

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

Minutes from the Meeting of the Planning Committee held on Monday, 10th January, 2022 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor G Hipperson (Chair)
Councillors F Bone, C Bower, A Bubb, G Hipperson, A Holmes, C Hudson, B Lawton, C Manning, E Nockolds, T Parish, C Rose, J Rust, S Squire, M Storey, D Tyler and D Whitby

PC86: **WELCOME**

The Chairman welcomed everyone to the meeting. He advised that the meeting was being recorded and streamed live on You Tube.

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

PC87: **APPOINTMENT OF VICE-CHAIR**

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

PC88: **APOLOGIES**

Apologies for absence were received from Councillors Patel and Mrs V M Spikings

PC89: **MINUTES**

The Minutes of the meeting held on 6 December 2022 were agreed as a correct record and signed by the Chairman.

PC90: **DECLARATIONS OF INTEREST**

Councillor Storey referred to page 153 of the agenda (third item – Feltwell) and explained that he was the Chairman of the Trustees.

PC91: **URGENT BUSINESS UNDER STANDING ORDER 7**

The Assistant Director advised that application 8/2(a) – Burnham Norton had been withdrawn from the agenda by the applicant, as detailed in late correspondence.

PC92: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillors attended via Zoom and addressed the Committee in accordance with Standing Order 34:

P Gidney	8/2(d)	Gayton
M de Whalley	8/2(d)	Gayton
G Middleton	8/2(e)	South Wootton

PC93: **CHAIRMAN'S CORRESPONDENCE**

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

PC94: **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.

PC95: **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 Chairman.

- (i) **21/01568/FM**
King's Lynn: King's Lynn Athenaeum, Blackfriars Street: Conversion of former post office (Class E) to a flexible use for commercial uses (Class E), public house, wine bar, drinking establishments and hot food takeaway (sui generis) on ground floor only with 30 residential units on first, second and third floors and third floor extension to create 4 new residential units: Mrs Feride Guccuk

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

The Planning Control Manager introduced the report and explained that the application related to the former Post Office and BT exchange building off Baxter's Plain, in the town centre of King's Lynn. The building was roughly triangular in shape with Paradise Parade to the north west, Paradise Road to the north-east and Blackfriars Street to the south.

The application sought consent for a mixed-use development of the existing building, to provide approximately 1312 m² of commercial space (Class E, public house, wine bar, drinking establishments and hot food takeaway (sui generis)) on the ground floor with 30 residential units on first, second and third floors and a third-floor extension to create 4 new residential units.

The site was considered a non-designated heritage asset and was located adjacent to St Margaret's area of the King's Lynn Conservation Area.

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

The Committee noted the key issues to be considered when determining the application, as set out in the report.

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

Councillor Holmes expressed concern in relation to the possible asbestos within the building, car parking provision, charging points for EV vehicles.

Other Members of the Committee agreed with Councillor Holmes that they had concerns in relation to parking.

Councillor Nockolds added that this would be a high-quality regeneration scheme for the town centre and supported the application.

In response to comments made by the Committee, it was explained that the quote which had appeared in the newspaper had been taken from the officer report once the agenda had been published. With regard to parking provision, the site was within a town centre location with other car parks nearby and complied with Norfolk County Council's parking standards.

It was also explained that there were separate Asbestos Regulations in place with regards to asbestos removal, which the applicant would have to conform to.

The Chairman drew the Committee's attention to the late correspondence and the need to amend conditions, which was agreed.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application with the amended conditions as outlined in late correspondence and, after having been put to the vote, was carried unanimously.

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

(ii) 21/00203/OM
Northwold: Former Coal Yard, The Poplars: Outline application: Proposed residential development of former coal yard natural stone business: Mr J Murphy

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

The Planner introduced the report and explained outline planning permission with access was sought for the residential development of the Former Coal Yard, The Poplars, Thetford Road, Northwold (adjacent to the A134). The application site comprised approximately 0.95ha of previously developed land, utilised in connection with the coal yard however in more recently years diversifying to also include landscaping materials and natural stone.

Vehicular access was proposed to the A134 and a pedestrian footpath was proposed to link to Methwold Road to the east of the site.

The application had been referred to the Committee at the request of Councillor Ryves.

The Committee noted the key issues to be considered when determining the application, as set out in the report.

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

The Principal Planner referred the Committee to the late correspondence and the need to amend conditions and a correction to condition 19, as outlined.

Councillor Parish advised the Committee that Councillor Ryves had called in the application but due to a family emergency, he could not be present at the meeting today. Councillor Ryves did have concerns regarding highways safety and asked whether traffic calming measures could be included bearing in mind that the development would create additional traffic movements than the existing business.

On a personal note, Councillor Parish noted that it was a brownfield development, so he supported the application but wished to see that

the Local Highway Authority put in traffic calming measures which had been asked for by third parties and detailed in late correspondence.

Councillor Nockolds also supported the idea of traffic calming measures for the area.

Councillor Storey stated that he welcomed the planning application, but he was mindful of the traffic issues and considered that more work should be done at the junction. He added that it was serious situation and more should be done by the Local Highway Authority.

The Assistant Director advised that the junction was not part of the application and was a separate issue. In addition, there would no longer be coal lorries turning into the site. It was also explained that the speed limit in that location had been reduced to 50 mph and some updated road markings had been introduced.

Councillor Rust added that she too supported the application in part because of the work which the applicant had carried out with the local community, however she did have grave concerns in relation to the road and asked whether there was anything that the Planning Committee could do. She felt that as a Planning Committee, where it was looking at an overall development, it should be able to bring more pressure on the Local Highways Authority to take action.

The Assistant Director explained that this application could not cure the issue of the long stretch of road, and the application should be considered on its own merits, which is what County Highways had done. Councillor Storey was a County Councillor along with others, who could raise the issue internally with Norfolk County Council.

Councillor Parish stated that after listening to other Members of the Committee he proposed that the application be deferred, and Local Highway Officers be invited to attend the next meeting so that they could explain their recommendation.

The Assistant Director advised that he did not consider that it would be fair to the applicant to defer determination of the application.

The proposal to defer the application was seconded by Councillor Lawton.

Councillor Holmes proposed that a site visit should be carried out with County Highways representatives present, as highway safety was an issue that needed to be looked at in more detail. This was seconded by Councillor Rust.

Councillor Parish withdrew his proposal to defer the application.

The Democratic Services Officer then carried out a roll call on the proposal for a site visit and, after having been put to the vote, was lost on the Chair's casting vote (7 votes for, 7 votes against).

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to the amendments of conditions as outlined in late correspondence and a correction to condition 19, and, after having been put to the vote, was carried (10 votes for, 4 votes against and 2 abstentions).

When pressed on what the Committee could do with regards attendance by a highways officer, the Assistant Director agreed to write to Tom McCabe from Norfolk County Council expressing the Committee's concern regarding the junction.

RESOLVED: That the application be:

- (A) Approved, subject to conditions (as amended in late correspondence and a correction to condition 19 as reported earlier) and the satisfactory completion of a Section 106 Agreement to secure affordable housing and habitats mitigation payment within 4 months of the date of this Committee meeting.
- (B) In the event that the Section 106 is not completed within 4 months of the date of this Committee meeting, the application shall be refused due to the failure to secure affordable housing and the Habitat Mitigation Fee.

(iii) 21/00589/RMM

Terrington St Clement: Land west of 23 to 37 and north and west of 52 Benns Lane: Reserved matters application for 44 dwellings: FGSPV3 Ltd

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

The Senior Planner introduced the report and explained that the application site comprised 2.3 ha of redundant brownfield land to the western side of Benn's Lane in the NE part of Terrington St Clement which was a Key Rural Service Centre in the settlement hierarchy. The site was allocated for residential development under Policy G93.3 of the Site Allocations & Development Policies Plan (SADMPP).

The principle of developing this site had already been established by the granting of outline planning permission under application 16/02230/OM for up to 44 dwellings.

This application sought reserved matters approval for 43 dwellings.

Access to the site was approved at outline stage, so the reserved matters application sought approval of the layout, appearance and landscaping.

The application had been referred to the Committee for determination as the views of the Parish Council were contrary to the officer recommendation and at the request of the Assistant Director.

The Committee noted the key issues for consideration when determining the application, as set out in the report.

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

Councillor Squire stated that the application was within her ward. She outlined her concerns in relation to the application. She acknowledged that outline permission had been granted but felt that the scheme should be the best for the village and was unconvinced that it was the best at the moment. With regards to the widening of Bennis Lane, it was dangerous and would like to see it widened before the occupation of the 40th dwelling, as outlined in condition 4 to alleviate the traffic issues. She also had concerns about the location of the open space next to the attenuation pond, as raised by the Open Space Team. With regards to materials, she had concerns with the conditioning of materials later to what would be available at the time and would like to know what the materials would be before any permission was granted.

Councillor Squire also commented that the application exceeded the car parking requirements and asked why this was necessary as the development would be dominant by cars. She would prefer to see more open space and less car parking. She also questioned how this proposal would provide biodiversity net gain, there was no bird boxes, bat boxes or hedgehog highways. She added that the scheme should be improved.

Councillor Parish referred to the outline application which had attracted 340 objections, and the reserved matters application had received 52 objections. This development had come forward against a lot of public opposition, and therefore the developer should do the very best that they could do, and he considered that this had not happened. He had concerns about the access but referred to the conditions to ensure that the site was the best that it could be. The Parish Council had stated that they had no idea what the scheme would look like. He also had concerns with regards to the parking and the Highways comments regarding the lack of visitor parking and the lack of biodiversity and this should be conditioned.

Councillor Whitby had concerns over the width of Bennis Lane, which was used as a rat-run.

The Planning Control Manager explained that it was known that the materials would be a palette of red bricks but did not know the exact brick type, which was the point of condition 2.

Councillor Rust proposed that the application be refused on the grounds of traffic, drainage, appearance and form.

The Assistant Director advised that traffic could not be a reason for refusal as this had been agreed at outline stage. With regards to materials, it was the exact brick type that was not known, and it was perfectly normal to condition that and would be difficult to defend at appeal.

The Senior Planner advised that in relation to the ecology on the site and any potential betterment this would be dealt with by the discharge of conditions on the outline consent, likewise with the footpath link which would have to be implemented to the satisfaction of the Local Highway Authority, in conjunction with the off-site highway improvements. In terms of biodiversity net gain, this would be a general requirement in the future and there was green space within the development. The site was allocated within the Local Plan. The Senior Planner also explained the drainage details, which had been authorised and met all the requirements.

The Planning Control Manager advised that on page 60 of the agenda and in late representations it confirmed that there was no objection from the Internal Drainage Board and consent had been granted from them on 14 December 2021.

Councillor Parish seconded the proposal to refuse the application.

Councillor Parish proposed that condition 5 could be amended to ensure that the highway works were carried out at an earlier stage before the 40th dwelling, as required by the condition.

With regards to biodiversity, conditions could be imposed to improve biodiversity within the area. He added that there was huge public concern in relation to the application.

Councillor Squire wanted to see the condition regarding materials to be more specific and also raised the issue of the siting of the open space next to the attenuation pond.

The Planning Control Manager advised that condition 2 could be amended to include details of red brick.

The Senior Planner advised that the outline permission required prior to the occupation of any dwellings the footpath link to be inserted and the highway improvements works to Benns Lane to be completed.

Councillor Rust clarified her reason for refusal as being the proximity of the play area and attenuation pond for safety issues.

In response to a query from Councillor Squire and Councillor Storey regarding condition 5, the Assistant Director advised that there may be an opportunity for phasing the condition rather than waiting for the completion of the 40th dwelling.

Councillor Parish asked whether an additional reason for refusal could be added regarding the insufficient biodiversity. The Assistant Director advised that in his view there was no policy reason to back this up.

The Assistant Director clarified the reasons for refusal, proposed by Councillor Rust and seconded by Councillor Parish, as being the proximity of the play area to the attenuation pond and the failure to provide a safe and high-quality layout and open space.

The Democratic Services Officer then carried out a roll call on the recommendation to refuse the application and, after having been put to the vote, was carried (9 votes for, 2 votes against and 5 abstentions).

RESOLVED: That the application be refused, contrary to recommendation, on the following grounds:

The proposed development, by virtue of the proximity of the play area to the attenuation pond and the failure to provide a safe and high-quality layout and open space, would be contrary to the NPPF and relevant policies of the development plan.

The Committee then adjourned at 11.25 am and reconvened at 11.35 am.

(iv) 21/01376/F
Burnham Norton: Land north of Tower Road: Part retrospective application for engineering works to improve access to the field, replacement agricultural gate and fence: Mr Nigel Marsh

The Committee was informed that this application had been withdrawn at the applicant's request.

(v) 20/01955/F
Brancaster: Sailcraft Sea School, The Boatyard, Main Road, Brancaster Staithe: Proposed demolition of three vacant existing commercial buildings and construction of two residential dwellings: Langton Homes Ltd

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

The Planning Control Manager introduced the report and explained that the application sought permission for the demolition of three vacant

existing commercial buildings and the construction of two residential dwellings.

The site was located within Brancaster Staithe which in planning policy terms was identified as a Key Rural Service Centre within the Core Strategy and SADMP and was considered to provide basic day-to-day facilities and could accommodate a small amount of growth.

Brancaster had an adopted Neighbourhood Plan (including Brancaster Staithe) and in that respect the site was within the Neighbourhood Plan settlement boundary. The entire village was within the AONB.

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

The Committee noted the key issues for consideration when determining the application, as set out in the report.

Councillor Lawton proposed that a site visit be undertaken, which was seconded by Councillor Parish.

The Democratic Services Officer then carried out a roll call on the proposal for a site visit and, after having been put to the vote was carried (6 votes for, 5 votes against and 5 abstentions).

RESOLVED: That determination of the application be deferred, the site visited, and the application determined at the reconvened meeting of the Committee.

**(vi) 21/02060/CU
Brancaster: Garden Cottage, Marsh Drove: Change of use of self-contained residential annexe to holiday-let: Mr and Mrs J Stocks**

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

The Planning Control Manager introduced the report and explained that that the application was for a change of use of an annexe (restricted by condition to be used in connection with the Appletree House), that had been used unlawfully as a dwelling.

The site was outside of the development boundary of Brancaster and was contained within the Area of Outstanding Natural Beauty and Brancaster Conservation Area.

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

The Committee noted the key issues for consideration when determining the application, as set out in the report.

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

Councillor Lawton stated that permanent residents had to leave to turn it into another holiday let.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application and, after having been put to the vote was carried (8 votes for, 3 votes against and 5 abstentions).

RESOLVED: That the application be approved as recommended.

(vii) 21/01956/F
Gayton: 1 Church Farm Barns, Back Street: Retrospective change of use of former garage to residential accommodation: OHPM Ltd

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

The Planning Control Manager introduced the report and explained that the application sought retrospective consent for the conversion of the garage to a residential annexe at 1 Church Farm Barns, Gayton.

1 Church Farm Barns (the main house) was currently being used as a holiday let.

The application site was accessed via a private road from Back Street, Gayton.

The site was contained within the development boundary which was a Key Rural Service Centre.

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

The Committee noted the key issues for consideration when determining the application, as set out in the report.

In accordance with the adopted public speaking protocol, Anthony Leigh (objecting), Sarah Renwick (objecting on behalf of the Parish Council) and Cathie Connaughton (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor Michael de Whalley addressed the Committee objecting to the application.

In accordance with Standing Order 34, Councillor P Gidney (objecting) addressed the Committee.

The Planning Control Manager advised that the 3 parking spaces shown was compliant with the standards.

Councillor Manning added that he supported the comments made by the Parish Council and there was a lot of issues with this application and could not support it.

Councillor Parish proposed that the application be refused, which was seconded by Councillor Rust on the grounds that this should be classed as a new dwelling which was contrary to DM7, and it was a poor layout due to the lack of parking facilities available, contrary to the NPPF and relevant development plan policies.

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 carried (15 votes for and 1 abstention).

RESOLVED: That the application be refused, contrary to recommendation, on the following grounds:

The proposed development should be classed as a new dwelling which was contrary to DM7, and it was a poor layout due to the lack of parking facilities available, contrary to the NPPF and relevant development plan policies.

The Committee then adjourned at 12.30 pm and reconvened at 1.10 pm.

(viii) 21/01740/F
South Wootton: 3 Nursery Lane: Proposed new residential dwelling: Mrs M Albinson

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

The Planning Control Manager introduced the report and explained that the application site related to an irregular parcel of land, measuring approximately 431 sqm. It was currently used as garden land associated with No.3 Nursery Lane, situated on the west side, near the junction of Low Road, South Wootton.

The application sought consent for the construction of a chalet style bungalow.

South Wootton was classified as a settlement adjacent to King's Lynn within the Core Strategy's Settlement Hierarchy.

The application had been referred to the Committee for determination by Councillor Middleton.

The Committee noted the key issues for consideration when determining the application, as set out in the report.

In accordance with Standing Order 34, Councillor Middleton addressed the Committee in support of the application

The Democratic Services Officer then carried out a roll call on the recommendation to refuse the application and, after having been put to the vote, was carried (15 votes for and 1 abstention).

RESOLVED: That the application be refused as recommended.

- (ix) **21/00787/RM**
Stow Bardolph: Land between 212-218 The Drove, Barroway Drove: Reserved matters: Application for proposed 2 storey dwelling: FBI CAD & Design Solutions

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

The Principal Planner introduced the report and explained that reserved matters consent was sought for the construction of a new dwelling on land between 212 – 218 The Drove, Barroway Drove.

The site was within Flood Zone 3 of the Borough Council's SFRA (2018).

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, as set out in the report.

In accordance with the adopted public speaking protocol, Mr Nick Good (objecting) and Richard Browning (supporting) addressed the Committee in relation to the application.

With regards to the comments made about land ownership certificates, it was proposed by the Chair to defer the application, which was seconded by Councillor Rose to enable legal advice to be obtained.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application and, after having been put to the vote was carried (12 votes for, 2 votes against and 2 abstentions).

RESOLVED: That the application be deferred to obtain legal advice.

- (x) **21/01836/F**
Terrington St John: Land on the north-west side of Old Church Road: Variation of Condition 8 of planning permission 15/01499/OM to allow occupation of 1st phase of development before completion of footway works along Old Church Road (Units 1-22): Coparek Ltd

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

The Principal Planner introduced the report and explained that the application related to an estate development of 46 houses between Old Church Road, slip road off the A47 and Church Road, to the north west of the village. Initially outline permission was granted under application reference 15/01499/OM when the Council had an issue with the 5-year supply of housing land. This was followed with reserved matters approval under application ref: 18/02176/RMM and development had commenced.

The outline permission included condition 8, which stated:

“Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works to provide a continuous footway on Old Church Road, as indicated on drawing number 36480/5501/SK01 rev A have been submitted to and approved in writing by the Local Planning Authority in consultation within the Highway Authority.

The approved off-site highway improvement works shall be completed to the written satisfaction of the Local Planning Authority prior to the first occupation of any dwelling hereby permitted.”

The application sought to vary condition 8 to allow Plots 1-22 to be constructed and occupied prior to the footpath link being completed.

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

The Committee noted the key issues for consideration when determining the application, as set out in the report.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application and, after having been put to the vote was carried (15 votes for and 1 vote against).

RESOLVED: That the application be approved, as recommended.

PC96: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That the reports be noted.

The meeting closed at 1.55 pm

