

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

**PLANNING COMMITTEE**

**Minutes from the Meeting of the Planning Committee held on Monday, 6th November, 2017 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ**

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

**PC51: APPOINTMENT OF VICE-CHAIRMAN**

**AGREED:** That Councillor Morrison be appointed Vice-Chairman for the meeting.

**PC52: APOLOGIES**

Apologies for absence had been received from Councillor Mrs V M Spikings and Mrs S Fraser.

The Committee asked for its best wishes to be sent to Councillor Mrs Fraser for a speedy recovery.

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

**PC53: MINUTES**

The Minutes of the Meetings held on 2<sup>nd</sup> and 5<sup>th</sup> October 2017 were agreed as a correct record and signed by the Chairman.

**PC54: DECLARATIONS OF INTEREST**

There were no declarations of interest.

**PC55: URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business under Standing Order 7.

**PC56: MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillor(s) attended under Standing Order 34:

<b>Name</b>	<b>Item</b>	<b>Application</b>
<i>D Whitby</i>	<i>8/3(b)</i>	<i>17/01658/F - Clenchwarton</i>

PC57: **CHAIRMAN'S CORRESPONDENCE**

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

PC58: **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.

PC59: **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 application be determined as set out at (i) – (x) below, where appropriate to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chairman.

- (i) **17/00581/FM**  
**Downham Market: Land south of Prince Henry Place: Proposed 19 no. 2 and 3 bedroom dwellings (15 no. market sale dwellings and 4 no. affordable high quality dwellings) with associated garages/parking, access road, landscaping and open space: Altius Goc (London Road Downham Market) Limited**

The Principal Planner updated the Committee and explained that the application sought full permission for the construction of 19 dwellings (including 4 affordable units), with associated garages/parking, access road, landscaping and open space on 0.7ha of former paddock land south of Prince Henry Place, Downham Market.

Members were reminded that the application was referred to the previous Planning Committee Meeting on 2<sup>nd</sup> October 2017. The application was deferred following a site visit to enable further

clarification to be sought in relation to the proposed footpath link to the east of the site to Howdale Rise.

The Committee was informed that a Land Registry search had confirmed that the land was sold to the owner of No.26 Howdale Rise in 2002. However County Highways had provided an extract from the dedication agreement under Section 40 of the Highways Act 1959 dated 6<sup>th</sup> May 1976 relating to the development of Howdale Rise. This illustrated that along with the roads and footways, the land in question was dedicated as highway. Whilst this land may be registered as in the ownership of No.26 Howdale Rise, in light of the above mentioned agreement, highway rights exist over it and these would supersede any private ownership rights.

County Highways remained of the opinion that it would be beneficial for the pedestrian link to be formed in order to maximise permeability through the site.

In response to the concerns raised by Members at the site visit and the following discussion when the meeting reconvened, the applicants have produced an alternative layout plan omitting the footpath link. The Committee now had the choice of two site layout plans should they be minded to approve the application – one without the footpath link (making it more secure but all pedestrians using Prince Henry Place) and one with the footpath link (maximising permeability). Either option was considered to be acceptable in planning terms.

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

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

- Principle of development;
- Impact on form and character of the locality;
- Highway issues;
- Affordable housing provision;
- Drainage; and
- Other material planning considerations.

In accordance with the adopted public speaking protocol, Mr R Horn (objecting) and Mr F Daymond (objecting on behalf of the Town Council) addressed the Committee in relation to the application.

Councillor Tyler drew the Committee's attention to the fact that Prince Henry Place was sheltered accommodation for older people with a range of health needs, and he considered that the proposal would provide a dis-amenity to those people living there, by virtue of the construction traffic and that Prince Henry Place was the only access point. He also considered that the additional traffic would have a

knock-on effect on the junction at Howdale Rise and Church Road, which already had problems with congestion.

Councillor Wareham also supported the comments made by Councillor Tyler in relation to the traffic congestion in the area.

The Chairman invited Richard Smith to outline why County Highways had not objected to the application.

The Principal Planner explained that the applicant had offered to carry out highway improvement works and highlighted to the Committee on the plan the proposed works and where they would take place. The Principal Planner added that County Highways had no objection to the scheme and the Lead Local Flood Authority (LLFA) had no objection subject to conditions. Condition 9 required a Construction Management Plan to be approved and Condition 10 referred to working hours.

A point had been raised by the public speaker in relation to the ecology report being out of date. It was explained that the survey was dated 2016 and was valid for 2 years, therefore it was still within the required timescale.

In response to a query, the County Highways Officer explained that he had not visited the site himself but a member of the Major Development Team had been to the site. He added that he recognised the issues with the junction in Downham Market which was used by a significant amount of traffic but traffic improvement works were proposed by the applicant which could potentially help the situation.

The Assistant Director advised the Committee that the site was located within the development area of the town and the principle of development was therefore acceptable in planning policy terms. The site had been identified for residential development in the previous Local Plan and had a development brief. He further added that junction improvements would be provided. The Committee also needed to consider whether the footpath link to Howdale Rise needed to be provided. It was the view of officers that there was no need for a footpath to be provided at that location.

In response to a comment, the Principal Planner advised that, as part of the highway improvement works, the wall at Howdale junction would not be taken down, and any off-site highways works would be considered by County Highways.

Councillor Mrs Wright referred to the design of the proposed dwellings, an issue which had been raised by the Town Council, and considered that there would be infrastructure problems and dis-amenity to residents. She also considered that they would not harmonise with the existing bungalows in the vicinity.

The Assistant Director advised that the Local Plan was the starting point when determining applications. There had been no objection from County Highways and the applicant was providing junction improvements to Howdale Road/Church Road together with widened footpaths, which would provide extra benefits. The Assistant Director reminded the Committee that this was an urban site. In relation to the point that had been made regarding dis-amenity to the existing residents of Prince Henry Place, the Assistant Director advised that any dis-amenity would be short-term, but he had not seen an application refused for this reason. In addition, Condition 9 required a Construction Management Plan to be agreed and implemented.

Councillor Bubb asked whether the access point could be from Ryston End. It was explained that Ryston End was too narrow to provide the access.

Councillor Wareham added that the proposed new housing had no relationship to the existing dwellings.

The Chairman reminded the Committee that the site was in the town and County Highways had no objection to the proposal.

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

It was then proposed by Councillor Bubb and seconded by Councillor Wareham that the application be refused on the grounds that the design of the dwellings was out of character and the detrimental impact of the development on existing residents, which was carried.

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

1. *The proposed development is not considered to be of high quality design and would therefore be out of character with this locality, contrary to the provisions of the National Planning Policy Framework (paragraphs 17, 56, 57 & 61) and Core Strategy Policies CS04 & CS08 of the Local Development Framework (2011) and Policy DM15 of the Site Allocations & Development Management Policies Plan (2016).*
2. *The proposed development by virtue of associated traffic, noise and disturbance during the construction phase and from subsequent use of the site, would have an unacceptable impact upon the amenities of residents within the adjoining sheltered housing on Prince Henry Place through which access to the site is proposed to be gained, contrary to the provisions of Policy DM15 of the Site Allocations & Development Management Policies Plan (2016).*

**(ii) 17/01272/FM  
East Walton: Narford Lane: Retrospective  
camping/glamping site (application 2): Westacre Estate  
Management**

The Principal Planner introduced the report and explained that retrospective planning permission was sought for a glamping/camping site at Bradmoor Woods, Narford Lane, East Walton.

The site was located in a heavily wooded area of countryside and was accessed from Narford Lane, which was a narrow, winding country lane.

The site also lies within the buffer zone of a SSSI and a ground water risk area (medium).

Permission was sought to accommodate 35 glampers/campers at any one time during the period of 1 April to 30 September in any one year. In total the glamping structures could accommodate a maximum of 26 people (24 adult beds and 2 child beds); the other nine were accommodated in tents.

The site did not promote the use of caravans and these were prohibited on the site.

The application had been referred to the Committee for determination as the officer recommendation was contrary to the Local Highway Authority recommendation.

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

- Principle of development;
- Highway safety;
- Ecology;
- Trees; and
- Other material considerations.

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

The Chairman invited the County Highways Officer to outline their objection to the Committee. He explained that the Local Highway Authority had raised objection as Narford Lane was not suitable for the traffic which would be generated from the site.

Councillor Crofts asked whether consideration had been given to the provision of passing bays. The County Highways Officer advised that

numerous passing bays would need to be provided and he did not think that County Highways owned all of the land.

Councillor Mrs Wright explained that she knew the area well and the site had already been in operation for two years. She considered that the traffic was very minimal and the whole idea was for people to get back to nature and people generally came well prepared for the stay. She disagreed with the views of County Highways and added that there was a public house in West Acre.

Councillor Blunt pointed out that there was a maximum number of no more than 35 campers/glampers to be accommodated on the site at any one time.

The Assistant Director explained that if the Committee felt it necessary, then a condition could be imposed regarding the provision of passing bays. However, the Committee considered that passing bays need not be provided.

The Chairman drew the Committee's attention to the late correspondence and the need to amend Condition 2, which was agreed.

**RESOLVED:** That, the application be approved as recommended, subject to condition 2 being amended, as outlined in late correspondence.

**(iii) 17/01451/F**

**Burnham Market: No. TWENTY 9, 29 Market Place:  
Proposed development of 6 no. suites B&B accommodation  
ancillary to bar and restaurant: Mr T Roberts**

The Principal Planner presented the report and explained that the application site comprised an enclosed parcel of land sited to the rear of No.29 Market Place which was a Grade II listed building on the northern side of the market place within the centre of Burnham Market.

To the north, east and west were residential properties or their associated garden land and to the south was No.29 which was granted planning permission for a change of use to a restaurant and bar with associated extension and refurbishment works last year. Construction works were currently under way to implement the permission.

The Committee was informed that the area around the Market Place was mixed residential and commercial in character, with a variety of predominately retail uses focussed around 'The Green'.

The application site was located within the Conservation Area and Area of Outstanding Natural Beauty, according to Local Plan Proposals Maps for Burnham Market.

The application sought consent for the construction of commercial development of bed and breakfast style accommodation ancillary to the business at No.29 Market Place. Amended plans had been received as the proposal had evolved.

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

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

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

In accordance with the adopted public speaking protocol, Terence Cartwright (objecting), Cindy Stimpson (objecting on behalf of Burnham Market Parish Council) and Chris Borrmann (supporting) addressed the Committee in relation to the application.

Councillor Sandell explained that she considered that there was a niche for a bed and breakfast facility within Burnham Market, however she did appreciate the views put forward by the objector. As raised by the objector, she agreed that all of the rooflights should be removed from the scheme.

Councillor Wareham proposed that a site visit should be undertaken, which was seconded by Councillor Sandell, however after having been put to the vote, was lost.

Councillor Mrs Wright referred to a comment from the public speaker regarding the fact that the roots of the oak tree had been concreted over. The Assistant Director advised that this would be checked to ensure that it was in compliance.

The Assistant Director advised that site area was large and secluded. There would be no vehicle access proposed to the site for residents of the bed and breakfast use, with access shown to be through No.29. Parking for visitors would be available within the new Foundry Field car park, with permits provided by the business.

Councillor Mrs Wright added that a bed and breakfast use was probably needed but she felt that there was not enough information provided to the Committee.

Councillor Mrs Watson expressed concern in relation to the access to the bed and breakfast units through the restaurant at No.29. She also



considered that the lighting from the existing barns and shop might be more of a problem than the rooflights.

The Assistant Director explained that a lighting condition had been imposed however he considered that the rooflights would be acceptable.

The Assistant Director explained the access arrangements to the Committee, and confirmed that there was provision for disabled access.

Councillor Parish stated that he considered that the conditions suggested by the objector were sensible. He also queried whether the 10 letters of support were from local residents. In relation to the concrete slab, Councillor Parish expressed concern that this had taken place before planning permission had been granted.

The Assistant Director explained that the work carried out to date had been of high quality. He added that it might not have been sensible to put the concrete slab in first, but this would be looked at. The applicant had also reduced the height of unit 5. He considered that the proposal was acceptable and a well thought out scheme.

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

*The Committee adjourned at 11.20 am and reconvened at 11.30 am*

**(iv) 17/01658/F**

**Clenchwarton: Wildfields, 187 Main Road: Proposed workshop – ancillary to the dwelling (non-commercial). Proposed two storey annex – ancillary and linked to the dwelling: Mr & Mrs Green**

The Principal Planner introduced the report and explained that the application sought permission for the construction of a non-commercial workshop ancillary to the dwelling and a two storey annexe linked to the dwelling at Wildfields, 187 Main Road, Clenchwarton.

The application site was located within the settlement of Clenchwarton. Clenchwarton was designated as a Key Rural Service Centre in Policy CS02 – Settlement Hierarchy of the Core Strategy (2011) which recommends limited growth of scale and nature appropriate to secure the sustainability of the settlement.

The site comprised a rectangular plot that had an existing dwelling and outbuilding located to the west of it. Vehicular access to the site was provided by the existing lane which led onto Main Road.

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

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

- Principle of development;
- Form and character;
- Neighbour amenity;
- Access;
- Flood risk; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Janet Lane (objecting on behalf of Mr & Mrs Mace) and Jason Law (supporting) addressed the Committee in relation to the application.

Councillor Whitby addressed the Committee in accordance with Standing Order 34. He explained that there was a lack of detail in relation to the nature of the workshop. He added that in its proposed location, there could be noise disturbance, unsociable hours of use and overlooking for the neighbours. Councillor Whitby queried the size of the workshop given its non-commercial use. He explained that the workshop could be sited elsewhere on the plot

Councillor Wareham considered that the proposed workshop was very close to the neighbouring property and felt that a more considerate location could be found.

The Principal Planner advised that Condition 4 limited the annex and workshop to the needs and personal enjoyment of the occupants but could not be used for business or commercial purposes or as an independent unit of residential accommodation.

Councillor Crofts added that the proposed workshop looked like a domestic bungalow.

The Assistant Director advised the Committee that when he was on site, the applicant did indicate that he would be prepared to relocate the proposed workshop.

Councillor White then proposed to defer the application to see if the applicant would be prepared to move the proposed workshop. This was seconded by Councillor Tyler.

Councillor Blunt also suggested that the wording of condition 4 could be split to refer to the workshop and annexe building separately.

Councillor Parish suggested that the design of the workshop should look less like a house.

**RESOLVED:** That, the application be deferred for one cycle to see if the workshop building could be relocated.

**(v) 17/01068/F****Walpole Cross Keys: Land at Sutton Road: Development of 4 no. 2 bedroom terraced houses with associated parking: Stinders Developments Co Ltd**

The Principal Planner introduced the report and explained that the application site was located on the southern side of Sutton Road, approximately 120m west of the junction with Station Road North. The site comprised part of an existing agricultural field. It had open boundaries to the south and west and the site abutted two pairs of recently built semi-detached houses to the east; frontage residential development was located on the opposite/northern side of Sutton Road.

Full permission was sought for the construction of a terrace of 4 no. two bedroomed houses and associated parking, with two access points off Sutton Road.

It was noted that the Parish had an adopted Neighbourhood Plan.

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

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

- Principle of development;
- Form and character;
- Highways issues;
- Flood risk and drainage;
- Relationship with adjoining property;
- Affordable housing; and
- Other material considerations.

Councillor Blunt advised the Committee that the application was within his Ward, and the site was within the Neighbourhood Plan. He explained that the objection from the Parish Council related to parking issues. It was considered that this was part of a phased development when seen in context with the other houses to the east of the site therefore a contribution towards off-site affordable housing provision would be secured via the Section 106 Agreement.

**RESOLVED:** (A) That, the application be approved, subject to completion of a Section 106 Agreement, within 4 months of the date of the decision, to secure a financial contribution towards off-site affordable housing provision.

(B) That the application be refused if the Section 106 agreement is not completed within 4 months of the date of this decision, on the grounds of no mechanism in place to secure a financial contribution

towards off-site affordable housing provision and therefore is contrary to Policy CS09 of the Local Development Framework.

PC60: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

**RESOLVED:** That the report be noted.

PC61: **PLANNING ENFORCEMENT SERVICE - QUARTERLY REPORT**

The Committee received a report which provided an update on service performance for planning enforcement during the third quarter of 2017.

Attached to the report was a list of live cases to 31<sup>st</sup> October 2017.

It was noted that the total number of live cases was 254 and 156 cases had been closed. In addition, 13 formal notices had been served.

**RESOLVED:** That, the report be noted.

PC62: **PLANNING & ENFORCEMENT APPEALS - QUARTERLY REPORT**

The Committee received a quarterly update report covering performance for the period 1 July – 30 September 2017.

The data showed that for the third quarter of 2017, 27% of all appeals were allowed. For the 12 month period to 30 September 2017 an average of 18% of all appeals were allowed. This was well below the post National Planning Policy Framework (NPPF) national average figure of around 36% of all appeals allowed.

**The meeting closed at 12.00 pm**