

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

Minutes from the Meeting of the Planning Committee held on Monday, 4th March, 2019 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 R Blunt, Mrs C Bower, A Bubb, C J Crofts, Mrs S Fraser,
G Hipperson, A Morrison, T Parish, M Peake, Miss S Sandell, M Storey, D Tyler,
Mrs E Watson, A White and Mrs S Young

PC102: **APOLOGIES**

Apologies for absence were received from Councillors Mrs S Buck and G Wareham.

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

PC103: **MINUTES**

The minutes of the meeting held on 4 February 2019 were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC104: **DECLARATIONS OF INTEREST**

In relation to item 8/1(b) – Whitleys Stationers Press, Hunstanton, Councillor Parish informed the Committee that he was a customer of theirs.

PC105: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business pursuant to Standing Order 7.

The Assistant Director informed the Committee that application 8/2(a) – Holme-next-the-Sea had been withdrawn from the agenda.

PC106: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillor attended pursuant to Standing Order 34:

S Squire 8/3(d) West Dereham

PC107: **CHAIRMAN'S CORRESPONDENCE**

The Chairman, Councillor Mrs Spikings reported that she had not received any correspondence.

PC108: **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.

PC109: **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) – (vii) below, where appropriate, to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chairman.

(i) **18/01464/RMM**

Emneth: Land east of 11-37 Elm High Road: Reserved matters for the construction of 117 dwellings: East Anglian Home Developments

The Committee had visited the site prior to the meeting for clarification purposes only.

In presenting the report, the Principal Planner explained that the application site was located to the east of Elm High Road, Emneth (A1101) and to the north of the A47(T) and amounted to 5.6ha in area. The site abutted the Wisbech urban fringe with housing development to the north and west along with the retail park to the south. Agricultural land was located to the east of the site. The site was accessed for vehicular purposes through Hunters Rowe, currently a cul-de-sac.

An application for outline planning permission for up to 117 dwellings was considered by the Planning Committee in December 2015. Members resolved to grant planning permission subject to the completion of a S106 Agreement within 4 months of the date of the Planning Committee. The decision notice was issued on 4 March 2016.

The current application was for Reserved Matters for 117 dwellings. The application comprised a mixture of mainly detached bungalows with two storey semi-detached dwellings and flats. Access would be from Hunters Rowe with two pedestrian/cycle routes, all of which would link to Elm High Road.

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

- Principle of development;
- Highways issues;
- Form and character;
- Residential amenity;
- Any other matters requiring consideration prior to the determining of the application.

In accordance with the adopted public speaking protocol, Michael Hodgskins (objecting), Robert Waterfield (objecting on behalf of the Parish Council) and Tim Slater (supporting) addressed the Committee in relation to the application.

In response to issues raised by the public speaker, the Principal Planner explained that these had been very thoroughly dealt with at the outline stage.

She referred the Committee to page 17 of the agenda, where it explained the details required by conditions attached to the outline consent covered contamination, foul and surface water drainage, roads/footways and off-site highway works, construction parking and construction management plan, travel plan, noise protection and lighting. The scheme required two fire hydrants which were secured by condition 17 of the outline consent.

The Principal Planner added that it was considered that this was a good scheme in terms of layout and impact on residents.

Councillor Bubb stated that he would like to see improvements on the A1101 carried out before works on site commenced. The Principal Planner reiterated that this had been dealt with at the outline stage, and there had been no objection raised from County Highways.

Councillor Crofts referred to the traffic congestion experienced in the vicinity leading up to the roundabout. He added that the site had been rejected by the LDF Task Group but was given outline permission when the Council did not have a supply of deliverable housing sites. He advised the Committee that the traffic assessment had been carried

out by the agents of the landowners, and asked whether the Committee had been misled about this. Norfolk County Council Highways had then withdrawn their objection to the application. In relation to the impact of traffic movements, he explained that 117 dwellings would generate around 8 traffic movements per dwelling per day. He added that there was more traffic on the roads now compared to 4 years ago, when the outline application had been considered.

The Chairman, Councillor Mrs Spikings reminded the Committee that outline consent had been granted and that they needed to consider the reserved matters application only. She added that she lived in Upwell and knew the problems experienced with traffic congestion. However, Norfolk County Council had raised no objection to the application and therefore would not support the Council at any appeal.

The Principal Planner advised that the traffic assessment had been scoped out with Norfolk County Highways and Cambridgeshire County Council. No objection was raised to the access and therefore could not be revisited today.

The Chairman, Councillor Mrs Spikings drew the Committee's attention to the spread of affordable housing within the scheme. However she did have concerns to the fact that there was only entrance to the development.

In response to the comment from Councillor Crofts regarding the traffic assessment being paid for by the applicant's agent, the Assistant Director explained that this was normal practice and happened with most applications. It was up to Norfolk County Council Highways to examine and scope out the information.

Councillor Parish explained that he was not a member of the Committee when the outline application was determined. He considered that a mistake had been made and the Committee now had the opportunity to reverse it. He considered that the outline consent should have been refused as the access was not adequate.

The Assistant Director advised that the Committee had approved the application and outline consent had been granted. If the application were to be refused and went to appeal, then the Council could be liable for costs. This application was to consider layout, scale, appearance and landscaping.

Councillor Sandell considered that the application provided a good mix of dwellings including bungalows, and the affordable housing was pepper-potted well across the site. She did however have concerns regarding the access.

Councillor Mrs Young agreed that this was a good scheme, however she also had concerns regarding the access.

Councillor Hipperson added that Emneth Parish Council had objected to the application on the grounds of access and queried why the Committee could not discuss the access arrangements.

The Executive Director advised that this was a major application which had been determined by the Planning Committee and it was considered only reasonable that the Committee considered the application again. The site was in a sustainable location and provided a good layout including bungalows. He understood the dilemma that the Committee was facing and acknowledged the traffic congestion experienced in the morning and afternoon, however the difficulty was that both Norfolk County Council and Cambridgeshire County Council had no objection to the access. The issue relating to access had been dealt with and already approved. He advised that if the Committee were minded to refuse the application, then potentially an award of costs would be made against the Council. In addition, Fenland District Council was proposing additional housing in and around Wisbech.

Councillor Mrs Bower pointed out that Wisbech Town Council was supportive of the situation and had not made a comment regarding the access.

Councillor Blunt asked for assurance that the conditions would ensure that any disruption was kept to a minimum. The Principal Planner then outlined the proposed conditions and added that officers would be very mindful when conditions were being discharged.

In response to a comment from Councillor Morrison, the Executive Director explained that if the application was to be refused, and went to appeal, the Planning Inspector could only consider matters relating to the reserved matters application. He explained that if it was not reasonable to refuse the application then there was a risk of costs against the authority.

Councillor Parish asked if all construction traffic was to use Hunters Rowe. The Principal Planner explained that this was the only access to the site. She advised that a Construction Management Plan had been conditioned and its purpose was to ensure that there would be as least disturbance as possible.

Councillor Parish added that the Construction Management Plan would have to be enforced.

The Chairman, Councillor Mrs Spikings stated that she was sure that the residents in the vicinity would contact the Council if it wasn't being adhered to. The Council could then investigate and take action if necessary.

Councillor Storey commented that the volume of traffic had increased since the previous application was considered and he had concerns in relation to the proposed access.

The Chairman, Councillor Mrs Spikings advised that the outline application had been approved when the Council did not have a 5 year supply of deliverable housing sites. The LDF Task Group had not supported the site however Norfolk County Highways had not objected to the application. She acknowledged that the situation would probably get worse but the Committee needed to determine what was in front of them.

The Principal Planner outlined an amendment to the drawing number in condition 6 which should read:

All hedgerows identified as being retained on Landscape Proposals Dwg's HUM21919-11B Sheets 1-6 (inclusive) and Dwg 5810(P) 10 Rev L shall be retained in perpetuity and shall not be reduced below a height of 2m.

The Chairman, Councillor Mrs Spikings then drew the Committee's attention to the need to amend condition 1, and to impose additional conditions 9 and 10, as outlined in late correspondence, which was agreed by the Committee.

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

RESOLVED: That, the application be approved, as recommended, subject to condition 1 being amended, amended condition 6 and the imposition of additional conditions 9 and 10, as outlined in late correspondence,

(ii) 18/01142/FM

Hunstanton: Whitleys 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 Committee had visited the site on 1 October 2018 when the application was originally considered.

In presenting the report, the Principal Planner explained that the site was located on the western side of Church Street, Hunstanton and comprised 0.185ha and contained workshops and stores including hardstanding. The site was occupied by Whitleys Stationers Press. The site was located within Hunstanton Conservation Area.

The proposal involved the creation of 15 x 2 bed flats, and 1 x 1 bed flat. Parking would be provided to the rear of the site, utilising the existing access arrangements to the side of the existing building. Soft landscaping areas were also proposed.

Members were reminded that this application was considered by the Planning Committee at its meeting on 1st October 2018. Members resolved to grant planning permission subject to completion of a Section 106 agreement that secured an affordable housing financial contribution, SUDs management and maintenance, habitat mitigation and monitoring payment and landscape management and maintenance within 4 months of the date of the resolution ie. 1st February 2019.

It was reported that due to issues relating to the title on one-third of the site, it had not been possible to complete the S106 Agreement within the 4 month period and it was not known when the issue relating to the title would be resolved. Members' approval was therefore sought for an alternative approach to securing the necessary planning obligations.

The application had been referred to the Committee for determination to seek the authorisation of Members for an alternative approach to securing the necessary planning obligations.

It was explained that a copy of the officer's report to the Committee meeting held on 1st October 2018 was attached as an appendix to the report.

The Principal Planner advised that the payment of the affordable housing financial contribution and habitat mitigation and monitoring had been received, therefore the recommendation should be amended to read approve only.

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

The Chairman, Councillor Mrs Spikings drew the Committee's attention to the need to amend Condition 23, as outlined in late correspondence, which was agreed.

Councillor Parish abstained from the vote.

RESOLVED: That, the application be approved, as recommended, subject to condition 23 being amended, as outlined in late correspondence.

**(iii) 17/02194/F
Holme-next-the Sea: The Poplars, 42 Main Road:
Demolition of existing dwelling and erection of two
storey dwelling and detached garage, plus the creation of a
new access: A.R.V. Investments**

The Committee noted that the application had been withdrawn by the applicant.

- (iv) **18/01607/F**
Hockwold cum Wilton: Garner Blast, Cowles Drove:
Removal of condition 3 of planning permission 05/00836/F:
Construction of dwelling and double garage: Mr Derek
Garner

The Principal Planner introduced the report and explained that the application sought the removal of a condition restricting the occupation of the dwelling to those employed at the adjacent, but no longer operational, shot blasting business (Garner Blast).

The application had been referred to the Committee for determination by the Assistant Director.

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

- Principle of development; and
- Other material considerations.

RESOLVED: That, the application be approved, subject to the imposition of a condition requiring reversion of the existing 'bungalow' back to an office within three months of the first occupation of the application dwelling.

- (v) **18/01518/F**
Old Hunstanton: Sonda-Del-Mar, 7 Golf Course Road:
Construction of one detached dwelling and a pair of semi-
detached dwellings following demolition of existing
dwelling:

In presenting the report the Principal Planner explained that Sonda-Del-Mar was a single storey dwelling set amongst other residential properties. It was constructed from buff bricks with some cladding on the front elevation, and had flat profile roof tiles and timber windows and doors. The site was well screened by a mixture of close boarded timber fences and hedging of approximately 1.8 - 2.0 metres, this boundary treatment was further enhanced by garden planting. To the immediate west and north of the property were two storey dwellings, to the east was 1.5 storey and to the south-west a single storey dwelling. Other materials in the vicinity included red pantiles, red bricks and painted render.

The application sought full permission for the demolition of the existing dwelling and the erection of 3 new dwellings (one detached and a pair of semi-detached dwellings).

The Principal Planner highlighted that the site already benefitted from extant planning permission for 2 new dwellings (15/01633/O and 17/00537/RM).

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 Committee noted 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, Rachel Smith (objecting), Mr D McLeod (objecting on behalf of the Parish Council) and Mr M Sibthorpe (supporting) addressed the Committee in relation to the application.

In response to a comment from the Chairman, Councillor Mrs Spikings regarding overlooking, the Principal Planner referred the Committee to page 89 of the agenda, which made reference to neighbour amenity. It explained that the impact of the proposal upon the amenity of the occupants of the existing property had been considered and although the position of the property was closer than the house previously approved on the site, there was no opportunity for direct overlooking into the windows of neighbouring properties given the distances between the dwellings properties and the angles of the windows.

The Principal Planner then highlighted the differences between the two schemes.

The Chairman, Councillor Mrs Spikings explained that she had visited the site. At the moment the existing bungalow and gardens fitted in well with the street scene. She considered that two dwellings would be acceptable but the proposed scheme altered the driveways and hedges and was closer to the neighbouring property. It also provided car parking at the front of the site, which was alien to the street-scene.

She therefore proposed that the application be refused on the grounds that the scheme was overdevelopment and resulted in a cramped form of development; created dis-amenity for the neighbouring property due to overlooking; and the proposed car parking at the front was considered harmful to the street scene. This was seconded by Councillor Morrison and, after having been put to the vote, was carried.

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

1. *The application for an additional dwelling over that previously approved is considered to represent overdevelopment of the site and a cramped form of development, exacerbated by the large amount of proposed car parking at the front of the site which is*

harmful to the street scene. This is contrary to the NPPF and relevant policies of the Local Plan.

2. *The application proposed is considered to create undue amounts of overlooking to neighbouring properties, contrary to the provisions of the NPPF and relevant policies of the Local Plan.*

(vi) 19/00011/F

Thornham: The Vanity Box, High Street: Change of use from hair salon to residential unit: Mrs L Bailey

The Principal Planner introduced the report and explained that the application site comprised a hair salon (currently in use) on the southern side of the High Street in Thornham to the east of the junction with Hall Lane. Thornham was classified as a Rural Village according to Policy CS02 of the Local Development Framework Core Strategy.

The site was located within the development boundary of Thornham and the Thornham Conservation Area.

The proposal sought consent for the change of use from a hair salon to a single bedroom dwelling.

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

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

- Principle of development;
- Loss of community facility;
- Impact upon the setting of Thornham's Conservation Area;
- Impact upon neighbour amenity; and
- Highway safety issues.

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

Councillor Mrs Watson informed the Committee that she was a former customer of the salon. She advised that the applicant had tried to attract new members of staff in the past. She added that it was a very small site and would be a one-bedroom holiday let but she had suggested that the salon could be converted into a village shop but queried whether this could be sustainable.

The Chairman, Councillor Mrs Spikings stated that she considered that the amenity space did not sit within the street scene and introduced an alien feature. She did have sympathy with the applicant but supported the recommendation.

Councillor Crofts added that the Committee needed to see evidence to support the proposal as it had not been demonstrated that the salon was no longer viable.

RESOLVED: That the application be refused as recommended.

(vii) 18/00231/F

West Dereham: Stonibruk, Ryston Road: Proposed new dwelling: Mr Oliver Glover & Mrs Hayley Burton

The Principal Planner introduced the report and explained that the application was for full planning permission for the construction of a large four bedroom dwelling located to the east of the dwelling known as 'Stonibruk'. The application site fronts onto Ryston Road in West Dereham, and was detached from the built extent of the settlement located to the west of this.

The applicant had stated that the dwelling was required to provide support for elderly relatives residing at 'Stonibruk' and for security to the family business premises to the north of the application site.

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

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

- Principle of development;
- Form and character;
- Neighbour amenity;
- Highways / access; and
- Flood risk

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

In accordance with Standing Order 34, Councillor S Squire addressed the Committee in support of the application. She explained that the applicant wanted a family home to bring up his children, on the farm which was owned by his family and to provide support to their elderly relatives. The farm and buildings had suffered from crime. There had been no objections to the proposal and the Parish Council supported the application. She explained that West Dereham had isolated pockets of development and covered 5 square miles. She added that although there might be other available sites in West Dereham, none of these were suitable for Mr Glover and his family. In relation to flooding, there was a remote chance of this happening and a suitable scheme had been reached with the Environment Agency. She therefore asked the Committee to support the application.

Councillor White explained that West Dereham was all made up of infill plots and was in an ideal situation. He therefore proposed that the application be approved on the grounds that the application would enhance the form and character of the area. This was seconded by Councillor Sandell.

The Assistant Director advised that, in his view, the proposal was contrary to policy DM3.

Councillor Crofts asked whether an agricultural restriction could be put on the dwelling. The Senior Planner explained that it was not proposed to be tied as the applicant did not wholly work on the farm. The proposal was a new dwelling in the countryside.

The Chairman Councillor Mrs Spikings informed the Committee that the site was isolated and the recommendation was the correct one. She added that no justification had been put forward for a new dwelling in the countryside. The applicants had stated that they wished to look after their elderly parents however this was not a material planning consideration. No evidence had been forward relating to any crime and the application did not pass the sequential test. She added that the policies were in place for a reason and the applicant should be encouraged to look elsewhere for other properties.

The Committee then voted on the proposal to approve the application, which was carried.

RESOLVED: That the application be approved, contrary to recommendation, subject to the imposition of appropriate conditions to be agreed with the Chairman and Vice-Chairman, for the following reasons:

West Dereham comprises sporadic development. The development is located between existing residential dwellings and thus is infill and therefore complies with Policy DM3 of the SADMP 2016.

PC110: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That, the reports be noted.

The meeting closed at 12.40 pm