

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

Minutes from the Meeting of the Planning Committee held on Monday, 5th February, 2024 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor S Lintern (Vice-Chair in the Chair)
Councillors T Barclay (sub), R Blunt, A Bubb, C J Crofts (sub), M de Whalley, S Everett, S Lintern, B Long, S Ring, C Rose, Mrs V Spikings, D Tyler and A Ware (sub)

PC106: **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 carry out a roll call to determine attendees.

PC107: **APPOINTMENT OF VICE-CHAIR**

RESOLVED: That Councillor Mrs Spikings be appointed as Vice-Chair for the meeting.

PC108: **APOLOGIES**

Apologies for absence had been received from Councillor Bone (Chair) (Councillor Ware sub), Councillor de Winton (Councillor Crofts sub), Councillor Storey (Councillor Barclay sub), and Councillor Devulapalli

PC109: **MINUTES**

The minutes of the meeting held on 9 January 2024 were agreed as a correct record and signed by the Chair.

PC110: **DECLARATIONS OF INTEREST**

There were none.

PC111: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business to report.

PC112: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillors attended under Standing Order 34:

Councillor de Winton (on Zoom)	9/2(a) Burnham Market
Councillor Sandell	9/2(a) Burnham Market (statement to read out)
Councillor Beales	9/2(e) Great Massingham
Councillor Coates	9/2(f) North Wootton

PC113: **CHAIR'S CORRESPONDENCE**

The Chair reported that she had not received any correspondence.

PC114: **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.

PC115: **GLOSSARY OF TERMS**

The Committee noted the Glossary of Terms.

PC116: **INDEX AND 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) **23/00580/F**
Holme next the Sea: Barns north of Thornham Road: Conversion of existing agricultural barns including change of use (C3) to a private detached dwelling and associated works: Mrs Lynn Garrett

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The Principal Planner reminded the Committee that the application had been deferred from the 16 November Committee meeting to allow for

an in-depth review and consideration into the planning issues raised by the Parish Council in late correspondence.

The application sought full planning for the conversion of an existing cattle shed to use as a dwelling. The existing cattle shed building consisted of a 19th century bothy with a later pole barn addition accessed via Thornham Road, Holme next the Sea.

The site was outside of the development boundary and within the wider countryside for the purposes of planning policy.

The site was within the Norfolk Coast Landscape and the Heritage Coast and was within Flood Zone 3a of the Borough Council's SFRA (2018).

The application had been referred to the Committee for determination as it had been deferred from the meeting held on 16 November 2023.

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 Wendy Norman (Parish Council objecting) and Philip Kratz (supporting) addressed the Committee in relation to the application.

In response to a query, the Principal Planner advised that a further critical review had been carried out hence the change in recommendation.

In relation to the future of the bothy, the Principal Planner advised that a residential use was not the only use that it could be.

Following queries from the Committee in relation to the Shoreline Management Plan and Future Flooding, the Assistant Director advised that these could be addressed in a future planning training session. In relation to Future Flooding, the wording had been taken from the NPPF. The Assistant Director also explained the different Flood Zones.

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 (11 votes for and 3 abstentions)

RESOLVED: That the application be refused as recommended.

(ii) 23/00940/F

Outwell: 1 Liege Cottages, Basin Road: Retrospective: Change of use of dwellinghouse to a mixed use as a dwellinghouse and for the keeping and breeding of up to 16 dogs together with the retention of kennel buildings, a cat

building and open runs and a proposed field shelter: Mr & Mrs Jones

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The case officer reminded the Committee that the application had been deferred from previous meeting held on 9 January 2024. The report had been updated and the changes were in bold.

The site was located on the south side of Basin Road to the rear of the donor dwelling 1 Liege Cottages. While the semi-detached main dwelling was within the built-up extent of Outwell and within the development boundary, the application site was located outside the development boundary and was therefore classed as countryside. The proposal was retrospective for the change of use of part of the residential garden to Sui Generis use for commercial breeding and selling of puppies together with ancillary development and uses. The proposal involved the erection of a kennel building and runs, a cat building, and field shelter. The business currently had a breeding licence for up to 16 adult dogs and a maximum of 3 litters on site at any one time. The application arose as part of an enforcement investigation.

The application had been referred to the Committee for determination by Councillor Crofts.

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, William Smith (objecting) and Chris Jones (supporting) addressed the Committee in relation to the application.

Councillor Bubb asked if temporary consent could be granted to see if any complaints were received and asked if the applicants could board dogs.

The case officer advised that no boarding of any other dogs would be allowed, only the applicant's own dogs could be kept on the site.

Councillor Crofts expressed concern regarding the cumulative impact as there was an existing dog breeding business some 200 m away.

Councillor Ring made reference to the comments made by the Parish Council and added that no complaints had been received to date and he could not see anything wrong with the proposal.

Councillor Mrs Spikings added that the business would be for 7 days per week and noise did travel particularly at night. She considered that the proposal was in the wrong location.

It was advised that the building to the north-west was not currently in commercial use.

Councillor Ryves added that he did consider that this was a responsible location and that there was an industrial unit next to the site. If there were to be noise complaints then they would be addressed by the CSNN team. On balance, he supported the application.

Councillor Crofts reiterated that his concern related to the cumulative impact. He explained that a lot of the complaints were put through him as Ward Member. He suggested that the proposal was not acceptable in a residential area.

The Assistant Director advised that some of the conditions had been imposed as part of the licensing regime. The case officer added that the conditions had been written in a precise way and were enforceable.

Councillor Crofts proposed that the application be refused on the grounds that the proposal would be contrary to DM15. This was seconded by Councillor Rose.

Councillor Bubb then proposed that temporary permission for one year be granted. This was seconded by Councillor Long.

Councillor Crofts added that the proposal would cause dis-amenity to residents. The Assistant Director advised that if members felt that was the case it would then be considered to be contrary to CS06, 08 and 10.

Councillor de Whalley added that although this was a retrospective application it could not be held against the applicant. He urged caution that if the conditions were made too onerous then it would force dog breeding to go underground.

In response to a question from Councillor Ryves, Councillor Crofts confirmed that he was not a signatory on the petition.

Councillor Ryves added that with technology there could be 24 hours monitoring on site. He added that it was good that the puppy breeding was in the open.

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 lost (5 votes for, 8 votes against and 1 abstention).

The Democratic Services Officer then carried out a roll call on the proposal to approve the application for a one-year temporary period and, after having been put to the vote was carried (9 votes for and 5 votes against)

RESOLVED: That the application be approved for a one-year temporary period.

The Committee then adjourned at 11.00 am and reconvened at 11.15 am.

(iii) 23/00103/F

Burnham Market: Application for 2 no. dwellings and an agricultural barn, demolition and clearance of existing buildings and structures, and associated works: Mr and Mrs Smith

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The Principal Planner presented the report and explained that full planning permission was sought for the construction of 2 dwellings and an agricultural barn at Overy Road Nurseries, Overy Road, Burnham Market. Existing greenhouses and structures to the rear of the site, associated with the site's previous use as a nursery would be demolished to enable the construction of the barn, with the proposed dwellings to the front of the site.

The site was immediately adjacent to the Burnham Market Conservation Area, 250m from the Burnham Overy Town Conservation Area and outside of the Burnham Market Development Boundary shown on Inset Map G17 of the SADMPP (2016). The land was therefore considered to be within the wider countryside for the purposes of planning policy.

The site was within the Norfolk Coast National Landscape and within an area at risk from flooding in the 0.5% annual exceedance probability event including climate change (Future Flood Zone 3).

The application had been referred to the Committee 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, Holly Smith (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor de Winton addressed the Committee on Zoom in support of the application.

The Democratic Services Officer then read out a statement in support of the application from Councillor Sandell.

Councillor Ring explained that he found it difficult to agree with the reasons for refusal as he considered it would improve the vista. He

therefore proposed that the application should be approved. This was seconded by Councillor Long.

The Conservation Officer explained the reasons for the objection to the application and explained that the site was immediately adjacent to the Conservation Area boundary.

Councillor Bubb explained that as a member of the Custom and Self-Build Task Group, applications of this nature adjacent to the development boundary would be considered favourably.

Councillor Mrs Spikings added that these new houses would be homes for local people, and it was important to keep local connections. She queried the need for the archaeological dig to be carried out prior to any consent and advised that she considered that this could be conditioned to be carried out as a pre-commencement condition.

The Assistant Director advised caution and reminded the Committee that there needed to be strong planning reasons to go against policy.

The Principal Planner advised that principal residency conditions could not be restricted to individual families.

Councillor Ryves added that he considered the houses to be too large for an area on the edge of the Conservation Area and this was building in the countryside.

In response to a query, the Principal Planner advised that normally County required trial trenches as part of the pre-commencement conditions, however on this occasion they required them to be carried out up front.

Councillor de Whalley advised that he would be happy to propose deferral of the application to enable clarification to be carried out with County as to why they required the trial trenches to be carried out before any decision was made. This was seconded by Councillor Ring.

Councillor Long asked whether the Committee could vote on an in principal approval.

The Assistant Director suggested that as it was very close to the lunchtime break, the application be adjourned until after lunch, which was agreed by the Committee.

The Committee then adjourned at 12.30 pm and reconvened at 1.10 pm.

Upon reconvening, the Assistant Director advised that in his opinion the application should be deferred to allow a fully informed report to be presented back to the Committee.

The Democratic Services Officer then carried out a roll call on the recommendation to defer the application and, after having been put to the vote, was carried (13 votes for and 1 abstention).

RESOLVED: That the application be deferred.

(iv) 23/01516/F

Burnham Overy: Furusato, Wells Road, Burnham Overy Staithe: The proposal is for the replacement dwelling on the site of a 1970s bungalow: Mr and Mrs Mackenzie.

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The case officer introduced the report and advised that full planning permission was sought for a replacement dwelling including an integrated annexe.

The site was located on the northern side of Wells Road in Burnham Overy Staithe, which was classified as a Rural Village in the Settlement Hierarchy (CS02).

The site was dissected in approximately a 40:60 split with the southern 40% of the site, where the existing dwelling was located, falling within the development boundary and the northern 60% located outside of the development boundary.

The site accommodated a 1.5 storey detached dwelling, which was located within the front (southern) part of the site. The existing dwelling was of no architectural merit.

The site had residential uses to its west, east and south and countryside to the north.

The site was located within Burnham Overy Staithe's Conservation Area and the North Norfolk Coast National Landscape (formerly known as the Area of Outstanding Natural Beauty).

The northern part of the site was located within Flood Zones 2 and 3, whilst the southern part, where both the existing and proposed dwellings were located, lies within Flood Zone 1.

The site was bounded by a mixture of garden wall, close boarded timber fencing and hedging / garden planting.

The application had been referred to the Planning Committee for determination as the officer recommendation was contrary to the views of the Parish Council 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, Charles Hewitson (objecting) Caroline Heffer (objecting on behalf of the Parish Council) and Don Mackenzie (supporting) addressed the Committee in relation to the application.

In response to comments made by the public speaker, the case officer explained that the land was not within agricultural use and the majority of the dwelling was within the development boundary.

Councillor de Whalley expressed concern that there were large amounts of glazing within the design and the lighting would have an impact on the dark skies policy. He also concurred with the comments from the Conservation Areas Advisory Panel.

It was explained that condition 12 covered external lighting and the case officer advised that the windows were not as large as some.

The Chair added that having visited the site the new dwelling would be visible from the coastal path.

The Conservation Officer explained that just because you could see the new dwelling it did not mean that it was harmful.

Several Councillors commented that the design was not appropriate for a small North-Norfolk village.

Councillor Ware added that she would like to reiterate the comments from the Parish Council in that the development did not relate to the area.

Councillor de Whalley proposed that the application be refused, which was seconded by Councillor Ring on the grounds that the application, by virtue of its design and materials was not appropriate in the conservation area, national landscape and especially when viewed from the Norfolk Coastal footpath. It was therefore considered to be contrary to development plan policies CS06, CS07, CS08, DM15 and relevant paragraphs of the NPPF.

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

RESOLVED: That the application be refused, contrary to recommendation.

The application, by virtue of its design and materials was not appropriate in the conservation area, national landscape and especially when viewed from the Norfolk Coastal footpath. It was therefore

considered to be contrary to development plan policies CS06, CS07, CS08, DM15 and relevant paragraphs of the NPPF.

(v) 23/01438/F

Downham Market: Land west of former Methodist Church, Bridge Street: Proposed new residential dwelling: The Executors of the late Mr J Reed

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The case officer explained that the application was for the erection of a detached two-storey dwelling. The site was located on Bridge Street in the town centre of Downham Market, within the Conservation Area and adjacent Listed Buildings. A Grade II Listed Building, the former Methodist Church, lies to the east, and another Grade II Listed Building, a former Library and Meeting House, lies to the west. Immediately to the south of the site was a neighbouring dwelling and its outbuildings known as Priory House. The site was roughly square with a pedestrian link to Chapel Place.

The application had been referred to the Planning 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.

In accordance with the adopted public speaking protocol, Mr Simon Lemmon (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 (12 votes for, 1 against and 1 abstention).

RESOLVED: That the application be refused as recommended.

(vi) 23/00879/F

Downham West: Appletree Cottage, The Lane, Salters Lode: Retrospective change of use of annexe to create independent new home and associated works to create residential curtilage (part retrospective): Mr & Mrs Crawford

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The case officer introduced the report and explained that the application was retrospective for the change of use of a residential outbuilding, and subdivision of curtilage to create an independent dwelling. The outbuilding was originally approved as a detached garage serving a replacement dwelling. Planning permission was granted for a first floor extension to the garage, which remained

ancillary to the replacement dwelling. The building had been subject of enforcement investigations concerning use as a separate dwelling contrary to the authorised use. The applicant was content that the outbuilding comprised an appropriate building for the conversion to a modest 'stand-alone' single dwelling and had now submitted the application for the regularisation of the matter.

The outbuilding was located immediately adjacent the donor dwelling Appletree Cottage and situated within a small group of dwellings on the edge of Salters Lode, which was designated as a smaller village and hamlet in Policy CS02 of the Core Strategy 2011. The lane was single track width and was located adjacent the embankment of the river Ouse.

The application had been referred to the Committee at the request of Councillor Mrs Spikings.

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, Graham Bloomfield (supporting) addressed the Committee in relation to the application.

Councillor Mrs Spikings added that she had sympathy with this application as the building was already there and being used. There was adequate parking and no objections had been received. She felt that as it was already there it made sense to use it. She proposed that the application be approved on the grounds that it complied with policies DM3 and CS06, with conditions to be agreed with the Chair and Vice-Chair. This was seconded by Councillor Crofts.

Councillor de Whalley added that if the application were to be approved then permitted development rights should be removed.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application for the reasons that the application complied with policies DM3 and CSA06 and, after having been put to the vote, was carried (10 votes for, 2 against and 2 abstentions).

RESOLVED: That the application be approved, contrary to recommendation, subject to conditions being agreed with the Chair and Vice-Chair, including the removal of permitted development rights, for the following reason:

That the application complied with policies DM3 of the Site Allocations and Development Management Policies Plan, and CS06 of the Core Strategy.

**(vii) 23/00173/F
Great Massingham: The Dabbling Duck, 11 Abbey Road:
Proposed overflow car park (retrospective): The Dabbling
Duck**

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

The case officer presented the report and explained that full planning permission was sought for the retention of an overflow car park to be utilised in association with The Dabbling Duck public house in Great Massingham.

The application comprised part of a wider agricultural field, the north boundary to which ran parallel to the edge of a Public Right of Way known as Great Massingham FP7 to the north. Access to the car park had been created through the existing car park at the rear of the public house, where a single width access was provided between the main building and an adjoining dwelling.

The application site was positioned just outside of the Conservation Area, the boundary to which ran along the back of the houses to the east and to the north. Existing dwellings across the field at Abbeyfields to the north, were within the Conservation Area.

The application had been referred to the Committee for determination at the request of Councillor Moriarty and Councillor Beales.

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, Linda Swallow (objecting) and Peter James (Parish Council) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor Beales addressed the Committee.

The Principal Planner responded to comments regarding the Construction Management Plan and fire break between the car park and cropped field. The contents of the Management Plan were set out at page 119 in the agenda. She added that there were other issues that she felt should be included within the Management Plan such as trading hours. The fire break could be achieved within the landscaping scheme.

Councillor Mrs Spikings stated that she agreed with the temporary permission so that the situation could be monitored because there were issues that needed to be strengthened particularly the fire break. She hoped that measures could be put in place so that the applicants could work in harmony with the neighbours.

She proposed that an additional landscaping condition be imposed with details to be submitted and approved. This was seconded by Councillor Long.

Councillor de Whalley proposed that the application be deferred to allow for additional information taking into account the loss of amenity for residents.

The Principal Planner advised that in response to comments the restoration of the land was covered by condition 1. With regard to the contents of the Management Plan, this would cover issues such as no overnight parking, etc. In relation to putting up a marquee, this would be an entirely different use in its own right. On the subject of deferring the application for additional information, she advised that this was not necessary because at the end of the day this was going to be an area that was roped off for up to 20 vehicles. Permanent demarcation of the land was not required and if necessary, an uncultivated strip should be relatively easy to put into a landscaping plan and would also assist with the restoration of land should it expire after one year.

In view of the advice given by the Principal Planner Councillor de Whalley withdrew his proposal to defer the application but did ask for clarification in relation to Biodiversity Net Gain if the application were to come back in 12 months' time.

The Principal Planner explained that the BNG regulations were not yet in place and as this was farming land, it would have a minimal impact on BNG.

Councillor Ryves added that the Management Plan should be considered in more details to ensure that the residents' interests were looked after in the 12-month period.

The Principal Planner stated that she agreed that care needed to be taken in relation to the impacts that this proposal has had on residents. The Management Plan had been in the public realm since September 2023, so it was viewable online and set out clear elements. It had also been discussed within the report and was covered by condition 2. The Principal Planner advised that the date within condition 2 was wrong and should be amended to 14 September 2023.

Councillor Bubb asked how it would be controlled so that customers did not go straight to the overflow car park.

In response, the Principal Planner advised that the applicant had stated that there would be CCTV in operation and staff would also monitor the situation.

The Committee then voted on the additional condition regarding the landscaping scheme to include details of a fire break and how the area would be landscaped and maintained, which was agreed.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application together with the additional condition, as outlined above, and, after having been put to the vote, was carried (13 for and 1 abstention).

RESOLVED: That the application be approved, as recommended, subject to an additional condition regarding the landscaping scheme to include details of a fire break and how the area would be landscaped and maintained

The Committee adjourned at 3.05 pm and reconvened at 3.10 pm.

(viii) **23/01485/F**
North Wootton: 27 Little Carr Road: Re-modelling of existing dwelling together with new porch and erection of 1 no. dwelling: Tower Street KL Ltd

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In presenting the report the case officer advised that full planning permission was sought for the re-modelling of an existing dwelling and the construction of 1 no. additional dwelling in the garden of the existing dwelling. Most of the re-modelling works fall within permitted development and therefore did not require express permission.

The site was located within the development boundary of North Wootton immediately adjacent to the North Norfolk Coast National Landscape (formerly Area of Outstanding Natural Beauty), a County Wildlife Site and an Ancient Woodland.

Two public footpaths were located within the immediate vicinity of the site (north Wootton FP10 and North Wootton FP11). The site was located within Flood Zone 1.

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

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, Margaret Doubleday (objecting) and Helen Morris (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor Coates addressed the Committee in relation to the application.

In response to comments raised by the public speakers the case officer explained that there would be no overlooking to Heather Close. As

could be seen from the aerial photography, there was substantial overshadowing from the existing trees more than would be from the proposed dwelling. In relation to flooding, the removal of the trees did not require planning permission but notwithstanding that there was a drainage plan that the LLFA had considered. They raised no objection but stated that land drainage consent might be required. Anglian Water confirmed that they had no objection, and that foul drainage could be accommodated, and that surface water drainage did not connect to them. There was a drainage strategy and drainage would be improved. The IDB did not wish to comment on the application.

In relation to the Public Right of Way, the photographs that had been submitted had been sent to Norfolk County Council's Public Right of Way Officer who had their own powers and could have intervened if they had concerns.

In relation to Councillor Coates' comments, the case officer explained that she considered that there was turning available for vehicles and for a scheme of that nature visitor parking was not required. She did not think that a turning head was necessary. Norfolk County Council Highways had no objection to the proposal.

A tree planting plan showing the positions of the trees had been addressed via condition. There would also be conditions regarding construction traffic parking, the public right of way and hours of construction.

In response to a comment from Councillor Long, the case officer advised that the scheme would be greenfield run-off rates.

In response to a comment from Councillor Ring, the case officer explained that the porch arguably was the only thing that potentially required planning permission on the remodelled bungalow, which was why it may have been included within the application. However, there was also a strong argument that it was in fact permitted development. It was also not a requirement to have a tree report as the trees which had been removed were not protected.

Councillor Ring added that had the 30 trees still be in position would we be happy for them to be removed. The trees were of a substantial nature. He added that he knew the area well and used to walk along the footpath, although that was now no longer possible because you could not get through onto the footpath. The development had not taken care or had consideration for walkers along the public footpath and he did not believe that the footpath would be repaired to the satisfaction to residents or walkers.

He also considered that putting the new replacement trees close to the boundary with Heather Close was absurd and once the trees were at full height, they would provide even more shade than before and that was not fair and went against the amenity of residents. In relation to

drainage, Anglian Water had raised no objection, but he would rather listen to residents' opinion on the matter.

He felt that it was a case of shoe-horning properties onto a site which was inappropriate. He also had concerns about the surface water running into the ditch which was always full and any further water going into it would just come back and transfer the flooding problem to Heather Close and towards Ling Common Road. He felt that the scheme had not been considered properly but accepted that the permitted development of the bungalow could go ahead and urged the Committee to refuse the application.

The case officer referred to the comments from Anglian Water as outlined in the report. She disagreed that the proposal was overdevelopment of the site.

Councillor Everett stated that he was against the application as by removing the trees before submitting the application, it reduced the natural habitat.

The case officer added that there was nothing that could be done about the removal of the trees as it was lawful. A tree survey had been submitted after the event.

In response to comments, the Assistant Director advised that the applicant did not need consent to remove the trees. In terms of the provision of a turning circle and landscaping, these could be subject to conditions.

Councillor Mrs Spikings added that if works were being carried out to trees, then contact could be made with the Council's Tree Officer and a temporary TPO could be made. In this case, the biodiversity had been lost.

In response to comments from Councillor Long on biodiversity, the Assistant Director provided details on the Anti-Trash policy within the new Biodiversity Net Gain regime.

Councillor Ware stated that a lot of the issues that had been raised could form part of a site management plan.

The case officer advised that condition 5 related to the public right of way and construction management was covered by condition 6.

The case officer explained that the Public Rights of Way Officer had been provided with photographs of the public right of way and had not objected to the application.

Councillor Ring added that given the ground conditions, the access to the public right of way would be killed off if permission was granted during the winter and spring months because it would be a bog.

Councillor Ring proposed that the application be refused on the grounds that the application did not enhance or protect the public right of way contrary to policy 104 of the NPPF, and it could not be dealt with by condition. This was seconded by Councillor Everett.

Councillor Ryves stated that he felt that the application was contrary to policy DM15.

The case officer advised that in terms of amenity and the trees on the northern boundary, a condition had been proposed to say that the trees had not been approved in that location so there would not be trees on the northern boundary. She advised that there would not be any overlooking or overshadowing. There was also a drainage strategy. A condition could also be imposed requiring a turning head.

Following advice from the Assistant Director on other conditions the Committee had talked about, Councillor Ryves proposed that conditions should be added in relation to the provision of a turning area, improvements to the public right of way and improvements to the landscaping plan. This was seconded by Councillor de Whalley and was carried via a show of hands.

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 (12 votes for and 1 abstention).

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

The application does not protect or enhance the public right of way (North Wootton Footpath 10) and it is not considered that this could be suitably addressed by condition. The application is therefore contrary to paragraph 104 of the NPPF, 2023.

- (ix) **22/00267/F**
Sedgeford: Conifer Lodge, Ringstead Road: Construction of 2 residential dwellings on land adjacent Conifer Lodge: Norfolk Flint Ltd

Determination of this item was deferred until the next meeting to be held on 4 March 2024.

- (x) **23/01743/F**
Walsoken: The Barn, 3 Burrettgate Road: Erection of 2 dwellings involving demolition of existing barns: Mr S McCurry

Determination of this item was deferred until the next meeting to be held on 4 March 2024.

PC117: **DELEGATED DECISIONS**

Determination of this item was deferred until the next meeting to be held on 4 March 2024.

The meeting closed at 4.15 pm