Avenue North and the proposed development site is not owned by the applicant or the council. It is my understanding that this piece of land is a ransom/bargaining strip owned by the developers of our small estate.

I fail to see how planning permission can be given for access to the building site when part of the land is owned by a third party."

**Agent:** Raises the following additional comments:

*Recommendation to refuse for being too close to the neighbouring cattle housing*

On page 40 the planning officer noted CSNN raised a concern, which stated the site boundary is less than 12m from the existing working cattle farm to the immediate north of the site. What it does not say this dimension is taken from the existing straw barn which they say could be used to house cattle!

We feel this is unlikely and would cause an impact upon existing residential development Nos 5 and 6 Birch Close.

The planning officer's report fails to advise members that the council have powers to serve notice on the cattle farm should any complaints be made under the Environmental Protection Act 1990.

At a meeting on site with the planning officer and the CSNN officer, the latter confirmed there

had never been complaint regards smell, odour or noise regards the cattle housing since it was built some 30 years ago.

The cattle are housed only during the winter months as per the wording of their consent in 1993 for wintering animals. Therefore, smell or noise is not an issue during the rest of the year when people are more likely to be using their gardens.

The matter of smell is highly subjective and people buying the plots would be aware of neighbouring uses.

The cattle housing is surrounded by residential development and clearly this has never been an issue.

Having been involved some years ago on land to the north side of the cattle housing looking to see if that land could be developed I spoke with an agent who had tried to gain consent on the same land and he was advised by the council any new housing should be at least 30m from the cattle shed. This seems to tie in with surrounding residential development. The applicant's house and garden at 32 is 30m from the cattle sheds nearest corner and No.6 Birch Close is the same dimension. However, No 30 the owner of the cattle farm is just 11m!

In our design we used the same logic and prepared a layout with the gardens of the dwellings all in excess of 30m from the nearest corner of the cattle housing (not the Straw Barn) and this is shown in our presentation drawing.

However, CSNN says if the straw barn were to be used as a cattle housing which they cannot stop then plot 5 is only 12m from this building. (It is actually about 14.4m). Using the 30m rule from the straw barn corner it wipes out development to plots 3 and 4, but also affects 5 and 6 Birch Close. See the presentation drawing.

At the site meeting the Planning officer advised that no.32 still has an agricultural use. We asked if we could amend the red line around the development to include No.32 as residential but this was denied. We were told it was unlikely to be approved as it would mean part of this remaining land including the drive and outbuildings were too close to the cattle housing!

#### *Recommendation to Refuse for access reasons.*

The recommendation to refuse for access reasons citing the land is still agricultural use does not tell the full story. No 32 is no longer used as a farm it closed in 2003, 16 years ago. The applicant does not have any land to farm and by granting consent for the development proposed it would leave just his house, garden and outbuildings. He is a 70 year OAP and has no intentions of moving or restarting a farm business.

If you read the Highway Issues Norfolk County Council Highways have no objection and in their response have accepted the agricultural use has ended and have stated:

*"I would be surprised if the applicant would seek to restart such an activity upon what remains of the site as I do not feel that it would be in their interest if planning to do so, to choose to access via a more contrived route. I am of the view that this is more of a social and domestic consideration in relation to additional traffic potential, different type of traffic and noise for existing residents as ultimately I do not believe that there is a standard to which we could directly object".*

In summary surely our planning officers should realise that if this application is refused, this area will remain as degenerating land and outbuildings and a real eyesore within the street

scene. The applicant's pension will not stretch to maintain the buildings or the land. We therefore ask committee members support the application.

A site visit is requested.

**Assistant Director's comment:** The relevant land registry searches and evidence from the Local Highway Authority confirms that the land between the tarmacked end of Walnut Avenue North and the application site boundary is highway land and is not a ransom strip as the objector asserts.

The majority of the Agent's comments are covered within the main body of the report. However, there is no recognised empirical dimension recognised by Planning or Environmental Health regarding the distances between houses and cattle sheds. The assessment of the relationship is a matter of judgement and the NPPF is clear that planning decisions should ensure that new development can be integrated effectively with existing businesses, in this case, the working farm to the north of the application site. In this case, the assessment has been made by officers who conclude that the relationship is unacceptable.

The Agent references increasing the site area to include the donor property, however this would significantly alter the proposal by amending the red line. The Agent was advised that a further planning application would be required.

Finally, the Agent puts weight on the degenerating land and outbuildings and seeks to put a premium on neglect.