

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

Minutes from the Meeting of the Planning Committee held on Monday, 29th July, 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, R Coates, M de Whalley, T de Winton, P Devulapalli, S Everett, D Heneghan, S Nash (sub), S Ring, C Rose, Mrs V Spikings, M Storey and D Tyler

PC20: **APPOINTMENT OF VICE-CHAIR FOR THE MEETING**

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

PC21: **APOLOGIES**

Apologies for absence was received from Councillor Lintern (Cllr Nash sub).

PC22: **MINUTES**

The Minutes of the meeting held on 1 July 2024 were agreed as a correct record and signed by the Chair.

PC23: **DECLARATIONS OF INTEREST**

The Chair advised that he had an interest in item 9/1(c), Heacham and would not take part in the debate or decision and would address the Committee as Ward Member.

PC24: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business.

PC25: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Members attended under Standing Order 34 and addressed the Committee:

Cllr Collingham	9/1(a)	Dersingham
Cllr Parish	9/1(c)	Heacham
Cllr Beales	9/1(d)	Hillington

PC26: **CHAIR'S CORRESPONDENCE**

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

PC27: **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.

PC28: **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) **23/00932/F**
Dersingham: The Orchard, 17 Senters Road: Construction of three dwellings including new turning area for emergency and refuse vehicles: Mr Chris Rossiter

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

The case officer presented the report and explained that the application sought full planning permission for the construction of three detached dwellings on land north of an existing dwelling known as The Orchard, 17 Senters Road, Dersingham. The application site was wholly within the development boundary.

The application site was outside of the Conservation Area however was immediately adjacent to the boundary which ran along the back of properties fronting Heath Road, to the northwest of the application site. Views were available from the Conservation Area towards the site and the proposal could therefore have an impact on the setting off the designated heritage asset which there was a duty to preserve or enhance.

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

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 Kevin Parker (objecting) and Paul White (supporting) addressed the Committee in relation to the application.

Councillor Collingham (Ward Member) addressed the Committee and outlined her concerns in relation to the application.

In relation to concerns raised by Members regarding Senters Road being unadopted and any potential damage by construction vehicles to it, the Principal Planner advised that condition 8 could be amended to include (f) the measures to be put in place to repair any damage to Senters Road as a result of the development, including a timeframe for those works. The details shall include arrangements for an independent survey of the existing road condition to provide a baseline for those works and (g) hours of construction and hours of movement of all construction vehicles to and from site. The Committee then voted on the amendments, which was agreed.

The Principal Planner suggested that a condition should be imposed regarding a scheme for foul and surface water drainage to be submitted to the LPA and that the rainage details shall be constructed as approved before any part of the development is brought into use. The Committee then voted on the additional condition, which was agreed.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to condition 8 being amended (as detailed above) and the imposition of an additional condition requiring a scheme for foul and surface water drainage and, after having been put to the vote was carried (10 votes for, 4 against and 2 abstentions).

RESOLVED: That the application be approved subject to condition 8 being amended (as detailed above) and the imposition of an additional condition requiring a scheme for foul and surface water drainage to be submitted to the LPA.

Councillor Nash joined the meeting.

**(ii) 23/01446/F
Grimston: Rose Cottage, Watery Lane: Proposed
extension and alterations to existing dwelling: Mr and Mrs
Howling**

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

The case officer presented the report and explained that the application site related to one of an existing pair of cottages within rural Grimston,

outside of the development boundary for the village. The cottages were classed as non-designated heritage assets as they appeared on the first OS Map (1879-1886), and still retained their traditional form and character. The attached neighbouring cottage was to the east of the dwelling and site, with the neighbour's plot wrapping around to the north of the application site. To the south and west was open agricultural fields.

The application sought planning permission for a two-storey side extension to the west of the property.

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, Mark Dye (objecting) and Alan Loy (objecting on behalf of the Parish Council) addressed the Committee in relation to the application.

In response to made by the public speakers, the case officer advised that in terms of highways that had been addressed within the report (pages 33 and 34) and NCC Highways did not object to the proposed development. Paragraph 155 of the NPPF stated that decisions should only be refused on highway safety grounds when there was an unacceptable highway impact, and the cumulative impact was severe. The Highway Officer had indicated that they considered the highway safety impact to be acceptable in this case. They had also assessed the information taking into account the unique land ownership situation on site and raised no objection on that basis. In terms of construction parking, it was not usually considered reasonable to condition on a householder extension such as this.

Councillor de Whalley proposed that the Committee undertake a site visit however there was no seconder for the proposal.

During the debate, Members raised several queries relating to the application including civil matters, the property's curtilage and parking standards. Councillor Storey proposed that the application should be deferred to enable a definite answer to the queries.

The Democratic Services Officer then carried out a roll call on the proposal to defer the application and, having been put to the vote was carried (14 votes, 2 votes against and 1 abstention).

RESOLVED: That the application be deferred.

The Committee then adjourned at 11.10 am and reconvened at 11.22 am.

Councillor Tyler left the meeting at 11.10 am

- (iii) 24/00911/F**
Heacham: Toilet block east of 74 South Beach Road:
Retention of existing toilet block: Marshview

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

The Chair left the meeting and addressed the Committee as Ward Member. The Vice-Chair took the Chair for the following item.

The Legal Advisor also left the meeting.

The application sought full planning permission for the retention of an existing toilet block that would supersede extant permission granted under application 19/01626/F.

Application 19/01626/F was granted with a specific condition, Condition 3, that required the toilets to be used solely by agricultural workers working on the land (the wider site / blue land).

The toilet was not a public convenience, and no physical alterations were proposed either internally or externally. It had been confirmed that the approved treatment plant was installed.

The site was located within Flood Zone 1 as confirmed by the Environment Agency and outside of the Coastal Flood Risk Hazard Zone. However, the land to the immediate west and northwest, including the access, was located within flood zones 2 and 3. Furthermore the site was located within the Environment Agency's Tidal Breach Hazard area. The site was therefore at risk of flooding.

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

Councillor Parish (Ward Member) addressed the Committee and outlined his concerns to the application.

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

- (iv) 23/00720/F**
Hillington: Hillington Service Station, Lynn Road:
Creation of an EV charging zone and erection of canopy,
sub-station and associated forecourt works: Motor Fuel
Group

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

The case officer presented the report and explained that the application sought full planning permission for the construction of 8 no. Electric Vehicle (EV) charging bays, an associated canopy, a substation and associated forecourt works – primarily the provision of marked out bays.

The proposal had been amended during the course of the application to remove jet wash bays from the scheme in the interest of surrounding amenity. A fire wall had been added, alongside acoustic fencing, to prevent fire spread and to provide noise mitigation, as recommended by the Noise Impact Assessment.

The fire wall provided a barrier between the proposed EV charging stations and the conifer hedge along the west boundary of the site. The substation was proposed to the north of the EV chargers, with the fencing proposed along the south, west and north elevations of the sub-station enclosure. Parking spaces were proposed across the site to formalise existing parking provision and to replace general spaces lost to EV charging spaces.

The existing application site was in use as a petrol station, with an MOT / Car Sales garage to the rear. The car sales area had its own parking provision to the rear of the application site, and existing shared parking bays were positioned along the eastern boundary.

Hillington was classified as a Rural Village in the Settlement Hierarchy and therefore had a development boundary, which the application site was wholly within.

The existing petrol station was accessed directly via the A148 which was part of the Council's key strategic road network and carried a high level of traffic.

The application had been referred to the Committee for determination at the request of 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, Jonathan Lockwood (objecting), Graham Rogerson (objecting on behalf of the Parish Council) and Rahma Dwimunali (supporting) addressed the Committee in relation to the application.

Councillor Beales (Ward Member) addressed the Committee and outlined his concerns in relation to the application.

In response to comments raised by the speakers, the case officer advised that in terms of noise and disturbance, the noise impact assessment had been amended to meet the requirements of the Council's CSNN Team. There was various mitigation on site including the fire wall, which would act as an acoustic barrier and fencing around the substation enclosure itself and this was highlighted on the plans. The noise impact assessment stated that the main impacts would be from car doors slamming and unexpected noises rather than the consistent noise from the sub-station or chargers. Some of that impact would be existing, as there was existing parking along the boundary, and the fire wall and acoustic fencing was considered acceptable to mitigate that noise to an acceptable degree. In terms of fire risk, Norfolk Fire Service had not raised an objection to the application, and there were other controls in terms of the building regulation process. In relation to pedestrian access the footpath would be removed to make pedestrians walk across the forecourt and County Highways had not objected to that. Electromagnetic fields had been addressed in late correspondence.

The Chair added that it was a busy site including a shop, car sales /MOT centre, etc.

Councillor Spikings stated that she had listened carefully to the speakers and did have concerns in relation to pedestrian safety as the footpath had been removed, noise impact on the neighbouring property and there were too many chargers and did not support the application.

Councillor Nash stated that he had asked for a safety review of electric charging points in close proximity to vehicles. There was 8 charging points in close proximity to a dwelling and a conifer hedge. He felt that if a fire broke out next to a petrol filling station this would have disastrous consequences. He could not see how Norfolk Fire Service could not object to a charging station next to a petrol station and a house.

Councillor de Whalley stated that he did support EV charging points and local businesses. However, he did have concerns relating to the noise to the neighbour and lack of pedestrian safety.

Councillor de Winton added that the charging points could be reduced by 50% and the substation relocated further away, this would be a sensible compromise.

Councillor Blunt agreed with the comments made by Councillor de Winton.

Councillor Devulapalli added that EV charging points were needed. She was satisfied that the fire service had carried out a risk assessment. She referred to lighting and would like to see sensitive lighting and she did have concerns regarding pedestrian access.

The case officer clarified details regarding the fire wall and acoustic fencing.

Councillor Ring added that he generally supported EV charging points but not in that location. The sub-station needed to be moved as far away from the neighbouring property as possible.

The Assistant Director advised that in policy terms there was clear support for the scheme. There needed to be strong reasons to go against that.

The Chair added that the access to the shop could not easily be overcome removing the safe passage to the local shop. The number of charging points had been raised. The proposed fire wall would better the noise impact that existed except for the noise from the sub-station.

Councillor Mrs Spikings stated that the lighting needed to be directed down to the floor and a proper lighting scheme was required.

Councillor de Whalley then proposed a condition to require acoustic fencing all around the sub-station to mitigate noise from it, which was seconded by Councillor Devulapalli. The Committee then voted on the condition and after having been put to the vote was carried (9 votes for and 5 against).

Councillor de Winton proposed that the application be refused, which was seconded by Councillor Storey on the grounds that it was over-intensive development on the site. Councillor Spikings added that the proposal was also dis-amenity to the neighbour due to the location of the sub-station, there were too many charging points, and it would be detrimental to the safety of pedestrians contrary to the NPPF and policies CS10, CS06 and DM15, and that the benefits of the scheme were outweighed by the issues raised.

The Democratic Services Officer then carried out a roll call on the recommendation to refuse the application and, having been put to the vote was carried (13 votes for, 2 votes against and 1 abstention).

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

As a result of the layout of the scheme, in particular the siting of the substation and the number of EV chargers, the proposal is considered to represent overdevelopment of the site. The intensification of the use is considered likely to lead to detrimental impacts on the amenities of neighbouring residents particularly in regards to noise and disturbance and would also be likely to lead to adverse impacts on the safety of pedestrian users of the existing forecourt as a result of the removal of the existing pedestrian access. The issues raised are considered to outweigh the benefits of the scheme. The development would therefore be at odds with Paragraphs 116, 135 and 180 of the NPPF (2023),

Policies CS06 and CS10 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

The Committee then adjourned at 12.30 pm and reconvened at 1.05 pm.

Councillor Barclay left the meeting.

- (v) **24/00601/F**
Old Hunstanton: Wish Cottage, 14 Golf Course Road: Construction of a 2-storey detached dwelling with rooms in the roof space and detached garage and store with rooms above involving the demolition of existing dwelling: Mr and Mrs Twite

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

The case officer introduced the report and explained that full planning permission was sought for the construction of a 2-storey dwelling with additional rooms in the roof space. The dwelling replaced an existing 2-storey dwelling on the site.

A similar application for a 1.5 dwelling with the same footprint had recently been approved under delegated powers with no objection received from the Parish Council (application reference 24/00602/F, post adoption of the Neighbourhood Plan).

The application site was within the Development Boundary for Old Hunstanton and was not within the National Landscape or any Conservation Area.

The application had been referred to the Committee for determination at the request of the Planning Sifting Panel and the officer recommendation is 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.

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

RESOLVED: That the application be approved, as recommended.

PC29: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That the reports be noted.

PC30: **PLANNING ENFORCEMENT - 6-MONTHLY REPORT**

The Committee received the report.

The Chair advised that enforcement would be a topic at a future training session.

RESOLVED: That the report be noted.

PC31: **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED: That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act.

PC32: **PLANNING ENFORCEMENT - DIRECT ACTION REPORT - KING'S LYNN**

The Committee received a report which provided an update in respect of urgent works that were required to a Listed Building and sought a resolution in respect of further Enforcement Action to stop the deterioration of it.

RESOLVED:(1) That the update in respect of the continuing deterioration of a Listed Building be noted.

(2) That authority be granted to the Executive Director of Environment and Planning for the implementation and execution of direct action under Section 58 of the Planning Listed Buildings and Conservation Areas) Act 1990 (as amended) to comply with requirements set out in the urgent works notice dated 1 May 2024.

PC33: **PLANNING ENFORCEMENT - DIRECT ACTION REPORT - OLD HUNSTANTON**

The Committee received a report which provided an update in respect of a continuing breach of planning control and to seek a resolution in respect of further enforcement action to remedy the breach of planning control.

RESOLVED:(1) That the update in respect of the continuing breach of planning control be noted.

(2) That authority be granted to the Executive Director of Environment and Planning for the implementation and execution of direct action under Section 219 of the Town and Country Planning Act

1990 (as amended) to comply with requirements set out in paragraph 3 of the Section 215 Notice.

The meeting closed at 1.50 pm