

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

Minutes from the Meeting of the Planning Committee held on Monday, 6th January, 2020 at 9.30 am in the Assembly Room - Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor C J Crofts (Chair)
Councillors F Bone, C Bower, A Bubb, M de Whalley (sub), M Howland, C Hudson, J Kirk, B Lawton, C Manning, S Patel, C Rose, A Ryves, S Sandell, S Squire, M Storey and D Whitby (sub)

PC66: **APOLOGIES**

Apologies for absence were received from Councillors Joyce, Parish and Tyler.

The Chair welcomed Councillors De Whalley and Whitby to the meeting who were attending the meeting as substitutes.

PC67: **MINUTES**

The minutes of the meeting held on 2 December 2019 were agreed as a correct record and signed by the Chair, Councillor Crofts.

PC68: **DECLARATIONS OF INTEREST**

There were none.

PC69: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business under Standing Order 7.

PC70: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Members attended under Standing Order 34:

P Kunes	8/1(a)	19/00223/F
J Collingham	8/2(a)	19/01688/F
A Kemp	8/2(b)	19/01758/F
P Kunes	8/2(e)	19/00609/F
P Kunes	8/2(f)	19/00601/F

PC71: **CHAIRMAN'S CORRESPONDENCE**

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

PC72: **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.

PC73: **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 Chair.

- (i) **19/00223/F
Terrington St Clement: Green Bank Farm, Green Marsh Road: Retrospective application for the retention of an extension to an existing garage to create a workshop for use by an upholstery business: Mr L Kiley**

The Principal Planner reminded the Committee that the application had been referred to the Planning Committee meeting on 4 November 2019. In response to queries raised, it was resolved that the application be deferred to enable further discussions to be held with the applicant regarding the ownership of the application site.

A certificate C had now been served and this was considered acceptable in accordance with Articles 13 and 14 of the Town and Country Planning (Development Management) Procedure Order.

The application was for the retention of an extension to an existing garage to create a workshop for use by a vehicle upholstery business. The building was located in close proximity to the applicant's dwelling known as Green Bank Farm, Green Marsh Road, Terrington St Clement, however extended outside the curtilage of the property over a culverted drain, which ran along the north of the site.

The site was located outside the built extent of Terrington St Clement, which was classified as a Key Rural Service Centre in Policy CS02 of the Core Strategy (2011). The land was identified as within Flood Zones 2 & 3 in the Borough Council's SFRA.

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

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

- Principle of development;
- Impact on neighbours;
- Highways and access;
- Flood risk; and
- Other material considerations.

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

In accordance with Standing Order 34, Councillor Kunes addressed the Committee in relation to the application. Councillor Kunes explained that his original intention was to object to the application on drainage issues, however the IDB did not object to the application. He had also looked at the Engineer's report which had raised no objection. He therefore could not raise an issue on those grounds. He emphasised the importance of dykes and drains, and particularly to the filling in of dykes, this one had been carried out properly but a lot were not.

The Principal Planner clarified that the tools to be used had been set out by the applicant on page 11 of the agenda, and the proposal was classed as light industrial use.

Councillor Ryves stated that one of the industrial tools that might be used was a compressor and this did generate noise. He stated that the levels of noise needed to be measured.

The Principal Planner advised that the Council's CSNN department had assessed the application and the level of detail and were satisfied that subject to conditions the application was acceptable. She explained that CSNN did not have the capacity to go to every application site and measure noise.

The Principal Planner confirmed that no traffic would be using Green Lane, and that the application came forward via the enforcement route.

The Chair added that he had been the site and could confirm that the culvert had been carried out properly.

Councillor Storey asked what powers the Council had with regards to dykes and drainage being filled without permission, as this issue needed to be taken seriously. He added that the extension looked to be completed to a high standard. He felt that the neighbours would monitor any noise issues.

Councillor Mrs Bower asked whether the applicant would be able to expand the business. The Principal Planner explained that the operation of the business was tied to the dwelling, and as such the business was self-limiting. Any further expansion to the business would require planning permission.

The Principal Planner also clarified that Norfolk County Highways were satisfied that condition 5 addressed their concerns. She added that condition 5 could be amended to relate to the occupant of the dwelling, if the Committee wished.

The Assistant Director clarified that the area was remote and the business was self-limiting due to the size of the site and any further expansion would require planning permission.

Councillor Ryves asked for this vote to be recorded against the following resolution.

RESOLVED: That the application be approved, as recommended.

(ii) 19/01688/F
Dersingham: Burrells Accountants, 2 Jubilee Court, Hunstanton Road: Change of use from A2 to D1, has been used as an accountant's office and wish to use for veterinary services: The East Anglian Company Ltd

The Principal Planner introduced the report and explained that the application site was located within Jubilee Court to the west of Hunstanton Road, Dersingham. The proposal was for the change of use from A2 (professional and financial services) to D1 (non-residential institutions). The new use proposed was for veterinary services.

The site was located in an existing retail centre within the village and replaced an existing commercial unit with no exterior change.

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

- Principle of development;
- Form and character;
- Neighbour amenity;
- Highway safety and access/parking.

In accordance with the adopted public speaking protocol, Coral Shepherd (objecting on behalf of the Parish Council) addressed the Committee in relation to application.

In accordance with Standing Order 34, Councillor Mrs J Collingham addressed the Committee. Councillor Mrs Collingham explained that she supported the objection raised by the Parish Council and the location of the business did trouble her. She advised that there were only 6 car parking spaces rather than 10, and that many of the people who used the tight car parking area would be elderly. People would need to bring in their sick animals and would want to park as close to the vets as possible. She also advised that the car park belonging to the takeaway could not be used as overspill parking. She added that this was an excellent business proposal but in the wrong location. The parking area to the rear was not designated.

The Principal Planner advised that the premises had previously been used as a business, employing 7 people. In addition, under Class A2 there were permitted changes to other uses such as shops and restaurants that would create more highways issues than the proposal, all without the requirement of planning permission. Also, Norfolk County Highways had raised no objection to the application.

Councillor Bubb stated that parking was the problem with the application. He explained that two spaces in front of the opticians had bollards around them. There were only 6 remaining spaces at the front and the parking and it was not obvious that there was public parking at the rear. He added that the parking opposite was unofficial and should not be relied upon as this could change should the takeaway change hands. He had concerns that people would park on the road.

Councillor Crofts added that when he visited the site, there were lots of spaces at the rear.

Several Members of the Committee stated that they had visited the site on various occasions and all had no issues with parking.

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

**(iii) 19/01758/F
King's Lynn: Adj. Harvest House, Wisbech Road: Removal or variation of condition 2 of planning permission 18/00124/F: Proposed 7 no. townhouses and change of use of land to garden land to be used for the dwellings and flats: PQ Properties Ltd**

The Principal Planner introduced the report and explained that the application site was situated to the north of the Wisbech Road, King's Lynn to the rear of Harvest House.

The proposal sought to vary condition 2 of planning permission 18/00124/F: Proposed 7 no. town houses and change of use of land to garden land to be used for the dwellings and flats.

The Principal Planner explained that the only changes to the approved scheme related to the internal layout to increase the number of bedrooms in 5 of the 7 houses from 2 to 3, the addition of flues in the roof-slope and the change of windows on the south elevation that originally served bathrooms from obscurely-glazed to clear-glazed as they would now serve bedrooms.

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

- Principle of the development;
- Form and character;
- Neighbourhood amenity issues;
- Highways impact; and
- Other considerations.

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

In accordance with Standing Order 34, Councillor Kemp addressed the Committee. Councillor Kemp stated that she considered that flood risk had not been properly dealt with. The site was in a low area of high flood risk and reminded the Committee of the floods in 1953 and 1978. She added that there was a real risk of flooding of one in every 20 years. She added that scheme should not be approved. In addition, there had not been a response from the LLFA but understood that they only looked at schemes over 100 properties. She concluded that the application had not been properly looked at and should be refused.

The Principal Planner explained to the Committee that the Flood Risk was considered as part of the original application in 2018. The Environment Agency had been consulted and raised no objection. The LLFA would not have responded as this was not a major application. The Committee needed to consider the amendments proposed to the approved scheme.

Councillor Bone queried why the ground floor room has French doors into the garden. The Principal Planner advised that Condition 14 did specify that no sleeping accommodation should be on the ground floor.

It was also explained that the bedroom sizes had not been specified and Government did not require room sizes to be specified.

The Principal Planner confirmed that the scheme proposed 2 spaces per unit which was the same as the previous scheme.

The Assistant Director explained that it was common that the third bedroom was smaller than the other two bedrooms.

RESOLVED: That the application be approved as recommended.

(iv) **19/01713/F**
Marshland St James: Land rear of Victoria House, Bonnetts Lane: Proposed new dwelling and detached double garage: ADC (East Anglia) Ltd

The Principal Planner introduced the report and explained that the application site comprised the rear part (0.19 ha) of the former Anglia Drainage Company site, on the south-western side of Bonnetts Lane, which was a relatively narrow road leading off Smeeth Road. The frontage now had full planning permission for 4 detached houses fronting the lane. Given that this is part of the former commercial site and laid to hardstanding, it meets the definition of 'previously developed' or 'brownfield' land. The application site was served by a separate driveway between the building plots and an Anglian Water pumping station to the south-east.

The site was located outside of the defined village development area which on Bonnetts Lane stopped after Victoria House to the immediate north-west of the frontage plots and approximately 20m from the northern corner of the application site.

The proposal sought full permission for the construction of a new dwelling and detached double garage.

The application had been referred to the Committee for determination as the views of the Parish Council were contrary to the officer recommendation; and at the instruction of the Sifting Panel.

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

- Principle of development;
- Impact upon form and character of the locality;
- Relationship with adjoining properties;
- Highway issues;
- Flood risk;
- Affordable housing; and
- Other material considerations.

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

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

- (v) **19/01601/F**
Sedgeford: 24 Field Barn Cottages, Docking Road:
Demolition and replacement of existing dwelling house,
change of use of existing barn into accommodation
ancillary to the dwelling house and new garage house: Mr
David Sonter

The Principal Planner introduced the report and explained that full planning permission was sought for a replacement dwelling (following demolition of existing), conversion of an existing barn to ancillary accommodation, erection of a new garage and the creation of a new access.

The site was located outside the development boundary within land classed as countryside. The site was also located within Flood Zone 1.

The application had been referred to the Committee for determination at the request of Councillor Parish and the officer recommendation was contrary to the views of the Parish Council.

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

- Principle of development;
- Form and character / impact on the countryside;
- Highway safety;
- Residential amenity;
- Protected species; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Mr B Clark (objecting on behalf of the Parish Council) and Mr T Faire (supporting) addressed the Committee in relation to the application.

The Principal Planner made reference to Policies H5 and H8 of the Parish Council's Neighbourhood Plan, as referred to by the speaker, and explained that the proposal was for a replacement dwelling and therefore the policies were not considered to be relevant.

The Chair, Councillor Crofts then read out a letter from Councillor Parish, Ward Member, who had called in the application, but could not be present at the meeting as he had been unwell, as follows:

'My apologies for my absence and the necessity for this late submission.

I have read the on-line notes before you but have no idea what speakers may have added, emphasised or ignored so please be patient with anything I duplicate.

As I am not a member of this current planning committee I can state, as Borough Councillor for Sedgeford Ward, my belief that you should, after due consideration, refuse this application.

The application is about demolishing a four-bedroom second home, clearing the site, and building a new, 7-bedroom second home (owners have been in communication with me, they live/ work in London too). In addition, a barn is to be converted as an annex to provide a further 4 bedrooms. So, an increase from 4 to 11 bedrooms, a substantial new development in the countryside close to the village development boundary of Sedgeford.

Such an increase in habitable space and the mass of the new build (4 stories including basement) should raise eyebrows and lead to questions. As it is in the countryside, it should just be rejected but there are a few policies, open to interpretation, which need to be negotiated. Indeed, the officer handling the application was minded to reject it between the 29th October and the 18th November – ‘has several objections, chiefly ‘a house of this style and grandeur is not appropriate for a house on this site.’ (See planning portal notes 15th and 18th November). This judgement, by the planning officer, appears to have faded away with the acceptance of obviously biased opinion from the agent/architect claiming the development closely matches historical manor houses. The facts that such manor houses are historical, are there because they once served a purpose, and that Sedgeford does not require a new Manor House anywhere, never mind ‘on this site’ seem not to have been given further consideration.

‘Form and Character’ page 52 does state that the new, very large, dwelling will be ‘very prominent in the landscape, especially from the west’, as if such prominence is desirable in an area known for its rural views, countryside. This section also brings in CS06 regarding the conversion of the barns: ‘Conversion to residential use will only be considered where the building is easily accessible to existing housing, employment and services’ (fourth bullet point). Well there are houses of which too many are second homes; there is no significant village employment except at the pub; there are no shops and no bus service of any note. Consequently, I fail to see how a substantial increase in accommodation in the countryside can be justified.

‘Protected Species’ Page 54. Several references here to ‘Overriding Public Interest’ to justify disturbing habitat. It then states, ‘public interest is largely restricted to the owners of the property though there would be some economic benefits to the building contractor and supplier.’ I maintain there is no public interest which would be served by this development whatsoever. The owners are not local people desperate to home their ever-expanding family currently dispersed across West Norfolk; the significant 11 bedroom development does nothing to alleviate perceived housing need in Sedgeford, and how building proceeds is not within the remit of this committee.

Last, but not least at all, there is Sedgford Neighbourhood Plan, applauded by officers and recommended to other groups writing their own. So, why the nit picking now? The Plan was adopted in September 2019; there are several strands to it which include: providing needed (2/3 bedroom and/or affordable) new homes in appropriate locations; seek to reduce and control second home construction /use (my interpretations). The development under consideration today should be considered as new development, it is not like for like replacement, the new house has much more living accommodation over 4 storeys; the barn conversion should be considered a separate entity on the same plot, annexed to the new build. Policy H4 clearly states that such development outside the boundary must meet local need and not be intrusive. This development does not meet local needs (see para 5.6 NP) and is intrusive – as stated earlier by the officer and implied within the Form and Character section.

In my own mind I think NP Policy H8 also applies. The new house to be constructed is so different to the one being demolished, it should be considered a new build, so restrictions on occupancy should apply – it becomes a principal residence and subject to other policies.

Thank you for listening by proxy and Happy New Year.'

Councillor Bubb stated that from Docking Road, the existing property fitted in nicely with the surroundings.

In referring to Sedgford's Neighbourhood Plan, Councillor Bone stated that the Plan would have taken a lot of time and effort to put this together and was now being dismissed. He considered that the proposal did not relate to the area.

The Assistant Director explained that Policy H4 did allow objections to be made. He had seen the site and had sympathy with the views expressed. The case officer's recommendation was 'on balance', but the decision could equally go against that recommendation.

Several Members concurred with the comments made, that the proposal would not be in-keeping with the area and that the application should be refused.

Councillor de Whalley added that he could not see how this application complied with paragraph 79 of the NPPF.

Councillor Lawton proposed that the application be refused on the grounds that it was not an appropriate building in the countryside. The proposal was seconded by Councillor Squire.

In response to a query from Councillor Ryves, the Principal Planner explained that the officer's report would appear on the Planning Portal once a decision had been made but this practice could be looked at further.

Councillor Ryves suggested that within the report, reference should be made to the Neighbourhood Plan first, followed by the rest of the relevant policies.

The Assistant Director explained that this was an important issue as the Neighbourhood Plan did have the same weight as the Council's policies.

The Committee then voted on the proposal to refuse the application, on the grounds of the unjustified loss of a non-designated heritage asset, contrary to the relevant provisions of the NPPF, Core Strategy policies CS01, CS08 & CS12, and policy DM15 of the Site Allocations and Development Management Policies Plan; and that the scale, mass and design of the new dwelling was inappropriate in this countryside setting, and represented poor design failing to improve the character and quality of the area, therefore contrary to Core Strategy policies CS01, CS08 and CS12, policies DM5 and DM15 of the Site Allocations and Development Management Policies Plan and H4 of the Neighbourhood Plan, which was carried.

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

1. The proposed replacement dwelling does not relate sympathetically to its immediate or wider countryside setting, and would result in an overly prominent, incongruous and intrusive building by virtue of its scale, mass and design. The development therefore represents poor design that fails to take the opportunities available for improving the character and quality of the area. The development is therefore contrary to the NPPF, specifically paragraphs 127 and 130; Core Strategy policies CS01, CS08 and CS21; Policies DM5 and DM15 of the Site Allocations and Development Management Policies Plan; and the Sedgford Neighbourhood Plan policy H4.

2. The proposed development would result in the total loss of a non-designated heritage asset (the existing dwelling) without sufficient justification or an appropriate replacement. The development is therefore contrary to Section 16 of the NPPF and specifically to Paragraph 196 of the NPPF; Core Strategy policies CS01, CS08 and CS12 and policy DM15 of the Site Allocations and Development Management policies plan.

(vi) 19/00609/F
Terrington St Clement: 1, 4 & 5 Church Bank:
Redevelopment of site for 6 no. dwellings following the
demolition of nos. 1, 4 & 5: Freebridge Community Housing

The Principal Planner introduced the report and explained that the application related to the redevelopment of three plots within Church Bank following the demolition of the three pre-fabricated bungalows

which were currently on site. The proposal sought to replace those three bungalows with three pairs of semi-detached dwellings, which would result in six residential dwellings (a net increase of three dwellings).

The application site was located within the development boundary of Terrington St Clement, which was a Key Rural Service Centre as defined by Policy CS02 of the Core Strategy, thus the proposal was acceptable in principle.

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 Principal Planner also referred the Committee to the late correspondence and the need to amend Condition 10 and add Condition 11.

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

- Planning history;
- Form and character;
- Design and scale;
- Amenity issues;
- Highways issues;
- Flood risk issues;
- Ecology;
- Other material considerations; and
- Crime and disorder.

In accordance with the adopted public speaking protocol, Karen Hurrell (objecting) and Chris Parsons (supporting on this application and the next application on the agenda) addressed the Committee in relation to the application.

Councillor Kunes (Ward Member) addressed the Committee in accordance with Standing Order 34 for this application and the following application on the agenda. Councillor Kunes explained that this was a difficult decision for the Committee to make. He acknowledged that the proposal would provide much needed affordable housing but the neighbours would be living in the middle of a building site and have their lifestyle disrupted. Their homes would also be dominated by much larger houses. He reiterated that it would be a difficult decision for the Committee to make.

The Principal Planner explained that Freebridge Community Housing had gone some way to take into account the needs of the existing dwellings in terms of spacing, and the dwellings had been set back. The dwellings had to be raised in terms of flood risk issues. The

proposed dwellings were now smaller. There would be a net gain of 4 dwellings and parking would be provided within the curtilage.

Councillor Squire (Ward Member) added that this was a difficult application to consider. She added that there had been a revised application on 19 December, asking for comments from the Parish Council over the Christmas period and the Parish Council did not have time to hold a meeting. The application was due to be determined today. She was concerned over the timing of the consultation period. Councillor Squires added that she had been told that bungalows could be provided on the same footprint but would have to be raised. With regards to the road, Councillor Squire explained that it was a single track road and was carnage at school times. She informed the Committee that the application had caused issues in the village and the residents had felt bullied by the application.

Councillor de Whalley added that he did not think that the applicant had addressed the previous concerns.

Councillor Ryves suggested that the application should be deferred to allow the Parish Council time to consider their response, as they had only received notification on 19 December.

In response to a query, the Principal Planner advised that Condition 7 required a Construction Management Plan to be submitted prior to the commencement of the development, which would control issues such as working hours and parking.

The Principal Planner advised that 1.5 storey dwellings had been proposed to mitigate the flood risk issues.

The Chair drew the Committee's attention and the need to amend Condition 10 and add Condition 11, as outlined in the late correspondence, which was agreed by the Committee.

RESOLVED: That, the application be approved as recommended, subject to Condition 10 being amended and the addition of Condition 11, as outlined in the late correspondence.

(vii) 19/00601/F

Terrington St Clement: 7 & 8 Church Bank: Redevelopment of the site for 3 no. dwellings following the demolition of No.7 and 8: Freebridge Community Housing

The Principal Planner introduced the report and explained that the application related to the redevelopment of two plots within Church Bank, following the demolition of the two pre-fabricated bungalows which were currently on site. The proposal sought to replace those two bungalows with a pair of semi-detached dwellings and one detailed dwelling, which would result in three residential units in total (a net increase of one dwelling).

The application site is located within the development boundary of Terrington St Clement, which was a Key Rural Service Centre as defined by Policy CS02 of the Core Strategy, thus the proposal was acceptable in principle.

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:

- Planning history;
- Form and character;
- Design and scale;
- Amenity issues;
- Highways issues;
- Flood risk issues;
- Ecology;
- Other material considerations; and
- Crime and disorder.

The Chair drew the Committee's attention to the late correspondence and the need to amend Condition 11 and add additional conditions 12 and 13, which was agreed by the Committee.

RESOLVED: That the application be approved as recommended, subject to Condition 11 being amended and the addition of Conditions 12 and 13, as outlined in late correspondence.

PC74: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That, the reports be noted.

The meeting closed at 11.55 am