

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

Minutes from the Meeting of the Planning Committee held on Monday, 3rd September, 2018 at 10.30 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, Mrs S Buck, C J Crofts, Mrs S Fraser, G Hipperson, A Morrison, T Parish, M Peake, Miss S Sandell, M Storey, D Tyler, Mrs E Watson, 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.

PC34: APOLOGIES

An apology for absence was received from Councillor Wareham.

PC35: MINUTES

The Minutes of the meeting held on 30 July 2018 were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC36: DECLARATIONS OF INTEREST

There were no declarations of interest to declare.

PC37: URGENT BUSINESS UNDER STANDING ORDER 7

There was no urgent business under Standing Order 7.

PC38: MEMBERS ATTENDING UNDER STANDING ORDER 34

The following Councillors attended under Standing Order 34:

I Devereux	8/3(c)	18/01042/O, Snettisham
B Ayres	8/3(e), 8/3(f)	18/01088/F, 18/01089/F
	8/3(g)	18/01090/F, Tilney St Larence

PC39: CHAIRMAN'S CORRESPONDENCE

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

PC40: **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.

PC41: **INDEX OF APPLICATIONS**

The Committee noted the Index of Applications.

PC42: **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) – (ix) 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**

The Chairman, Councillor Mrs Spikings reminded those Members who had not attended the site visit that they could not take part in the debate or vote on the matter.

The application sought full permission for the construction of 17 dwellings (including 3 affordable units) and associated garages/parking and access road off Main Street, Welney, which was classed as a 'rural village' in the settlement hierarchy. The application covered approximately 0.9 ha of the overall allocated site of 1.25 ha under Policy G113.2 of the adopted Site Allocations & Development Management Policies Plan (SADMMP).

The site was located on the western side of Main Street, which adjoined the Old Croft River. Residential properties were located on the opposite side of Main Road and along New Road to the north. The Grange (farmhouse) was located to the south, with Church Cottages and Grade II* listed St Mary's Church beyond, so the application site is effectively bounded on three sides by residential development. There are agricultural fields to the rear/west and south behind The Grange.

The application was deferred from the meeting held on 30 July 2018 when Members decided to defer the decision for one cycle to address the concerns raised regarding the following issues:

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

The Senior Planner provided the Committee with the response provided by the agent in relation to the concerns raised above.

The Senior 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 on ecology; and
- Other material planning considerations.

In accordance with the adopted public speaking protocol, Kevin Knight (objecting) and Peter Gardiner (objecting on behalf of the Parish Council) addressed the Committee in relation to the application.

In response to comments raised by the public speakers, the Senior Planner explained the reasons why a new footpath taken from Main Street to New Road could not be provided because of the objections raised by the Internal Drainage Board. Norfolk County Highways had agreed to the provision of 2 no. pedestrian crossing points on Main Street and a 2 m wide footway linking the proposed development to Back Drove.

Councillor Storey referred to the affordable housing and considered that the units had not been adequately pepper-potted around the site and were still in one place.

The Chairman, Councillor Mrs Spikings made reference to the concerns raised with the footpath and that it would be difficult to overcome the objections raised by the Internal Drainage Board. She was pleased that the applicant had added garages to the affordable housing units. She added that the Government was pushing for higher densities.

Councillor Crofts referred to the fact that there was insufficient room to provide a 2m footpath and asked whether a 1m footpath could be provided instead.

The Senior Planner advised that the Local Highway Authority had requested that a 2m footpath be provided in order to meet current standards.

In response to concerns from Councillor Crofts regarding the maintenance company to be set up, the Senior Planner explained that the agent had confirmed that the standard of construction of the roads and footpaths serving the estate would be to an adoptable standard. The on-going maintenance and repair should not be excessive and readily covered by annual contributions. It was explained that with the use of SUDs and permeable surfacing plus underground storage crates, this would become a more common occurrence given the Local Highway's stance on non-adoption. This matter would be covered in the Section 106 Agreement.

The Senior Planner advised that a TROD could not be provided.

Councillor Parish made reference to the fact that this was an allocated site within the Local Plan. He considered that prior to allocation issues such as safe pedestrian access should have been resolved.

The Executive Director informed the Committee that Councillor Parish was correct that the site was allocated within the Local Plan, which was supported at the time by the Parish Council. However it appeared that the membership of the Parish Council had changed.

In relation to the crossing issues, there was a requirement for safe access and Norfolk County Council was satisfied with what had been proposed. In relation to pepper-potting, the Executive Director explained that this was a small site and the applicant had revised the layout as requested by the Committee at the last meeting. He reminded the Committee that there was a presumption in favour of approving schemes which were in accordance with the Development Plan.

Councillor Storey suggested that the Council should revisit the Affordable Housing Policy in relation to pepper-potting. He also referred to the late correspondence, where it outlined that the Parish Council only had 7 days to respond to the communication from the Borough Council.

The Chairman, Councillor Mrs Spikings drew the Committee's attention to the Assistant Director's comments detailed in late correspondence.

Councillor Crofts abstained from the following resolution.

RESOLVED: (A) That, the application be approved subject to completion of a Section 106 agreement covering affordable housing provision, SUDs management and road maintenance, plus Habitat Mitigation Fees.

(B) In the absence of a completed Section 106 agreement within 4 months of the date of this resolution, the application shall be refused on the grounds of lack of a mechanism to secure the provisions of affordable housing, SUDs management and road maintenance, plus Habitat Mitigation Fees.

(ii) 18/00581/OM

Outwell: Land west of Tikka Chef, Isle Road: Outline application: 50 dwellings: Beech Property Investments Ltd

The Senior Planner introduced the report and explained that the Committee had visited the site prior to the meeting.

Councillor Bubb had not attended the site visit and therefore did not take part in the debate or vote.

The application site was an irregular shaped parcel of land located to the west/rear of properties fronting the western side of Isle Road/A1101. Access would be gained from the Main Road adjacent to the Tikka Chef fast food outlet, with the loss of an existing warehouse/storage building (presently used as a recreational facility – Fenrock indoor climbing centre) creating a route through to agricultural land beyond. The site was bounded by agricultural and amenity land to the immediate north (housing beyond), housing to the east, agricultural land to the west, and a trade and retail fruit and vegetable distributor to the immediate south (M & B Distributors).

The site comprised 2 ha of land which was an allocation site for the Key Rural Service Centre of Outwell combined with Upwell, under Policy G104.6 of the Site Allocations and Development Management Policies Plan 2016, with the policy requiring at least 35 dwellings.

The current application was for 50 dwellings and was in outline form with all matters reserved for later consideration. An indicative site layout shows access off Isle Road/A1101. The site area mostly complies with the defined allocated site boundary, except for a small section utilising a parcel of land to the rear of the warehouse/storage building, plus a parcel between the warehouse and takeaway, which was located within the village development boundary.

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:

- Principle of development;
- Impact on visual amenity of the locality;
- Highways issues;
- Residential amenity;
- Flood risk and sustainable drainage;
- Section 106 matters; and
- Any other matters requiring consideration prior to the determination of the application.

In accordance with the adopted public speaking protocol, Mr M O'Reagan (objecting) and Mr J Maxey (supporting) addressed the Committee in relation to the application.

The Chairman, Councillor Mrs Spikings explained to the Committee that she knew the site well having lived in Upwell and Outwell. She added that it was a great shame that the existing rock climbing shed was to be removed and hoped that it would be relocated elsewhere. She added that in addition to the existing traffic being experienced, it was not long until the harvest of the pumpkins which were grown in the area, which generated further traffic. With regards to the comments made by the objector in relation to privacy issues, she hoped that the scheme could be designed to ensure that there would be no overlooking issues. She explained that it was a 30mph speed-watch area and the Police was often in the entrance to the site.

Councillor Crofts explained that the site was within his ward and he had been approached by the Parish Council to put forward their views.

The Parish Council had made the point that the village was linked with Upwell and made reference to the amount of allocations it had to take. Outwell Parish Council preferred development within the centre of the village and needed to be closer to facilities. In relation to the sequential test, it was considered that the site was in a more dangerous location than in Church Drove.

The Chairman, Councillor Mrs Spikings added that doctors' surgeries were consulted as part of the allocations process.

Councillor Parish commented that the Planning Inspector had added the words 'at least' to provide some flexibility. A planning consent for 20 dwellings had already been granted when the Council did not have a 5 year land supply. He hoped that the recreational facility would be relocated. The storage facility on the Tikka Chef site housed propane gas cylinders and would be adjacent to the access road, and asked if there were any restrictions in place regarding this.

The Senior Planner considered that this could be a health and safety requirement but would be dealt with under separate legislation.

Councillor Crofts referred to an area of land to the rear of Chase Cottage, which was owned by the Parish Council, and asked whether this could be used for the area of open space. The Executive Director explained that it would be normal to provide the area of open space on the site. It would be up to the developers if they wished to discuss that further.

RESOLVED: (A) That, the application be approved subject to conditions and the satisfactory completion of the Section 106 Agreement.

(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, plus SUDs design and maintenance.

(iii) **18/01053/F**

**Castle Acre: Adj to Lime Kiln Cottages, Cuckstool Lane:
Proposed dwelling: Derek Hales Ltd**

The Principal Planner introduced the report and explained that the application site was contained within the development boundary and Conservation Area of Castle Acre. The site also formed the setting of the Scheduled Ancient Monument, Castle Acre Castle.

Castle Acre was a Key Rural Service Centre according to Policy CS02 of the Local Development Framework Core Strategy.

The site contained a number of trees, a garage which was overgrown with vegetation and the northern boundary was formed by the wall to the castle.

The proposal sought consent to erect a 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 drew the Committee's attention to a revised location plan, which had been circulated with the late correspondence.

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

- Principle of development;
- Impact upon heritage assets;
- Aboricultural implications;
- General form and character issues;
- Impact upon neighbour amenity;
- Highway safety; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Mr G Shelton (objecting), Mr M Tate (supporting) and Mr D Morris (supporting) addressed the Committee in relation to the application.

Councillor Storey explained that he had had dealings with the applicant in the past but had no interest in this application. He considered that the proposal would enhance the form and character of the area.

The Chairman, Councillor Mrs Spikings informed the Committee that she had visited the site and the trees were self-seeded. She considered that the proposal would ensure that the wall was in the open and on view.

RESOLVED: That the application be approved as recommended.

(iv) 18/01343/F

Hilgay: The Dell and Marian House, Ely Road: Ground floor and basement extension to The Dell and infill of ground to bring level to upper terrace level including reinforced retaining wall for The Dell: Mr & Mrs Mercer

The Senior Planner introduced the report and explained that the site was located in the village of Hilgay, to the east of Ely Road and to the south of the village centre. The site comprised a pair of cottages (semi-detached) Marian House and The Dell which fronted directly onto Ely Road. The Dell and Marian House were in the same ownership.

The application was for a large extension to the rear of The Dell which used the existing change in level on site to create a new basement floor (to include a games room, storage rooms and WC). At the existing ground floor there would be an extension out into the existing area of decking to enlarge the kitchen/family room. It also included an infill of ground at Marian House to create an upper terrace level including a reinforced retaining wall for The Dell.

The application had been referred to the Committee at the request of Councillor White.

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

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

In accordance with the adopted public speaking protocol, Mr C Brown (objecting) and Mr D Mercer (supporting) addressed the Committee in relation to the application.

The Executive Director responded to questions raised by the Committee with regards to the levels of the site and the boundary dispute. He also referred the Committee to the Planning Inspector's appeal decision where it concluded that there was no adverse impact on Holly House but the Inspector considered that there would be an impact on Marian House.

Councillor Tyler proposed that the application be refused on the grounds that the proposal would cause dis-amenity to Holly House. This was seconded by Councillor Mrs Young.

The Chairman, Councillor Mrs Spikings proposed an additional condition to remove the bi-fold doors from the southern boundary, which was seconded by Councillor Sandell and agreed by the Committee.

The Committee then voted on the proposal to refuse the application, which was lost.

RESOLVED: That the application be approved, as recommended, subject to an additional condition to ensure that no bi-fold doors were installed on the south facing elevation.

The Committee adjourned at 12.45 pm and reconvened at 1.20 pm

(v) 18/01042/O
Snettisham: Land of Cherry Tree Road: Outline
application: Construction of five dwellings with means of
access via Cherry Tree Road: The Ken Hill Estate

The Principal Planner introduced the report and explained that the site was within the development boundary of Snettisham. The site was once part of a larger field, part of which had already been developed as a rural exception site.

The site was located on the western side of Cherry Tree Road, between Alma Road and Kenhill Close. The form and character of development comprised of linear development of bungalows and two storey dwellings.

The proposal sought outline consent for the erection of 5 dwellings with only access to be determined at this stage.

The application had been referred to the Committee for determination at the request of Councillor Devereux 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:

- Principle of development;

- Visual amenity;
- Neighbour amenity;
- Highway safety;
- Affordable housing;
- Ecology; and
- Any other material considerations.

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

In accordance with Standing Order 34, Councillor I Devereux addressed the Committee as follows:

I am here to represent my ward of Snettisham and support the Parish Council and local residents in their objections to this outline Planning Application for five dwellings adjacent to the existing development at Fishers End off Cherry Tree Road.

This has attracted significant comments from the Public at several Parish Councils, within the Parish Council and from the NCC Highways Department as well as the wider local community.

The Parish Council objects because the nature and scope of this proposal is significantly at variance with the provisions and policies of the advanced draft Snettisham Neighbourhood Plan which has been under preparation with the local community for several years. Including:

- *The site location is outside of the community designated development area.*
- *The site is a further violation of the designated AONB boundary.*
- *The nature, mix and style of dwellings is inconsistent with the selected Neighbourhood Plan policy sought by the Community.*

It is to be noted, however, that Fishers End was originally sponsored by the Parish Council over a decade ago as a special, limited site for affordable and social housing and is adjacent to similar facilities at Rooster Close. Such provision was an exception to the preservation of the area of the AONB. The proposed development has no such merit and makes no such similar social responsibility provision.

Many community objections stem from traffic congestion due to visitors to the adjacent Veterinary and Health Centre practices in common Road and lack of parking. This creates access issues in Common Road, to Cherry Tree Road, Fishers End and to the Kenside Estate.

NCC Highways objections notes the lack of footpaths, inadequate parking and garage provision.

A very important and vocal, common theme of local objectors is further erosion and loss of wildlife habitat which supports a wide range of flora and fauna, including hawks, owls and their prey.

In summary Madame Chairman, the proposal has no harmonious architectural merit; it adds to the already intolerable parking and access issues of the Health Centre and Vets; and adversely impinges on traffic flow around an already very busy junction: none of which is conducive to harmonious family and community life.

It further threatens the viability of the treasured AONB with unacceptable environmental impact, without any offsetting benefit of social housing provision. Indeed, some might say it appears to be a simple case of unacceptable commercial opportunism:

This is the wrong type of development in the wrong place and does not match the long term vision of the local community for the Health and Wellbeing of the Village of Snettisham. Colleagues, Snettisham seeks your support in objecting to this application.

The Principal Planner advised the Committee of the status of Snettisham Parish Council's Neighbourhood Plan. She also explained that Norfolk County Highways had not raised an objection to the proposed scheme and that provision of a footpath was secured by condition 12. In respect of ecology this had been covered on page 78 of the agenda.

The Chairman, Councillor Mrs Spikings made reference to the comments from the Housing Enabling Officer and the threshold for providing affordable housing.

Councillor Morrison asked whether the area would come over the 1,000 sq.m threshold.

The Chairman, Councillor Mrs Spikings referred the Committee to Condition 14 which stated that 'the development hereby approved shall comprise of no more than 5 residential units and shall not exceed 1,000 m² gross internal area.'

The Executive Director explained that the threshold for affordable housing was not set by the Council as the Government imposed the national set of standards. If the application went above 1,000 m² then the developer would have to provide affordable housing.

The Executive Director explained that one of the key issues relating to the application was the impact on the AONB and referred to the comments made by the Parish Council and Councillor Devereux. However the Norfolk Coastal Partnership had not objected to the proposal.

Councillor Mrs Bower expressed concern that the proposal would create more congestion for Common Road.

Councillor Mrs Fraser agreed that it was a busy road but considered that an additional 5 houses would not affect the AONB.

Councillor Parish made reference to page 74 of the agenda, where it stated that less weight was being attributed to the Neighbourhood Plan. He also referred to the comments made by the Coastal Partnership Officer.

In response to questions regarding the Neighbourhood Plan, the Principal Planner explained that the Inspector had recommended that the Plan should be modified, prior to going to referendum.

RESOLVED: That the application be approved as recommended.

(vi) 18/01302/F

Thornham: Fulney, Ploughmans Piece: Proposed demolition of existing dwelling and construction of 4 x 2 bed semi-detached dwellings: Butler & Le Gallez Properties Ltd

The Principal Planner introduced the report and explained that the application site was located within the development boundary of Thornham contained within the AONB.

Thornham was a Rural Village in the Settlement Hierarchy in accordance with Policy CS02 of the Local Development Framework Core Strategy 2016.

The application site was elevated above road level and contained a detached bungalow on a site size of 0.101 ha.

The proposal was for the demolition of the existing bungalow and construction of 2 pairs of semi-detached 1.5 storey dwellings.

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

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

- Principle of development;
- Impact upon the Area of Outstanding Natural Beauty;
- Other form and character issues;
- Impact upon amenity;
- Highway safety;
- Drainage;
- Ecology; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Mr N Peirce (objecting) and Mr E Hodges (supporting) addressed the Committee in relation to the application.

Councillor Mrs Watson stated that this was a contentious application and felt that she had been put in a difficult situation and therefore would not be taking part in the determination of the application.

Several Members of the Committee felt that this was overdevelopment of the site and not in-keeping with the form and character of the area.

The Chairman, Councillor Mrs Spikings explained that she had visited the site and referred to page 92 of the agenda where it talked about the dis-amenity and overshadowing for the adjacent neighbour. She added that the car parking would be an alien feature in the street-scene. She therefore proposed that the application be refused on the grounds of the impact on the AONB, the impact on the street-scene and overdevelopment, which was seconded by Councillor White and agreed by the Committee.

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

'The proposal for 4 dwellings due to the number of units proposed, coupled with their design, form, scale and layout with an expanse of parking on the frontage, would result in an overdevelopment of the site that would appear unduly prominent and incongruous in the street-scene and be out of keeping with the spatial characteristics of this part of Thornham, to the detriment of the Area of Outstanding Natural Beauty (AONB). The proposal is therefore contrary to the provisions of the NPPF (in particular paras 130, 170 and 172), Policies CS06, CS08 and CS12 of the Council's Core Strategy (2011) and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016).'

(vii) 18/01088/F

Tilney St Lawrence: Holly Manor, Lynn Road: Variation or removal of condition 5 of planning permission 14/01126/F: Change of use of agricultural barn and hay stores to builders yard, storage and office: Mr Barker

The Senior Planner introduced the report and explained that the application site was located on the south eastern side of Lynn Road, Tilney High End, to the south west of the village approximately 500m from the junction with School Road. The site comprised a large house with approval for a builder's yard with a complex of farm buildings, which had been converted to an office and store, a newly constructed workshop building, planning consent for an additional storage building and an area used for outside storage of building materials to the east of the site.

The application proposed a variation of Condition 5 of planning permission 14/01126/F. It was originally proposed that the amended condition would allow for the business to operate until 6pm on Monday to Friday and between 7 am and 1pm on Saturdays and at no time on Sundays, Bank or Public Holidays. Saturday hours have since been amended to between 8am and 1pm.

There were two other applications which sought to amend the hours of operation condition to make it consistent across the site (ref. 18/01089/F and 18/01090/F).

The application had been referred to the Committee for determination at the request of the Assistant Director.

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

- Principle of development;
- Planning history; and
- Neighbour amenity issues.

In accordance with the adopted public speaking protocol, Mr Russell Swann (supporting) addressed the Committee in relation to all three of the applications.

In accordance with Standing Order 34, Councillor Ayres addressed the Committee on behalf of Tilney St Lawrence Parish Council. He expressed concern that the previous conditions had not been complied with resulting in complaints about noise and causing a nuisance to neighbours. He asked the Committee to take a fair and balanced approach for all parties.

Councillor Mrs Young stated that she knew the site very well and that there had been numerous complaints investigated. She explained that she had visited the site at different times and heard what the residents had to put up with. She urged the Committee to consider the application very carefully.

The Executive Director informed the Committee that there had been many complaints from the neighbours and explained that setting aside the issues relating to a statutory nuisance there had been breaches of current working hours. The Council did not have the resources for someone sitting on the site and wanted to install monitoring equipment however the neighbours refused to this request.

Councillor Hipperson queried whether a 6 month temporary permission could be granted. The Executive Director suggested that the application be deferred for legal advice on this issue, which was agreed by the Committee.

RESOLVED: That the application be deferred for legal advice.

(viii) **18/01089/F**

Tilney St Lawrence: Holly Manor, Lynn Road: Variation or removal of condition 5 of planning permission 14/01126/F: Change of use of agricultural barn and hay stores to builders yard, storage and office: Mr Barker

RESOLVED: That the application be deferred for legal advice.

(ix) **18/01090/F**

Tilney St Lawrence: Holly Manor, Lynn Road: Variation or removal of condition 5 of planning permission 14/01126/F: Change of use of agricultural barn and hay stores to builders yard, storage and office: Mr Barker

RESOLVED: That the application be deferred for legal advice.

PC43: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That the report be noted.

The meeting closed at 2.30 pm