

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

**Minutes from the Meeting of the Planning Committee held on
Monday, 7th November, 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, C J Crofts, Mrs S Fraser,
A Lawrence (sub), A Morrison, M Peake, D Tyler, G Wareham, Mrs E Watson,
A White, T Wing-Pentelow, Mrs A Wright and Mrs S Young

An apology for absence was received from Councillors I Gourlay, J Moriarty and
M Storey

The Chairman thanked Councillor Lawrence for being a substitute at the meeting.

PC44: DAVID PARKIN - PRINCIPAL PLANNER

The Chairman, Councillor Mrs Spikings reported that this would be David's last meeting before he left the authority. David had been at the Council for 13 years, and during that time there had been many entertaining hours. She added that David had carried out an excellent job particularly with the major applications. She thanked David for all his hard work over the years.

The Executive Director added his thanks to David for his professionalism in a sometimes difficult job. He felt that he had done an admirable job, which was echoed by colleagues and Councillors alike.

PC45: MINUTES

The Minutes of the Meeting held on Tuesday 4th October 2016 were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC46: DECLARATIONS OF INTEREST

The following declarations of interest were declared:

- The Chairman, Councillor Mrs Spikings declared a prejudicial interest in planning application 8/3(i) – Wiggenhall St Germans as she was related to the agent. She left the meeting during consideration of the item.

- Councillor Crofts stated in relation to application 8/3(h) – Upwell that his family was associated with the applicant, and would not any part in the application.

PC47: **URGENT BUSINESS UNDER STANDING ORDER 7**

The Assistant Director reminded the Committee that application 8/3(c) – Pentney had been withdrawn from the agenda.

PC48: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillors attended under Standing Order 34:

Name	Item	Application
T Parish	8/1(a)	16/01075/F
D Whitby	8/2(a)	11/01945/FM
C Joyce	8/2(c)	16/00572/FM
M Hopkins	8/3(i)	16/01581/F

PC49: **CHAIRMAN'S CORRESPONDENCE**

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

PC50: **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.

PC51: **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) – (xiv) below, where appropriate to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chairman.

(i) **16/01075/F**
Heacham: 46 High Street: Conversion of a property from shop and first floor flat to a 2 bed house and a 3 bed house: Mr R Cursley

The Principal Planner introduced the report and explained that the application had been deferred from the previous meeting to seek clarification on the parking provision. Both the applicant's agent and Norfolk County Council had been contacted to seek clarification on the parking provision, and County Council's recommendation had not changed.

The Principal Planner explained that the application proposed to change the use of the shop and first floor flat to a two bed dwelling and a three 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 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 R Cursley (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor Parish addressed the Committee. ‘

‘Please look at the images of High Street, Heacham, either side of the property detailed in this application. These were taken mid-afternoon on 2 November 2016 and show the typical line of parked vehicles on this two way road. The images presented in the Planning Statement are far from typical.

In a letter dated 12th July 2016, NCC Highways stated, ‘Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 33 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway. Reason: In the interests of highway safety.’

As the roadway is typically lined with parked cars, vans and the odd lorry as far as it can be in both directions, as seen from the application site, I fail to see how any visibility splay will be maintained.

In a second letter, dated 18th October 2016, NCC Highways stated, 'I now understand that the parking to the north is associated with another property to the rear of the site. From the LHA perspective, this does not alter my response, as there is some betterment (off-street parking for one unit) which is not currently available for either the retail or residential uses on site.'

Providing off-street parking for one unit which involves removing on-street parking for at least three cars, likely more, is not 'betterment' as the cars seeking parking, which may be neighbours with no other parking, will have to park on another street. There is no public car park in Heacham except at the beaches.

As Borough Councillor I have reflected on this application and find I agree with objections made by Heacham Parish Council in its written submission to the planning portal and in the spoken submission made on behalf of the Parish Council at the October Planning Committee by Michael Williamson, Chairman.

I ask this Planning Committee to recognise local knowledge and to refuse this application.'

The Principal Planner explained that condition 5 was not aimed at removing vehicles from the visibility splays but more at fixed objects. In order to comply with the condition the applicant would not be required to put in parking restrictions. The applicant would be required to put in a dropped kerb but would not need to lose 3 parking spaces. The betterment referred to by Norfolk County Council came from the removal of the shop use.

The Principal Planner also explained that consideration needed to be given to what the applicant was proposing and what was being replaced. He added that the applicant was only required to address the impact of their development and not the situation in general. He again referred to the advice from Norfolk County Council.

RESOLVED: That the application be approved as recommended.

**(ii) 16/01492/OM
Clenchwarton: Kenfield Farm, 254 Main Road: Outline
application: Residential development: KRB Builders Ltd**

The Principal Planner introduced the report and explained that the application site at Kenfield Farm covered an area of some 1.6 ha on the southern side of Main Road, Clenchwarton, 200 m west of its junction with Station Road. It comprised Shoestring Barn, an associated bungalow (No.254), overgrown land and structures that

were formerly a nursery approximately 16 years ago, plus a timber yard and an area of unauthorised storage of waste and reclaimed materials.

The site was located within 'countryside' as defined on the recently adopted Site Allocations & Development Management Policies Document (SADMPD) (September 2016) map for the area. It was approximately 850m outside the defined village development boundary and surrounded by agricultural land.

Outline permission was sought for residential development with all matters reserved for future consideration. An indicative site plan showed a cul-de-sac estate with 28 houses, mostly detached but some with linked garages fronting the new road.

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

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

- Principle of development;
- Impact upon the appearance and character of the countryside;
- Affordable housing provision;
- County Council contributions;
- Access and highway matters;
- Flood risk;
- Contamination;
- Crime and disorder; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Mr R Burton (supporting) and Mr Ian Bix (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor D Whitby addressed the Committee and explained that he had taken photographs (which were displayed) to show how untidy the site was. He referred to the lay-by opposite which had been subject to fly-tipping, which the Clean-up Team had been called to several times. He added that there was no housing or anything opposite the lay-by to act as a deterrent. He considered that a small amount of housing would be acceptable.

The Principal Planner explained that the Council had a recently adopted Local Plan. The site was not within the development boundary. She added that the sites for Clenchwarton had been chosen for 50 dwellings which would be sustainable development. In terms of the site itself, the number of proposed units would exceed the allocation for Clenchwarton. In addition, the Council now had a 5 year supply of deliverable housing sites, so there was no need for additional housing. The site was also located within Flood Zones 2 and 3. In

relation to the fact that the site needed tidying up, the Principal Planner explained that a premium should not be put on for neglect.

In response to a comment, the Principal Planner showed the adopted Development Plan for Clenchwarton and explained that the site was 850 m west of the development boundary.

Reference was made to page 25 of the agenda, which referred to the fact that the site was untidy and that the matter had been passed to Norfolk County Council – Mineral and Waste and was the subject of investigation, but no enforcement action appeared to have been taken. This had been the situation for many years. The Committee asked whether Norfolk County Council could be written to about the situation to express the concerns of the Committee, which was agreed.

Clarification was sought in relation to the statement that the money raised by the development would be used for the construction of the observatory. The Assistant Director explained that additional information would be required regarding this issue which the Council did not have. In addition, the Planning Inspector did consider this as part of the appeal (paragraph 26, page 35) and attached no weight to the scheme in support of the housing proposal.

A query was raised in relation to how much of the site was brownfield. The Executive Director advised that it did not matter if the whole site was brownfield as the main consideration was whether the proposal was sustainable development or not. He referred to the Inspector's Decision (paragraph 22) which stated that 'In being poorly related to the main part of the settlement boundary the development would fail to promote a sustainable community or a sustainable pattern of development.' All of which was still relevant at the current time.

The point was raised that 6-8 months ago, the Council might have looked at this site differently as some sites had been approved in a less sustainable location, given the 5 year supply situation at that time.

Councillor Peake proposed that a site visit be undertaken, which was seconded by Councillor Crofts and, after having been put to the vote was lost.

RESOLVED: That the application be refused as recommended.

(iii) **11/01945/FM**
King's Lynn: A. J. Coggles, 44 London Road: Conversion of existing building to provide three dwellings and construction of eight new dwellings: A J Coggles Funeral Directors

The Principal Planner introduced the report and explained that the application related to a parcel of land covering an area no greater than 1251m² on the eastern side of London Road, King's Lynn. The site

was last used by Coggles Funeral Directors. Existing buildings fronted London Road and were used as a funeral parlour, and a garage in association with that use.

The application proposed the creation of 11 residential units; 3 through conversion of the existing funeral parlour and 8 in new buildings.

The application had been referred to the Committee for determination as the recommendation was contrary to the views of Norfolk County Council as the Local Highway Authority.

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

- Principle of development;
- Impact on Conservation Area and design;
- Amenity; and
- Highway implications

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

At the invitation of the Chairman, the County Highways representative explained that the proposal would provide 8 additional new houses on the site and 2 spaces per dwelling should be provided. However County Highways would be looking for a minimum of 1.5 spaces per dwelling. He added that County Highways did not want to object to this but parking on the highway was not appropriate in this instance.

Reference was made to the comment that 'the layout of the car parking spaces that are to be provided is tight in some instances but broadly conforms to the County Council's advice in terms of size and distances between obstructions.' Also reference was made to the amenity for the 3 storey flats. The Principal Planner showed photographs of the existing situation and explained that on balance the relationships were considered to be acceptable.

A comment was made that the whole site looked tight and if one of the terraced units were to be removed it would leave more space. The Principal Planner showed the surrounding areas which showed the tight relationships between buildings and demonstrated that this was a densely developed part of the town.

A discussion took place regarding the render on the front elevation of the building fronting London Road and whether this could be removed. The Principal Planner advised that as the building was being converted the render would remain.

In response to a comment, the Principal Planner highlighted the spaces for the bins on the plans.

Councillor Wareham proposed an additional condition to secure details of the bin storage, as he would like to see the use of communal bins, which was agreed.

Further comments were made in relation to the render on the front elevation of the building along London Road, and whether this could be removed. The Principal Planner advised that the condition of the brickwork underneath the render was not known. It was agreed that an informative be added to the decision notice stating that the quality of the brickwork underneath the render should be explored. If the brickwork was of sound quality then the Committee would prefer to see it exposed as opposed to render on the building.

RESOLVED: That the application be approved as recommended subject to:

- (1) The conditions to be added/amended as outlined in late correspondence.
- (2) The imposition of an additional condition to secure details of the bin storage.
- (3) An informative to be added to the decision notice regarding the finish of the building fronting London Road.

The Committee adjourned at 11.00 am and reconvened at 11.10 pm

(iv) 16/00572/FM
King's Lynn: Land between Clenchwarton Road and Orchard Grove, West Lynn: Proposed residential development: George Goddard Ltd

The Principal Planner introduced the report and explained that the application was for full consent for the development of 50 dwellings on land to the east of Clenchwarton Road, West Lynn. The land was greenfield and was located outside the settlement boundary.

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

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

- Principle of development;
- Form and character;
- Highway safety and access;
- Crime and anti-social behaviour;
- Ecology; and
- Flood risk and drainage.

In accordance with the adopted public speaking protocol, Mr A Parker (supporting), Mr D Goddard (supporting) and Mr C Skinner (objecting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor Joyce addressed the Committee. Councillor Joyce made the following comments:

- He had asked for the application to be considered by the Planning Committee in order to allow the applicant and objectors to have a fair hearing.
- The Police now had no objection to the application.
- The Internal Drainage Board had no objection to the application.
- The Poppyfields development was also outside the settlement boundary.
- The Del Monte site had been reduced from 200 units to 120, therefore the proposal would maintain the allocation numbers for West Lynn.
- How was this site unsustainable development when the Poppyfields development was classed as sustainable.
- The applicant had put forward some benefits; ie. clearing out the ditch, affordable housing with adaptations and privately rented homes for homeless people.

The Assistant Director referred to the recently adopted Local Plan in particular Policy DM2. The site was outside the development boundary. The Council now had a 5 year supply of deliverable housing sites, and all policies were up to date. He explained that this was not a windfall site and not a special case for development. It was also a greenfield site. The Committee also needed to be mindful of consistency and made reference to an application which had been refused at Watlington and one earlier in the meeting.

In response to a query the Executive Director explained to the Committee what constituted a windfall site. He also explained that the Council was now calling for sites to be included in the review of the local plan and this was the correct course of action for the applicant to follow. He added that there was nothing exceptional about this application in order to change the recommendation.

The Principal Planner explained that there was nothing left of the property which had been on the site before. The site had been left to go back to a natural state. He added that the site was not agricultural or residential but had reverted back to greenfield.

One Member expressed concern that developers were not attempting to build out sites, therefore the Council would not have the required number of houses for the future.

RESOLVED: That the application be refused as recommended.

(v) 16/01541/FM

King's Lynn: J E Beales, 2 – 8 Broad Street: Replacement of existing department store with 4 no. new A1 units to a new layout and configuration: Vancouver GP c/o Lams

The Principal Planner introduced the report and explained that the application site was located within the town centre of King's Lynn.

The site contained a two storey 1960s building that faced St Dominic's Square, Baxter's Plain and Broad Street. The building was served by a service yard that was accessed from Paradise Parade.

The building was occupied by Beales Department Store which had recently closed. The proposal was to demolish the building and replace with 4 new retail units.

The application had been referred to the Committee for determination as there had been third party objections to an application where the Borough Council had a financial interest.

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

- Principle of development;
- Impact upon visual amenity;
- Impact upon designated heritage assets;
- Impact upon neighbour amenity;
- Highway safety implications;
- Flood risk; and
- Other material considerations.

In response to a comment regarding the canopy, the Principal Planner highlighted this on the plan and explained that the canopies had been removed and was now more of a roof feature.

The Chairman, Councillor Mrs Spikings made reference to the need to remove the Maple tree and stated that she wanted to see a replacement tree of a mature species either planted or in a container, which was agreed by the Committee.

Reference was made to the service yard and it was asked whether this area could be enhanced. The Principal Planner explained that this application would have very little direct impact on the service area and he did not think that this application was the way to improve the area.

Some Members of the Committee felt that the design could be improved.

It was, however, acknowledged that the town centre must be kept vibrant with a range of shops.

RESOLVED: That, the application be approved, as recommended, subject to an additional condition requiring a replacement tree of a mature species to be either planted or planted in a container.

(vi) **16/01583/F**

King's Lynn: Appletons Yard, Rope Walk: Use of land for 12 months per year for the standing of up to 10 showman's homes and storage of lorries and fairground equipment: Mr Lawrence Appleton

The Principal Planner introduced the report and explained that the application site was located on the northern side of Rope Walk, King's Lynn.

The application site contained showman's homes and the storage of lorries and fairground equipment.

The site benefitted from planning permission, granted under appeal APP/V2635/A/87/71072/P3 for the use of land for the standing and occupation of 10 showman's caravans, and the standing of 6 equipment lorries and 6 equipment trailers during the winter period (beginning of October to the end of March).

The proposal sought consent to use the land for 12 months of the year for the standing and occupation of 10 showman's homes, the storage of lorries and fairground equipment.

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

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

- Principle of development and planning history;
- Flood risk;
- Highway safety;
- Impact upon neighbour amenity; and
- Other material considerations

In response to a comment it was confirmed that the site would require a site license for all year round occupancy.

One Member of the Committee expressed sympathy with the objection from the Environment Agency and explained that the highest tides were in April and May, which was when it was proposed to grant permission.

The Principal Planner referred to the objection from the Environment Agency and explained that it was considered unreasonable to refuse the application on that basis. The additional time period of occupation

would be in the summer months where there was less risk of the site from being flooded. The additional time period was in line with that covered under the Coastal Protocol where the tidal defences in that particular area were as flood resilient compared to the tidal defences in King's Lynn. The applicant had submitted a flood evacuation plan, as detailed in late correspondence.

RESOLVED: That the application be approved as recommended, with the amendment to Condition 1 as reported in late correspondence.

(vii) 16/01546/F

Marshland St James: 10 Trinity Road: Extensions and alterations to dwelling: Mr & Mrs L Douglas

The Principal Planner introduced the report and explained that the application site comprised a two storey semi-detached building situated on Trinity Road between the settlements of Marshland St James and St John's Fen End.

The application proposed extensions and alterations to the side and rear of the dwelling.

The application had been referred to the Committee for determination as the application site was subject of a previously dismissed appeal.

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

- The principle of development;
- Appeal history and amended design;
- Neighbour amenity; and
- Other material considerations.

RESOLVED: That the application be approved as recommended.

(viii) 15/02068/CU

Pentney: Pentney Lakes Leisure Park, Abbey Road: Change of use of land to accommodate 31 holiday lodges, change of use of the existing office accommodation to a restaurant:

This item had been withdrawn from the agenda.

(ix) 16/01374/F

Ringstead: The Gin Trap, 6 High Street: Single and two storey extensions to existing cottage forming guest accommodation with the Gin Trap: Astley Period Homes Ltd

The Principal Planner introduced the report and explained that the application site was located within the village of Ringstead. Ringstead

was classified as a “Smaller Village and Hamlet” according to the Core Strategy Policy CS02 of the Core Strategy 2011.

The site contained the Gin Trap Public House and associated outbuildings. The buildings on the site were Grade II listed.

The proposal sought consent for single and 1.5 storey extensions to an existing outbuilding to the rear of the site to form guest accommodation.

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

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

- Principle of development;
- Planning history;
- Impact upon the setting of Designated Heritage Assets;
- Highway safety;
- Arboricultural implications;
- Impact upon neighbour amenity; and
- Other material considerations.

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

(x) 16/01127/F
Sedgeford: Building south of Park Vue, Heacham Road: Conversion to residential of existing barn including single storey extension to the east elevation: Sedgeford Hall Estate

The Principal Planner introduced the report and explained that the application site was located within an Area of Outstanding Natural Beauty and within an area designated as Countryside according to Local Plan Proposals Maps for Sedgeford.

The application could be described as paddock land, 44m south of Heacham Road, to the rear of Park Vue. Vehicular access was achieved from Sedgeford Road. The site contained a former cowshed building.

The application sought consent to convert and extend the former cowshed to provide a 2 bedroom property.

The application had been referred to the Committee for determination as the views of Sedgeford 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 upon the Area of Outstanding Natural Beauty;
- Impact upon the Conservation Area;
- Highway safety;
- Impact upon neighbour amenity;
- Impact upon protected species;
- Flood risk;
- Other material considerations.

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

The Principal Planner advised that the explanations were set out in the report. The comments made by the Conservation Officer had been made in respect of the setting of the Conservation Area. The supporting information had indicated that the building could be converted. Policies did allow for the conversion of buildings outside the development boundary such as this. In conclusion the proposal was considered to be acceptable.

Concern was raised in relation to Anglian Water's main sewerage pipe and the smell generated by it. The Principal Planner explained that Anglian Water had been approached but did not wish to be consulted on the application as their pumping station was more than 25 m away from the residential property. He added that once past the pumping station the smell went away.

Councillor Mrs Wright stated that the application was in her ward. She asked for clarification as to whether this was a historic barn or a cow shed. She referred to page 98 of the agenda and the impact upon the setting of the Conservation Area, and asked which listed building this application was affecting. She also supported the Parish Council on numerous aspects of this application. She also asked why the Historic Environment Service (HES) had not been consulted on the application.

The Assistant Director explained that HES was not a statutory consultee. They received the weekly list of planning applications and would choose which applications they wanted to comment on.

Councillor Mrs Wright also expressed concern in relation to the access which was on a dangerous corner and that a fire engine would not be able to get down the access track due to the narrowness of it. In addition, 80% of the total site would be rebuilt. She proposed that the application be refused on the grounds of highway safety and principle of development.

The Assistant Director advised that the grounds for refusal should refer to the fact that the proposal failed to meet the criteria relating to such conversions, as contained within Policy CS06 points 1 and 4.

The proposal to refuse the application was seconded by Councillor Morrison.

The Committee then voted on the proposal to refuse the application on the grounds that the existing building did not make a positive contribution to the landscape and that the building was not easily accessible to existing housing, employment and services, which was carried.

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

The existing building fails to make a positive contribution to the landscape due to its modest size and dilapidated condition and is not easily accessible to existing housing, employment and services due to the length of the access track and the distance residents would have to travel to access the services in the village of Sedgford. The proposal therefore represents an unsustainable form of development in the countryside and is contrary to Core Strategy policy CS06 and to the countryside protections policies in the NPPF.

Councillor Wing-Pentelow left the meeting at 12.45 pm.

The Committee then adjourned at 12.45 pm and reconvened at 1.20 pm.

(xi) 16/01352/F
Tilney St Lawrence: Land north of Salgate Farm, Islington Road: Proposed stable/barn conversion (re-application following refusal 09/01175/F and appeal dismissal APP/V2635/A/2124630): J Goodley & Sons Ltd

The Principal Planner introduced the report and explained that the application was made for the conversion of an existing barn and stable block to residential use on land at Salgate Farm, Islington Road, Tilney All Saints.

The application site was located within a complex of barns within a former farmyard to the east of Islington Road which was located within the open countryside some 1.2 km south east of the village of Tilney High End and 2 km south of Tilney All Saints.

The application stated that it was a resubmission following an application in 2009 and a subsequent dismissal at appeal.

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

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

- The overall sustainability of the location and proposal having regard to the planning history of the site and material policy;
- The acceptability of the design and its impact on the locality.

Councillor Crofts made reference to the fact that planning permission had been granted in 2016 for the change of use of the adjacent barn to residential.

The Principal Planner explained that the Planning Inspector had concluded that the proposal was not sustainable.

The Chairman, Councillor Mrs Spikings added that the Core Strategy recognised that in such a rural Borough many people rely on the car as the main mode of transport. She also considered that the barn was right for conversion.

Councillor Crofts stated that the proposal would make good use of a redundant building and was capable of being converted. He therefore proposed that the application be approved which was seconded by Councillor Mrs Wright.

The Committee then voted on the proposal to approve the application on the grounds that the existing building gave a positive contribution to the surrounding landscape, which was agreed.

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

The proposed development secures the future for a building which is a positive and important part of the collection of former agricultural buildings, that are features of the local landscape. This is considered to carry significant weight such as to overcome any potential objections to the scheme previously identified.

**(xii) 16/01110/F
Upwell: Chestnut Stables, 32 Green Road: Construction of porch, kennels, decking and shed: Mr Anthony Shelton and Ms Marilyn Strand**

The Principal Planner introduced the report and explained that the application was made retrospectively for the retention of decking, a porch, a shed and a dog kennel to a mobile home at 32 Green Road,

Upwell. The site was located in open countryside to the east of Green Road, some 240m south of its junction with Stonehouse Road. There was built development to the north of the site and open countryside to the east, west and south.

The mobile home on site was granted a certificate of lawful use in August 2016 (16/01097/LDE) and this application sought to regularise the planning position on site by seeking retrospective permission for the existing porch and decking as well as the dog kennel and shed.

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

The Committee noted the key issues for consideration when determining the application, namely that because the existing mobile home was not a dwelling house within the scope of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015, it did not benefit from permitted development rights and consequently all alterations and extensions to the mobile home required planning permission as did the outbuildings associated with it.

The porch and decking were not affixed to the mobile home but abutted it and as such the lawful status of the mobile home was not affected.

RESOLVED: That the application be approved as recommended.

(xiii) 16/01476/O

**Upwell: Land at Low Side: Outline application:
Construction of three dwellings: Mr R Gooch**

The Principal Planner introduced the report and explained that the application site comprised part of the substantial mature garden area associated with Lode House. It was bounded to the west by the Well Creek, north and east by Low Side, and south by Lode House plus additional dwellings onto Small Lode.

The site was located outside the defined village development area in the recently adopted Site Allocations & Development Management Policy Document and within the Upwell Conservation Area. There were group Tree Preservation Orders to both the riverside/west and Low Side frontages.

Permission was sought for the development of three 4 bedroomed houses with associated double garages.

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

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

- Principle of development;
- Impact upon character and appearance of the Conservation Area;
- Impact upon trees;
- Highway issues; and
- Other material considerations.

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

The Principal Planner explained that there had been objections from Historic England and the Conservation Officer to the application. The fact remained that the site was outside the development boundary, and the Council now had a 5 year supply of deliverable housing sites.

Following questions from the Committee, the Assistant Director explained that the site had been through the LDF process and was not chosen as an allocation. He explained that the reason for the boundary was because of the conservation area. Part of the conservation area had been designated because of important open spaces as well as buildings, and there was also a general duty to preserve or enhance these when considering applications.

The Chairman, Councillor Mrs Spikings stated that she had called-in the application. She explained that she was Chairman of the LDF Task Group at the time, but as she had a site in Upwell she took no part in anything to do with Upwell. She added that the site was an old orchard and was kept green and tidy. She explained that there was a natural break along the site which would be ideal for the construction of three executive style homes and she could not see what harm would be caused. In addition there had been no objection from County Highways.

The Assistant Director advised that the site was outside the development boundary, and the Committee needed to be consistent in its decision making. The boundary could be reviewed again as part of the LDF process.

The Executive Director explained that the site had been specifically excluded from the development boundary as it was considered that it should not be developed. The Local Plan had been adopted recently and explained that open areas within villages particularly in conservation areas should be kept open and protected as they were also important features.

A comment was made that the Borough was desperate for executive style properties.

The Chairman, Councillor Mrs Spikings added that the applicant had felt that no-one from the Planning Department had visited the site, however, from the photographs displayed it was clear that an officer had visited the site.

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

(xiv) 16/01581/F

Wiggenhall St Germans: Land to the rear of 104 St Peters Road, Wiggenhall St Peter: Mr and Mrs D Johnson

The Principal Planner presented the report and explained that the application proposed the alteration and extension to the existing stables on land located to the rear of 104 St Peters Road, Wiggenhall St Peter.

The site was located on land designated as open countryside, to the rear of a row of dwellings off St Peters Road, Wiggenhall St Peter. The site was contained on three sides by timber cladded fencing with the western boundary lined with hedgerow adjacent to the riverside bank. Mature trees lined the southern boundary of the neighbouring gardens which screened the application site further from those properties which faced onto The Chase off St Peters Road.

The site was located with Flood Zone 2, 3 and the Hazard Zone of the Strategic Flood Risk Assessment.

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

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

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

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

In accordance with Standing Order 34, Councillor Hopkins addressed the Committee. He explained that he had concerns in relation to the animal feed and straw attracting vermin and odour in the damp months of the year. He added that the plans only showed a single block with no attachment to it, and that any form of development should be at another location within the ménage.

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

PC52: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That, the report be noted.

PC53: **PLANNING & ENFORCEMENT SERVICE - QUARTERLY REPORT**

The Committee received a report which provided an update on service performance for planning enforcement during the second and third quarters of 2016.

It was noted that the total number of live cases was 350 and 271 cases had been closed. In addition, 34 formal notices had been served.

RESOLVED: That, the report be noted.

PC54: **PLANNING & ENFORCEMENT APPEALS - QUARTERLY REPORT**

The Committee received a quarterly update report covering performance for the period 1 July 2016 – 30 September 2016.

The data showed that for the third quarter of 2016, 10% of all appeals were allowed. For the 12 month period to 30 September 2016 an average of 27% of all appeals were allowed. This was below the traditional average figure of 36% of all appeals allowed.

RESOLVED: That, the report be noted.

The meeting closed at 2.07 pm