

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

Minutes from the Meeting of the Planning Committee held on Monday, 8th May, 2017 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor Mrs V Spikings (Chairman)
Councillors Mrs C Bower, A Bubb, Mrs S Buck, C J Crofts, Mrs S Fraser,
A Morrison, T Parish, M Peake, Miss S Sandell, M Storey, D Tyler, G Wareham,
Mrs E Watson, A White, Mrs A Wright and Mrs S Young

PC101: **APOLOGIES**

There were none.

PC102: **MINUTES**

The Minutes of the Meeting held on Monday 3 April 2017 were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC103: **DECLARATIONS OF INTEREST**

The following declarations of interest were declared:

- The Chairman declared an interest in planning application 8/2(k) – Upwell, as she was related to the agent. She left the meeting during consideration of the item.
- Councillors Storey, White and Peake declared an interest in item, 8/2(g) – Southery, as they were a member of Southery Internal Drainage Board.
- Councillors Crofts and Mrs Young declared that they were a member of the King's Lynn Internal Drainage Board.

PC104: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business under Standing Order 7.

PC105: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

There were no Members present under Standing Order 34.

PC106: **CHAIRMAN'S CORRESPONDENCE**

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

PC107: **RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

A copy of the summary of late 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.

PC108: **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 for Planning & Environment (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 as (i) – (xiv) below, where appropriate to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chairman.

(i) **16/02227/FM**

King's Lynn: Alive Lynnsport, Greenpark Avenue: Construction of 82 dwellings, associated access roads, footways and new areas of public open space and associated external works: Borough Council of King's Lynn and West Norfolk

The Planner introduced the report and explained that the application sought full planning permission for the erection of 82 dwellings, associated access roads, footways and new areas of public open space. Twelve of the dwellings would be affordable.

The site comprised informal open space, small copses of trees and a disused hockey pitch. An informal and unlit right of way (in the form of a mud track) ran across the site in a north-south direction.

The site formed part of the Lynnsport complex (which comprised c.29ha of sports pitches, athletics facilities, indoor sports area, a nature area, areas of amenity space and areas of unused scrub land).

The site had residential uses to its north, east and west (the latter on the opposite side of the new Lynnsport Access Road) and the Lynnsport complex lies to the south.

The site formed part of a wider housing allocation in the Site Allocations and Development Management Policies DPD, September 2016 (SADMP) and within the development boundary as depicted on Inset E1 of the SADMP.

The site was located within Flood Zones 2 and 3.

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

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

- Principle of development;
- Flood risk and drainage;
- Form, character and design;
- Residential amenity;
- Access, transport and parking;
- Open Space, Recreation and Ecology;
- Trees and landscaping;
- Affordable housing and other contributions;
- Crime and Disorder; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Sue Bruce (objecting), Dale Gagen (supporting) and Fergus Bootman (supporting) addressed the Committee in relation to the application.

In response to comments made by the objector, the Planner explained that the Lynnsport Open Space Strategy significantly exceeded the requirements of Policy DM16, which would not only benefit the development, but the wider neighbourhood. The Planner also explained that there had been very little opposition to the planning application. In addition, the Internal Drainage Board had not objected to the application, nor had Sport England. In relation to the issue raised regarding the access road and Spencer Road, the Planner explained that this was covered in the planning application regarding the access road.

Councillor Mrs Buck supported the comments made by the objector. She added that there was hardly any green space in King's Lynn apart from The Walks. The site was also within Flood Zone 3. Councillor Mrs Buck asked for clarification in relation to the Internal Drainage Board's conditions.

The Planner explained that in relation to the form and character, the site had been allocated for residential development. The suggested

conditions from the Lead Local Flood Authority had already been covered by conditions 9, 10 and 11.

In response to a question regarding the design, the Planner explained that this design was slightly different in that it had more of a modern look. One of the key differences was the fenestration.

Councillor Mrs Wright added that she considered that the proposal would enhance the area and she was pleased to hear the comments regarding the community orchard. She was, however, concerned that no bungalows had been included within the scheme, although she acknowledged that this was due to flood risk, but considered that this could be overcome. She hoped that the proposal would be a flagship development.

Councillor Bubb stated that, whilst supporting the scheme, he did appreciate that it was a sensitive site. He suggested that swift boxes could be included within the design of the dwellings. The Assistant Director explained that this could not be conditioned as it would not meet the relevant tests, however, the applicant was present at the meeting and could take the suggestion on board.

The Chairman, Councillor Mrs Spikings asked whether chimneys could be included within the design. The Assistant Director informed the Committee that it was considered that the design was contemporary, therefore, chimneys were not considered necessary in this instance.

Councillor Morrison suggested that instead of using all mature trees, consideration should be given to using more whips and fewer mature trees.

In response to a comment regarding the need to fence play areas, the Planner advised that the Local Area of Play would be fenced. The other area referred to by the objector was outside the application site.

In response to a query, the Assistant Director described where the areas of open space were located. It was explained that the large area to the south east was being retained, together with open space areas on each site and small areas of play space. The expanded Local Equipped Area of Play would also provide a benefit to the wider neighbourhood.

The Chairman, Councillor Mrs Spikings proposed that an additional condition be proposed to require a scheme to show chimneys and other similar design features. This was seconded by Councillor Mrs Wright and, having been put to the vote, was carried.

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

of an additional condition to require a scheme to show chimneys and other features.

(b) That the application be refused, in the event that a suitable Section 106 Agreement is not completed within 4 months of the resolution to approve.

(ii) 16/01963/FM
Methwold: Methwold Airfield, Brandon Road: Proposed poultry unit: J W Spencer Farm Ltd

The Principal Planner introduced the report and explained that the application was for full planning permission for a poultry unit on land within Methwold Airfield, off Brandon Road, Methwold.

The proposal was for 6 individual sheds each measuring 2.4m by 91.4m, with eaves height of 2m and ridge of 5.5m. Each shed had 18 vent extract fans positioned in the roof which projected 1.4m above the ridgeline.

The sheds were positioned in pairs with feeder bins measuring 7m in height posited between them.

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

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

- Principle of development;
- Landscape impact;
- Impact on heritage assets;
- Impact upon neighbour amenity;
- Highway implications;
- Habitats Regulations and Appropriate Assessment;
- Ecology;
- Pollution and contamination issues; and
- Any other material considerations.

In accordance with the adopted public speaking protocol, Mr J Webb (supporting) and Mr B Barrow (supporting) addressed the Committee in relation to the application.

Councillor Mrs Bower, in supporting the application, stated that this was an agricultural area and this was the ideal location for such an application. She liked the idea of job creation and UK reared chickens.

Councillor Mrs Wright expressed concern in relation to the fact that the Environment Agency was a consultee and also provided the Environmental Permit.

In response, the Assistant Director explained that that was the system and if the applicant were to gain planning permission, they would have to get a permit before they could operate.

It was confirmed that the birds would be free-range in barns.

The Chairman, Councillor Mrs Spikings added that the site was an appropriate one. She added that British sourced chickens must be supported and the welfare of the birds was critical.

RESOLVED: That the application be approved as recommended.

(iii) 16/00888/O

**Bircham: Land south of 16 Lynn Road, Great Bircham:
Outline application: Construction of ten dwellings:
The Sandringham Estate**

The Principal Planner introduced the report and explained that the application sought outline planning permission for the construction of 10 no. dwellings. Only access, layout and scale were to be considered at this stage with appearance and landscaping reserved for later consideration. Originally the application was submitted for 11 no. dwellings but this was reduced to 10 no. dwellings in December 2016.

The application site was located on the western side of Lynn Road (b113), Great Bircham at the southern end of the village. It currently comprised 0.6 hectares of scrub land, used occasionally for grazing. Existing residential properties and gardens were located to the north with further scrub land to the west and south of the site.

The site was the allocation for Great Bircham/Bircham Tofts under Policy G42.1 of the Site Allocations and Development Management Policies Plan 2016, with the policy requiring at least 10 dwellings.

The application had been referred to the Committee for determination as the officer recommendation was at variance with the views of Norfolk County Highways.

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

- Principle of development;
- Form and character;
- Neighbour amenity;
- Highway safety;
- Section 106 matters;
- Trees;
- Other considerations; and
- Crime and disorder.

In accordance with the adopted public speaking protocol, Mr B Hutchinson (objecting on behalf of the Parish Council) and Mr Marcus O'Lone (supporting) addressed the Committee in relation to the application.

The Principal Planner explained that the site was an allocated site within the Local Plan. She displayed the footpath via Google earth.

The Assistant Director explained that the applicant was proposing to construct the footpath to a certain point (No.21 Lynn Road), however, County Highways wanted the footpath to be provided further into the village.

Councillor Morrison referred to page 55 of the officers' report where it stated: 'Furthermore it is your officer's opinion that the proposed footpath link put forward by the applicant would offer safe pedestrian passage to a part of the village that was open and where visibility of vehicles and pedestrians is much improved. Running an engineered footpath across these 'green' areas would also change the character of this part of the village.

Councillor Morrison added that the Parish Council and County Highways disagreed with the officers' report.

Councillor Morrison again referred to page 55 of the officer's report where it stated that NCC had acknowledged that the proposed footway would be of some benefit, however they confirmed that their recommendation remained unchanged that the development was poorly located on the edge of the village which lacked continuous pedestrians facilities to link the site with the village centre.

Councillor Morrison also made reference to the speeding traffic along that particular piece of road.

He suggested that a condition be imposed which required the applicant to provide a continuous footpath into the village.

The Executive Director explained that there was no question that Great Bircham needed footpaths as there was a lack at the moment. However the question was who should provide the footpath. He added that it was within Norfolk County Council's remit to provide a footpath in a village if required and was it a reasonable requirement to put that duty on a developer. Officers' considered that it was unreasonable to expect the developer to provide the whole footpath into the village. The Executive Director explained that if the allocation had not have come forward then the situation would be as it was now. He added that the developer could not be expected to rectify existing problems. The proposed footpath would extend to 5 existing houses so there would be an additional benefit. He added that it had to be a question of balance.

The Chairman, Councillor Mrs Spikings asked whether the Parish Council had applied for a TROD to be installed in conjunction with Norfolk County Council.

Councillor Wareham referred to a photograph of the site and stated that he considered the site to be in a countryside location.

The Assistant Director explained that the site was an allocation within the Local Plan and the principle of development had already been accepted.

Councillor Mrs Wright asked whether there was a compromise that could be put forward. The Assistant Director explained that what the applicant was offering was the compromise.

The Chairman, Councillor Mrs Spikings added that the Parish Council could consider taking forward a TROD. She felt that what the applicant was offering was fair.

The Assistant Director explained the way in which a TROD could be funded was through the Parish Partnership Scheme or CIL money, as 15% would go back to the Parish.

Councillor Parish stated that development of the site would create new problems. He considered that a fair compromise would be for the developer to provide a proper footpath to the village.

Councillor Morrison suggested that condition 15 be amended to allow a longer length of footpath to be provided.

The Chairman, Councillor Mrs Spikings reiterated that the Parish Council would receive CIL money, which would be a gain for the village, and could fund a TROD.

Councillor Storey made reference to page 49 of the agenda, where it stated that the Parish Council did not feel that a TROD was suitable.

It was suggested that the Parish Council could look at other villages which had a TROD. It was also explained that maintenance of the TROD could be via the CIL money.

RESOLVED: (A) That, the application be approved, subject to conditions and the satisfactory completion of the Section 106 Agreement.

(B) In the event that the Section 106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be refused due to the failure to secure affordable housing and SUDS design and maintenance.

The Committee then adjourned at 11.20 am and reconvened at 11.30 am.

(iv) 17/00052/F

Brancaster: Mayflower, Butchers Lane: Replacement of existing bungalow and shed with new two-storey dwelling, single storey annexe and detached garage: Mr & Mrs Coney

The Principal Planner introduced the report and explained that the application site related to a dwelling on the southern side of Butchers Lane in Brancaster.

The proposal was to demolish the existing bungalow 'Mayflower' and construct a new two-storey dwelling with single storey annex and a detached garage.

Revised plans had been received over the course of the application amending the first floor layout to create a dressing room as part of the master bedroom in place of a separate study.

The National Planning Policy Framework 2012, the King's Lynn and West Norfolk Core Strategy 2011, the King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan 2016 and the Brancaster Parish Neighbourhood Plan 2015-2026 were relevant to this application.

The application had been referred to the Committee for determination as the views of Brancaster Parish Council were contrary to the officer recommendation. The application had also been called-in to Committee by Councillor Mrs Watson.

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

- Principle of development;
- Form and character and amenity;
- Highways;
- Trees; and
- Other considerations

The Principal Planner reported that the single storey annex had been omitted from the scheme, and also referred to the correction as reported in late correspondence.

In accordance with the adopted public speaking protocol, Mr D Hobley (objecting) and Councillor S Oliver (objecting on behalf of the Parish Council) addressed the Committee in relation to the application.

The Chairman, Councillor Mrs Spikings asked for the previous scheme to be displayed on the screen so that the Committee could see what had been approved previously.

Councillor Mrs Watson stated that she liked the design however it was totally inappropriate in the current setting. She added that the Parish Council had unanimously rejected the application and she had sympathy with the neighbour and objector. She considered that the design was out of keeping.

Councillor Mrs Watson proposed that the application be refused, which was seconded by the Chairman, Councillor Mrs Spikings.

The Chairman, Councillor Mrs Spikings added that the Neighbourhood Plan was also a material consideration, which needed to be taken into account, and it appeared that Policy 2 of the Plan had been ignored. She also liked the design but considered it to be in the wrong location.

Councillor Mrs Wright added that the proposal was also against the Core Strategy. She also liked the design but considered it to be in the wrong location.

The Assistant Director acknowledged that it was a contemporary scheme and the question that the Committee needed to consider was whether something modern would be acceptable for the site. The NPPF was not too prescriptive on design and allowed for innovation. He explained that local materials had been included within the design such as the flint feature wall.

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

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

'The proposed replacement dwelling through the contemporary design solution proposed would be out of keeping with the more traditional design of nearby dwellings and would have a detrimental impact on the character and appearance of the Brancaster Conservation Area. It would therefore be contrary to the relevant provisions of the NPPF, policy DM15 of the SADMP 2016, and policy CS12 of the Core Strategy 2011.'

**(v) 17/00244/F
Clenchwarton: Kenwick Lodge, 86 Station Road:
Construction of sand manège: Miss Jody Taylor**

The Principal Planner introduced the report and explained that the application sought the retention of the existing stables and construction of a sand manège on the application site, located to the south-east of

number 26 Station Road. The parcel of land was classified as a mix of Grade 1 and 2 agricultural land.

The application site was located to the west of the settlement of Clenchwarton, and was classified as countryside in Policy CS02 – Settlement Hierarchy of the Core Strategy (2011).

The site comprised of a rectangular plot that had existing stables and hardstanding located to the west of the application site. Vehicular access to the site was provided by the existing lane, which lead onto Station Road.

The application had been referred to the Committee for determination as the views of Clenchwarton 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 appearance and character of the countryside;
- Neighbour amenity;
- Access;
- Flood risk; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Jody Taylor (supporting) addressed the Committee in relation to the application.

Councillor Mrs Watson asked whether the lighting could be restricted to go off at a certain time.

The Principal Planner suggested that condition 3 be amended to ensure that a scheme for lighting be agreed in consultation with the Council's CSNN.

Councillor Parish referred to the colour of the lighting and asked that this be included within condition 3.

The Principal Planner then read out the amended condition including the colour of lighting, which was seconded by Councillor Mrs Buck, however, after having been put to the vote, was lost.

The Committee then voted on the proposal to amend condition 3 to require a scheme for lighting to be agreed, which was carried.

RESOLVED: That, the application be approved as recommended, subject to condition 3 being amended to require a scheme for lighting to be agreed.

**(vi) 16/01224/F
Dersingham: Pine Cones Caravan and Camping Site:
Dersingham Bypass: Replacement of three touring caravan
pitches and seven tent pitches with ten static caravans: c/o
Agent**

The Principal Planner introduced the report and explained that the application was made for full planning permission for the replacement of 3 touring caravan pitches and 7 tent pitches with 10 log cabin type permanent static caravans on land at Pinecones Caravan and Camping, west of the A149 Dersingham.

The site was the former rest stop and picnic area adjacent to the A149. In 2014 planning permission was granted for a change of use to a camping and caravan site (amended in 2015) and the site was currently operating as a touring camping and caravan park.

The main road (A149) ran to the east of the site but otherwise the site was surrounded on three sides by fields.

The application site was located within the countryside and was close to, but not within, the AONB.

The application had been referred to the Committee for determination as the views of Dersingham Parish Council were contrary to the officer recommendation and it had been called in by Councillor Bubb.

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

- Principle of development;
- Planning history;
- Character and appearance and impact upon AONB;
- Impact upon residential amenity;
- Tourism and local economy;
- Highway issues;
- Ecology; and
- Other material considerations.

The Principal Planner suggested that condition 8 should be amended to ensure that any stay on the site was no longer than 28 days. This would be consistent with the previous consent for the site.

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

Councillor Bubb stated that he was not against the proposal and he did not think that the Parish Council had a problem with the site however they were concerned about the residential use of a touring caravan.

He was pleased however with the suggested amendment to condition 8 limiting any stay to 28 days only.

The Chairman, Councillor Mrs Spikings explained that Planning Enforcement would look into the issue of the touring caravan. There would be a lot more control with the proposed amendment to condition 8. She also explained that Condition 7, which did not allow users of the development to bring dogs onto the site with them, was already on the existing consent and this was explained in more detail on pages 83 and 84 of the agenda.

The Committee then voted on the proposal to amend condition 8, which was agreed.

RESOLVED: That, the application be approved as recommended, subject to condition 8 being amended to limit any stay on the site to 28 days.

(vii) **17/00257/F**

Grimston: Land immediately north of 105 and west of 101 Leziate Drove, Pott Row: Proposed dwelling and garage: Mr B Sandle

The Principal Planner introduced the report and explained that the application site related to an area of land north of 105 and west of 101 Leziate Drove, Pott Row, Norfolk.

The proposal was to construct a two storey dwellinghouse and adjacent garage to the north. The site was located outside the settlement boundary for Pott Row in which new development was normally restricted as per policy DM2 of the Development Management Policies Plan 2016. There are however other material considerations in this case given the outline consent on the site for two new dwellings, which were granted permission in June 2016.

The National Planning Policy Framework 2012, the King's Lynn and West Norfolk Core Strategy 2011 and the Site Allocations and Development Management Policies Plan 2016 were relevant to the application.

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

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

- Principle of development;
- Form and character and amenity;
- Neighbour amenity;
- Highways;

- Affordable housing; and
- Other considerations

The Committee's attention was drawn to the need to add an additional condition, as outlined in late correspondence, which was agreed.

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

(viii) 17/00335/F

Hillington: 12 Wheatfields: Conversion of first floor accommodation to form internal annexe to cover both family use and letting (revised design): Mr W Daw

The Principal Planner introduced the report and explained that the application site related to a dwelling on the eastern side of Wheatfields, a small residential estate in Hillington.

The proposal was to convert part of the existing first floor accommodation of 12 Wheatfields, Hillington to annex accommodation for family use and letting.

The application was a resubmission following the refusal of a previous scheme. The applicant had revised the design to incorporate a 1.8m high screen as part of the proposed staircase.

The National Planning Policy Framework 2012, the King's Lynn and West Norfolk Core Strategy 2011 and the King's Lynn and West Norfolk Development Management Policies Plan 2016 were relevant to the application.

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

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

- Planning history;
- Principle of development;
- Form, character and amenity;
- Highways; and
- Other considerations.

RESOLVED: That the application be approved as recommended.

The Committee adjourned at 12.30 pm and reconvened at 1.10 pm.

(ix) 17/00408/F
Southery: Pump House, Ferry Bank: 30m high radio mast:
Southery & District IDB

The Principal Planner introduced the report and explained that the site comprised the existing Southery Pumping Station, located to the east of the A10 on Ferry Bank, to the south of Southery village. The site was bounded by a row of mature trees to the west of the site, a drain to the north and a timber boarded fence along the eastern and southern boundaries. Vehicular access to the site exists from the A10, with good visibility in both directions. There was adequate space within the site to accommodate large vehicle manoeuvring and construction and maintenance of the mast.

The application sought full planning permission for the construction of a 30 metre high radio mast.

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

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

- Principle of development;
- Visual impact;
- Other material considerations.

RESOLVED: That the application be approved as recommended.

(x) 17/00197/F
Terrington St John: Land south of Cowslip Barn, School
Road: Proposed construction of seven new dwellings:
Client of Holt Architectural Ltd

The Principal Planner introduced the report and explained that seven detached dwellings were proposed on a green field site (0.58 ha) on the western side of School Road, Terrington St John (a Joint Key Rural Service Centre) approximately 500m south of the primary school. The site had the benefit of an extant outline permission for 5 dwellings, approved at the time when the Council could not demonstrate a 5 year supply of housing land. This was approved under application reference: 15/01660/O after reference to the Planning Committee on 8 February 2016.

The site was part of an agricultural field with an open road frontage, but had recently been fenced off. A barn conversion was located to the north, a bungalow to the south beyond a field and a cluster of 3 houses and agricultural style buildings on the opposite side of the road.

The site was located within Flood Zone 3 as defined in the Council-adopted Strategic Flood Risk Assessment.

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

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

- Principle of development;
- Impact on countryside;
- Flood risk; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Angela Bishop (objecting) and Scott Brown (supporting) addressed the Committee in relation to the application.

The Principal Planner explained that whilst there was an extant outline permission for 5 houses and this was a material consideration, any new planning proposal needed to be assessed against the current planning policies. The earlier permission was granted at the time when the Council could not demonstrate a 5 year supply of housing land but this was no longer the case.

Councillor Wareham considered that the proposal would be a benefit to the village.

The Assistant Director explained that there was also a matter of consistency, as an application for two dwellings had recently been refused. He added that there was an extant consent for 5 dwellings but no justification had been put forward for 7 dwellings.

RESOLVED: That the application be refused as recommended.

(xi) 17/00236/CU
Terrington St John: Field opposite 3 Gambles Terrace, School Road: Change of use of the land to equestrian for personal use, repair/replacement of fencing and placement of moveable shelters/storage: Miss Joanne MacCallum

The Principal Planner introduced the report and explained that the application was for a change of agricultural land to equestrian for personal use. The applicant intended to keep horses on the land throughout the year and to graze, feed and ride horses on the land. The horses would be rugged when the weather warranted with moveable field shelters.

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

The Committee noted the correction in late correspondence and the key issues for consideration when determining the application, namely:

- Principle of the change of use;
- Amenity issues;
- Highways issues;
- Other material considerations; and
- Crime and disorder.

RESOLVED: That the application be approved as recommended.

(xii) 17/00027/O

**Tilney All Saints: Land to the west of Medina, Lynn Road:
Outline application for the construction of five dwellings
and associated external works: Mr & Mrs Goldsmith**

The Principal Planner introduced the report and explained that the application was in outline with all matters reserved for residential development on a site measuring approximately 0.26ha on the corner of School Road and Lynn Road, Tilney All Saints.

The site was allocated within the Site Allocations and Development Management Policies DPD, 2016 (SADMP) for residential development of at least 5 homes, and SADMP Policy G.97.1 related specifically to development of this site. The site was also located in Flood Zone 2.

The application had been referred to the Committee for determination as the views of Tilney All Saints Parish Council was 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;
- Flood risk;
- Ecology; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Mr Laughton (objecting) and Gareth Mower (supporting) addressed the Committee in relation to the application.

In response to comments made from the public speakers, the Principal Planner explained that conditions 10, 11 and 15 covered drainage issues and because of the Flood Risk Assessment the land would have to be raised. Condition 6 covered the height of the units in relation to neighbour amenity. The Principal Planner suggested that a condition should be imposed regarding finished floor levels.

Concerns were raised by Members of the Committee in relation to drainage, flood risk and overshadowing.

Councillor Storey asked whether drainage issues had been taken into consideration when the site was allocated within the Local Plan.

The Chairman, Councillor Mrs Spikings proposed that the application be deferred to allow further consideration to be given to the issues raised in relation to drainage, flood risk and overshadowing, which was agreed by the Committee.

RESOLVED: That the application be deferred.

(xiii) 17/00377/F

Upwell: Craven Cottage, 107 Croft Road: Variation of Condition 1 of planning permission 16/02223/F: to amend plans: Mr & Mrs C and D Clarke

The Chairman, Councillor Mrs Spikings declared an interest and left the meeting during consideration of the item. The Vice-Chairman took the chair for this item of business.

The Principal Planner introduced the report and explained that the application site was located on the northern side of Croft Road approximately 150m east of the junction with B1098/Sixteen Foot bank. It was located within the defined development area of the village. Planning permission was granted under application reference 16/01041/F for the development of the existing dwelling and construction of four detached houses. A variation of condition was approved under application ref: 16/02223/F to modify the house design on Plot 1.

Full planning permission was now sought for the variation of the approved plans condition attached to that earlier permission, to allow the change of house designs for the middle two plots.

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

The Committee noted the correction in late correspondence and the key issues for consideration when determining the application, namely:

- The impact upon appearance and character of the locality.

RESOLVED: That the application be approved as recommended.

(xiv) **2/TPO/00557**

**Walpole: Red Gables, Wisbech Road, Walpole St Andrew:
To consider whether Tree Preservation Order 2/TPO/00557
should be confirmed, modified or not confirmed in the light
of objections: Mr Stephen C Wilson & Mrs Angela B L
Wilson**

The Arboricultural Officer introduced the report and explained that the report included:

- The reason for making the Tree Preservation Order;
- An outline of the objections and representations; and
- Response to objections and representations.

RESOLVED: That, the Order be confirmed without modification.

PC109: **PLANNING ENFORCEMENT - 11 CHURCH CLOSE, PENTNEY**

The Committee considered a report which updated Members in respect of a continuing breach of planning control and to seek a resolution in respect of what further enforcement action was required, if any, to remedy the breach of planning control.

It was reported that the land was located entirely within the curtilage of the residential dwelling house at 11 Church Close, Pentney, King's Lynn.

It was apparent that a large number of vehicles were being kept on the land that the LPA considered required planning permission as it was well above what could be normally considered to be incidental to the enjoyment of the dwelling house.

The Committee noted the options for remedying the breach of planning control:

- Option 1 – Prosecution
- Option 2 – Injunction
- Option 3 – Direct Action (Section 178 of the 1990 Act)
- Option 4 – Take No Further Action
- Option 5 – Compulsory Purchase Order (Section 226 of the 1990 Act)
- Option 6 – A Discretionary Extension of the Compliance Period.

The Chairman, Councillor Mrs Spikings proposed that if the Committee voted to take direct action, then the owner be given one month to clear the site before the direct action was taken. This was seconded by

Councillor Mrs Young and, after having been put to the vote, was carried.

RESOLVED: (a) That, the Committee noted the update in respect of the continuing breach of planning control.

(b) That in the event that the site is not cleared within one month, authority be granted to the Executive Director of Environment and Planning for the implementation and execution of direct action under Section 178 of the Town and Country Planning Act 1990 (as amended) to comply with the requirements set out in paragraph 5 of the Enforcement Notice dated 12 December 2014 (Appeal Decision).

PC110: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That, the report be noted.

The meeting closed at 2.00 pm