

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**PLANNING COMMITTEE**

**Minutes from the Meeting of the Planning Committee held on
Tuesday, 4th October, 2016 at 9.30 am in the Committee Suite,
King's Court, Chapel Street, King's Lynn**

PRESENT: Councillor Mrs V Spikings (Chairman)
Councillors R Blunt (sub), A Bubb, C J Crofts, Mrs S Fraser, M Peake, M Storey,
D Tyler, G Wareham, Mrs E Watson, Mrs J Westrop (sub), A White, T Wing-
Pentelow, Mrs A Wright and Mrs S Young

An apology for absence was received from Councillor Mrs C Bower, Mrs S Buck,
J Moriarty and A Morrison

PC35: **MINUTES**

The Minutes of the Meeting held on Monday 5 September 2016 were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC36: **DECLARATIONS OF INTEREST**

The following declarations of interest were declared:

- The Vice-Chairman declared a pecuniary interest in item 9/2(j) – Wretton as his brother was the applicant, and left the meeting during consideration of the application.
- Councillor White declared a pecuniary interest in item 9/2(h) – Northwold, as he was the applicant, and left the meeting during consideration of the application.

PC37: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business to report under Standing Order 7.

PC38: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillors attended under Standing Order 34:

<i>Name</i>	<i>Item</i>	<i>Application</i>
B Long	9/1(d)	16/00778/FM
L Bambridge	9/2(f)	16/01316/LB
	9/2(g)	16/01317/A

PC39: **CHAIRMAN'S CORRESPONDENCE**

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

PC40: **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.

PC41: **SCHEDULE OF SECTION 106 AGREEMENTS (REPORT TO FOLLOW)**

The Monitoring Officer introduced the report and reminded Members that at the last meeting of the Planning Committee it was requested that a report be prepared for this meeting regarding outstanding Section 106 agreements that had been required as part of a planning permission requirement.

It was explained that approximately 100 Section 106 agreements had been entered into between the Council and developers in the past year covering a wide variety of community benefits and contributions towards public services. When permission was granted by the Planning Committee subject to completion of a Section 106 agreement, there was a 4 month time limit placed upon completion of the agreement, failing which the matter was recommended for refusal.

In some cases where the deadline had passed, and material circumstances had significantly changed, it would be necessary for Members to re-determine those applications. These applications were listed individually at 9/1(a) Stoke Ferry and 9/1(b) Watlington. In the case of Stoke Ferry, the delay had been caused by the applicant not owning a portion of the application site and in relation to Watlington the Section 106 agreement had not been agreed by the applicant despite several months of negotiations.

There were two cases, 30 Common Road, Snettisham (16/00263/F) and Massingham Road, Castle Acre (15/00942/OM) where no circumstances had changed, but they required the deadline to be extended. The cases were considered to remain in compliance with planning policy (which was the key point) but due to circumstances had not been completed in time. In the case of Snettisham, it transpired that the applicant did not own all of the application site, and this was still being resolved. In the case of Massingham Road, there was a late renegotiation of the Section 106 as instructed by the Planning Officer but the agreement was now ready to complete.

In response to a question, the Monitoring Officer explained that someone could apply for planning permission on someone else's land but in order for the Section 106 to be completed, the Council did require to see evidence of land ownership either from the Land Registry or the title deeds. This was to allow enforceability of the land contained within the red line.

The Monitoring Officer added that the agreements were being turned around quickly and it was only when there were issues with land ownership or the applicant's solicitors were slow. The Monitoring Officer also added that she thought having a time limit on the Section 106 Agreements was helpful and this helped to ensure that long protracted negotiations did not take place. The Monitoring Officer also advised that additional resources had been taken on to deal with the number of agreements and to ensure these were dealt with in good time.

In response to a comment, the Monitoring Officer explained that an applicant would be written to with the date of completion of the Section 106 to avoid completions being down to the wire.

Councillor White asked for his vote to be recorded against the following resolution.

RESOLVED: (1) That approval be given to extend the deadline in relation to 30 Common Road, Snettisham (16/00263/F) and Massingham Road, Castle Acre (15/00942/OM) for a further 3 months to enable completion of the agreements.

(2) That if the agreements for the applications at (1) above are not completed within the timescales, then the applications shall be refused.

(3) That the Committee noted the contents of the report and the Schedule of Section 106 Agreements.

PC42: **INDEX OF APPLICATIONS**

The index of applications was noted.

a **Decisions on Applications**

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

The Assistant Director advised the Committee that the following item had been withdrawn from the agenda at the applicant's request.

16/00784/OM

Terrington St John: Middlegate, Main Road: Outline application with some matters reserved: Residential development of 29 dwellings

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

- (i) **15/01931/OM**
Stoke Ferry: Land south of Lark Road: Outline application for residential development of up to 32 houses: Client of David Taylor Associates

The Principal Planner introduced the report and reminded the Committee that the application had been approved at the Committee meeting on 7th March 2016 subject to the signing of a Section 106 Agreement.

The period for extending the Section 106 agreement by a further month was agreed at a later Planning Committee.

In this case, progress had been made with the Section 106 Agreement; however it came to light during the engrossment of the Section 106 agreement that the applicant did not have control of the entire application site. It had transpired that the south-west corner of the application site was owned by the Borough Council. Some years ago the Borough Council had an agreement to transfer the land in question to Anglian Water but the transfer never took place. Anglian Water had entered into agreement to transfer the same parcel of land to the applicant once the Borough Council had transferred the land to Anglian Water.

The Property Services team were progressing with the transfer of the land directly with the applicant's solicitor.

Since the resolution to grant the application, there had been a significant change in material circumstances in relation to the principle of developing the site. The principle of developing the overall site was previously deemed to be acceptable as, at the time of resolution to grant permission, the Local Authority did not have a 5 year land supply of deliverable housing sites, with only part of the site being "allocated" in the Site Specific Allocation and Development Management Plan Policy Document – G88.1 referred to land amounting to 0.4ha for a minimum of 5 dwellings. Since the resolution to grant permission, the Authority now had a 5 year supply of deliverable housing sites and accordingly the majority of the application site was now outside of the development boundary (and allocation boundary) going forward, with only 0.4ha inside the allocation boundary.

The application was unusual in that part of it was an allocation although a large portion fell outside the development boundary. In this case a

scheme could be negotiated that would be 'policy compliant' and the applicant's agent indicated that the applicant would accept negotiating on this basis, which would mean the proposal reducing in scale but would allow officers to support a scheme as part of this site.

The application had been referred to the Committee for determination to seek an extension of time to allow 'a policy compliant' scheme to be negotiated and to allow the S106 Agreement to be finalised and signed.

In accordance with the adopted public speaking protocol, Councillor Judith Lawson (objecting on behalf of the Parish Council) and Mr G Smith (supporting) addressed the Committee in relation to the application.

In response to a query from Councillor Crofts regarding the piece of land to be transferred to the applicant and the maintenance of play areas, the Assistant Director explained that the applicant had signed the ownership certificate incorrectly and it was up to the applicant to ensure that everything was in place. He also advised that the recommendation was to bring the proposal in line with the LDF allocation therefore negating the need to provide a play area.

Reference was made to the land automatically becoming the applicant's as he had been farming the land for 24 years. The Monitoring Officer explained that this was known as adverse possession however the Council would still need to see evidence from Land Registry. If that could not be produced then the deeds would be asked for. The Council needed to see the title deeds for the whole site.

Councillor Peake stated that this was a unique case and that the applicant had been let down by a series of events. He added that 4 months ago the Committee was happy to allow development of this site. He explained that this site was in a sustainable location close to all amenities.

The Assistant Director explained that the application was not recommended for refusal but to bring the application in line with the LDF allocation. Officers had spoken with the applicant and were looking to work with him to come up with a policy compliant scheme. He added that the Council now had a 5 year supply of deliverable housing sites and the majority of the site fell outside the development boundary.

Councillor Peake then proposed that the application be approved for residential development of up to 32 houses, which was seconded by Councillor White.

The Monitoring Officer reminded the Committee that they needed to be consistent in decision making and this could have an effect on other applications.

The Committee then voted on the proposal to approve the application for residential development of up to 32 dwellings, which was lost.

RESOLVED: (A) That an extension of time be agreed to allow a scheme considered to be 'policy compliant' to be negotiated, to the satisfaction of the Executive Director – Environment & Planning. In the event that such a scheme is negotiated then **approve** subject to conditions and the completion of a Section 106 agreement within 4 months of the date of the resolution to grant this extension.

(B) That the application be refused in the event that the Section 106 Agreement is not completed within 4 months of the date of this resolution to grant the extension, due to the failure to secure required contributions through S106 obligations.

(ii) **15/01575/OM**

**Watlington: Land off Mill Road: Outline application:
Construction of 40 dwellings: Bennett Homes**

The Principal Planner introduced the report and explained that the site (apart from the access) was located within an area designated as countryside according to Local Plan Proposals Maps for Watlington. Watlington was classified as a Key Rural Service Centre according to Policy CS02 of the Core Strategy.

The application sought consent for outline planning permission with only access being determined at this stage. The indicative site layout provided for 40 dwellings. This would result in a density of 21 dwellings per hectare and would provide 8 affordable housing units.

The application was considered at the Planning Committee meeting held on 5th April 2016, at which time the Committee resolved to grant permission subject to the completion of a Section 106 agreement within 4 months.

The deadline for the completion of the Section 106 Agreement had passed. In addition, the Council's position on the 5 year housing land supply had changed, which had a significant material change in circumstances in so far as it related to this particular application.

The Principal Planner referred the Committee to the late correspondence and the need in the light of the revised Section 106 Agreement to consider removing reasons 2 – 5 inclusive, but retaining the objection on reason 1, development in the countryside.

In accordance with the adopted public speaking protocol, Dr Purves (objecting) and Adam Bell (supporting) addressed the Committee in relation to the application.

In response to comments made by the supporter of the application, the Monitoring Officer outlined the sequence of events and timelines in relation to the Section 106 Agreement not being completed on time.

The Principal Planner advised that the application had been determined at the 5 April Planning Committee meeting and, at that time, the Council had not formally announced that it had a 5 year supply of deliverable housing sites. The Council made the formal announcement that it had a five year land supply on 19 April 2016.

In response to comments the Assistant Director explained that the application was no longer policy compliant as there had been a change in circumstances.

The Monitoring Officer explained that as material circumstances had changed (as in this case) the application had been brought back to the Committee to determine. If the application had not been brought back to the Committee then the Council could be subject to a Judicial Review. She added that she had given the Committee the background as to why the Section 106 had not been completed on time and emphasised that if new policies came into effect then these had to be adhered to.

The Principal Planner advised that NCC Minerals and Waste had commented on the original application and this was outlined at page 40 of the agenda.

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

The Committee adjourned at 10.50 am and reconvened at 11.00 am

(iii) 16/00863/RMM
King's Lynn: Nar Ouse Way: Reserved matters
application: Construction of 50 dwellings: Borough
Council of King's Lynn and West Norfolk

The Principal Planner introduced the report and explained that the application sought reserved matters approval for 50 dwellings on Council land on the Nar Ouse Regeneration Area. It followed approval of 56 dwellings of similar design on the same site under previous reserved matters applications.

The application had been referred to the Committee for determination as the application was for a Borough Council development.

The Principal Planner referred the Committee to the late correspondence which outlined amendments to the report.

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

- Principle of development;
- Design; and
- Flood risk

In response to a comment the Principal Planner explained that there were parking courts which were managed centrally but were allocated to individual properties. There was an average of 107 spaces over the development, which equated to just over 2 spaces per unit. In relation garden sizes, the Principal Planner explained that all gardens had rear access and could accommodate bins and a shed. He also highlighted the properties on the plan with Juliette balconies.

The Principal Planner also highlighted the affordable housing units and confirmed that they would be pepper-potted as detailed on pages 63 and 64 of the agenda.

Reference was made to the comments from the Civic Society, in particular that the site was close to the South Gates.

Concern was expressed in relation to the use of red brick on some of the units, and that there were some blank walls of brick. Also it was raised that the landscaping could be more imaginative, for example a community orchard or using different species of trees.

The Principal Planner explained that this application was part of a wider scheme, and pointed out the landscaped areas and play areas. He also explained that street trees were incorporated into the scheme.

The Chairman, Councillor Mrs Spikings stated that she had seen this site develop over the years with all the work that had gone into it. She congratulated those involved in bringing the scheme forward. She also considered that the reduction in numbers was welcomed as gave more space within the scheme.

The Chairman, Councillor Mrs Spikings drew the Committee's attention to the amendments detailed in late correspondence, which were noted.

RESOLVED: That the application be approved as recommended.

(iv) 16/00778/FM

Marshland St James: Hickathrift Too, 211 Smeeth Road: Development of the land to erect a part two and single storey acquired brain injury unit. The proposal includes the demolition of bungalow, external landscaping and car park: Swanton Care and Community Ltd

The Principal Planner introduced the report and explained that the application site was located to the rear of the Hickathrift House located at corner of School Road and The Smeeth, Marshland St James.

The proposal was for an Acquired Brain Injury Unit including 30 bed wards with ancillary accommodation and 10 independent living apartments. The development would comprise of two storey and single storey development, landscaping, parking and servicing areas. Access would be gained directly from The Smeeth with the demolition of an existing bungalow.

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

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

- Principle of development;
- Design and form and character;
- Neighbour amenity;
- Highways;
- Flood risk; and
- Any other matters requiring consideration prior to the determination of the application.

In accordance with the adopted public speaking protocol, Mr C Biddle (objecting), Mrs J Biddle (objecting), Parish Councillor Coleman (objecting on behalf of the Parish Council) and Mr Alex Caruso (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor B Long addressed the Committee in relation to the application. He explained that:

- The scale of the development was not in-keeping with the surrounding residential properties or the existing Hickathrift House Care Home.
- The potential for overlooking from upstairs rooms and amenity of nearest bungalow neighbours;
- Noise and disturbance caused by new entrance between residential properties, with 24 hour a day operation required.
- Flood risk for ground floor residents given the flood risk within the locality, mitigation by building being taller which further impacted on scale and amenity.
- The village did not presently have a regular bus route and the location is not able to be accessed by visitors or employees in a sustainable manner. Therefore this would lead to increased traffic movements to the site adding to dis-amenity to the neighbours.
- The proposal would not be connected to the main drainage sewerage system.
- There were no facilities presently within Marshland St James in terms of a shop or post office (apart from a one day a week travelling service)

- Marshland St James was by its nature a linear development and the site would create a secondary building behind existing homes.
- He also expressed concern that there could be an impact on a protected group from the travelling community, who had a site to the north of the proposed development.

He concluded that he had reservations about the application but as local Councillor had received many objections. He considered that the proposal should be in a sustainable location where it would work for everyone.

In response to comments raised by the objectors, the Principal Planner explained that the Core Strategy allowed for accommodation for all parts of the community. There had been no objection from statutory consultees. Norfolk County Council had considered the travel plan and it was acknowledged that the site would be heavily reliant on the private car. There was no objection on visibility grounds. In relation to drainage issues, the Principal Planner explained that the King's Lynn Internal Drainage Board had been negotiating with the developer. Further, the Environment Agency's comments had been taken on board regarding the need to connect to the main sewer and thus a condition was imposed to secure suitable foul and surface water drainage arrangements for the site.

The Principal Planner also explained that independent living apartments would not be used as separate living accommodation. In relation to the trees, consultation had taken place with the Arboricultural Officer who advised that subject to the correct protection the trees could be saved.

The Chairman, Councillor Mrs Spikings commented that there was a need for these types of specialist units. However she did understand the concerns of the objectors. She added that she used Smeeth Road every time she came to King's Lynn and could not see that the proposal would impinge on highway safety. She added that facilities such as this did not attract too many visitors. The users of the facility could be of any age and there was a need for a facility of this nature.

In response to a question as to whether there was a secure garden area, the Principal Planner advised, following consultation with the agent, that the majority of patients would be bed-ridden and would only use the garden area when they migrated into the independent living area. Therefore there was no need for a secure area.

Concern was raised that there was not enough car parking provided with the proposal and that this was not the right location for the proposal.

RESOLVED: That the application be approved as recommended.

- (v) **16/00784/OM**
Terrington St John: Middlegate, Main Road: Outline application with some matters reserved: Residential development of 29 dwellings.

The application had been withdrawn from the agenda at the applicant's request.

- (vi) **16/01258/F**
Downham Market: 11 Bennett Street: Construction of dwelling (revised design): Mr and Mrs A and 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 Type C and in Flood Zone 1.

The Committee were reminded that this was a re-submission of an application that came to Committee for consideration and was refused, whilst that application had been appealed this application sought to overcome those reasons for refusal.

The application had been referred to the Committee for determination as the views of Downham Market Town 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;
- Highway safety;
- Neighbour amenity; and
- Other material considerations.

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

Councillor Wareham considered that the site was in a sustainable location and proposed that the application be approved, however there was no seconder for the proposal.

RESOLVED: That the application be refused as recommended.

- (vi) **16/00612/F**
Grimston: 72 - 76 Lynn Road: Proposed residential development: G & L Homes Ltd

The Principal Planner introduced the report and explained that the application site comprised a motor vehicle garage/workshop with associated buildings.

The site was located to the north of and accessed from Lynn Road, Grimston. Further residential properties adjoined the site to the east, west and north and could be found to the south on the opposite side of Lynn Road.

Grimston was a Key Service Centre Village under the Core Strategy.

In May 2008 planning consent was granted for the construction of 6 dwellings following demolition of the adjoining bungalow No.72, and motor vehicle workshop/car sales forecourt. An application for an extension of time to implement the consent was submitted in 2011 but was refused on the basis that the scheme failed to provide an affordable housing contribution in accordance with Core Strategy Policy CS09.

The new application sought consent for the construction of seven new dwellings upon the site with a new access and parking facilities. The application proposed a financial contribution towards affordable housing of £84,000. This was to be secured through a Section 106 legal agreement.

The application had been referred to the Committee for determination as the affordable housing contribution of £84,000 exceeded the delegated amount.

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

- Principle of development;
- Form and character;
- Loss of employment use;
- Impact upon neighbouring occupiers; and
- Other material considerations.

The Principal Planner advised that affordable housing contribution of £84,000 would be used to meet the requirement of affordable housing across the Borough. He also explained that payment of the contribution was usually made upon completion of a number of units.

Councillor Mrs Fraser stated that the application was within her ward and she considered the site to be an eyesore at the current time. She also considered that parking provision would be adequate.

RESOLVED:(A) That, the application be approved, subject to conditions and the completion of a Section 106 Agreement within 4 months of the date of resolution to approve.

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

(vii) 16/00245/O

Heacham: Land south of St Marys Close: Outline application: 8 new dwellings: Mr R Wright

The Principal Planner introduced the report and explained that the application site was a preferred site allocation in the Site Specific Allocation Document Policy G47.2 – land south of St Mary’s Close for a minimum of 6 dwellings.

Heacham was designated as a Key Rural Service according to Policy CS02 of the Local Development Framework Core Strategy 2011.

The application site was located on the southern side of St Mary’s Close, and was grade 3 agricultural land.

The application sought outline planning permission for 8 detached dwellings with all matters reserved.

The application had been referred to the Committee for determination as the financial contribution was in excess of £60,000.

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

- The principle of development;
- Form and character/impact upon the countryside;
- Impact upon the Conservation Area;
- Neighbour amenity;
- Highways impact;
- Flood risk and drainage;
- Ecology;
- Affordable housing; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Mr M Williamson (on behalf of Heacham Parish Council) and Mr J Law (supporting) addressed the Committee in relation to the application.

The Principal Planner referred the Committee to comments from the Parish Council, as detailed in late correspondence, and explained that the request to limit the number of dwellings was reasonable and suggested an additional condition to cover that (condition 20).

However, in relation to the comments regarding street lighting, it was considered that this was not necessary for a scheme of this size. In addition, that the lighting be supplied by the Parish Council’s preferred

contractor, the Principal Planner explained that this was not appropriate as the condition would have to be discharged by the Borough Council. The matter could be reconsidered at reserved matters stage.

The Chairman, Councillor Mrs Spikings drew the Committee's attention to the late correspondence and the need to add condition 20, which was agreed.

RESOLVED: (A) That, the application be approved, subject to conditions and completion of a suitable Section 106 Agreement to secure affordable housing financial contribution, habitats open space and habitats regulation contributions within 4 months of the date of resolution to approve, and the additional condition below:

20 Condition: The consent hereby granted relates to the construction of not more than 8 dwellings on the land.

20 Reason: For the avoidance of doubt and to clarify the nature of the permission.

(B) 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.

(viii) **16/01075/F**

Heacham: 46 High Street: Conversion of property from shop and first floor flat to a two bed house and a 3 bed house: Mr R Cursley

The Principal Planner introduced the report and explained that the application site comprised a two storey attached building, currently a vacant shop at ground floor with residential above, situated on the eastern side of High Street, Heacham.

The application proposed to change the use of the shop and first floor flat to a two bed dwelling and a 3 bed dwelling.

Heacham was classified as a Key Rural Service Centre within the Core Strategy Settlement Hierarchy.

The application had been referred to the Committee for determination as the views of Heacham 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 of the area;
- Impact on neighbour amenity;

- Highway safety; and
- Other material considerations.

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

The Chairman, Councillor Mrs Spikings referred to the driveway at the northern side of the property with the derelict cottage to the rear. The Principal Planner explained that driveway had been used in the past for car parking to the shop, and the proposal would not change that situation.

The Chairman, Councillor Mrs Spikings asked whether that had been taken into account by County Highways when assessing the application.

Councillor Mrs Wright stated that there was no car parking available as the area was crammed with cars and she could not understand why County Highways had not objected to the application. She therefore proposed that the application be refused on the grounds of the impact on neighbour amenity.

The Assistant Director referred the Committee to the plan on page 116 of the agenda, where it indicated that the driveway was outside the applicant's ownership. He therefore suggested that the application be deferred in order that further clarification could be sought, which was agreed by the Committee.

RESOLVED: That, the application be deferred.

The Committee adjourned at 12.40 pm and reconvened at 1.20 pm

(ix) 16/01022/F

King's Lynn: Wind Turbine SW Point Cottages, Cross Bank Road: To install a new track that will be used to stop up BOAT1 around the wind turbine installed under 14/00398/F. The bank will be supported by sheet piling: 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 Byway Open to all Traffic (BOAT).

Members were reminded that a recent application 16/00531/F to erect 300m of roadway was recently deferred by the Planning Committee to re-assess the proposed route to facilitate to the diversion of the existing byway. However, that application had since been withdrawn.

The proposal sought consent to alter the embankment to facilitate a road that diverted around the applicant's turbine in a semi-circular shape.

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

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.

Councillor Wareham expressed concern that the pathway would still not be far enough away from the blades and would cause shadow.

The Principal Planner reminded the Committee that they needed to consider whether the proposal would allow the applicant to comply with condition 11. He explained that the Council had served a Breach of Condition Notice and the applicant would still be in breach until the byway had been diverted.

The Assistant Director explained to the Committee that a Notice had been served, there had been a legal challenge to that Notice, and subject to that legal challenge being resolved then the next step could be to start prosecution for non-compliance with the condition.

In response to a comment, the Principal Planner advised that the turbine should not rotate when the blades would overhang the byway, until then the condition would not be complied with.

The Assistant Director explained that this application to divert the byway was the applicant's way of trying to comply with the condition.

One Member informed the Committee that they had used the byway on several occasions and did not find the turbine to be intrusive or noisy. However other Members considered that turbines were frightening when close to them especially for horses.

The Committee voted on the recommendation to approve the application, however this was lost.

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

'Whilst the blades would not directly oversail the new track, the proposal would not preserve the amenity of its users given the

perception that they will be at risk from the blades which are in close proximity; this is particularly the case for horse riders. This was considered to be contrary to policies in the NPPF, Core Strategy and Site Allocations & Development Management Plan Document.'

(x) 16/01316/LB

King's Lynn: Hanse House, South Quay: Listed building application: Painted signage to rendered north facing external wall: Mr James Lee

The Principal Planner introduced the report and explained that Hanse House, Listed Grade I, was a substantial property situated in a prominent location with St Margaret's Place to the east, South Quay to the west and St Margaret's Lane to the south.

The building comprised two parallel wings linked at its east end (St Margaret's Place) by a Georgian house and towards its western end (quayside) by a late 16th century wing, the whole enclosing a central courtyard. The parallel wings were the former warehouses of the Hanse and were built following the gift of the site to the German merchants in London in 1475. There were four such warehouses in England but this was the only one remaining and its historic importance was undoubtedly the principal reason for its Grade I status.

The application sought retrospective consent for a non-illuminated sign advertising Hanse House and the Rathskeller wine bar and bistro. It had been painted directly onto the north gable wall of the building and its overall dimensions were approximately 3.5m wide by 1.9m deep.

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

The Committee noted that the only consideration in the determination of the application was the impact of the proposal on the significance of the building, a designated heritage asset of the highest order.

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

'Although there were only two written objections were received, I have been approached by several other residents objecting to this application which is why I asked for it to be brought to the committee. Canon Ivory regrettably could not be here today as he is at a Diocesan meeting in Norwich.

I was very disappointed to see that the application is listed for approval especially as it falls within the St Margaret's sub-area of the Conservation Area which contains a concentration of listed buildings and the Council's Conservation Character Statement notes the unspoilt quality of the surrounding streets.

The application for this signage would fail to preserve or enhance this character and actually harms the designated heritage assets against any public benefits.

Although Historic England has not objected in so many words they do remind us this application should be determined in accordance with both national and local policy guidance and that the Council should carefully consider the significance and that the conservation of heritage assets is a core principle of the planning system.

They go to say that this group of buildings is in the top 5% of buildings nationally. They also mention the space they frame and the history they illustrate gives them additional value as a group. On a previous application they described this building as a "remarkable building that holds a major place in the history of King's Lynn and, indeed, Northern Europe."

The eastern part of Hanse House, the part under discussion, is 18th century and was built as a town house complementing the also listed Vicarage.

I am wary of mentioning previous applications as they should not be taken into account but one previous application included minor amendments to the Hanse House, some retrospective and again Historic England thought it "unfortunate that part of which had already been carried out."

The reason I am referring to this is because of again the retrospective aspect and I am very surprised that the applicant went ahead with the advertisement sign writing when it should have been obvious that permission was required beforehand, not after the event, particularly in this location.

The original application was just for the name of the house i.e. Hanse House. This was significantly altered to "retention of painted signage". This sounds more modest than is the reality.

This signage is not unattractive but it is bold and it does stand out. Because of the size of the lettering, the content and the location, it significantly detracts from the focus and appearance of this group of buildings. It makes what should be an insignificant feature dominant and draws the eye from the architecturally significant features of the superb frontages.

It also does not have permission and I believe Canon Ivory was misled when he gave permission for scaffolding to be erected in the vicarage garden to allow for maintenance purposes. Imagine his surprise when he saw the resulting so called repairs. And he could not fail to see the signage as it is overlooking not only the vicarage garden but also can be seen from every room on the south side of the vicarage.

This bold signage can be seen from the Town Hall and by pedestrians on Saturday Market Place which I suppose is the purpose of it but this building is in an important historic part of King's Lynn, part of the heritage offer so welcomed by the Borough Council, a wonderful sight for visitors to the town which shouldn't be marred by an advertising sign.

And it is an advertisement. It announces the facilities offered within the rear of the building, whereas the front was intended for residential, its current main use. The photographs are fuzzy and do not make it very clear to you what is being advertised. It states "Christenings" whereas they are the prerogative of the Christian Church. It is offensive to have this opposite the parish church.

The NPPF stresses the importance of the protection and enhancement of the historic environment as an element in sustainable development.

I have concerns about the materials that have been used. If it is painted then it could be painted over. If it is a stick on material then it could be more permanent which again would be to the detriment of the historic worth of this important building.

If King's Lynn is to gain the fame it merits for its outstanding historic buildings, it is essential it treats them with the utmost respect.'

The Principal Planner confirmed that the lettering had been painted onto the building.

During debate of the item some Members expressed concern that the proposal was inappropriate and spoilt the appearance of the property.

RESOLVED: That the application be approved as recommended.

(xi) 16/01317/A

King's Lynn: Hanse House, South Quay: Advertisement application: Non-illuminated painted signage on north facing external wall: Mr James Lee

The Principal Planner introduced the report and explained that the land was situated on the western side of St Margaret's Place, King's Lynn, at the junction with St Margaret's Lane, Priory Lane and Nelson Street and within the Conservation Area.

The site comprised a two storey combined former warehouse/Georgian dwelling called Hanse House (Listed Building Grade I) which extended between St Margaret's Place and South Quay.

The application related to the retention of a dark blue, hand painted advertisement applied to the higher level of the north-eastern, cream rendered wall of Hanse House.

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

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

- Principle of development;
- Impact on amenity; form and character and the significance of the building;
- Highway safety.

RESOLVED: That the application be approved as recommended.

(xii) 16/01159/RM

**Northwold: Land south of Ashlee, Methwold Road:
Reserved matters: Construction of five dwellings including
a site access road and all associated site works: Mr
Anthony White**

Councillor White left the meeting during consideration of the item.

The Principal Planner introduced the report and explained that the application site was located to the north of Methwold Road, Whittington and benefitted from outline planning permission (including access) for the erection of 5 no. detached dwellings.

The application sought approval of the remaining reserved matters: appearance, layout, scale and landscaping

The application had been referred to the Committee for determination as the applicant was a Borough Councillor.

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

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

Councillor Peake declared that he was a Member of Northwold Parish Council but had not taken part in determination of the application.

RESOLVED: That the application be approved as recommended.

(xiii) 16/01226/F

**Stanhoe: Station Farm Cottage, Station Road: Demolition
of existing dwelling and replacement with a new dwelling:
Mr and Mrs D Miller**

The Principal Planner introduced the report and explained that the application site comprised a two storey detached cottage situated on the eastern side of Station Road, Stanhoe. The site was located within the countryside.

Full planning permission was sought for the construction of a replacement dwelling and detached garage. The decision was appealed and dismissed in February 2016.

Planning permission was refused in April 2015 by the Planning Committee for demolition of the existing house and construction of a replacement house and garage

The application had been referred to the Committee for determination because of the previous appeal history.

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

- Planning history;
- Principle of development;
- Impact upon existing house as a non-designated heritage asset;
- Impact upon form and character of the surrounding area;
- Ecology; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Mrs Jenny Sparks (objecting) and Mr Richard Waite (supporting) addressed the Committee in relation to the application.

In response to the comments made by the public speakers, the Principal Planner referred the Committee to the Inspectors Report – paragraphs 7 and 8, where the Inspector acknowledged that the dwelling was a non-designated heritage asset and as a result some harm would occur as a result of the loss but this would be limited.

The Principal Planner also referred to paragraph 9 of the Inspector's Decision Notice, which made reference to the front elevation of the proposed dwelling had been designed to reflect the local vernacular. However the Inspector felt that when approaching the site from the south the proposed dwelling would appear overly dominant because of the scale of the rear projection. The garage also added to the scale of development and therefore the dwelling appeared cramped within its plot.

In response to a query regarding whether there was anything within the Core Strategy relating to the enlargement of houses within the countryside, the Assistant Director explained that there was no restriction in place. The dimensions of the scheme which had been appealed were not known.

The Principal Planner also confirmed that it was not shown on the plans that the materials to be used would be recycled.

Councillor Watson expressed concern that the proposal would not be in-keeping with the group of residences in the surrounding area, and felt that the proposed dwelling would completely change the area. This was one of a few very small groups of houses. She therefore proposed that the application be refused on the grounds that that proposal detracted from the form and character of the street scene and poor design and scale. This was seconded by the Chairman, Councillor Mrs Spikings.

One Member of the Committee considered that this appeared to be a stand-alone property and with the farmyard in the background there was normally a large dwelling. It would also fit in with the form and character and the materials were in-keeping.

The Committee then voted on the proposal to refuse the application, which was carried on the Chairman's casting vote.

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

'The size and design of the dwelling is such that it does not fit in with the scale and character of its surroundings and the street scene, contrary to policies of the NPPF, Core Strategy and Site Allocations and Development Management Policies Document.

In addition, the loss of the non-designated heritage asset is not off-set by the replacement dwelling due to its poor design, causing unacceptable harm to local distinctiveness and the inherent quality of the environment, contrary to policies of the NPPF and Core Strategy.'

Councillor Mrs Wright left the meeting at 2.25 pm

(xiv) 16/00606/O

Wretton: Clover Social Club, Low Road: Outline application some matters reserved: Proposed redevelopment of brownfield site to residential: Mr & Mrs L Peake

The Vice-Chairman left the meeting during consideration of the application.

The Principal Planner introduced the report and explained that the application site was located on the south east side of Low Road, Wretton. It was located in the countryside as defined by the Core Strategy 2011 and the Site Allocations and Development Management Policies Submission Document 2015. Wretton was a Smaller Village & Hamlet as defined by Policy CS02 of the Core Strategy 2011.

The proposal was for the demolition of the existing business premises known as The Clover Club and Peake Physique along with other outbuildings and bowling green and its redevelopment with 8 dwellings including affordable housing. The proposal was in outline form with all matters reserved bar access. The indicative plan demonstrated an amended access to Wretton Road with Plot 1 to the north and a private driveway running adjacent to the north boundary. The drive would serve plots 3-5 (inclusive) located to the south and terminating at a hammer head to the south-east end of the site which would serve a courtyard where plots 6-8 would be located. The plan identified blue land to the south-east where an existing building would be demolished and the land returned to paddock.

Head of Terms had been provided which indicated that affordable housing would be provided on the site by the applicant.

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

- Principle of development;
- Loss of employment/community uses;
- Form and character;
- Neighbour amenity;
- Ecology; and
- Any other matters requiring consideration prior to the determination of the application.

The application had been referred to the Committee for determination as the applicant was a relative of a Borough Councillor.

Members considered that this was an ideal site for redevelopment but could not understand why the applicant had not submitted the required information.

Reference was made to the reason for refusal, and it was explained that the applicant would have 12 months to resubmit the application with the evidence to demonstrate that the development would not be harmful to protected species.

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

PC43: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That, the report be noted.

The meeting closed at 2.30 pm

