

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

**Minutes from the Meeting of the Planning Committee held on  
Monday, 7th January, 2019 at 10.20 am in the Assembly Room - Town Hall,  
Saturday Market Place, King's Lynn PE30 5DQ**

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

PC82: **APOLOGIES**

Apologies for absence were received from Councillors Storey and Wareham.

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

The Chairman, Councillor Mrs Spikings also wished everyone a Happy New Year.

The Committee also offered its condolences to the family of Mr Desmond Waite who had sadly passed away. She added that Mr Waite had been a Member of the Council's Conservation Areas Advisory Panel for many years and on many occasions had been a support to the Council and a respected architect in his own right.

PC83: **MINUTES**

The Minutes of the Meetings held on 3 December 2018, the Reconvened Meeting held on 6 December 2018 and the Special Meeting held on 17 December 2018 were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC84: **DECLARATIONS OF INTEREST**

The Chairman, Councillor Mrs Spikings declared a pecuniary interest in item 8/2(i) – Upwell, as she was the applicant, and left the meeting during consideration of the application.

Councillor Hipperson declared a pecuniary interest in item 8/2(g) - Shouldham as the applicant was his relative.

Councillor White declared an interest in item 8/1(b) – King's Lynn as he was a Member of Norfolk County Council.

PC85: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business pursuant to Standing Order 7.

The Assistant Director referred to items 8/2(d), (e) and (f) – Methwold and to the late correspondence where it recommended that the applications be deferred to allow the applicant to submit a business case (which was crucial to the applications) and to enable full considerations of the proposals, which was agreed by the Committee.

PC86: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillors attended and addressed the Committee under Standing Order 34:

Councillor Mrs S Collop    8/1(a) & 8/1(b)    King's Lynn

Councillor J Collop        8/1(a) & 8/1(b)    King's Lynn

PC87: **CHAIRMAN'S CORRESPONDENCE**

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

PC88: **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.

PC89: **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) - (viii)) below, where appropriate, to the conditions and reasons or grounds of refusal, set out in the scheduled signed by the Chairman.

(i) **16/01100/OM**  
**King's Lynn: BCKLWN Gaywood Hall Nursery**  
**Greenhouses, Gayton Road: Outline application:**  
**residential development: BCKLWN**

The Committee had visited the site prior to the meeting.

The Principal Planner introduced the report and explained that outline permission with all matters reserved was sought for residential development of the site. An indicative plan showed eight detached dwellings with single garages and tandem parking in front.

The site was located within the development boundary for King's Lynn and was historically the kitchen garden to the original hall. However, its last use was the Borough Council nursery. The current site was therefore previously developed land as this form of horticulture did not fall within the wider definition of agriculture.

The site was located within flood zone 1.

Access to the site would be via the existing tarmac road that served the bowling green, pavilion and cemetery and would be extended into the site to serve the development.

The application had been referred to the Committee at the request of Councillors John and Sandra Collop.

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

- Principle of development;
- Form and character;
- Neighbour amenity;
- Highway safety;
- Section 106 considerations;
- Crime and disorder; and
- Other material considerations.

In accordance with the adopted public speaking protocol Mr K Leonard (objecting) addressed the Committee in relation to the application.

Under Standing Order 34, Councillor Mrs S Collop (Ward Member) addressed the Committee in relation to the application. She objected to the application on the following grounds:

- The access road was not fit for purpose and was too narrow and past the cemetery gates it went into a track. There was also the disabled gate to the cemetery which was very well used.
- The condition of the trees and the impact that the construction traffic could have on them. She had witnessed one tree falling across the track.
- The Custom Build Task Group had not wanted to take this site forward.
- The site had attracted interest from the Civic Society and Historic England.

Under Standing Order 34, Councillor J Collop (Ward Member) addressed the Committee in relation to the application. He explained that this was an historical and important site. He added that the track was very narrow and two cars could not pass. The disabled access for the cemetery was used a lot and created more traffic. Trees lined the access road therefore it could not be widened. He also witnessed a tree falling across the access road. He concluded that he and residents were against the proposal.

The Principal Planner advised that the Historic Environment Service had been consulted on the application and had raised no objection and following the submission of a revised evaluation report, no further archaeological work was required on the site.

With regards to the access, the Principal Planner explained that the Borough Council Nursery still operated from the site and the traffic generated from that use.

In view of the comments made regarding the trees on the site, the Chairman, Councillor Mrs Spikings invited the Arboricultural Officer to respond to the issues raised. The Arboricultural Officer explained that in relation to the removal of trees, as the application was in outline only, all trees were due to stay. In relation to the safety of the trees, he explained that they were checked on an annual basis. He further explained that the roadway was until recently a working driveway therefore the tree roots were already used to a hostile environment. The trees were currently not covered by a Tree Preservation Order as they were owned by the Borough Council however once the land had changed ownership or a firm layout had come forward, then a TPO could be served on the trees within the site.

In relation to the retention of the wall, the Principal Planner explained that on the indicative plan the wall was shown to be retained. Condition 12 requested that a survey be undertaken to see if the wall was structurally sound or not.

The Chairman, Councillor Mrs Spikings asked whether any archaeological digs had taken place where the greenhouses were sited. The Principal Planner referred to the Historic Environment Services' comments outlined on page 11 of the agenda.

The Assistant Director responded to questions in relation to access and its future maintenance arrangements.

Councillor White proposed an additional condition to ensure that no more than 8 dwellings should be permitted on the site, which was seconded by the Chairman, Councillor Mrs Spikings and agreed by the Committee.

In relation to the retention of the boundary wall, the Committee emphasised that Condition 12 should be strengthened to ensure that the wall should be retained as it had historical significance.

The Assistant Director advised that the condition could be strengthened however if it was found that the wall was dangerous then the applicant should be encouraged to use reclaimed materials in any new wall.

Councillor Hipperson asked whether any other uses for the site had been considered.

Reference was also made to making a 10 mph speed limit along the access road. The Assistant Director queried whether that was necessary given that trucks were currently using the access way going to the nursery site.

The Executive Director informed the Committee that as the Council owned the access road then it was clearly within their right to erect signs as required. He added that given the nature of the track he doubted whether people would speed along it.

Councillor Parish added that speed bumps might be a better solution along the track. He also congratulated the public speaker on the points put forward. He also considered that something more imaginative could have been put forward for the site and asked whether this was the best way to maximise the use of the land.

The Executive Director explained that the planning application had to be considered on its own merits and referred to comments made previously that brownfield sites in King's Lynn should be made better use of for housing.

The Chairman, Councillor Mrs Spikings proposed that an additional condition be imposed to retain the ivy hedge. This was seconded by Councillor Morrison and agreed by the Committee.

Councillor Hipperson proposed that the application be deferred for further consideration on an alternative use for the site, which was seconded by Councillor Parish and, after having been put to the vote, was lost.

Councillor Mrs Watson proposed an additional condition to ensure that appropriate signage in relation to pedestrian safety was provided. This 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 following:

(1) That an additional condition be imposed regarding the retention of the ivy hedge.

(2) That an additional condition be imposed regarding the maximum number of units that could be built on the site.

(3) That an additional condition be imposed to ensure that the applicant provided appropriate signage in relation to safety of pedestrians.

(3) That Condition 12 be strengthened to ensure the retention of the wall. If it was not possible to retain the wall and it had to be rebuilt, reclaimed bricks should be used to match as closely as possible the original wall.

(B) That, if the Section 106 Agreement is not completed within 4 months of the date of the resolution to approve, then the application be refused on the grounds of the failure to secure a mechanism to provide affordable housing.

(ii) **18/00683/FM**  
**King's Lynn: Land south of Extons Place and east of Kings Avenue, Rollesby Road, Hardwick Industrial Estate: Construction of 16 light industrial / storage and distribution units (Class B1 and / or Class B8): Apex Platinum Investments Ltd**

The Committee had visited the site prior to the meeting.

The Principal Planner introduced the report and explained that the application site comprised 1.8 hectares of vacant Council owned land situated on the western side of Rollesby Road, King's Lynn immediately adjacent to the Hardwick Industrial area and within the development boundary of the town.

To the north and west the site was bounded by existing residential development on Extons Place and King's Avenue, to the north east and east was existing industrial units on Rollesby Road and to the south the site was bounded by a public footpath with vacant land beyond.

There was an existing land drain that ran across the site from the northernmost point to the south western corner. There were also a

number of existing mature trees on the site which were predominantly located along the perimeters of the site and either side of the drain.

The application sought full planning permission for the construction of 16 no. light industrial / storage and distribution units (Class B1 / B8).

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

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

- Principle of development;
- Form and character;
- Residential amenity;
- Flood risk and drainage;
- Highway safety;
- Trees;
- Ecology;
- Other considerations; and
- Crime and disorder.

In accordance with the adopted public speaking protocol, Penny Philpotts (objecting) addressed the Committee in relation to the application.

Under Standing Order 34, Councillor Mrs S Collop addressed the Committee and expressed concerns in relation to the application as follows:

- The site backed on to Victorian cottages;
- The site was not brownfield and should be classed as greenfield site as it had no electricity, water, etc.
- Some of the land had been cleared before the environmental report had been submitted and a survey taken place.
- The buffer zone would not protect residents from noise. CTL operated 24 hours a day and produced constant noise. Noise issues had also been experienced from Masterfoods and were subject of noise complaints.
- The units themselves could have fans, shutter doors, etc.
- The impact of the construction of the units on the residents.
- Light, noise and air pollution
- Impact on wildlife and the need to ensure that conditions were adhered to.

In accordance with Standing Order 34, Councillor J Collop addressed the Committee in relation to the application. Councillor Collop endorsed what had been said previously and added that wildlife was particularly important in this area and he would like to see the wildlife survey carried out. He also had concerns in relation to the hours of

use and considered that the proposed hours of 7 am to 8pm was too early in the morning and too late at night, given the proximity to residents and would like to see this changed to make it better for residents.

The Principal Planner advised that the application had been accompanied by a Phase 1 and Phase 2 Ecology Survey. Condition 13 secured the implementation of the recommendations, mitigation and enhancement measures identified in the submitted Phase 2 Surveys which included:

- Provision of 2 no. artificial hibernacula within the site;
- Provision of at least 20 no. bat boxes in trees within the woodland strip; and
- Provision of bird boxes around the site.

With regards to the hours of use of the units the Principal Planner explained that this had been outlined within the report and conditions 17 and 18 also covered this. She added that the hours had been reduced from what had been proposed by the applicant.

The Principal Planner also confirmed that this was a greenfield site as it had no previous use however it was within the development boundary of King's Lynn.

Councillor Crofts expressed concern in relation to the culvert on the site. The Principal Planner explained that foul and surface water conditions had been imposed.

Councillor Bower queried the width of the buffer zone and also whether there was a record of noise complaints.

The Principal Planner explained that any noise complaints would be held with the Council's CSNN Team but they had not objected to the application but had suggested conditions to be imposed.

The Executive Director explained that the application was for light industrial use which was considered to be acceptable next to residential properties.

The Principal Planner clarified the width of the buffer zone and highlighted this on the plans. The Principal Planner also confirmed that in relation to units 3, 5 and 16 there were no windows on the rear and side elevations.

Councillor Mrs Watson stated that it appeared that the development encroached onto the boundary of Nos. 48 and 49. The Principal Planner advised that the Borough Council did own the land however it was a matter between Property Services and land owners.

Councillor Mrs Watson referred to the flexibility of units and stated that she would like to see them remain as single units and not be subdivided.

Councillor Parish made reference to the fact that there were areas of empty or half built units and stated that this area of greenfield land should not be built on until absolutely necessary when all the other vacant units around the Borough had been occupied.

The Assistant Director advised that there was no reason to refuse the application and it was down to the economic benefits of developing the site.

Councillor Morrison stated that the public speaker spoke very well with clarity and persuasion. He added that this was an important area for local residents to walk in and it would look better in the summer months. The area had been left for 25 years and had attracted a lot of wildlife. He considered that the Committee needed to decide what the proper use of this site was. He referred to the vacant units in the area and proposed that the application be deferred until a definitive answer could be given regarding what other brownfield sites could be used for development. The proposal was seconded by Councillor Parish.

The Executive Director explained that the role of the Committee was to determine whether this was an appropriate site for development, which would attract jobs and employment which needed to be weighed against the wildlife value of the site.

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

Councillor Parish added that once the greenfield site had been lost, it could not be brought back.

The Chairman, Councillor Mrs Spikings advised the Committee that each application had to be determined on its own merits.

It was highlighted that some trees had already been removed from the site. The Arboricultural Officer explained that although there was not a TPO covering the trees at the moment because it was owned by the Borough Council, a TPO could be served quickly.

The Assistant Director advised that condition 9 restricted any tree removal until a tree survey had been agreed.

It was also highlighted that although 33 trees would be removed, the landscaping plan indicated that more trees would be replanted.

The Chairman, Councillor Mrs Spikings drew the Committee's attention to the need to remove condition 3 as outlined in late correspondence, which was agreed.

**RESOLVED:** That, the application be approved as recommended, subject to condition 3 being removed as detailed in late correspondence.

**(iii) 18/02052/F  
Great Massingham: 68 Castle Acre Road: Extension and alterations: Mr & Mrs T Tilbrook**

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

The proposal sought permission for a two-storey side extension, a single storey rear extension and a relocated access. The only change from a permitted scheme (18/00906/F permitted on 30/07/18) was an amended access with a reduced width.

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

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

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

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

**(iv) 18/01620/F  
Heacham: 5 Stainsby Close: Retention and completion of rear extension: Mr Dutton**

The Principal Planner introduced the report and explained that the land was situated at Stainsby Close, a spur of development off South Moor Drive on the south side of Heacham, comprising cul-de-sac of mainly bungalows set within the development boundary for the village.

The application sought the retention and completion of a single storey extension to abut the rear north-east elevation of a detached chalet style bungalow at 5 Stainsby Close, Heacham.

The National Planning Policy Framework 2018, the King's Lynn and West Norfolk Council Core Strategy 2011 and the Site Allocations and Development Management Policies Plan (SADMP) 2016 were relevant to the application.

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

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

- Principle of development;
- Form and character of the locality;
- Visual and residential amenity; and
- Other considerations.

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

The Chairman, Councillor Mrs Spikings highlighted that the drain water run-off system would be 4.5 m from the boundary. The Assistant Director advised that the rainwater drainage system would require building regulation approval.

In response to a comment from the Chairman, Councillor Mrs Spikings, the Principal Planner advised that the glass lantern was not considered to have a significant impact.

Councillor Parish outlined the reasons why he had asked the application to be considered by the Committee. He added that the drainage cage would be 4.5 m away from the front of the house and considered that the drainage works should be put in place before any other works were carried out. He explained that sufficient extension work had already taken place. The extensions to the property had altered the character of the area.

The Chairman, Councillor Mrs Spikings explained that she had visited the site and considered this latest proposal to be overdevelopment of the site and completely changed the character of the area and also had an impact on the neighbouring property. She therefore proposed that the application be refused on the grounds of lack of amenity space, overdevelopment and impact on the neighbouring property. The proposal was seconded by Councillor Mrs Young and, after having been put to the vote, was carried.

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

*The proposed extension, due to its shape relative to the plot boundaries and its cumulative impact given the previously approved extensions, would result in a cramped form of development with insufficient remaining amenity space. In addition, the large roof lantern will result in an unacceptable impact on the neighbouring property. This is contrary to the NPPF and policies of the Local Plan.*

*The Committee then adjourned at 12.25 pm and reconvened at 1.10 pm*

- (v) **18/01920/F**  
**Heacham: 70 South Beach Road: Installation of new timber fencing, including removal of vegetation and low level boundary wall: Mr Graeme Hewitt**

The Principal Planner introduced the report and explained that the application related to a residential property located at 70 South Beach Road, Heacham. The proposal consisted of new timber fencing and a low level boundary wall.

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

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

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

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

In response to comments raised the Assistant Director advised that conditions 3 and 4 required an area of the wall to be rebuilt and a hedge to be planted.

Councillor Parish informed the Committee that in view of the proposed measures outlined, he now found the scheme to be acceptable.

The Chairman, Councillor Mrs Spikings added that no leylandii plants should be used as hedging.

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

- (vi) **18/01729/CU**  
**Methwold: Cherry Tree Farm, Thornham Road: Change of use of land from agricultural to leisure (D2): Tracy Peckham**

**RESOLVED:** That, the application be deferred.

- (vii) **18/01730/F**  
**Methwold: Cherry Tree Farm, Thornham Road: Change of use of land from agricultural to leisure (D2): Tracy Peckham**

**RESOLVED:** That, the application be deferred.

- (vii) **18/01791/F**  
**Methwold: Cherry Tree Farm, Thornham Road: Change of use of land from agricultural to leisure (D2): Tracy Peckham**

**RESOLVED:** That, the application be deferred.

- (vi) **18/01988/F**  
**Shouldham: 4 Norwich Road: First floor and single storey extensions to dwelling: Mr Ben Hipperson**

*Councillor Hipperson left the meeting during consideration of the application.*

The Principal Planner introduced the report and explained that the site was located on the west side of Norwich Road, set back some 55m from the carriageway. The site was located within the Shouldham Conservation Area.

The application was for the erection of a single storey rear lean-to, a first floor side extension, and a front porch.

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

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

- The principle of development;
- Design and impact on the character and appearance of Conservation Area;
- Impact on neighbour amenity; and
- Any other matters requiring consideration prior to the determination of the application.

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

- (vii) **18/01829/F**  
**Thornham: Thornham Deli, High Street: Extension to existing restaurant: Thornham Deli Ltd**

The Principal Planner introduced the report and explained that the application site comprised Thornham Deli a café, restaurant and shop, which was on the southern side of High Street adjacent to the new

village hall in Thornham. Thornham was classified as a Rural Village according to Policy CS02 of the Local Development Framework Core Strategy.

The site was located outside of the development boundary of Thornham, but was contained within an Area of Outstanding Natural Beauty (AONB) and formed part of the setting of the Conservation Area.

The proposal sought consent for an extension to the existing restaurant.

The application had been referred to the Committee for determination at the request of Councillor Mrs Watson and the Parish Council and Highway Authority view was contrary to the officer recommendation.

The Committee noted the key issues for consideration, namely:

- Principle of development;
- Impact upon the AONB;
- Impact upon the setting of Thornham's Conservation Area;
- Impact upon neighbour amenity;
- Highway safety issues; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Mr A Brown (objecting) addressed the Committee in relation to the application.

The Chairman then invited the County Highways representative to outline their objection to the application. The County Highways Officer explained that over the years they had worked well with the applicant however the current proposal provided insufficient parking for the site. The parking shortfall had the potential to cause parking to take place on the busy A149, which would affect traffic flows and therefore highway safety.

Councillor Mrs Fraser proposed that the application should be refused on the grounds of the lack of parking, however there was no seconder for the proposal.

The Chairman, Councillor Mrs Spikings asked whether the spaces in the car park could be marked out. She added that the Deli had become a victim of its own success. She explained that the marquee was considered to be a visual intrusion however she felt that this proposal would be visually acceptable and would help to stop any noise issues. She asked whether it was proposed to have any more seating at the front of the Deli.

Councillor Mrs Watson explained that there had always been tables at the front of the Deli. She stated that she had visited the Deli on Friday where there were parking issues which held up the traffic on the Main

Road. There had been 5 car parking spaces allocated at the rear of the Deli, which was now used for storage. She also had concerns regarding the openings for the doors, particularly the rear doors as this would allow the noise to continue and have an impact for the people next door. She explained that parking was an issue as often the village hall car park was full.

The Executive Director explained that in relation to the noise issue, the outside area was currently heavily used in the summer months therefore the proposal would reduce the noise level.

Councillor Morrison stated that there was ample parking in the village hall car park and he understood that there was an agreement to allow parking in there. He asked whether signage could be provided to promote additional parking in the village hall car park.

The Assistant Director advised that an additional condition could be imposed to ensure that the parking spaces were marked out, which was agreed by the Committee.

**RESOLVED:** That the application be approved as recommended subject to the imposition of an additional condition to ensure that the car parking spaces were clearly marked out.

**(viii) 18/01747/F**

**Upwell: 28-29 St Peters Road: Change of use of butchers shop to dwelling with alterations to existing premises: Mr & Mrs J Spikings**

*The Chairman, Councillor Mrs V M Spikings declared a pecuniary interest in the application and left the meeting during the consideration of the item. The Vice-Chairman took the Chair for this item of business.*

The Principal Planner introduced the report and explained that full permission was sought for the change of use of the butchers shop to a dwelling, with alterations to the existing building at 28-29 St Peters Road, Upwell.

The premises was that of the former butchers shop J.D. Spikings & Son and associated dwelling and was part of a two storey block of development in the Upwell Conservation Area.

The application had been referred to the Committee for determination as the applicant was a Borough Councillor and the Parish Council response was at variance with the officer recommendation.

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

- Principle of development;

- Loss of community facility;
- Impact on Conservation Area;
- Neighbour amenity;
- Highways / Access; and
- Other material considerations.

The Vice-Chairman drew the Committee's attention to the late correspondence and the need to amend conditions 4 and 5, which were agreed.

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

PC90: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

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

**The meeting closed at 2.00 pm**