

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

Minutes from the Meeting of the Planning Committee held on Monday, 4th September, 2023 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor J Rust (Chair)
Councillors S Bearshaw (sub), R Blunt, F Bone, A Bubb, M de Whalley, T de Winton, P Devulapalli, S Everett, S Ring, C Rose, Mrs V Spikings, M Storey and D Tyler

PC34: **WELCOME**

The Chair 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.

PC35: **APOLOGIES**

Apologies for absence had been received from Councillor Lintern (Councillor Bearshaw sub) and Councillor Long.

Councillor de Winton stayed for the first application and then left the meeting.

PC36: **MINUTES**

The minutes of the meeting held on 31 July 2023 were agreed as a correct record and signed by the Chair.

PC37: **DECLARATIONS OF INTEREST**

The following declarations of interest were declared:

Councillor Mrs Spikings declared a pecuniary interest in item 9/1(h) and left the meeting during consideration of the application.

In relation to items 9/1(d) and (e), Councillor de Whalley declared that he was a member of Grimston Parish Council but did not take part in any discussions relating to the applications.

PC38: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was none.

PC39: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillors attended under Standing Order 34:

The Democratic Services Officer read out statements on behalf of

Councillor S Sandell	9/1(c)	Docking
Councillor P Beal	9/1(f)	Hunstanton

PC40: **CHAIR'S CORRESPONDENCE**

The Chair reported that any correspondence received had been read and passed to the appropriate officer including some relating to 9/1(a) Cherry Trees, Brancaster Staithe received this morning.

PC41: **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.

PC42: **GLOSSARY OF TERMS**

The Committee noted the Glossary of Terms.

PC43: **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) – (x) below, where appropriate, to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chair.

- (i) **20/01672/O**
Brancaster: Cherry Trees, 12 Town Lane, Brancaster
Staithe: Outline application some matters reserved:
Demolition of existing dwelling and construction of up to 7

no. dwellings (net increase of 6): Client of Vertex Architecture Ltd

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The case officer introduced the report and advised that outline permission with all matters reserved for future consideration, except access, was sought for up to 7 no. dwellings following the demolition of the existing property (net gain of 6 dwellings).

Access would be from the eastern part of the site onto Town Lane, an unadopted gravel lane that ultimately joined the A149 to the north of the lane.

An indicative layout had been provided showing how the 7 no dwellings could be arranged on site.

The site was located within the development boundary for Brancaster Staithe, a Joint Key Rural Service Centre with Brancaster to the west and Burnham Deepdale to the east as categorised in the Settlement Hierarchy of the Core Strategy (CS02).

The site was also located within the Area of Outstanding Natural Beauty (AONB) and had a Scheduled Monument (SAM) to the west (Roman Fort) (Branodunum)). The area was Flood Zone 1 (low risk).

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

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 N Thorley (objecting on Zoom) and Mr C Lindley (supporting on Zoom) addressed the Committee in relation to the application.

Councillor de Winton explained that the application was within his Ward and had caused discussion within the village. The application was within policy however in relation to highways the road going to the A149 was at the eastern part of the land was owned by individual houses along the lane. He added that he felt that the proposal did not fit in with the form and character of Brancaster and that there should be a maximum of 6 dwellings. He added that it did conform with policy but there was a danger that the scheme could not be built.

The Chair highlighted to the Committee that the County Highway issues were set out on page 29 of the agenda.

The case officer explained that the application was at the moment in outline form and numbers, scale and detail would be considered at the reserved matters stage.

Councillor Ryves asked for clarification that the number of 7 units would require one affordable housing unit and if it was reduced to 6, whether the affordable housing unit would be required. He also made reference to biodiversity net gain, as quoted by the applicant's agent and asked if that could be quantified.

With regards to biodiversity net gain, the Planning Control Manager advised that this did not have to be demonstrated at the moment and would come into force in November 2023.

Councillor Ryves also referred to the maintenance of the road. The Planning Control Manager advised that it was a civil matter, and the access did not form part of the application.

Councillor de Whalley added that he concurred with the comments made by Councillors de Winton and Ryves about the concerns regarding the unadopted access road and asked if there was any guidance on the number of dwellings allowed on a private access road.

The Planning Control Manager advised that the access road did not form part of the red line application site and therefore could not be controlled.

Councillor Mrs Spikings referred to the objection from CSNN reported on page 22 of the agenda. She was concerned regarding additional pressure in the area. She also added that it was a shame when the Parish Council had a Neighbourhood Plan but all their views were negated which were outlined at the penultimate paragraph on page 28 of the agenda.

The Assistant Director advised that the plan included an indicative layout at this stage. The detail including numbers, design and impact on neighbours would be provided as part of the reserved matters application.

With regards to the CSNN comments, the Planning Control Manager explained that the points had been covered on page 32 of the agenda. The application had to be determined, as submitted, notwithstanding the comments from CSNN. The issues of the access had been covered in detail within the report and any issues with regard to the land were civil issues. In relation to the acoustic fence, in terms of impact in appearance on the AONB and visual amenity of the locality as a whole would be considered at reserved matters stage.

Councillor Mrs Spikings proposed a condition that there should only be 6 dwellings on the site.

The Assistant Director advised that the applicant might propose 6 dwellings at reserved matters stage. The condition would not be able to be defended at appeal if the condition were challenged.

The Planning Control Manager pointed out that the description said up to 7 dwellings which was on the table. A condition could be imposed to allow for up to 7 dwellings.

Councillor de Winton advised the Committee that this used to be the old village coalyard. He also referred to the Section 106 contribution and that Brancaster had seen over 100 new houses.

Councillor Ring considered that there would still be a feeling of open space and the issue of the unadopted road was a civil matter. He therefore supported the application.

Councillor Blunt commented that he considered that the site would be undeliverable.

The Assistant Director advised that it was not an allocated site within the Local Plan but had come forward as a windfall site. The site would not have been assessed in the same way that an allocated site would have been, in terms of deliverability.

Councillor Storey considered that the issues which had been raised could be dealt with at reserved matters stage and the access was a civil matter.

Councillor Rust asked if the affordable housing unit would be lost if the number of dwellings on the site reduced to 6. The Assistant Director advised that it would be lost, but it was dependant on the number of dwellings put forward. The Committee were advised that page 20 of the agenda contained the comments from the Housing Team. The Planning Control Manager undertook to check the policy with the Housing Team.

Councillor Ryves referred to the fact that the site was an Old Coalyard and it was explained that a condition regarding contamination had been proposed.

Councillor Mrs Spikings referred to her earlier proposal and advised that having heard the advice given, she wished to withdraw it.

Councillor Bearshaw asked for the site and surrounding area to be displayed on Google Earth. The Chair pointed out that the area was a mixed form and character along Town Lane and there was not one overall look.

Councillor de Winton added that there was a range of development along Town Lane.

The Assistant Director advised that following further clarification from the Housing Team, notwithstanding numbers, affordable housing would be required for a site area of over 0.5 ha, as this site was.

The Chair concluded that everything of concern could be addressed at the reserved matters stage.

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 (11 votes for, 2 votes against and 2 abstentions).

RESOLVED:(A) That the application be approved, subject to conditions and the satisfactory completion of a Section 106 Agreement to secure affordable housing and GIRAMS payment within 4 months of the date of the Committee resolution.

(B) That the application be refused in the event that the Section 106 Agreement is not completed within 4 months of the date of the Committee resolution due to the failure to secure affordable housing and GIRAMS payment.

Councillor de Winton left the meeting.

- (ii) **23/22261/F**
Dersingham: Pine Cones Caravan and Camping,
Dersingham Bypass: Proposed amendments to the
previously approved and implemented planning
permissions 19/00791/F, 17/01871/F, 17/01870/F to replace 6
no. touring caravan pitches with 4 no. lodges: Mr Martin
Bennett

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The case officer introduced the report and advised that full planning permission was sought to replace 6 no. touring caravan pitches with 4 no. cabins/lodges (that fell within the definition of a caravan) at the southern end of Pine Cones Caravan and Camping site on the outskirts of Dersingham.

The application sought to rationalise all other planning permissions across the site and providing a single comprehensive permission.

The site was located within land designated as countryside, was adjacent to an Area of Outstanding Natural Beauty (AONB) and in the Zones of Influence of a number of protected sites.

Public Rights of Way (PROW) FT6a (footpath) and RB6b (restricted byway) was located in close proximity to the site but were unaffected by the proposed development which was taking place within the existing confines of the site.

Most of the site was located in Flood Zone 1. However, there were two areas that fell within Flood Zone 2. One area was in the northwest

element of the site and the other was in the location of the proposed development.

The application had been referred to the Committee for determination at the request of Councillor Bubb and the officer recommendation was contrary to views of the Parish Council.

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

Councillor Bubb (Ward Member) outlined the concerns of the Parish Council and explained that each individual chalet took up 3-4 touring caravan spaces. The site would also be visible in the winter months. He added that the Parish Council did not want that level of building next to the AONB. The Parish Council also had concerns relating to the mass.

Councillor Ring stated that the proposal put forward by the applicant seemed a sensible approach.

Councillor Bone agreed with the comments made by Councillor Ring and added that good business brought tourism to the area.

The case officer advised that the lodges fell within the definition of a caravan.

The Chair added that it seemed sensible to rationalise the site, as put forward by the applicant.

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, 1 vote against and 1 abstention).

RESOLVED: That the application be approved as recommended.

The Committee then adjourned at 10.25 am and reconvened at 10.35 am

(iii) 23/01008/F
Docking: Kamway, Stanhoe Road: Request Planning Permission to erect a free-standing lightweight mast of 9.5 m in overall height when elevated to its full height. This is to support a single 2.8 mm OD wire antenna to operate on the 160 m – 10 m HF amateur radio bands: Mr Richard Edmondson

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The case officer introduced the report and advised that the application was located on the eastern edge of Docking village to the north of Stanhoe Road and comprised a bungalow with detached outbuildings.

Further residential dwellings were located adjacent the site to the east, south-east and south-west with agricultural fields to the north.

The application site was located within the Conservation Area and was within a Key Rural Service Centre as defined by the Development Plan.

The application sought consent to erect a free-standing lightweight mast of 9.5 m in overall height (when elevated to its full height). The proposed mast would support a single 2.8mm horizontal OD wire antenna, to operate on the 160m – 10m HF amateur radio bands.

The application site had previously been refused planning permission for a larger mast in a different location under planning reference 14/00552/F and this mast had been dismissed at appeal. This application proposed a smaller mast in a different location on site, however the previous refusal of planning was a material consideration which had weight in this decision.

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

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, Marilyn Ransby (objecting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, the Democratic Services Officer read out a statement from Councillor Sandell (Ward Member) who could not be at the meeting.

The case officer then responded to comments raised by the public speaker. Masts A and B could not be considered as part of the application as they had previously been approved. Comments from the Ecologist regarding the impact on bats had been reported in the late correspondence. With regards to the suspected breaches of planning control, this had been passed to Planning Enforcement to investigate. The Conservation Officer had not raised any objection to the application, noting that tv aerials and telecommunication masts were considered a common acceptable feature within the street scene. The residential amenity issue was noted but the proposed masts were in a different location to the previously refused mast and this was highlighted on the plan. With regards to whether the mast was necessary, it was explained that a third mast allowed the applicant to communicate world-wide.

Councillor Mrs Spikings added that this had been a contentious site, which had been visited by the then Planning Committee and asked if a condition had been imposed to make the masts retractable. The case officer advised that the Inspector had not conditioned the original masts

to be retractable as it was considered that it would not be reasonable or enforceable.

Councillor Ring expressed his concern regarding the application and the impact on the neighbours.

The Chair advised the Committee that the Enforcement Team had been made aware of works to the trees to the south of the site which were within the Conservation Area, who were currently investigating whether a breach had occurred.

The Conservation Officer advised that the Assistant Conservation Officer had been out to the site and concluded that the proposed scheme would not affect the setting of the Conservation Area or any other historic asset within the vicinity, therefore, no objection had been made.

In response to a comment, the case officer clarified the height of the mast and explained that it was 9.5 m.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application, subject to the corrected condition in late correspondence, and, after having been put to the vote, was carried (9 votes for and 5 votes against).

RESOLVED: That the application be approved as recommended, subject to the corrected condition in late correspondence

(iv) 23/00853/F
Grimston: Ivy Farm House, 37 Congham Road:
Replacement Garden Room: Client of Holt Architectural Ltd

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The case officer introduced the report and advised that the application was for a replacement single storey garden room to the rear (west) of the existing dwelling. The dwelling was a Grade II listed building.

The site was located to the east of the village close to the junction of Lynn Road and the B1153 within the village of Grimston. Grimston was a Key Rural Service Centre, as defined by Policy CS02 of the Core Strategy 2011.

An associated Listed Building application had also been submitted (23/00855/LB).

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

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

In accordance with the adopted public speaking protocol, Grimston Parish Council (objecting) addressed the Committee in relation to the application.

Councillor de Whalley (Ward Member) outlined the reasons why he had called in the application and his concerns with the application.

In response to a comment why Historic England had not commented on the application, the Conservation Officer advised that they were under no obligation to comment on this application given the listing of the building being a Grade 2 Listed Building.

The Assistant Director read out the guidance from Historic England in relation to extensions to listed buildings.

Councillor Devulapalli pointed out that the existing conservatory was not in-keeping and she considered the proposal to be an improvement.

Several Members of the Committee commented that if carried out well, this type of extension could work very well as a contrast to the historic building.

The Chair referred the Committee to page 71 of the agenda where it referred to *'using a modern design or materials to contrast against the historic fabric is an accepted conservation approach first developed by the Society for the Protection of Ancient Buildings in the 19th century. It is a way of differentiating between each generations alterations without creating a pastiche of what might have been there.'*

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, 2 votes against and 2 abstentions).

RESOLVED: That the application be approved, as recommended.

**(v) 23/00855/LB
Grimston: Ivy Farm House, 37 Congham Road: Listed
Building Consent: Replacement Garden Room: Client of
Holt Architectural Ltd**

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

The Conservation Officer introduced the report and advised that the application sought permission for a replacement single storey extension of modern design and construction to the rear of the Grade II listed Ivy Farm House, Grimston.

The Conservation Officer explained that there was an error within the report which stated that the Parish Council had not made any comment

on the application when in fact they had but unfortunately it had been missed off the report.

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

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

In accordance with the adopted public speaking protocol, Grimston Parish Council (objecting) and Scott Brown (supporting) addressed the Committee in relation to the application.

Councillor Bearshaw asked that officers ensured that the conditions particularly relating to the brickwork was adhered to.

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 (11 votes for, 1 vote against and 1 abstention).

RESOLVED: That the application be approved as recommended.

(vi) 22/01021/F

Hunstanton: Ashley House, 3 Westgate: Construction of a pair of semi-detached dwellings within the existing residential curtilage of Ashley House and separation of existing annexe into a residential dwelling to the rear of the main house formally converted into a one-bedroom property: Mr P Searle

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The case officer introduced the report and advised that full planning permission was sought for the construction of a pair of three-storey, semi-detached houses and the conversion of an annexe to a further independent dwellinghouse which would result in a net increase of three dwellings on the site.

The site was located within Hunstanton Conservation Area, Flood Zone 1 (low risk) and in the Zone of Influence of a number of protected sites.

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

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 M Ruston (objecting on behalf of the Town Council) and D Philips (supporting) addressed the Committee in relation to the application.

The Democratic Services Officer then read out a statement in accordance with Standing Order 34, from Councillor Beal, in support, who could not be present at the meeting.

The Planning Control Manager referred the Committee to reason for refusal 3 and the need to amend it to refer to K4 of Hunstanton's Neighbourhood Plan.

Councillor Ring referred to the development taking place on the library site and at Southend Road and could not see why there was an objection to this application. The Chair referred Councillor Ring to the top of page 88 of the agenda and the comments of the Conservation Officer.

Councillor Bubb explained that the site added to the character and tranquillity of the area.

Councillor Devulapalli stated that by removing the trees would reduce the biodiversity in the area which should be protected. She also referred to the comments from CSNN who had concerns regarding drainage and that it was a cramped form of development.

The Chair added that she did not think that there was enough space within the plot for the proposed dwellings.

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 and 1 vote against).

RESOLVED: That the application be refused as recommended.

(vii) 23/00968/F

South Wootton: Land west of The Garden, Edward Benefer Way, King's Lynn: Variation of condition 27 for planning application 21/00995/FM – proposed primary care centre, new access and associated facilities: St James Medical Centre

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The case officer introduced the report and advised that a variation of condition application was proposed under Section 73 of the Town and Country Planning Act (as amended) to vary Condition 27 of planning application ref: 21/00995/FM. The original consent referred to the construction of a proposed primary care centre, new access and associated facilities fronting Edward Benefer Way, King's Lynn. Construction was underway on site.

The application sought to vary the specific requirement for 45 cycle spaces previously required via Condition 27, to allow for a reduced number (30 spaces), which tied in with the Travel Plan which had been

submitted to accompany the application. The Travel Plan was required to be submitted under Condition 11 of the previous consent.

Members were informed that the condition was added by Members at the Planning Committee meeting in November 2022, in addition to the conditions recommended by the case officer at the time.

The application had been referred to the Committee for determination 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.

Councillor de Whalley outlined his concerns in relation to the application.

Councillor Spikings added that the application made common sense and the money could be spent elsewhere.

Councillor Ring agreed with the comments by Councillor Mrs Spikings.

Councillor de Whalley reminded the Committee that the Government had an ambition of 50% of journeys to be made by Active Travel.

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 (11 votes for, 1 vote against and 2 abstentions).

RESOLVED: That the application be approved as recommended.

(viii) 23/01015/F

Upwell: Stonehouse Road: Change of use of land to paddock and erection of fencing and stables/store: Mr and Mrs Lee and Emma Pearce

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Councillor Spikings left the meeting during consideration of the item.

The case officer introduced the report and advised that the application related to the change of use of approximately 0.42ha of agricultural land to equestrian paddock and erection of stables / store for private use and fencing at land adjacent to No.2 The Cottage, Stonehouse Road, Upwell.

Upwell was designated as a Key Rural Service Centre with Outwell under Policy CS02 of the Core Strategy 2011 and whilst situated outside of the development boundary for the Parish, it was situated within the neighbourhood plan boundary.

The application had been referred to the Committee for determination as the application related to land within the ownership of a Borough Council member who was involved with the planning process.

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 subject to condition 2 being amended (as outlined in the late correspondence)

(ix) 23/00342/F
Walsoken: Barns and land at Rosalie Farm, Lynn Road:
Proposed barn conversion and new link: Mr Kevin Clark

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The case officer introduced the report and advised that the application was for the conversion of agricultural barns with a link extension to create a single dwelling. The site was located in an area known as 'S-Bend' on Lynn Road, approximately 1.4km to the north-east of the built-up edge of Wisbech. The barns were situated in between other buildings that already benefitted from planning permission to be converted to dwellings. The character of the area was considered to be highly rural. Whilst the south of Lynn Road had sporadic linear development and various commercial uses, the north side was largely undeveloped.

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

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

Several Members of the Committee spoke in support of the application as they felt that it was a good use of the buildings.

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.

The Committee adjourned at 12.12 pm and reconvened at 12.17 pm. Councillor Tyler left the meeting.

- (x) **22/01498/O**
Watlington: Ananda, 63 Station Road: Outline application:
New dwelling: Mr & Mrs E Horrell

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The case officer introduced the report and advised that the application this was an outline application with all matters reserved for the construction of a new dwelling on land to the rear of No.63 Station Road, Watlington. The plot was 0.03ha in size and comprised of garden land. The application included an indicative plan showing a detached single storey dwelling with access via John Davis Way.

Watlington was designated as a Key Rural Service Centre in the adopted Site Allocations and Development Management Policies Plan.

The site was located within the development boundary for Watlington, and whilst it was located within Flood Zone 1, it was within the tidal hazard zone in the Strategic Flood Risk Assessment.

The application had been referred to the Committee for determination as the officer recommendation was variance with the views of the Parish Council.

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

The Committee's attention was drawn to the need to amend condition 9 as outlined in late correspondence.

Councillor Mrs Spikings stated that the application was in outline form but there were conditions relating to parking. The case officer explained that this was for the construction vehicles / workers in response to Parish Council comments.

With regards to including the donor plot within condition 7 the Planning Control Manager advised that this was not necessary and the content within the brackets could be deleted.

With regards to the retention of the tree, it was explained that this was outside the application site.

Councillor Bearshaw added that the Council needed to consider providing more parking for the railway station.

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 subject to the amendment to condition 9 as outlined in late

correspondence and to delete the wording included within the brackets to condition 7.

PC44: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That the reports be noted.

PC45: **THANK YOU**

The Chair announced that this could potentially be her last meeting of the Committee as Chair since being appointed to the Cabinet. If it was her last meeting, she wished to thank officers for their guidance and help and also to the Committee Members for their support and dedication. She added that it had been an enjoyable time sitting on the Planning Committee.

Councillor Storey added that he would like to thank Councillor Rust for chairing the meeting in the manner in which she did, as it was not always an easy role.

The meeting closed at 12.32 pm