

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

**Minutes from the Meeting of the Planning Committee held on
Monday, 2nd July, 2018 at 10.00 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 Fraser, G Hipperson, A Lawrence,
A Morrison, T Parish, M Peake, M Storey, D Tyler, G Wareham, J Westrop and
A White

Apologies for absence were received from Councillors Mrs S Buck, C J Crofts,
Miss S Sandell, Mrs E Watson and Mrs S Young

PC14: **MINUTES**

The Minutes of the Meeting held on 4 June 2018 were considered.

Councillor Parish drew attention to Application 18/00369/F, p89, last paragraph. He did not agree that he had proposed deferral for legal advice, but proposed deferral until a decision had been made on the common land issues by the Secretary of State. The Assistant Director explained that after this had been proposed he had given further advice that it would be deemed as unreasonable to expect deferral for such a period of time so if deferred it should be for further advice which had then been agreed by the Committee.

It was agreed to amend the minutes as above, and they were signed as a correct record subject to the above and signed by the Chairman, Councillor Mrs Spikings.

The Minutes of the Reconvened Meeting held on 7 June 2018 were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC15: **DECLARATIONS OF INTEREST**

There were no declarations of interests to declare.

PC16: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business under Standing Order 7.

PC17: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillors attended under Standing Order 34:

15/01782/OM - Councillors N Daubney and E Nockolds
18/00797/S36 – County Councillor A Kemp

PC18: **CHAIRMAN'S CORRESPONDENCE**

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

PC19: **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.

PC20: **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) – (v) below, where appropriate to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chairman.

- (i) **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 Hutchinson

The Principal Planner introduced the report and explained that the application had been deferred by the Committee at their previous meeting held on 4 June 2018, to allow for further legal advice.

The legal advice had been received and confirmed that the determining of the planning application by the Local Planning Authority would not

prejudice the Secretary of State's consideration of the Section 38 application for Commons Act consent.

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 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, 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.

Councillor Parish asked if the approval could be conditioned to only come into effect when the Secretary of State had decided on the Common Land issue. The Assistant Director explained that as they were controlled by separate legislation, an informative was more appropriate, and the applicant was aware that he couldn't progress the site until the common land issue had been resolved. Councillor Parish commented on the potential increase in traffic in Heacham with the current Planning Appeal for a large number of houses in the village, as he considered all additional properties exacerbated the traffic.

Councillor White reminded the Committee of the need to consider each application on its merits. On being put to the vote the application was approved. Councillor Parish wished for his vote against to be recorded.

RESOLVED: That the application be approved as recommended.

(ii) 15/01782/OM

South Wootton: Land accessed between 142 and 150 Grimston Road: Outline application with all matters reserved for proposed residential development with access off Grimston Road. Land accessed between 144 and 150 Grimston Road, South Wootton: Clayland Estates Ltd

The Principal Planner introduced the report and explained that the application site was located on the southern side of Grimston Road, on the north eastern side of King's Lynn. The Committee had visited the site prior to the meeting.

The site was currently arable agricultural land and extended to 2.62 hectares. There were hedge boundaries around the site. There were no particular features on the site and the land was of grade 4 agricultural quality.

The site was bounded by agricultural land to the east. To the north were properties fronting Grimston Road. To the south were residential properties on Ullswater Avenue and to the west were dwellings accessed from Ennerdale Drive.

The form and character of the residential development in the locality comprised of mainly single and two storey detached properties.

The site was not within the Area of Outstanding Natural Beauty as the boundary for this was on the northern side of Grimston Road.

The site was located within the proximity of Roydon Common and Dersingham Bog SAC and Roydon Common Ramsar site.

The site was a small part of the allocation for King's Lynn under Policy E4.1 of the Site Allocations and Development Management Policies Plan 2016, with the policy requiring at least 600 dwellings on the whole 36.9ha site.

The application was in outline and sought planning permission for proposed residential development of 52 dwellings with access off Grimston Road.

Initially the application was submitted in outline with layout and access for consideration and all other matters reserved for consideration at a later date. However the application had since been amended to all matters reserved. An Illustrative Site Layout Plan formed part of the application.

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

- Principle of development;
- Impact upon AONB and visual amenity;
- Impact upon designated heritages;
- Design, character and appearance;
- Highway impacts;
- Impact upon Neighbour amenity;
- Trees and landscape;
- Ecology;
- Affordable housing;
- Open space;
- Flood risk and drainage;
- Contamination;
- Air quality;
- Archaeology;
- S106 matters; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Mr D Goddard (objecting) and Mrs M Tilley (supporting) addressed the Committee in relation to the application.

Under Standing Order 34 Councillor Mrs Nockolds addressed the Committee acknowledging the concerns of residents about the infrastructure such as schools and highways. In drawing attention to the comments made by the public speakers Councillor Mrs Nockolds did not want to restrict development for the area but asked if the County Council would take the highways issues seriously before development of the wider area of Knights Hill. Concern was expressed about the potential for the wider development area access to potentially be via Ullswater Avenue.

Under Standing Order 34, Councillor N Daubney addressed the Committee and commented on the issues for parking in some developments in the ward he had raised at application stage. He supported the application with the exception of condition 32 relating to the provision of a link road through to the wider Knights Hill development. He considered that the link road would make it one big development instead being able to maintain the integrity of the individual site and limit the number of vehicles pulling out onto Grimston Road which was dangerous to turn right onto.

The Executive Director reminded Members that this site and the adjacent site had been put forward as such and formed part of a single allocation in the Local Plan for 600 plus dwellings. The County Council required 2 points of access for the allocation. The other option would be to use Ullswater Avenue. He drew attention to the fact that the applicants had previously agreed that the access road would run through this site.

The Chairman asked if the developer of the adjacent site would be required to contribute to the cost of the access road and considered the level of 20 houses required before completion of any road to be high with the costs associated with the road. The Assistant Director explained that the developer would not pay for the construction of this road on the adjacent site, just up to the boundary. He confirmed the figure of 20 houses would be at the Committees discretion.

Councillor Bubb agreed that the Condition 32 relating to the road was a bad idea, and considered there needed to be a right hand turning lane into the site. He considered there was sufficient frontage on the other site to accommodate to entrances without using Ullswater Avenue or the application site. The Assistant Director reminded Members that it was specified in the Policy and the applicants had been happy to include the link road. They would be within their rights to appeal any condition imposed on a planning permission.

Councillor Storey commented that the application should be treated on its own merits and to require them to build the access road to a higher specification due to the high level of traffic using it would be unreasonable.

Councillor Storey, seconded by Councillor Mrs Bower proposed that condition 32 be removed.

The Chairman commented that in the access roads place she would like to see a pedestrian/cycle access between the sites. This was accepted as part of the proposal.

Councillor Morrison commented that although not an ideal road, access onto the site was always part of the larger development, so it should be maintained as the cycle track would not solve the access arrangements.

Councillor Wareham expressed concern that the developer would have to fund the road. The Assistant Director confirmed that the larger developer would be expected to pay for road changes and roundabout etc. on Grimston Road.

Councillor Parish asked if the increase from 52 to 60 dwellings should have been resubmitted for consultation, it was confirmed that legally it was not required. He drew attention to the existing problems of turning right onto Grimston Road, Councillor Mrs Fraser concurred with that point. The Assistant Director confirmed that the reserved matters would consider the layout, he also confirmed the road would be a Type 2 sized road.

Councillor Lawrence commented that the access road would be a rat run for the larger site and considered that the larger site should be self sufficient.

By way of clarification Councillor Storey asked if the condition 32 was deleted where the second point of access for the larger site would have to come out. It was confirmed it would likely be Ullswater Avenue. Councillor Storey asked whether the main access could be of such to cope, to which it was confirmed that the County Council would have to comment on that issue as they had been fully consulted on the existing proposals for both sites.

On being put to the vote the proposal to remove condition C32 and replace with a pedestrian/cycle path between the two sites was carried.

Following discussion on the numbers of properties to be built before the path was constructed, the Chairman then proposed 30 dwellings, rather than the 20 which had been present in C32. Councillor Lawrence seconded the proposal. On being put to the vote the proposal was agreed.

The Chairman drew attention to the amendments to conditions set out in late correspondence.

RESOLVED: (A) That the application be approved subject to conditions as outlined in late correspondence, and the satisfactory completion of a Section 106 Agreement, and the removal of condition 32 and its substitution with a condition securing a cycle/pedestrian path to be constructed no later than the commencement of the 30th dwelling on the site;

(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, public open space and play facilities, SUDS design and maintenance.

(iii) 18/00797/S36

King's Lynn: King's Lynn Power Station, Willow Road, Willows Business Park: Consultation in respect of amendment to application 08/01544/S36 – construction of King's Lynn CCGT power station: DWD Property and Planning

The Principal Planner introduced the report and explained that the application site was located on land at the Willows Business Park, Saddlebow Road to the south of King's Lynn.

The application sought to vary the extant consent and deemed planning permission for King's Lynn 'B' CCGT Power Station Project, which was granted on 5 February 2009 to Centrica Leasing (KL) Limited under Section 36 of the Electricity Act 1989 (08/01544/S36). The application had been made to the Secretary of State for Business, Energy and Industrial Strategy (BEIS) for determination but had been referred to the Borough Council for consultation.

A number of conditions attached to the deemed planning permission had previously been varied by planning permissions 11/01034/F (Conditions 14, 37 and 38) and 12/01986/f (Condition 8) granted on 3rd April 2012 and 13th May 2013 respectively. A Section 106 Agreement related to the previous consent with the primary obligation being the payment of £200,000 to the Borough Council for the Landscape Fund.

The 2009 Consent had been implemented by the construction and operation of a CCGT power station of about 1.020 megawatts (M) capacity adjacent to the existing King's Lynn 'A' CCGT Power Station.

Since the 2009 consent was granted there had been significant advances in CCGT technology with the latest CCGT units available of the market being much more efficient than those that were available in 2009 and they were able to achieve a significantly greater electrical output.

This variation application therefore requested that the SoS consented to vary the 2009 consent to provide EP UK Power Development Limited with the ability to construct and operate a gas-fired electricity generating station of up to 1,700 MW capacity, comprising one of the following:

- Option 1 – up to two CCGT, comprising up to two gas turbines, up to two steam turbines, up to two heat recovery steam generators (HRSG), and air-cooled condensers; or
- Option 2 – one CCGT unit, comprising one gas turbine, one steam turbine, one HRSG and air cooled condensers and an Open Cycle Gas Turbine (OCGT) plant of up to 299 MW capacity.

The application was accompanied by an Environmental Impact Assessment.

The application had been referred to the Committee for comment at the discretion of the Executive Director as the application raised issues of wider concern.

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

- Principle of development;
- Air quality;
- Noise and vibration;
- Ecology;
- Land contamination;
- Landscape and visual amenity;
- Traffic and transport;
- Cumulative and combined effects; and
- Other considerations.

In accordance with the adopted public speaking protocol, Mr M Wheeler (objecting), Mr G Bullock (supporting) and County Councillor Kemp (objecting) addressed the Committee in relation to the application.

The Environmental Health Manager (Environment) addressed the Committee and confirmed that the air quality management had been reviewed and it was deemed that no new air quality management area would be required for the area, although funding was required to allow monitoring of the air quality in the area. He confirmed if there were specific issues regarding wildlife in the area potentially affected they would need to be addressed with Natural England.

The Chairman moved the recommendations, along with the amendments included in late correspondence. These were agreed.

RESOLVED: That the Planning Committee raised no objection subject to the imposition of additional conditions as put forward by the agent and those recommended by CSNN, Environmental Quality and the Council's Tree Officer; as well as the completion of either a new Section 106 agreement of a Deed of Variation to the existing Section 106 agreement related to planning permission reference 12/01986/F in order to secure a payment of £200,000 to the Borough Council for the landscape fund in addition to a financial contribution towards air quality.

(iv) 18/00721/F

Hunstanton: 9 Cliff Terrace: Conversion of hotel and one flat into six apartments: Mr Jim Garner

The Principal Planner presented the report and explained that the application site was located on the northern side of Cliff Terrace, Hunstanton within the defined settlement boundary and adjacent to the defined area of the town centre.

The existing 3 storey building was a 14 bedroom hotel/guest house and was constructed from carrstone with limestone detailing.

The adjoining buildings was a hotel (west) and residential dwelling (east).

The proposal sought consent to change the use of the building to 6 flats.

The application had been referred to the Committee for determination in the wider public interest.

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

- Principle of development;

- Amenity;
- Heritage asset;
- Highways; and
- Other material considerations.

Councillor Mrs Bower drew to the Committee's attention that the vehicle numbers at the flats would not be any higher than when the property was a hotel.

The Chairman drew attention to the amendment in late correspondence. The application was approved.

RESOLVED: That the application be approved as recommended.

(v) **18/00593/F**

Thornham: The Castle, High Street: Construction of five houses: BRLN Property Investments Ltd

The Principal Planner introduced the report and explained that the application sought full planning permission for the erection of five x 3 no. bed properties on land at The Castle, High Street, Thornham.

The site was located on the southern side of High Street, Thornham at its junction with Castle Cottages, which was a cul-de-sac development of 25 homes. The site has residential development on 3 sides and was within the settlement of Thornham, which was a rural village.

To the east of the site was a short row of 3 pairs of semi-detached 2 storey dwellings which, along with the homes on the eastern side of Castle Cottages, form the eastern edge of the defined village.

Within this part of the village the High Street formed the village edge, with open countryside and the salt marshes to the northern side of High Street.

The site itself was currently the side garden associated with the property known as The Castle, which was a 2 storey stone house with red brick detailing and a pantile roof.

The site was within the AONB and the Thornham Conservation Area.

The Castle (including the application site) also formed the eastern boundary of the Thornham Conservation Area. Both the Castle and the adjacent building Castle Bungalow were noted on the conservation area map as important unlisted buildings.

Planning permission was previously approved on the site for three dwellings in 2017 ref: 17/00661/F and a revised scheme for three dwellings on the site had also recently been approved (ref: 18/00592/F).

The application had been referred to the Committee for determination as there was an objection from the Parish Council.

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

- Principle of development;
- Form and character and impact on heritage assets;
- Impact on landscape amenity;
- Boundary treatment;
- Highways; and
- Residential amenity.

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

It was confirmed that there would be access to bring bins for emptying. Following a discussion on the need for affordable housing in coastal villages, it was also confirmed that affordable housing limits were not a requirement for this development.

The Executive Director suggested that parishes needed to produce and adopt Neighbourhood Plans in order to have some control over the developments proposed in their areas.

On being put to the vote the application was approved.

RESOLVED: That the application be approved as recommended.

PC21: **DELEGATED DECISIONS**

The Committee received Schedules relating to the above.

RESOLVED: That, the report be noted.

The meeting closed at 12.43 pm