

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

Minutes from the Meeting of the Planning Committee held on Monday, 3rd June, 2024 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor T Parish (Chair)
Councillors B Anota, T Barclay, R Blunt, A Bubb, M de Whalley, S Everett, D Heneghan, S Lintern, B Long (sub), S Ring, C Rose, Mrs V Spikings, M Storey and D Tyler

PC1: APOLOGIES

Apologies for absence were received from Councillor Coates (Councillor Long sub), Councillor Devulapalli and Councillor Ryves.

PC2: MINUTES

The minutes of the meeting held on Tuesday 7 May 2024 were agreed as a correct record and signed by the Chair.

PC3: DECLARATIONS OF INTEREST

There were no declarations of interest.

PC4: URGENT BUSINESS UNDER STANDING ORDER 7

There was no urgent business to report.

PC5: MEMBERS ATTENDING UNDER STANDING ORDER 34

The following Councillors attended under Standing Order 34.

Cllr Kunes	9/2(d)	Terrington St Clement
Cllr Squires	9/2(d)	Terrington St Clement (statement to be read out)

PC6: CHAIR'S CORRESPONDENCE

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

PC7: **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.

PC8: **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 will be recorded in the minutes.

RESOLVED: That the application be determined, as set out at (i) – (v) below, where appropriate, to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chair.

- (i) **22/01970/F**
Holme Next the Sea: Brownsea, 44 Beach Road:
Replacement dwelling: N Williamson

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The Chair referred to the late correspondence received from Holme Parish Council, which had been summarised in late correspondence, but not published on the website. He adjourned the meeting at 9.35 am to allow Members time to read the correspondence.

The meeting reconvened at 9.45 am.

The case officer reminded the Committee that the application had been deferred from the last meeting on 7 May 2024, following receipt of late representations from the Parish Council, in order to allow officers in collaboration with the Conservation Team, to fully assess the points raised.

The late representations provided was a draft heritage assessment which outlined in greater detail the history of Brownsea and the associated dwellings by Stockdale Harrison and Sons. The additional information had been assessed within the report.

The case officer presented the report and explained that the application sought full planning permission for the construction of a replacement dwelling at Brownsea, 44 Beach Road, Holme next the Sea.

The application site was within the Conservation Area and was within Flood Zones 2 and 3 of the Borough Council's SFRA (2018). The site was also within the Norfolk Coast National Landscape.

The application had been referred to Committee for determination at the request of the Planning Sifting Panel and deferred at Planning Committee on 7 May 2024.

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

In accordance with the adopted public speaking protocol, Mr D Hasler (objecting), Wendy Norman (objecting on behalf of the Parish Council) and Chris Lindley (supporting) addressed the Committee in relation to the application.

The Chair added that he had visited the site before the meeting, and he considered the building to be neglected rather than dilapidated. He also congratulated the Parish Council for the material produced in support of their objection to the application.

Councillor de Whalley expressed concern that bedroom 3 was on the ground floor and created extra risk in an area at risk of flooding. He added that he could not be convinced from the evidence before him that a bedroom on the ground floor would be safe for the life of the dwelling.

Councillor Bubb added that much had been made that this dwelling was one of four. The case officer displayed the location of the other three dwellings on Google Earth which were spread along Beach Road.

Councillor Bubb commented that all 4 dwellings could not be seen in one go and therefore the proposal would not affect the appearance of the other 3 dwellings. He added that he would like to see the buildings in situ and the cumulative effect and proposed that the Committee carried out a site visit.

In relation to Councillor de Whalley's points, the case officer advised that the existing bedroom 3 was on the ground floor and at risk of flooding already. As this was a replacement dwelling, there was no increase in residential units, and the flood risk recommendations could be controlled via conditions, so there was a form of betterment. There was also no objection from the Environment Agency because of the fall-back position with the existing dwelling.

Councillor Mrs Spikings made reference to the removal of trees and the hedge and asked for clarification as to when they had been removed. The Planning Control Manager advised that it was not known when the trees were removed.

Councillor Mrs Spikings added that there was no justification in removing the hedge, it was part of verdant scene of the whole village and to have it put back, as stated in the report, 20 years using whips, was not satisfactory. She added that the constant sterilisation of the

countryside was not adding any value and the proposed replanting was not good enough for what had been destroyed. She could not understand how planning permission had been granted.

Councillor Mrs Spikings stated that as the trees, which were protected by virtue of them being in a conservation area, had been removed, enforcement action should have been pursued.

She also asked whether a structural survey had been submitted for the application. The Assistant Director advised that as it was a replacement dwelling, a structural survey was not required. In relation to the trees, the removal of them had been approved. If it had been scrub, then it would not have required consent for its removal. In relation to hedges, they did not have the same protection as trees, as it came under separate legislation, and garden hedges were not protected.

Councillor Mrs Spikings asked if there was anything to justify the demolition of the building rather than renovation.

The Chair advised that he had seen the building and described the building. He added that in his opinion the building was neglected rather than dilapidated.

Councillor Long asked how much weight needed to be given to the draft heritage statement. In relation to the increasing flood risk, he added that the new house should be more flood resilient than the existing dwelling.

In response, the case officer advised that it was titled a draft heritage statement by the Parish but was effectively the comments of the Parish Council, so it had been given the same weight as the Parish Council's comments. In relation to flood risk, conditions on the consent were recommending that structural surveys be carried out so that it was known whether the proposed dwelling was capable of withstanding the flood depths that were likely to occur and that could not be controlled on the existing dwelling, so there was betterment in that respect.

Councillor Storey added that the form and character had changed with the removal of the trees. He was mindful that the Committee had to determine the application in front of them. He was also mindful of the due diligence of the Parish Council. He referred to the history of the four dwellings and the draft heritage statement. He felt that what was there already enhanced the character of the area and was not in favour of a new dwelling on that site.

Councillor Ring referred to the removal of the trees and stated that there was a lesson to be learnt. He added that he could not understand why the applicant wanted to remove the trees in the first place and could have renovated or constructed a new dwelling without removing the trees. He referred to the history of the houses raised by

the objector and considered it to be a historical crime to think about demolishing one of the four houses. He stated that when you added the historical context and the other three dwellings, he could not understand how this point had been raised. He asked for clarification in relation to the historical context.

The Assistant Director advised that in terms of the removal of the trees, the Tree Officer at the time assessed that and felt that the removal of the trees was acceptable. Some of what had been removed would not have required any permission.

The Conservation Officer then explained her comments relating to the application. She advised that in the Conservation Area Statement this was not marked as an important un-listed building. The process which had been followed had been identified in the Historic England's guidance. The Conservation Team regularly used the 4 headings given by Historic England which were Aesthetic Value, Historical Value, Communal Value and Evidential Value. She added that a recording of the building could be requested before demolition.

Councillor Ring added that he disagreed with the comments made by the Conservation Officer that the historical importance outweighed allowing a new dwelling. The Conservation Officer stated that the architecture was important, but it was subjective, and the form, mass, and scale was of more importance.

Councillor Mrs Spikings added that she had listened carefully to the debate and did not consider that a site visit proposed earlier would be necessary. She proposed that the application be refused on the grounds that the demolition of the building would harm the character and appearance of the conservation area, contrary to CS12 and DM15. This was seconded by Councillor Lintern.

Councillor de Whalley asked that the impact of flood risk contrary to the NPPF 165 and 170b was added to the reasons for refusal.

In response to a comment from Councillor Long, the Conservation Officer clarified where the conservation area was. She advised that the caravan park was outside the conservation area. It was advised that Brownsea was in the conservation area and the justification for its demolition and replacement had been included within the officers' report.

The Planning Control Manager then clarified the reasons for refusal as being:

- Flood risk - paragraph 170 of the NPPF and the second part of the exception test relating to wider sustainability benefits.
- The harm to the character and appearance of the conservation area by virtue of the design and loss of the non-designated heritage asset does not provide wider sustainability benefits

contrary to paragraph 135, 170, 209, DM15, CS08, CS12 and relevant policies of the Holme Neighbourhood Plan 2, 7, 11, 12 and 16.

There was no seconder for Councillor Bubb's proposal for a site visit.

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

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

The proposal would result in harm to the Conservation Area by reason of poor design and the loss of a non-designated heritage asset. As a result, the proposal would not preserve or enhance the Holme Next the Sea Conservation Area and for the same reasons does not provide any wider sustainability benefits to outweigh the flood risk. The application is therefore considered contrary to Paragraphs 135, 170 and 209 of the NPPF (2023), Policies CS08 and CS12 of the Core Strategy (2011), Policy DM15 of the SADMPP (2016), and Policies HNTS 2, 7, 11, 12 and 16 of the Holme Next the Sea Neighbourhood Plan.

The Committee then adjourned at 10.38 am and reconvened at 10.50 am.

(ii) 23/01073/F

Burnham Market: The Cottage, Docking Road: Demolition of existing dwelling and construction of replacement dwelling: Mrs Camilla Carter

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The case officer introduced the report and explained that the application site related to an existing residential site located on Docking Road outside of Burnham Market. The area was rural in nature with limited built form concentrated to the north. The existing dwelling on site formed a traditional cottage and was considered a non-designated heritage asset. The site was within the Norfolk Coast National Landscape land within the Burnham Market Neighbourhood Plan area.

The application proposed the demolition of the dwelling following an engineer's report demonstrating that the current dwelling was in a poor structural condition. Subsequently a replacement dwelling with associated landscaping was proposed.

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.

In accordance with the adopted public speaking protocol, Anthony Johnson (objecting) addressed the Committee in relation to the application.

The Planning Control Manager referred to the need to correct pages 61 and 74 which should read approve subject to a Section 106 Agreement to secure BNG for 30 years and refusal if the Section 106 Agreement was not signed within 4 months.

Councillor Everett asked whether a principal residency condition could be imposed. The case officer explained that as this was a replacement dwelling, a principal residency condition was only appropriate when there was a net increase in the number of dwellings. As there was no net increase in the number of dwellings and the existing dwelling did not have any restrictions, then it was unreasonable to impose that restriction on the replacement dwelling.

The Planning Control Manager drew the Committee's attention to the late correspondence and the need to amend condition 2 and the site location plan had been updated and condition 2 had been amended to reflect that.

Councillor Mrs Spikings expressed concern in relation to the removal of trees prior to application. The Assistant Director advised that as the trees were not protected or in a conservation area they could be removed.

She asked if there was anything in the emerging local plan or could be added to it so that any sites coming forward with a tree could be protected. The Assistant Director advised that this could not be possible. He advised that National Legislation had to be adhered to, but that said if it was known that an important tree was going to be removed then a TPO could be served to protect it.

Councillor Lintern referred to the fact that BNG was being provided off-site. She added that the site was surrounded by fields. The case officer responded that the provision of BNG was part of the Section 106 Agreement and also condition 3 related to landscaping, which would come forward as well as the BNG.

In relation to materials, it was confirmed that there would be a mix of flint and red brick. The material and sample panels would be signed off by the Conservation Team.

The Chair added that the proposal was contrary to Burnham Market's Neighbourhood Plan. He also referred to Burnham Market's Principal Residency Policy and asked why it could not be applied. He considered that it could be argued that this was a new dwelling, and the condition could be applied. The applicant had stated that the

dwelling would not be used for holiday lets or anything else so he could not see why a condition could not be imposed.

Councillor Storey referred to paragraph 5, page 73 of the agenda and agreed that a condition should be imposed to restrict the dwelling being used for a holiday let.

The Assistant Director advised that in relation to second homes, that covered new net additional dwellings. The abandonment test was very difficult to meet. Looking at the design, it was considered that the proposal met the Parish Council's Neighbourhood Plan policies.

The Chair referred to policy 4c of the Burnham Market Neighbourhood Plan and added that the proposal did not comply with this in terms of height and scale.

The Assistant Director referred the Committee to page 67 of the agenda which set out Policy 4 of the Burnham Market Neighbourhood Plan.

The Chair referred to Councillor Storey's comments regarding a principal residency condition. Councillor Storey referred to paragraph 5 on page 73 of the agenda and proposed this as a condition. This was seconded by the Chair.

The Assistant Director reminded the Committee that the tests for a condition had to be met and be defensible at appeal.

The Legal Advisor advised that this was a replacement dwelling and had been reviewed from an abandonment perspective to ascertain whether it could be treated as a new dwelling knowing the comments regarding occupancy restrictions and it did not meet those tests in her view. In that case, with it being a replacement dwelling it was not restricted in any way so it would not be reasonable or necessary to impose a condition that further restricted it at this stage.

The Legal Advisor asked Councillor Storey to clarify his reasons for imposing the additional condition. Councillor Storey explained that it was an opportunity for the dwelling to be in the ownership of someone local and the farm itself.

The Legal Advisor advised that in this case they could renovate the building and do whatever they wanted with it, therefore the rights that they already had could not be eroded.

Councillor Mrs Spikings stated that she did not think that the applicants would appeal such a condition given their statement on page 73 of the agenda.

Councillor Ring stated that he thought that it was unnecessary to put additional conditions on the property and even if the applicant was not true to their word it would bring a dwelling back into use.

The Assistant Director advised the Committee not to attach the condition as suggested as if it went to appeal and was lost the Council would be likely liable for costs on the grounds of unreasonable behaviour.

In response to a comment from Councillor Blunt, the Planning Control Manager advised that Natural England had put the comments in on page 73 of the agenda.

The Chair drew the Committee's attention to the proposed condition put forward by Councillor Storey and seconded by the Chair based on the comments in paragraph 5, page 73 and having been put to the vote was lost (6 votes for, 7 votes against and 2 abstentions).

The Committee then voted on the recommendation to approve the application subject to condition 2 being amended, as outlined in late correspondence, and the inclusion of the Section 106 Agreement, as outlined earlier, and after having been put to the vote was carried (13 votes for and 2 abstentions)

RESOLVED: That the application be approved as recommended subject to condition 2 being amended, as outlined in late correspondence, and the inclusion of the Section 106 Agreement,

(iii) 23/02195/F

King's Lynn: Variation of conditions 2, 4, 16 and 17 of Planning permission 22/01332/F: Variation of condition 2 of planning permission 20/01685/FM: Highways depot comprising maintenance building salt barn and ancillary offices plus parking and landscaping: National Highways

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The case officer presented the report and explained that permission was sought to make amendments to a permitted scheme. Such an application was known as a Section 73 application because it was governed by S73 of the Town and Country Planning Act, 1990, as amended.

The application related to permission granted under application 22/01332/F which itself varied permission granted under application 20/01685/FM for a Highways Depot comprising maintenance buildings, salt barn and ancillary offices plus parking and landscaping. The application was required because additional operational land was required.

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

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 Gary Meads (objecting) addressed the Committee in relation to the application.

As the objector had presented new information to the Chair, the Legal Advisor suggested that the application should be deferred as the Committee should consider all the same information.

Several Members of the Committee agreed with this suggestion.

The Chair proposed that rather than a deferral, a site visit be carried out as he felt that it was important that the Committee saw the site before coming to a decision, which was the new information given to the Chair. This was seconded by Councillor Spikings and after having been put to the vote was carried (6 votes for, 1 vote against and 4 abstentions).

RESOLVED: That determination of the application be adjourned, the site visited, and the application be determined at the reconvened meeting.

- (iv) **24/00241/RM**
South Wootton: Reserved Matters application for: All matters including access, scale, appearance, landscaping, and layout. Not an environmental impact assessment application: Proposed dwelling and associated garage/parking: Mr Robert Patterson

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The case officer introduced the report and explained that the application site related to a parcel of land measuring approximately 1084 m² situated on the southern side of Grimston Road, South Wootton.

The land was historically garden land to nos. 22 and 24 Grimston but had not been sub-divided and demarcated with a close boarded timber fence.

Reserved matters consent was sought for the construction of a 1.5 storey, three-bedroom dwelling and detached garage.

The site was located within the development boundary of South Wootton, which was classified as a 'settlement adjacent to King's Lynn'

within the Development Plan settlement hierarchy, where development was supported subject to compliance with relevant planning policies.

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.

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 against and 1 abstention).

RESOLVED: That the application be approved as recommended.

- (v) **24/00148/F**
Terrington St Clement: land and buildings at north of Clear View, Long Road: Proposed tractor store and concrete pad to replace existing buildings, new access, hardcore area and earth bund and screen planting: Client of Holt Architectural Ltd

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The case officer presented the report and advised that the application site was located in the countryside on the eastern side of Long Road approximately 70m north of the dwelling known as 'Clear View' – last of a row of dwellings and was detached from the defined village by some 900m as the crow flies. The site currently contained some agricultural buildings in a poor state of repair, 2 no. containers and an overgrown mound / bund of rubble on the southern side of the application site.

The site was bounded to the north and west by existing established vegetation / hedgerow; the remainder of the associated land was open field enclosed by lines of poplars. The site was surrounded on three sides (west, north and east) by agricultural land and residential to the south.

Vehicular access was gained directly off Long Road.

The application was for full planning permission for a proposed tractor store and concrete pad to replace existing buildings, new access, hardcore area and earth bund and screen planting.

This was a partially retrospective application as the access had already been culverted and the roadside dyke cleared in accordance with IDB requirements. All works implemented were at the risk of the applicant in the absence of formal planning permission.

The application had been referred to the Planning Committee for determination at the request of Councillor S Squire.

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, Scott Brown (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor Kunes addressed the Committee in support of the application.

The Democratic Services Officer read out a letter from Councillor Squire who had called in the application.

Councillor Bubb asked if the word residential could be added into condition 2.

Councillor Long stated that he could not see the need for the proposed earth bund in the countryside. He added that he wanted the site to be tidied up and wanted to prevent an agricultural building by definition of a barn could be considered as a residential dwelling.

Councillor Long also pointed out that there was building rubble on the land, which had attracted a visit from the enforcement team. He asked that if permission was granted all building rubble and materials would be removed from the site to define it as agricultural purposes.

The Planning Control Manager advised that condition 2 covered that issue. Condition 2 could be amended to take into account the concerns raised.

Councillor Spikings stated that she considered that the earth bund with trees on top of it was an alien feature and asked if it could be removed.

The case officer advised that the bund was being retained and was relatively discreet.

Councillor Long asked for clarification that the application could be approved with a condition to remove the bund or whether the application had to be refused and ask for enforcement action to remove it,

The case officer advised that the bund was part of the application.

Councillor Long proposed that the application be refused on the grounds that whilst the building was acceptable the bund was not a normal boundary treatment and created dis-amenity to the neighbouring property. This was seconded by Councillor Mrs Spikings.

The Assistant Director advised that there was an argument the bund was an incongruous feature in the countryside, but there would be no material impact on the neighbour.

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

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

The bund creates an incongruous feature in the countryside, contrary to policies CS06, CS08 and DM15 of the Development Plan.

PC9: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That the reports be noted.

The meeting closed at 12.48 pm