

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

**Minutes from the Meeting of the Planning Committee held on
Monday, 27th July, 2015 at 10.00 am in the Committee Suite, King's Court,
Chapel Street, King's Lynn**

PRESENT: Councillor Mrs V Spikings (Chairman)
Councillors A Bubb, Mrs S Buck, C Crofts, I Gurlay, J Moriarty, A Morrison,
M Peake, M Storey, 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 Mrs C Bower and
P Colvin

PC23: **MINUTES**

The Minutes of the Meeting held on 29 June 2015 was agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC24: **DECLARATIONS OF INTEREST**

There was no declarations of interest.

PC25: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was none.

PC26: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

There were no Members present pursuant to Standing Order 34, but the Chairman had received representation from the Ward Member for item (ix) which she read out at the relevant point in the meeting.

PC27: **CHAIRMAN'S CORRESPONDENCE**

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

PC28: **RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

A copy of the summary of relevant correspondence received since the compilation 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

PC29: **INDEX OF APPLICATIONS**

The Index of Applications was noted.

a **Decisions on Applications**

The Committee considered schedules of applications for planning permission submitted by the Executive Director, Geoff Hall (copies of the scheduled signed by the Chairman are attached to the signed Minutes of the Meeting of the Committee).

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

(i) **15/00701/F**

Brancaster: Dorosal, Marsh Side: Demolition of existing bungalow and construction of new house: Mr David Marshall

The Principal Planner introduced the report and explained that the site consisted of a detached, single storey dwelling and associated garden, within a short row of dwellings on the eastern side of Marsh Side, Brancaster.

The site was located within a predominately residential area. To the north was garden area to the row of cottages on Marsh Side, to the east were dwellings and gardens set within a courtyard development accessed from the Main Road, to the south were two storey, detached properties and associate gardens and to the west, on the opposite side of the road were two storey, semi-detached properties and gardens.

The site was located within the AONB, Built Environment Type D, according to the proposals map for the Local Plan and adjoined the Conservation Area. The houses to the south and east were within the Conservation Area and the boundary followed the southern and eastern application site boundary.

The application sought full planning permission for the demolition of the existing bungalow and the construction of a new house and detached garage. The amended scheme followed two earlier planning applications which were withdrawn prior to the determination due to concerns about the scale of the replacement dwelling.

The application had been referred to the Committee at the request of Councillor Mrs Watson, and the views of the Parish Council were contrary to the officer recommendation.

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

- Acceptability of the principle of development;
- Form and character;
- Impact upon the adjoining Conservation Area;
- Impact upon the AONB;
- Relationship with adjoining occupiers; and
- Other material considerations.

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

Councillor Mrs Watson explained that she had called-in the application at the request of the Parish Council. The Parish Council considered the proposal to be out of context with the other houses in the area and was much larger than the existing bungalow on the site. She added that she did not entirely agree with the Parish Council's view but the Parish did feel very strongly about the application.

Councillor Mrs Wright stated that she considered that the proposal would vastly improve the area.

The Chairman, Councillor Mrs Spikings added that having seen the site, she considered that the proposal would be a worthy addition to West Norfolk. She also thanked the speaker for attending the meeting and reassuring the Committee that it will be the family's main residence.

RESOLVED: That the application be approved as recommended.

(ii) 15/00793/F

Burnham Market: Bear and Beehive Cottage, 47 Front Street: Demolition of outbuilding and construction on existing footprint of ancillary annex extending into garden space within existing curtilage: Mrs Janet Rubin

The Principal Planner introduced the report and explained that the application site was located within an area defined as Built Environment Type C, Conservation Area and Area of Outstanding Natural Beauty according to the Local Plan maps for Burnham Market.

The site formed the garden area to the Bear and Beehive Cottage, a two storey property on the northern side of Front Street.

The garden area contained a white painted mono-pitch outbuilding. The proposal sought consent for demolish this outbuilding and replace it with an annex building.

The application sought to overcome previous objections raised by the Planning Committee to an annex in March 2015.

The application had referred to the Committee for determination as the previous application for an annex was refused by the Planning Committee.

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

- Planning history and principle of development;
- Impact upon the conservation area;
- Impact upon neighbour amenity;
- Highway safety and
- Other material considerations

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

Councillor Crofts stated that he had attended the site visit when the previous application had been refused and having read the report he considered that the revised proposal now addressed the reasons for refusal.

Councillor Mrs Watson agreed with the comments made by Councillor Crofts, however, she did have concerns in relation to the lowering of the building in relation to flooding.

The Principal Planner advised that the site was within Flood Zone 1 which was at a low risk of flooding.

In response to a comment from Councillor Bubb regarding the rear access to the property, the Principal Planner confirmed that the access was unaffected by the proposal.

Councillor Mrs Wright added that she thought that the proposal was a clever use of a small space.

Councillor Morrison stated that he considered that this was a cramped area and that he did not agree with the comments regarding the shed.

RESOLVED: That the application be approved as recommended.

(iii) 15/00503/F
Clenchwarton: 42 Station Road: Proposed two dwellings:
Mr P Underwood

The Principal Planner introduced the report and explained that the application site was located on the south-eastern side of Station Road, Clenchwarton and to the rear of No.42 – a detached house. At the time of compiling the report, the site was within Built Environment Type D on the Local Plan Proposals Maps for the village and Flood Zone 3 plus Hazard Zone of the Council-adopted Strategic Flood Risk Assessment. However, the submitted Site Allocations and

Development Management Policies document showed this site as being outside the village development area, and therefore in countryside.

The application sought full planning permission for the demolition of an existing commercial warehouse/workshop building, and redevelopment of the site with two detached barn style houses.

Members were reminded of a recent application on the same site to demolish the workshop and redevelop it with 5 new light industrial units with associated parking and access upgrade. That application (ref: 14/01318/F) was refused by Committee following a site visit on 8 December 2014.

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

- Principle of development;
- Impact upon appearance and character of the locality;
- Access and highways matters;
- Impact upon neighbouring premises;
- Crime and Disorder; and
- Other material considerations

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

Councillor Mrs Young stated that she knew the area well, and that a lot of residents were happy with the revised proposal. She referred to the fact that the site was within Flood Zone 3, and asked that if the application were to be approved conditions be attached as the road did flood in that area.

The Chairman, Councillor Mrs Spikings stated that Condition 13 covered that issue.

Councillor Moriarty asked for assurance that the comments raised in late correspondence had been covered in the report. It was confirmed that the comments had been covered within the report.

Councillor Crofts stated that he was surprised that no comments had been received from the Internal Drainage Board. The Principal Planner explained that the Internal Drainage Board received the weekly list of planning applications and they could comment on whichever application they needed to.

The Chairman drew the Committee's attention to the late correspondence and the need to attach an additional condition (17), which was agreed by the Committee.

RESOLVED: That the application be approved as recommended, subject to the imposition of an additional condition (17), as outlined in late correspondence.

(iv) 15/00732/F

**Crimplesham: Land adjacent the Stables, Main Road:
Construction of semi-detached dwellings: Mr J Stephen**

The Principal Planner introduced the report and explained the application site was located on the south western side of Main Road, Crimplesham and comprised part of the garden area of 'The Stables', a two-storey detached residential property situated immediately north-west and shown outlined in blue on the submitted site location plan.

Crimplesham was defined as a Smaller Village and Hamlet under the settlement hierarchy of Policy CS02 of the Council's adopted Core Strategy (2011). However, in accordance with the NPPF, this was currently considered out of date given that the Council did not currently have a five year supply of delivering housing sites.

The application sought full planning permission for the construction of a pair of semi-detached dwellings.

The application had been referred to the Committee for determination as the officer recommendation was at variance with the officer recommendation.

The Principal Planner then outlined the key issues to be considered when determining the application, namely:

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

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

RESOLVED: That the application be approved as recommended.

(v) 15/00142/F

**Downham Market: Land rear of 37 High Street, Church Road:
Residential development of 4 no. units, including
demolition of a detached garage: Mr A Graham**

The Principal Planner introduced the report and explained that the application site comprised land to the rear of No.37-39 High Street, Downham Market (National Westminster Bank and Dental Surgery) which fronted onto the western side of Church Road. The site was

predominately laid to grass but there was an existing detached garage towards the front which was accessed from Church Road and at the rear there was an existing modest single storey building known as 'Mouse Cottage'. Church Road was situated at a higher level to High Street therefore the site sloped down to the rear of No.37.

The site was located within Built Environment Type 'C', the Defined Area of Town and the Downham Market Conservation Area as defined by the King's Lynn & West Norfolk Local Plan (1998) Proposals Map No.37-39 High Street was a three-storey Grade II listed building Nos.33, 35, 45 and 47 were also listed and were in close proximity to the site.

The application sought full permission for a residential development of 4 no. units (2 x 3 bedroom, 1 x 2 bedroom and 1 x 1 bedroom flat), including demolition of a detached garage. Several revisions had been made to the scheme since the application was originally submitted. This had included a reduction in the number of proposed units from 5 to 4.

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

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

- The principle of development;
- Form and character/impact on heritage assets;
- Residential amenity;
- Highways impact; and
- Other considerations

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

The Principal Planner explained that in relation to parking, the applicant was proposing 7 parking spaces for 4 units, which was acceptable.

The Chairman, Councillor Mrs Spiking referred to the parking layout, and asked how cars would be able to manoeuvre in and out. The Planning Control Manager advised that he thought that the spaces would be allocated to the same unit. The Principal Planner highlighted the spaces on the plan.

The Chairman, Councillor Mrs Spikings referred to the differing levels on the site and asked how this could affect the area in relation to flooding.

The Principal Planner explained that condition 4 would cover this issue and that no objection had been received from the Council's CSNN. The site was within Flood Zone 1 but the land drainage issue could be dealt with by condition. The Principal Planner also clarified the levels a 32.4m which dropped down to 28.5m at the back of the site.

Councillor Mrs Wright referred to the comments made by Historic England, who considered that railings would be more in-keeping than a solid fence, and proposed this as a condition.

The Principal Planner indicated on the plan the brick boundary wall and explained that condition 10 covered boundary treatment and if the Committee wished, the condition could specify railings.

Councillor Wareham explained that any surface water would run down Church Road. In relation to the comment regarding railings, he explained that there were no other railings along that part of the road and, if erected, they would be in isolation. The Principal Planner displayed the street-scene by the use of google earth.

Councillor Wareham added that he considered that it would be an unnecessary expense to expect the developer to provide railings when the boundary treatment was already a wall.

Councillor Bubb seconded the proposal to amend condition 10 to specify railings as the boundary treatment, however after having been put to the vote was lost.

Councillor Moriarty referred to the concern raised by County Highways regarding locking gates. The Principal Planner explained that condition 13 covered this issue and County Highways were now content.

The Chairman, Councillor Mrs Spikings proposed an additional condition regarding allocating parking spaces to particular units, which was seconded by Councillor Storey and agreed by the Committee.

RESOLVED: That the application be approved as recommended subject to an additional condition relating to car parking allocation.

The Committee adjourned at 11.15am and reconvened at 11.25am

(vi) 15/00667/F

Outwell: 6 Wisbech Road: Convert existing outbuilding into self-contained residential house with extension to create front porch. Conversion of public house into 5 self-contained flats with first floor rear extension and single storey side extension: Mr Steve Green

The Principal Planner introduced the report and explained that the application site was located to the east of the A1122/Wisbech Road just to the north of St Clement's Church in the village of Outwell. The

site was approximately 0.1ha in size and comprised the former Red Lion public house and its associated land and outbuildings.

The site was located within Built Environment Type C as defined on the Local Plan map for the village – saved Local Plan Policy 4/21 applied along with Core Strategy Policies CS06 & CS08.

The Red Lion was an end of terrace unit with a two storey plus a single storey range of outbuildings.

The site was part of a comprehensive development site of 0.5ha which included the adjoining scrapyard and commercial buildings to the north. That earlier permission was outline consent for the demolition of the public house and commercial buildings and the construction of 19 no. dwellings and associated works. That permission has now lapsed.

Planning permission was sought for the conversion and extension of an existing two storey outbuilding into a self-contained residential house; and conversion of the public house into 5 no. self-contained flats with first floor rear extension and a single storey side extension.

The application was retrospective as the conversion and extension works were underway and was the result of an enforcement investigation.

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

- Principle of development;
- Loss of an employment use;
- Impact upon appearance of the locality;
- Impact upon neighbours;
- Access and highway matters;
- Impact upon protected species; and
- Any other material considerations.

Councillor Crofts stated that the application was within his Ward and he was disappointed that this was a retrospective application. With regards to the comment from Outwell Parish Council, he explained that the majority of the Parish Council were pleased that works were being carried out. He asked for assurance that the works would not expand into the contamination area.

The Principal Planner advised that conditions 5 and 6 covered the issue.

In response to a comment from Councillor Wareham regarding parking, the Principal Planner explained that this was covered by condition 3 and there was a large parking and turning area.

Councillor Wareham proposed that each flat had nominated parking space, which was seconded by Councillor Crofts and agreed by the Committee.

RESOLVED: That the application be approved as recommended subject to an additional condition requiring each dwellings to have a nominated parking space.

(vii) 15/00179/F

Walpole Cross Keys: 30 Sutton Road: Demolition of vacant building and erection of 4 houses, including improvements to school access: Mr Martin Crass

The Principal Planner introduced the report and explained that the site was that of the former Woolpack Inn Public House that sat to the north of the junction of Station Road and Sutton Road, Walpole Cross Keys. The site covered an area of 0.215ha and comprised the open fronted forecourt, public house and outbuildings and yard to the rear. It was bounded to the west and south by residential properties, housing and primary school to the east, and agricultural land to the north.

The proposal was for full planning permission for the demolition of the former public house and its replacement with four detached two-storey four bedroomed dwellings with integral garages. The site would be accessed via two separate accesses serving Plots 1-2 and Plots 3-4 respectively. Provision would be made for 3 parking spaces per dwelling within the site. To the east boundary, a 1-1.2m wide strip would be donated to the school to enable widening of the school access and drive. The existing conifer hedge to the west boundary would be trimmed back to the boundary line. Provision would be made for separate access to the rear gardens of the proposed dwellings.

Plot 1 had been amended to reduce the scale of the dwelling in order to overcome concerns relating to the proximity to the neighbouring property.

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

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

- Appeal history and subsequent 2011 permission;
- Principle of development;
- Form and character;
- Neighbour amenity;
- Highways issues;
- Flood risk;
- Ecology;
- Any other matters that require consideration prior to the determining of the application.

Councillor Mrs Young stated that she knew the area well and residents in the vicinity were delighted that something was going to be carried out to remove the eyesore of the old public house. However there were concerns in relation to flooding.

The Principal Planner explained that condition 4 covered the issue of foul and surface water drainage arrangements for the site.

Councillor Mrs Young also asked if silver birch tree and rose bush could be treated with respect as these were sentimental items. The Planning Control Manager advised that this would be pointed out to the developer.

Councillor Bubb stated that any development on the site would be an improvement but asked if there was a record of flooding.

The Principal Planner advised that there had been flooding on the other side of the road.

Councillor Mrs Young stated that a dyke had been re-dug on the other side of the road.

RESOLVED: That the application be approved as recommended.

(viii) 15/00857/F

**Walpole: Torestin, Chalk Road, Walpole St Peter:
Freestanding car port and use of existing garage for
ancillary accommodation: Mr & Mrs David Lawty**

The Principal Planner introduced the report and explained that the land was situated on the eastern side of Chalk Road, Walpole St Peter, approximately 100m north of the Bustards Lane junction, in an area designed Built Environment Type D in the Local Plan.

The application related to the construction of a car port and conversion of a detached garage to create ancillary accommodation in conjunction with the main dwelling 'Torestin'.

The National Planning Policy Framework 2012, the King's Lynn and West Norfolk Core Strategy 2011, the King's Lynn and West Norfolk Local Plan 1998 and the emerging King's Lynn and West Norfolk Site Allocations and Development Management Policies Document 2015 were relevant to the application.

The application had been referred to the Committee to determine as the applicant was an employee of the Borough Council involved in the planning process.

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

- Form and character and any impact on the locality; and
- Other considerations.

The Chairman, Councillor Mrs Spikings referred to the objection in late correspondence. The Principal Planner advised that as the building was single storey it would have no impact.

In relation to a comment from Councillor Morrison regarding the polycarbonate roof, the Principal Planner explained that the building was tucked away at the back of the site and would not be seen from the street. There was also a mix of development in the area.

RESOLVED: That the application be approved as recommended.

(ix) 15/00949/O

**Wiggenhall St Germans: Land south of 50 Common Road,
Wiggenhall St Mary the Virgin: Outline application:
Proposed residential development – 3 detached dwellings
(2 storey): Mr J Steley**

The Principal Planner introduced the report and explained that the application site was located on the western side of Common Road, Wiggenhall St Mary the Virgin and to the south of number 50.

The site comprised agricultural land, in designated countryside as detailed within the adopted Local Plan and the Emerging Site Allocations and Development Management Policies Pre-Submission Document. A recent High Court decision against the Council had however had an impact upon how housing applications were to be dealt with in policy terms.

Outline planning consent (with all matters reserved for future consideration) was sought for the erection of three detached two storey dwellings.

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

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

- Planning history;
- Principle of development;
- Form and character;
- Highways;
- Flood risk; and
- Other material considerations.

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

The Chairman, Councillor Mrs Spikings read out a letter from Councillor Hopkins (Ward Member) as follows:

I called this application in to be considered by the Planning Committee as a whole. I feel this application warrants a greater consideration than normal and should be looked at in greater detail due to the LDF being very inconclusive and in a state of being re-defined as we speak. There is also a need for housing within our borough. This would help fulfil that need and also provide the opportunity for people to reside in a rural location.

It also appears there may be some inaccuracies regarding the classification of the land, is it agricultural or amenity land.

As this is just for outline planning I feel we would be in a better position to rule if there were to be a site visit to gain a more accurate picture of the actual site, and its surroundings, including the local amenities supporting sustainability. The Norfolk County Council Highways correspondence makes reference to schooling and access to bus travel and cycle travel to and from work, these proposed dwellings are within a short distance from a bus stop providing an hourly bus to King's Lynn and Wisbech. The same location was also the route of the national cycle network route 1.

With regards to sustainability, we are very lucky to have very good facilities within the locality, there being a shop, public house, primary school, preschool, post office, hair dressers and the memorial function hall, of which the possible increase in business would help promote the retaining of these services.

I also note there are no real objections from the required bodies and also conditions may be attached to this site in the event of acceptance, which are to be expected.

Councillor Bubb proposed that the application be approved as he considered that it would be part of the road which had been developed. The Planning Control Manager advised that if the Committee were minded to approve the application then weight would need to be attached to the need to boost the 5 year land supply. He added that the proposal was well outside the village.

The proposal to approve the application was seconded by Councillor Wareham.

Councillor Crofts added that the site was agricultural land, in a remote area along a country lane. The site was not near to a school, etc and was not in a sustainable location. He added that the application had to

be properly assessed and other more suitable sites would come forward in due course. He would be voting against this application.

Councillor Moriarty left the meeting at 12 noon.

In response to comments from the public speaker, the Executive Director explained that the Local Plan had not fallen but had been postponed. In relation to the Council's 5 year land supply, he explained that this was a separate issue and had arisen by the Council losing a planning appeal and he considered that the Council would face further appeals on the 5 year land supply. He added that the postponement of the Inquiry into the Local Plan did not lead to the lack of a 5 year land supply.

Councillor Wareham added that if the application was to be refused then the agent could appeal on the same grounds as the Fosters appeal.

The Executive Director explained that each application would have to be determined on its own merits and there would be a presumption in favour of sustainable development. In relation to this application, there were two elements (1) Flood risk and (2) the look and feel of the site in open countryside.

The Principal Planner showed the site by use of Google earth.

Councillor White asked for clarification as to whether the Committee had to accept the lack of a 5 year land supply as a material planning reason. In response, the Executive Director explained that the Council did not have a 5 year land supply and now had to assess applications via the National Planning Policy Framework. Once the Local Plan had been adopted, those sites allocated within the plan could be counted and the Council would move closer to a 5 year land supply. He added that each application would still have to be assessed on its own merits but weight needed to be attached to the presumption in favour of sustainable development.

Councillor Mrs Wright expressed concern in relation to the loss of Grade 2 agricultural land.

The Executive Director explained that a lot of West Norfolk was high grade agricultural land and there was not a blanket presumption over the loss of such land.

The Vice-Chairman referred to the late correspondence and added that there included other reasons why the application should be approved.

Councillor Mrs Watson added that she was relieved that officers' were treating this application with caution as she was worried about the effect this was going to have on the countryside.

In response to a query from Councillor Mrs Buck, the Planning Control Manager advised that there were services available in the next village not in this village.

Councillor Crofts added that the land was currently used for horses and this was not a reason for developing the land. He pointed out that the station was miles away and this was not a sustainable development. He added that there would be lots more sustainable sites coming forward.

The Committee then voted on the proposal to approve the application but this was lost.

RESOLVED: That the application be refused as recommended.

PC30: **DELEGATED DECISIONS**

The Committee received the Schedules relating to the above.

RESOLVED: That, the report be noted.

PC31: **DECISIONS ON PLANNING AND ENFORCEMENT APPEALS**

The Committee received a quarterly update covering performance for the period 1 April 2015 – 30 June 2015.

The data showed that for the second quarter of 2015, 36% of all appeals were allowed. For the 12 month period to 31 March 2015 an average of 31% of all appeals were allowed. This is below the traditional national average figure of around 33% of all appeals allowed.

RESOLVED: That, the report be noted.

The meeting closed at 12.30 pm