

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

**Minutes from the Meeting of the Planning Committee held on Monday, 9th January, 2023 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 F Bone, C Bower, A Bubb, C J Crofts, M de Whalley, A Holmes, M Howland, C Hudson, B Lawton, C Manning, E Nockolds, T Parish, C Rose, J Rust, M Storey, D Tyler and D Whitby

PC84: **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.

She invited the Democratic Services Officer to carry out a roll call to determine attendees.

PC85: **APOLOGIES**

Apologies for absence had been received from Councillor Patel (Councillor Rose sub)

The Chairman thanked Councillor Rose (substitute) for attending the meeting.

PC86: **MINUTES**

The minutes of the meeting held on 5 December 2022 were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC87: **DECLARATIONS OF INTEREST**

In relation to item 8/1(a), Councillor Holmes declared that he had already spoken about the application before he was Member of the Planning Committee and would not take part or vote on the matter. He would address the Committee in accordance with Standing Order 34.

PC88: **URGENT BUSINESS UNDER STANDING ORDER 7**

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*Councillor Holmes did not take part in the discussion or vote.*

The Planning Control Manager advised that in relation to application 8/1(a), Downham Market late representations had been received and as a result legal advice sought. The legal advice was that the application should be deferred to enable time for the updated planning statement and additional amended plans to be considered, and for further representations following uploading of the additional documents to be received and taken into account. It would also give the agent the opportunity to respond to the third-party comments requesting more information about the difference between an Eco Store and standard Lidl store. If the Council did consider the item, it could put the Council at risk of a legal challenge.

The Chairman then invited Steven Bell, the Council's legal representative to explain the legal advice. He explained that time was needed to look at the additional information submitted, the amended plans, updated planning statement and reference to the Eco Store. This was to ensure that all Members had up to date information and all parties had the opportunity to respond on further consultation before the application was considered in full by the Committee. If the application was determined before all the information was in front of the Committee, then it would possibly lead to another challenge and therefore put the Council at risk.

The Chairman proposed that the application be deferred, which was seconded by Councillor Rose and, after having been put to the vote, was agreed by the Committee.

**RESOLVED:** That application 20/01893/FM be deferred.

PC89: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Members attended and addressed the Committee in accordance with Standing Order 34:

Councillor J Kirk                      8/2(h) West Walton

PC90: **CHAIRMAN'S CORRESPONDENCE**

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

PC91: **RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

A copy of 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.

PC92: **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 and Environment (copies of the schedules were published with the agenda). Any changes to the schedules were 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 set out in the schedules signed by the Chairman.

- (i) **20/01893/FM**  
**Downham Market: Land east of 160 and west of Roundabout, Bexwell Road, Downham Market: Erection of a new Lidl food store (Use Class E) with associated car parking and landscaping: Lidl Great Britain Limited**

This application had been deferred earlier in the meeting.

- (ii) **22/01577/RM**  
**Watlington: 10 Fairfield Lane: Reserved matters: Approval for all reserved matters: Construction of new dwelling: Client of Holt Architectural Ltd**

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The Principal Planner introduced the report and explained that the application had been deferred from the previous meeting held on 5 December 2022 to consult CSNN on conditions for a construction management plan.

The application was for reserved matters for a two-storey dwelling following the grant of outline permission 22/00442/O.

The application site was located to the north of No.10, along the west side of Fairfield Lane, Watlington, which was a Public Footpath.

The application had been referred to the Committee for determination as the officer recommendation was contrary to the Parish Council response and it was also referred by the Planning Sifting Panel.

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

The Chairman, Councillor Mrs Spikings drew the Committee's attention to the late correspondence and the need to amend Condition 7, which was agreed.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to condition 7 being

amended (as detailed in late correspondence) and, after having been put to the vote was carried.

**RESOLVED:** That the application be approved as recommended, subject to condition 7 being amended as detailed in late correspondence.

- (iii) **22/01777/F**  
**Castle Acre: Heritage View, Castle Square, Bailey Street: Single storey extension to create garden room: Mr & Mrs J E Moriarty**

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The Planning Control Manager introduced the report and explained that the application site was located off Castle Square in Castle Acre. The site was located within the Castle Acre Conservation Area and located to the south-west of Castle Acre Castle (a scheduled ancient monument).

The application had been referred to the Committee for determination as the applicant was a Borough Councillor.

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 unanimously.

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

- (iv) **22/00875/CU**  
**Emneth: 85 Elm High Road: Retrospective application: conversion guesthouse to HMO: Mr Chris Dawson**

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The Principal Planner introduced the report and explained that the application sought retrospective planning consent for the change of use of the former Westfields Guesthouse now operating as Tudor House, from a guesthouse to a House in Multiple Occupation (HMO) consisting of 9 bedrooms (with 6 no. en-suite and 3 smaller bedrooms sharing a bathroom) with communal kitchen and dining room.

The application site was approximately 0.06ha and was part of a larger site (approximately 0.27 ha in total), the remainder of which contained a redundant restaurant and storage buildings. This building / No.85 would remain physically unaltered by this proposal.

The application site was located on the south-eastern quadrant of the A47 / Elm High Road roundabout junction, with access via the existing entrance off Elm High Road. The site was approximately 2 miles to Wisbech Town Centre and close to the built extent of the town. However, it was located within the Parish of Emneth and the site was within the development boundary for the village of Emneth, as detailed on Inset Map G34 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016). The site plan showed 9 no. parking spaces plus a space for a cycle store and bin storage.

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 instruction 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, Mr Chris Dawson (supporting) addressed the Committee in relation to the application.

Several Members of the Committee expressed concern in relation to the size of some of bedrooms and lack of communal areas.

The Principal Planner clarified some of the bedroom sizes. It was explained that Housing Standards had confirmed that the room sizes did meet with the minimum standards and the layout might require some internal alterations not needing planning consent. Licensing would also define the number of residents that the premises could accommodate.

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, 7 against and 3 abstentions).

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

- (v) **22/01798/F**  
**Feltwell: 24 Long Lane: Variation of condition 2 of planning permission 20/00601/F: Construction of one dwelling: S&V Geddes-Green**

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The Principal Planner introduced the report and explained that application was for the variation of condition 2 to make alterations to the approved plans to increase the height of the dwelling and add second storey accommodation with dormer windows. Proposed eaves of the dwelling would be approximately 0.2 m higher than approved and the proposed ridge height of the dwelling will be approximately 0.8 m higher than the approved.

The application site was located north of Long Lane and down a private track that currently served 8 dwellings (or 6 not counting those which fronted Long Lane).

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.

Some Members expressed concern over the height of the proposal in relation to the street-scene. The Principal Planner displayed via Google earth the driveway and other properties in the vicinity.

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, 3 against and 3 abstentions).

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

*The Committee adjourned at 10.20 am and reconvened at 10.40 am*

(vi) **22/00065/F**  
**Holme: Westfield, 27 Peddars Way: Demolition of existing bungalow and construction of detached two-storey dwelling: Mr & Mrs Thorogood**

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The Planning Control Manager introduced the report and explained that the site comprised a single storey detached property and associated garden land. The property was one in a row of residential properties along Peddars Way, Holme next the Sea.

In planning policy terms, the village of Holme next the Sea was identified as a Smaller Village and Hamlet in the Core Strategy and SADMP and therefore did not have a settlement boundary. In this respect, the site was within the countryside.

Holme next the Sea now had an adopted Neighbourhood Plan and in this regard the majority of the site was within the Neighbourhood Plan settlement boundary, whilst the rear part of the site was outside. The whole village was within the AONB.

Full planning permission was sought for the demolition of the existing bungalow and construction of a detached two-storey dwelling.

This application was a resubmission of a previous scheme which was refused at Planning Committee in December 2021 (ref: 21/00457/F) in order to address the reason for refusal.

The Planning Control Manager drew the Committee's attention to the need to amend Condition 7 and to add an additional condition to remove the limited PD rights.

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, Jacqueline Budenberg (objecting), Wendy Norman (Parish Council – objecting) and Clare Thorogood (supporting) addressed the Committee in relation to the application.

The case officer responded to comments raised by the public speakers and advised that in relation to privacy particularly to the property to the north, the rear balcony areas were screened by full height timber privacy screens and louvres so it was considered that there would not be a significant amount of

overlooking to the neighbour. In addition, to the north the rear balcony was 29m away from the neighbouring property so there was significant distance as well as the screening.

With regards to light pollution, the amount of glazing had been significantly reduced from the previous scheme and there were still large elements particularly to the rear elevation but a lot of it would be screened by the louvres and overhanging apex on the rear gable which would help to mitigate the light spill.

In addition, the existing bungalow had quite significant amount of glazing so there was already a degree of light spill. The applicant was willing to use smart glass which would help to alleviate the problem of light spill.

The case officer also confirmed that it would be first floor living.

Councillor Lawton expressed concern over the loss of a bungalow being replaced with a big house which he considered was unnecessary. He proposed that the Committee should carry out a site visit so the Committee could see the site but there was no seconder for the proposal.

The case officer also confirmed that the GIA calculation did not include balconies.

Councillor Parish advised that Holme Parish Council had worked hard and won awards for the Neighbourhood Plan, and they felt that the plan had been breached. He expressed concern in relation to light pollution, the fact that the flat roof had been reduced not removed and also made reference to the objection from the Norfolk Coast Partnership.

Councillor de Whalley acknowledged that the application had been improved but he considered it to be contrary to the Neighbourhood Plan, which wanted to prevent the reduction of small houses within the village. He also disagreed with the comment within the report regarding the existing bungalow having an amount of light spill and considered that this should not be taken into account. He referred to the objection from the Norfolk Coast Partnership in relation to excessive glazing and the use of 'smart glass'. He questioned its reliability and the fact that it was used at the applicant's discretion.

The case officer advised that the report did acknowledge that the Parish Council did not agree with the GIA calculations and did not meet the 40% policy. In relation to light pollution and the reference to the existing dwelling on site, she explained that the report tried to weigh up the existing situation on site. She advised that the use of 'smart glass' was conditioned but it would be up to the applicant when it was used.

The Chairman added that she had seen the site and one of things that concerned her was that Peddars Way was a country lane but was being stripped of anything that made it a beautiful environment and replaced with hardstanding. The countryside was gradually being eroded. She also had concerns that the proposed dwelling would comprise first floor living which would be at the detriment to the neighbour. She did not like the idea of a slatted balcony which could still be looked through and would prefer to see a solid balcony.

The Chairman drew the Committees attention to the need to amend condition 7, which was agreed and to add an additional condition to take away the relevant permitted development rights, 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 amendments listed above and, after having been put to the vote was lost (5 votes for, 10 against and 3 abstentions).

As the recommendation to approve the application had been lost, the Chairman proposed that the application be refused on the grounds that the application was contrary to the relevant policies in the Holme Next Sea Neighbourhood Plan, and the Core Strategy and SADMPP, due to impact on Dark Skies, design and layout, adverse impact on the neighbour's amenity, and that the proposal was overly large in the street scene.

The Democratic Services Officer then carried out roll call on the proposal to refuse the application for the grounds of refusal listed above and, after having been put to the vote, was carried (12 votes for, 3 against and 3 abstentions).

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

1. *The proposed dwelling would result in disamenity to the neighbouring dwelling due to inadequate screening and the fact it is first floor living accommodation.*
2. *By virtue of its design and scale, the dwelling appears overly large in the street scene, negatively impacting upon the character of the area.*
3. *The development would adversely impact upon Holme's dark skies, and the AONB, by excessive glazing in the dwelling.*

(vii) **22/01813/F**

**Ingoldisthorpe: Morzine, Ingoldsby Avenue: The sub-division of a bungalow into two dwellings by utilising an existing annexe extension as a separate dwelling house: Mr S Hipkin**

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The Planning Control Manager introduced the report and explained that the application sought full planning permission for the sub-division of an existing dwelling and attached annexe into two individual dwellings. The site was located within the Ingoldisthorpe conservation area, outside the development boundary within an existing residential estate / area.

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

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

Some Members spoke in support of the application. The Assistant Director advised that the Committee needed to consider if this was high quality development and if it had been operating as two units, the applicant could apply for a Lawful Development Certificate.

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 (13 votes for, 4 against and 1 abstention).

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

(viii) **21/01787/F**

**Marham: Land north-east of Lion Farm House, The Street: Development of six, two-storey detached dwellings with associated private accesses and parking: H C Moss**

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The Principal Planner introduced the report and explained that the application site was located on the north-western side of The Street, to the immediate south of the access road to the Anglian Water pumping station and north-east of Lion Farm House. It comprised an area of 0.35 ha of agricultural land which formerly contained a road1side barn. It was surrounded on three sides by mixed housing and agricultural fields

The application had been referred to the Committee for determination as the views of the Parish Council were contrary to the officer recommendation and it had been referred by 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, Mr R Watkins (objecting) and Mr P Kratz (supporting) addressed the Committee in relation to the application.

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, 1 against and 2 abstentions).

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

*The Committee adjourned at 12.15 pm and reconvened at 12.45 pm.*

(ix) **22/01089/F**

**South Wootton: Land northwest of South Wootton School, off Edward Benefer Way: Variation of Condition 13 of permission 17/01151/OM (Outline major application) Sustainable mixed-use urban extension comprising up to 450 dwellings, a mixed use local centre comprising Class A uses (including retail facilities and public house) and Class D1 (such as creche / day centre / community centre) and B1 uses (such as offices), open space and landscaping, wildlife area, childrens play areas, sustainable urban drainage infrastructure, access and link road and associated infrastructure: Allison Homes (Norfolk and Suffolk**

[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 made under S73 of the Planning Act and sought a variation of condition 13 of planning permission ref: 17/01151/OM which sought outline

permission for the redevelopment of the above site to provide up to 450 dwellings, a mixed use local centre comprising Class A uses (including retail facilities and public house) and Class D1 such as creche / day centre / community centre) and B1 uses (such as offices), open space and landscaping, wildlife area, children's play areas, sustainable urban drainage infrastructure, access and link road and associated infrastructure.

Condition 13 of the permission stated:

Prior to the commencement of other works on site the off-site highway improvement works (roundabout on Edward Benefer Way) referred to in Condition 12 shall be completed to the written satisfaction of the Local Planning Authority.

Reason:

To ensure that the highway network is adequate to cater for the development proposed. This is a pre-commencement condition as the roundabout will serve as the access for the site during construction.

The purpose of the application was to vary the wording of condition 13 to enable the construction of some of the proposed housing prior to the construction of the roundabout.

The Planning Control Manager explained that Condition 10 of the same outline permission required the submission of a Construction Management Plan. Details pursuant to the condition had been submitted to and agreed in writing by the Local Planning Authority and as such condition 10 had been discharged. Plan ref: 0178-CTMP submitted as part of the application to discharge condition 10 proposed the implementation of a temporary access to the south-east corner of the site onto Edward Benefer (which already existed as a matter of fact to access fields). The applicant contends that the purpose and reason for condition 13 (the subject of this application) had been overcome by the proposed temporary access as it would ensure that the highway network would be adequate to cater for the construction phase of the development.

The application had been referred to the Committee for determination as the comments of the Parish Council were at variance with 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, Mr Richard Coates (objecting), David Goddard (objecting on behalf of Castle Rising Parish Council) and Charles Judson (supporting) addressed the Committee in relation to the application.

The Planning Control Manager clarified that the temporary construction access did not form part of this application and had been approved under Condition 10 of the outline consent 17/01151/OM.

Councillor Nockolds advised that although she was the Ward Member for South Wootton, she had not taken part in any discussion with the Parish Council or residents. She added that she could not recall the field access

being used for many years. Whilst she understood the need for the affordable housing to be delivered as soon as possible in the King's Lynn area and the Woottons, she considered that it would be a safety risk with the health centre being built at the same time for pedestrians and cyclists. She considered that it would be a safety risk not having the roundabout built first.

In response to a query regarding the amount of time it would take to build the roundabout, the Planning Control Manager explained that the applicant had advised that it would take around 6 months.

Councillor Holmes queried the route that the construction traffic would have to take. He also considered that building the roundabout at the same time as the health centre would cause congestion. The Planning Control Manager advised that the routing had been agreed with the Local Highway Authority and all staff and construction vehicle drivers using the site would enter from the west.

The Chairman, Councillor Mrs Spikings asked how that would be enforced. In response, the Planning Control Manager advised that this was a contentious site and would be watched and the Council informed accordingly if the construction plan was not adhered to. If it was found that the Construction Management Plan had been breached, the applicant could be issued with a breach of condition notice.

Councillor de Whalley considered that vehicles would be travelling at speed and that there would be an intrinsic and inherent danger. There would also be an issue with mud on the road. He considered that a roundabout would slow the traffic down. He added that he would support the roundabout being constructed first.

Councillor Manning stated that lorries had blocked the road turning into the health centre site which was being constructed. He was also concerned about mud on the road. He added that he would like to see a condition requiring cleaning equipment.

Councillor Rust added that this was a finely balanced application and had been agreed before she was a Member of the Committee. She expressed concern about highway safety for cyclists and pedestrians.

The Planning Control Manager advised that wheel washing was covered as part of the outline conditions.

The Chairman, Councillor Mrs Spikings added that the infrastructure had to be in place before the development started.

Councillor Parish stated that the Planning Committee needed to consider whether the local residents would suffer as a result of this application as opposed to the previous one. It was quite evident that the local residents would suffer more as a result of this application, as highlighted by the Chairman of Castle Rising Parish Council and the representations made. Those who lived there considered that the roundabout was essential to be put in first and the developer should honour that agreement.

Councillor Hudson added that the HGVs should not use the estates and considered that a set of traffic lights should be in place to allow the HGVs to use the bypass and turn right into the site.

Councillor Bubb added that there was a weight restriction through King's Lynn.

Councillor Holmes proposed that the application be refused, which was seconded by Councillor Parish on the grounds that the Committee wished uphold Condition 13 on highway safety grounds.

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 carried unanimously.

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

*The increase in traffic using the temporary access, due to constructing the roundabout and housing concurrently, would result in conditions detrimental to highway safety contrary to the NPPF, policy CS11 of the Core Strategy and policy DM15 of the SADMPP.*

**(x) 22/01829/F**  
**West Walton: Land north of County Cottage, Mill Road: 2 no. proposed new dwellings and associated works: Child and Clark**

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The Principal Planner introduced the report and explained that full planning permission was sought for the construction of two large detached dwellings and their associated works, which included a detached garage with gym for Plot 1 and an attached garage with games room for Plot 2 at Mill Road, West Walton. The plans showed an associated shared access onto Mill Road.

The site was currently an agricultural field and was located outside the development boundary of West Walton.

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 speaking protocol, Shanna Jackson (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor J Kirk (supporting) addressed the Committee in relation to 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 unanimously.

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

PC93: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

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

**The meeting closed at 1.40 pm**