

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

**Minutes from the Meeting of the Planning Committee held on
Monday, 2nd March, 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 Howland, C Hudson, C Joyce, J Kirk,
B Lawton, C Manning, T Parish, S Patel, C Rose, A Ryves, Mrs V Spikings,
S Squire, M Storey and D Whitby (sub)

PC86: **APOLOGIES**

Apologies for absence were received from Councillor Sandell.

The Chair thanked Councillor Whitby for attending the meeting today as a substitute for Councillor Sandell.

PC87: **MINUTES**

The Minutes of the Meeting held on Monday, 3 February 2020 were agreed as a correct record and signed by the Chair, Councillor C J Crofts.

PC88: **DECLARATIONS OF INTEREST**

The following declarations were declared:

- Cllr C Manning reported that in relation to application 8/1(f) Roydon, he would not take part in the debate or decision but would address the Committee under Standing Order 34.
- Councillor Storey declared that in relation to Appendix B page 101, the applicant's son was employed by him.

Councillor Storey suggested that Parish Councils could be written to explain that Borough Councillors who are members of the Planning Committee should not be taking part in discussions on planning applications at parish level, as this would leave them in a difficult situation if the application were to be determined by the Planning Committee.

PC89: **URGENT BUSINESS UNDER STANDING ORDER 7**

The Chair reported that there was no urgent business to report.

PC90: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillors attended under Standing Order 34:

Councillor C Manning	8/1(f)	Roydon
Councillor R Blunt	8/1(g)	Walsoken

PC91: **CHAIRMAN'S CORRESPONDENCE**

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

PC92: **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.

PC93: **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) **19/02110/F**
Downham Market: Castle Hotel, High Street: Conversion of hotel to 6 apartments (comprising 3 no. 1 bedroom, 1 no. 2 bedroom and 2 no. 3 bedroom); conversion of Brewhouse to 1 bedroom dwelling; and proposed new 1 bedroom dwelling with associated amenity and parking area: The Castle Hotel (DM) Limited

The Principal Planner introduced the report and explained that the application site was that of The Castle Hotel, which was a Grade 2 listed building on the northern corner of the mini roundabout junction of High Street, Paradise Road and Lynn Road at the centre of Downham Market. The property was also located within the Conservation Area of the town.

The proposal sought to convert the existing 12 bedroomed hotel into 6 no. flats; convert the single storey Brewhouse in the rear yard into a 1 bedroomed dwelling and extend it to create a further similar unit. This would be a total of 8 no. dwellings.

There were minor external alterations to the main three-storey building comprising of re-opening two doorways and a window; internal works involving new stud walls and creation of openings in existing studwork; plus alterations to a staircase in the north wing. The extension to the Brewhouse was single storey and of similar style, materials and features as the existing building. A utilitarian double garage in the south-western corner of the courtyard was also to be demolished.

The application was accompanied by a Planning Statement, Heritage Statement, Tree Survey and Marketing Information from the owner. A declaration had also been made to the effect that the applicant was a direct relative of a member of the Planning staff.

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;
- Impact upon character of the listed building and conservation area;
- Parking; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Frank Daymond (objecting on behalf of the Town Council) and Mr Howard Fradley (supporting) addressed the Committee in relation to the application.

Councillor Patel asked whether the applicant had looked at other options to maintain the hotel business. In response the Principal Planner referred the Committee to the late correspondence.

Councillor Hudson agreed with the comments made by the owner. She considered that there was sufficient accommodation elsewhere to incorporate the 12 rooms that would be lost by the proposal.

In response to comments from Councillor Joyce, the Principal Planner referred to Policy DM9. She reiterated that the applicant had marketed the hotel and provided his business accounts. He had therefore complied and satisfied the requirements of the policy.

The Principal Planner also confirmed that the proposal complied with Norfolk County Council standards and the proposal was in a town centre location.

Councillor Mrs Spikings stated that turnover was not profit. She added that there were other new offerings within the town that provided meals and accommodation, and any new buyer of the hotel would have to take that into account. The applicant had come forward with an alternative use for the hotel and would provide additional accommodation for Downham Market. Given that it was a town centre location, there was not the need for a car. She considered that the applicant had therefore complied with the policy requirements.

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

- (ii) **19/02111/LB**
Downham Market: Castle Hotel, High Street: Conversion of hotel to 6 apartments (comprising 3 no. 1 bedroom, 1 no. 2 bedroom and 2 no. 3 bedroom); conversion of Brewhouse to 1 bedroom dwelling; and proposed new 1 bedroom dwelling with associated amenity and parking area: The Castle Hotel (DM) Limited

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The application was accompanied by a Planning Statement, Heritage Statement, Tree Survey and Marketing Information from the owner. A declaration had also been made to the effect that the applicant was a direct relative of a member of the Planning staff.

The application had been referred to the Committee for determination as the views of the Town Council were contrary to the officer recommendation and at the request of Cllr Shimit Patel.

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

- Impact upon the fabric and appearance of the listed building.

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

**(iii) 19/01564/RM
Feltwell: 34 Nightingale Lane: Reserved Matters
Application: Construction of 4 dwellings: TB Construction
(East Anglia) Ltd**

The Principal Planner introduced the report and explained that the application was seeking consent for the construction of four dwellings off a single point of access between numbers 34 and 67 Nightingale Lane, with parking and turning facilities to the front of the dwellings and private gardens to the rear.

The site was located within the built extent of the village of Feltwell and the development boundary for the village of Feltwell, which was categorised as a joint Key Rural Service Centre in the adopted Local Plan (specifically the Site Allocations and Development Management Policies Plan SADMP).

The applicant had outline planning consent for up to 4 dwellings with access approved (ref: 18/02061/O).

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;
- Neighbour amenity;
- Highways / access; and
- Other material considerations.

Councillor Howland asked whether work had already started on site. The Principal Planner advised that a wall had been built but this had been done under permitted development rights. She advised that the site had been cleared.

Councillor Storey explained that the Parish Council had objected to the application on the grounds that 95% of dwellings in that area were bungalows. The Parish Council felt that in order to fit in with the form and character of the area, bungalows would be more appropriate. He

made reference to Bell Street, where the form and character were larger houses.

Councillor Parish referred to the case summary, where it stated that the site had outline planning consent for up to 4 dwellings, and suggested that there could be a re-design of the layout and 3 dwellings could be provided which could be bungalows.

The Chair reminded the Committee of the site levels, added that he did not think that the development would be out of place or be a cramped form of development.

Councillor Mrs Spikings added that there had been no conditions put on at outline stage requiring bungalows to be provided. She considered that the application was acceptable.

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

(iv) 19/02115/F

**Heacham: Meadows Caravan Park, Lamsey Lane:
Proposed extension to an existing established static
caravan site: McDonnell Caravans**

The Principal Planner introduced the report and explained that the application sought full planning permission for the extension to an existing caravan park to accommodate 10 holiday caravans at Meadows Caravan Park, Lamsey Lane, Heacham. The site was shown to measure c.0.66 ha.

The site was located outside of the development boundary for Heacham and therefore within land designated as countryside. The site was also located within Flood Zone 1.

The application had been referred to the Committee for determination as the views of the Parish Council were contrary to the recommendation and it had been referred by the Planning Sifting Panel.

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

- Principle of development;
- Form and character;
- Impact on the countryside;
- Neighbour amenity;
- Highway safety;
- Protected sites and species; and
- Other material considerations.

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

At this point in the meeting, a request was made from Mrs Hammond to speak on behalf of Heacham Parish Council. She understood that the Clerk had registered her to speak, but this had not been listed on the schedule of public speakers. Following a 5 minute adjournment, the Chair explained that the Planning Department had been subject to a changeover of IT systems, therefore it was possible that the request to speak might have been missed. He therefore agreed to let Heacham Parish Council speak on this application and the next one listed on the agenda.

The Principal Planner explained that in relation to the principle of development, this was an extension to an existing business and it was considered that the application complied with the relevant policies. In terms of visual impact, this had been addressed within the report.

Councillor Mrs Spikings referred to the objection from the Parish Council and explained that Heacham's emerging Neighbourhood Plan was not a material consideration. She added that the proposal would be a worth addition to the tourism stock as a lot of people now wanted stay-cations. This was a quieter site than those in Hunstanton and each case had to be judged on its own merits. She also referred to the NPPF paragraph 84.

Councillor Bone referred to Heacham's emerging Neighbourhood Plan and felt that consideration should be given to this to encourage other parishes to put one together. He also considered that there would be an increase in traffic.

The Assistant Director explained that a Neighbourhood Plan was a material consideration but it would not carry much weight because the plan had not been to examination or referendum.

Councillor Parish informed the Committee that he knew the area very well and had often walked up and down the track. He added that the Neighbourhood Plan had not been adopted but had gone through public consultation and the response was that Heacham did not want any more holiday accommodation.

He explained that the proposed site was at the top of a hill. The site was also visible from other hills and Millennium Wood and across the A149. This had been brought to attention in 2016 through one of two public inquiries in Heacham. The Inspector had dismissed the appeal on the grounds of the impact on the countryside and he read out the Inspector's comments. This was the opinion of two different Inspector's at appeal.

Councillor Parish also informed the Committee that bats did move downhill, and it was an area for hedgehogs and barn owls. He also referred to the drainage and the water table. He felt that the context of the site was not quite as described in the report. He asked that if the

application were to be approved, could a condition be imposed to ensure that the other access was not used for caravans and maintenance vehicles.

The Assistant Director advised that the large-scale Broadland Housing and care home appeal was not comparable with this application, and each application needed to be considered on its own merits. This was a well screened site and he therefore felt that there would be little impact on the countryside.

The Principal Planner advised that the impact on protected species had been addressed on page 47 together with the drainage requirements. With regard to the proposed condition by Councillor Parish she advised that this was outside the site and would require planning consent in its own right.

Councillor Ryves added that taking into account the views of the Inspector, he had concerns in relation to the sustainability of the site.

Councillor Joyce commented that he could not understand why Heacham Parish Council did not want to develop their holiday trade. He added that there had been a call for sites and this one had not been put forward.

The Assistant Director explained that the view of officers was that this was in accordance with the Development Plan. With regards to the visual impact he advised the Committee not to put weight on the Broadland Housing appeal, as this was a completely different type and scale of development.

Councillor Parish added that there had not been any objections from neighbours because it was in the countryside. He felt that Heacham already had an excessive amount of caravans.

Councillor Storey referred to the emerging Neighbourhood Plan and asked whether it needed to be made clear to Parish Councils that only after the plan had been to referendum that it would be given the relevant weight during consideration of applications.

RESOLVED: That the application be approved as recommended.

(v) 19/02128/F
37 South Moor Drive: Change of use from annex to holiday let (retrospective): Mr & Mrs Beecroft

The Principal Planner introduced the report and explained that the application site was situated on the west side of South Moor Drive, Heacham at the end of a cul-de-sac. The site consisted of a single storey detached bungalow and garden. In the rear garden was a small garden building, previously used as an annexe that had been converted to a short stay holiday let.

The site was within the development boundary.

The proposal sought retrospective permission for the change of use of the annexe to a holiday let.

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

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

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

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

Councillor Bone stated that the site was in a residential area, and the annex was in the applicant's back garden. He considered that the proposal would encroach onto the applicant's private amenity space.

Councillor Hudson also considered that this was not an appropriate form of development.

Councillor Parish added a similar application had been refused by the Planning Committee back in 2016 at Lamsey Lane, Heacham. That application had a similar garden size as this one and had a better parking layout. In addition, on the application form it had said that bins were not going to be provided. This would be a business and therefore bins needed to be provided. These would probably be located where the parking spaces were. Councillor Parish added that in Heacham people with holiday homes and caravans were not paying for bins and were therefore dumping their rubbish in public bins.

The Assistant Director advised that he sympathy with the comments that the parking would be tight and there would have to be interaction between the owners and people using the annex. However, the issue regarding bins could be conditioned.

Other Members of the Committee also expressed concern in relation the application.

The Committee then voted on the recommendation to approve the application and, after having been put to the vote was lost.

Following discussion with the Committee, the Assistant Director advised on planning reasons for refusal and in his view, the strongest related to parking arrangements. He advised that it was always better

to stick to stronger defensible reasons than to come up with a host of weaker ones. It was agreed to refuse the application on the grounds of failure to comply with parking standards, and the problems with parking and manoeuvring on the site.

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

The development fails to provide adequate on site car parking and manoeuvring space for the holiday let and existing dwelling contrary to policies DM15 and DM17 of the Site Allocations and Development Management Policies Plan (2016).

The Committee then adjourned at 11.20 am and reconvened at 11.30 am

(vi) 19/01866/F

Roydon: The Whins, 25 Low Road: To replace the existing farmhouse with a 2 storey detached property: Mr Edward McDonnell

The Principal Planner introduced the report and explained that full planning permission was sought for a replacement dwelling. The existing dwelling was not listed and was not located in a Conservation Area. However it was considered to be a non-designated heritage asset given its age, form and material it was constructed from.

The site was located within Flood Zone 1.

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

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

- Principle of development;
- Form and character;
- Heritage impacts;
- Highway safety;
- Neighbour amenity; and
- Other material considerations.

In accordance with Standing Order 34, Councillor C Manning addressed the Committee in relation to the application and outlined the strong objection raised by the Parish Council which was outlined on page 6 of the report. He explained that two paragraphs were missing and should be added as follows: The property is a significant building in the village and its loss would be great. The emerging Neighbourhood Plan for the village would identify the building as one of

worth and there are only a few in the village of a similar age and significance.

Whilst the applicant has chosen materials that may be sympathetic, this does not alleviate concern over the loss of the building. The Parish Council would welcome the full repair and restoration of the existing building and not a modern replica.

Councillor Manning then left the table.

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

The case officer advised that the structural survey had concluded that it was not viable to renovate the building and looking at the structural survey officers had agreed with its findings.

Councillor Joyce referred to the supporting case and questions which he had sent to officers and the rest of the Committee. He considered that work could have been carried out to the building without the roof being removed.

The Chair advised that the building was not listed and already had plastic windows and had been altered.

Councillor Mrs Spikings stated that she was aware of the costs involved to renovate a building of that nature. She added that there were other works required to the building and not just the roof, and queried what would you be retaining. She referred to condition 9, and explained that she would like to be amended to ensure the use of timber windows.

In response to a query, the case officer advised that financial viability was a material consideration.

Councillor Squire agreed with the comments made by Councillor Mrs Spikings, and added that this was the situation and things needed to move on.

Councillor Hudson explained that it was not just the roof but the whole building.

The Assistant Director explained that the viability assessments were relevant material considerations and for example they were considered in advice in paragraph 57 of the NPPF.

In response to a comment from Councillor Ryves, the case officer explained that the removal of the tiles from the roof would not have caused the structural issues already there.

The case officer also advised the Committee that the property was purchased in 2016 and she did not believe that the property had been lived in since then.

The Assistant Director advised the Committee that it was not a listed building or in a Conservation Area. He explained that in theory the Council could serve a Section 215 Notice to tidy up the site, but if challenged he would have to go to court to justify it, and the applicant had provided expert evidence to back up the approach they had taken. He assured the Committee that officers had tried for some time to retain the existing dwelling, and had made the applicant provide a lot of additional supporting evidence to justify demolition, which officers had subsequently got verified by other professionals. However, officers felt the proposal could now be justified.

The Chair drew the Committee's attention to the proposal to amend condition 9 to ensure wooden windows were used, which was agreed.

RESOLVED: That, the application be approved, as recommended, subject to condition 9 being amended to ensure the use of wooden windows.

Councillor Manning re-joined the meeting.

(vii) 19/00963/F

Walsoken: Lane south west of Flying Field Farm, Wheatley Bank: Change of use of paddock to 5 pitches for traveller families each comprising a day room, space for a mobile home and touring caravan as well as parking and landscaping: Christine Harrison

The Principal Planner introduced the report and explained that the site was located on the western side of Wheatley Bank approximately 350m south of its junction with Lynn Road and 1.3km north-east of Walsoken. The heavily used A47 was located some 300m to the east parallel to Wheatley Bank. There was however no direct access from the site to the A47 which was some 0.8km away by road along Wheatley Bank and Lynn Road.

The site comprised 0.97 ha or approximate 3/5^{ths} of a parcel of paddock land with established mature hedging to the north and part west boundaries, timber fencing to the southern boundary and recent temporary close boarded timber fence fronting onto Wheatley Bank. It was surrounded by an agricultural field to the north, commercial premises to the west, equestrian use to the south and an agricultural field and orchards to the east.

Members were informed that the whole of the parcel of land (1.6ha) was the subject of a previous application for 12 pitches for Gypsy & Travellers which was refused under reference 16/01002/F and

dismissed on appeal (a copy of the Inspector's decision was appended to the report).

The current proposal sought to create 5 equally sized pitches served by a central 5 m wide spine road using an upgraded existing access point off Wheatley Bank and a communal amenity area to the south of Pitch 1. The site layout indicated the standing of a mobile home and caravan on each pitch, together with a timber clad blockwork and tiled roof dayroom, comprising kitchen / dining / family room and bathroom within a footprint of 6 m x 7 m.

There was a comprehensive hard and soft landscaping scheme accompanying the application, which was extensive and effectively surrounded the proposed pitches.

The site was mostly located within Flood Zone and partially in Flood Zone 2 of the Council-adopted Strategic Flood Risk Assessment.

The application was accompanied by a Planning Statement, Landscape Design Statement plus a Landscape Character and Visual Impact Assessment, and a Flood Risk Assessment.

The application had been referred to the Committee for determination because of the appeal history and at the request of Councillor Richard Blunt.

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

- Previous appeal case;
- Assessment of currently proposed development;
- Need for pitches;
- Impact upon appearance of the countryside; and
- Other material considerations.

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

In accordance with Standing Order 34, Councillor Blunt addressed the Committee. Councillor Blunt explained that he had been in attendance at Walsoken Parish Council meeting and his impression was that although they would prefer not to have this site, they did recognise the need for the site. However, they wanted the Council to monitor all conditions carefully and to take appropriate enforcement as required.

The Principal Planner explained that all conditions would be enforceable and monitored.

Councillor Mrs Spikings referred to flood risk and condition 9 and the level of the dayroom. She suggested that this should be set at a

minimum of 3.0 m aOD. The Principal Planner advised that the 3.0 m figure was correct.

Councillor Kirk added that he was also at the Parish Council meeting, and added that the Parish Council was concerned that the site would expand. The Parish Council had nothing against this site, but there had been issues with another site in the vicinity. The Parish Council also wanted trees to be planted and the site monitored.

The Principal Planner advised that the Planning Policy for Travellers Sites now required that it needed to be demonstrated that the intended occupants meet the planning definition, ie that they currently travelled or have ceased travelling temporarily and that complied with the criteria specified in Policy H of PPTS and Core Strategy CS09.

Councillor Mrs Spikings stated that she represented Upwell ward which contained other sites of this nature, and they were well maintained and tidy and had not generated any problems.

Reference was also made to the Saddlebow site which was also clean and tidy.

Councillor Ryves asked what had changed since the appeal decision to override the objection. In response, it was explained that at that time, there was not a proven need for all of the pitches on the site but it had now been proven that the occupants of the site met the definition of the PPTS. As development was much less dense and a comprehensive and substantial landscaping would also be provided, it was considered that this was a suitable scheme.

The Principal Planner also explained that there was a restrictive condition and yearly site inspections would take place.

RESOLVED: That, the application be approved, as recommended subject to condition 9 being amended to read 'The static caravans/mobile homes and day room finished floor levels shall be set at a minimum of 3.0m aOD.

PC94: **DELEGATED DECISIONS**

The Committee received Schedules relating to the above.

RESOLVED: That, the reports be noted.

The meeting closed at 12.20 pm