

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

Minutes from the Meeting of the Planning Committee held on Monday, 29th June, 2020 at 9.30 am – Remote Meeting on Zoom and available for the public to view on WestNorfolkBC on You Tube

PRESENT: Councillor C J Crofts (Chair)
Councillors C Bower, A Bubb, M Howland, C Hudson, C Joyce, J Kirk, B Lawton, C Manning, T Parish, S Patel, C Rose, A Ryves, S Sandell, Mrs V Spikings, S Squire and M Storey

PC115: **APOLOGIES**

Apologies were received from Councillor Bone.

The Democratic Services Officer carried out a roll call to confirm attendees.

PC116: **MINUTES**

The Minutes of the Meeting held on 15 June 2020 were agreed as a correct record.

PC117: **DECLARATIONS OF INTEREST**

Councillor Lawton declared an interest not pecuniary in application 8/2(a) – Brancaster.

Councillor Bubb declared that he was a Member of King's Lynn Internal Drainage Board if they had made any comments on an application.

Councillor Joyce explained that in relation to the first two applications, he knew former Councillor Alistair Beales and thought that this would be the same for other Councillors too. The Legal Representative advised that it was not necessary to list each Member, as the nature of his knowledge to Members of the Committee was known.

PC118: **URGENT BUSINESS UNDER STANDING ORDER 7**

The Assistant Director explained that in relation to item 8/2(f) – Stow Bardolph, this had been withdrawn from the agenda at the applicant's request.

The agent also would not be speaking on item 8/2(g) – Walpole Highway.

PC119: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillors attended under Standing Order 34 and addressed the Committee:

<i>Name</i>	<i>Item</i>	
M de Whalley	8/1(a), 8/1(b)	Gayton
B Long	8/2(c)	Marshland St James

PC120: **CHAIRMAN'S CORRESPONDENCE**

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

Councillor Joyce expressed concern that the Council's website was down on Sunday (the day before the meeting). He considered that this was a serious matter as a lot of people would want to use the website on that day, and he wanted assurance that this would not happen again.

The Chair explained that notification that the website would be unavailable had been sent round on the Tuesday before the meeting.

PC121: **RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

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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.

Councillor Parish referred to an email he had sent earlier in the morning, referring to the fact that the votes cast were still not recorded in the minutes. He considered that as a recorded vote was captured in the on-line meetings, there would be no extra work involved in recording such votes in the written, official, minutes.

He added that if an agreement could be reached at the start of today's meeting to do that, then it would avoid him having to request a recorded vote on every application.

The Chair asked for clarification from the Legal representative.

The Legal Representative advised that the Committee decided what was a correct record in terms of approving the minutes, the level of detail was up to the Committee to determine. There was a separate procedure for recorded votes which would record names and how each

Councillor voted. The recording of numbers was not a requirement for the minutes but if the Committee wanted to include the numbers of votes cast, then that was a matter for the Committee to decide.

The Chair suggested that this could be considered further at the forthcoming training session and determined prior to the next meeting of the Committee on 10 August 2020.

Councillor Ryves considered that recorded votes including Councillors names and how they voted should be undertaken and recorded in the minutes for each application.

Councillor Storey agreed that this should be discussed at the forthcoming training session. He also considered that the Committee should have information regarding the withdrawal of applications at the earliest opportunity and not on the morning of the Committee meeting. He also felt that the late correspondence should be sent out to the Committee earlier.

In response the Assistant Director explained that in terms of withdrawing an application, applicants and agents could do that at any time before a decision was taken and reminded the Committee that, in the past, this had even been carried out during a meeting just before it was considered by the Committee. In this particular case, the application had been withdrawn that morning. In relation to the publishing of late correspondence, he explained that applicants, members of public and parish councils needed to have an opportunity after the publication of the agenda, to make further comments on reports and had until 5.15 pm on the Thursday before the meeting to do so. This only left the Friday before the meeting for officers to collate the comments and send to the Committee, which was why the Schedule of Late Correspondence was published on the Friday afternoon.

PC122: **INDEX OF APPLICATIONS**

The Committee noted the Index of Applications.

a **Decisions on Applications**

The Chair reminded the public speakers that when they had finished speaking, they needed to leave the meeting, the rest of the debate could be followed on You Tube.

The Committee considered schedules of applications for planning permission submitted by the Executive Director for Planning & Environment (copies of the schedules will be published with the agenda). Any changes to the schedules will be recorded in the minutes.

RESOLVED: That the applications be determined as set out at (i) – (ix) below, where appropriate, to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chair.

(i) 19/00694/RMM

Gayton: Manor Farm, Back Street: Reserved Matters: Residential development of 40 dwellings, associated estate road access onto Back Street and demolition of existing farm buildings: D & K Marsham

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The Principal Planner reminded the Committee that this application was deferred from the Planning Committee meeting held on 1 June 2020, after initial motions to refuse and then approve the application were lost.

Reserved Matters were sought for 40 dwellings following the grant of outline planning permission in August 2016 under reference 15/0188/FM.

The outline consent was for 40 dwellings on the housing allocation site for Gayton (G41.1) in the Site Allocations and Development Management Policies Plan 2016 (SADMP).

The reserved matters application was still for 40 dwellings but on a slightly smaller site. A full application, that was also before the Committee today, covered the remainder of the site and was for six dwellings (19/01831/F).

If permission was granted for both these applications, it would result in a total of 46 dwellings on the allocated site rather than the currently approved 40

Since deferral of the application, the applicant had made the following minor amendments and provided further justification to the scheme that was considered by the Committee:

- Access to the agricultural land to the north was shown clearer on the plan, had been widened, and the trees (as well as the previously proposed 2m high close boarded fence and a hedge) were proposed in between the adjacent property and the access.
- The LAP had been moved to the south-west, rather than the south-east of the pond to allow for the widening of the agricultural access and to allow greater separation.
- The affordable housing units had been amended to better integrate them with the open market housing in response to concerns raised about pepper-potting of the affordable housing units.

- Sought to further explain the lack of garages for the 9 affordable units.
- Sheds had been provided for cycle storage for the 18 properties without garages (9 affordable units and 9 open market housing units).

It was explained that the main report remained largely unaltered and the new elements or changes that had been added to the relevant sections of the report had been emboldened for clarity.

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

- Principle of development;
- Form and character;
- Residential amenity;
- Highways safety;
- Section 106 contributions;
- Matters covered by condition;
- Crime and disorder; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Sarah Renwick (objecting on behalf of the Parish Council), James Burton (supporting) and Alistair Beales (supporting) addressed the Committee in relation to the application.

Councillor De Whalley addressed the Committee in accordance with Standing Order 34. Councillor De Whalley explained that he had received communications from fellow Councillors, Gayton Parish Council and a representative from the applicant expressing their dissatisfaction in the determination of these two applications so far. He felt compelled to register his concerns with regards to due process to date. He also wanted to highlight the fact that Gayton Parish Council had not been given sufficient time to consult on the amendments proposed by the applicant since this Reserved Matters application first came to the Committee two weeks ago. He did not accept that 19/00694/RMM reflected the approved outline permission 15/0188/FM.

Councillor De Whalley went to say that the application before you had changed the red line and shrunk the size of the approved site whilst retaining the same number of houses. The cost of this was increased density and the loss of a valuable green space at the eastern end of the site which had effectively been replaced by a line of trees. The amended plans also ate into the western green space by the inclusion of access to the agricultural land which was previously questioned. No appropriate mitigation measures had been proposed to demonstrate that the resultant loss of open space would be replaced by equivalent or better provision in terms of quality or quantity. The density of these two developments together should be more appropriately compared with that of Back Street which was how the estate would be accessed.

If not then Gayton as a whole. It was inappropriate to cherry pick the most heavily developed areas of the village as comparators. There was quite simply no need for the additional 6 houses proposed, as the requirements of the Local Plan had been more than met, and Gayton had borne more than its fair share of development of late. It had been made very clear to him, not least through the emerging Neighbourhood Plan, that a significant proportion of residents highly valued their green centre of their village and opposed development within it. Worries had been expressed to him regarding safeguarding the pond to ensure that it was safe for children to play near.

He respectfully requested that the Committee refused these applications so that the development could come back with something in keeping with the original outline application and reflected local needs.

The Principal Planner referred to the issues of density, which had been raised by all the speakers, and explained that this had been fully covered within the officer's report within the principle of development section and the form and character section. Officers considered that the level of density was relatively low and was in-keeping with the form and character of the area. Also, it was important to note that the reserved matters application did fully accord with the outline application permission, which was granted. The outline application was for 40 dwellings and this application was also for 40 dwellings, although it was acknowledged that it was on a smaller site area and took out the corner of the site, although the applicant was within their rights to do that. In terms of the provision of open space, the amount of open space proposed far exceeded the policy requirement for open space provision and she referred to page 22 of the agenda and explained that 2,054 m² was proposed compared to 680 m² which was the policy requirement.

Councillor Joyce raised the following points:

- He referred to the comments from the Housing Officer with regards to rents and garages. He considered that the Committee and applicant had been misled and there was no reason for the affordable houses not to have garages.
- He also referred to the comments from the Police Architectural Liaison Officer and raised concern that these had not been reported correctly within the report.
- He also considered that the sheds to units 18, 19 and 20 should be brought nearer to the house so that electricity could be supplied.
- As the site was still going to be used for farming, he expressed concern that the crops would be sprayed and referred to the effects that the chemicals could have.

- He also expressed concern in relation to density and he explained that the Transport Statement supported the Parish Council rather than the applicant.
- On a property development of 40 homes, he stated that the maximum cluster was 4 and not 6.

Councillor Parish stated that when pressed applicants could make changes to schemes to potentially improve their plans over an issue. He expressed concern that the Parish Council did not have enough time to consider the amendments to the application. He referred the Committee to page 21 of the agenda – penultimate paragraph which stated that this application should be determined on its own merits. He asked the Committee to consider whether the current proposal for 40 homes on a reduced parcel of land was better than the outline consent granted for 40 houses on a larger parcel of land. He added that logically and practically this would cause the density of housing to increase in the space available.

Councillor Parish proposed that the application should be refused on the grounds of CS06 – bullet point 2, CS08 – bullet point 3, NPPF paragraph 91c and the NPPF paragraph 118b. He added that if anyone else had any reasons for refusal then he would invite them to propose amendments so that they could be discussed.

Councillor Mrs Spikings stated that she was one of the Committee who had recommended refusal on the first application. She explained that it had been deferred and the Committee now had this application in front of them to determine. There had also been some new public speakers as well. She wished to allay one of the speakers fears about the Upwell site which had been referred to. She explained that she had been Chairman of the Planning Committee at the time and it was her and her husband's land, along with two other landowners. She added that she had had no working part whatsoever when all the decisions were being made as to what went into the site and how they looked. She added that they were self-build units undertaken by others and she had taken the back seat because of her position.

Councillor Mrs Spikings referred to the proposed affordable housing on the site and how it was pepper-potted and considered that it was still not particularly well spread out. With regards to the garages, and that the RSL's had said that there would be maintenance issues, she considered that this was because they wanted lower costs. She also asked that, if the application was approved, at what stage would be affordable housing units be built. She added that for the scheme in Upwell, after 15 units had been built, 5 affordable housing units were built, and she would like to see the same principle adopted here.

Councillor Ryves asked to see a picture of the farmhouse. The Principal Planner displayed the photographs again.

Councillor Ryves made reference to the pond, which was near to the play area, and asked if that was something that the Committee should be concerned about and who would be responsible if there was an accident.

The Principal Planner advised that the pond would be fenced off to prevent any accidents. It was not covered by a condition but within the Section 106 agreement that was in place on the outline planning consent.

The Assistant Director confirmed that it would be the landowner who would be responsible, in the event there was an accident.

Councillor Ryves referred to the traffic statement which was presented with the original application. Since it was carried out, the number of dwellings had increased, and the school had also been moved.

Councillor Hudson expressed concern over the width of Back Street, which was difficult for cars to pass each other in some places. She added that if 46 houses were going to be put on the site, then that was an average increase of around 72 cars using that lane. She added that the surrounding area needed to be looked at which was Back Street, which could not take that amount of the traffic.

The Chair added that the access arrangements had already been approved at the outline stage.

Councillor Manning, Ward Member, stated that he had thought long and hard about this application and had to agree with a number of points that people had made. He added that it was rather unfortunate that the application had come back to the Committee for determination so quickly because if there had been more time then perhaps there could have been further movement for issues to be resolved. He understood the concerns that people had on both sides, but the site did have outline planning permission. He still had concerns on what was being presented and was still not sure which way he was going to vote.

The Assistant Director advised the Committee that the Housing Guidance was not planning policy and it talked about development sizes and maximum cluster sizes. He explained what it said for a development of this size, between 43 – 62 dwellings. He added that it would be difficult to argue that this was not one scheme, although there were two applications but it was clearly one estate, and where there were 9 and 12 affordable units it allowed a maximum cluster of 6 units. The Committee needed to consider whether it was full integration but both sides of the argument had been put forward.

He added that in his professional opinion, this was a good site and a good scheme. It was an allocated site, so some form of development was going to come forward on the site. In terms of objecting about

agricultural land and sprays, he explained that this would be a very difficult reason to defend on appeal. With regards to crime and disorder, there was no evidence that there was going to be a problem and there was no objection from the Police. There was also the need for permeability as well, connecting footpaths and making it easier for people to walk into the village. With regards to garages there was no local or national policy requiring each house to have a garage, so if the application went to appeal on those grounds it would be difficult to defend. The nub of the matter was whether the Committee felt that the extra two houses per hectare, from 15 to 17, was an issue. His opinion was that it was not a problem and, in fact, the NPPF talked about making effective use of land and that Local Authorities should refuse applications which they considered failed to make effective use of land.

The Principal Planner explained that in terms of the footpath link on the eastern side of the site, that was actually a policy requirement of G41.1 and was also secured by the outline planning permission, so it did need to be included.

In terms of the phasing of the affordable housing units, or the phasing in general at the site, the Principal Planner displayed this on the screen.

The Chair explained that the application had come through the LDF process and explained that the sites were scored and the criteria for this. The site also had outline planning permission, which meant that the principle of development had already been established. He considered that the application had been through the process and had been scrutinised all the way through by statutory consultees including the Parish Council, although he acknowledged that the membership might have changed.

Councillor Joyce referred to potential health impacts referred to in the NPPF paragraph 182, as this said very clearly that applications should not impact on a business and force it to close, which of course, when spray drifted on surrounding houses and people complained, Environmental Health must take action. The other issue was the fact that the Police had raised a concern which had been ignored.

Councillor Joyce stated that if Councillor Parish would accept his amendments, then he would second his proposal to refuse the application, including the failure to have a full mix tenure with pepper-potting, crime and disorder which was backed up by the Police and that the Transport Statement which did not support the application, the Health Issue NPPF182 and NPPF 170 and that the housing policy had not been given full due regard.

Councillor Storey stated that he knew the public speaker, ex-Councillor Beales. He stated that there were 18 dwellings without garages, and when he saw other garages, they were usually filled either with a car or other household goods. He referred to the issue raised by Councillor

Joyce in relation to spray drift. He explained that living in a rural area there were several numbers of houses which were surrounded by farmland, which was probably sprayed. He added that he could not think of any instances where a farmer had been prosecuted for spray drift going into a residential area and affecting people's health. He added that those farmers and their workers who used sprays had gone through numerous courses on safety grounds to make sure that they were capable of using the chemicals. He added that the applicant could consider putting the parcel of land into a stewardship scheme, where it provided wildlife, etc. He concluded that the applicant had gone a long way in addressing the issues, but there were still a few issues which may require further investigation.

Councillor Ryves seconded that proposal to refuse the application.

For the avoidance of doubt, Councillor Parish then reminded the Committee of his proposal to refuse the application.

Whilst seconding the proposal to refuse the application, Councillor Ryves proposed an amendment that the proposal did not accord with Policy DM15 'development proposals should create high quality environment without detrimental impact on the amenity of new and existing residents. He felt that because the proposal did not have garages it failed to satisfy the high-quality concerns of DM15. He added that there were a lot of issues over density and he would also like it noted that Gayton was defined as farmland with woodland, wetland landscape and medium scale landscape with a varied sense of enclosure and he believed that this proposal with its very high density was not consistent with the observations.

Councillor Ryves also made a point of order that he had noticed that the Chair had not been in attendance for a period of 20 seconds on the screen during the presentation by the developer, and therefore it was inappropriate for him to vote.

The Chair responded that he had gone to switch on the light, but he would not vote on the matter.

Councillor Parish confirmed that he would accept the amendment made by Councillor Ryves.

Councillor Joyce then proposed a further amendment relating to the concerns raised by the Police.

Councillor Parish confirmed that he would accept the proposal made by Councillor Joyce.

The Democratic Services Officer then carried out a roll call on the proposal to refuse the application including the proposed amendments and, after having been put to the vote, it was:

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

1. The proposed development of 40 dwellings on a smaller site than approved under outline application 15/01888/OM is considered to represent a density of development that is not in keeping with the density of the village of Gayton as a whole, and would render land available for individual plots less than the outline permission which is a retrograde step. The proposal does not therefore respond sensitively or sympathetically to the local setting or maintain local character or result in a high quality environment, does not support healthy lifestyles or well-being or recognise that some undeveloped land can perform many functions such as for wildlife and recreation. The proposed development is therefore contrary to the NPPF in general and specifically to policies 91(c), 118(b), 122, 124, 127 and 130 of the NPPF and to Local Plan Policies CS06, CS08 and DM15.
2. The development, by virtue of the number of properties without garages would offer poor amenity to occupiers of those dwellings thus failing to provide a high quality development. The development is therefore contrary to the NPPF in general and specifically to paragraphs 127 and 130 of the NPPF and to Local Plan Policy DM15.
3. The proposed development does not take adequate account of comments received from the Police Architectural Liaison Officer in relation to the provision of adequate fencing helping to prevent crime and disorder and is therefore contrary to the NPPF in general and specifically to paragraph 91(b) of the NPPF and Local Plan Policies CS08 and DM15.

The Committee adjourned at 11.00 am and reconvened at 11.10 am

(ii) 19/01831/F

Gayton: Manor Farm, Back Street: Construction of two detached dwellings and 4 semi-detached dwellings: D & K Marsham

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The Principal Planner introduced the report and explained determination of the application had been deferred from the Planning Committee meeting held on 1 June 2020 as it directly related to application 19/00694/RMM. However, other than the supporting statement, no other changes had been made to the report other than to make an amendment to an incorrectly listed plan.

It was explained that full permission was sought for six dwellings. The site formed a small part of housing allocation G41.1 in the Site Allocations and Development Management Policies Plan, 2016. An extant outline planning permission existed on the whole site (including this site) for up to 40 dwellings.

Some Members pointed out that they could not start their video but were advised how to do this.

The Legal Advisor suggested that a roll call should be carried out to see who had returned to the meeting.

The Democratic Services Officer then carried out a roll call.

The Principal Planner then recommenced her presentation.

A concurrent reserved matters application on the remainder of the site (the area not covered by this application) was also before the Committee today. The reserved matters application was for 40 dwellings (in line with the outline approval) but on a smaller site (excluding the site that is subject to this full application).

If permission was granted for both then it would result in a total of 46 dwellings on the allocated site rather than the currently approved 40.

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

- Principle of development;
- Form and character;
- Residential amenity;
- Highway safety;
- Section 106 contributions;
- Crime and disorder; and
- Other material considerations.

The Principal Planner advised that in view of the recommendation of the previous application to ensure a comprehensive and high-quality design and layout was achieved across the allocated site, then the application was now recommended for refusal.

In accordance with the adopted public speaking protocol, Sarah Renwick (Chairman of Gayton Parish Council) (objecting), Alistair Beales (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor De Whalley (Ward Member) stated that he would like to support the officer's revised recommendation of refusal.

Councillor Joyce stated that he supported the officer's recommendation for refusal.

Councillor Bubb stated that a full application for 46 dwellings should come forward rather than splitting the site up as it would make it impossible to vote for one and not the other.

The Chair stated that it would be up to the applicant what scheme(s) they put forward for determination.

The Democratic Services Officer then conducted a roll call on the recommendation to refuse the application and, after having been put to the vote, it was:

RESOLVED: That the application be refused as recommended.

(iii) 19/02000/F

**Brancaster: The Smithy, Main Road, Brancaster Staithe:
Replacement dwelling following partial demolition: Mr
and Mrs Lane**

[Click here to view the recording of this item on You Tube](#)

The Principal Planner introduced the report and explained that the application site was situated on the north side of Main Road, Brancaster Staithe and comprised a semi-detached two-storey dwelling.

The application sought permission for a replacement semi-detached dwelling.

The application had been referred to the Committee for determination as the officer recommendation was originally at variance with the views of the Parish Council and was referred by the Planning Sifting Panel.

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

- Principle of development;
- Neighbour amenity;
- Highway safety;
- Brancaster Neighbourhood Plan; and
- Other material considerations.

The Principal Planner advised that a revised site plan had been received (as reported in late correspondence) which shown 5 car parking spaces on the site.

The Principal Planner explained that as reported in late correspondence, the Parish Council had withdrawn their objection to the application.

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

Councillor Ryves referred to the Neighbourhood Plan, and asked how many rooms would be classed as bedrooms and how many rooms could be classed as bedrooms. This Principal Planner advised that this had been addressed in the report at page 53 and confirmed that the proposed dwelling and annexe would be 4 bedrooms and officer's had

not considered the study space as a bedroom in this case and considered that the proposal complied with Policy 1 of the Neighbourhood Plan. It was also important to note that Brancaster Parish Council no longer objected to the application and did not raise an objection on policy grounds, and it was their own Neighbourhood Plan.

Councillor Ryves referred to the size of the study and it was confirmed that the size of the study was reported in late correspondence as 2.4 m x 3 m. Councillor Ryves considered that this was capable of becoming a fifth bedroom and was therefore contrary to policy.

The Assistant Director advised that Brancaster had an adopted Neighbourhood Plan, which was the one which needed to be taken into account. The draft Plan Neighbourhood Plan was not at a stage where it could be given weight.

Councillor Lawton referred to a criticism made by the applicant. He explained that he had not put up barriers towards the application but wanted things carried out properly. He referred to the parking situation and referred to Norfolk County Council's advice sheet which said that there should be a turning area separate to the parking area, but this had not been done. He referred to the revised plan, which omitted the turning area and showed 5 car parking spaces, 3 of which would block access to the possible turning area at the back. He stated that this was the narrowest part of the village and created a danger, He stated that he lived 50 – 60 yards away, and If there were cars parked on the Main Road and outside of the Smithy it made it very difficult for him and four other dwellings to exit their drives, as there was no visibility. He added that he would like to see a strict condition put on to ensure that a turning area was created and that it was used.

Councillor Ryves referred to the Neighbourhood Plan Policy, and stated that it was important and should it be enforced and given priority attention. He therefore could not support the application if it was in breach of the Neighbourhood Plan.

The Principal Planner clarified that it was important to note that this was a replacement dwelling rather than a new dwelling and this would have been taken into account by Norfolk County Highways when assessing the application. They were content that there was sufficient space for the proposal and therefore raised no objection. They had suggested conditions which had been incorporated into the overall conditions for the proposal.

The Assistant Director referred to Policy 1 of the Neighbourhood Plan and stated that the Committee heard what the public speaker had said that he intended to live there. Another important issue to consider was that the Parish Council supported the application.

Councillor Parish stated that it was not the Parish Council's Neighbourhood Plan but was decided by the community. He asked whether the proposal infringed the Neighbourhood Plan.

The Assistant Director read out Policy 1 of the Neighbourhood Plan in question.

Councillor Ryves referred to paragraph 3 of Policy 1 where it said 'provide main residence for long standing residency in the parish' and questioned if the applicants had a long-term residency.

Councillor Joyce referred to the term 'long standing residency' and explained that it was subjective and asked how did we ensure that it remained as the new owners main residency.

Councillor Lawton proposed that condition 8 was strictly adhered to.

Councillor Ryves proposed that the application be refused on the grounds that it was contrary to the Neighbourhood Plan, which was seconded by Councillor Parish.

The Democratic Services Officer then carried out a roll call on the proposal to refuse the application, and after having been put to the vote, was lost.

The Democratic Services Officer then carried out a roll call to approve the application with an amendment to condition 2, and after having been put to the vote it was:

RESOLVED: That the application be approved, as recommended, subject to condition 2 being amended as outlined in late correspondence.

- (iv) **19/01854/F**
Hockwold cum Wilton: Soay Farm, Cowles Drove: Mobile home / temporary accommodation, serving existing equine stables business: Ms Jeanette Roberts

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The Principal Planner introduced the report and explained that the site was located on Cowles Drove, a rural site to the west of the village of Hockwold. The site comprised a series of paddocks with stables located to the south of the site adjacent to the main access and parking.

The application was for full planning permission for a mobile home / temporary accommodation serving an existing equine stables business at Soay Farm, Cowles Drove. The applicant had submitted evidence in the form of a business plan to support their case, and argued that a dwelling was necessary in this location to support this business. It was

proposed that access to the caravan was from the secondary access to the north via Sluice Drove.

The use of the land and stables were granted planning consent in July 2016 under reference 16/00442/CU, and then Planning Committee granted consent (17/00853/F) for the retention of the use of three stables for bathroom facilities, a staff rest area and food preparation area.

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

- Principle of development;
- Form and character; and
- Other material considerations.

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

Councillor Mrs Spikings referred to condition 3, and proposed an amendment to ensure that if the business ceased the caravan would be removed from the site within 3 months.

The Principal Planner advised that this could be included at the end of condition 3, if the Committee wished.

Councillor Squires stated that she supported the application and explained that this was a rural enterprise in a rural area. With regards to livery and security, she considered that if you were going to put a horse in an area like this and get someone to look after it, then someone would be needed on site.

Councillor Joyce stated that this application would give the applicant the chance to establish the business.

Councillor Patel seconded the amendment proposed by Councillor Mrs Spikings.

Councillor Storey stated that each application had to be treated on its own merits. With regards to the comments made by the Parish Council, he added that the site looked clean and tidy and well maintained. He asked the Principal Planner to explain why the Council were recommending approval, whereas the Parish Council recommended refusal.

The Principal Planner advised that this was set out in the report and why officers were recommending approval.

Councillor Ryves referred to paddocks 1-6. The Principal Planner displayed the site plan and outlined the paddocks which were in the applicant's ownership.

Councillor Ryves also congratulated the Planning Officer and stated that this was an animal sanctuary as there was no real business plan.

The Democratic Services Officer then carried out a roll call on the recommendation for approval with an amendment to condition 3 and, after having been put to the vote, it was:

RESOLVED: That the application be approved as recommended subject to condition 3 being amended to ensure that if the business ceased operation, the caravan be removed from site within 3 months.

(v) 19/01906/O
Marshland St James: Land west of 47 School Road:
Outline application some matters reserved: Proposed
residential development: Mr S Riddick

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The Principal Planner introduced the report and explained that the application involved approximately 0.4ha parcel of land on the north-eastern side of School Road. The site wrapped around the former pub 'The Marshland Arms' from School Road and also fronting on to Hopes Lane. 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;
- Highways and access; and
- Other material considerations.

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

In accordance with Standing Order 34, Councillor Long addressed the Committee. Councillor Long stated that the last time he came along to speak at Planning Committee he had spoken on the application site very close to this one, which was recommended for refusal but the Committee approved, which was outside the development area of the village. He added that he made representations that the site was in fact as good as a previously adopted site that sat just diagonally across

the road on School Road. He had said that the site had good access to the village centre and that it was an approved site and with conditions could provide a footpath that would make good access to the school, etc.

When speaking the last time, Councillor Long stated that he had made reference to the former pub and that it was away from the village and had failed as a business several times. This had since been reverted back to a private house rather than the public house that given the village expansion may have been saved. Now we had a site presented that linked with the previous application site, which was adjacent to the former pub that if approved could provide much needed homes in Marshland, a village which had grown in size and popularity over years and since the arrival of the new village hall. He added that villages needed infrastructure like the village hall, pavilion and tea rooms, but they also needed population to keep those facilities vibrant. New homes in villages could only help to make a place more sustainable and this application would do that. This application was exactly the same as previous application and was near to the school, care home and was not far from the village hall and would be right next to the former pub, the natural stop on the edge of the village before countryside. He asked the Committee to consider this as they did the adjacent site and approve it.

The County Highways Representative then addressed the Committee and outlined their concerns to the application. He referred to the NPPF, which talked extensively about giving priority to other modes of transport than the motor car and clearly there was a school at the top of the road and there needed to be a safe footway link. The applicant had endeavoured to show that a footway would be provided and some carriageway widening that would be required. Unfortunately, there was not enough room to carry out the works. Ultimately, the objection was not about what they were trying to provide it was that they did not have sufficient land to provide a robust and buildable scheme.

Councillor Joyce stated that in principle he would support it. However, he did not understand why the two applicants did not get together and put in a joint application, but this applicant did not control the land and could not get around the highway objections.

Councillor Parish referred to the comment from Councillor Long that the village needed to be kept viable by building more houses, but the current Local Plan designated it as a rural village and the site allocation was for 25 dwellings, but permission had already been granted for 106 dwellings. Much of this overdevelopment was due to the lack of a 5-year land supply. He added that he had looked at the Local Plan and could not find a clause which exempted Marshland St James. There was a clear recommendation for refusal with multiple references to the NPPF, the Core Strategy of the Local Development Framework and policies within the site allocations and development management plan. In addition, there was a highway objection, the Parish Council objected

and CPRE objected and stated that sufficient sites had been allocated within the current local plan to meet the necessary housing targets without the need for additional unallocated sites. He urged the Committee to concur with officers and refuse the application.

The Chair added that he knew the site very well, it was countryside and the road got narrower with dykes each side, so he understood the concerns raised by Norfolk County Highways. He added that the site was not sustainable. It was true that the school was along the road, but the facilities were not there and needed to be travelled to. There was an approved site further along the road.

Councillor Bubb asked that if access was proposed from Hope Lane, would it be acceptable. The County Highways Representative advised that it would not be suitable to access the site from Hope Lane, which was narrow and the issue regarding the footway would still be there.

The Democratic Services Officer then carried out a roll call on the recommendation to refuse the application and it was:

RESOLVED: That the application be refused, as recommended.

(vi) 20/00241/F
Old Hunstanton: Strathcona, 30 Old Hunstanton Road: J Wright

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Councillor Storey advised that he needed to leave and would not be present for the remainder of the meeting.

The Principal Planner was informed that full planning permission was sought for extensions and alterations to a dwelling (Strathcona, 30 Old Hunstanton Road).

The site was located within the development boundary of Old Hunstanton (a rural village as characterised in the Settlement Hierarchy of the Core Strategy), and within Old Hunstanton Conservation Area (a designated heritage asset) but was not itself a non-designated heritage asset.

The site was located within Flood Zone 1, the lowest risk of flooding.

The application had been referred to the Committee for determination as it had been called in by Cllr Lawton and the officer recommendation was contrary to the Parish Council recommendation.

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

- Principle of development;

- Form and character / impact on Conservation Area;
- Highway safety;
- Residential amenity;
- Crime and disorder; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Paul Baisbrown (objecting on behalf of the Parish Council) and Jason Law (supporting) addressed the Committee in relation to the application.

Councillor Mrs Bower stated that she passed the site virtually every day and considered that it would be a great improvement.

Councillor Mrs Spikings also considered that the proposal would be a vast improvement and considered that it would blend in well.

Councillor Lawton stated that he agreed with the comments from the Parish Council.

In relation to condition 7, it was advised that this needed to be clarified. It was suggested that this be left to be officers following consultation with the Chair and Vice-Chair.

The Democratic Services Officer carried out a roll call on the recommendation to approve the application, subject to amendment to condition 2 and the wording of condition 7 to be agreed with the Chair and Vice-Chair, and it was:

RESOLVED: That the application be approved as recommended.

The Committee then adjourned at 12.55 pm and reconvened at 1.30 pm

The Democratic Services Officer then carried out a roll call to determine attendees.

(vii) 20/00395/F
South Wootton: Willow Bank, 48 Nursery Lane:
Replacement dwelling following demolition of the existing
dwelling: Clients of Strata Architecture Ltd

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The Principal Planner introduced the report and explained that the application related to the construction of a replacement dwelling at 48 Nursery Lane, South Wootton. The application site fell within the development boundary and within the South Wootton Neighbourhood Plan Area.

The application site was situated on the east side of Nursery Lane and currently consisted of a single storey dwelling and garden.

The application sought full planning permission for a replacement two-storey dwelling.

To the southern boundary was a group Tree Preservation Order (TPO) and two single TPO trees. The proposal involved the removal of a single small tree to the front of the site, and two small trees on the southern boundary. The two trees to be removed on the southern boundary were not covered by the Tree Preservation Orders.

The application had been referred to the Committee for determination, as at the time the application was submitted, the applicant was a partner of a Council employee involved in the planning process.

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

- Principle of development;
- Impact on the form and character of the area;
- Impact on residential amenity;
- Impact on trees;
- Highway impact; and
- Other considerations.

The Democratic Services Officer carried out a roll call on the recommendation to approve the application and it was:

RESOLVED: That the application be approved as recommended.

(viii) 20/00224/O

Stow Bardolph: Land at Hybrid Farm, 246 The Drove, Barroway Drove: Outline application for construction of dwellinghouse, incorporating small animal care and boarding facility: Client of Hereward Services

This item had been withdrawn from the agenda.

(ix) 20/00222/F

Walpole Highway: Land SW of Ivy Farm, West Drove Link Road, Walpole Highway: The siting of temporary accommodation unit, including staff welfare facilities: Tamar Nurseries Limited

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The Principal Planner explained that the application site was located within the countryside as defined within the Site Allocations and Development Management Policies Plan 2016 and was within land which was currently operated by Tamar Nurseries at Walpole Highway.

The application sought planning permission for a mobile home (caravan), which would be used as residential accommodation for a staff member, as well as incorporating staff welfare facilities. The residential aspect of the application fails to comply with Policy DM6 of the Site Allocations and Development Management Policies Plan (Housing Needs of Rural Workers) and as such there was an in-principle policy objection to the proposal.

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

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

- Principle of development;
- Neighbour amenity;
- Flood risk;
- Highways issues;
- Other material considerations; and
- Crime and Disorder Act.

Councillor Ryves referred to an earlier application which the Committee considered on the agenda and approved. He added that the proposal was for staff welfare as well as a security function. It was also located off the road and there had been a history of break-ins and this company had invested millions of pounds into these facilities. He added that the responsible thing to do would be to allow some sort of night-watchman facility. He made reference to the report which referred to using CCTV and explained that it would not be a substitute for having a presence on the site. He therefore supported the application.

Councillor Kirk stated that he had called in and supported the application. He added that living in the area and he knew that security was a major problem, having his own business targeted by thieves. The area suffered from poor employment and used to have a lot of fruit farms, nurseries and agricultural holdings. The applicant needed to be supported as they employed lots of local people, many of whom could walk to work. In relation to security, this was a major problem and as mentioned previously security cameras did not work. He believed that a generator had been stolen from the site. He added that the Police could not get to the site in time and there was a lot of crime around this part of the county. He added that there needed to be somewhere for the night-watch to be in and that the company needed all the support it could get. He therefore proposed that the application be approved.

Councillor Joyce stated he was surprised that the Police had not responded but was sure that they would say that on-site security was the best security. He added that if Councillor Kirk was proposing approval, with conditions to be agreed with the Chair and Vice-Chair then he would second the proposal.

Councillor Mrs Spikings also supported the application and explained that the applicant had spent a lot of money on the business with glass houses, etc. and she could see how it was expanding. These type of businesses needed to be supported and needed proper security. She was also pleased to see proper washing and toilet facilities included, which was important in these times.

Councillor Parish stated that in terms of security, he believed that there had only been one case of a security breach at these premises and was not a daily, weekly or monthly occurrence. Officers had demonstrated why this was not a sufficient reason for an agricultural dwelling. There was also reference to two appeals where a Planning Inspector had confirmed reasons of planning officers so there was sufficient grounds not to grant temporary permission. He also referred to an isolated person working who had been put in place to look after the place at night. He considered that electronic surveillance overcame all that.

The Principal Planner explained that this not just for welfare facilities or as night-watchman accommodation because the applicant did not want to pay for night security, it was effectively a dwelling, which was why it was being considered under policy DM6. It might have been treated differently if it was just for a night watchman.

Councillor Kirk referred back to the security issues and explained that the area was in a hotspot for criminal damage.

In seconding the application for approval, Councillor Joyce suggested that the planning reasons were crime and disorder and to support rural businesses. Councillor Kirk agreed with the reasons.

The Democratic Services Officer then carried out a roll call on the proposal to approve the application and, after having been put to the vote, it was:

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

- Crime and disorder; and
- Supporting rural businesses.

PC123: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That the reports be noted.

PC124: **TREE MATTERS UPDATE REPORT**

The Committee received a report on recent Tree Preservation Orders that had been served between 1 November 2019 – 31 April 2020, along with a summary on some of the other aspects of the work in relation to trees.

RESOLVED: That the report be noted.

The meeting closed at 2.00 pm