

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

Minutes from the Meeting of the Planning Committee held on Monday, 1st December, 2025 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor F Bone (Chair)
Councillors T Barclay, R Blunt, A Bubb, M de Whalley, T de Winton, J Fry,
S Lintern, C Rose, A Ryves, Mrs V Spikings and M Storey

PC67: APOLOGIES

Apologies for absence had been received from Councillors Anota and Everett.

PC68: MINUTES FROM THE PREVIOUS MEETING

The minutes from the meeting held on 3 November were agreed as a correct record and signed by the Chair.

PC69: DECLARATIONS OF INTEREST

There were no declarations of interest.

PC70: URGENT BUSINESS UNDER STANDING ORDER 7

There was no urgent business under Standing Order 7.

PC71: MEMBERS ATTENDING UNDER STANDING ORDER 34

The follows Members attended under Standing Order 34:

PC72: CHAIR'S CORRESPONDENCE

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

PC73: RECEIPT OF CORRESPONDENCE RECEIVED AFTER THE PUBLICATION OF THE AGENDA

A copy of the 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.

PC74: **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) – (ii) below, where appropriate to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chair.

- (i) **25/01520/F**
Burnham Market: 11 Walkers Close, Creake Road: Self-Build: Demolition of existing semi-detached dwelling. Erection of new four-bedroom two storey dwellinghouse (use class C3) attached to neighbouring property. Erection of a single storey ancillary garage with associated landscaping and boundary treatment:

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The case officer introduced the report and advised that the application sought full planning permission for the demolition and subsequent replacement of a semi-detached dwellinghouse at 11 Walkers Close, Creake Road, Burnham Market. The proposed dwelling would be a self-build and custom dwelling.

The proposal would see the replacement being constructed on an extended footprint with a wider two storey element with front, side and rear single storey extensions.

The proposal had been amended to remove a proposed garage to the front of the dwelling.

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

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

In accordance with the adopted public speaking protocol, Amy Nelligan (objecting) and Thomas Faire (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor Sandell addressed the Committee and outlined her concerns to the application.

The Chair made reference to the emails sent by Councillor Ryves over the weekend, and asked Councillor Ryves if he considered that he had predetermined the application.

Councillor Ryves explained that in his first email, he had asked for a legal opinion on human rights and in the second email he advised that he had not formed any opinion yet. He suggested that the application should be deferred until legal advice had been received in relation to human rights from the Council's Legal Advisor.

The Council's Legal Advisor explained the Council's duties under the Human Rights Act and public sector equality duty, confirming that the age and vulnerability of the neighbours were relevant protected characteristics. Members were advised to consider whether the interference with neighbours' rights was proportionate and whether conditions could adequately mitigate impacts.

Councillor Mrs Spikings expressed concern relating to the removal of the semi-detached dwelling leaving an internal wall of 9 inches thick with no damp proofing with the winter months approaching, which would be to the detriment to the neighbours, and having a 3-year time period to carry out the works. She asked whether permitted development rights could be removed.

Councillor Ryves stated that he was pleased to hear the response from the Council's Legal Advisor, and what was clear to him was that it was not clear cut and up to Councillors to make a decision. He referred to the Human Rights legislation.

The Council's Legal Advisor explained that whilst human rights and the public sector equality duty were relevant considerations, and if the Committee felt that the interference was not proportionate it was a basis for refusal. The bar was high, and the Committee needed to bear in mind the officers report and the fact that the works would be temporary, officers had come to the view that conditions were suitable to make this a proportionate interference. She added that the Committee needed to take into account the advice from officers and the conditions proposed to come to a properly reasoned decision to limit any potential for costs on appeal.

The Assistant Director advised that he had not seen an appeal that had been dismissed given the temporary and short-term nature of construction works and disturbance that could be dealt with by conditions. He referred to the costs advice, and the fact that the proposed conditions were tight and if the Committee considered necessary, could be made tighter. He concluded that if a consent could be conditioned, then permission should be granted.

In response to a comment from the Chair, the Assistant Director advised that he considered that the conditions were enforceable and in relation to hours of operation, the Planning Department would soon be

made aware if these had been breached. In relation to the conditions, reference had been made to the party wall, and he suggested that the Committee might want to consider adding an extra condition requiring details of how the party wall was going to be protected during construction.

The Planning Control Manager advised that the proposal was within the National Landscape and had very limited permitted development rights.

In response to a query from Councillor Ryves the Legal Advisor clarified that Human Rights and Public Sector Equality Duty were material considerations but to ensure that the Committee was making reasonable decisions that were defensible on appeal, they needed to be considered in the context as a whole and take into account conditions and whether it was therefore possible to mitigate any impact and bring it into a legitimate aim with a proportionate interference

The Committee then discussed the scale and design of the proposed dwelling, the adequacy of conditions, the potential for disproportionate harm to elderly neighbours, and the weight to be given to human rights and neighbourhood character.

Councillor Mrs Spikings proposed that the application be refused on the grounds that the proposal caused significant and disproportionate interference with Article 8 rights, unacceptable risks to health and well-being, and over-dominance in the street scene. This was seconded by Councillor Storey.

The Democratic Services Officer then carried out a roll call on the proposal to refuse the application for the reasons above and, after having been put to the vote, was carried (11 votes for and 1 abstention).

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

1. *The proposed demolition of the semi-detached dwelling would result in a significant and disproportionate interference with the article 8 rights of the adjoining elderly residents, namely their right to respect for their home and private life. The works would give rise to unacceptable risks to their health, safety and wellbeing, due to structural, noise, dust and vibration impacts directly arising from the demolition and would materially impair their ability to safely and comfortably occupy their home. The Local Planning Authority is not satisfied that these impacts could be adequately mitigated or controlled through planning conditions, nor that the interference is necessary or proportionate in relation to any public benefit of the proposal. Consequently, the development would constitute an unjustified and unlawful*

interference with article 8 rights of the affected residents as protected under the Human Rights Act 1998.

2. *The proposed design, as a result of its over dominance, is out of keeping with the form and character of the street scene and therefore is contrary to LP18 and LP21 of the King's Lynn and West Norfolk Local Plan (2021 - 2040), Policy 6 of the Burnham Market Neighbourhood Development Plan (2022 - 2036) and the National Planning Policy Framework.*

The Committee adjourned for a comfort break at 11.10 am and reconvened at 11.22 am.

Councillor de Winton left the meeting.

- (ii) **25/00060/O**
Marshland St James: Land north of 4 Walton Road: Outline application: 9 Self-Build dwellings: Mr Nick Barker

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The case officer introduced the report and explained that the application sought outline planning permission for 9 no. self-build dwellings, on a parcel of land on the north-east side of Walton Road with access proposed of Walton Road (via a vacant building plot in a row of recently built houses) and to the rear of dwellings facing Smeeth Road just northeast of the Hickathrift crossroads junction. The layout and access were for consideration at this stage and plans demonstrated 9 plots served off a private drive; all other matters were reserved for later consideration.

The current use of the land was agriculture (Grade 2). The application site was located mostly outside of the development boundary of Marshland St James (access drive plus a strip of approximately 12 m to the rear of Walton Road properties was inside) and abutted it on the southeastern boundary. The site was located within Flood zones 2 and 3A).

The case officer advised that this application was proceeding towards an approval subject to a Section 106 Agreement (to secure affordable housing contribution, GIRAMS payment and Custom & Self-Build tenure) following referral to the Planning Sifting Panel on 4th June 2025 due to the objection of the Parish Council.

However, in the interim prior to completion of the legal agreement, the Marshland St James Neighbourhood Plan had been adopted (on 8th October 2025) which had raised some conflict and was now the most up to date planning policy consideration and had full weight, so the application had been referred to the Planning Committee for determination at the discretion of the Assistant Director.

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, Kurt Morgan (objecting on behalf of the Parish Council) and Shanna Penney (supporting) addressed the Committee in relation to the application.

Councillors debated the weight to be given to the neighbourhood plan versus the need for self-build and affordable housing, noting the finely balanced nature of the case. Some members questioned the rigidity of the neighbourhood plan, while others highlighted the borough-wide need for affordable and self-build homes. The committee considered whether the proposal's benefits outweighed the minor policy conflict.

Councillor Ryves proposed that the application be approved on the grounds that significant weight has been placed on the need for self-build and affordable housing as there was a Borough-wide need, that outweighed the minor conflict with the neighbourhood plan. As it was considered that the proposal was acceptable, the exceptions test had been met.

This was seconded by Councillor Bone.

The Democratic Services Officer then carried out a roll call on the proposal to approve the application, subject to appropriate conditions to be agreed following consultation with the Chair and Vice-Chair and, after having been put to the vote was carried (8 vote for, 3 against).

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

The application should be approved on the grounds that significant weight has been placed on the need for self-build and affordable housing as there was a Borough-wide need, that outweighed the minor conflict with the neighbourhood plan. As it was considered that the proposal was acceptable, the flood risk exceptions test had also been met.

PC75: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That the reports be noted.

PC76: **UPDATE ON TREE MATTERS**

The Arboricultural Officer presented a six-month monitoring report on tree work applications and demonstrated improvements to the Council's public-facing website for tree protection. The Committee also

discussed notification processes, replacement duties, and recent incidents involving dangerous trees.

RESOLVED: That the report be noted.

The meeting closed at 12.15 pm