

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

**Minutes from the Meeting of the Planning Committee held on
Monday, 3rd June, 2019 at 9.45 am in the Assembly Room - Town Hall,
Saturday Market Place, King's Lynn PE30 5DQ**

PRESENT: Councillor C J Crofts (Chairman)
Councillors R Blunt (sub), F Bone, Mrs C Bower, A Bubb, G Hipperson,
M Howland, C Hudson, C Joyce, C Manning, T Parish, S Patel, C Rose,
A Ryves (sub), Miss S Sandell, Mrs S Squire, M Storey and D Tyler

PC1: **APOLOGIES**

Apologies for absence were received from Councillor B Lawton and J Kirk.

PC2: **MINUTES**

The Minutes of the meeting held on 29 April 2019 were agreed as a correct record and signed by the Chairman.

PC3: **DECLARATIONS OF INTEREST**

The following declarations of interest were declared:

Councillors Squire and Storey declared that they were Members of Norfolk County Council.

Councillor Hipperson declared that he was a Member of the East of Ouse, Plover and the Nar Drainage Board.

The Chairman, Councillor Crofts declared that he was a Member of the King's Lynn Internal Drainage Board.

PC4: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business pursuant to Standing Order 7.

PC5: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillors attended pursuant to Standing Order 34:

<i>Name</i>	<i>Item</i>	<i>Application</i>
Councillor Mrs S Collop	8/1(a)	17/00648/RMM, King's Lynn

Councillor A Holmes	8/2(b)	18/01890/RM, Hilgay
Councillor G Howman	8/2(d)	19/00663/F, King's Lynn

PC6: **CHAIRMAN'S CORRESPONDENCE**

The Chairman, Councillor Crofts reported that he had not received any correspondence.

PC7: **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.

PC8: **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) **17/00648/RMM**
King's Lynn: Land south of Russett Close: Reserved matters application: Construction of 61 dwellings with access, culvert, open space and landscaping: Boyer Investments Ltd

The Chairman, Councillor Crofts stated that the Committee had visited the site.

Councillor Hudson had not attended the site visit and therefore did not take part in the debate.

Councillor Joyce had not attended the site visit as he considered that he had predetermined the application, as he had taken part in the KLACC Sub-Group, which had made a recommendation on the application.

The Principal Planner introduced the report and explained that the application site related to an irregular shaped parcel of land to the north

of Gaywood River in King's Lynn. The site was bounded to the north and west by residential development. To the east was countryside and to the south of the river was a recently constructed residential development site. The land which encompassed the proposal was 2 hectares in size.

The Committee was informed that the site already benefitted from outline planning permission for the construction of up to 81 dwellings, with access road (including bridge), cycle and pedestrian routes, landscaping and open space, which was granted on appeal.

This application sought reserved matters for 61 dwellings with all matters of access, appearance, landscaping, layout and scale for consideration.

Access was shown to be from Russett Close with a bridge over the Black Drain providing vehicle and pedestrian access. A large area of open space was located at the entrance into the site with the main highway running east west to provide access to the dwellings.

A mix of residential properties was proposed, ranging from one bed flats to 4/5 bedroom dwellings. 15% of the dwellings were affordable units and were mixed in amongst the market housing.

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

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

- Principle of development;
- Layout, scale and appearance;
- Landscaping;
- Flood risk and drainage;
- Highway safety and
- Neighbour amenity.

In accordance with Standing Order 34, Councillor Mrs S Collop addressed the Committee in relation to the application and outlined her concerns, which related to the access road, which was very narrow and not designed for the amount of traffic proposed. People who moved into Dairy Way would have been aware that there were more phases of development to come however people living on Russett Close were not aware that it would be used as an access way. Councillor Mrs Collop explained that at no point had residents of Russett Close objected to more housing, it was the access that they had objected to. She also had concerns that the developer had fenced off an area which children had used as an informal play area. She considered that the access should have remained into Dairy Way and not Russett Close.

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

Councillor Bubb referred to the provision of the cycle access and queried whether this would be sufficient to allow emergency vehicles to use it. In response it was explained that there was no requirement for emergency access on the site.

Councillor Hipperson referred to page 19 of the agenda, where it outlined the drainage arrangements for the site. The Principal Planner advised that the outline conditions still had time to be discharged, as development had not yet commenced.

Councillor Hipperson added that it would be difficult to design the culvert if the roads were not adopted. The Principal Planner advised that the developer, Norfolk County Council and Internal Drainage Board would be involved to discharge the condition.

Councillor Parish referred to the lack of democratic process in relation to the latest appeal on the site. The Assistant Director explained that this had occurred because the Local Planning Authority had failed to determine the application in time.

Councillor Parish acknowledged that the number of dwellings had been reduced and was now 61. However the application still created a loss of an asset of community value. He asked whether the space was there for flood attenuation rather than open space. The Assistant Director explained that the water may run into the drain, if required, but its main use was for open space.

In response to a query from Councillor Parish, the Assistant Director also advised that condition 17 outlined the mitigation measures required in relation to water voles.

Councillor Parish asked for assurance that construction would not start on the site until the survey work, as outlined in condition 17, had been carried out.

The Assistant Director explained that the Authority did monitor conditions and had a regime in place to do so.

The Vice-Chairman referred to the areas where the affordable housing was proposed to be located. She expressed concern that it appeared to be closely allocated on one part of the site rather than pepper-potted across the whole of the site.

The Principal Planner highlighted the location of the affordable housing on the plans and confirmed that all units were on the west side of the site.

The Vice-Chairman considered that the affordable housing units should be spread out more. The Principal Planner explained to the Committee that the Housing Enabling Officer was satisfied with the proposed affordable housing provision.

Councillor Ryves informed the Committee that he considered that a second access was required.

The Chairman, Councillor Crofts reminded the Committee that they needed to consider the application as submitted and presented.

The Executive Director advised that the points being made by the Committee had been raised at the appeal by residents and officers, but unfortunately the Inspector did not agree with those views and the appeal was allowed.

Councillor Ryves expressed concern that the appeal process did not allow open discussion. The Executive Director explained that the appeal process was a matter of law and the Council had to follow the outcome of that process. The Council could not now go back and change the reasons for refusal as this would be deemed to be unreasonable and the Council could be liable to incur costs.

In response to a question regarding future development on the site to the east, the Executive Director explained that any future application would be determined on its own merits and the Committee needed to consider what was in front of them today.

The Principal Planner, in response to a query regarding the road itself on the site, explained that condition 12 dealt with future management and maintenance of the proposed streets within the development and it was likely that these will be adopted.

The Principal Planner also explained that the public open space would be covered by the Section 106 agreement, which would include maintenance arrangements. She also explained that the cycleway was an aspiration as it would need to be constructed on land owned by other parties outside of the application site and this was outlined in page 21 of the agenda.

Councillor Storey stated that he agreed with the comments put forward by the Vice-Chairman in relation to pepper-potting of the affordable housing units on the site, which should be spread across the whole site, and not contained within one half of the site. He also referred to the planning history within the report, and felt that it would be helpful for the Committee to know whether something had been determined by the Planning Committee or under the Scheme of Delegation.

The Assistant Director explained that the affordable housing provision put forward did comply with the Housing Policy.

Councillor Parish asked how high the houses would be raised to comply with flood regulations. The Principal Planner explained that the finished floor levels would be dealt with by condition 3 of the outline consent but did not specify the heights

Councillor Parish added that the Committee needed to know the finished floor levels before making a decision.

Councillor Squire expressed concern that the affordable housing would be in 25% of the site. She also had concerns in relation to the design of the units.

The Assistant Director added that the design did not have to replicate what was already there and the officers' view was that the design was acceptable.

Councillor Sandell added that it in this instance the developer had reduced the number of units rather than increasing them.

Councillor Parish referred to the native hedgerow which had been confirmed on the site visit as being outside the site and asked what would happen to it. The Principal Planner advised that the hedgerow did not form part of the application site and would remain.

Councillor Bone felt that a condition to preserve the hedgerow would be justified.

Given the concerns raised by the Committee, the Executive Director suggested that the application be deferred for one cycle to allow further information to be provided on the following areas:

- Finished floor levels;
- Hedgerows;
- Affordable housing distribution; and
- Cycleway.

After having been put to the vote, this was agreed by the Committee.

RESOLVED: That, the application be deferred for one cycle.

(ii) 19/00168/F
Heacham: Heacham Lodge, Lodge Road: 2 no. proposed dwellings: Mr King

The Principal Planner introduced the report and explained that the application related to the proposed development of two dwellings on land adjacent to Heacham Lodge, Lodge Road, Heacham. The surrounding area was a mix of two storey properties and bungalows; the notable being the Grade II listed lodge house.

The application had been referred to the Committee for determination by Councillor Parish.

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

- Principle of development;
- Form and character/impact upon heritage assets;
- Amenity;
- Highways; and
- Other considerations

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

The Principal Planner made reference to the hedge at the rear of the site and suggested that an additional condition be imposed to secure retention of that. In addition, conditions 5 and 9 also needed to be amended.

Councillor Parish addressed the Committee. He referred to condition 11 which removed permitted development rights, condition 12 which retained hedges, and considered that additional conditions should be imposed regarding a construction management plan which restricted the hours of working and debris on the road, and an ecology survey be carried out for the site.

The Principal Planner advised that given the scale of the development, it was not considered necessary to impose a condition regarding construction hours and debris. In relation to a condition regarding the need for an ecology survey, the Principal Planner explained that the advice from Natural England was that the site itself was not considered to have features that required a survey.

Councillor Joyce stated that he supported the additional conditions put forward by Councillor Parish.

Councillor Storey referred to the design of plot 2. He queried whether it fitted in with the character of the area.

The Chairman, Councillor Crofts pointed out that there was a mix of buildings surrounding the site.

Councillor Parish advised that there was another application where CSNN had recommended a condition in relation to working hours. In relation to a proposed ecology survey, he added that the site was close to the middle of the village and was known as the site with interesting animals.

The Committee then voted on the additional condition to retain the hedge, which was agreed and the condition to require a construction management plan, which was lost.

The Committee also agreed to amend conditions 5 and 9, and noted the correction as outlined in late correspondence.

RESOLVED: That, the application be approved, as recommended, subject to the imposition of an additional condition to secure the retention of the rear hedge, and amendments to conditions 5 and 9, as detailed in late correspondence.

The Committee adjourned at 11.30 am and reconvened at 11.40.

(iii) 18/01890/RM

Hilgay: Land south of East End: Proposed 2 x 5 bed, one and a half storey detached dwellings with associated landscaping: Mr Ben Saxby

In presenting the report, the Principal Planner explained that the site was located on the south side of East End, Hilgay, some 50 m from the junction of the East End and Church Road. The site was currently paddock land set higher than the road network. The site was located adjacent to the existing and proposed development boundaries for Hilgay as defined by the Site Allocations and Development Management Policies Document 2016.

The application was a reserve matters application for the construction of two detached dwellings with double garages. The bedrooms were five bedrooms, and one and a half storeys in height. The dwellings were situated within substantial plots with gardens to the rear and a parking and turning area to the front. The dwellings shared a central access off East End.

The outline application (ref: 15/01830/O) was for the construction of two dwellings with access only. This application was seeking reserved matters for two detached dwellings and garages, 1.5 storeys in height, namely the layout, scale, appearance and landscaping of the site.

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

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

- Principle of development;
- Highway / Access;
- Form and character;
- Impact on the Scheduled Ancient Monument and archaeology;
- Neighbour amenity; and
- Other material considerations.

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

In accordance with Standing Order 34, Councillor Holmes addressed the Committee objecting to the application. He explained the background to the application. He expressed concern in relation to the cumulative impact that the development would have on services in particular doctors' surgeries, schools, etc. In addition, he also expressed concern in relation to the access as in that part of East End there was no space for pedestrians. He added that there had been some improvements but the access was extremely dangerous and there was not a turning area which could be used without success.

The Chairman, Councillor Crofts explained that this was a reserved matters application and so the principle of development had already been established.

In response to comments regarding the height of the buildings, the Principal Planner explained that the initial outline application restricted the height of the dwellings of the dwellings to single storey. This reflected the comments made by Historic England with the intention of limiting the impact of the new development on the Scheduled Ancient Monument nearby. An application then came in to amend this to 1.5 storeys in height, to which Historic England did not object and therefore consent was granted.

Councillor Parish stated that details of the drainage had not been submitted. The Principal Planner advised that condition 5 of the outline consent prevented the development from commencing until the drainage conditions had been discharged in consultation with CSNN and Anglian Water.

In relation to working hours on the site, the Principal Planner explained that this had been addressed at outline stage.

RESOLVED: That, the application be approved as recommended.

(iv) 19/00239/F

**Hilgay: Orchard House, Church Road, Ten Mile Bank:
Erection of an ancillary granny annexe: Mrs Seddon**

The Principal Planner introduced the report and explained that the development was proposed to the rear of the dwelling known as 'Orchard House' in Ten Mile Bank, lying on the west side of Church Road, running along the Great River Ouse. The site was located outside the development boundary for Ten Mile Bank, so it was deemed as being in the countryside. The application was for the erection of a detached single storey annexe in the curtilage of the dwelling.

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

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

- Principle of development;
- Impact on neighbour amenity;
- Flood risk;
- Impact on character and appearance of area; and
- Other material impacts or issues.

Councillor Parish explained that the application was outside the development boundary and asked how the annex would be checked and enforced.

The Executive Director advised that the annex would be self-limiting as it was extremely small. He added that this was a genuine case as the owners of the house wanted to care for their parents. He understood the concerns raised in relation to flood risk but the applicant could take them to a point of safety.

Councillor Parish expressed concern that this could become holiday accommodation in the future.

The Assistant Director explained that officers could not check every site, however if it was being used as it shouldn't be then there would likely to be complaints from the neighbours.

The Principal Planner explained that the annex was restricted by condition but, if in the future it was to be used as holiday accommodation, then planning permission would be required.

RESOLVED: That, the application be approved as recommended.

(v) 19/00663/F
King's Lynn: 27 Corbyn Shaw Road: Rear single storey extension forming enlarged kitchen and dining with utility and downstairs w.c. Side two storey extension forming garage and enlarged bedrooms: Mr Barry

The Principal Planner introduced the report and explained that the application site comprised a two storey end-terraced dwelling, driveway to the front and side and garden land. It was situated on the eastern side of Corbyn Shaw Road, King's Lynn.

Full planning permission was sought for the construction of a two storey side extension and single storey rear extension to the dwelling.

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

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

- Form and character;
- Neighbour amenities;
- Highway safety; and
- Other material considerations.

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

Under Standing Order 34, Councillor Howman addressed the Committee in relation to the application. Councillor Howman stated that he had been contacted by the objector who would be living in the most affected property. He explained that Miss Parkin did not object to the rear extension but to the large two storey side extension.

He added that he had some sympathy with Miss Parkin as the proposal would have an impact on her property in terms of overshadowing and loss of light.

He added that this was a borderline case and finely balanced. He referred to the mixture of properties along Corbyn Shaw Road and added that this would be out of character with the area. Also problems were encountered with hospital staff and visitors parking along Corbyn Shaw Road. Councillor Howman also explained that there was a covenant on the shared driveway at the front of the properties. He asked whether a compromise could be sought which would allow the applicant increased space and lessen the impact for Miss Parkin. He felt that the Committee should visit the site.

The Principal Planner pointed out the windows which could be subject to loss of some light and to the fact that these were obscured glazing. She also explained that there would be half a metre from the shared boundary.

Councillor Joyce referred to the shared driveway which had a covenant on and to the fact that the applicant's agent had stated that the applicant owned the land. Given the parking along the road from staff members and visitors to the hospital, he considered that having to reverse out onto the road was a hazard.

The Principal Planner explained that the issue of the covenant was a separate matter. The applicant had stated that he owned the land in red and there was no reason to dispute that.

Councillor Joyce stated that the Committee needed to be clear on whether this would be a breach of covenant and who owned the land.

The Assistant Director explained that the issue of the covenant was not a planning matter. In terms of land ownership, the agent had stated that the applicant owned the site.

Councillor Hipperson proposed that a site visit be carried out which was seconded by Councillor Parish and after having been put to the vote was carried.

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

The Committee then adjourned at 12.30 pm and reconvened at 12.55 pm

(vi) 19/00348/O
Northwold: Land west of 3 Little London Road: Outline application: proposed residential development of 3 no. self-build plots: M G Property Developments Ltd

The Principal Planner introduced the report and explained that the application was for outline consent with some matters reserved for the construction of three dwellings at Little London Road, Northwold. Access was to be considered at this stage with three separate accesses shown access the Little London Road to the south.

The site was located outside the development boundary for Northwold and currently comprised open paddock land.

The site was immediately adjacent to the Northwold Conservation Area.

The application was been referred to the Committee at the request of former Councillor Peake.

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

- Principle of development;
- Impact on the conservation area and listed buildings;
- Highway safety.

In accordance with the adopted public speaking protocol, Dr John Martin (objecting) and Natasha Milne (supporting) addressed the Committee in relation to the application.

In response to comments raised by the public speakers, the Principal Planner explained that the Council did have a duty to promote self-build but not at the expense of the duty to preserve the Conservation

Area and setting of the Listed Building. There were more suitable sites where self-build could come forward.

Councillor Joyce drew attention to the comments made by the supporter that the hedgerows would be retained and they would accept conditions.

Councillor Ryves stated that the application was in his Ward. He added that the site was the entrance to the village and there was hedging along both sides of the road.

Councillor Blunt stated that he was a champion of self-build but he could not support the application which was outside the development boundary next to the Conservation Area.

The Assistant Director advised that the site was on the edge of the conservation area and the Council had a legal duty to consider the impact on the Conservation Area.

RESOLVED: That the application be refused as recommended.

(vii) 18/01627/RM

Tilney All Saints: Land to the west of Medina, Lynn Road: Reserved Matters Application for the construction of 5 dwellings: Mr Taylor

The Principal Planner introduced the report and explained that the application was for a reserved matters application for 5 dwellings which fronted onto School Road. There were three detached and a pair of semi-detached dwellings with gardens to the front and rear. Parking was proposed to the rear of the dwellings from a single vehicular access off Lynn Road.

The site measured approximately 0.26ha on the corner of School Road and Lynn Road, Tilney All Saints. The site was allocated for housing in the Site Allocations and Development Management Policies DPD, 2016 (SADMP) and Policy G97.1 related specifically to development of this allocation. There was an extant outline planning consent for up to 5 dwellings, planning reference 17/00027/O.

The scheme had been amended since the original submission.

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;
- Form and character;

- Highway safety;
- Neighbour amenity;
- Flood risk; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Mr A Laughton (objecting) and Mr I Trundley (supporting) addressed the Committee in relation to the application.

In response to issues raised by the objector, the Principal Planner highlighted that the applicant was in receipt of the consent from the Internal Drainage Board. Condition 9 related to boundary treatment and condition 8 required a privacy screen to be provided.

The Chairman, Councillor Crofts reminded the Committee that this was an allocated site in the Local Plan.

Councillor Squire asked for clarification on the post and rail fence, privacy screen and shadowing report. The Principal Planner advised that the fencing issue and privacy issue were covered by conditions.

In relation to the maintenance of drains, the Principal Planner explained that this was covered in the outline consent.

The Principal Planner also displayed the Shadowing Report to the Committee.

Councillor Joyce queried whether it would be better to leave the maintenance of the drain to the IDB rather than set up a maintenance company. The Principal Planner explained that once a drainage scheme had been received it would be consulted upon with the IDB.

Councillor Parish referred to the levels of land and stated that the dwellings would have to be raised due to flood risk.

Councillor Squire proposed that a site visit be carried out, which was seconded by Councillor Parish and, after having been put to the vote was lost.

The Principal Planner clarified the levels to the Committee and explained that these were dictated by the Flood Risk Assessment. Mitigation measures had been put forward, for example, privacy screens.

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

(viii) **2/TPO/00586**

Upwell: Orchard Gardens: To consider whether Tree Preservation Order 2/TPO/00586 should be confirmed, modified or not confirmed in the light of objections

The Arboricultural Officer explained that this item had been deferred from the previous meeting of the Committee held on 29 April 2019.

In presenting the report, the Arboricultural Officer explained that the Walnut T1 was situated to the rear of 25-26 St Peters Road, Upwell. The tree was visible from St Peters Road and, more importantly, as the tree matured it would continue to contribute to the wider landscape within Upwell Conservation Area.

The Arboricultural Officer drew the Committee's attention to the following:

- Reasons for making the Tree Preservation Order;
- Outline of objections and representations; and
- Response to objections and representations.

RESOLVED: That, the Order be confirmed without modification.

(ix) 2/TPO/00591

Burnham Market: Land west of The Gate House, Dunellen, Station Road: To consider whether Tree Preservation Order 2/TPO/00591 should be confirmed, modified or not confirmed in the light of objections:

The Arboricultural Officer presented the report which explained that the three groups (G1, G2 & G3) and the individual tree (T1) were growing within the open space and car parking area associated with The Maltings, Station Road, Burnham Market and provided a great visual amenity to the surrounding area and also provided an excellent habitat for local wildlife.

The Arboricultural Officer drew the Committee's attention to the following:

- Reasons for making the Tree Preservation Order;
- Outline of objections and representations; and
- Response to objections and representations.

RESOLVED: That, the Order be confirmed without modification.

PC9: DELEGATED DECISIONS

The Committee received schedules relating to the above.

RESOLVED: That, the reports be noted.

PC10: UPDATE ON TREE MATTERS

The Arboricultural Officer presented a report which updated Members on recent Tree Preservation Orders (TPOs) that had been served

between 1st November 2018 – 30th April 2019, along with a summary on some other aspects of the work in relation to trees.

RESOLVED: That, the report be noted.

The meeting closed at 2.00 pm