



Planning Committee
Monday, 29th June, 2020 at 9.30 am
in the Remote Meeting on Zoom and available for the
public to view on WestNorfolkBC on You Tube - Zoom
and You Tube

Reports marked to follow on the Agenda and/or Supplementary Documents

1. **Receipt of Late Correspondence on Applications (Pages 2 - 9)**

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

**PLANNING COMMITTEE
29 June 2020**

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

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

Gayton Parish Council: Following what appeared to be a clear vote to reject these applications, the Planning Committee Chair deferred these applications. Please could you explain the grounds for deferring these applications and qualify how this decision conforms with the proper processes of the Planning Committee. It is not clear what the implications of deferral are, nor what the next steps are in dealing with these applications.

A Councillor from Gayton Parish Council gave a verbal submission which has been sent to the Planning Clerk for distribution; 'Manor Farm Script 5' and this is attached to this email for your reference. Parish Councillors formally request that concerns raised about the increased and high density of these two sites are addressed by the Planning Committee. Particularly in the context of our representations concerning the densities in the most relevant immediate surrounding areas.

Please could you:

1. Address Gayton PC's concerns regarding the high density of this development in a rural village
2. Assure Gayton PC that the result of the planning committee's vote stands - despite the deferral
3. Explain the grounds for deferring this matter, within the context of the Planning Committee Standing Orders
4. Advise what the next steps will be
5. Provide Gayton PC of any new points that will apply to the application at the next meeting and which, of course, Gayton PC needs to be formally consulted.
6. Provide transcripts of correspondence between Councillors/Planners following the Planning Committee meeting the process that lead to a decision to 'defer' rather than the 'reject' that was the outcome of the vote and any subsequent discussion on the above applications.

The next Gayton PC meeting is 1 July 2020 so, if these applications are considered at your next meeting on 29 June 2020, Gayton PC will be unable to carry out the required consultation process. We are surprised and concerned as to why this application has not been withdrawn in line with understood processes; perhaps you could explain. Could you please provide the information requested at No 6 above and view this as a formal freedom on information request.

Legal response by Noel Doran (Eastlaw) to the matters raised by Gayton Parish Council:

I refer to your letter of 19 June, sent by e-mail to a number of Members and Officers of the Borough Council of King's Lynn and West Norfolk, which I have been asked to review from a legal perspective. While I was not present at the meeting I have been asked to consider the circumstances arising from the consideration of planning application reference 19/00694/RM: Manor Farm, Gayton.

A brief summary of the events that unfolded is that, in accordance with usual procedures, when this application came before the Planning Committee for consideration, the Planning Officer presented their report. Debate of the application by the Committee then took place, followed by an initial proposal to refuse the application. On being put to the Committee, that proposal was lost. While this result may have been indicative of the potential intentions of the Committee, it did not and could not amount to a resolution to approve the application.

The next proposal to be put to the Committee was for approval of the application in accordance with the recommendation of the Officer. That proposal was also lost, which was an unusual outcome given the result of the previous vote. Again, while this result may have been indicative of the potential intentions of the Committee, it did not and could not amount to a resolution to refuse the application. The Committee, in accordance with due democratic process, then voted to defer consideration of this application in order to seek further clarification and advice.

In the unusual circumstances where both a proposal to refuse an application and a proposal to approve an application have both been defeated, a decision to temporarily defer further consideration of the application is a reasonable decision for the Committee to take and one that is within its powers. To be quite clear, the Planning Committee has not yet made any determination in relation to this application. Any suggestion that there has been pre-determination of this application before it is formally determined by the Committee could render that decision unlawful.

You have raised a number of queries in your letter. Some relate to the planning merits of the application, upon which I am not qualified to speak, but I would expect the issues you raise to be covered in the Officer's Report when outlining the material considerations to be taken into account in the planning balance. This application is on the agenda to be considered again by the Planning Committee at the meeting that will take place on 29 June, in accordance with the usual procedures for Committee determination of planning applications, and I believe that you have been notified of any minor changes that have been made to the application. Your request that this application should not be discussed on 29 June has been sent to the relevant Members and Officers.

Please note that neither Members of the Planning Committee, nor Planning Officers, have any power to unilaterally withdraw planning applications. They are required to be considered and determined and an applicant has a right of appeal if their application is not determined within the prescribed time limits.

Your Freedom of Information request will be dealt with separately.

Assistant Director's comments: In response to query (1) raised by Gayton Parish Council, the matter of density is addressed in the Officer's report to Committee within the 'Principle of Development' and 'Form and Character' sections on pages 21 and 22.

In response to query (5), the minor amendments made to the application since deferral are summarised in the Officer's report to committee at page 11. There is no statutory duty to re-consult on amended plans, although the minor amendments proposed were sent to the Parish Council on 16 June 2020, should they have wished to comment further. Comments on the amendments were also sought from the Council's CSNN, Open Space and Housing Teams in relation to: relocation of open space; proximity of the agricultural access to dwellings; and pepper-potting.

Item No. 8/1(b) Page No. 31

Gayton Parish Council: Please see the details of the letter from the parish and legal response on behalf of the Council under item 8/1(a) above.

Assistant Director's comments: In response to query (1) raised by Gayton Parish Council, the matter of density is addressed in the Officer's report to Committee within the 'Principle of Development' and 'Form and Character' sections on pages 41 and 42.

In response to query (5), other than a revised Supporting Statement no changes have been made to this application since deferral so there has been no re-consultation.

Agent: Submission of an additional plan showing the proposed parking arrangement at The Smithy in Brancaster Staithe and revised Block Plan (drawing no. MCC01.01.06 rev C) to show proposed parking spaces. While NCC Highways have no issue with the proposed scheme we have added additional information to answer the Parish Council's concerns and for the Planning Committee.

Applicant: Extension of time period for determination agreed until 3rd July 2020 and queries have been raised which can be summarised as follows:

The Brancaster Neighbourhood plan 2015-2016 which is the adopted current plan states Policy 4, new dwellings should provide a minimum of 2 off-road parking spaces.

The Proposed Brancaster Neighbourhood plan 2018-2036 Policy 4.4.1 states that a higher standard is required, parking spaces aligned with the number of bedrooms.

This plan is still in consultation and is unadopted

The pre-submission consultation is ongoing and ends 12.00 29th June 2020, so this policy cannot be used in this planning application. Am I correct?

For Planning Committee purposes which Policy / Plan takes precedent?

As I see it currently we need 1 parking space for the Smithy and 2 parking spaces for the New Dwelling under the 2015-2026 adopted plan for our current application.

Even if we count all bedrooms and possible bedrooms, 3 bedrooms in the new development and 1 or 2 possible bedrooms in the Smithy we would need 5 parking spaces under the unadopted Brancaster Neighbourhood plan.

The Plan sent to you detailing parking earlier this week shows 5 parking spaces.

Parish Council: NO OBJECTION. Parking is not an issue on site and there is room for turning if needed. The Parish Council therefore wish to withdraw their previous objection.

Cllr Ryves: Queries the dimensions of the proposed study.

Cllr Lawton: Comments made can be summarised as follows:

Some of the Parish Council have okayed the application but they have missed one glaring situation that is that the developer has said he has ample parking. There probably is but they haven't done a proper drawing. It does not show the separate turning area as stated in NCC advice.

On the parking situation, as this is the narrowest part of the main road A149 through the village it can be quite dangerous for the people using their drives. Also builder's vehicles parked outside The Smithy in the height of the summer holiday season causes much danger.

In the recommendations, Condition 8 has no drawings to show the plans.

Assistant Directors comments: In response to the applicant's comments the revised Brancaster Neighbourhood Plan is not currently at a stage where it can be given any significant weight. The policies of the current adopted Neighbourhood Plan should therefore be applied in this case. It is also important to clarify that the proposal seeks approval for a replacement dwelling with annexe and is recommended to be restricted as such by Condition 9.

In response to Cllr Lawton's comments, an amended block plan has been submitted which shows the proposed parking layout. Given the scale of development it is not considered necessary to require a condition relating to parking for construction workers.

In response to Cllr Ryves query, the internal dimensions of the study will be 2.4m by 3m.

AMENDED CONDITION:

2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:

MCC01.01.06 C Proposed block and location plan; and
LAN01.01.09 F Proposed floor-plans and elevations.

2. Reason: For the avoidance of doubt and in the interests of proper planning.

CORRECTION: p48 'Extension of Time Expiry Date' amend to read '3rd July 2020' instead of '29th February 2020'. P55 Extra reason 7 to be removed.

Item no. 8/2(b) Page No. 57

Cllr Ryves: Queries the status of application 18/00510/F to which the Parish Council refers.

Cllr Joyce: On pages 64/65 of the Committee report it refers to income/expenditure. The Parish Council claims not to have sight of the business plan. Is this income/expenditure the business plan?

The report states there are at present 5 mares 1 stallion and 5 foals. The report states it is anticipated 3 foals will be sold each year, is this from the 5 mares? Is there any reason 5 foals will not be for sale from 5 mares?

The expenditure does not seem to take account of medicines and any veterinary fees. What are these anticipated to be?

What use is being made of the blue land? And what is its acreage? Does the applicant own any land adjacent to the blue and red lines?

The expenditure is expected to be £12.50 per horse per week. What is the applicant expecting each horse to eat per week? Similar question to each horse drinking per week? What amount of straw will be used? Will any straw be used for feeding purposes? Also carrots are anticipated to be £5 per horse per week. Will there be any expenditure on concentrates? Will there be a seasonal variety in the anticipated costs? If so what are they?

Assistant Directors comments: In response to Cllr Ryves query, Application 18/00510/F relates to the adjacent site. The land is in separate ownership and does not relate to the current application. The Parish Council appears to be confusing two separate land parcels and applications.

With regard to Cllr Joyce's comments, the information contained on p 63-65 sets out information within the Business Plan submitted by the Agent. There is no additional information submitted. The land ownership of the applicant is shown in blue and is currently used as paddocks and fenced accordingly. The area of the land is approximately 2.3ha. The proposed business plan includes a cost for water and additional food costs include carrots, hay and straw all of which is in the report on p. 64 and 65.

Item no. 8/2(c) **Page No.** 68

Applicant: Having looked at the Planning Officer's Committee Report, we have noticed that there are a number of important and relevant factors either omitted or not fully explained:

Access to the site is exclusively from School Road. There is no access from Hope Lane.

This is clearly shown on the Architect's (Swann Edwards) revised Drawing DWG PP2000 Rev. B. This was substituted in February 2020, and confirmed in their e-mail dated 25th February 2020, following advice and recommendations received from Richard Smith, Highways Department, Norfolk County Council.

Parish Council: Unfortunately we are unable to send a representative to the meeting but would be grateful if you would ensure that the information below is passed to the committee members:

RE: Planning application 19/01906/O Land W of 47 School Road, Marshland St James

Marshland St James Parish Council generally has a very positive attitude towards new development in the parish but it needs to be in the right place and growth should be at a gradual level to be sustainable development.

The Parish Council has recently made a decision to commence a Neighbourhood Plan for the whole of the parish as this will allow residents to have a greater say in how they would like to see the future development of their village.

School Road already has an approved site for 17 dwellings, currently under construction, and one more site for 4 dwellings which was approved in February. Also, there are 2 more sites, consisting of another 10 dwellings, which were considered to be the preferred option by the Borough Council when reviewing its Local Plan. These additional new sites would be on the same side of the road as the site currently under construction. This application is on the other side of the road and extends to Hope Lane, with access to three of the four dwellings from Hope Lane, which is an extremely narrow road and not suitable for further development.

The Parish Council raised concerns about this preferred option of a further 10 dwellings along School Road, due to the width of the road and the need for further new development to not be restricted to just School Road. The Parish Council suggested that only one site should be approved on School Road and a second site on Smeeth Road should be considered, in preference to 2 sites on School Road. The pub is no longer open on School Road and therefore this should not be taken into account when considering the access to amenities.

Norfolk County Council Highways Department have objected to the site as they do not believe that at the moment it is possible to install a footpath to the site which is considerably further outside the development boundary than the previously approved site for four dwellings on the same side of the road. The Parish Council objects to approval of any application which does not include a footpath to link the site to the current footpath on School Road. Additionally, the 40mph speed limit on School Road would need to be extended to beyond this site if planning permission was given.

As part of the most recent call for sites, during the current review of the Local Plan, 11 sites were put forward by landowners within the parish. The Borough Council considered that 5 of the other sites were reasonable alternatives to the 2 preferred sites. All of these sites would allow for an additional 152 dwellings.

The site for this application, which is on the opposite side of the road to the site under construction and preferred options for 2 more sites, is outside the development boundary for the parish, and

therefore in open countryside. Over the last few years over 90 new dwellings have already been approved in the village against an allocation of 25.

The Parish Council does not believe that this site, which is outside the development boundary, should be approved for development.

Third Party: Makes the following comments (summarised):

- Has no objection to the build west of his address as long as we can have a path and a sewer connection in road from the existing houses;
- There are other areas of land on School Road that can be built upon;
- Does object to houses built behind him on Hope Lane as completely not acceptable.

Cllr Joyce: Queries the case law referred to within the report on page 75.

Cllr Ryves: The Lynn News states “the scheme is considered to be unsustainable as there is already adequate housing land available.” Could this be quantified and identified.

Cllr Parish: Queries the numbers of dwellings allocated to Marshland St James under the Local Plan and also the number of houses, including large developments and infill, that have actually been given permission to be built in the village.

Assistant Director’s comments:

In terms of the Applicant’s comments, the description of the scheme is set out on p. 71 of the Agenda and it clearly states that a single access serving the four plots is provided from School Road.

In answer to the queries of Cllrs Parish and Ryves, the SADMPP allocated two sites in Marshland St James with a combined total of at least 25 dwellings.

G57.1 for at least 15 dwellings – has permission for 17 and is currently being constructed.

G57.2 for at least 10 dwellings – has permission for 6 dwellings.

It must be noted that by positively allocating sites, it was also the intention that further sites could still come forward in the addition to those listed above.

Marshland St James has experienced a number of permissions during the period that the Borough Council did not have a 5 year housing land supply and beyond. Between 1/4/16 and 31/3/20, 106 new homes have been granted planning permission. To put this into perspective, 5403 were granted across the Borough so this represents approximately 2% of planning permissions taking place in Marshland St James.

Current 5 year supply is contained with the report on p.74.

With regard to Cllr Joyce’s query, the applicant submitted various appeal decisions in support of his case. This is available to view on the public file. The NPPF states that substantial weight should be given to the value of using *suitable brownfield land within settlements* for homes. This site is not within the development boundary of Marshland St James and is not considered suitable brownfield land as set out on p. 74 and 75 of the Agenda.

Item no. 8/2(d) **Page No.** 78

Assistant Director’s comments: Incorrect plan numbers have been referenced in Condition 2 therefore this requires amendment.

AMENDED CONDITION:

2. Condition: Other than in relation to the colour of the render, the development hereby permitted shall be carried out in accordance with the following approved plans / drawing nos: 466-01 Rev B and 466-02 Rev B.

2. Reason: For the avoidance of doubt and in the interests of proper planning.

Item no. 8/2(e) **Page No.** 87

Agent: Extension of time period for determination agreed until 3rd July 2020.

CORRECTION: p89 Underneath 'Date for Determination: 27th May 2020' it should read 'Extension of Time Expiry Date: 3rd July 2020'.

Item no. 8/2(f) **Page No.** 95

Cllr Joyce: Refers to the Applicant's supporting statement on p 95 which states "After discussions with Ward Councillors, and liaison with the Parish Council, who continue to support, a decision was taken to resubmit". Queries whether the Agent is suggesting that the Ward Councillors have confirmed their support of this application.

Assistant Director's comments: The aforementioned comments have been made by the agent in the Applicant's Supporting Statement in support of their case, and were not written by the case officer. The Ward Councillors are on Planning Committee and will be able to fully explain their position at the meeting.

Item no. 8/2(g) **Page No.** 106

Cllr Joyce: How many thefts have taken place at the premises, how many reported to the Police and given a Crime Number and in what period of time?

The Supporting Statement states. "It was suggested to the company an overnight presence was required to act as a deterrent and ensure that the considerable investment was not compromised." Who? and in what capacity made this suggestion? On page 115 the report states. "The application is not considered to give rise to issues relating to Section 17 of the Crime and Disorder Act." Who has made this statement? and in what capacity?

Has the applicant/agent consulted the Constabulary Architect Liaison Officer?

Has the applicant been asked for financial details to allow full consideration of DM6?

Assistant Director's comments:

Details of one theft that took place from the site on 9th July 2019 have been provided including the Crime Reference Number.

The Supporting Statement is written by the Agent who makes various comments regarding support for the scheme all of which is available on Public Access. They are not the comments of the case officer and have been put forward by the Agent. As a matter of fact, the application was called in to Committee by Councillor Kirk who is one of the ward councillors.

The sentence with the Crime and Disorder Act section of the report was made by the case officer. Section 17 of the Act requires Local Authorities to have a duty to consider the impacts of their decisions on crime in the local area. The proposed mobile unit is considered to have a neutral impact on crime and disorder in the locality.

The case officer does not know whether the architect or agent consulted with the Constabulary Architect Liaison Officer. The case officer has asked for confirmation but none has been received to date.

The Agent was asked to provide details in support of Policy DM6 in an email dated 4th April 2020 and is aware that security alone is not considered to be sufficient justification for an on-site dwelling.