

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

Minutes from the Meeting of the Planning Committee held on Monday, 6th January, 2025 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, R Blunt, A Bubb, C J Crofts (sub), M de Whalley,
T de Winton, P Devulapalli, S Everett, S Lintern, C Rose, Mrs V Spikings,
M Storey and D Tyler

PC81: **APOLOGIES**

Apologies for absence had been received from Councillor Barclay (Cllr Crofts sub).

The Chair thanked Councillor Crofts for being a substitute at the meeting.

PC82: **MINUTES**

The minutes of the meeting held on 2 December 2024 were agreed as a correct record and signed by the Chair.

PC83: **DECLARATIONS OF INTEREST**

Councillor de Winton declared a disclosable pecuniary interest in relation to 9/2(c) – King's Lynn as he was the applicant.

PC84: **URGENT BUSINESS UNDER STANDING ORDER 7**

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The Planning Control Manager advised that in relation to item 9/2(d) – Walton Highway, an email had been sent to the Committee over the weekend raising issues which needed to be investigated. She therefore suggested that in the interest of fairness the application be deferred for one cycle to the next meeting, when the Inspectors Report should also be available on the Local Plan.

This was formally proposed by Councillor Mrs Spikings and seconded by Councillor Tyler and agreed by the Committee.

PC85: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillor attended the meeting and addressed the Committee in accordance with Standing Order 34:

Councillor A Beales 9/2(b) Great Massingham

PC86: **CHAIR'S CORRESPONDENCE**

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

PC87: **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 received. A copy of the agenda would be held for public inspection with a list of background papers.

PC88: **SECTION 106 UPDATE**

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The Planning Control Manager explained that the purpose of the report was to seek authorisation from the Planning Committee to finalise and complete the Section 106 agreements pertaining to application ref: 13/01615/OM and issue the decision.

She advised that significant work had been undertaken by officers and the applicants in progressing all three legal agreements but due to the complexity, the agreements would not be completed within the 4-month period.

The Planning Control Manager offered re-assurance to the Committee that there would be no changes to the West Winch Housing Access Road trigger points and no changes to the agreements themselves in view of the forthcoming Local Plan and NPPF.

Councillor Spikings proposed that an extension of time be granted for one month, and if the agreements were not signed within that time, a report be brought back to the 3rd February Planning Committee meeting. This was seconded by Councillor de Winton and agreed by the Committee.

RESOLVED: That authority be granted to continue to negotiate and complete the Section 106 Agreements and issue the decision notice on the following grounds:

13/01615/OM – agree a further one month from the date of this Committee resolution to finalise the agreements and issue the decision. If the agreements are not completed within one month, a report updating the Committee on progress be brought back to the 3rd February Planning Committee meeting.

PC89: **DECISION ON APPLICATIONS**

The Committee considered schedules of applications for planning permission submitted by the Assistant 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) 21/02392/OM

Pentney: Oaklands Gardens, Main Road: Outline application for new warehousing, a new dwellinghouse, a wildlife and tourism lake with holiday lodges, nature reserve and associated accesses and facilities, installation of a new sluice gate to assist and ease flooding in Pentney: Oakland Gardens

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The case officer introduced the report and reminded Members that the application was first heard at Planning Committee in February 2023, when it was deferred to enable the applicant to provide further information relating to protected species surveys. Due to the passage of time and information submitted, a new Committee report had been written.

It was explained that the application site was located within the countryside and was accessed directly off the A47 and comprised predominantly agricultural land. The wider site, within the blue land, comprised an existing business dealing with horticultural storage and distribution which was located within a former agricultural building, agricultural land and a long access drive which followed the line of a disused railway track south-eastwards towards Pentney Lane.

The application site comprised 2.96 hectares with the application seeking outline planning permission with all matters reserved for new warehousing for the existing storage and distribution business, a new dwellinghouse, a wildlife and tourism lake with holiday lodges (indicative plan showed 8) nature reserve and associated accesses and facilities as well as the installation of a new sluice gate to assist and ease flooding in Pentney Lane which was located to the south of

the site. An indicative plan illustrated the positioning of each proposal although this was only indicative at this stage and full details were reserved matters. The application was immediately west of Pentney Heath which was a County Wildlife Site and was within the hydrological catchment of the River Nar SSSI.

The application had been referred to the Committee for determination as the application was called-in to Planning Committee by the Assistant Director of Environment & Planning due to the scale of the issues it raised. The application was also deferred at the February 2023 Planning Committee to enable the applicant to submit further information relating to ecology.

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

The case officer advised that there had been correspondence received after the cut-off for late correspondence with referred to drainage, however, this had already been addressed in the report.

There were also amendments to conditions 12 and 21, as follows:

12. Condition. The details submitted in accordance with Condition 1 shall include full details of the reuse of on-site excavated soil within the landscaping of the site and in accordance with the 'Habitat Creation' section of Section 6.0 (Mitigation/Enhancement Strategy) of the Ecological Impact Assessment by Philip Parker Associates Ltd (Ref: P2022-21 R3FINAL) dated 15th March 2024.
12. Reason. To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF. This needs to be considered at reserved matters stage to ensure that the spoil from the proposed lake is reused on site, which may impact the detail relating to layout.
21. Condition. Vehicular access to and egress from the adjoining highway shall be limited to the A47 access only as shown on Drawing No. PL21/2D Any other access or egress from the development with Pentney Lane shall be permanently closed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority. The Pentney Lane access shall remain closed thereafter in perpetuity.

In accordance with the adopted public speaking protocol, Dr John Lines (objecting) and Lee Ward (supporting) addressed the Committee in relation to the application.

In response to comments made by the public speakers, the case officer explained that in terms of the County Wildlife site next door and the

concerns which had been raised, Members had requested that further work be carried out before a decision was made on the application and the additional work had been submitted and considered. Natural England and the Norfolk Wildlife Trust had no objection to the application subject to the proposed conditions. The Council's Ecologist had raised a holding objection as she would like an application for the Natural England license, and this was addressed within the report at page 31. Conditions 13-17 had been imposed to protect and enhance the ecology on the site. Condition 14 required a Water Management Plan to be agreed, prior to any development on site. Reference had been made to what had happened historically elsewhere in Pentney but there were conditions imposed to restrict the use of the lodges to holiday use only. In relation to the sluice and drainage, there were full drainage conditions attached to the consent.

The Chair added that reference had been made to an article in the Lynn News and whatever had been suggested, this meeting was not pre-determined as it was up to the Committee to determine the application.

Councillor de Whalley referred to condition 17 and whether this covered the Ecologist's requirements for the impact assessment and conservation payment certificate which had to be obtained prior to the commencement of development. The case officer confirmed that this was correct, that the Council must be provided with (a) or (b) within condition 17, depending on Natural England's requirements.

In response to a further query from Councillor de Whalley regarding whether the requirement for biological water treatment system could be included within a Section 106, the case officer explained that it was considered that a Section 106 agreement was not required as the conditions were robust and sufficient to require the additional information to be submitted and agreed.

The case officer advised that the LLFA had been consulted but did not comment.

In response to comments raised by Councillor Bubb, the case officer explained that there would be general public on site, but further details would come forward as part of the reserved matters application. In terms of the railway line, this had been covered within the report, but this part of the route was not protected. The Planning Control Manager added that the route was not within Policy DM13, and this had been addressed on page 34 of the report. It was also explained that the plan was indicative only and did not indicate development on the track, but it would be necessary to cross it.

Councillor Devulapalli commented that it was heartening to hear from the applicant the care that had been taken in relation to preserving the biodiversity on site, but she did have concerns about putting up holiday housing in a rural location which did not fit with planning policy which

she did not feel was appropriate. In addition, from previous experience from Pentney Lakes having holiday homes was not enforceable. Also, there would be an increase in traffic movements. She did support part of the application in terms of the warehousing and a new dwelling house for the family to live in, however, she did not support the holiday lodges and could see no benefit to the local area having the holiday lodges.

Councillor Mrs Spikings added that this family should be commended for their hard work in promoting the business and had become a victim of their own success. She considered that the family should not be penalised for the other problems in Pentney. She added that the applicant needed to diversify to attract other revenue streams. The applicant had worked with the Parish Council and undertaken the environmental studies, added more planting and their plans to address flooding. In relation to the holiday lets, they attracted people for the rural, peaceful environment and could be controlled by conditions.

Councillor Storey also commended the applicant for getting the application to where it was and for providing a dedicated respite lakeside cabin in perpetuity to give back to the community. He added that a proposal like this would need to be in a rural location.

The Chair referred to the new dwelling and explained that normally when a dwelling was required for a business it usually started with a caravan on the site for 3 years to demonstrate a need for the new dwelling. He asked for assurance from officers that this would be temporary accommodation and not a five-bedroomed dwelling.

The case officer confirmed that it would be temporary accommodation and would be dealt with at reserved matters stage.

The Committee then voted on the amendment to the conditions which was agreed.

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

RESOLVED: That the application be approved as recommended subject to the correction to conditions 12 and 21, as detailed above.

The Committee adjourned at 10.35 am and reconvened at 10.45 am.

- (ii) **24/01793/F**
Burnham Overy: Navenby, Gong Lane, Burnham Overy
Staithe: Demolition of existing house and replacement self-
build dwelling constructed: Mr Dominic Edmunds

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The case officer introduced the report and explained that the application was for a replacement self-build one-and-a-half storey dwelling and single storey detailed workshop at Navenby, Gong Lane, Burnham Overy Staithe.

The application site was approximately 0.47ha to the east of Gong Lane and west of Glebe Lane in Burnham Overy Staithe. The site had a pedestrian access via Gong Lane and vehicular access via Glebe Lane. A west portion of the site was within Burnham Overy Staithe's Conservation Area and the dwelling was considered a non-designated heritage asset for its local architectural importance, belonging to a group of dwellings built by Welcome Thompson, a local developer, in the inter-war period.

The application had been referred to the Committee for determination by the Assistant Director for Environment & Planning.

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

The case officer advised that there had been correspondence received after the cut-off for late correspondence – a third party letter of support had been badged as a letter of objection on public access and two further letters of support which had been addressed within the report.

In accordance with the adopted public speaking protocol, Mr Dominic Edmonds (supporting) addressed the Committee in relation to the application.

Councillor Mrs Spikings explained that what made up a conservation area was a mixture of different buildings. She explained that she would have been happier if what was proposed to replace the building with something better that enhanced the conservation area. She did not like the design of the proposed new building. There was also no premium on neglect. She noticed that one of the new buildings along Glebe Lane had taken all of the hedging out and replaced with a wooden fence. She had concerns on the cumulative impact of what was happening along the North Norfolk coast. She supported the officer's recommendation.

Councillor de Whalley stated that he liked the Passivhaus element of the scheme but did not like the rest of the design. He wished to thank the Conservation Officer who supported the Borough's non-designated heritage assets and for her comments on the application.

Councillor de Winton advised that he had visited the site and that there was a mixture of buildings around it. The site was a very wooded area. He had no objection to the replacement dwelling and supported approval of the application.

Councillor Devulapalli added that better housing was needed and welcomed the Passivhaus. It would add to the economy of the village.

The Conservation Officer explained that the application site did lie within the Conservation Area, which was a designated heritage asset in its own right, so whilst the building might be a non-designated heritage asset consideration did need to be given to impact on the character of the conservation area through the loss of the building. For clarity the Planning, Conservation Areas and Listed Building Act 1990 paragraph 72 did state that when decisions were made on conservation area applications special attention needed to be given on preserving or enhancing the character or appearance of that area. The applicant made the point in his design and access statement that the property could be upgraded to modern living standards or partway there so the argument to demolish the building to create something to meet those standards was not wholly correct and the building could be retrofitted. The building did form part of a group of buildings, which were similar in architectural styles and built in a similar way and formed a strong character along Gong Lane, which had buildings, walls of the same material and therefore to lose one of those buildings did de-value the others.

Councillor Everett echoed Councillor Mrs Spikings and Councillor de Whalley's comments in that the design did not fit in with the rest of the buildings. He considered that the existing dwelling could be upgraded and would support refusal of the application. He asked why the previous application had been withdrawn.

The case officer explained that further heritage information was required at the time.

The Conservation Officer advised that the Conservation Area did include the buildings. 3 of the buildings were classed as important unlisted buildings which was the 1992 equivalent of a non-designated heritage asset, her comments within the report went into further details regarding this.

Councillor Crofts stated that he had listened carefully to what had been said, and was uncomfortable with the proposed building, which he considered to not be in-keeping with the Conservation Area.

The Chair added that you could not see the building unless you stood in front of it. The building was badly built. In relation to the design of the replacement building, commended the application for a 1.5 storey dwelling, and what was surprising was that it was for a person who lived in the village on a permanent basis. He therefore supported the application.

Councillor de Winton asked for clarification as to where the Conservation Area was. The case officer outlined this on the plans.

The Conservation Officer advised that Glebe Wood, Cressy, Lazy Winds and Victoria Cottage, which had all been built in the same way were currently being restored, so it was possible for the building to be restored. By allowing this application the Committee would be agreeing to the principle of demolition of the dwelling.

Councillor Blunt stated that if an application had been put forward with a building appropriate for the conservation area, then he might find it more acceptable.

In response to a comment from Councillor Devulapalli, the Conservation Officer explained that the aim was to manage change in a conservation area and how could the character be maintained. In this case the loss of the building would make a considerable change to the character of the area not necessarily its appearance. It was the principle of the loss of the building which was her concern.

The Chair, Councillor Parish proposed that the application be approved on the grounds that the loss of the building would not adversely impact upon the character and appearance of the Conservation Area and weight had been given to the replacement dwelling being a betterment. This was seconded by Councillor de Winton.

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 (7 votes for, 6 votes against and 1 abstention).

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

‘The loss of the building would not adversely impact upon the character and appearance of the Conservation Area and weight had been given to the replacement dwelling being a betterment in accordance with the NPPF, and Policies CS12 and DM15 of the Local Plan’.

(iii) 24/00484/F

Great Massingham: West Heath Barn, Lynn Lane: Subdivision of existing plot involving demolition of the existing barn with class Q approval and construction of a new replacement dwelling with separate private access and improvements to driveway, parking and turning area of existing dwelling: Mr & Mrs D Davies

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The case officer introduced the report and explained that the application site consisted of the existing West Heath Barn site including converted historic barns, associated parking and plot as well as an existing detached barn with permission under Class Q to be converted into a four-bedroom residential dwelling. The site was located within

the countryside and was rural in character. Neighbouring dwellings were located to the north-east and south-west of the site representing a small node of built form within the wider agricultural setting.

The application itself proposed the subdivision of the existing West Heath Barn plot involving demolition of the existing detached and clad barn subject to Class Q approval and construction of a new replacement dwelling with a separate private access alongside alterations to the driveway, parking and turning area of the existing dwelling and associated holiday lets.

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

The Planning Control Manager advised that there had been late representations, an additional letter of objection and one in support and comments from the Conservation Officer who raised no objection to the proposal and agreed with the suggested conditions.

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 Ash Gilman (objecting) and Mrs Gill Davies (supporting) addressed the Committee in relation to the application.

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

In relation to a question from Councillor Devulapalli regarding bats, the Planning Control Manager advised this had been covered within the report at pages 74 and 75, there was no objection from the Conservation Officer. Surveys had been carried out, and conditions 5 and 6 had been imposed for mitigation purposes.

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.

- (iv) **24/01488/F**
King's Lynn: Reeve Wood, Rollesby Road, Hardwick Industrial Estate: Alterations and subdivisions of existing industrial buildings to create two separate units, including re-siting of biomass boiler and dust extractor: Barrow Breck Ltd

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Councillor Winton declared a disclosable pecuniary interest in the application and left the meeting during its consideration.

The case officer introduced the report and advised that the application site related to an existing industrial site containing the 'Reeve Wood' business within the wider Hardwick Industrial Estate. The locality was typical on an industrial estate with a mix of business uses including industry and distribution alongside offices and some retail.

The application itself proposed the redevelopment of the existing site including alterations to existing industrial buildings and subdivision of the site to create two separate units, including the re-siting of the existing biomass boiler and dust extractor.

The application had been referred to the Committee for determination as the applicant was Borough Councillor de Winton.

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

The case officer advised that there had been late comments received from the Environment Agency who had no objections to the application subject to conditions.

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

RESOLVED: That the application be approved as recommended.

(v) 24/01561/F

West Walton: Land SW of The Bungalow, Common Road South, Walton Highway: Retrospective change of use of previously developed land to enable standing of a residential static caravan and storage of one touring caravan and ancillary works: F Brazil

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This item had been dealt with under Urgent Business.

RESOLVED: That the application be deferred for one cycle to allow for additional issues that had been raised to be considered and the receipt of the Inspector's report into the Local Plan.

PC90: **DELEGATED DECISIONS**

RESOLVED: That the Committee noted the delegated decisions.

The meeting closed at 12.00 pm

