

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

Minutes from the Meeting of the Planning Committee held on Tuesday, 21st June, 2022 at 9.30 am in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor Mrs V Spikings (Chair)
Councillors A Bubb, C J Crofts, M de Whalley, C Hudson, C Manning, T Parish,
C Sampson, S Squire and D Whitby

An apology for absence was received from Councillor F Bone, C Bower,
B Lawton, E Nockolds, S Patel, J Rust, M Storey and D Tyler

PC12: **WELCOME**

The Chairman welcomed everyone to the Reconvened Meeting of the Planning Committee following the site visits held earlier in the day. She advised that the meeting was being recorded and streamed live on You Tube.

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

PC13: **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors F Bone, C Bower, B Lawton, E Nockolds, S Patel, J Rust, M Storey and D Tyler.

PC14: **APPOINTMENT OF VICE-CHAIR FOR THE MEETING**

RESOLVED: That Councillor C J Crofts be appointed as Vice-Chair for the meeting.

PC15: **DECLARATIONS OF INTEREST**

Councillor Squire declared an interest in planning application 8/3 (e) Marshland Street, Terrington St Clement and left the meeting during consideration of the item.

PC16: **DECISIONS ON APPLICATIONS FOLLOWING SITE VISITS HELD EARLIER IN THE DAY**

(a) **18/00940/OM Terrington St Clement: Church Farm Distribution Depot, Northgate Way, PE34 4LL: Outline application: Erection of 76 dwellings with means of site access following demolition of existing structures**

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Following the meeting held on 15 June 2022, the Senior Planner recommended that an additional condition 35 regarding bat boxes should be imposed and read this out to the Committee. The key issues had been outlined on page 26 of the agenda. Access would be provided from Northgate Way and there was an indicative plan showing the 76 dwellings. There was also an indicative secondary access shown to the allocated site and a pedestrian link to Churchgate Way to the west. She also confirmed that the whole of Terrington St Clement was in Flood Zones 2 and 3. She also provided further information regarding the sequential test.

Councillor Parish expressed concern in relation to the application in terms of overdevelopment of this site (76 dwellings) and the adjoining site (44 dwellings), traffic along Benn's Lane and the access being poor.

The Chairman, Councillor Mrs Spikings drew the Committee's attention to the comments from the Local Highways Authority.

Councillor de Whalley stated that the current site had been included within the emerging Local Plan, which had not yet been adopted. He stated that his concerns related flooding and asked questions of the sequential test. He added that he had concerns regarding the soundness of the Local Plan and therefore this application with regard to flood risk. He considered that there were better sites across West Norfolk than this site. He also felt that a safe access and escape route should be provided in the event of a flood. He also had concerns over the traffic using Benn's Lane. He therefore proposed that the application should be refused, which was seconded by Councillor Squire on the grounds that the application was contrary to the NPPF paragraphs 161 and 162.

The Assistant Director advised that there had been no technical objection from the Environment Agency or County Highways Authority and, if the application went to appeal, then evidence would need to be provided to justify the reason for refusal of the application.

Councillor Squire added that the Parish Council did not want the proposal and County Highways were not saying that they supported the application. She made reference to an incident on Friday with traffic backed-up at school time in the village. She also considered that the proposal was over-development.

The Senior Planner explained the off-site highway works which were connected with the site that already had outline planning consent.

Councillor Bubb proposed that an additional condition be added to block-off the access into Benn's Lane except for emergency services.

The Senior Planner advised that it was a Policy requirement to have a pedestrian, cycle and road link to the other site.

The Committee then voted on the additional condition to block-off the access into Benn's Lane except for emergency access which was lost.

Councillor Hudson added that more than one access was needed. It was explained that the access would need to meet highway standards and would also need to go through a safety audit.

Councillor Parish raised the issue of the application being premature, as the emerging Local Plan still had to go to examination. The 44 houses that had consent should be built out first. The Assistant Director advised that prematurity was a difficult reason to sustain. He referred to paragraphs 49 and 50 of the NPPF, which gave advice on that.

The Chairman then drew the Committee's attention to the late correspondence and the need to make corrections to page 32, amend conditions 6 and 7 and add a new condition 35, which was agreed.

The Democratic Services Officer then carried out a roll call on the proposal to refuse the application, seconded by Councillor Squire on the grounds of flood risk and sequential test – paragraphs 161 and 162 of the NPPF, overdevelopment, the road was not adequate for future traffic levels, over subscription of schools and that the Council had a 5-year land supply. Having been put to the vote, the proposal was lost 4 votes for and 7 against.

The Committee then voted on the recommendation to approve the application together with the amendment to conditions 6 and 7 and the addition of condition 35, which was carried 7 votes for, 3 votes against and 1 abstention.

RESOLVED: (A) That the application be approved subject to conditions and completion of a Section 106 Agreement to secure affordable housing and open space provision within 4 months of the date to approve.

(B) That the application be refused in the event that a suitable Section 106 Agreement to secure affordable housing and open space provision is not completed within 4 months of the resolution to approve.

(b) 22/00266/RM Terrington St Clement: Plot 1 Adj 40 Marshland Street, PE34 4NE: Reserved matters: Proposed new dwelling and garage and associated works

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Councillor Squire left the meeting and did not take part in the debate or decision.

The Principal Planner reminded the Committee that the application was for plot 1 only and outlined the proposal.

Councillor Bubb stated that having visited the site and had the height of garage clarified he proposed that the application be refused on the grounds of the height of the garage. This was seconded by the Chairman Councillor Mrs Spikings.

The Chairman added that having visited the garden of the neighbour and seen the impact that the garage would have on the neighbour, she could see no reason why the garage was positioned where it was and considered that it should be repositioned.

In relation to comments from Councillor Parish regarding the number of dwellings being restricted to two only, it was explained that outline consent had already been granted for three dwellings and the principle of development established but the detail and impact could be considered.

The Planning Control Manager clarified the reason for refusal being that the impact of the height and positioning of the garage would cause dis-amenity to the neighbouring property.

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 unanimously.

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

Impact of the garage on the neighbouring property and their amenity caused by the height and position of the garage, causing undue disamenity contrary to the NPPF and policy DM15 of the SADMPP.

(c) 21/02418/O Tilney All Saints: Thriftfields, Cotts Lane, PE34 4SL: Outline application some matters reserved: Erection of two dwellings

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The Principal Planner reminded the Committee that the issue of bin how bins would be collected had been raised and recommended that this be subject to a condition and also there had been no objection from the Waste Management Officer.

Councillor Bubb stated that he was pleased to have visited the site and it was clear that bin collection lorries and large vehicles could access the site, he therefore supported the application.

Councillor Crofts asked if it could be conditioned to allow for 2 dwellings only, as he considered that the road could not cope with more dwellings.

The Principal Planner advised that the description was for 2 dwellings and a condition could be imposed requiring two dwellings only to be constructed on the site.

The Assistant Director explained that the application had to be built in accordance with the plan submitted which showed two dwellings. If the applicant wanted any more dwellings on the site, then a new application would have to be submitted.

Councillor Whitby raised concern over the impact on neighbours with the construction traffic. The Assistant Director advised that Condition 14 dealt with construction management stage.

The Chairman Councillor Mrs Spikings expressed concern in relation to the layout, in particular the position of the garage next to the neighbouring property. She asked for clarification in relation to the height of the garage.

The Assistant Director explained that layout was part of the application, and it was up to the Committee to determine whether there would be an impact on the neighbouring property.

The Chairman Councillor Mrs Spikings asked whether a condition could be imposed regarding the height of the garage. The Assistant Director suggested that it would better to wait to the reserved matters stage and then an assessment could be made on the size of the garage.

Councillor Parish stated that the application bypassed the Parish Council's objection particularly in relation to the Neighbourhood Plan.

The Principal Planner explained that in terms of the Neighbourhood Plan, bungalows would not be provided because of flood risk and larger dwellings had been proposed because of viability. The Principal Planner also clarified the distances between the garage on plot B and the house to the northwest.

Councillor Parish stated that a developer should meet the requirements of a Neighbourhood Plan and not for a viability assessment to trump the requirements of the Neighbourhood Plan.

The Planning Control Manager explained that insofar as Policy 1.2 set out a series of criteria, but it did allow for flexibility, which was read out to the Committee. There were reasons set out in the report why officers felt that the proposal met the Neighbourhood Plan, as set out on pages 119-120. 3 dwellings had been considered overdevelopment on a previous application.

Councillor Hudson left the meeting at 2.00 pm.

Councillor de Whalley also considered that the neighbours would be impacted by having the garage in its proposed position and he also considered that the site would benefit from only having one dwelling rather than two.

Councillor Squire also stated that the site was wet, and she agreed that one dwelling would be more appropriate for the site.

The Chairman, Councillor Mrs Spikings drew the Committee's attention to the need to add conditions 17 and 18 as outlined in late correspondence, which was agreed. The Assistant Director also suggested an additional condition regarding bin collections, which was also agreed by the Committee.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application with the additional conditions 17 and 18 (as detailed in late correspondence) and an additional condition regarding bin collections and, after having been put to the vote, was lost on the Chairman's casting vote (5 votes for and 5 votes against).

The Chairman Councillor Mrs Spikings then proposed that the application be refused on the grounds of the siting of the garage which could cause disamenity of the neighbouring property. This was seconded by Councillor Whitby.

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 (7 votes for, 1 against and 2 abstentions).

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

The position of the garage in relation to the neighbouring property is considered to have a detrimental impact upon neighbour amenity, contrary to the NPPF and policy DM15 of the SADMPP.

- (d) 21/01802/F**
Heacham: Malthouse Farm, 2 Cheney Hill, PE31 7EQ:
Proposed dwelling following sub-division and part
removal of wall

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The Planning Control Manager reminded the Committee of the site visit and key features of the site.

Councillor Bubb considered that the proposal was overdevelopment and proposed that the application refused on that ground. This was seconded by Councillor de Whalley.

Councillor Crofts stated that he disagreed with the proposal for refusal but expressed concern over the loss of part of the wall to create the access, although he understood that the wall was not protected and could be removed at any time.

The Chairman, Councillor Mrs Spikings added that she supported the application as not everyone wanted a large dwelling. She did not think that it was overdevelopment of the site and not everyone wanted a large garden. She also referred to Condition 12 which required the dwelling to be used as someone's primary residence. She explained that the wall was not preserved or in a Conservation Area and could be demolished at any time but added that it was not in the best of repair.

Councillor de Whalley added that he agreed with Councillor Bubb that it was overdevelopment of the site. He accepted that the wall was not protected and to lose part of it would be a shame.

Councillor Parish stated that he was concerned over the loss of part of the wall. He also referred to Condition 12, which related to Policy 5 of the Heacham Neighbourhood Plan. He added that the garden, wall and trees provided a green boundary between the farmhouse and impending 134 properties on the site beyond. People would notice the loss of the wall.

Councillor Bubb clarified that he did not want to see the boundary so close to the east and west as this would make the dwelling very dark.

The Democratic Services Officer then carried out a roll call on the proposal to refuse the application which was lost (4 votes for, 6 against).

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application which was carried (6 votes for, 4 against)

RESOLVED: That the application be approved, as recommended.

The meeting closed at 2.20 pm