

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

Minutes from the Meeting of the Planning Committee held on Monday, 4th June, 2018 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 A Bubb, C J Crofts, Mrs S Fraser, G Hipperson, T Parish, M Peake, Miss S Sandell, D Tyler, G Wareham, Mrs E Watson, J Westrop (sub), A White and Mrs S Young

An apology for absence was received from Councillor Mrs C Bower, A Morrison and M Storey

PC1: **MINUTES**

The Minutes of the Meeting held on 8 May 2018 were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC2: **DECLARATIONS OF INTEREST**

There were no declarations of interest.

PC3: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business under Standing Order 7.

PC4: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

No Councillors attended under Standing Order 34.

PC5: **CHAIRMAN'S CORRESPONDENCE**

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

PC6: **RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

A copy of the 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.

PC7: **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 at (i) – (vi) below, where appropriate to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chairman.

(i) **17/00138/F**

**Northwold: Parish Council Land, School Lane:
Development of Parish Council land to change use from
allotment land to community car park: Northwold and
Whittington Parish Council**

The Principal Planner reminded the Committee that the application had been deferred from the April meeting to enable further consideration of a scheme that was submitted under late correspondence. Since that time, the Parish Council had met with the Local Highway Authority (LHA) and come up with a solution that addressed the LHA's concerns.

The application had been referred to the Committee for determination as the application was deferred from the Committee meeting held in April.

Permission was sought for the change of use of former allotment land to a community car park. The car park would provide 26 x 7 x 2.5 m spaces on grass reinforced mesh and would use the existing cemetery access that would be widened and upgraded as part of the proposal.

The previous proposal was for 24 car parking spaces using two existing accesses onto School Lane using an 'in' and 'out' circuit. The 'in' would utilise the existing cemetery access and the 'out' would utilise an existing field access. The proposal resulted in an objection from the LHA as the applicant (the Parish Council) did not control the land to the east of the eastern access and therefore long term visibility could not be certain.

The current proposal meant that there was sufficient land on either side of the access/exit to ensure long term visibility.

The current proposal would result in the loss of a conifer tree, removal of the existing gates at the entrance to the cemetery and relocation of

the existing boundary fence with School Lane to provide visibility splays.

The Principal Planner referred to late correspondence and the objection from the PROW Officer which related to the amended plan which indicated an extension of the fence across the top of the public right of way (which ran to the east of the site adjacent to 30 School Lane) leaving a 1m gap for pedestrians. The reason the fence was shown was to prevent vehicles from exiting the car park through the existing access to the east (also the Public Right of Way) in the interests of highway safety. Given the PROW officer's objection and the fact that the extent of the PROW cannot be determined at this stage, an additional condition (7) was suggested which allowed for negotiation between both parties. It was confirmed that both parties were happy with this approach.

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

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

Councillor White stated that he was pleased that a satisfactory outcome had been achieved for all parties.

Councillor Mrs Fraser asked whether a condition could be imposed which would require a height barrier to be erected to stop vans/caravans from entering into the car park. The Assistant Director explained that there was no reason to attach a condition of that nature but the Parish Council could erect a barrier if they wished.

The Chairman, Councillor Mrs Spikings drew the Committee's attention to the late correspondence and the need to add an additional condition (7), which was agreed.

RESOLVED: That the application be approved as recommended, subject to the imposition of an additional condition (7), as outlined in late correspondence.

(ii) 18/00369/F

Heacham: Cheney Hollow, 3 Cheney Hill: Construction of two detached dwellings, plus change of use of one existing dwelling from holiday let to a private property and safety improvements to existing vehicular entrance to site: Miss Louise Hutchison

The Principal Planner introduced the report and explained that the application site comprised four existing properties and a grassed area used in connection with the properties as garden land. Vehicular

access was currently to the north of the site onto Cheney Hill, Heacham.

The site was bounded to the south and south-east by residential properties. There were existing residential properties on the opposite side of Cheney Hill to the south-east and north-east. Heacham Junior School and playing fields adjoined the western site boundary.

In policy terms Heacham was a Key Rural Service Centre as identified within the Core Strategy.

The application sought full planning permission for the construction of two detached dwellings on the existing garden land, the change of use of one existing dwelling from holiday let to a private property and safety improvements to the existing vehicular entrance into the site from Cheney Hill.

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

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

- Principle of development;
- The application;
- Form and character;
- Neighbour amenity;
- Highway improvements; and
- Other matters.

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

The Assistant Director suggested that conditions 4, 5 8 and 9 should be amended to read 'Prior to the commencement of development' to take into account that the proposed improvements at the junction of the new access road with Cheney Hill would affect common land.

Councillor Parish stated that he had called-in the application. He suggested that the application should be deferred until the decision of the Secretary of State was known regarding the effect on common land and felt that the application was being dealt with in the wrong order. He also had concerns that if the Committee approved the application, then this could prejudice the decision of the Secretary of State.

The Assistant Director suggested that if the Committee needed more re-assurance regarding the matters relating to the common land, then the application could be deferred for further legal advice.

Councillor Crofts asked whether the Parish Council would be able to make representations to the Secretary of State when they considered the application in relation to the common land. The Assistant Director explained that it would be dealt with by the Planning Inspectorate and they normally consulted with those involved in the process. This could be included in any legal advice that was sought.

Councillor Parish then proposed that the application be deferred for further legal advice, which was seconded by Councillor Mrs Westrop and agreed by the Committee.

RESOLVED: That, the application be deferred for further legal advice.

(iii) **17/02338/F**

King's Lynn: Land north of Riverside Business Centre, Cross Bank Road: Anaerobic Digester: GMT Biogas (Lutra Ltd and Mickram Ltd)

The Principal Planner introduced the report and explained that the application site was located on scrubland to the east of Cross Bank Road, approximately 2km to the north west of King's Lynn town centre and some 200m to the north of the defined built environment.

The application sought consent for an Anaerobic Digestion plant, processing up to 19,250 tonnes of biomass per annum.

The facility would comprise 2 digesters, 2 digester storage units, dry digestate collection, Combined Heat and Power engines, a bund wall, an administration portacabin, car parking, a feeder, operations building and a larger administration building.

Traffic serving the development would enter the site from a new access provided from Estuary Road.

Members were reminded that a previous County Matter application, 16/01145/CM, which was for an anaerobic digester plant that the Committee objected to for the processing of 14,000 tonnes (including animal waste). That application was refused by Norfolk County Council, but subsequently upheld on appeal, therefore an anaerobic digester was permitted on this site already.

The application differed in so far as providing access to the site via a new unmade trackway from Estuary Road and no longer involved the importation of waste. The total annual tonnage of biomass was proposed to be increased from 14,000 tonnes to 19,250 tonnes, an increase of 2,250 tonnes on the approved scheme. As the proposal no longer involved the importation of animal slurry (waste materials), the Borough Council was now the determining authority.

The application had been referred to the Committee for determination by the Executive Director as it raised issues of wider interest.

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

- Principal of development and Planning history;
- Landscape and visual impact;
- Traffic;
- Noise and odour;
- Flood risk; and
- Other material considerations.

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

In response to a query, the Senior Planner explained that the new access road would be built to a required specification. Passing places would also be provided.

Councillor Parish informed the Committee that anaerobic digesters of this nature had been banned in other countries and considered that the proposal would have an impact on food production and contributed to local and national harm. The Government was currently reviewing the ban that other countries had placed on operations of this nature.

The Executive Director advised that he was aware of the research that was currently being undertaken however at the present time the Government currently supported proposals of this nature and the Committee needed to consider the application in accordance with the legislation that existed today. He added that if the Committee were to refuse the application, the applicant now had a consent in place, which the Planning Inspector had granted.

The Senior Planner explained that any construction plant would use the farm access track, however the BOAT would still need to be used for the site clearance stage (phase 1) as the farm track would not be provided until phase 2 of construction.

Councillor Parish then proposed that the application be refused, on the grounds that the environmental impact needed to be considered and system feedstock, however there was no seconder for the proposal.

The Chairman, Councillor Mrs Spikings drew the Committee's attention to the need to amend condition 3 and the correction to condition 12, both of which were outlined in late correspondence, which was agreed by the Committee.

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

RESOLVED: That, the application be approved, as recommended subject to condition 3 being amended and the correction to condition 12, as detailed in late correspondence.

(iv) 18/00198/F
Old Hunstanton: The Bungalow, Waterworks Road:
Construction of 3 dwellings following demolition of existing
bungalow: Mr D Lloyd

The Principal Planner introduced the report and explained that the application site related to a parcel of land measuring approximately 0.22 of a hectare and currently comprised a vacant bungalow and garden land. It was situated on the eastern side of Waterworks Road, Old Hunstanton.

Full planning permission was sought for the construction of three dwellings following demolition of the bungalow.

Old Hunstanton was classified as a Rural Village, as identified in the Core Strategy's Settlement Hierarchy.

The application had been referred to the Committee for determination as there was previous appeal history for the site.

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

- Principle of development;
- Planning history;
- Form and character;
- Impact on AONB;
- Impact on neighbour amenities;
- Impact on highway safety;
- Flood risk; and
- Other material considerations.

In accordance with the adopted public speaking protocol, John Stephenson (objecting on behalf of residents) and Jason Law (supporting) addressed the Committee in relation to the application.

The Assistant Director referred to paragraphs 5 and 6 of the Inspector's Appeal Decision and displayed plans to the Committee of the previous scheme and of the new scheme. The Assistant Director explained that the view of officers' was that the amended scheme was still not good enough in terms of design and layout.

Councillor Mrs Watson proposed that the application be approved on the grounds that the proposal now overcame the Planning Inspector's reasons for refusal. This was seconded by Councillor Crofts.

The Chairman, Councillor Mrs Spikings made reference to the fact that the cart shed had been removed from the scheme, and asked that if permission were to be granted, permitted development rights should be removed.

The Assistant Director advised that if the application were to be approved then conditions would be imposed following consultation with the Chairman and Vice-Chairman.

In response to a query from Councillor Hipperson, the Principal Planner read out the comments from Old Hunstanton Parish Council.

Councillor Crofts added that he considered that the proposal was an acceptable form of development.

Councillor Hipperson proposed that a site visit should be carried out, which was seconded by Councillor Parish and agreed by the Committee.

RESOLVED: That determination of the application be adjourned, the site visited and the application determined at the reconvened meeting of the Committee.

The Committee adjourned at 10.40 am and reconvened at 10.55 am.

(v) 18/00410/O
Stoke Ferry: Romer Farm, Oxborough Road: Proposed residential development: Mr B D, B C & W R Chapman

The Principal Planner introduced the report and explained that outline planning permission with all matters reserved was sought for residential development of the site. Indicative plans showed 5 dwellings; 3 detached and a pair of semis. Each property was indicatively shown to have its own access onto Oxborough Road and the three detached properties were indicatively shown to have garages.

The site was located outside of the development boundary for Stoke Ferry (a Key Rural Service Centre (CS02)), as shown on Inset G88 of the SADMP, and was therefore designated as countryside.

The site was located within Flood Zone 1 and within Stoke Ferry Conservation Area.

The application had been referred to the Committee for determination at the request of Councillor Sampson and the officer recommendation was contrary to the views of the Parish Council.

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

- Principle of development;

- Form and character;
- Impact on the Conservation Area;
- Residential amenity;
- Highway safety;
- Affordable housing;
- Loss of employment use;
- Crime and disorder; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Sue Littern (on behalf of the Parish Council) addressed the Committee in relation to the application.

RESOLVED: That the application be refused as recommended.

(vi) **18/00237/O**

**Terrington St John: Shopfield House, 53 Old Church Road:
Outline application: Outline application: Proposed
dwelling: Mr Whitmore**

The Principal Planner introduced the report and explained that outline planning permission was sought for a detached two storey dwelling with a detached garage to the rear of the property. All matters were reserved with the principle of development being sought only at this stage by the applicant.

The application site was located in the village of Terrington St John, which was defined as a joint Key Rural Service Centre by Policy CS02 of the Core Strategy 2011. The site was located within the development boundary for the village identified on Inset Map G94.

The site was currently garden land located on the western side of Church Road. The site lies within Flood Zone 2, as defined in the Environment Agency adopted Flood Risk Maps.

The application had been referred to the Committee for determination as the Parish Council's comments were contrary to the officer recommendation.

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

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

The Chairman Councillor Mrs Spikings referred to the plot size and considered that this was small compared to others in the vicinity and would have preferred a larger plot.

RESOLVED: That the application be approved as recommended.

PC8: **DELEGATED DECISIONS**

The Committee received Schedules relating to the above.

RESOLVED: That, the report be noted.

PC9: **UPDATE ON TREE MATTERS**

The Committee received a report which updated Members on recent Tree Preservation Orders that had been served since 1 November – 30 April 2018, along with a summary on some of the other aspects of the work in relation to trees.

It was noted that 6 new TPOs had been served since November 2017. Where no objections had been received to the making of the Order, they had been confirmed under delegation powers. When objections had been received, these would need to be considered by the Planning Committee as to whether or not the TPO was confirmed. Since November 2017, 5 TPOs had been confirmed under delegated powers with 1 awaiting confirmation by the Planning Committee.

RESOLVED: That, the report be noted.

The meeting closed at 11.08 am