

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

**Minutes from the Meeting of the Planning Committee held on  
Monday, 1st October, 2018 at 10.45 am in the Assembly Room, Town Hall,  
Saturday Market Place, King's Lynn PE30 5DQ**

**PRESENT:** Councillor Mrs V Spikings (Chairman)  
Councillors R Blunt (sub), Mrs C Bower, A Bubb, C J Crofts, Mrs S Fraser,  
G Hipperson, T Parish, M Peake, Miss S Sandell, G Wareham,  
Mrs J Westrop (sub), A White and Mrs S Young

PC44: **APOLOGIES**

Apologies for absence were received from Councillors Mrs Buck, A Morrison and M Storey.

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

PC45: **MINUTES**

The Minutes of the Meeting held on 3<sup>rd</sup> September 2018 were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC46: **DECLARATIONS OF INTEREST**

There were no declarations of interest to declare.

PC47: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business under Standing Order 7.

PC48: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

There were no Members present pursuant to Standing Order 34.

PC49: **CHAIRMAN'S CORRESPONDENCE**

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

PC50: **RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

A copy of late correspondence received after the publication of the agenda, which had been previously circulated, was tabled. A copy of the agenda would be held for public inspection with a list of background papers.

At the end of the meeting, Councillor Hipperson explained that although he had been mentioned in the late correspondence which related to item 8/4(a), he had no connection with the Tree Preservation Order.

PC51: **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) – (xi) below, where appropriate to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chairman.

- (i) **18/01142/FM  
Hunstanton: Witleys Stationers Press, 19-21 Church Street:  
Demolition of old print works and the construction of 15  
number 2 bed flats and 1 number 1 bed flat with associated  
car parking (resubmission of 17/00025/FM): Waterfield  
Dudley Ltd**

The Principal Planner introduced the report and explained that the Committee had visited the site prior to the meeting. The application site was on the western side of Church Street, Hunstanton and measured 0.185ha and contained workshops and stores including hardstanding. The site was occupied by Witleys Stationers Press.

The site was located within Hunstanton Conservation Area.

Members were reminded that an application had been refused by the Planning Committee in February 2018 for the erection of 15, 2 bed flats and 1, 1 bed flat following the demolition of the structure on the site.

The application sought to address the reasons for refusal.

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

The Principal Planner drew the Committee's attention to the late correspondence and the need to amend conditions 21 and 22. It was also pointed out that the spelling of Witley Press was incorrect throughout the report.

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

- Principle of development and planning history;
- Loss of employment land and premise;
- Impact upon designated heritage assets;
- Impact upon residential amenity;
- Affordable housing;
- Highways;
- Drainage and flood risks
- Contamination; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Angela Read (objecting), Christine Earnshaw (objecting on behalf of Hunstanton Town Council), Cecilia McAteer (supporting) and Peter Adams (supporting) addressed the Committee in relation to the application.

In response to a comment from the first speaker, the Principal Planner explained that the Council had not received a BRE Right to Light report. With regards to construction and disturbance, condition 7 required a Construction Management Statement to be submitted and approved by the LPA. The Town Council had raised concerns in relation to the number of car parking spaces, the Principal Planner explained that there was the same number of car parking spaces proposed for this scheme as for the previous one. There had been no objection from County Highways and had not been included as a reason for refusal of the previous scheme.

The Chairman, Councillor Mrs Spikings referred to conditions 21 and 22 and the use of secondary windows. The Principal Planner highlighted where these would be located within the building.

The Chairman, Councillor Mrs Spikings also made reference to page 14 of the agenda where it stated 'These neighbours will experience some overshadowing during a period of the day, but not to a degree that would merit refusing the application.' The Senior Planner explained that this would occur during late morning/early afternoon.

Councillor Wareham expressed concern in relation to the loss of employment land in Hunstanton; the affordable housing provision and contamination. The Chairman, Councillor Mrs Spikings advised that

the affordable housing contribution had been worked out as detailed on page 14.

In terms of contamination, the Assistant Director advised that conditions had been imposed covering the issue. In addition, this had not been included as a reason for refusal of the previous scheme.

In response to a query regarding who would be responsible for the maintenance of the front strip of planting, the Principal Planner explained that this would be covered by the Section 106 Agreement.

Councillor Parish stated that there would be a lack of parking spaces for the development. He referred to the proposals from the Borough Council for the redevelopment of the area where it had stated that more car parking should be provided.

The Assistant Director explained that car parking had not been included in the reasons for refusal of the previous scheme, and County Highways had raised no objection to the provision of car parking spaces. He added that this scheme should not have to deal with any perceived lack of car parking elsewhere in the town.

**RESOLVED:** (A) That, the application be approved, subject to conditions (including amendments to conditions 21 and 22), and completion of a Section 106 agreement that secures the affordable housing financial contribution, SUDS management and maintenance, Habitats Mitigation Payments and Landscape Management and Maintenance within 4 months of the date of this decision.

(B) That 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 on the grounds of lack of affordable housing financial contribution, SUDS management and maintenance, Habitats Mitigation Payments and Landscape Management and Maintenance.

(ii) **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 N Barker**

Members were reminded that the application had been referred to the Planning Committee on 3 September 2018, when the Committee decided to defer the decision to allow officers time to investigate the options for the wording of the revised condition.

Members were aware of the neighbour complaints related to the site, and considered whether the revised hours of operation could be granted on a trial basis for a period of 6 months.

Having sought legal advice, there was an option to revise the wording of the planning condition to read:

*No machinery shall be operated, no process shall be carried out and no deliveries taken or dispatched from the workshop building outside the hours of 7:00 – 18:00 on weekdays, 08:00 – 13:00 on Saturday nor at any time on Sundays, Bank or Public Holidays for a period of 6 months from the date of this planning consent. After this period of 6 months the hours of operation will be 07:00 – 17:00 on weekdays nor at any time on Saturdays, Sundays, Bank or Public Holidays.*

This would provide the applicant with extended working hours for a period of 6 months, and will enable the Council to determine whether there had been any neighbour amenity issues created as a result. If after 6 months the extended working hours were deemed to be successful, the applicant would then be required to submit another planning application to retain the new hours of operation.

The Committee were asked to consider how the temporary period of time would be monitored, and how it could be considered to be successful taking into account the current extent and nature of complaints received to date. Members were asked to consider whether the condition above should replace proposed condition 5.

The Committee was reminded that the site was located on the south eastern side of Lynn Road, Tilney High End, to the south west of the village approximately 500 m from the junction with School Road. The site comprises a large house with approval for a builders' yard with a complex of farm buildings which have 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 6 pm on Monday to Friday and between 7am 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 are two other applications which seek to amend the hours of operation condition to make it consistent across the sites (refs 18/01089/F and 18/01090/F).

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

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

In accordance with the adopted public speaking protocol, Mr Russell Swann (supporting) addressed the Committee in relation to this application and application 18/01089/F and 18/01090/F.

Councillor Hipperson proposed that permission be granted on a trial basis for a period of 6 months. This was seconded by Councillor Mrs Young.

With regards to the proposal, Councillor Blunt expressed concern as to what would happen at the end of the six month period. The Principal Planner explained that the operating hours would revert back to the original hours. If the applicant wished to continue to operate the proposed new hours they would have to reapply after the six month period.

Councillor Blunt added that the six months would cover the winter period. He had concerns over the proposed condition.

The Executive Director explained that this was a contentious site which had attracted objections from neighbours. He added that there had been an on-going case where the Ombudsman had found against the Council. The benefit of the proposed condition was that it gave the applicant the opportunity to prove that they could comply with the condition. It also meant that no expenditure was required by the applicant and the original working hours could be reverted back to. It would require the applicant to reapply after the 6 month period.

The Chairman, Councillor Mrs Spikings added that the business was a big employer in the area, however she also understood that it was difficult for the neighbours.

Councillor Wareham expressed concern in relation to the proposed condition. He referred to the decision of the Ombudsman and asked what surveillance could be put in place on the business if the neighbours were not prepared to allow any recording equipment.

The Executive Director added that the Ombudsman was convinced that a breach had occurred and had taken the view that the business had been operated outside the permitted hours.

The Ombudsman had taken the view that the Council should offer noise monitoring equipment to the neighbours again and that the Council should send people out of hours to monitor the site. This would have resource implications to do that and would probably involve some form of a 'hot-line'.

Councillor Bubb then proposed that the trial period should be extended for one year rather than six months, which was seconded by Councillor Mrs Young and, after having been put to the vote, was lost.

Councillor Parish added that the complainants had taken their complaint as far as the Ombudsman as the applicant had failed to comply with the existing conditions. He asked if the applicant could have the sound equipment installed on the edge of their property. The Executive Director advised that he did not think that this would work. He added that the applicant had installed an acoustic fence on the boundary, and with sound recording equipment it was to see the impact from the objector's point of view. Each complaint had to be dealt with on its own merits.

The Chairman, Councillor Mrs Spikings added that it would have been helpful if the neighbours had filled in diary sheets.

The Principal Planner then outlined to the Committee the range of options that were available to them.

The Committee then voted on the proposal to approve the application on a six month trial basis, which was lost on the Chairman's casting vote.

The Committee then voted on the recommendation to approve the application, which was carried on the Chairman's casting vote.

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

**(iii) 18/01089/F**  
**Tilney St Lawrence: Holly Manor, Lynn Road, Tilney All Saints: Variation of condition 3 of planning permission 15/01963/F to change hours of operation: Mr N Barker**

The Committee was reminded that the application had been deferred from the previous meeting held on 3 September 2018 for the reason outlined in the report for application 18/01088/F considered earlier in the meeting.

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

**(iv) 18/01090/F**  
**Tilney St Lawrence: Holly Manor, Lynn Road, Tilney All Saints: Variation of condition 4 of planning permission 17/01298/F to change hours of operation: Mr N Barker**

The Committee was reminded that the application had been deferred from the previous meeting held on 3 September 2018 for the reason outlined in the report for application 18/01088/F considered earlier in the meeting.

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

**(v) 18/01364/F  
Downham Market: 6 Greenwich Close: Erection of car port  
(retrospective): Mr & Mrs S Ewing**

The Principal Planner introduced the report and explained that retrospective permission was sought for the retention of a car port attached to an existing garage at 6 Greenwich Close, Downham Market.

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

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

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

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

Councillor Tyler explained that he had called in the application as he believed that the visual appearance was not in-keeping or sympathetic to the street-scene. He considered that the structure was prominent and overbearing and had an adverse impact on the area. He therefore proposed that the application be refused on the grounds that the structure was unduly prominent in the street scene and not in-keeping with the other properties in the vicinity. The proposal was seconded by Councillor Wareham.

Councillor Mrs Westrop stated that she knew the area very well and was very surprised when the car port was erected.

Councillor Wareham added that the car port totally changed the street-scene. He acknowledged that it was well made and professional looking but was in the wrong place.

The Assistant Director explained that planning permission could be applied for retrospectively. He agreed that it was prominent in the street-scene but asked the Committee to consider whether it was harmful.

The Chairman, Councillor Mrs Spikings informed the Committee that she had had the benefit of seeing the car-port, which had been built to a good standard, however she considered that it did project and that two bays were too many.



The Committee then voted on the proposal to refuse the application on the grounds that the structure was over-dominant and unduly prominent in the street scene and not in-keeping with the other properties in the vicinity, which was carried.

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

*The proposed detached car-port, by virtue of its size and siting in front of the existing dwelling and on a prominent corner within the estate and in close proximity to the front boundary represents an unduly intrusive feature in the street-scene, out of character with and detrimental to the visual amenities of the surroundings, and is therefore considered contrary to Policy DM15 of the Site Allocation and Development Management Policies Plan (2016) and CS08 of the Core Strategies (2011).*

**(vi) 18/00468/F**

**Heacham: Orange House, 53 Malthouse Crescent:  
Proposed development of two bungalows with integral  
garages: Mr & Mrs Carrick**

The Principal Planner introduced the report and explained that the application site comprised a rectangular shaped parcel of land measuring approximately 1007.2 m<sup>2</sup> and was currently garden land to No.53 Malthouse Crescent , Heacham.

The application sought full permission for the construction of two bungalows.

Heacham was classified as a Key Rural Service Centre within the Core Strategy's Settlement Hierarchy.

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

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

- Principle of development;
- Impact on form and character;
- Impact on neighbour amenity;
- Impact on highway safety;
- Other material considerations.

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

In response to comments made by the public speakers, the Principal Planner explained that the officer had written a balanced report. Also, the site had increased in size since the email that had been referred to.

Councillor Wareham considered that two properties were out of keeping with the surrounding area. He therefore proposed that the application be refused on the grounds of overdevelopment of the plot and as it was considered to be out of keeping with character of the surrounding area, which was seconded by Councillor Bubb.

Councillor Parish expressed concern in relation to the application and was surprised to see a recommendation for approval. He added that Heacham did not need any more bungalows.

Councillor Bubb added that the location of the two properties was very close together, and he felt that one bungalow on the site would be more appropriate.

The Committee then voted on the proposal to refuse the application on the grounds that the proposal was a cramped form of development and constituted backland development which was out of keeping with the surrounding area, which was carried.

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

1. *The construction of two dwellings behind No.53, accessed by a long driveway alongside No.40 Staithe Road, would represent a form of backland development which is out of keeping with the form and character of the area, contrary to the provisions of the NPPF, particularly Section 12, Core Strategy Policy CS08 and Development Management Policy DM15.*
2. *The introduction of two new dwellings and the associated parking and turning provision on this relatively small parcel of land would result in overdevelopment of the site, which would be overly cramped, representing poor quality development, contrary to the provisions of the NPPF, particularly Section 12, Core Strategy Policy CS08 and Development Management Policy DM15.*

*The Committee then adjourned at 12.35 pm and reconvened at 1.10 pm*

**(vii) 18/01077/F**  
**North Creake: 16 West Street: Detached garage conversion to create self-contained unit suitable for a holiday let: Mrs Elspeth Mitchell**

The Principal Planner introduced the report and explained that the application concerned a garage in the rear garden of a dwelling in North Creake.

The proposal sought permission for the conversion of the detached garage to a self-contained holiday let.

The application had been referred to the Committee for determination as the officer recommendation was contrary to the views of North Creake Parish Council.

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

- Principle of development;
- Form and character;
- Neighbour amenity issues;
- Highways

In accordance with the adopted public speaking protocol, Harvey Brown (supporting) addressed the Committee in relation to the application.

Councillor Sandell stated that she walked past the site every day. She made reference to the access which she considered was very dangerous and the road got very busy. She also considered that the proposal was a cramped form of development and agreed with the officer recommendation.

The Chairman, Councillor Mrs Spikings also expressed concern in relation to the parking arrangements, which was currently showing tandem parking. She suggested that this should be added to the reasons for refusal.

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

**(viii) 18/01197/O**

**Old Hunstanton: Seagrass, 22 Golf Course Road: Outline application all matters reserved: New dwelling: D Caplan**

The Principal Planner introduced the report and explained that outline planning permission was sought for a detached dwelling located on Golf Course Road, Old Hunstanton. All matters were reserved at this stage with the principle of development being sought only by the applicant.

The site was currently garden land to the rear of no 22 Golf Course Road.

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;
- Highways issues; and
- Other material considerations

In accordance with the adopted public speaking protocol, Mr Brian Ley (objecting) and Mr Jason Law (supporting) addressed the Committee in relation to the application.

In relation to ownership of the small strip of land, it was explained that the applicant did not need to own all the land within the red line application site boundary. The applicant's agent had submitted certificate 'C' confirming that all reasonable steps had been taken to find out the names and addresses of the other owners but the applicant had been unable to do so.

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

**(ix) 18/01175/F**

**West Walton: Stables and Equine facility north of Ashtree Cottage, River Road: Conversion of stable/first floor office/store to partial residential: Mrs Lorna Walker**

The Principal Planner introduced the report and explained that the application was for the partial conversion of an existing stable block to residential accommodation for a groom. There was no justification with regard to a rural enterprise nor is the modern building to be converted worthy of retention, especially given its location outside the development boundary. There were also issues with regard to the road network which served the site and the visibility at the point of 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 Principal Planner then outlined the key issues for consideration when determining the application, namely:

- Site history;
- Principle of development;
- Amenity issues;
- Highways issues;
- Flood risk;
- Other material considerations; and
- Crime and Disorder.

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

- (x) **2/TPO/00575**  
**Shouldham: Land north of Lynn Road - south of 10 and east of Westgate Street: To consider whether Tree Preservation Order 2/TPO/00575 should be confirmed, modified or not confirmed in the light of objections**

The Arboricultural Officer introduced the report and explained that the Tree Preservation Order related to two Lime trees which were growing within an area of open land on the edge of Shouldham. Both of the trees were clearly visible to both road users and home owners along Westgate Street, Shouldham.

The Arboricultural Officer made reference to:

- The reason for making the Order;
- An outline of objections and representations;
- Response to objections and representations.

**RESOLVED:** That, the Order be confirmed without modification.

- (xi) **2/TPO/00576**  
**Downham Market: 6 Admiralty Close: To consider whether Tree Preservation Order 2/TPO/00576 should be confirmed, modified or not confirmed in the light of objections**

The Arboricultural Officer introduced the report and explained that the Tree Preservation Order related to an Oak tree growing in the rear garden of 6 Admiralty Close, Downham Market. The mature Oak can be clearly seen from along Admiralty Close, Hamilton Way, sections of Nile Close and sections of Trafalgar Road.

The Arboricultural Officer made reference to:

- The reason for making the Order;
- An outline of objections and representations;
- Response to objections and representations.

**RESOLVED:** That, the Order be confirmed without modification.

PC52: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

**RESOLVED:** That, the report be noted.

**The meeting closed at 1.50 pm**

