

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

**Minutes from the Meeting of the Planning Committee held on
Monday, 6th June, 2016 at 9.30 am in the Committee Suite,
King's Court, Chapel Street, King's Lynn**

PRESENT: Councillor Mrs V Spikings (Chairman)
Councillors Mrs C Bower, A Bubb, Mrs S Buck, P Colvin, C Crofts,
Mrs S Fraser (sub), A Morrison, M Peake, M Storey, D Tyler, G Wareham,
Mrs E Watson, A White, T Wing-Pentelow and Mrs A Wright

Apologies for absence were received from Councillors I Gourlay, J Moriarty
and Mrs S Young

PC1: MINUTES

The Minutes of the Meeting held on 9 May 2016 were agreed as a correct record and signed by the Chairman.

PC2: DECLARATIONS OF INTEREST

There were no declarations of interest.

PC3: URGENT BUSINESS UNDER STANDING ORDER 7

There was no urgent business under Standing Order 7.

PC4: MEMBERS ATTENDING UNDER STANDING ORDER 34

The following Councillors attended under Standing Order 34:

Name	Item	Application
Miss L Bambridge	9/3(g)	16/00329/CU
R Groom	9/3(n)	16/00629/F

PC5: CHAIRMAN'S CORRESPONDENCE

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

PC6: RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS

A copy of the summary of relevant 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.

PC7: CHANGES TO GOVERNMENT POLICY ON AFFORDABLE HOUSING

The Assistant Director presented a report which updated the Committee on the recent changes to national policy on affordable housing, as a result of the Government's successful legal challenge to a previous High Court decision; this had led to a reinstatement of that affordable housing policy in the national Planning Practice Guidance (PPG). It also sought delegated authority from the Committee to allow those applications that had a resolution to approve subject to a Section 106 agreement to be amended in line with the Government's reinstated policy.

The impact of the Government's policy in the Borough is that for sites of 5 dwellings or below, they would no longer be required to make any contribution to affordable housing, subject to them not exceeding the 1000 square metres floor space threshold. For sites of 6-10 dwellings in the rural areas and in an AONB, other than in the settlements/parishes mentioned in 1.1 of the report, the Council would require a commuted sum towards the provision of affordable housing. For sites of 11 and above, the normal affordable housing requirements would remain. There was a 1000 square metre floor space threshold that was also in place, over which affordable housing in accordance with CS09 would be required, and this would need to be the subject of an additional condition on affected planning applications.

Councillor White declared an interest, as if the Committee approved the report, he could be affected by this.

Councillor Crofts asked whether developers could be required to make affordable housing contributions before the site was completed. He added that affordable housing was needed in some areas but not others and asked whether it would be possible for money generated in that ward to be ring-fenced.

The Assistant Director explained that it would not be possible to ring-fence money for a particular ward and suggested that a training session on affordable housing be provided. He added that affordable housing contributions were not left to the end, it was tried to get any contribution as soon as possible.

RESOLVED: (1) That Members of the Committee noted the result of the recent Court of Appeal case, and the reinstated Government Policy on affordable housing.

(2) That delegated authority be granted to the Executive Director – Environment & Planning/Assistant Director – Environment & Planning to ensure the Section 106 agreements currently being progressed are

altered in line with the Government's reinstated policy on affordable housing.

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, Geoff Hall (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 at (i) – (xvii) below, subject where appropriate to the conditions and reasons or grounds of refusal set out in the schedules signed by the Chairman.

(i) **15/02004/FM**

Heacham: Former Petrol Station and R J Stainsby & Son Site, 45 Lynn Road: Demolition of existing buildings and construction of Class A1 (Retail) food store together with access, car parking and landscaping and associated engineering works: Lidl UK Gmbh

The Principal Planner introduced the report and explained that the application had been deferred from the meeting held on 9 May 2016. The applicant had submitted some clarification in relation to highway issues and an amended southern elevation.

Full planning permission was sought for the construction of a Lidl store with access, car-parking, landscaping and associated engineering works following the demolition of existing buildings, including a bungalow, at the former petrol filling station and R J Stainsby & Son site, Heacham.

Approximately half of the site was located within the existing and proposed development boundary with the remaining in land designated as countryside.

The site was accessed from the A149 (a Primary Corridor of Movement), on the opposite side of which was an Area of Outstanding Natural Beauty (AONB).

The site was located within Flood Zone as depicted on the Local Authority's Strategic Flood Risk Assessment maps.

The application had been referred to the Committee for determination as it had been deferred from the previous meeting.

The Committee noted the key issues for consideration when determining the application, namely:

- Principle of development;
- Highway safety;
- Impact on residential development;
- Drainage/Pollution;
- Other material considerations.

In accordance with the adopted public speaking protocol, Mr P Curtis (objecting), Mr T Parish (objecting on behalf of Heacham Parish Council), Catherine Saunders (supporting) and Mr Jim Budd/Mr N Hardy (supporting who shared the 5 minutes between them) addressed the Committee in relation to the application.

Councillor Storey arrived at 9.55 am and was advised that he could not take part in the debate for this particular application.

In response to comments made by the public speakers, the Principal Planner explained that the applicant did refer to the Heacham Inquiry but this application needed to be considered on its own merits. In relation to the views made by the Norfolk Coast Partnership and Natural England he explained that these had been accurately reported. The Norfolk Coast Partnership had stated that they wanted to see something better that would preserve the character of the countryside but did not raise an objection to the application. He advised the Committee that they needed to make a decision on the merits of this particular application. He also advised that the land on the opposite side of the A149 was in the AONB.

The Chairman, Councillor Mrs Spikings then introduced Liz Poole, Acting Principal Engineer to explain the highways comments. The Acting Principal Engineer advised the Committee that she had been in discussions with the applicant's traffic consultants from the start of the application process. Various options for access onto the A149 had been considered including the provision of a roundabout, but it was considered that a right-hand turn lane was the best access for the site.

County Highways did raise an issue in relation to the layout of the car park but Lidl carried out further work and it was concluded that the proposed access arrangement was appropriate and would work within the layout. Any queuing would be within the car park and would not impact the A149.

If the Committee felt it necessary, the applicants would be willing to provide a yellow box on the exit and had indicated that if required they would also provide a yellow box at the Lavender junction.

The Acting Principal Engineer concluded that there was an acceptable technical solution.

Councillor Colvin stated that he disagreed with the comment that a separate access in/out access would conflict with pedestrians as there were very few people who walked along the A149. He also referred to page 27 of the agenda where it made reference to conflicting with the statutory tests set out in the CIL regulations. He added that the Council was not yet operating CIL.

The Assistant Director explained that the CIL Regulations covered Section 106 obligations and came into force in 2010. He stated that there were 3 tests that had to be passed. It was confirmed that the Council's CIL levy was not in place and any development approved would not pay CIL contributions.

Councillor Mrs Wright expressed concern in relation to the right-hand turn land into the store. She added that the Committee had been assured that it would work but the solution would not be demonstrated until the store was built and up and running. She added that the A149 did get congested at holiday time. She asked that if the proposal went ahead, what would happen if the right hand turn lane did not work.

The Principal Planner advised that there would be nothing that could be done through the planning process it would be the responsibility of County Highways.

Councillor Mrs Wright also made reference to the design of the building and considered that it could be improved.

The Principal Planner advised that the mass and size of the building remained the same.

Councillor Bubb asked why it was not acceptable to have a right-hand turn into Broadway but it was acceptable to have one as part of the proposal.

The Acting Principal Engineer explained that the priority junction at Broadway had a history of accidents. There was not enough land to provide a right turn lane at the Broadway junction so the right turn movement in to and out of the junction had been prevented by constructing a central island.

She added that turning right out of the site would be more difficult and there would have to be an element of give and take and users of the car park and store would have to have due care and attention.

The only alternative to the proposed access would be the provision of a roundabout but this would not fit in.

The transport assessment had demonstrated that the site would work at peak times and as a Highway Authority this had to be accepted. They had to take a decision on the evidence put in front of them.

She added that she understood the concerns of the Committee but considered that most people would not turn into the site with caravans.

Councillor Bubb disagreed with the last comment that people with caravans were unlikely to use the store.

It was confirmed that there would be one delivery lorry every day.

Councillor Wareham proposed that a condition be imposed to ensure that a yellow box be provided. The Principal Planner advised that condition 7 could be amended to include the provision of a yellow box.

Councillor Crofts asked if there would be enough space for the car parking spaces next to the A149. The Acting Principal Engineer confirmed that there would be 24 m which would be enough space.

Councillor Morrison stated that he was not in favour of the proposal in this location although he was in favour of Lidl's. He added that first impressions did mean a lot as you would be entering the AONB and he considered that the proposal would be a blot on the landscape. He highlighted that CPRE had objected in relation to the impact on the AONB and landscape. He added that there was Lavender Hill, Co-op and ancillary shops in Hunstanton and Heacham, Lidl's was not just a food-store and could impact on the other businesses. He asked why on pages 25, 26 and 27 some parts were in bold text.

The Assistant Director explained that the text in bold was to highlight the changes within the report to the Committee.

Councillor Morrison then proposed that the application be refused on the grounds of the impact on the AONB, damage to the landscape and local businesses.

The Principal Planner pointed out that the site wasn't in the AONB but adjacent to it. The Assistant Director highlighted that in relation to the impact on rural businesses, that on page 33 of the agenda, it had been agreed that no harm would be caused.

The Assistant Director reminded the Committee that evidence would need to be provided at any appeal.

The proposal to refuse the application was seconded by Councillor Wing-Pentelow, who also felt that there were highway objections to the proposal.

The Assistant Director advised that the site was outside the AONB but could affect the setting of the AONB.

Councillor Crofts stated that he would like to hear what local people had to say. He considered the proposal to be a bog standard design and asked whether it fitted in with the area. He added that other

companies built their buildings to fit in with the local area and asked if the applicant could look at an alternative design.

The Principal Planner advised that the Committee had to determine the application in front of them.

Councillor Mrs Wright stated that when new buildings were constructed it did not mean that the Committee had to accept sub-standard design.

Councillor Mrs Fraser stated that she believed that the facility was needed but the building needed to blend in and be more sympathetic.

The Chairman, Councillor Mrs Spikings asked whether the design of the building could be included in the reasons for refusal.

The Executive Director explained that design and impact on the AONB could be reasons for refusal. In addition, Members could be called to the Inquiry to give evidence. He also advised that if the Committee had any other concerns then these needed to be raised now so that the applicant was aware. He explained that significant effort was required into defending any decision and that Norfolk County Council was saying that this was the best highway solution for the site. Without sufficient evidence the Council would be at risk of costs at appeal.

In relation to the impact on the AONB the test was to preserve not enhance the AONB and the Committee needed to consider whether what was proposed was worse than what was there now.

The Committee then voted on the proposal to refuse the application for the reasons impact on AONB, design and landscape and highway impact, which was carried.

Councillors White, Tyler and Peake asked for their vote to be recorded against the following resolution.

RESOLVED: That the application be refused, contrary to recommendation for the following reasons:

1. *The proposed development would intensify the vehicular activity of the site which would lead to conflict and interference with the passage of through traffic which would be of detriment to highway safety and to the efficient operation of the highway network.*
2. *The proposed development, due to its poor design, would have an adverse impact on the landscape and the setting of the North Coast Area of Outstanding Natural Beauty.*

The Committee adjourned at 10.50 am and reconvened at 11.00 am

(ii) 15/02006/OM

Snettisham: West of 6 Teal Close: Outline application: Construction of nine single storey dwellings with parking and garaging and the creation of a new access road: Mr and Mrs Brian Cunningham

The Principal Planner introduced the report and explained that the application had been deferred from the May meeting to allow further consideration of the highways issues.

It was explained that the site was located within an area designated as countryside according to Local Plan Proposals Maps for Snettisham. Snettisham was designated as a Key Rural Service Centre according to Policy CS02 of the Local Development Framework Core Strategy 2011.

The application site was located on the western side of Teal Close and was grade 3 agricultural land.

The site formed part of a larger preferred site allocation in the Site Specific Allocation document Policy G83.1 – Land south of Common Road and behind Real Close – for 34 dwellings. The northern element of the site allocation had been granted planning permission for 24 dwellings.

The application sought outline planning permission for 9 single storey dwellings with access only being determined at this stage.

The application had been referred to the Committee for determination as the officer recommendation was contrary to the views of Snettisham Parish Council and at the request of Councillor Mrs Wright.

The Committee noted the key issues for consideration when determining the application, namely:

- The principle of development and planning history;
- Form and character/impact upon the countryside;
- Neighbour amenity;
- Highways impact;
- Flood risk and drainage;
- Ecology;
- Affordable housing;
- Infrastructure provision; and
- Other material considerations.

In relation to the access, the Principal Planner referred to the late correspondence where it stated that the Local Plan says that safe access should be provided on to Common Road. It did not preclude a second access to the site via Teal Close. There was no objection on road safety grounds from Norfolk County Council.

With regards to the ownership of the ditch, the Principal Planner explained that a letter had been received from the applicant's solicitor advising that the applicant did not own the ditch along the northern boundary. In addition, the drainage arrangements for the site did not rely on the applicant owning or being able to maintain the ditch. The proposal was to attenuate the surface water flows on-site to the current green field run-off rates before putting the water into the existing Anglia Water system in Teal Close. Flow rates in the existing system would therefore not increase.

The Principal Planner also advised the Committee of the need to amend the Section 106 agreement (as detailed in late correspondence) and to include a payment of £50.00 per dwelling for habitat mitigation and monitoring.

The Principal Planner confirmed that he was not aware of who owned the drain.

Councillor Mrs Wright asked whether a condition could be imposed to prevent parking on the junction of Teal Close/Goose Green Road. The Principal Planner highlighted the junction on street view, which showed the junction to be wide and clear of cars.

In response to a comment from Councillor Crofts regarding the drain, the Principal Planner read out the letter from the applicant's solicitor which stated that the drain was unregistered.

The Executive Director suggested that it was possible that the drain was no longer active and this was the remains of an old drain.

The Chairman, Councillor Mrs Spikings reminded the Committee of the need to amend the Section 106 agreement (as outlined in late correspondence) and to include a payment of £50.00 per dwelling for habitat mitigation and monitoring, which was agreed by the Committee.

RESOLVED: (1) That, the application be approved, subject to conditions and completion of a Section 106 Agreement (as amended in late correspondence and to include a payment of £50.00 per dwelling for habitat mitigation and monitoring) to secure affordable housing provision and open space within 4 months of the date of resolution to approve.

(2) That the application be refused in the event that a suitable Legal Agreement to secure an affordable housing contribution and open space within 4 months of the date of resolution to approve.

(iii) **16/00305/OM**

**Clenchwarton: Land west of The Grange, 262 Main Road:
Outline application: Construction of 16 dwellings: Mr PAJ
and PR Kitchen**

The Principal Planner introduced the report and explained that the application was in outline for residential development on a site measuring approximately 0.89ha to the south of Main Road, Clenchwarton. The site formed the western element of one of the three housing allocations identified in the emerging Site Allocations and Development Management Policies Pre-submission Document for Clenchwarton, and Policy G25.3 related specifically to development of this allocation. Application 15/02008/O, which was also before Committee, was for the eastern part of the allocation.

All matters were reserved although the description of the development was for 16 dwellings. Application 15/02008/O was for four dwellings – totalling 20 dwellings across the two sites / allocation.

The site was countryside but had residential development to its east and north (on the opposite side of Main Road).

The site was located within Flood Zones 2 and 3 and formed part of a wider agricultural field.

The application had been referred to the Committee for determination as the officer recommendation was contrary to the views of the Parish Council and the level of financial contribution.

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

- Principle of development;
- Form and character;
- Neighbour amenity;
- Highway safety;
- Flood risk;
- Drainage;
- Affordable housing and other contributions; and
- Other material considerations.

In response to comments from Councillor Wareham regarding the Flood Zone, the Principal Planner explained that Clenchwarton was covered by Flood Zone 2 and 3, and the Council had to choose sites that were at less risk of flooding. The Principal Planner also advised that the drain was outside the application site.

Councillor Storey referred to the fact that the site was in open countryside and asked if there were other sites available in Clenchwarton, which was not in open countryside. The Principal Planner advised that lots of sites had been put forward for development particularly to the east of the village but the depth of water in a flooding event on the application site would be less and it also related better to the form and character of the village.

Councillor Crofts queried whether an area of play should be provided given the number of dwellings (20) with this site and the other site to be considered which formed part of the allocation.

The Principal Planner advised that further consideration was needed in relation to this issue. The Chairman, Councillor Mrs Spikings therefore proposed that this application and the one later on the agenda should be deferred, which was agreed by the Committee.

RESOLVED: That, the application be deferred.

(iv) 16/00026/F

Brancaster: Salcombe, Cross Lane: Construction of a new dwelling following demolition of the existing house: Mr T Ornellas

The Principal Planner introduced the report and explained that the site was located within an area designated as Built Environment Type D, Conservation Area and an Area of Outstanding Natural Beauty.

The site was located within the buffer of the Scheduled Ancient Monument Branodunum.

Currently the site comprised a modest 2 storey dwelling with attached flat roofed double garage set behind a hedgerow that flanked the Cross Lane boundary.

The site benefitted from an extant permission to demolish the existing dwelling and erect 2 x 4 bedroom detached dwellings.

The proposal sought consent to demolish the dwelling and erect a 2 storey detached dwelling with 2 storey front and rear projections.

The application had been referred to the Committee for determination as the officer recommendation was contrary to the views of Brancaster Parish Council, and at the request of Councillor Mrs Watson.

The Committee noted the key issues for consideration when determining the application, namely:

- Principle of development/planning history/form and character;
- Impact upon the Conservation Area;
- Impact upon the Area of Outstanding Natural Beauty.
- Impact the setting of the Scheduled Ancient Monument;
- Impact upon neighbour amenity;
- Highway safety; and
- Other material planning considerations.

RESOLVED: That the application be approved as recommended.

(v) 15/02008/O

**Clenchwarton: Land east of The Grange, Main Road:
Outline application: Construction of four detached
houses: Client of JCJ Planning**

As this application was related to application 16/00305/OM, it was agreed that the application also be deferred.

RESOLVED: That, the application be deferred.

(vi) 16/00530/F

**Downham Market: Land north of 11 Bennett Street:
Construction of a new dwelling: Mr and Mrs A B Archibald**

The Principal Planner introduced the report and explained that permission was sought for the erection of a 1.5 storey dwelling in the curtilage of a two storey semi-detached dwelling on Bennett Street, Downham Market.

The site was located within Built Environment C in Flood Zone 1.

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

The Committee noted the key issues for consideration when determining the application, namely:

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

In accordance with the adopted public speaking protocol, Town Councillor Frank Daymond (supporting) and Mr John Stephenson (supporting) addressed the Committee in relation to the application.

In response to comments made by the public speaker, the Principal Planner explained that the application had not been refused on highways grounds but on cramped form of development.

Councillor Wareham stated that he considered this site to be in a sustainable location, as it was close to the Railway Station, shops, and other amenities within the town. He pointed out that there were a lot of properties without car parking spaces within the town and many people did not require a car. There was also public parking within a short walking distance. He therefore proposed that the application be approved, which was seconded by Councillor Mrs Wright on the grounds that the development would be sustainable.

The Assistant Director explained that the principle of development was acceptable however the concern was the impact on the neighbouring property and a cramped form of development.

The Chairman, Councillor Mrs Spikings agreed with the comments of the Assistant Director and added that the site was tight and would impact on the neighbours.

Councillor Mrs Wright then withdrew her seconding of the application.

RESOLVED: That the application be refused as recommended.

(vii) 16/00346/F

Emneth: Land south west of No.82 (the plot next door) The Wroe: Proposed residential dwelling and detached double garage in the form of chalet bungalow on part residential part former agricultural land: Mr and Mrs Ladd

The Principal Planner introduced the report and explained that the application proposed the residential development of a dwelling and detached double garage on land south-west of 82, the Plot next Door, The Wroe, Emneth. Emneth was defined as a Key Rural Service Centre in the settlement hierarchy contained in the Core Strategy of the Local Development Framework. The site amounted to 0.14ha of land.

The site was located outside the settlement boundary of Emneth and as a result was situated in an area classified as countryside within the saved policies of the 1998 Local Plan and Policy DM2 of the emerging Site Allocations & Development Management Policies plan. The site bordered a residential property to the north-east with the rest of the site surrounded by grade 1 agricultural land.

The site was located in Flood Zone 1 of the Strategic Flood Risk Assessment.

The application had been referred to the Committee for determination at the discretion of the Assistant Director.

The Committee noted the key issues for consideration when determining the application, namely:

- The principle of development;
- Form and character;
- Neighbour amenity;
- Highway safety; and
- Other material considerations.

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

In response to comments raised by the public speaker, the Assistant Director explained the background to the application.

The Chairman, Councillor Mrs Spikings pointed out that the applicant had signed an extension of time for the application to be determined and then was caught out by the fact that the Council had a 5 year land supply.

The Assistant Director stated that he had sympathy with the applicant but there had been highway safety issues which needed to be addressed. He added that the application could have been submitted earlier. He explained that the application had been brought to the Committee for determination in fairness to the applicant, as the case officer had said that it would be determined at Committee.

Councillor Crofts explained that the application was in his ward and he considered the site to be in a sustainable location, and proposed that the application be approved.

Councillor Storey, in seconding the proposal to approve the application, added that the site was in a sustainable location located next to dwellings and would add to the form and character of the area.

The Executive Director explained that there were policies in place to be adhered to. He added that there needed to be consistency in decision making. The Committee needed to determine the application in accordance with the policies in place at the current time.

The Chairman, Councillor Mrs Spikings added that it had been suggested to the applicant that the application would be approved but as the Council now had a 5 year land supply the application was recommended for refusal. She added that this was a local person wanting to live in the village.

Councillor Storey explained that he took the policies as a guide, and in this case the proposal would not make that much difference. He added that Government have said that houses needed to be built. In this case, the proposal would add to the area.

The Assistant Director pointed out that there had been a history of refusals on the site.

Councillor Crofts outlined his reasons for proposing approval of the application in that the proposal would be a sustainable form of development, no demonstrable harm would be caused and it would add to the form and character of the area.

The Committee then voted on the proposal to approve the application which was carried.

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

‘The proposal would be a sustainable form of development, no demonstrable harm would be caused and it would add to the form and character of the area.’

(viii) 16/00577/F

Emneth: Land north of Outwell Road: Construction of a dwelling: Mr P Strickle

The Principal Planner introduced the report and explained that the application proposed the construction of a dwelling and garage with parking and a turning area on a site measuring approximately 0.09ha on land immediately east of 191 Outwell Road, Emneth.

The site was located to the north of Outwell Road on the outskirts of the village of Emneth. The site was contained on all sides with land drains to the north, neighbouring residential boundary treatments to the east and west and a road to the south. The land to the north was an orchard and neighbouring residential properties were located either side of the site.

Policy CS06 of the Core Strategy stated that the strategy in rural areas such as this site would be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agricultural or forestry needs. No evidence had been submitted to meet this requirement.

The site was located within Flood Zone 1 of the Strategic Flood Risk Assessment.

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

The Committee noted the key issues for consideration when determining the application, namely:

- Principle of development;
- Form and character; and
- Other considerations

In accordance with the adopted public speaking protocol, Mr G Brown (objecting) and Mr G Edwards (supporting) addressed the Committee in relation to the application.

Councillor Crofts stated that this was not as sustainable as the previous proposal was further away from the village. He could not support this application.

Councillor Storey stated that he considered this to be an infill plot with dwellings either side of it.

Councillor Mrs Wright considered that the site was not very attractive and a dwelling would improve the area.

The Assistant Director advised that the Committee needed to have a good reason to go against policy.

The Executive Director advised that policies were set in legislation and judicial reviews had taken place on that issue before.

Councillor Mrs Watson added that it was designated as countryside but there were houses next door to the site. The Assistant Director advised that there would be cluster of houses in the countryside but the established countryside policies had been in place for decades.

Councillor Storey asked for a clear definition of open countryside.

The Assistant Director explained that perhaps the word 'open' should not be used but countryside as defined by policy.

RESOLVED: That the application be refused as recommended.

The Committee adjourned at 12.30 pm and reconvened at 1.10 pm

(ix) 15/01989/F

Hunstanton: 91 South Beach Road: Replacement house and studio annex: Mr and Mrs Lee

The Principal Planner introduced the report and explained that the application site comprised a single storey dwelling situated on the eastern side of South Beach Road, Hunstanton. The dwelling had no occupancy restriction. The area was characterised by residential properties, some holiday homes and some used permanently.

Full planning permission was sought for a replacement dwelling and a detached garage.

The application had been referred to the Committee for determination as there was an objection from the Environment Agency.

The Committee noted the key issues for consideration when determining the application, namely:

- Principle of development;
- Form and character;

- Impact on neighbour amenities;
- Highway safety; and
- Flood Risk

RESOLVED: That the application be approved as recommended.

(x) 16/00329/CU

King's Lynn: Istanbul Kebab House, 4 London Road: Change of use from A1 shop to mixed use of A3 café/restaurant plus A4 drinking establishment and A5 take-away. Internal alterations to provide seating and WC for customer use: Mr Oter Saik

The Principal Planner introduced the report and explained that the application site related to a two storey mid-terrace building operating under use class A3 (café) with ancillary uses (A4: drinking establishment and A5: takeaway) situated on the eastern side of London Road, King's Lynn.

The application sought retrospective consent for the change of use from A1 (shop) to A3 (café) with ancillary A4 (drinking establishment) and A5 (takeaway) uses.

The site was located on the edge of the King's Lynn Town Centre, within an area of small shops, restaurants/cafes and takeaways.

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

The Committee noted the key issues for consideration when determining the application, namely:

- Principle of the change of use;
- Relevant planning history;
- Impact on neighbour amenities;
- Other material considerations.

In accordance with Standing Order 34, Councillor Miss Bambridge addressed the Committee in relation to the application as follows

'You may be wondering why I requested that you consider this application today especially as others have not objected to this application?

Well several local residents have objected to me directly and asked me to speak for them.

They also did not see a site notice displayed although a letter was received by one resident addressed to the occupier on the 17 March but others did not get such a letter.

Although the premises are now under different management, the application is in the name of Mr Oter. His track record is not good and residents have concerns about this.

He has in the past contravened the regulations whilst trading himself from these premises and was on trial in 2009 at the Magistrates Court, received a fine of £30,000 plus costs, although this was later reduced on appeal.

The appeal to amend trading hours was dismissed as I quote: the desire to build up a take-away business should not be at the expense of the neighbours.

And this is what is a worry about this new business which offers takeaway as well as food on the premises.

They have been trading since the 26 February, without consent, and on researching the latest licence application, I note that "any sound from music players will only amount to background noise" yet a close neighbour has complained to me about loud music being heard whilst some distance away from the premises.

Another neighbour did write on another occasion to the leaseholder about loud music and did receive an apology.

There are table and chairs outside on occasions yet again the licence requires the door to be kept closed after 7pm and customers to leave in a quiet and orderly manner.

Lets hope that any drinking and eating outside does not mean that the door will be left open and that the customers using them will do so in the quiet manner they are required to do and to keep disturbance to neighbours a minimum.

The Inspector referred to this long terrace on the east side of London Road seemed to be used as dwellings, with the exception of the Chinese takeaway – now the Spice Inn. She is right, London Road is mainly residential.

She also said in the appeal notice that she agreed with our MP that with late openings disturbance caused by noise would seriously harm the conditions of the nearby residents.

And the worry here is that should this new business be successful that they may extend their hours. Since they started trading and applying for licences, there have been changes to their opening hours.

Should the leaseholder decide not to continue with this business, then the freeholder would have an opportunity to open a café type business here and this is the other worry based on the past experiences of the residents.

Only recently there was a fracas around his current business across the road – I was told it was a stabbing but can't be sure be sure that was true. The area around there was cordoned off for some time much to the annoyance of the other traders nearby.

I came to this Committee regarding change of use of the Queens Arms. My reason for objecting then was because of the loss of a public house but this was not considered a cause for refusing the change of use.

If a licensed drinking establishment was not required then, why do we need an Inn now?

The leaseholders have moved their butchers business further down the road so are still trading.

A further problem is one neighbour is experiencing a rat infestation. Photographs I have been sent show that the rats have made their way into the roof space from the next door building, i.e. from these premises.

The rodent operative told my resident that the problem needs to be solved from the source which he believes is next door. I contacted Environmental Health who investigated but said that they had to have permission from the premises owner to make any further checks. I reported this issue on 5 April and, so far, either Mr Oter hasn't been approached or he hasn't given permission for access. Not a very happy outcome for the homeowner who is still having to pay for further rodent operative visits.

Residents just along from these premises have experienced urine, vomit rubbish, cigarette stubs, chewing gum, both in their gardens and around their premises as well as damage to a gate, and criminal damage from one of the tenants at these premises.

It may be considered that these are all minor issues but they do make it unpleasant.

I am not optimistic that the application will be refused but perhaps it should be. We need to take control over what type of business that is given permission near to residents.

The residents are not against business but it matters what type.'

The Principal Planner stated that a lot of the comments were aimed at the owner of the premises rather than the use of the building itself. He explained that conditions were proposed to control the playing of music, opening hours, etc however it could not be controlled who operated the business. In relation to this particular use there had been no complaints to officers or Environmental Health.

Councillor Tyler explained that he had chaired the Licensing Committee which had granted the licence and confirmed that there had been complaints from nearby residents. He added that there was an additional condition requiring CCTV to be submitted however he was not sure if this had been installed.

Councillor Crofts stated that if people had any complaints then these had to be made to Environmental Health or the Licensing Manager.

Councillor Mrs Wright added that this was an important location being in a conservation area and an entrance into King's Lynn.

It was agreed that conditions 4 and 5 would be amended following consultation with the Chairman and Vice-Chairman.

RESOLVED: That, the application be approved as recommended, subject to conditions 4 and 5 being amended in consultation with the Chairman and Vice-Chairman.

(xi) 16/00531/F

King's Lynn: Riverside Business Centre: Cross Bank Road: Construction of 300m of road in order to divert BOAT 1: Mr Michael Stollery

The Principal Planner introduced the report and explained that the application site was located within an area designated as countryside according to Local Plan Proposals Maps for King's Lynn.

The site was located between the River Great Ouse and the existing byway on the higher level land. The application site was relatively flat and was to the north of the route provided by the Environment Agency.

The proposal sought consent to provide a road that extended from the Environment Agency route and diverted back onto the existing Byway Open to all Traffic (BOAT) navigating around the turbine blades.

The application had been referred to the Committee at the request of Councillor Moriarty.

The Committee noted the key issues for consideration when determining the application, namely:

- Planning history and principle of development;
- Impact upon amenity;
- Flood risk;
- Highway safety; and
- Other material considerations

In accordance with the adopted public speaking protocol, Mr T Pither (objecting) and Mr M Stollery (supporting) addressed the Committee in relation to the application.

The Principal Planner explained the history of the site to the Committee.

Members of the Committee expressed concern that the sails of the turbine were still oversailing the BOAT. The Principal Planner explained that the applicant was trying to seek a remedy by diverting the footpath around the turbine. This application was not intended to address the diversion of the footpath but to create a better access to the applicant's land.

Councillor Wareham proposed that the application should be refused.

The Executive Director referred to the appeal decision on page 144 of the agenda. The Inspector was clear that the condition put on by the Committee was fair and reasonable. He added that the breach of condition could be dealt with as an enforcement matter.

The Principal Planner confirmed that the applicant owned the piece of land that the application related to.

Councillor Morrison then seconded the proposal to refuse the application.

The Principal Planner explained that the application had been submitted in line with a stopping up order, however, it had been indicated that this would be unlikely to be approved. Therefore the applicant would have to apply for a separate order.

The Chairman, Councillor Mrs Spikings proposed that the application be deferred to provide further clarification on the applicant's intent, which was agreed by the Committee.

RESOLVED: That, the application be deferred.

Cllrs Wing-Pentelow, Mrs Bower and Mrs Buck left the Committee at 2.10 pm

(xii) 16/00428/O

Outwell: Water Treatment Works, Isle Bridge Road: Outline application: Proposed residential development: BCKLWN

The Principal Planner introduced the report and explained that the outline application proposed the residential development for two, three bedroomed dwellings at Water Treatment Works, Isle Bridge Road, Outwell. Outwell was defined as a Key Rural Service Centre in the settlement hierarchy contained in the Core Strategy of the Local Development Framework. The site was located within the settlement boundary of Outwell and in particular within an area classified as Built Environment Type D.

The outline application sought approval for the access only with the appearance, landscaping, layout and scale to be considered at reserved matters stage.

The site was located in Flood Zone 1 of the Strategic Flood Risk Assessment.

The application had been referred to the Committee for determination as the application was submitted on behalf of the Borough Council for its own development, and objections had been received.

The Committee noted the key issues for consideration when determining the application, namely:

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

Councillor Crofts asked whether there had been any consideration to make a right of way to Robbs Chase.

The Assistant Director explained that this was not a formal right of way but it could be accommodated in the layout, which he would discuss with the relevant department.

RESOLVED: That the application be approved as recommended.

(xiii) 16/00008/F

Terrington St Clement: 11 Churchgate Way: Replace old shopfront with new front to match rest of house and internal alterations: Mark Wilson

The Principal Planner introduced the report and explained that the application was for retrospective permission to carry out alterations to the existing building, which was formerly a shop. Alterations involved removing the old shop front, raising the roof by approximately 800mm to create first floor accommodation above the former shop.

The alterations were considered acceptable and in harmony with the locality.

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

The Committee noted the key issues for consideration when determining the application, namely:

- The principle of development;
- Impact on the conservation area;

- Neighbour amenity;
- Other material considerations; and
- Crime and disorder

The Chairman, Councillor Mrs Spikings read out a letter from Councillor Mrs Young as follows:

'1. The Parish Council did not object to this present application for an extension to this property even though there was a garage asked for with no plans to show same. They opposed the original plans in 2006 (06/00126/O) for reasons now concerning parishioners in this retrospective application, i.e. detrimental to the street scene, close to a conservation area, concern for the intention to fell many mature trees – it is noted that many trees have now been felled.

2. This would seem to be a semi-detached house with its own separate staircase. Why is there a need for two staircases if it is only an extension. It was noted that occupation was established immediately on completion of the extension without planning permission.

3. The applicant has built an additional porch on the front of the property which is only 12 ins from the eaves of the original roof.

4. Visibility splay – the applicant has also built a decorative wall on both sides of his driveway which does obscure anyone driving a car from the premises from seeing pensioners on buggies/children traversing the immediate pavement area beyond.

5. The need for a further garage – there is already a garage that will accommodate four vehicles at the property where will the requested garage be built. There was no plans to show this.

6. The extension has replaced a single sill 1930s single storey shop. There was no upper floor.

7. The planning portal states that an extension can only be half the size of the original house. This property was only a 2 up 2 down Victorian cottage and has now been extended twice. The new extension is more than half of the original cottage.

8. In conservation areas, the siting of a flue should not be fitted on the principal or side elevation if it would be visible from the highway. This is very close to the conservation area, and well visible from all aspects.

9. The planning portal states that side extensions are to be single storey with a maximum height of four metres. This would appear to be a two storey semi-detached house, with people in residence.

10. *As the existing garage was part of the property before the extension it is certainly closer to the boundary than the stated 7 metres.*

11. *The applicant asked for the same planning permission in 2006. 06/00126/O but wanted to separate the properties by decreasing the south wall of his original dwelling. What has been built here is no different and it gives the owner of this property, to fulfil wishes from "behind the curtains."*

12. *The fact that the applicant has built the property in this manner, with no planning permission, gives rise to present speculation of employing devious means to gain an advantage. This could open the floodgates to everyone in the village of Terrington St Clement to the same. It sets a very undesirable precedent .*

13. *If you visit the area and look at the property in question, the whole visual aspect from the street scene has been changed. 11 Churchgate Way dominates the surroundings and actually diminishes the character of the 1920s house immediately to the north.*

14. *11 Churchgate Way is totally out of proportion and not in-keeping with its age, overbearing, over prominent and dominates a severe change in the street scene.*

Parishioners have come to me with the above concerns and reservations and have asked me to put objections to this Committee on their behalf and this I have tried to do in order to add my own objection on the above planning grounds, which I hope members will take into account when reaching their decision.

The Chairman, Councillor Mrs Spikings stated that she considered the application to be acceptable and supported the recommendation to approve.

RESOLVED: That the application be approved as recommended.

(xiv) 16/00565/O

**Walpole Highway: Land on the west side of Mill Road:
Outline application: Construction of four detached dwelling
houses: Mr and Mrs J Williams**

The Principal Planner introduced the report and explained that the site comprised part of a Grade 2 agricultural field (0.29ha) with frontage onto the western side of Mill Road, Walpole Highway, opposite the access to Pear Tree Farm.

Outline permission was sought for the construction of 4 detached dwellings; all matters were reserved for future consideration with the exception of the means of access which was to be considered at this stage.

The site was located beyond the defined development boundary of Walpole Highway (which was classed as a Rural Village in the settlement hierarchy) and was therefore considered to be countryside. It was also located within Flood Zone 2 of the Strategic Flood Risk Assessment.

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

The Committee noted the key issues for consideration when determining the application, namely:

- Principle of development;
- Impact on the appearance and character of the countryside;
- Access and highway implications; and
- Other material considerations.

RESOLVED: That the application be refused as recommended.

(xv) 15/02037/F

Walsoken: Sibley Field Farm, Biggs Road: Construction of building for vehicle preparation and storage: Mr R Gill

The Principal Planner introduced the report and explained that the site was at a former nursery and within the countryside. The application was for a building which would have a mixed use covering vehicle preparation/banger racing hobby, business storage (welding equipment) and also storage of equipment used to maintain the applicant's land (edged blue).

The proposed uses were predominately those which would be acceptable within the curtilage of a dwellinghouse but the proposed siting of the building would be adjacent to the curtilage (north of the existing garden) on an area currently used for parking. Whilst the proposal was not for agricultural purposes (although part of the building would be used to store equipment for maintaining the land) it was not a use which would normally be permitted outside the existing curtilage.

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

The Committee noted the key issues for consideration when determining the application, namely:

- Principle of development;
- Amenity issues;
- Flood risk;
- Other material considerations; and
- Crime and disorder

RESOLVED: That the application be approved as recommended.

(xvi) 16/00680/F

Watlington: Site north of Whinmil, 1 Thieves Bridge Road: Detached dwelling and double garage with associated landscape and paving works: Ms M Alflatt

The Principal Planner introduced the report and explained that the site was located to the east of Downham Road, Watlington close to the junction with Thieves Bridge Road. The site was located within Built Environment Type D. Watlington was identified as a Key Rural Service Centre in the settlement hierarchy contained in the Core Strategy. The area was primarily residential in nature.

The site was located to the west of No.1 Thieves Bridge Road and constituted part of its curtilage. The site was bounded to its west by a hedgerow of approximately 2.3m in height, a 1.8 m high close boarded timber fence to the north and a conifer hedge to the south and a 1.8m close board fence between the site and the donor property to the east.

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

The Committee noted the key issues for consideration when determining the application, namely:

- Principle of development;
- Form and character;
- Amenity;
- Highways;
- Other material considerations; and
- Crime and disorder

The Chairman, Councillor Mrs Spikings drew the Committee's attention to the need to add an additional condition, as outlined in late correspondence, which was agreed.

RESOLVED: That, the application be approved, as recommended, subject to the imposition of an additional condition, as outlined in late correspondence.

(xvii) 16/00629/F

West Walton: Gwenville, 164 Salts Road: Proposed 5 bedroomed house with detached garage: Mr C Crowson

The Principal Planner introduced the report and explained that the site was located within an area designated as countryside according to Local Plan Proposals Maps for West Walton.

The site was on the eastern side of Salts Road, West Walton. The site was open on the western boundary and fairly flat, lower than road level.

The site had tree and hedged boundaries on the western and southern boundaries. Other features on site to note included a mobile home which had vegetation around its base.

The site had been the subject of two recent planning applications. 15/01313/F – for the erection of a two storey detached property which was refused and 16/00233/F – for the erection of a two storey detached property which was withdrawn.

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

The Committee noted the key issues for considerations when determining the application, namely:

- Principle of development and planning history;
- Form and character;
- Neighbour amenity;
- Highway safety;
- Flood risk; and
- Other material considerations.

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

In accordance with Standing Order 34, Councillor R Groom addressed the Committee in support of the application. Councillor Groom accepted that the site was located within countryside, although he considered that it was no different than 80% of sites submitted and approved to meet the Borough Council's needs.

In relation to flood risk, Councillor Groom explained that the Environment Agency had reviewed the application and raised no objection. The linkage between Walton Highway and West Walton had been accepted but this had created problems with West Walton receiving a higher amount of development and prevented the Parish Council from putting sites forward.

In addition, the Parish Council supported the application and there were no objections from County Highways. The site was on derelict land which was too small to be commercially farmed. He added that this would be an ideal infill plot. He also explained that due to the congestion caused by the two schools, there was an urgent need to move out and allow the village to expand.

He therefore asked the Committee to approve the application.

The Principal Planner explained that the site was in countryside which had been defined in the 1998 Local Plan and Site Allocations and Development Management Policies Submission Document 2015 and was not close to the development boundary, which was highlighted on the plan. It was also the responsibility of the Council to undertake the sequential test, which the application failed.

Councillor Wareham agreed with the comment from the Ward Member that the village needed to push out to relieve the pressure on the village.

Councillor Mrs Wright stated that the design for single dwellings was far better than on estates.

Councillor Crofts stated that the LDF had allowed the two villages to be linked together therefore all services were in one cluster in West Walton.

The Executive Director stated that local communities could produce a Neighbourhood Plan to direct where development should take place. He also explained that the Parish Council had objected to the allocation put forward.

RESOLVED: That the application be refused as recommended.

PC9: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That the report be noted.

The meeting closed at 2.55 pm