

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

**Minutes from the Meeting of the Planning Committee held on Monday, 7th March, 2022 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ**

**PRESENT:** Councillor Mrs V Spikings (Chair)  
Councillors C Bower, A Bubb, C J Crofts (sub), G Hipperson, A Holmes, C Hudson, B Lawton, C Manning, E Nockolds, C Rose, J Rust, A Ryves (sub), S Squire, M Storey, D Tyler and D Whitby

PC36: **APOLOGIES**

Apologies for absence were received from Councillors Bone, Parish (Cllr Ryves sub) and Patel (Cllr Crofts sub).

The Chairman thanked the substitutes for attending the meeting.

PC37: **WELCOME**

The Chairman, Councillor Mrs Spikings welcomed everyone to the meeting. She 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.

The Chairman, Councillor Mrs Spikings also stated that the Committee's thoughts were with the people of Ukraine and the Committee stood in support of the people of Ukraine for one minute.

PC38: **MINUTES**

The minutes of the meeting held on 24 February 2022 were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC39: **DECLARATIONS OF INTEREST**

There were no declarations of interest.

PC40: **URGENT BUSINESS UNDER STANDING ORDER 7**

The Planning Control Manager advised that it had been recommended to defer application 8/1(b) to allow County Highways to assess the amended plans, which was agreed by the Committee.

PC41: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

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

Cllr Blunt	8/1(a)	King's Lynn
Cllr Kunes	8/1(a) & 8/2(b)	King's Lynn
Cllr Joyce	8/2(b)	King's Lyn
Cllr Kirk	8/2(e)	West Walton
Cllr Kemp	8/2(f)	West Winch
Cllr Nash	8/2(f)	West Winch

PC42: **CHAIRMAN'S CORRESPONDENCE**

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

PC43: **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.

The Planning Control Manager advised that in relation to 8/2(a), this had been incorrectly labelled and should read 8/2(c) and relate to the Hunstanton application.

PC44: **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) – (viii) below, where appropriate, to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chairman.

- (i) **21/01873/FM**  
**King's Lynn: Land SE of 60 Queen Mary Road, North of Railway Line and South of Parkway, Gaywood: Construction of 226 homes and associated green space, landscaping and ancillary infrastructure: BCKLWN**

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

The Planning Control Manager introduced the report and advised that Members would recall a recent application for 379 homes and associated development (ref 20/00724/FM which was located on the current application site in combination with land to the south of Howard Junior School and was considered at the Planning Committee held on 15 April 2021. Whilst Members resolved to approve the application, it was subsequently withdrawn by the applicant.

The current application proposed 226 houses and associated green space, landscaping and ancillary infrastructure. The development proposed a reduced site area and was entirely located within the allocation known as Policy E1.6 – King's Lynn – South of Parkway of the Site Allocation and Development Management Policies Plan 2016, which proposed development of up to 260 dwellings.

The proposed development had been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and whilst the development falls within Schedule 2, Class 10 (bii) Urban Development, it is not considered that the development would cause significant environmental effects and therefore an Environmental Statement was not required to be submitted.

The application had been referred to the Committee for determination given the scale of development and wider issues raised.

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

Councillor Ryves stated that he would like to draw the Committee's attention to a general concern which stemmed from comments which had been posted on the planning portal that today the Committee as the Local Planning Authority were considering a major planning application submitted by the Borough Council on land owned by the Borough Council, and there were concerns that this was an unavoidable conflict of interest. Additionally, the Council was suffering potential reputational damage that the original Parkway application, which had been pointed out by a County Councillor, had been linked in the local press to an active Police investigation following standards complaints about three Councillors, two of whom were Conservative Party Members. He therefore proposed that the application be deferred, pending legal advice, as to the possibility of delegating the

Council's LPA function for the application either to County or a fellow Norfolk Borough. This was seconded by Councillor Rust

The Chairman, Councillor Mrs Spikings invited the Council's Legal Advisor to respond to Councillor Ryves proposal. He advised that the Town and Country Planning Act General Regulations did provide for Local Authorities to be able to determine their own applications, so it was not an unusual circumstance, there was provision in the law for the process to be followed. Local Planning Authorities were able to put together proposals to be determined by their Planning Committee so there was nothing unlawful about that as a process, and it was frequently followed.

The Democratic Services Officer then carried out a roll call on the proposal to defer the application and, after having been put to the vote was lost (2 votes for, 13 votes against and 2 abstentions).

In accordance with the adopted public speaking protocol, Christine Merry (objecting), David Ousby (supporting), Alistair Curran (supporting) and County Councillor Rob Colwell (objecting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillors Kunes and Blunt addressed the Committee in support of the application.

In response to comments raised by the public speakers, the Planning Control Manager clarified that 22 trees would be removed in total, 19 were in groups and 3 were individual trees T1, T13 and T14 (as set out on page 30 of the report). Also, with regards to the Flood Risk Assessment and Evacuation Routes, as queried by County Councillor Colwell, the evacuation routes were updated in the FRA dated 18 February, which related to vehicle evacuation routes running to the north and to the east along Gayton Road and pedestrian access should proceed north-east towards the A1076 Gayton Road, as well as the Fairstead estate.

*The Committee then adjourned at 10.25 am for a comfort break and reconvened at 10.35 am.*

Councillor Rust stated that she had been one of those Councillors who had thought that this development would be acceptable if it excluded the eastern side and understood the need for the Council to provide houses of a good quality. She added that she lived in the area and her Ward included lots of schools. She had concerns that the scheme was not financially viable. There were no Section 106 contributions towards schools and there were already issues with trying to get doctor's appointments and dentists and the hospital was under pressure. The impact of the scheme would have an impact on services. She added that the report stated that the scheme would be wholly unviable if it made the Section 106 contributions.

She also had concerns in relation to the loss of trees and added that there was a limited amount of open space. She explained that the playing field was used and £71,500 would not significantly improve the play area. She considered that the air quality issues had not been addressed and by adding 500 car parking spaces and 226 houses would impact on the air quality.

She therefore proposed that the application should be refused.

The Assistant Director advised that the site was a housing allocation and had been planned for a number of years. With regards to the lack of doctors and dentist appointments, he explained that this was a national issue and was not a reason to refuse the application. With regards to trees, the vast majority were staying, and it was unfortunate that some would have to be removed to allow for the development, but this had to be considered against the fact that this was an allocated site. In terms of the playing field, again it was an allocation and had been through the plan process. With regards to the play area, it was considered that the amount of £71,500 to boost that was fair and proportionate, but Members would have their own view on that issue.

Air quality had been modelled and assessed and the findings were in the report. An officer was available at the meeting should the Committee have any further questions / require technical details.

Councillor Squire made reference to the 150 years old trees, as mentioned in the report, and asked if any of those were being removed? She also asked who got the 15% mitigation fee and were they listed as a consultee, how long would it take to reach the 15% biodiversity net gain and how exactly the scheme would enhance the quality of life for existing residents.

With regards to the habitat mitigation fee, the Assistant Director explained that it went into a fund, which was spent by a group, which was administered by the Norfolk Coast Partnership and spent on mitigation projects in the Borough.

In terms of the biodiversity net gain, whilst primary legislation had been passed, it was still in an interim time-period and the proposals would come into force in 2023 in terms of biodiversity net gain. Notwithstanding that, there were mitigation measures in place to achieve 15% net gain.

The Arboricultural Officer provided advice to the Committee on the loss of the 3 mature trees but stated that with the mitigation set out and the wet woodland creation on the western part of the site, this went a long way to make up for the loss of the trees. He stated that it was possible that the trees to be removed could be 150 years old.

Councillor Squire outlined her concerns in relation to the application. She questioned the comments made by Councillor Kunes who had

said that there would be 5 or 6 trees mitigation when the report clearly said 3. Also, with regards to the western area of the site, the scrubland, it stated in late correspondence that the NWT found it fully acceptable, but their report says it was not. In relation to the recreation ground, she added that there was one part of the Council carrying out a study on whether the Borough needed more sports pitches when here the Council would be building on one. She considered that the application would not improve the quality of life for existing residents. She also had an issue with design and if a tree blew down on the spinal road, residents would be blocked. She added that it would take years to get to the biodiversity net gain. Also, with trees being cut down, this would make the air quality worse. She also felt that the scheme would become unviable. She seconded Councillor Rust's proposal to refuse the application.

The Planning Control Manager referred to the comments from NWT, who did not object in principle but were concerned about tree planting on the enhancement area, which was the point of condition 25, so that a suitable habitat could be agreed with NWT and Natural England to ensure suitable biodiversity and ecology in that location.

Councillor Rust outlined her planning reasons for refusal of the application being:

- That the scheme was not financially viable;
- Loss of high-quality trees and valuable green open space;
- Impact on air quality; and
- Flood risk assessment and Land Drainage Act 1991.

The Assistant Director advised that the flood risk had been taken into account and there was no objection from technical consultees. With regards to air quality, there was a representative present at the meeting who could go into more details.

The issue of viability was set out on page 37 of the report. An officer from County Highways was also present at the meeting and could explain their comments.

The Chairman then invited David Wilson from County Highways to address the meeting and outline their comments.

The Chairman also invited David Allford to address the Committee with regards to air quality. The Planning Control Manager added that there was further air quality monitoring proposed to be secured through conditions.

Councillor Hudson asked how high the air quality was at the moment. Reports in the past had stated that it was particularly high. She outlined her concerns to the application which included the idea of walking/cycling would not happen and that having electric cars in 7 years-time would not happen. She referred to the narrow roads and to

keep the traffic moving it had to have a management plan. There would be around 175 cars when the development was built coming into an area where there was a narrowing of the roads. There was a suggestion that people would change the way they lived but this was not going to happen. She stated that the doctors and dentists were not taking on new patients. She added that everything was done by car.

The Assistant Director advised that the site was an allocation to bring forward housing and here was a need for it.

Councillor Crofts explained the LDF process which had led to the allocation. He added that he supported the application and outlined the benefits of the scheme.

Councillor Ryves made reference to the following:

- Need for the development (outlined on page 63 of the agenda),
- Greenfield development
- Congestion and vehicle movements

He stated that he had carried out some research and in Holland with schemes of this nature, they reduced the number of car parking spaces to encourage people to use alternative methods of travelling. He added that the car parking spaces should be reduced, congestion would be increased, the scheme would not be viable and there was only one access point to serve the site. The hospital was also congestion.

The County Highways Officer provided responses to some of the queries raised regarding traffic movements.

The Chairman added that when the site was put forward for inclusion within the Local Plan, it was subject to consultation at that time before it went to examination.

Councillor Bubb raised concern that there was not an emergency access for the site. He suggested a possible location that he felt could be considered and would like to see a condition imposed requiring an emergency access before the development went ahead. He added that the site would be constructed in phases. With regard to school spaces, he explained that pupils did move through and would not stay at the school forever. The scheme would also help to keep the town viable.

Andrew Willeard provided the Committee with some advice on the comment from Councillor Bubb regarding an emergency access. He explained that Norfolk County Highways could not justify an emergency access, which was not deliverable either and there were two points of access onto Parkway which was satisfactory to NCC Highways.

Councillor Bubb explained that it was Queen Mary Road which was the vulnerable stopping point for everyone and added that there was an

opportunity for an emergency access to be provided by the level crossing at Tennyson Avenue by strengthening the road and adding a couple of posts.

The Chairman reminded the Committee that any condition had to be fair and reasonable.

The County Highways Officer advised that from a highways point of view whilst a second point of access would be preferable, that was not on the table and the application had to be considered as presented to them and that was with access solely off Parkway, which was acceptable to them.

Councillor Bubb added that he considered that the path was wide enough. The County Highways Officer advised that the path was not wide enough for an emergency access and was not highway land. It would require significant improvement to bring it up to an emergency access standard and the path was quite long.

Councillor Bubb added that he was concerned that there was no other access.

Councillor Nockolds added that she had walked to the site to remind her of the area. She considered that this would be a good place for homes which were needed. She considered that the site was accessible and fully supported the application.

The Assistant Director advised that the planned development needed to be delivered to ensure that the Council had a 5-year supply of housing.

Councillor Ryves referred to flood risk issues. He considered that the site should be 100% affordable housing.

The Chairman referred to pages 26 and 27 of the officer's report, which dealt with flooding. She added that some sacrifices had to be made to allow for housing to come forward, which was needed. The site had been identified in 2016 for housing development.

Councillor Storey considered that there should be more affordable housing units on the site. He referred to the design of flats which had a flat roof which he did not consider was not acceptable. He also made reference to pepper-potting of the affordable units which he considered was not acceptable.

The Assistant Director advised that the pepper-potting did meet the Council's policy in relation to pepper-potting.

Councillor Rust referred to the viability assessment. The Assistant Director advised that there was a grant available from Homes England

to enable the site to come forward which was detailed on pages 37 and 38 of the officer's report.

Councillor Ryves referred to the replacement number of trees that should be provided and the science which had come out from America. He considered that 3 for 1, which was being conditioned was not enough. The Planning Control Manager advised that the planting scheme, which had been put forward by the applicant, was secured by condition to ensure that the most appropriate sort and size of trees were put forward. Normally any replacement trees would be 1 for 1, but the applicant had put forward 3 for 1, which was fully acceptable to the Council.

Councillor Storey added that he considered that an emergency access was vital.

At 11.55 am the Committee then adjourned for lunch and to obtain some advice regarding the possibility of providing an emergency access.

Upon re-convening the Assistant Director advised an email had been received from the Secretary of State advising that if the application were to be approved, then the decision notice should not be sent out until they have decided whether or not to call-in the application.

Also, with regards to providing an emergency access, he had spoken with the applicant and County Highway Officers and an area may have been identified where another point of access could be provided away from Gaywood Clock. He suggested that this could be included within condition 9 as part of the off-site highway works. The Planning Control Manager highlighted where this could be on the plan.

Councillor Bubb stated that he was happy to include this.

Councillor Squire expressed concern regarding the design of the houses and asked for this to be included as a reason for refusal - design and form and character of the area. She added that there were no conditions requiring bat boxes, hedgehog highways, bird boxes, etc.

The Chairman confirmed that this was covered by Condition 30.

The Planning Control Manager clarified the reasons for refusal proposed by Councillor Rust, seconded by Councillor Squire being:

- Loss of trees and open space
- Viability
- Design and form and character
- Flood risk
- Air Quality

The Democratic Services Officer carried out a roll call on the proposal to refuse the application and, after having been put to the vote, was lost (5 votes for, 11 against and 1 abstention).

The Chairman then drew the Committee's attention to the need to amend Conditions 2 and 9, which were agreed.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application with amendments to condition 2 and 9 and, after having been put to the vote, was carried (12 votes for and 5 against).

**RESOLVED:** (A) That the application be approved, subject to conditions and the amendment to conditions 2 and 9, and the satisfactory completion of a Section 106 Agreement to secure affordable housing, open space provision and maintenance, sustainable transport contribution and associated monitoring within 4 months of the date of the Committee resolution.

(B) In the event that the Section 106 is not completed within 4 months of the date of the Committee meeting, the application be refused due to the failure to secure affordable housing, open space provision and maintenance, sustainable transport contribution and associated monitoring.

(ii) **21/02103/FM**

**Northwold: Phased development of 10 dwellings built to Passivhaus standards, using existing entrance from Jensons Way: Councillor Tony White**

**RESOLVED:** That the application be deferred.

(iii) **21/0212/F**

**Burnham Market: 25 Front Street: Variation of condition 2 of planning permission 17/02079/F to amend drawings: WW Properties (East Anglia) Limited**

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

The Planning Control Manager introduced the report and explained that the application was retrospective for the variation of condition 2 of 17/02079/F, to make alterations to the approved plans to match which had been constructed on site. The most significant alterations included increased depth and different external materials of the single storey rear portion of the dwelling, change of the eastern balcony on the rear to a Juliet balcony, balcony fenestrations altered from glass balustrade to steel railings, and a revised internal floor layout.

The application site was located on the north side of Front Street within Burnham Market Conservation Area and opposite Listed Buildings along the south of Front Street.

The application had been referred to the Committee for determination as the Parish Council comments 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.

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

The Planning Control Manager advised that the Committee could prevent the use of the flat roof as a balcony. This was proposed by Councillor Squire and agreed by the Committee.

The Democratic Services Officer carried out a roll call on the recommendation to approve the application, together with the additional condition to prevent the use of the balcony which was approved (16 votes for and 1 against).

**RESOLVED:** That the application be approved, as recommended, subject to an additional condition to prevent the use of the balcony.

**(iv) 21/01771/F**

**King's Lynn: Land at Clenchwarton Road, West Lynn:  
Proposed Butchers Shop and associated facilities: Mr  
Chris and Andrew Prior**

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

The Planning Control Manager introduced the report and explained that full planning permission was sought for the construction of a Butchers shop / retail unit with associated car parking, servicing and landscaping arrangements.

The site was part of a larger field which currently comprised open grass land with a number of mature trees and other established vegetation.

West Lynn was grouped with King's Lynn with regard to the policies outlined in both the Core Strategy (2011) and the Site Allocation and Development Management Policies Plan (2016). The site was located on the edge of the village approximately 125 km south of the development boundary in an area classed as countryside on the Local Plan maps and was within Flood Zone 3 of the Borough Council's SFRA (2018).

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

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 Christopher Skinner (objecting), Andrew Prior (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor Joyce and Councillor Kunes addressed the Committee in support of the application.

The Chairman, Councillor Mrs Spikings proposed that condition 5 be amended to ensure that semi-mature trees were used and replaced if they failed within 5 years, which was agreed by the Committee.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application together with the amended condition 5 to ensure that semi-mature trees were used and replaced if they failed within 5 years and, after having been put to the vote, was carried unanimously.

**RESOLVED:** That the application be approved, as recommended, subject to condition 5 being amended to ensure that semi-mature trees were used and replaced if they failed within 5 years.

**(v) 21/01886/F**

**Hunstanton: Coralyn House, 12 Glebe Avenue: Proposed single storey rear extension incorporating internal alterations of residential care home (use Class C2) following the removal of existing conservatory structure. Proposed single-storey garden room to rear of the site following removal of outbuildings: Mr and Mrs Ramana**

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

The Planning Control Manager introduced the report and explained that the land was situated on the south side of Glebe Avenue, Hunstanton, approximately 75 m west of the A149 Cromer Road, a similar distance east of St Edmunds Avenue junction and within the designated Conservation Area of the town.

The building was currently used as a care home (Use Class C2).

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

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 Duff-Dick (objecting) and Nick Borman (supporting) addressed the Committee in relation to the application.

In speaking against the application, Councillor Mrs Bower proposed that a site visit be carried out but there was no seconder for the proposal.

The Democratic Services Officer carried out a roll call on the recommendation to approve the application together with an informative regarding asbestos and, after having been put to the vote, was carried (14 votes for, 2 against and 1 abstention).

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

- (vi) **20/02044/F**  
**Marshland St James: Rapiscan Systems Vacant, Middle Drove: Removal or variation of condition 2 of planning permission 19/01247/F: Retrospective sub-division of old industrial unit: MCR Property Group**

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

The Principal Planner presented the report and explained that the application site was located on the western side of Middle Drove, Marshland St James, close to Neep's Bridge over the Middle Level Main Drain, approximately 2 km south of the junction with School Road.

Planning permission was sought to vary the hours of operation of a collection of industrial units to allow additional indoor working at the start and end of the currently authorised timeframes.

The Principal Planner drew the Committee's attention to the correction detailed in late correspondence.

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

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 (13 votes for, 3 against and 1 abstention).

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

- (vii) **21/01781/F**  
**West Walton: Land north-east of Thurston Farm, Common Road, Walton Highway: Change of use of land and stables to commercial livery yard and erection of dwelling in connection to commercial livery: Mrs D Glover**

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

The Principal Planner introduced the report and explained that full planning permission was sought for a new business tied dwelling in association with a proposed change of use of existing stables to use as a commercial livery.

The site was located outside of the development boundary on land which was considered to be within the wider countryside for the purposes of planning policy.

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, as set out in the report.

In accordance with the adopted public speaking protocol, Liam Lunn-Turner (supporting) addressed the Committee in relation to the application.

The Democratic Services Officer read out a statement from Councillor Kirk, in support of the application, who could not be present at the meeting.

The Chairman proposed that the application be deferred, to clarify whether the applicant was willing to apply for temporary permission to establish the business. This was seconded by Councillor Rose.

The Democratic Services Officer carried out a roll call on proposal to defer the application and, after having been put to the vote, was carried (15 votes for, and 2 votes against).

**RESOLVED:** That the application be deferred to clarify if the applicant would apply for a temporary consent to see if the business could be established.

*Councillor Whitby left the meeting at 2.25 pm.*

(viii) **21/02363/F**

**West Winch: Deerfields, Lynn Road, Setchey: Rebuilding of original carrstone wall in connection with planning application 20/00303/FM: Mr M Fentiman**

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

The Principal Planner presented the report and explained that planning permission was sought for the construction of a new carrstone boundary wall (87m in length) in order to regularise works which have taken place contrary to planning consent reference 20/00303/FM. The boundary wall was proposed along the western boundary of the site known as Deerfields, Lynn Road, Setchey, directly adjacent to the A10.

The application had been referred to the Committee for determination by the Assistant Director.

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

In accordance with Standing Order 34, Councillors Nash and Kemp addressed the Committee in relation to the application.

The Democratic Services Officer carried out a roll call on the recommendation to approve the application and, after having been put to the vote, was carried (10 votes for, 4 against and 2 abstentions).

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

PC45: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

**RESOLVED:** That the reports be noted.

**The meeting closed at 2.40 pm**