

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

**Minutes from the Meeting of the Planning Committee held on
Monday, 3rd December, 2018 at 12.15 pm in the Assembly Room - Town
Hall, Saturday Market Place, King's Lynn PE30 5DQ**

PRESENT: Councillor Mrs V Spikings (Chairman)
Councillors R Blunt, Mrs C Bower, A Bubb, Mrs S Buck, C J Crofts, Mrs S Fraser,
G Hipperson, A Morrison, T Parish, M Peake, M Storey, D Tyler, A White and
Mrs S Young

PC62: **APOLOGIES**

Apologies for absence were received from Councillors Sam Sandell,
Mrs E Watson and G Wareham.

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

PC63: **MINUTES**

The Minutes of the Meeting held on 5 November 2018 were agreed as
a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC64: **DECLARATIONS OF INTEREST**

The following declarations of interest were declared:

- Councillor Peake declared a pecuniary interest in item 8/2(f) as
he was related to the applicant. Councillor Peake left the
meeting during consideration of the item.

PC65: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business under Standing Order 7.

PC66: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

There were no Members present pursuant to Standing Order 34.

PC67: **CHAIRMAN'S CORRESPONDENCE**

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

PC68: **RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

A copy of the 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.

PC69: **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) – (ix) below, where appropriate to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chairman.

- (i) **18/01320/OM**
Feltwell: Long Lane Farm, 30 Long Lane: Outline application: Residential development for a maximum of 19 dwellings following demolition of existing: Mrs Christine Barrett

The Committee had visited the site prior to the meeting.

In response to a query raised on the site visit, the Principal Planner advised that the applicant had confirmed that the flint barn would be retained and appropriate conditions could be imposed if necessary.

The Principal Planner introduced the report and explained that outline permission with all matters except access for a maximum of 19 dwellings was sought.

The site was located wholly within the development boundary of Feltwell, a Joint Key Rural Service Centre (with Hockwold). The forward third of the site was brownfield with the remainder being residential accommodating a bungalow and garden.

A drain ran along the northern perimeter of the site and in its immediate location the site was at risk of flooding. The remainder of the site was in Flood Zone 1.

The site was located within the buffer zone of an SSSI and SPA.

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

The Committee noted the key issues for consideration when determining the application, namely:

- Principle of development;
- Highway safety;
- Loss of undesignated Heritage Assets;
- Form, character and residential amenity;
- Protected sites;
- Flood risk;
- Section 106 considerations;
- Crime and disorder; and
- Other material considerations.

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

Councillor Storey made reference to the comments raised by the Parish Council and explained these further to the Committee.

Councillor Morrison added that the retention of barn was vital and if removed as part of the application would detract from the character and appearance of the area. He therefore proposed an additional condition to ensure that that the barn was retained, which was seconded by the Chairman, Councillor Mrs Spikings and agreed by the Committee.

RESOLVED: (A) That, the application be approved, subject to the completion of a Section 106 Agreement within 4 months of the date of this resolution and the addition of an additional condition to ensure the retention of the barn.

(B) That the application be refused if the Section 106 Agreement is not completed within 4 months of the site of this resolution to approve.

(ii) 18/01691/FM

**Watlington: Watlington Quarry, Lynn Road, Tottenhill:
Change of use of a former quarry site to a Wildlife Park including the erection of a 2.15 metre high perimeter stock proof fence, siting of a static caravan to serve as a site office/reception, and creation of a hardstanding to provide for car parking and storage of park buggies: Watlington Farms Ltd**

The Committee had visited the site prior to the meeting.

In response to queries raised on the site visit, the Principal Planner confirmed that the site amounted to 78.1 ha. She also confirmed that the applicant owned the site and had signed the appropriate land ownership certificates.

The Principal Planner explained that the proposal sought the change of use of a former quarry site to a Wildlife Park, including the erection of a 2.15m high perimeter stock proof fence, siting of a static caravan to serve as a site office/reception, and creation of a hardstanding to provide for car parking and storage of park buggies.

The site for the wildlife park was located on the former quarry site to the east of the village and up to the A10 near the 'Tottenham Retail Park'. It was bounded by the A10 to the east, Thieves Bridge Road to the south, Mill Road/Plough Lane/Lynn Road to the west and Whin Common Road to the north. A culvert under Whin Common Road (formerly used to accommodate a conveyor belt during excavation of sand) formed a link with the office/reception/parking facilities within part of the working quarry site to the north (Frimstone Ltd) with an existing vehicular access off Watlington Road close to the Oakwood roundabout (junction of A10, A134 and Watlington Road).

The site was located within both Parishes of Watlington and Tottenham.

The application had been referred to the Committee for determination as the views of the Parish Council were contrary to the officer recommendation and the application raised issues of wider concern.

The Committee noted the key issues for consideration when determining the application, namely:

- Principle of development;
- Impact upon character and appearance of countryside;
- Highway issues;
- Impact upon adjoining properties;
- Ecological issues; and
- Other material considerations.

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

Councillor White asked for it to be recorded that he had concerns in relation to the proximity of the buffer zone to the nearest dwellings along Mill Road.

The Principal Planner explained that a 2 m high fence would be set back 10 m from the red line boundary. The Principal Planner further explained that this part of the park would contain deer.

It was explained that condition 3, referred to a grazing regime which would restrict certain species to certain areas of the park and condition 6 covered odour.

Several Members of the Committee commented that the proposal was a wonderful idea and commended the applicant. In addition, they felt that the conditions covered any concerns raised in relation to the scheme.

Councillor Morrison queried whether the proposed fencing would be high enough. The Principal Planner advised that the Licensing Department at the Council had assessed the fencing and had raised no concerns. The Principal Planner displayed a picture of the type of fencing proposed to be used.

RESOLVED: (A) That within 4 months of the date of this resolution, a Section 106 agreement with Norfolk County Council to secure that future maintenance, inspection regime and replacement of the culvert under Whin Common Road is at the applicant's expense is completed, then the application be approved subject to certain conditions stated in the report.

(B) In the absence of a Section 106 agreement with NCC being completed within the above timeframe, the application be refused on the grounds of highway safety.

(iii) **18/01009/FM**

West Walton: Worzals Farm Shop, Lynn Road, Walsoken: Proposed play barn and associated facilities including retail outlets, food outlets, Santa's Grotto, party rooms, parking and landscaping plus extension to reservoir: Worzals

The Committee had visited the site prior to the meeting.

The Principal Planner presented the report and explained that the application site was a parcel of land to the immediate east and north of Worzals farm shop and restaurant, which was located on the northern side of Lynn Road, West Walton approximately midway between its junctions with the A47 roundabout and the mini-roundabout that had been constructed linking to Walton Highway.

Planning permission was initially granted at the Development Control Board for a farm shop in October 2010 under reference 10/00953/FM. There had been subsequent alterations and additions including polytunnels, patio and equipped play area, extension of an open-air bedding plant sales area and repositioning of the surface water reservoir to the rear of the site plus a restaurant. The premises had quickly become a busy attraction.

The current application sought full permission for a play barn and associated facilities including retail outlets, food outlets, Santa's Grotto, party rooms, parking, landscaping and reservoir extension.

The application had been referred to the Committee for determination as the proposal raised issues of wider concern.

The Committee noted the key issues for consideration when determining the application, namely:

- Principle of development;
- Impact on town centre shops/facilities;
- Impact upon appearance of the countryside;
- Highway matters; and
- Other material considerations.

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

The Chairman, Councillor Mrs Spikings welcomed the application and added that this would add to the already successful business.

RESOLVED: That the application be approved as recommended.

The Committee adjourned at 1.05 pm and reconvened at 1.45 pm

(iv) 18/01796/F
Burnham Market: No. TWENTY 9, 29 Market Place:
Variation of Condition 3 of planning permission 16/02002/F
– Proposed change of use from ground floor retail (A1) and
first floor residential (C3) to two storey restaurant (A3)
including extension and alterations: Mr T Roberts

The Principal Planner introduced the report and explained that permission was sought to vary the opening hours of No. TWENTY 9, Market Place, Burnham Market to enable later opening on Christmas and New Year's Eve, and to enable extended hours in the courtyard area at the rear of the property on six days of the year.

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

The Committee noted the key issues for consideration when determining the application, namely:

- Neighbour amenity

The Principal Planner advised that it was a balance between neighbour amenity and the needs of an existing business. Officers considered that the request to extend the hours on Christmas and New Year's Eve

was acceptable. However officers considered that the request to use the outside space for live music events (12 additional hours over a year), was unreasonable and was likely to result in neighbour disamenity issues of a level to warrant refusal.

In accordance with the adopted public speaking protocol, Mr T Cartwright (objecting) and Mr T Roberts (supporting) addressed the Committee in relation to the application.

The Chairman, Councillor Mrs Spikings introduced the Senior Community Safety & Neighbourhood Nuisance Officer and Principal Environmental Health Officer from CSNN to the Committee.

The Senior Community Safety & Neighbourhood Nuisance Officer explained that all information relating to the case had been placed on the Council's website. She added that she was not aware of any correspondence from the applicant. With regards to providing advice to the applicant, she explained that the team could offer advice however when there was a live investigation it became a little more difficult.

The Principal Environmental Health Officer added that it was the policy of CSBB to try to maintain communication with people and he would check to see what had happened to the applicant's letter.

Councillor Crofts suggested that the application should be deferred for further information as to where the objectors lived.

The Chairman, Councillor Mrs Spikings agreed with Councillor Crofts that it was important to know where the objectors lived and therefore proposed that the Committee carried out a site visit. This was seconded by Councillor Tyler and agreed by the Committee.

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

(v) **17/01709/F**

**Docking: Land west of Fakenham Road, Stanhoe:
Proposed glamping site: Mr M McGinn & Ms S Brooks**

With regards to comments made by Councillor Morrison regarding the format of the report, the Executive Director explained that the covering report should have indicated that there was an appendix made up of the original report and an extract from the minutes of the meeting held on 9 April 2018.

The Principal Planner introduced the report and explained that Members might recall that this application was considered at the Planning Committee meeting on 9 April 2018. The recommendation was overturned and the application was approved, subject to

appropriate planning conditions and the signing of a Section 106 legal agreement required to secure the necessary visibility splays for the vehicle access on Fakenham Road. The Section 106 Agreement was to be signed within 4 months of the date of the Planning Committee meeting. The planning application was before the Committee to seek additional time for the completion of the legal agreement. Several different parties had been involved in the process of obtaining the appropriate information and delays had been incurred.

Another issue in the case was that the resolution made by the Committee made no recommendation to refuse the application if the legal agreement was not signed within the time period and this needed to be resolved as well.

Accordingly an additional period of three months from the date of the Committee meeting was requested to be agreed to enable the legal agreement to be completed and signed.

If the agreement was not signed in time then the application would need to be refused on the grounds of failure to secure the necessary visibility splays.

The application had been referred to the Committee for determination as the decision had been made with a time restriction for the completion of the Section 106 Agreement.

The Chairman, Councillor Mrs Spikings expressed concern in relation to the amount of time that the applicant would have been given, some 7 months, to complete the Section 106 Agreement. She proposed that the amount of time for completion of the Section 106 should be reduced to 2 months.

The Assistant Director advised that the Section 106 Agreement had been with a third party for some time and had not progressed.

The Committee then voted on the proposal to reduce the amount of time for completion of the Section 106 agreement to 2 months, which was agreed.

RESOLVED: (A) That, the application be approved subject to conditions which have been agreed with the Chairman and Vice-Chairman of the Planning Committee and satisfactory completion of the Section 106 Agreement.

(B) That the application be refused in the event that the Section 106 Agreement is not completed within 2 months of the date of this Committee meeting, the application shall be refused due to the failure to secure the necessary visibility splay.

(vi) 18/01946/F
Gayton: Manor Farm, Back Street: Variation of condition 2 of planning permission 18/00125/F – Conversion and extension of workshop outbuilding to dwelling house, addition of workshop/plant room and associated works: Mr & Mrs A Beales

The Principal Planner introduced the report and explained that the application site comprised a detached barn associated with Manor Farm House, situated on the norther side of Back Street, Gayton.

The application sought to vary the approved plans condition on planning permission 18/00125/F which approved the conversion and extension of workshop outbuilding to dwellinghouse. The proposed changes related to the footprint and design of the front of the proposed dwelling to the workshop / shed to the rear.

Gayton was classified as a Key Rural Service Centre.

The application had been referred to the Committee for determination as the applicant was Councillor A Beales.

The Committee noted the key issues for consideration when determining the application, namely:

- Principle of development;
- Form and character;
- Highway safety; and
- Other material considerations.

RESOLVED: That the application be approved as recommended.

(vii) 18/01768/CU
Marshland St James: The Marshland Arms, 47 School Road: Change of use of public house with combined residential accommodation to a single dwelling house: Mr S Woolner

The Principal Planner introduced the report and explained that the Marshland Arms Public House was located on the north-western corner of the crossroad junction between School Road, Hope Lane and Rands Drove approximately 300 m away from the school. The proposal sought to change the use of the public house and associated residential accommodation into a dwelling.

This was the last public house serving the village, but had been closed for some considerable time.

The application was accompanied by evidence of a marketing exercise for a period in excess of 12 months as required by Policy DM9 of the Site Allocations and Development Management policies plan.

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

The Committee noted the key issues for consideration when determining the application, namely:

- Loss of community facility; and
- Other material considerations.

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

Councillor Crofts stated that where the public house was positioned was not in the heart of the village and therefore did not attract passing trade. He urged the Parish Council to look at the village hall to accommodate a social club there.

Councillor Blunt supported the comments made by Councillor Crofts. He added that it was sad to see the loss of a public house but he agreed with the officer recommendation.

The Chairman, Councillor Mrs Spikings added that the public house was in an isolated location and did not benefit from passing trade and in this instance she agreed with the officer recommendation.

RESOLVED: That the application be approved as recommended.

(viii) 18/01327/F

Terrington St John: Manor House, 4 School Road: Siting of new single storey residential annexe to allow supported living of family members: Mr & Mrs P Lantrua

The Principal Planner introduced the report and explained that the application was for the siting of a single storey residential annexe to allow supported living of family members. The proposed annexe, whilst large in scale, meets the definition of a caravan within the regulations and it was proposed to place a five year time limit on any approval.

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

The Committee noted the key issues for consideration when determining the application, namely:

- The principle of development;
- Visual impact;
- Amenity issues;
- Flood risk; and
- Other material considerations.

In relation to the siting of the annexe, the Principal Planner explained that Policy DM7 contained a set of criteria that had to be followed. It was accepted that the annexe was large but it had been conditioned as temporary accommodation.

The Chairman, Councillor Mrs Spikings pointed out that there was already a large concrete base insitu and asked whether the annexe could be sited on it.

The Assistant Director advised that if the annexe was based there then it would not be within the curtilage of the dwelling. A complaint had been received and investigated which had drawn the situation to officer's attention. The proposed new location for the annexe was well screened.

RESOLVED: That the application be approved as recommended.

(ix) **18/01752/F**

**Wretton: Between Peake View Cottage and New House,
Wretton Fen Drove: Construction of one dwellings and
garage: Rebecca Case**

The Vice-Chairman, Councillor Peake left the meeting during consideration of the application.

The Principal Planner introduced the report and explained that full planning permission was sought for the erection of one three bedroom detached dwellinghouse and detached garage. The site was a former agricultural yard that had been used for mixed use purposes including B2 car repairs in the western part of the site, horsiculture to the east of the site and for the keeping of dogs. The area in which the dwelling was proposed was adjacent to the west boundary and would require existing buildings to be removed to facilitate the development.

The site was located to the east of Wretton Fen Drove, Wretton. Wretton was a Smaller Village and Hamlet as defined by Policy CS02 of the Core Strategy 2011.

The application had been referred to the Committee for determination as the applicant was a relative of Councillor Peake.

The Committee noted the key issues for consideration when determining the application, namely:

- Principle of development;

- Form and character;
- Neighbour amenity;
- Highways/access; and
- Other material planning considerations.

RESOLVED: That the application be approved as recommended.

PC70: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That, the report be noted.

PC71: **PLANNING & ENFORCEMENT - QUARTERLY REPORT**

The Committee received a report which gave an update on service performance for planning enforcement during the third quarter of 2018.

It was reported that the total number of live cases was 269 with 129 cases having been closed. In addition, 15 formal notices had been served.

The Committee noted that following the service of a Section 215 Notice in May 2018 requiring the demolition of a prominent derelict property on London Road within the King's Lynn Conservation Area, compliance was recently achieved with the property being demolished and the resultant material removed from the site.

RESOLVED: That, the report be noted.

PC72: **PLANNING & ENFORCEMENT APPEALS - QUARTERLY REPORT**

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

It was noted that for the third quarter of 2018 50% of all appeals were allowed. For the 12 month period to 30 September 2018 an average of 41% of all appeals were allowed, which was slightly above the national average figure of around 32% of all appeals allowed.

With regards to the 50% of appeals allowed, the Assistant Director advised that this would continue to be monitored and would be a topic for a future training session.

RESOLVED: That, the report be noted.

PC73: UPDATE ON TREE MATTERS

The Committee received a report which updated them on recent Tree Preservation Orders which had been served since 1 May 2018 – 31 October 2018, along with a summary on some of the other aspects of the work in relation to trees.

The Committee noted that 6 Tree Preservation Orders had been served since May 2018. One appeal relating to decisions regarding works to protected trees was on-going.

RESOLVED: That, the report be noted.

The meeting closed at 2.45 pm