

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

Minutes from the Meeting of the Planning Committee held on Monday, 30th July, 2018 at 11.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

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

The Chairman, Councillor Mrs Spikings thanked Councillor Mrs J Westrop for attending the meeting today as a substitute.

PC22: APOLOGIES

Apologies for absence were received from Councillors G Hipperson and Mrs E Watson.

PC23: MINUTES

The Minutes of the Meeting held on 2 July 2018 were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC24: DECLARATIONS OF INTEREST

There were no declarations of interest.

PC25: URGENT BUSINESS UNDER STANDING ORDER 7

There was no urgent business.

PC26: MEMBERS ATTENDING UNDER STANDING ORDER 34

There were no Members present under Standing Order 34.

PC27: CHAIRMAN'S CORRESPONDENCE

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

PC28: **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.

PC29: **INDEX OF APPLICATIONS**

The Committee noted the Index of Applications.

PC30: **DECISIONS ON APPLICATIONS**

The Assistant Director advised Members that the new NPPF had been published the previous week and that a training session for the Committee would be scheduled for September 2018. The Assistant Director explained that the changes to the NPPF would not change any of the recommendations of the applications being determined by the Committee today.

The Committee considered schedules of applications for planning permission submitted by the Executive Director for Planning and 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) – (xi) below, where appropriate to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chairman.

(i) **18/00195/FM**

Welney: Land North of Grange Farm, Main Street: Proposed development of 17 residential dwellings (including 3 affordable units) and improved vehicular access to Main Road: Mr R Boyd

Councillors A Bubb, A Morrison and Mrs S Young did not attend the site visit prior to the meeting so did not take part in any debate on the above application.

The Principal Planner introduced the report and explained that the application sought full permission for the construction of 17 dwellings (including 3 affordable units) with associated garages and access road off Main Street, Welney, which was classed as a 'rural village' in the settlement hierarchy.

The site was located on the western side of Main Street, which adjoined the Old Croft River. There were residential properties on the opposite side of Main Road and along New Road to the north. The

Grange (farmhouse) was to the south, with Church Cottages and Grade II listed St Mary's Church beyond, the application site therefore was effectively bounded on three sides by residential development. There were agricultural fields to the rear/west and south behind The Grange.

The Committee was reminded of the points raised and clarified during site visit prior to the meeting this morning, in particular, the proposed access and footpath.

The application had been referred to the Committee for determination as 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:

- Principle of development.
- Impact of layout on locality.
- Highway issues.
- Affordable housing provision.
- Flood risk and drainage.
- Impact on setting of listed church.
- Impact upon ecology.
- Other material planning considerations.

In accordance with the adopted public speaking protocol, Mr P Spears (objecting), Mr P Gardiner (on behalf of the Parish Council - objecting) and Mr G Maxey (applicant – supporting) addressed the Committee in relation to the application.

In response to questions from Councillors Crofts and White on how the Council could ensure that developers would maintain the estate road and private courtyard areas in future years, the Principal Planner explained that specific clauses to address the concerns raised regarding future maintenance would be included in the Section 106 Agreement

Councillor Crofts expressed further concern regarding the future maintenance of the estate road and commented that he would like to see more certainty for maintenance arrangements and asked if a company could be set up to maintain the estate road, etc in perpetuity, prior to the commencement of any development

The Principal Planner responded to questions regarding the proposed footpath and outlined the best solution for the provision of the required footpath, which would link to the existing footpath network at Back Drive.

Councillor Storey referred to the Council's Affordable Housing Policy and commented that the affordable units should be pepper-potted

across the site. However, for this application, the affordable units were placed too close together and could therefore easily be identified as affordable housing.

Following questions from Members on the provision of garages, the Principal Planner confirmed that the affordable units would not have garages. The Assistant Director added that the RSL had determined garages were not required. The Chairman, Councillor Spikings asked if the Borough Council could request for garages to be provided for the affordable housing units.

The Chairman, Councillor Mrs Spikings commented on the speeding issues in Welney and asked if signs could be erected, or a pedestrian crossing be installed at the cost of the developer. The Chairman, Councillor Spikings therefore proposed that an additional condition be added to include the erection of signs both entering and exiting Welney. In response, the Principal Planner advised that Condition 17 could be amended to include the erection of signs as part of a scheme for off-site highways works.

The Chairman, Councillor Mrs Spikings commented that there was no requirement to provide public open space with the proposed 17 dwellings and that no contribution was required. The Chairman, Councillor Mrs Spikings queried why a financial contribution was not required in addition to the three affordable built units. In response, the Assistant Director explained that he had spoken to the Housing Department and it was noted that the number of affordable units were round down and added that as part of the Local Plan Review, the Council could look to change the policy in the future.

In response to a further question from the Chairman, Councillor Mrs Spikings regarding the problems experienced with water pressures in Welney, the Assistant Director advised that the Council could write to Anglian Water Authority setting out the issues as they had a statutory duty to provide a service.

Comments were made that there are existing Freebridge affordable units in Chestnut Avenue currently not in occupation, and therefore Members queried why 3 affordable units were required on this proposal. The Assistant Director explained that the Council's policy, which applies across the Borough, states that a proposal over a certain threshold has to provide affordable housing.

The Principal Planner confirmed that the proposed courtyard area would be private.

The Committee expressed concerns regarding:

- The safety of children and the elderly population.
- Maintenance of roads.
- Maintenance of footpath.

- Maintenance of drains.

In response to questions relating to maintenance of drains and ensuring the safety of children, the Principal Planner undertook to check the plan and advised that a condition regarding boundary treatments could be added to address the concerns. The Executive Director commented that a drain ran through the whole of Welney and added that although children and water could pose a problem, if a fence was erected throughout Welney it would change its form and character.

The Chairman, Councillor Spikings commented on the safety of people crossing the bridge and asked if a more secure condition could be added. The Assistant Director explained that a condition could request that railings be erected on the access. The Chairman, Councillor Spikings therefore proposed the above condition, which was seconded by Councillor Storey and agreed by the Committee.

The Executive Director advised that in view of the issues raised above, the Committee could determine to defer the application.

The Chairman, Councillor Mrs Spikings therefore proposed that the application be deferred for one cycle to address the concerns raised regarding the following:

- Pepper-potting of affordable units.
- Affordable units to be provided with garages (for storage purpose – cars, bicycles, etc) so they could not be identified as affordable housing.
- Maintenance of roads, drains, etc.

The proposal was seconded by Councillor Crofts and agreed by the Committee.

RESOLVED: That, the application be deferred, for one cycle.

(ii) 18/00973/F

Docking: Barnaleen, Station Road: Demolition of existing dwelling and construction of 2 dwellings: New World Timber Frame

The Senior Planner introduced the report and explained that the application site was located on the western side of Station Road, Docking and was within the development boundary of the village and the Conservation Area.

The application sought consent for the demolition of the existing bungalow to be replaced by two, two storey detached dwellings.

The application had been referred to the Committee for determination as it had been called in by Councillor Morrison.

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

- Principle of development and Planning History.
- Impact upon the Conservation Area.
- Other Form and Character issues.
- Amenity Issues.
- Highway Safety.
- Any other material considerations.

Councillor Morrison provided an overview of the reasons as to why he had called in the application and commented that he now supported the proposal.

Councillor Bubb asked why the dwellings were not sited closer to the road. The Senior Planer explained that this was because of the Norfolk County Council Parking Standards.

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

(iii) 18/00199/F

**Downham Market: Land at 34 – 38 London Road:
Proposed Three Dwellings: PKS Construction**

The Principal Planner introduced the report and explained that the application sought full planning permission for the erection of three dwellinghouses on vacant land with access from London Road.

The application had been referred to the Committee for determination as the views of the Town Council 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.
- Highway Safety.
- Residential Amenity.

In accordance with the adopted public speaking protocol, Mrs C Hebburn (objecting) and Mr Ian Cable (agent - supporting) addressed the Committee in relation to the application.

Councillor Mrs Westrop commented that she was well acquainted with the site which had been derelict for some time. She referred to the proposed access, the speed vehicles travelled on London Road, the drainage system which was often blocked and added that the proposal was out of character and overdevelopment of the site and therefore supported the officer's recommendation for refusal.

Councillor Wareham concurred with the comments made by Councillor Mrs Westrop and added that the site suffered from rat infestation and that the issues associated with the drainage system required a solution for improvements.

RESOLVED: That, the application be refused, as recommended.

(iv) 18/00906/F

Great Massingham: 68 Castleacre Road: Alterations and extensions to dwelling, relocated access, and new fence fronting the highway: Mr and Mrs T Tilbrook

The Senior Planner introduced the report and explained that the dwelling was the end terrace of four on the outskirts of Great Massingham.

The application sought full planning permission for a two-storey side extension, a single-storey rear extension, a relocated access and a new fence fronting the highway.

The application had been referred to the Committee for determination as the application was a Borough Councillor.

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

- Principle of the development.
- Form and character.
- Neighbourhood amenity issues.
- Highways.

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

(v) 18/01013/F

Heacham: Orchard House, 66 School Road: Cart Shed, Summer house, Log Store and Revised Landscaping: Mr and Mrs Bray

The Senior Planner drew the Committee's attention to late correspondence and the amendment to Condition 2.

The Senior Planner introduced the report and explained that the application site was located on the eastern side of School Road, Heacham within an area designated as countryside according to the Site Allocation and Development Management Policies Plan.

Members were reminded that the site had the benefit of permission for the construction of a detached dwelling with cartshed granted by Committee, 16/02023/RM on the 6 February 2017, with a condition that

removed class A. B. D and E of the Town and Country General Permitted Development Order 2015.

The application sought full planning permission for the erection of a further cartshed, log store and summerhouse in association with this house that was now currently under construction.

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

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

- Planning History.
- Visual Amenity.
- Neighbour Amenity.
- Other Material Considerations.

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

Councillor Parish outlined the reasons why the views of the Parish Council were contrary to the Officer recommendation.

Councillor Morrison commented that it was a reasonable proposal and agreed with the officer's recommendation to approve the application.

The Chairman, Councillor Mrs Spikings added that the Committee had to consider the facts that were presented and that people's lifestyles changed which could include additional space for specific hobbies, storage, etc. and that the buildings proposed were commensurate with the site and supported the recommendation for approval.

Councillors Parish and White asked for their vote to be recorded against the following resolution.

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

(vi) 17/02359/F

**Holme next the Sea: Homefields, Peddars Way:
Demolition of existing dwelling and outbuildings and
erection of replacement dwelling and garages with
revised highway access: A R & V Investments**

The Senior Planner introduced the report and explained that the site comprised a single storey detached property and associated garden land. The property was surrounded by open countryside.

The Senior Planner explained that the application sought full planning permission for the demolition of the bungalow and outbuildings on site and their replacement with a large, two storey contemporary dwelling, garages and revised highways access.

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

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

- The principle of development.
- Form and character/impact on the countryside and AONB.
- Neighbour amenity.
- Access and highways impact.
- Other considerations.

In accordance with the adopted public speaking protocol, Margaret Easton (on behalf of the Parish Council – objecting) addressed the Committee in relation to the application.

Councillor Wareham commented that the design was too large scale and spoilt the views of the sea. He added that houses were required on the coast, but of the right design. Councillor Wareham stated that he objected to the proposal.

The Chairman, Councillor Spikings commented on the design and stated that it was not consistent with the quality of development in the area and proposed therefore that the application be refused for the following reasons:

- The scale and mass of the design was not consistent with the quality of development in the area
- The impact on the street scene.

The proposal to refuse the application was seconded by Councillor Storey and agreed by the Committee.

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

- The scale and mass of the design was not consistent with the quality of development in the area
- The impact on the street scene.

(vii) **18/00145/F**

**Methwold: Adjacent 23 Whiteplot Road, Methwold
Hythe: Erection of dwelling: Holmebrink Construction
Limited**

The Principal Planner introduced the report and explained that the application site was located within the settlement of Methwold Hythe, which was categorised as a Smaller Village and Hamlet in the adopted Local Plan (specifically CS02). The site was located southeast of Whiteplot Road, and south of the built extent of the settlement.

The application sought full planning permission for the construction of one four-bed detached dwelling.

The application had been referred to the Committee for determination as 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:

- Principle of Development.
- Form and Character.
- Neighbour Amenity.
- Access/Highways Issues.
- Other Material considerations.

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

(viii) 18/01079/CU

Nordelph: White Barn Cottage: 2 Silt Road: Change of use to allow 10 dogs on site at one time for day care: Libbys Lounge

The Principal Planner introduced the report and explained that permission was sought for the retrospective change of use of agricultural land to dog day care. Part of the residential curtilage and parts of dwelling itself were also to be used for the same use.

Members were informed that currently the land, garden and house were being used to look after 6 dogs per day. This was licensed and had been in operation since August 2017.

The Principal Planner explained that the current application would make lawful the use of the agricultural land that was being used and enable the business to accommodate more dogs to keep up with demand. It was therefore recommended that a temporary approval be granted to enable the operation of the use to be monitored for an initial period of 13 months.

The application had been referred to the Committee for determination as 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:

- Principle of Development.
- Highway Safety.
- Neighbour Amenity.
- Crime and Disorder.
- Other Material considerations.

The Principal Planner drew the Committee's attention to conditions 1 and 2 of the recommendation and explained that condition 1 conflicted with condition 2. Condition 1 would therefore be deleted and the conditions renumbered 1 to 4.

The Chairman, Councillor Mrs Spikings expressed concern regarding 10 dogs being indoors in a semi-detached property, which was also a family home from 7.30 am to 6 pm Monday-Friday for day care.

Councillor Crofts asked who would be responsible for monitoring the business. The Principal Planner explained that there was a system for monitoring conditions and the Assistant Director stated that the Enforcement Team would respond to any complaints received.

The Committee expressed concern on the variety/size of dog breeds and the facilities each dog would require as well as the safety of children, potential noise and disturbance to neighbours.

In view of the concerns expressed by the Committee, the Assistant Director advised that the proposal was a change of use to allow 10 dogs on site at any one time for day care and explained that the property was being used as a home as well as for business purposes and the Committee would therefore need to make a judgement on the size of the house, number of dogs and number of pets before coming to a decision.

The Chairman, Councillor Mrs Spikings proposed that the application be refused for the reasons set out above, which was seconded by Councillor D Tyler and agreed by the Committee.

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

- Dis-amenity to neighbour.
- Noise.
- Disturbance.

(ix) 18/00828/O

Pentney: Kairouan, Back Road: Construction of 3 dwelling houses following demolition of existing dwelling: Mr Beck

The Principal Planner introduced the report and explained that the application was for outline planning permission (all matters reserved) to

construct three detached dwellings following the demolition of the existing bungalow on site. The proposal was immediately adjacent to St Mary Magdalene Church and associated graveyard which was a Grade 1 Listed Building and therefore the impact of the proposal on the setting of the Listed Church must be considered.

The application had been referred to the Committee for determination as 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:

- Principle of Development.
- Form and Character/Design.
- Impact on the Listed Building.
- Tree issues.
- Amenity issues.
- Highways issues.
- Other material considerations.
- Crime and Disorder.

In response to a question from Councillor White regarding highway improvement works and provision of parking bays, the Principal Planner referred Members to Conditions 13 and 14 on page 96 of the report.

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

(x) 18/00357/F

**Tilney St Lawrence: Brickyard: 123 Church Road:
Proposed residential house with garage: J Goodley and
Sons Ltd**

The Principal Planner introduced the report and explained that the application was for a new dwelling with garage as well as the associated vehicular access, which included a vehicular access for the existing dwelling. The proposed new dwelling would be located some distance outside the development boundary of Tilney St Lawrence and therefore within the countryside. There was no justification put forward with regard to housing needs for a rural worker. The proposal also failed the exception test as the siting a dwelling in this unsustainable location would not give benefits which would outweigh the flood risk at the site.

The application had been referred to the Committee for determination as 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:

- Principle of Development.
- Form and Character.
- Amenity issues.
- Flood Risk and Drainage issues.
- Highways issues.
- Ecology.
- Other material considerations.
- Crime and Disorder.

In accordance with the adopted public speaking protocol, Mr J Warwick (applicant – supporting) addressed the Committee in relation to the application.

Councillor Storey asked what determined open countryside and infill. The Assistant Director explained that there was currently no policy mechanism to allow the proposal for open market residential development in the countryside outside the development boundary and no material planning reasons were advanced to outweigh the policies of the development plan. It was also highlighted that the application site was within Flood Zone 3 of the Environment Agency Flood Risk Maps.

Councillor Crofts explained that a strip of land of 9 metres was required to allow the IDB to access the drains for maintenance purposes. The proposed dwelling appeared to be sited less than 9 m from the brink of the drain and would therefore require consent under the IDB bylaws.

Councillor Mrs Westrop concurred with the points raised by Councillor Crofts and referred to the Highways issues raise on page 103 of the Agenda and added that she supported the recommendation for refusal.

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

RESOLVED: That, the application be refused, as recommended.

- (xi) **2/TPO/00573**
Stanhoe: Church of All Saints, Church Lane
To consider whether Tree Preservation Order 2/TPO/00573 should be confirmed, modified or not confirmed in the light of objections

The Arboricultural Officer presented the report which related to two groups of trees (G1 and G2) which were growing on the eastern boundary of the church, bordering open fields. The groups formed an attractive avenue, dating back to the Victorian era and known locally as

The Plantern, they could be clearly seen from many vantage points throughout the village.

The report outlined:

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

In accordance with the adopted public speaking protocol, Mr D Lord (on behalf of the Parish Council – supporting) addressed the Committee in relation to the application.

Councillor Morrison advised that the application site was within his Ward and referred to the avenue of trees which had been planted in 1890. Councillor Morrison explained that from the photographs displayed by the Arboricultural Officer, it was not possible to see the condition and proximity of the trees. He added that some trees were in a poor condition and posed a danger both to the public and the church (particularly the east window) and required attention. Councillor Morrison proposed a site visit, which was seconded by Councillor Fraser.

Before the Committee voted on the proposed site visit, the Executive Director offered the following general advice relating to a Tree Preservation Order. A Tree Preservation Order does not prevent necessary works being carried out, but that if any works were identified, an application to the Planning Authority would be required prior to the commencement of any works. By undertaking a site visit it would not be possible to determine which trees would remain, which trees would be felled or which trees required work to be undertaken.

The Chairman, Councillor Mrs Spikings therefore asked Councillor Morrison if he would retract his proposal for a site visit to allow the Committee to debate the application further, to which Councillor Morrison agreed.

The Arboricultural Officer confirmed that the Tree Preservation Order had been served correctly and appropriate notices had been placed on the church noticeboard by the Parish Council. The Assistant Director advised that there was no legal or statutory requirement to publish a Tree Preservation Order and that it was only necessary to serve the Order on the owner, therefore the Borough Council had gone over and above the requirement.

The Chairman, Councillor Mrs Spikings commented that it was considered there was enough information to consider the application for a Tree Preservation Order and explained that a Management Plan would be agreed in consultation with the Church.

The Arboricultural Officer explained that in May 2017, the Parochial Church Council (PCC) had commissioned a health and safety inspection which had identified some areas for improvement. It was noted that the PCC had carried out identified works during 2017.

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

RESOLVED: That, the Order be confirmed without modification.

PC31: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That, the report be noted.

PC32: **PLANNING & ENFORCEMENT SERVICE - QUARTERLY REPORT**

The Committee received a report which gave an update on service performance during the first and second quarters of 2018.

Attached to the report was a list of live cases to 17 July 2018.

It was noted that the total number of live cases was 278 with 254 cases being closed. In addition, 27 formal notices had been served.

The Committee notes that aside from the usual range of notices served, in the last two quarters, it was reported that a High Court Injunction in relation to unauthorised works to facilitate a residential caravan site on land in Marshland St James was granted. The Injunction also prohibited further activity including the installation of residential caravans without the benefit of planning permission.

PC33: **PLANNING & ENFORCEMENT APPEALS - QUARTERLY REPORT**

The Committee was provided with the quarterly report update covering performance for the period 1 April 2018 – 30 June 2018.

It was noted that for the second quarter of 2018 33% of all appeals were allowed. For the 12 month period 30 June 2018 an average of 37.5% of all appeals were allowed, which was slightly above the post National Planning Policy Framework (NPPF) national average figure of around 36% of all appeals allowed.

RESOLVED: That, the report be noted.

The meeting closed at 2.32 pm

