

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

**Minutes from the Meeting of the Planning Committee held on
Monday, 7th October, 2019 at 10.15 am in the Assembly Room - Town Hall,
Saturday Market Place, King's Lynn PE30 5DQ**

PRESENT: Councillor C J Crofts (Chair)
Councillors R Blunt, F Bone, C Bower, A Bubb, C Hudson, C Joyce, J Kirk,
B Lawton, C Manning, T Parish, S Patel, C Rose, A Ryves, S Sandell, S Squire,
M Storey and D Tyler

PC34: **APOLOGIES**

Apologies for absence were received from Councillor Hipperson, and Councillor Blunt would be substituting for him today.

PC35: **MINUTES**

The Minutes of the meeting held on 2 September 2019 were agreed as a correct record and signed by the Chair.

In relation to item 19/01053/CU, Downham Market, Councillor Rose advised that he had pointed out that Section 15 of the 1983 Limitations Act would apply as use had been established for 12 years or more.

The Committee confirmed the minutes without amendment.

PC36: **DECLARATIONS OF INTEREST**

There were no declarations of interest declared.

PC37: **URGENT BUSINESS UNDER STANDING ORDER 7**

The Assistant Director advised the Committee that in relation to item 8/2(d) – West Acre, late information had been received regarding the use of the containers, which could be fundamental. Therefore, it was suggested that the application should be deferred so that the information could be considered further, which was agreed by the Committee.

PC38: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Members attended and addressed the Committee pursuant to Standing Order 34:

Councillor D Whitby	8/1(a)	Clenchwarton
Councillor A Kemp	8/1(a)	Clenchwarton
Councillor A Ryves	8/1(b) & 8/1(c)	Stoke Ferry
Councillor R Blunt	8/1(b)	Stoke Ferry
Councillor de Whalley	8/2(b)	Leziate
Councillor J Moriarty	Item 10 – Knights Hill Appeal	

PC39: **CHAIRMAN'S CORRESPONDENCE**

The Chair, Councillor Crofts reported that any correspondence received had been read and passed to the appropriate officer.

PC40: **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.

PC41: **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) – (x) below, where appropriate, to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chair.

(i) **19/00913/RMM**

Clenchwarton: Land north of 94 and south of Wildfields Road, Hall Road: Reserved matters: Construction of 10 dwellings: Lavish Estates Limited

The Committee had visited the site prior to the meeting.

Councillors Blunt, Joyce and Storey had not been present at the site inspection and took no part in the debate or decision.

The Principal Planner introduced the report and explained that the application sought reserved matters approval for the construction of 10 dwellings following outline permission granted under application ref: 15/01315/OM. The means of access was agreed as part of the outline

application, which comprised two accesses of Hall Road serving three and seven dwellings respectively

The site comprised a former nursery of approximately 0.67 ha to the south-western corner of Hall Road and Wildfields Road, Clenchwarton. Clenchwarton was defined as a Key Rural Service Centre in the settlement hierarchy contained in the Core Strategy of the Local Development Framework. The site was one of the three allocated sites identified for housing development within the Site Allocations and Development Management Policies Plan for Clenchwarton, and Policy G25.1 related specifically to development of this allocation.

The principle of development had already been established; this application addressed the matters of scale, appearance, layout and landscaping.

The application had been called in to the Committee for determination at the request of Councillor Whitby.

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

- Impact upon character and appearance of the locality;
- Impact upon neighbouring properties; and
- Any other material considerations.

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

In accordance with Standing Order 34, Councillor Kemp explained that she was the County Councillor for the area. She was speaking against the application in relation to flood risk. She explained that the Lead Local Flood Authority would not look at applications for less than 100 homes. She also considered that the application would go against the NPPF when proposed development increased the risk of flooding off-site. Councillor Kemp informed the Committee that No.80 Hall Road had experienced regular flooding to its garden since the building of new homes nearby. She added that there was also a regular back-up of sewage to homes in the area from Hall Road to Robin Kerkham Way. There had also been no response from the Internal Drainage Board. She referred to comments from the Planning Inspector when considering the Local Plan, in that no development should be allowed until a scheme for the clearing and maintaining the ditches had been put in place. She suggested that the Committee should either refuse the application or defer it until clarification had been sought from the developers in relation to who would be maintaining the ditches.

In accordance with Standing Order 34, Councillor Whitby concurred with the comments made by Councillor Kemp. He added that he was disappointed that the Internal Drainage Board had not made any

comments. He considered that a survey should be undertaken of all the ditches in Clenchwarton. Further information was required on how the drainage worked in the village to stop further flooding in Clenchwarton. In addition, sewage also needed to be looked at.

The Principal Planner explained that a letter had been received from the Internal Drainage Board late on Friday. The letter stated that further information was required. The Internal Drainage Board would need to give separate consent under their regulations. Conditions had been imposed on the outline consent which would need to be discharged namely, conditions 15 and 16.

Councillor Parish referred to page 13 where it referred to attenuation ponds and asked whether there was enough room on the site to accommodate these. The Principal Planner explained that the surface water drainage still needed to be discharged via a condition imposed at outline stage. The first paragraph on page 17 went into more detail about this. The Principal Planner further explained that if the layout on site had to be changed in any way to accommodate the drainage system, then this would be referred back to the Committee to consider as it would need another reserved matters permission.

In response to a question from Councillor Parish, the Principal Planner explained what the finished floor levels would be.

Councillor Parish commented that the report made reference to the proposed mechanism and asked for clarification in relation to this. The Principal Planner explained that this referred to a French drain alongside the southern boundary, connecting to the existing land drains to the front and rear of the site. Full details would be secured via the surface water discharge condition attached to the outline consent.

Councillor Bubb asked who would be responsible for maintaining the areas of land to the north and south of the terrace of three. The Principal Planner explained that the parcels of land would go with the houses.

The Chair explained that the developers would be required to carry out a percolation test and he would like this to be carried out at this time of the year.

Councillor Lawton added that he had noted whilst on the site visit that the ditches were quite dry.

In response to further comments, the Principal Planner explained that as part of the drainage scheme, the applicant would need to show the maintenance arrangements.

RESOLVED: That the application be approved as recommended.

**(ii) 19/00274/OM
Stoke Ferry: Land on the south west side of Lynn Road:
Outline application with some matters reserved for the
erection of up to 70 residential dwellings and access:
Amber REI Limited**

Councillors Blunt (as a Committee Member), Joyce, Kirk and Sandell took no part in the discussion and decision.

The Principal Planner presented the report and explained that Members would recall that the application was referred to the Planning Committee meeting on 29 July 2019 alongside application 19/00272/OM – Construction of up to 30 dwellings at Furlong Drive, Stoke Ferry. The application at Furlong Drive was presented to the Planning Committee.

Members were concerned that the Furlong Drive site could be developed first leaving the Mill site. The Committee resolved to defer the applications to allow the applicant to address the concerns raised by the Parish Council.

The case officer had liaised with the agent to discuss the prospect of linking the sites as per the Committee instruction. The agent had confirmed that in the interests of expediency their client was prepared to accept a covenant in their Section 106 agreement which would link the development of the storage site to a commitment to redevelop the Mill. The agent suggested an obligation, which stated that there would be no commencement of development associated with planning application 19/00272/OM at the storage site until the Mill buildings had been demolished (and including a plan which showed the buildings to be demolished). This would restrict the development of the storage site until there was a clear commitment to remove the Mill and associated operations as evidenced by action on the ground in the form of demolition.

The agent also referred to the concerns raised by the Parish Council and public objections that the developer may want to develop the green field element first and leave the Mill building; this was despite the fact that access to the site was off Buckenham Drive through the Mill. The applicant was prepared to accept a specific phasing condition which required the phasing of planning application 19/00274/OM to be agreed with the Local Planning Authority.

Members were reminded that the application site measured approximately 2.3ha in area, and was located in the centre of the village of Stoke Ferry, a Key Rural Service Centre (KRSC). The site was accessed via Buckenham Drive. The site had residential development to the south, a playing field to the west, and Lynn Road formed the northern and eastern boundaries. The site partially within and adjacent to Stoke Ferry Conservation Area and was directly adjacent to four listed buildings (one of which was Grade II*). The

current use of the site was in two parts – to the west was an area of privately owned green field land and to the east was the site of the Stoke Ferry Mill consisting of a number of large scale buildings and an area of hardstanding.

The application sought outline consent with all matters reserved bar access for the construction of up to 70 residential dwellings, incorporating affordable housing and open space contributions in line with the adopted Local Plan policy requirements, and associated development to include drainage features, roads, pedestrian paths and other works. An illustrative masterplan had been submitted to demonstrate how such development might fit onto the site.

The applicant had submitted a further application for the redevelopment of the Furlong Drove storage and distribution site (19/00272/OM).

The Committee noted the key issues as outlined in the report.

In accordance with the adopted public speaking protocol, Mr John Preston (objecting), Anne Corrigan (objecting), Kit Hesketh-Harvey (making representations on behalf of the Parish Council) and David Onions (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor Ryves addressed the Committee in relation to the application, as follows:

Thank you Chair and fellow councillors for this opportunity to give my statement of pre-disposition.

There are three matters I wish to draw the attention of the panel to

- *The greenfield element of this application*
- *The proposed access*
- *The treatment of the listed buildings*

It is clear that the Mill in Stoke Ferry is going to close and thus significant brownfield land will become available for sustainable development. The developer also owns a greenfield site which is located outside the development boundary for Stoke Ferry.

It concerns me that the council might grant planning permission for a greenfield site outside the village boundary which does not reflect local needs and is at odds with key policies such as CS06 and DM2.

I note that the Borough is in the happy position of not requiring new allocations for development - there is a 5 year land bank and we are in the process of passing the Housing Delivery Test. So I am concerned that this development is not needed on this scale by Stoke Ferry or by the Borough.

The greenfield sites were not put forward when the Borough requested new land to satisfy its 5 year land bank target. A fear is that this is proposal made

with no consideration for the needs of Stoke Ferry but merely a desire to maximise the profitability of a proposed huge development.

It is claimed that the development needs the greenfield element of the site to be viable, as well as the relisting of the furlong drive site as residential and this has been accepted by our officers although I have seen no financial data to support this view.

Indeed, we are advised by our officers that this greenfield site is a sustainable location, and that there will be "wider benefits to the community."

Yet CPRE objects strongly.

The land is not an allocated site. The majority of the site is subject to CS06, to promote sustainable communities.

The council has a 5 year supply of land for housing and sufficient sites have been allocated.

As our officers confirm, the greenfield part of the site does not meet policy DM2, but argue that the "wider benefits to the community of the redevelopment of the wider site would outweigh the loss of open space". It is true that the owner of these fields has not stewarded them effectively and they are an eyesore. That owner is the owner of the Mill.

Additionally, I draw the panels attention to NPPF paragraph 77 which states "In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs".

It is not clear that the local need for Stoke Ferry is the development of up to 100 new dwellings.

This is clear as we see that the developer is willing to enter into S106 agreements confirming a precondition of development will be the demolition of the Mill. I believe that there will be an excellent financial return to the developer from merely developing the brown field elements. This could be some 60 dwellings on two brownfield sites. Whilst as part of the bartering process the parish council have indicated that they would be prepared to give up the greenfield site, this is clearly under duress.

We must remember that that Stoke Ferry has a population of 1020 (2011), and that 27 dwellings is the appropriate number of new dwellings put forward in the Local Plan. As I said above, this greenfield site was not put forward in the past. If this proposal is rejected there are three possible outcomes:

- The developer abandons the plan. But no work has been done to demonstrate that a smaller development utilising the brown field elements only will not be viable. We should note that as a disused site the owner will have a legal obligation to tidy it, maintain it and prevent it being a nuisance. And if he fails to do this then there is always the option of a CPO.*
- The developer appeals a decision to refuse this scheme. I suggest that the policies referred to previously make this unlikely to succeed.*

- *The developer listens to the views of the panel and of the community and cuts down the scale of the development to a still large scheme which would be sustainable.*

It is also noted that Stoke Ferry is currently a Key Rural Service Centre. As the parish council has pointed out this is anomalous. The village has minimal infrastructure with the recent closures of both the pub and the post office. Indeed, the continuance of this status is being considered in the review of the local plan. The comments of the Strategic Health authority confirms that the existing local surgery will not be able to service this surge in population. The primary school is at full capacity.

I note also that the parish council is actively preparing its Neighbourhood Plan and a proposed development of such magnitude which tests the concept of sustainability to its maximum is much better served by active involvement of the local community through this.

There are two other contentious points to consider.

- *The listed buildings, and*
- *The single entrance*

It concerns me that sufficient space is allocated to allow refurbishment of the 4 listed buildings and that enforceable measures are taken to ensure their maintenance.

The proposed single access through Buckenham Drive will cause considerable avoidable traffic flow through the conservation heart of the village, and encourage vehicular use of the High Street, which is difficult to navigate due to on road parking. Additionally, use of Buckenham drive will involve three "stop-starts" and this itself is environmentally hazardous, and the resultant increased emissions will not be to the benefit of the conservation heart of the village. An alternative is to use the existing Mill entrance in Lynn Road, or if the panel supports the application in full to require a second entrance at Furlong Road. I notice that the independent TA put forward by the developer was originally to support this second entrance as at one point self build was part of the scheme. And of course the advice of Highways is advisory, not mandatory.

In conclusion, it concerns me that this is an unallocated site and to develop the greenfield element of this site might itself be in breach of planning policy. I believe that development of the brown field elements is sustainable and desirable and draw the panel's attention to my concerns on the listed buildings in the conservation area and of the proposed single entrance in Buckenham Drive.

Councillor Parish made reference to the allocation numbers in the Local Plan and the emerging Local Plan, and expressed concern that the application of this size could not be considered sustainable development, and felt that the numbers should be reduced.

Councillor Storey asked for clarification in relation to the listed buildings. The Principal Planner explained to the Committee that pre-application advice had taken place and included the Council's Conservation Officer and Historic England. It was advised at that time

not to include the Listed Buildings in the application. This was to allow the future of the Listed Buildings to be considered separately to the wider Mill site. In addition, there were statutory controls in place to protect these Listed Buildings.

Councillor Storey added that it was important to get this application right for the residents of Stoke Ferry. He also supported the suggestion for a second entrance. He added that it was important to keep the Parish Council and residents of any changes to the scheme.

The Assistant Director referred back to comments made by Councillor Parish and explained that the allocation number was not a maximum. Stoke Ferry was designated as a Key Rural Service Centre in the adopted Local Plan. He added that it was highly unlikely that a perfect scheme could be achieved however the applicant had gone some way to address some of the issues raised by the Parish Council. With regards to the Listed Buildings, he explained that there were other notices which could be served to protect the listed buildings in the conservation area.

Councillor Bubb stated that he was fully in favour of a second entrance/exit. The Principal Planner explained that the greenfield element of the site was not in the conservation area.

Councillor Squire added that she did not dispute the issues with the Mill site, however she felt that development should not take place on the greenfield site, which should be valued.

Councillor Parish disagreed with the comment that the development was needed to pay for the decontamination of the site, as a large business of that nature had a duty to clear the site and decontaminate it.

With regards to the provision of a second access, Councillor Parish referred to page 32 of the agenda where it explained that the Conservation Officer considered that the a second access would not be appropriate.

The Principal Planner advised that whilst the Local Highway Authority could not refuse a single access point, they considered that a second access would be of benefit subject to there not being any impact on the public right of way or Lynn Road.

The Principal Planner also advised that in her opinion the applicant had gone a long way to address the concerns raised by the Parish Council in that they had agreed to link the sites together and to provide a second point of access. She considered that the applicant had demonstrated a commitment to develop the sites.

The Executive Director explained that in order for development to come forward, it must be viable but this did not mean that all other

considerations were not material. The proposal was greater than normally would be allowed for Stoke Ferry but the village had history with the Mill causing issues in centre. The proposal would remove the blight but this was a question of balance.

Councillor Parish stated that the Committee had no information on the financial viability.

Under Standing Order 34, Councillor Blunt stated that he had listened very carefully and suggested that the application could be deferred to allow for a masterplan of the whole development could be undertaken by the applicant / Parish Council / residents.

Councillor Parish then proposed that the application be deferred to enable a masterplan to be drawn up. This was seconded by Councillor Squire.

The Assistant Director reminded the Committee that they needed to determine what was in front of them.

The Principal Planner advised the Committee that the issue of viability was set out in the report.

Councillor Parish added that this was a complex application which was connected to the next item on the agenda. He considered that a masterplan must come forward.

The Assistant Director explained to the Committee that one of the proposed conditions related to phasing. He reiterated that the Committee needed to make a decision on what was in front of them.

The Principal Planner advised that phasing would be part of the Section 106 agreement as part of the reserved matters application. Other conditions would relate to contamination, and a second point of access could be secured via condition if the Committee wished.

The Committee then voted on the proposal to defer the application to enable a masterplan to be drawn up, however this was lost.

The Committee then voted on the proposal to include a second point of access, which was agreed.

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, including a condition requiring the applicant to provide a second point of access.

(B) That the application be refused if the Section 106 agreement is not completed within 4 months of the date of this resolution to approve, on the grounds of failure to secure a mechanism to provide affordable housing, open space contributions, habitats mitigation payment and

omit to commence development on 19/00272/OM until the mill buildings on 19/00274/OM have been demolished and cleared.

**(ii) 19/00272/OM
Stoke Ferry: Furlong Store, Furlong Drove: Outline
application: Construction of up to 30 residential
dwellings: Amber REI Limited**

The Principal Planner presented the report and reminded Members that this application was referred to the Planning Committee meeting on 29 July 2019, alongside application 19/00274/OM – Erection of up to 70 dwellings and access at land on the south west side of Lynn Road, Stoke Ferry.

Members were concerned that the Furlong Drove site could be developed first leaving the Mill site. The Committee resolved to defer the applications to allow the applicant to address the concerns raised by the Parish Council.

The case officer had liaised with the agent to discuss the prospect of linking the sites as per the Committee instruction. The agent had confirmed that in the interests of expediency their client was prepared to accept a covenant in their Section 106 agreement which would link the development of the storage site to a commitment to redevelop the Mill. The agent suggested an obligation, which stated that there would be no commencement of development associated with planning application 19/00272/OM at the storage site until the Mill buildings had been demolished (and including a plan which showed the buildings to be demolished). This would restrict the development of the storage site until there was a clear commitment to remove the Mill and associated operations as evidenced by action on the ground in the form of demolition.

Members were reminded that the application site measured approximately 1ha in area, and was located in the centre of the village of Stoke Ferry, a Key Rural Service Centre (KRSC). The site was accessed via Furlong Drove. The site was rectangular in shape and had residential development to the south and agricultural land to the north east and south east. The site was adjacent to, but not within, Stoke Ferry Conservation Area. The current use of the site was a storage facility associated with Stoke Ferry Mill, and consisted of a large storage building and associated hardstanding.

The application sought outline consent with all matters reserved bar access for the construction of up to 30 residential dwellings, incorporating affordable housing and open space contributions in line with the adopted Local Plan policy requirements, and associated development to include drainage features, roads, pedestrian paths and other works. An illustrative masterplan had been submitted to demonstrate how such development might fit onto the site.

The applicant had submitted a further application for the redevelopment of the Stoke Ferry Mill (19/00274/OM).

The Committee noted the key issues as outlined in the report.

In accordance with the adopted public speaking protocol, Mr J Preston (objecting), and Mr D Onions (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor Ryves addressed the Committee in relation to the application, as follows:

Chair and members I thank you for this opportunity to make my predisposed statement as follows.

It is proposed to reclassify the land in Furlong Drove as residential from commercial

However, policy CS10 (economic activity) requires that the Council seeks to retain land or premises for employment purposes, with exceptions. It concerns me that in the case of the Furlong Drove site the owner has made no attempt whatsoever to market this site as an employment site, which is what it is, and instead hopes that as part of the regeneration of the Mill site he will be able to hold the threat of non-development of the Mill as a lever to achieve a change of use of this site to residential.

Additionally, this employment site is outside of the development boundary of the village.

Policy NPPF 78, that housing should be located where it will enhance the vitality of rural communities, would only apply if there was a clear need for additional dwellings in Stoke ferry. No one has demonstrated this.

The single pub in Stoke ferry has just closed as has the post office. The excellent primary school is under pressure and the Strategic Health Authority recognises the severe limitations of medical support which is afforded in the main from the small, rural surgery in the neighbouring village of Boughton. There is a bus service with 5 buses a day to KL and 4 to Thetford and a Friday only service to Downham Market.

To many, it makes no sense to assert that this small village is a Key rural service centre!

To be sustainable a village should offer more than just dwellings. It should also be able to offer local employment and the loss of this employment land will severely reduce the employment options. The Furlong Road site is ideal for such a use and with the closure of the Mill it offers quick and efficient access on an approved road direct onto the bypass. It has been suggested that HGV movement through Stoke ferry might increase with another operator. Pigs might fly.

I am concerned that other options, including Council intervention have not been tried. It concerns me that to allow this site to receive residential change of use is inconsistent with our planning policies, especially CS10 the

requirement to retain land used for employment purposes, and is seeking to build outside the village development boundary.

Please remember, Stoke ferry has just over 1,000 inhabitants, and our own local plan envisages some 27 new dwellings.

These two proposals in the form presented by the developer envisage some 100 new dwellings and I am concerned that this is just not sustainable in this small rural community. And currently the Borough has satisfied its Housing Delivery Tests and has no need of new sites in excess of those allocated and on the books.

Panel members must decide whether the retention of this employment space, which some would hold vital to the sustainability of this rural community is something they would sacrifice. For we are told that both this site and the green field site in the village need to be developed if the Mill is to be demolished. The panel need to consider whether the viability of the whole project requires both this loss of employment space and the loss of the green field site or whether in fact without detailed numbers it is possible to decide what is and what is not viable. And whilst I understand that as a panel we must take a broad view, it would be regrettable if we do not question rigorously the interpretations of planning policies as presented to us.

The Principal Planner explained that a clause would be written into the Section 106 Agreement to ensure that no development on this site would take place until the associated mill buildings on the main site had been demolished and cleared to demonstrate a commitment to removing the nuisance use.

Councillor Parish considered that the proposal was outside the development boundary, was a windfall site and asked what need had been demonstrated for the additional housing. The Assistant Director explained that this was not a reason for refusal.

The Principal Planner confirmed that both sites would require affordable housing provision, and this site would be liable for CIL as outlined on page 58 of the report.

Councillor Parish stated that these 30 houses were not needed as the 70 houses on the previous application would pay for the works on that site.

The Principal Planner explained that this site was going to have to be cleared, and 20% affordable housing would be provided.

In response to a question from Councillor Parish, the Assistant Director explained that Stoke Ferry was a Key Rural Service Centre as designated in the Local Plan. He added that the loss of employment land was a material consideration, which the Committee would need to consider in the balance.

The Chair, Councillor Crofts reminded the Committee that it had asked for the applications to be linked together.

Councillor Storey added that the Parish Council / residents/ applicant should be informed of any changes to the scheme.

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.

(B) That the application be refused if a Section 106 Agreement is not completed within 4 months of the date of this resolution to approve, on the grounds of failure to secure a mechanism to provide affordable housing, open space contributions, habitats mitigation payment and no development shall commence on application 19/00272/OM until the mill buildings on 19/00274/OM have been demolished and cleared.

(iii) 19/00860/F

Hunstanton: 9 York Avenue: Proposed dwelling following sub-division: Mr K O'Hara

The Principal Planner introduced the report and explained that the application site was located on the north side of York Avenue, Hunstanton and comprised an area of garden between 9 York Avenue, the donor dwelling, and 7 York Avenue. It was within the Hunstanton Conservation Area.

The application had been referred to the Planning Committee for determination by the Sifting Panel.

The proposal sought permission for a new infill terraced dwelling following the subdivision of the site.

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

- Principle of development;
- Form and character and impact on the Hunstanton Conservation Area;
- Neighbourhood amenity issues;
- Highways impact;
- Tree impact; and
- Other considerations.

In accordance with the adopted public speaking protocol Jenny McGee (objecting) and Jordan Cribb (supporting) addressed the Committee in relation to the application.

The Chairman then introduced the County Highways Officer to the Committee. The County Highways Officer explained the reason why they had objected to the application.

RESOLVED: That the application be refused as recommended.

The Committee adjourned at 12.45 am and reconvened at 1.20 pm

(iv) 18/00053/O

Leziate: Leziate Park Country Club, Brow of the Hill: Outline application for the development of 7 dwellings & garages, and provision of replacement clubhouse, following demolition of existing structures: Mr N Williamson

The Principal Planner introduced the report and explained that the application sought outline planning permission for the construction of 7 no. dwellings and garages and the provision of a replacement clubhouse following demolition of the existing structures remaining on site. All matters (access, layout, scale, appearance and landscaping) were reserved for later consideration. Originally the application was submitted for 7 no. dwellings only but this was later amended to include provision of a replacement clubhouse facility. A revised indicative layout plan was received on 11 September 2019 (drawing no. 1977-03C).

The application site was located on the southern side of Brow of the Hill, Leziate and comprised the former Leziate Lake Country Club, which had remained unused since its closure in March 2016. In July 2018, it was subject to an intense fire which destroyed much of the building with the majority of the structure since removed from site for health and safety reasons.

Leziate Lakes was located to the south and east of the site and existing residential properties on Brow of the Hill were to the west.

Public Footpath Leziate FB8 ran along the site frontage and Restricted Byway Leziate RB13 ran along the western boundary. There were also a number of mature trees on the site, some of which were covered by Tree Preservation Orders.

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

The Committee noted the key issues for consideration, as follows:

- Principle of development;
- Form and character;
- Neighbour amenity;
- Highway safety;
- Public Rights of Way (PROW);
- Trees;
- Ecology;
- Affordable housing; and
- Other considerations.

In accordance with the adopted public speaking protocol, Andrew Parker (objecting), Jordan Cribb (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor M de Whalley addressed the Committee objecting to the application. Councillor de Whalley explained that he had attended the meeting held by the Parish Council where no objections had been raised however he felt that residents were being held to ransom by the issue of the anti-social behaviour, which had occurred on the site. He expressed concern that the sailing club house was not more than a set of changing rooms. He added that the Parish Council had the site declared as a community asset. He further added that the land did not meet sustainable requirements. He concluded that the Leziate parishioners felt let down.

The Principal Planner explained that in the latest comments received from the Parish Council, they neither objected nor supported the application. She added that the area was not designated in the Local Plan. The issue of the public rights of way had been covered in the report but the proposal did not affect them. She also explained that the proposed housing was located on brownfield and the replacement clubhouse was on greenfield land, and this complied with policy. With regards to the historic Section 52 Agreement which had been raised by an objector, she explained that this was clarified on page 20 of the report.

Councillor Hudson stated that the site formed part of a very large area of land. The proposed dwellings were positioned at the rear of the site and would be served by a private drive. She therefore supported the application.

Councillor Joyce asked for clarification in relation to the footpaths and whether they were on a definitive map. He also asked whether Secure by Design was in the conditions. He added that the proposal did sacrifice recreational land.

The Principal Planner pointed out the footpaths on the plan and explained that conditions had been recommended by the Public Rights of Way officer.

Councillor Parish stated that the proposal was development in the countryside and should only be allowed in exceptional circumstances.

The Assistant Director explained that Policy DM3 allowed for some small scale development adjacent to existing development ... however in exceptional circumstances the development of small groups of dwellings in Smaller Villages and Hamlets may be considered appropriate where the development is of a particularly high quality and would provide significant benefits to the local community. He added that it was a judgement that the Committee had to make.

Councillor Parish made reference to the objection from County Highways Authority. It was explained that their objection was not on highway safety grounds, and were objecting on sustainability grounds which was a policy matter. Page 17 went into further details regarding this.

Councillor Manning stated that he had listened carefully to what had been said and considered that anything on the site would be an improvement to what was currently there. He acknowledged that there would be a loss of recreational area but felt that a personal presence on the site would stop the anti-social behaviour. He did have concerns in relation to the size of the clubhouse and felt that it might need to be bigger.

The Assistant Director advised the Committee that in relation to Secure by Design, this standard did not have to be met, rather that the Council had a duty to consider the impact upon Crime and Disorder in taking their decision.

Officers responded to comments from the Committee as follows:

- The Asset of Community Value had been taken off the register as there was not a building on site any more.
- There was a clause within the Section 106 agreement to ensure that the clubhouse was provided before the occupation of the dwellings.
- Ecology was dealt with as part of Condition 11, and Phase 2 would require bat surveys to be carried out.

RESOLVED:(A) That, the application be approved, subject to conditions and the satisfactory completion of a Section 106 Agreement to secure affordable housing and the replacement clubhouse.

(B) In the event that the Section 106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be refused due to the failure to secure affordable housing and the replacement clubhouse.

(v) **19/00948/F**
Tilney St Lawrence: Buildings east of 10/12 and north of 19
Spice Chase: Proposed residential development: Clients of
Swann Edwards

The Principal Planner introduced the report and explained that the application was for 3 terraced dwellings on the east side of Spice Chase. The site was located outside the development of Tilney St Lawrence, so the land was designated as countryside. The site had the benefit of an extant permission for 2 dwellings, approved at a time when the Council could not demonstrate a 5 year supply of housing

land. The 2 dwellings were approved under application ref: 16/00289/O and 18/01274/RM in the form of a semi-detached pair. The application would result in a net gain of 1 new dwelling in the countryside.

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;
- Flood risk; and
- Other material considerations.

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

RESOLVED: That the application be refused as recommended.

(vi) 19/00405/F

West Acre: Abbey Farm, River Road: Retrospective application for the siting of containers: West Acre Estate Management

RESOLVED: That, the application be deferred.

(vii) 19/0309/F

West Walton: Cashelbawn: Mill Road: Change of use from temporary residential annex into permanent annex including associated alterations: Mr John Cook

The Principal Planner introduced the report and explained that the application involved an outbuilding that previously was being used as residential accommodation on a temporary basis whilst the main dwelling was undergoing renovation (ref: 17/01200/F). The renovation of the dwelling was finished and the building was no longer required for use as temporary accommodation. The previous approval required the outbuilding to be reinstated to a garage/office upon cessation of its use as accommodation.

The current application sought to change the use of part of the same outbuilding to an annexe on a permanent basis, with the remainder of the building to be reinstated to a garage/office as originally intended.

The site was located on the south east side of Mill Road in Ingleborough, opposite Ingleborough Mill. It was a hamlet that was

located in the countryside between West Walton and Walpole St Peter. The land was outside any development boundary so it was classified as being in the countryside.

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:

- Planning history;
- Principle of development; and
- Other material impacts or issues.

Councillor Parish stated that he disagreed with the recommendation.

RESOLVED: That the application be approved as recommended.

(viii) 18/02001/O

West Winch: Glendawn, Rectory Lane: Outline application: Construction of three new dwellings and demolition of existing bungalow: Mr A Evershed

The Principal Planner introduced the report and explained that 'Glendawn' was a modest detached bungalow and to the immediate east was the recently built 'Orchard House', both properties being set within substantial grounds on the northern side of Rectory Lane, West Winch.

Outline permission was sought to demolish the bungalow and utilise part of the garden of Orchard House to create three building plots.

The site was located within the village development boundary for West Winch contained in Inset E2 of the Site Allocations & Development Management Policies Plan and also in the North Runcton & West Winch Neighbourhood Plan area.

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, namely:

- Principle of development;
- Impact upon form and character of the locality;
- Highway issues;
- Impact upon adjoining property;
- Drainage; and
- Other material considerations.

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

Councillor Ryves referred to the Parish Council's comments in relation to flooding and to the Neighbourhood Plan Policy WA04. The Principal Planner explained that at this stage, no objections had been received from statutory consultees. Condition 12 required full details of the arrangements for foul water drainage and surface water drainage from the land and buildings to be agreed, prior to the commencement of development.

Councillor Parish made reference to the comments from the Parish Council in relation to the spatial relationship between the properties and the loss of screening. The Principal Planner explained that the proposal would result in large plots with space around them.

The Principal Planner advised the Committee that the Parish Council had asked for a condition regarding the first floor window on plot 1 being obscured glazing however this would be dealt with at reserved matters stage. Also, a condition relating to the control of working hours would not be appropriate on development of this scale.

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

PC42: **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A to the Act.

PC43: **KNIGHTS HILL APPEAL (REPORT TO FOLLOW)**

The Committee considered a report which sought guidance from the Planning Committee on the approach to be adopted at the forthcoming Public Inquiry in relation to the Knights Hill planning application.

In accordance with Standing Order 34, Councillor Moriarty addressed the Committee in relation to the matter.

Councillors Hudson, Parish and Squire asked for their vote to be recorded against the following resolution.

RESOLVED: That, the Committee agreed with recommendation (1), as set out in the report.

PC44: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That, the reports be noted.

The meeting closed at 3.20 pm