

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

Minutes from the Meeting of the Planning Committee held on Monday, 6th March, 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, M Howland,
C Hudson, C Manning, E Nockolds, C Rose (sub), J Rust, M Storey,
D Tyler and D Whitby

PC104: WELCOME

The Chairman, Councillor Mrs Spikings welcomed everyone to the meeting. She advised that the meeting was being recorded and streamed live to You Tube.

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

PC105: APOLOGIES

Apologies for absence had been received from Councillors Holmes, Lawton and Patel (substitute Cllr Rose).

The Chairman thanked Councillor Rose for being a substitute at the meeting.

PC106: MINUTES

The minutes of the meeting held on 6 February 2023 were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC107: DECLARATIONS OF INTEREST

Councillor de Whalley declared an interest in the Update Report – MVV Energy from Waste and would address the Committee under Standing Order 34.

Councillor Bone declared that he worked for Sanctuary Supported Living which sublet a building from Flagship which was mentioned in application 9/3(b) – Feltwell.

Councillor Howland declared that he had pre-determined the Lidl application and would take no part in the debate and would not vote on the matter.

Councillor Storey declared that he was a Member of Feltwell Parish Council.

PC108: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business.

The Chairman, Councillor Spikings took the opportunity to inform the Committee that she would be taking the Lidl application first.

PC109: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

Councillor A Kemp	-	Medworth
Councillor M de Whalley	-	Medworth
Councillor J Ratcliffe	-	8/1(a) Lidl's, Downham Market

PC110: **CHAIRMAN'S CORRESPONDENCE**

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

PC111: **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.

PC112: **UPDATE REPORT - MVV ENERGY FROM WASTE COMBINED HEAT AND POWER FACILITY - TO FOLLOW**

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The Principal Planner introduced the report and explained that it was an update to the Medworth Development Consent Order that was submitted to the Planning Inspectorate in July 2022 for a new energy from waste plant in Wisbech. The plant was located within Fenland District Council and Cambridgeshire County Council's area, with the underground cabling connecting to a substation in Norfolk. The application was being assessed by the Planning Inspectorate who were the Examining Authority and were assessing it on behalf of the Secretary of State. It was a nationally significant infrastructure project, so was going through a development consent order Examination process in accordance with strict procedural guidelines. This process had a number of deadlines and timescales to meet and was due to conclude in August 2023.

The preliminary meeting to discuss the programme and timetable of the Examination took place on 21 February 2023. Following this one of the issue specific hearings and two open floor hearings had also taken place.

In accordance with Standing Order 34, Councillors Kemp and De Whalley addressed the Committee and outlined their concerns.

RESOLVED:

1. That the report and update be noted on the examination process.
2. If any Councillors would like to submit additional comments to be included in the Appendices of the Council's Written Representation submission, then these need to be sent to either lorna.gilbert@west-norfolk.gov.uk or stuart.ashworth@west-norfolk.gov.uk by Monday 20 March 2023;
3. That in order to meet the tight deadlines set by the Examining Authority as part of the formal process, it was agreed that any further submission required were to be agreed with the Portfolio Holder for Development and Regeneration.

PC113: **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 application be determined, as set out at (i) – (vii) below, where appropriate, to the conditions and reasons or grounds of refusal, 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: Erection of new Lidl Food store (Use Class E) with associated car parking and landscaping: Lidl Great Britain Limited

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The Principal Planner introduced the report and reminded the Committee that they considered the application on both 4 April 2022 and 9 May 2022. The application was approved at the 9 May 2022 meeting, subject to a Section 106 agreement. However, that decision had since been quashed on 27 July 2022 by the High Court.

The application returned to the Planning Committee on 9 January 2023 but was subsequently deferred, as additional information was submitted by the applicant prior to determination. Reference to the 'eco store' had been omitted from the application and a further consultation had taken place. The application had returned to Committee for a decision.

Full planning permission was sought for the construction of a Lidl food store with associated car parking and landscaping. The store would have a gross internal floorspace of 1895 m² (compared with 2175 m² previously), and a net sales area of 1251 m² (originally 1414 m² was proposed).

The site comprised of 0.93 hectares of land on the southern side of Bexwell Road and to the south-west of the roundabout junction with the A10. The site was in agricultural use. To the west and north of the site was residential development and to the south and east agricultural fields.

Access was proposed off Bexwell Road via a new priority junction that linked to the eastern side of the site. The scheme would provide 131 car parking spaces (136 car parking spaces were originally proposed) and space for 22 customer bicycles.

The site was located outside the development boundary for Downham Market and was classed as countryside with respect to Local Plan policies. The western boundary of the site abutted the development boundary of Downham Market.

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, Richard Guy (supporting) and Kate Bleloch (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor J Ratcliffe (supporting) addressed the Committee in support of the application.

Councillor De Whalley stated that this was a finely balanced application. He was mindful that the site was in close proximity to significant development which would be taking place and that it had been claimed that the infrastructure was in place before development. He had questions in relation to:

- Materials – the Downham Market vernacular contained a lot of carrstone and he asked why the use of local materials could not be reflected in the building.
- Sequential test
- Alternative transport modes and access to bus services
- Out of town centre of gravity.

In response the Principal Planner explained that there was reference to carrstone on page 31 of the report and in the Town Council's response. However, it was considered that the proposed use of materials in this locality was acceptable. In relation to the sequential test, this had been addressed on pages 26 and 27 of the report. It was considered that the site at St John's Way, Downham Market was an allocated site for industrial use so it was considered that if a retail store was put on the site, then it would be taking space away from allocated industrial use.

The proposed site was within walking distance to the town centre and there were public transport options, and this had been addressed within the report.

Reference had been made to alternative transport modes and potential extra bus services, but the Principal Planner stated that she did not think, given the scale of the proposal, that it could be justified requesting extra bus services be put on along the route. There had to be sufficient grounds to put on extra conditions, as legal tests had to be met. There was already a bus service along the route and the bus companies themselves could put on extra services if they felt it was necessary. There were also cycle parking options. The footway was also being improved to encourage more people to walk to the site.

In addition, the changing nature of Bexwell Road had also been considered and the McDonalds and Costa had already been built. There was also permission for a care home in the vicinity, which was yet to be built.

The Planning Control Manager advised that comparison had been made with the Hardwick Industrial Estate clearly those stores were significantly larger and attracted a significantly larger catchment area. There was also a travel plan conditioned (Condition 24) as part of the consent, if permitted, to encourage sustainable ways to access the store.

Councillor De Whalley then proposed an additional condition to require the use of carrstone on the new store, which was seconded by the Chairman, Councillor Mrs Spikings. The Assistant Director advised that this should be to the north-west elevation (main front facing elevation). This was agreed by the Committee.

Councillor Crofts added that he was concerned over the non-payment of the £50,000 as the impact of the new store on the town centre would be immense. The Council's retail consultant's Alder Hay had considered that no payment was necessary, but Lidl had previously offered it. He added that the thriving centre of the town would be affected and did not think that enough consideration had been given to this payment and asked what mitigation could be given on the impact on the town centre.

The Assistant Director added that the Committee had a comprehensive report which talked about the impact on the town centre and concluded that on balance the scheme could be approved. With regards to the financial contribution, he advised that regulation 122 in the CIL Regulations had to be met, which was a legal test. Also, a substantial CIL payment would be forthcoming and 15% of that would go to the Town Council and would be in the region of £40,000.

Guy Williams, the Council's Legal Advisor agreed with the advice given by the Assistant Director. He advised that previously there had been an offer of £50,000 towards town centre improvements, and as stated previously, a planning obligation under Regulation 122 of the Community Infrastructure Levy Regulations could only be taken into account as a reason for granting planning permission if it was deemed necessary. In this case, the officers view was that the proposal was acceptable without such an obligation, so it was not necessary, and to take it into account would be contrary to the CIL Regulations.

Councillor Crofts added that Lidl had previously offered the money. He considered that the proposal would have an impact on the town centre. He believed that they should make some contribution towards the effect it would have on the town centre.

The Assistant Director advised that it had to be necessary as a legal test and in this instance, it could not be applied or conditioned.

Councillor Parish referred to the Lidl store in Heacham and the fact that it had car stone included in the materials, but it was often covered with advertisements. With regards to planning for the Heacham store, he explained that several plants had died, and he had been chasing for 2 years to have them replaced. Signage would involve an illuminated totem pole and there would be lights from the store itself as it included a lot of glass. With regards to the impact on the area, the store did impact on the closure of a small store in the village. The business report at that time stated that the new Lidl would have no impact on the village facilities. It had also contributed to the closure of a butcher's shop.

With regards to this application, Councillor Parish reminded the Committee that it was in countryside. The first application had been recommended for refusal by officers, but this application was being recommended for approval and he could not see the difference between the applications. The application was for farming land and should not be built on as there was a need for food in this country.

He also referred to out of town developments and that they detracted from town centres.

The Principal Planner advised that in respect of advertisements this would require a separate consent. The impact on the town centre had

been covered within the report. She made reference to condition 20, which would restrict the size of the store.

Councillor Hudson added that the development would be on the edge of the town and the amount of existing and proposed housing there meant there was a need for shopping in that location just for Downham Market. People who lived the other side of town had to travel to the other two supermarkets. She added that it was not up to the Committee to tell people where to shop, people should be able to have a choice, but the supermarkets needed to be in the right locations.

Councillor Mrs Spikings asked for clarification on the expected number of car journeys. The Principal Planner highlighted this to the Committee.

With regards to the impact of the proposal on the town centre, the Assistant Director advised that within the conclusion of the officer report, it did say that there would be material impacts on it and paragraphs 90 and 91 of the NPPF did relate to significant adverse impacts, which was the test that had to be applied.

Councillor Bubb stated that the fact that it was a Lidl was irrelevant, it would be permission for a supermarket. He added that he would like an explanation of how the appeal against the approval of the decision was possible.

Guy Williams explained that it was not an appeal against the grant of planning permission, rather it was a claim for Judicial Review which had the effect that the planning permission granted by the Council was quashed, which was why the application was back before the Committee.

Councillor Rust stated that the application was finely balanced, and there was a responsibility to safeguard the countryside, but the point had been raised earlier that there had been a significant amount of development in that area. She added that Downham Market was a market town and contained many independent shops and new and popular restaurants were opening.

Councillor Bone added that this was a finely balanced application and the nature of the way people shopped had changed.

Councillor Storey added that there were 13-14 consultees, all with no objection to the application. He was in favour of home-produced food and giving the people of Downham Market and the surrounding area the chance to have a Lidl store near to them without having to travel so far. Downham Market was also being developed with houses. In his opinion, the store was in the right place at the right time and that this was a forward step.

The Chairman, Councillor Mrs Spikings advised the Committee that she had read every email that she had received. She had originally voted against the application however there was now further information to take into consideration. She added that the shops in Downham Market were diverse. The new McDonalds did alter the character of that area and the fact that there would be future homes built in that area, which needed to be taken into consideration.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to an additional condition requiring carrstone on the north-west front elevation and, after having been put to the vote, was carried (14 votes for a 1 abstention).

RESOLVED: That the application be approved, as recommended, subject to the imposition of an additional condition requiring carrstone to the north-west front elevation.

The Committee adjourned at 10.35 am and reconvened at 10.45 am

(ii) 22/01490/FM

**King's Lynn: PIL Membranes PCL Ceramics Porelle,
Estuary Road: The installation of a single wind turbine with
a maximum blade tip of 100 m with access and associated
infrastructure: KL Technologies Limited**

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The Senior Planner presented the report and explained that the application proposal sought full planning consent for the erection of a single wind turbine and associated infrastructure.

The turbine would have a hub eight of 58m with a height to the tip of the blade of 100m and would be located within the KL Technologies site on the riverside industrial estate to the north of King's Lynn Town Centre, an area identified as Built Environment Type D on the adopted Local Plan inset map.

The application had been referred to the Committee for determination as it was a major application which raised issues of wider than local concern.

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

Councillor Hudson stated that she stood at the car park right at the end of the river towards the Wash. She stated that some of the photographs had been taken from miles away. At the beginning of 2023, there were 11,000 turbines in this country. The proposal was such that the applicant felt that they needed it for electricity production in these troubled times. But the number of turbines that the

Government wanted to build in the coming years was a great deal. The applicant wanted to be self-supporting. She stated that it would be 58 m in height. In 2015 turbines were fairly new, and there would be no flicker or noise effect on anyone given its location. She considered that the application would not harm a beautiful landscape because it was not in a beautiful location.

In response the Senior Planner clarified that the wind turbine would be 100 m high to the tip and 58 m high to the hub. Also, in relation to the impact on the landscape it was explained that it was a material consideration that there was an appeal on a third turbine in a very similar location and the Inspector concluded that the cumulative impact of 3 turbines in that location would be unacceptable to the landscape.

Councillor de Whalley stated that he be interested to see the level of consistency given to other applications of this nature.

Councillor Bone stated that it was responsible for generating electricity and he welcomed the application. There would not be an impact on the Conservation Area and added that there was a need for them.

The Assistant Director explained that the NPPF was quite clear that wind energy development involving one or more turbines was not suitable unless it was a wind farm allocated within the development plan.

Councillor Parish stated that it was a local industry that had applied for the wind turbine to cater for their use which should be applauded. The only objection which he could see related to the MoD but this had been withdrawn. He considered that the impact would be minimal. The application was to provide energy for a local company based in King's Lynn and asked should the company be obstructed from moving forward.

Councillor Bubb added that he considered that wind turbines were acceptable in the correct location, and he felt that this was. There were already 2 turbines in the vicinity, and he did not think that a 3rd would make much difference.

Councillor Storey referred to the photographs displayed to the Committee, he felt that the form and character of the area would not alter that much.

The Chairman, Councillor Mrs Spikings asked for clarification that the turbine shown on the photographs were true to size.

The Senior Planner stated that she considered that the was true to size.

The Assistant Director advised that the recommendation was not just based on the Inspector's Report regarding cumulative impact but

referred to reason 1 in the officer's report, which was an in-principle policy objection.

Councillor Storey asked if the proposed turbine would be the same size as the existing turbines. The Senior Planner advised that it would be the same size as one of the existing turbines and highlighted this on the plans.

Councillor Bone proposed that the application be approved, on the grounds that there would not be a detriment to the area, and the benefits of producing green energy for the business outweighed the planning policy objection and landscape harm. This was seconded by Councillor Hudson.

The Democratic Services Officer then carried out a roll call on the proposal to approve the application and, after having been put to the vote, was carried (12 votes for 3 against and 1 abstention).

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

That there would not be a detriment to the area, and that significant weight is put on the economic benefits associated with the turbine, which overcomes the landscape harm caused by the extra turbine, as well as the national policy objection set out in the NPPF.

(iii) 22/01797/O

Clenchwarton: 204 Main Road: Demolition of single storey dwelling and replacement with a new residential development: Client of Distinct Designs UK Ltd

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The Senior Planner introduced the report and explained that the application site comprised an area of 0.54ha on the southern side of Main Road, Clenchwarton. It contained a vacant modest bungalow and garden with numerous outbuildings and the remainder was currently laid to grass.

The site was located within the defined development area of the village, as shown on Inset G25 of page 216 of the Site Allocations and Development Management Policies Plan 2016. It was virtually surrounded by residential development with playing fields to the north and St Margaret's Church and its graveyard to the south-east of the site.

The bungalow had an existing access in the north-west corner of the site and a field access in the north-east corner.

The application sought outline planning for residential development with all matters reserved for future consideration. It was accompanied by a Supporting Planning Document, Heritage Statement, and a site-specific Flood Risk Assessment.

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 Councillor Whitby.

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

The Senior Planner referred the Committee to the late correspondence and the need to add an additional condition 13 to retain the hedge along the roadside frontage of the site, if possible.

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

In accordance with Standing Order 34, Councillor Whitby advised that most of his objections had been resolved. He added that Clenchwarton was classed as a key rural Service Centre and asked if this included the Doctor's Surgery as this had been closed for several years. He explained that residents were concerned over the height of the dwellings but understood that this would be considered as part of the reserved matters application. He also drew attention to the gardens of Holly Close, their back gardens were rather short, so anything built close the boundaries could cause overlooking and block light.

The Senior Planner explained that with regards to the design, he was conscious that some of the gardens at Holly Close were relatively small and this together with the levels would be taken into account.

The Chairman drew the Committee's attention to the need to add Condition 13 as outlined in late correspondence, and also proposed an additional condition 14 to ensure that if any of the trees were removed from the boundary then they needed to be replaced within 5 years, which was agreed.

Councillor Parish referred to the fact that chalet bungalows would be acceptable on the site but stated that the height needed to be controlled. He added that in the past, it had been conditioned how many houses could go onto the site. It was explained that it had been conditioned that 5 dwellings would be acceptable, and this was covered by condition 6.

The Senior Planner advised that Condition 7 stated that the dwellings would be single storey construction and roof accommodation only.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to the additional conditions 13 and 14 and, after having been put to the vote, was carried unanimously.

RESOLVED:

(A) That the application be approved, subject to a Section 106 agreement covering affordable housing contribution being completed within 4 months of a resolution to approve and subject to certain conditions as detailed within the report including Condition 13 as outlined in late correspondence and an additional condition 14 to ensure that if any of the trees were removed from the boundary then they needed to be replaced within 5 years

(B) That if the Section 106 agreement had not been completed within the above timescale, the application be refused on the basis of failure to secure an affordable housing contribution in accordance with the provisions of Policy CS09 of the Core Strategy (2011).

(iv) 22/02127/F

Feltwell: Former Coal Yard and dwelling at 28 and 30 Long Lane: Proposed one detached two-storey dwelling: Hemingford Construction Limited

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The Senior Planner presented the report and explained that the application site was located wholly within the Development Boundary of Feltwell, a Joint Key Rural Service Centre (with Hockwold). The site was located to the north of Long Lane, to the rear of an existing Chinese Takeaway. It was proposed the application site shared an existing access of Long Lane to the land immediate adjacent.

This planning application sought consent for the conversion of and extensions to an existing chalk barn to form a single detached two storey dwelling within a wider development site.

The application site was within a larger development site which was granted consent for 19 dwellings under planning consents 18/01320/OM and 21/00066/RMM (and 22/00116/F). The construction of the 19 dwellings was underway and all 19 dwellings would be affordable housing. The proposed development would take the total number of dwellings on site to 20.

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

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

Councillor Storey advised that he was a Member of Feltwell Parish Council but had taken no part in the Parish Council's discussion regarding the application. He added that the access into and out of the site was not very good. He also requested that up-to-date photographs were used in the presentation in future.

The Senior Planner advised that the barn was not listed but was an undesignated heritage asset.

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.

- (v) **2201456/F**
Feltwell: 1 St Mary's Street: Change of use from Retail E(a) to Hot Food Takeaway (Sui Generis) with associated extraction at rear: Mr I Yasan

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The Principal Planner introduced the report and explained that the proposal was for a change of use of building from retail (Use Class E(a)) to a takeaway along St Mary's Street in Feltwell. The proposal included the installation of an extraction fan on the rear elevation. No material changes would be made to the external appearance of the building.

The application site was located on the west side of St Mary's Street in between No.2 High Street to the south and No.3 St Mary's Street to the north. In the wider setting was St Mary's Church, a Grade 1 Listed Building opposite.

The application had been referred to the Committee for determination as the Parish Council objection was contrary to the officer recommendation and 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, Thomas Edwards (objecting) addressed the Committee in relation to the application.

Councillor Storey referred the Committee to the comments from the Parish Council, objectors and County Highways. He expressed concern to the proximity to the Church and the bend in the road. He also advised that the site was close to the junction.

The Senior Planner advised that the Council's CSNN had considered the application and had been working with the applicant. The applicant would be required to have a Noise Management Plan. The applicant had also been asked to provide a litter reduction scheme and condition 11 covered this point.

The Chairman, Councillor Mrs Spikings drew the Committee's attention to the need to amend Condition 2 as detailed in late correspondence, which was agreed by the Committee.

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 (9 votes for, 4 against and 3 abstentions).

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

(vi) 22/01540/F

Heacham: Church Farm, Church Farm Road: Conversion of 1 no. existing building and erection of 6 no. replacement buildings (following demolition of existing derelict buildings) for use as holiday accommodation: Mel-Able Farming Ltd

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The Planning Control Manager introduced the report and explained that the application was a resubmission of a previously refused application (21/00943/F) for the development of a complex of 1 and 2-bed holiday accommodation by the conversion / repairing of 1 no. two-storey detached building and the construction of 6 no. single-storey, semi, and terraced replacement buildings.

The site was located outside of the development boundary within countryside and the Norfolk Coast Area of Outstanding Natural Beauty. The site formed part of a farm complex.

The application was refused by Planning Committee on 4 April 2022 for the following two reasons:

1. *The proposed development, by reason of the already wide provision for tourist accommodation within the locality and the impact on beautiful views, fails to preserve or enhance the AONB and is therefore contrary to paragraphs 174 and 176 of the NPPF, Policy CS12 of the Core Strategy 2011 and Policy DM11 of the SADMPP 2016.*
2. *The proposed development, by virtue of proximity of the holiday accommodation to the existing farm buildings, would fail to provide a safe and high-quality layout. The proposal therefore*

fails to accord with Paragraphs 97 and 130 of the National Planning Policy Framework, Policy CS08 of the Core Strategy (2011) and Policy DM15 of the Site Allocations & Development Management Policies Plan (2016).

To address the reasons for refusal a Landscape and Visual Appraisal, Health and Safety Report and Tourism – Economic Benefit Assessment accompanied the application.

The application had been referred to the Committee for determination at the request of the Assistant Director, as well as being called-in by Councillor Parish.

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, Paul Rawlinson (objecting on behalf of the Parish Council) and Jamie Childs (supporting) addressed the Committee in relation to the application.

The Planning Control Manager stated that she understood the point made by the Parish Council however there were a suite of conditions related on page 124 of the agenda. She added that this was not for people to sell on as holiday homes. She added that Condition 12 could be made tighter if the Committee wished. She considered that Conditions 12-15 overcame Heacham Parish Council's concerns.

She added that the applicant had gone some way in addressing Members concerns.

Councillor Mrs Nockolds added that she welcomed Condition 11, and that tourism did provide jobs for local people. She fully supported the application.

Councillor Parish stated that the applicant should have taken account of Heacham Neighbourhood Plan. He added the applicant may have made changes to the proposal to meet the concerns of the Planning Committee then, but the concerns of the Planning Committee now should also include the infringement of Heacham Neighbourhood Plan. He added that the Neighbourhood Plan was newer than the Local Plan. The application could have the capacity to widen the tourism offer and benefit the area and suggested that reinstatement of the path across the applicant's land between Heacham and Sedgeford would help to make the site more sustainable and help to address paragraph 85 of the NPPF.

The Assistant Director advised that the case officer within the report had gone into detail with regards to Heacham's Neighbourhood Plan policies. The Committee needed to consider whether the application was in accordance with Policy 9.

The Planning Control Manager advised that when the original application was considered in April 2022 it did set out the Neighbourhood Plan's emerging policies.

Councillor Rust added that she did not believe that this type of holiday accommodation was necessary and questioned some of the statements within the report. She objected to villages being more impacted by more holiday homes.

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 10 votes for, 5 against and 1 abstention.

RESOLVED: That the application be approved as recommended.

The Committee then adjourned at 12.35 pm and reconvened at 1.10 pm

(vii) 22/00536/F

South Wootton: Old Rectory, Hall Lane: Proposed new dwelling: Mr Adam Gabair

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The Case Officer presented the report and explained that the application related to the construction of a new dwelling on garden land to the north of The Old Rectory, Hall Lane, South Wootton. The application site fell within the development boundary and within the South Wootton Neighbourhood Plan Area. Outline permission for a new dwelling had been granted three times in the past, including as recently as 2016. The 2016 application was determined after the adoption of the South Wootton Neighbourhood Plan (2015).

The most recent application on site (ref: 20/00346/F) was refused by Planning Committee and the appeal dismissed on the grounds of the cumulative impact of loss of trees on the surrounding street-scene.

The application site was situated on the east side of Hall Lane and the application sought full permission for a new two-storey dwelling.

The site was covered by a Group Tree Preservation Order (TPO). The proposal involved the removal of 11 trees, primarily of trees which were of poor quality, were subject to excessive decay or had limited positive impact on the street-scene.

The application had been referred to the Committee as the officer recommendation was contrary to the views of the Parish Council and contrary to a previously dismissed appeal.

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, Nigel Clark (objecting) and Paul Bland (objecting) addressed the Committee in relation to the application.

In response to comments raised by the public speakers the case officer referred to paragraph 10 of the Inspectors Decision Notice.

Councillor de Whalley asked for clarification in relation to Biodiversity Net Gain. He added that the TPO trees, even if in poor health, did provide for biodiversity. In response the Assistant Director explained that Biodiversity Net Gain would come into force in November later in the year. The key issue was whether the applicant had done enough to address the concerns of the Planning Inspector.

Councillor de Whalley proposed that the application be refused as it contravened paragraphs 8(c), 174(d) and 180(a) of the NPPF. This was seconded by Councillor Manning.

The Planning Control Manager advised that the Biodiversity Net Gain Regulations had not been implemented yet, in addition the original proposal was for the removal of 28 trees, the revised scheme was for the removal of 11 trees. The Inspector had concluded that there was no objection in relation to the proposed siting, scale and design of the dwelling.

In relation to 180(a), the Planning Control Manager explained that there was no significant harm and the impact had been weighed up against the loss of trees.

Councillor Hudson stated that she considered that the proposed development was a cramped form of development detrimental to the donor dwelling and local area. The Assistant Director explained that the Inspector did not agree that it would be a cramped form of development.

Councillor Parish stated that the Parish Council had objected in relation H2 and H3 of their Neighbourhood Plan and asked for an explanation as to what those policies related to.

The Assistant Director advised that H2 related to high quality design and H3 related to infill development.

The Assistant Director explained that this was a recent appeal decision and weight had to be attached to that. The Inspector considered that Policy H3 was acceptable in this instance but had concerns in relation to the loss of trees. Officers considered that the removal of 11 trees was acceptable.

Councillor Nockolds added that she understood the Inspectors decision, but she still felt that it would be too cramped to have a building of that size in that area.

The Chairman added that the whole ethos of that road was the leafiness and vibrancy of the greenery and gave it a spacious feel. She considered that straight away this would be denuded by taking out various trees. She added that she was happy with the design of the house but not with the loss of trees and the impact on that street corner would go.

The case officer provided the Committee with details of the tree protection fencing.

The Chairman stated that there was a proposal on the table to refuse the application on the grounds of the loss of biodiversity, and the loss of trees.

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 (14 votes for refusal, 1 against and 1 abstention).

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

The proposed development, by reason of loss of trees, would lead to harm to biodiversity, which has not been mitigated or compensated against. This is contrary to paragraphs 8c), 174d) & 180a) of the NPPF, and policies CS08 and CS12 of the Core Strategy, policy DM15 of the SADMPP, and policies E1 and H2 of the Neighbourhood Plan.

(viii) 21/01284/F

Pentney: The Croft, Narborough Road: Retention of static caravan for temporary residential accommodation in association with livestock farm: A Burrell & P Macintosh

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The Principal Planner introduced the report and explained that the application sought full planning permission for the retention of a static caravan to be used for temporary residential accommodation in association with a livestock farm. The proposal represented development within the countryside but was considered to be in accordance with paragraph 80 of the NPPF and Policy DM6 of the Site Allocations and Development Management Policies Plan 2016, as there was a functional need to live on site.

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

RESOLVED: That the application be approved as recommended.

(ix) **22/00284/F**

Walpole Highway: Land at Ratten Row: 1 x pair of semi-detached dwellings and associated garaging: Mr M McInerny

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

The Principal Planner introduced the report and explained that the application was for full planning permission for the erection of one pair of two storey semi-detached dwellings with an associated garage. The application site was brownfield land which was located immediately adjacent to the development boundary of Walpole Highway and did not represent a projection of the built form further out into the open countryside. The site was considered to be in a sustainable location.

The application had been referred to the Committee for determination as the views of the Parish Council were at variance with the officer recommendation and at the request of Councillor Kirk.

It had been reported that the Parish Council were now happy with the proposal.

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

The Chairman drew the Committee's attention to the late correspondence and the need to amend Condition 15, which was agreed.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to condition 15 being amended and, after having been put to the vote, was carried.

RESOLVED: That the application be approved as recommended subject to condition 15 being amended as outlined in late correspondence.

PC114: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That the reports be noted.

PC115: **PLANNING ENFORCEMENT - QUARTERLY UPDATE REPORT**

The Committee received a report which provided Members with an update on service performance for planning enforcement during the 4th quarter of 2022 (01 October 2022 – 31 December 2022).

It was noted that the total number of current live cases was 523. It was also noted that 163 cases had been closed during the 4th quarter. Also 13 formal notices had been served.

RESOLVED: That the reported be noted.

PC116: **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act.

PC117: **EXEMPT - PLANNING ENFORCEMENT - ROSEMARY WAY. DOWNHAM MARKET**

The Committee received a report in respect of a continuing breach of planning control and to seek a resolution in respect of what further enforcement action is required, if any, to remedy the breach of planning control.

RESOLVED:

- (1) That the update be noted in respect of the continuing breach of planning control.
- (2) That authority be granted to the Executive Director of Environment & Planning for the implementation and execution of direct action under Section 219 of the Town and Planning Country Planning Act 1990 (as amended) to comply with requirements set out in paragraph 3 of the Section 215 Notice.

The meeting closed at 2.00 pm