

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

Minutes from the Meeting of the Planning Committee held on Monday, 3rd February, 2020 at 10.15 am in the Assembly Room - Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Mrs C Bower (Chair)

Councillors R Blunt (sub), F Bone, A Bubb, M Howland, C Joyce, J Kirk, B Lawton, C Manning, T Parish, C Rose, A Ryves, S Sandell, Mrs V M Spikings (sub), M Storey and D Tyler

PC75: **APPOINTMENT OF VICE-CHAIR**

RESOLVED: That Councillor A Bubb be appointed as Vice-Chair for the meeting.

PC76: **APOLOGIES**

Apologies for absence were received from Councillors Crofts, Hudson, Patel and Squire.

The Chair welcomed Councillors Blunt and Spikings to the meeting who were attending as substitutes.

PC77: **MINUTES**

The minutes of the meeting held on Monday 6 January 2020 were agreed as a correct record and signed by the Chair, Councillor Bower

PC78: **DECLARATIONS OF INTEREST**

The following declarations were declared:

- Councillor Kirk declared that in relation to item 9/2(f) – Marshland St James, the applicant was a customer of his and he would therefore not take part in the debate or decision.
- Councillor Blunt declared in relation to 9/1(a) – King's Lynn that he was a member of the Council's Cabinet and therefore would withdraw from the debate and decision.
- Councillor Storey declared that in relation to 9/2 (c) - Gayton, he was a member of Norfolk County Council's Planning Committee and therefore would not take part in the discussion or debate.

- Councillor Bubb declared that he was a member of the King's Lynn Internal Drainage Board.

PC79: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business under Standing Order 7.

PC80: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillor attended under Standing Order 34:

B Long 8/2(f) Marshland St James

PC81: **CHAIRMAN'S CORRESPONDENCE**

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

PC82: **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.

PC83: **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) **19/00351/RMM**
King's Lynn: The Nar Ouse Regeneration Area (NORA),
Wisbech Road: Reserved Matters: Erection of mixed use
units – Enterprise Zone: BCKLWN

Councillor Blunt took no part in the debate or decision, and left the table during consideration of the item.

The Principal Planner introduced the report and explained that the application site comprised part of the Nar Ouse Regeneration Area (NORA) situated on the eastern and western sides of Nar Ouse Way (A148), King's Lynn. To the east, the site abutted the mainline railway line, to the west was the River Nar, to the north was Horsley's Fields Industrial Estate and Hardwick cemetery and to the south abutted the Puny Drain and A47.

There was an existing Restricted Byway (King's Lynn Restricted Byway 30) which ran through the site from north to south beginning at Horsley's Fields and terminating at the A47.

Reserved matters approval had previously been granted (18/01333/RMM) for access and site infrastructure for the Nar Ouse Enterprise Zone (NOEZ) along with full details (access, layout, scale external appearance and landscaping) for the first phase of buildings for light industrial / office use (Plots A1, A2 and F1). The current reserved matters application sought approval for minor amendments to the previously approved scheme together with full details of the remaining 28 plots of the Enterprise Zone. These would include a mix of the following uses as allowed by outline planning permission 09/02010/F: Class B1 (office, light industrial and research and development), Class B2 (general industry) and Class B8 (storage and distribution).

NOEZ was an ambitious development comprising a mix of light industrial and office units, which had been conceived and designed to attract high quality employers to King's Lynn.

The application had been referred to the Committee for determination at the request of the Assistant Director.

The Principal Planner advised that the key issues for consideration when determining the application, namely:

- Principle of development;
- Design and impact on form and character;
- Flood risk and drainage;
- Highway safety;
- Residential amenity;
- Other considerations; and
- Crime and disorder.

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

Councillor Parish referred to the comments from King's Lynn Civic Society regarding the lack of detail about rooftop PV provision. He added that the Borough Council should be exemplar and leading the

way. He further added that if the Borough Council did not set an example on their sites then this could not be expected on privately owned sites.

He also referred to the Civic Society's comments regarding tree planting and queried whether the amount of trees would be enough, and that they should be a mature stock.

The Principal Planner explained that all the units had been designed to accommodate solar panels and made as easy as possible for them to install them. A condition of that nature had not been imposed on other similar buildings.

Councillor Storey asked when the Council was going to adopt a policy regarding solar panels. He added that this was an opportunity to set an example to others.

The Assistant Director advised that the Council had to be consistent, and a condition requiring solar panels would not be imposed on other developments. The condition in any case would not meet the relevant tests for imposing conditions. Members could follow this up with the Council's Property Services Manager.

Councillor Mrs Spikings added that she supported the aims and aspirations of her fellow Councillors but had concerns that this could add on extra costs to the development and would like assurance that this would not impede development.

Councillor Ryves referred to the Climate Change Act 2008, and explained that the Council needed to start somewhere. He also referred to the NPPF paragraph 150. He added that this could put King's Lynn on the map in relation to the inclusion of solar panels and he disagreed that this would add costs to the development. He also considered that this would be a great opportunity for the Council. In relation to trees, he considered that suitable non-domestic trees should be provided.

Councillor Parish added that this was a Borough Council development and it was an opportunity for an exemplar development. He added that he supported the scheme in principle but could not support it without the inclusion of solar panels and native trees.

The Assistant Director advised that just because this was a Borough Council scheme, the same legislation still applied. He advised that a condition to require solar panels in planning terms would not meet the test for the imposition of conditions.

In response to a comment from Councillor Bubb, the Principal Planner advised that 370 trees would be provided as part of the application. The Council had also diverted the gas pipeline and would provide a generous landscaping scheme.

Councillor Ryves added that the world was changing and it was incumbent on the Council to make a difference. He understood that the buildings would be built by the Council but would there be any control over the design.

The Principal Planner advised that if the design of the units needed to be changed, then planning permission would be required.

The Chair added that it was up to Members to try and influence the Council as site owners in relation to the provision of solar panels and planting.

The Chair then drew the Committee's attention to the need to add the additional condition, as outlined in late correspondence, which was agreed.

RESOLVED: That, the application be approved, as recommended, subject to the imposition of the additional condition, as detailed in the late correspondence.

**(ii) 19/01989/F
Brancaster: Church of St Mary, Main Road: Installation of glazed access screen and removal of draft lobby: The PCC of St Mary's Church**

The Principal Planner introduced the report and explained that the application proposed to install a glazed access screen and remove a draft lobby at the Church of St Mary, Brancaster. The Church was a Grade 1 listed building and of significant importance both historically and as a community asset.

There was no accompanying listed building consent application, as the works fell under 'ecclesiastical exemption'.

The application had been referred to the Committee for determination as the view of Historic England was contrary to the officer recommendation.

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

- Principle of development;
- Impact on Grade 1 Listed Church;
- Impact on conservation area.

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

Councillor Ryves stated that the Church should be enjoyed by everyone. He also considered that the design of the new door could be improved.

The Chair explained that the Parish was trying to adapt the Church for modern use.

RESOLVED: That the application be approved as recommended.

(iii) 19/01554/F
Downham Market: The Whale Bone, 58 Bridge Street:
Retrospective application for gate to approved garden wall:
Mr Paul Gillings

The Principal Planner introduced the report and explained that the application was for retrospective permission for the erection of a timber gate measuring approximately 2.1 m high sited at the end of an existing boundary wall at the rear corner of the site. Behind this wall was a strip of land owned by The Whale Bone Public House and on the other side of this strip was the boundary of the neighbouring flats. The gate would be used to access the strip for maintenance purposes. The gate had no colouration.

The site was located on Bridge Street, Downham Market inside the Conservation Area.

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

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

- Principle of development;
- Impact on character and appearance;
- Impact on neighbour amenity; and
- Other material considerations.

Councillor Tyler explained to the Committee the reasons why he had called-in the application for determination, as he understood that the noise attenuation for the wall would extend to the end of the garden area.

The Principal Planner advised that looking at the plan, there was a boundary treatment to the rear between the existing wall and boundary to the existing houses. The gate was for maintenance purposes only and would not provide direct access into the resident's garden. In addition, the gate would be locked.

RESOLVED: That the application be approved as recommended.

(iv) 19/02077/CM

**Gayton: Land adjacent to West Hall Farm, Springvale:
County Matters application: Erection of a 210 pupil primary
school and 56 place nursery, access, associated car
parking, playing fields and landscaping: Head of Children's
Services**

The Principal Planner introduced the report and explained that the application was a County Matters application for the erection of a new 210 place pupil primary school and 56 place nursery, access, associated car parking, playing fields and landscaping.

The site was located in a central location within the village in an area of undeveloped land outside the development boundary. Residential development was located to the immediate west with two dwellings lying at the eastern end of the site.

This application was a County Matters application whereby Norfolk County Council was the determining authority and the Local Planning Authority was one of a number of statutory consultees.

The application had been referred to the Committee for determination at the discretion of the Assistant Director.

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

- Principle of development;
- Form and character;
- Flood risk and drainage;
- Traffic and transport;
- Neighbour amenity;
- Ecology; and
- Other material consideration.

In accordance with the adopted public speaking protocol, John Curry (Parish Council supporting with some concerns) and Peter Gidney (objecting) addressed the Committee in relation to the application.

Councillor Rose explained that he would like to see some provision for dropping off point for children to keep them off the highway.

Councillor Joyce suggested that Norfolk County Council should be informed that:

- The public right of way should not be closed off. NCC should be advised to amend the red line to exclude the footpath.
- Had Norfolk County Council carried out a risk assessment in relation to a sprinkler system.

- Was there enough parking provision? He suggested that the land to the north should be made available for further parking.
- How many children would be attending the nursery and ensure that there was enough parking spaces available.

The Principal Planner advised the Committee that Councillor Joyce had raised several questions before the meeting, and his questions together with the responses had been included within late correspondence.

Councillor Blunt added that he was also concerned about the parking provision and considered that drop-off parking and adequate staff parking was required.

Councillor Manning informed the Committee that there was an obvious need for a new school. He added that there were originally a number of sites put forward but this was not the preferred site. He was concerned that there would be parking/traffic issues for residents in Springvale. It was very important for adequate parking and he had concerns that young children could not be taken up to the school.

Councillor Parish added that the two speakers had given the matter a lot of thought

The Assistant Director advised that the Committee could raise no objection to the application but make suggestions to Norfolk County Council.

Councillor Joyce also suggested that electric charging points should be provided.

Councillor Parish referred to the comments made by the Community Safety and Neighbourhood Nuisance Team on page 52 of the agenda. The Assistant Director advised that Norfolk County Council had been speaking with the Council's CSNN team directly and their comments would be included as part of the consultation process.

Councillor Ryves added that parking outside of primary schools generally caused conflict and he suggested that the area to the north of the site could be used for parking.

RESOLVED: That, no objection is raised to the application, subject to conditions including those recommended by the Local Authority's CSNN and Environmental Quality teams in their direct comments direct to the applicant and subject to the following:

- There is insufficient parking in general, with specific concerns regarding the drop-off / pick-up arrangement and lack of parking associated with this.

- Impacts on the Right of Way need to be carefully considered
- There is insufficient landscaping and NCC should consider using the area to the north of the site for enhanced landscaping / community use.

The Committee then adjourned at 11.35 am and reconvened at 11.45 am.

**(v) 19/01632/F
Hunstanton: Plot adjacent The Homestead, Sandringham Road: Construction of dwelling: Mr Keith Anderson**

The Principal Planner introduced the report and explained that full planning permission was sought for the construction of a dwelling on Sandringham Road, Hunstanton.

The site was located within the Conservation Area and contained a TPO cedar tree (2/TPO/00518). The site was also located within Flood Zone 1.

The application sought to address the reasons for refusal and dismissal at appeal of application 14/01550/F (APP/V2635/W/15/3134206). The decision notice was attached to the report.

The application had been referred to the Committee for determination as the officer recommendation was contrary to the views of the Town Council and by the Sifting Panel.

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

- Principle of development;
- Appeal history / form, character and impact on conservation area;
- Highway safety;
- Residential amenity;
- Tree protection; and
- Other considerations

In accordance with the adopted public speaking protocol, Mr M Ruston (supporting on behalf of the Town Council) and Mr Phil Hardy (supporting) addressed the Committee in relation to the application.

The Assistant Director explained the history to the site and referred to the Planning Inspector's comments. He reminded the Committee that the site was in the conservation area. He added that he agreed with the comments made by Hunstanton Civic Society.

The Principal Planner advised that the access was already in place.

Councillor Ryves added that his understanding was that the Inspector was not saying that there could not be a dwelling on the site but it needed to be a more sensitive building. He considered that the applicant had taken this on board and that the proposal was a sensitive low building which would not interfere with the donor property.

Councillor Storey explained that he considered that the applicant had complied with the Inspector and that this was a natural infill site. He also considered that the proposal would add for the form and character of the area. He therefore proposed that the application be approved. The proposal was seconded by Councillor Joyce.

The Assistant Director advised the Committee that the site was in a conservation area and it was important to consider spaces around buildings, when considering the character of that area. The applicant had clearly tried to address the Inspector's comments, but the Committee needed to consider whether it was enough, and whether the proposal preserved or enhanced the conservation area.

The Principal Planner advised that the current proposal was of a similar distance to the boundary as the previous scheme, but was set further back into the plot.

Councillor Parish referred to the comments made by Hunstanton Civic Society, in particular the last paragraph 'as no public benefit could accrue from this speculative proposal, it is contrary to the NPPF and should be refused.'

The Committee then voted on the proposal by Councillor Storey to approve the application, seconded by Councillor Joyce, on the grounds that the proposal would enhance the form and character of the Conservation Area and was considered sustainable development, which was carried.

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

The proposed development is considered to enhance the form and character of the conservation area and is considered to be sustainable development, in compliance with Development Plan policies and the NPPF.

The Committee then adjourned at 12.40 pm and reconvened at 1.10 pm.

(vi) **18/01896/F**
Marham: Land east of Cottage Farm Mews, north east of Hillside and south of The Street: Residential development

of 8 new dwellings, access road and car park and associated works: Wales Family Partnership

The Principal Planner introduced the report and explained that the application site measured approximately 0.84ha in area and was located centrally in the northern part of the village of Marham, a Key Rural Service Centre (KRSC) in the adopted Local Plan. The site was accessed from The Street. The site had existing dwellings to the north and west and agricultural land to the south and east. There was an established footpath to the south of the application site and the Cherry Tree Academy Junior School was also located to the south-west.

The application sought full planning consent for 8 dwellings fronting onto The Street, an access road and car park to serve the school and subsequent residential development, one affordable housing unit and a contribution to affordable housing provision, and associated development to include drainage features, footpath improvements, bus pull in lane and other works.

The application site formed part of the larger housing allocation G56.1 land at The Street, Marham, which was allocated for 50 dwellings in the Site Allocations and Development Management Policies Plan (SADMP). An illustrative masterplan had been submitted to demonstrate the intentions of the applicant to deliver the whole site, and that the number of units could be delivered on the allocation within a broadly acceptable scheme.

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;
- Policy requirements;
- Highways and access;
- Form and character;
- Neighbour amenity;
- Drainage; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Henry Isotta Day (supporting) addressed the Committee in relation to the application.

Councillor Mrs Spikings referred to Plot 1 which related to the affordable dwelling, and asked why a garage or car port had not been included within the design, as they had for the other dwellings.

She also asked when the affordable unit would be delivered, as there needed to be a trigger points for its delivery.

The Principal Planner explained that the delivery for the affordable unit would be negotiated within the Section 106 together with the commuted sum. She further explained that there was no policy requirement for the provision of a garage/car port.

Councillor Mrs Spikings proposed an additional condition to require the affordable unit to be provided with either a garage or car port, to ensure that there was better integration within the scheme. She also proposed that the trigger point for the construction of the affordable unit would be the *completion of the 4th dwelling* on the site. This was seconded by Councillor Lawton.

The Assistant Director advised the Committee that there was no policy requirement to provide a car port or garage and it would no doubt be lost if the applicant appealed that condition.

The Principal Planner confirmed that there was sufficient room on the plot for a garage or car port. In addition, the applicant would be required to provide 20% affordable housing across the site.

Councillor Joyce referred to pepper-potting across the site. The Assistant Director explained that for this application, one unit of affordable housing would be provided and the tenure had been requested by the Housing Enabling Officer.

The Committee then voted on the recommendation together with the additional condition proposed by Councillor Mrs Spikings and seconded by Councillor Lawton, to require the provision of a garage/car port for the affordable housing unit, and that the affordable unit be constructed, following the *completion of the 4th dwelling* on the site, 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 and subject to an additional condition to require the provision of a garage/car port for the affordable housing unit, and that the affordable unit to be constructed, following the *completion of the 4th dwelling* on the site

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

(vii) **19/01907/O**

**Marshland St James: Land north east of 36 School Road:
Outline application: Proposed residential development:
Mrs Janette Eileen Putt**

Councillor Kirk did not take part in the debate or decision, and left the table during consideration of the application.

The Principal Planner introduced the report and explained that the application involved a 0.44ha parcel of paddock land on the north-eastern side of School Road approximately 275 m from the Hickathrift crossroad junction with Walton Road and Smeeth Road. It had a road frontage of some 52 m and depth of 68 m. Outline planning permission was sought for residential development with all matters reserved bar access. An indicative plan had been submitted showing the provision of 4 dwellings.

The site was located outside the defined village development boundary and within Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment.

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

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

- Principle of development; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Mr M Thorpe (objecting on behalf of the Parish Council) and Russell Swann (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor B Long addressed the Committee in support of the application. He informed the Committee that the village had grown over the last 5 years. The site was in close proximity to the school and village centre. He added that although it was outside of the village boundary the pub had been granted planning permission to residential and that should be the natural stop to the village. He considered that there would be no detrimental impact to the surrounding countryside. The proposal would maintain the vibrancy of Marshland St James and add to the use of the new village hall.

Councillor Long explained that housing had come forward on a large scale in Marshland St James, and were all occupied. He urged the Committee to reconsider the recommendation and allow the expansion of the village which would not have a detrimental impact to it

The Principal Planner explained that, as set out in the report, since the 5 year land supply of housing land shortfall in 2015-16, there had been in excess of 90 dwellings approved in the village, which was significantly in excess of the 25 units on allocated sites in the SADMP (policies G57.1 & G57.2).

The Council was currently in the process of reviewing its Local Plan, which would look beyond the current plan period for a further 10 years to 2036. The agent had referred to the allocation site on the opposite side of School Road, which had been included within the draft Local Plan review, however this was at an early stage and should carry minimal weight in the decision making process. She added that the Parish Council objected to the application and were in the process of completing their Neighbourhood Plan.

Councillor Parish stated that he fully supported the recommendation as the site was outside the development boundary and in the countryside. He added that Marshland St James had development forced on them during the lack of a 5 year supply of deliverable housing sites. There was a need to protect the countryside.

Councillor Mrs Spikings advised the Committee that over the years she had driven through Marshland St James and had seen it develop for the better. She added that Marshland St James and Barroway Drove had become desirable areas to live because of their close proximity to the train station. The new village hall had been a great success but there had to be a refreshment of people coming into the village. She referred to the frontage of the plots and asked what harm the proposal would do, as the site was opposite development and a school. In addition, there was recognition within the Local Plan regarding the use of cars in rural locations. She also asked what grade the land was.

In response, the Principal Planner explained that the land was grade 2.

The Assistant Director explained that this proposal was outside the development boundary. The vast majority of development came about because of the lack of a 5 year land supply of housing. The Council now had an 8 year supply.

Councillor Joyce made reference to the NPPF paragraphs 7 and 8.

Councillor Blunt added that he also knew the area very well. He explained that the Local Plan Task Group were looking at the development boundaries for the new Local Plan and he did see the merit of the site.

Councillor Lawton added that the road was too narrow for more development.

Councillor Parish explained that the site was not brought forward for inclusion in the current Local Plan, but the applicants could apply for it in the future. He added that currently there was no need to allocate any more sites and the development was not needed. In addition, the Parish Council objected to the application.

Councillor Storey added that the proposal would be close to a school and other development within the area.

The Principal Planner advised the Committee that allocated sites had been put forward and adopted by the Local Plan. The Local Plan review was the proper process to be followed. Also, the Parish Council were looking at a Neighbourhood Plan for the village.

Councillor Blunt proposed that the application be approved, which was seconded by Councillor Mrs Spikings on the grounds that the proposal was sustainable development and it would enhance the village and, having been put to the vote was agreed by the Committee.

RESOLVED: That the application be approved, contrary to recommendation, and subject to additional conditions to be imposed following consultation with the Chair and Vice-Chair, for the following reasons:

The proposal was considered to represent sustainable development and it would enhance the village.

(viii) 19/01609/CU

Old Hunstanton: 6 Sea Lane: Change of use of land from allotment to garden space: Bespoke Norfolk Ltd

The Principal Planner introduced the report and explained that the application proposed the change of use of a parcel of land (approximately 4m deep by 20m long) from allotment land to garden land. The proposed private amenity space would be for use in association with No.6 Sea Lane, Old Hunstanton.

Currently the land was part of a larger allotment garden site which was privately owned and managed by Le Strange Estate. This piece of land was not currently actively used as an allotment and was part grassed and part overgrown and unmanaged.

The site was within the settlement boundary of Old Hunstanton, which was a 'Rural Village'. The property, No.6 Sea Lane was within the Conservation Area whilst the allotment site was located adjacent to it.

The site was surrounded by No.6 Sea Lane to the west, allotment land to the north and east and a children's playground to the south.

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;

- Loss of allotment land;
- Impact upon heritage assets; and
- Other material considerations.

RESOLVED: That the application be approved as recommended.

(ix) 19/01920/F

Pentney: Charolais, Low Road: Demolition of agricultural building and replacement with two dwellings: Mr & Mrs S Voutt

The Principal Planner introduced the report and explained that the application site was located within the countryside and to the rear of the existing residential development along Low Road. The application was for the demolition of the existing agricultural building and construction of two dwellings. There was extant prior approval permission for the conversion of the existing agricultural building (formerly used for rabbit meat production) into two dwellings and this fall back position was a material consideration of considerable weight.

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:

- Planning history;
- Principle of development;
- Design and scale;
- Neighbour amenity;
- Highways issues;
- Flood risk;
- Crime and disorder; and
- Other material considerations.

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

RESOLVED: That the application be approved as recommended.

(x) 19/01526/F

Upwell: The Cottage, Welney Road, Lakesend: Retrospective planning application for change of use of residential garden for the keeping and breeding of dogs, and part retrospective permission for the erection of kennels and runs: Mrs S Millington

The Principal Planner introduced the report and explained that the site was located in the countryside on the east side of Wisbech Road, approximately 160m south of Lakes End and 1.6 km north of Welney. The proposal was for the retrospective change of use of part of the residential garden of The Cottage, Wisbech Road for the keeping of dogs for commercial breeding purposes. The business currently had 16 adult dogs with a licence for 20, however the application is for more than 16 adult dogs (reduced from 20 originally applied for). The application was also for part retrospective permission for the erection of kennels and associated facilities (grooming room, etc).

The application had been referred to the Committee for determination as the view of the Parish Council was contrary to the officer recommendation and also by the Planning Sifting Panel.

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

- Principle of development;
- Noise and disturbance of neighbours;
- Highway safety and access; and
- Form and character.

In accordance with the adopted public speaking protocol, Mr Daniel Austin (objecting) and Mr Millington (supporting) addressed the Committee in relation to the application.

Councillor Mrs Spikings informed the Committee that she had been asked to speak on this application. There were concerns in relation to the disposal of waste and asked where this would be situated. She also referred to the fact that the dogs would be shut in from 9.30 pm to 8.00 am. She had concerns that there would be 16 adult dogs who could have up to 4 litter of puppies in a year and asked how this would be policed? She also considered that the site was in close proximity to the neighbouring property.

Councillor Rose added that he had concerns for the gentleman who lived next door and had to sleep during the day.

Councillor Joyce expressed concern in relation to the way that CSNN had investigated the complaint, where someone had objected and taken noise recordings. He also shared the concerns raised by Councillor Mrs Spikings and Councillor Rose and considered that CSNN had failed to carry out a proper investigation.

The Principal Planner explained that CSNN were not at the meeting today. They had recommended that an informative be added to the decision notice referring to noise issues relating to kennels. The applicants had provided information which addressed any queries that CSNN had and, on balance, they had no objection to the application, which was outlined on page 132 of the agenda.

Councillor Mrs Spikings proposed that the application be refused on the grounds that the proposal would have a significant adverse impact on the neighbouring property. This was seconded by Councillor Rose.

In relation to a query from Councillor Ryves, the Principal Planner explained that one complaint had been received in 2011.

Councillor Ryves added that any noise would be different to boarding kennels noise and was confident in the comments from CSNN, given the lack of complaints and proposed mitigation measures.

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

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

'Policy DM15 requires that development does not have a significant adverse impact on the amenity of residential neighbours. Notwithstanding the proposed mitigation measures, the proposed development is considered to represent undesirable and unneighbourly development that would be detrimental to the amenities of occupiers of the nearby residential properties by reason of noise and disturbance. As such the proposed development is considered to be contrary to the provisions of the NPPF and Development Plan Policy DM15.'

PC84: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That, the reports be noted.

PC85: **DECISIONS ON PLANNING & ENFORCEMENT APPEALS - QUARTERLY REPORT**

The Committee was provided with the quarterly report update covering performance for the period 1 October 2019 to 31 December 2019.

It was noted that for the final quarter of 2019, 36% of all appeals were allowed. For the 12 month period to 31 December 2019 an average of 19% of all appeals were allowed. This is below the national average figure of around 32% of all appeals allowed.

RESOLVED: That, the report be noted.

The meeting closed at 2.20 pm