

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

Minutes from the Meeting of the Planning Committee held on Monday, 16th August, 2021 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor Mrs V Spikings (Chair)
Councillors L Bambridge (sub), R Blunt (sub) F Bone, A Bubb, G Hipperson, A Holmes (sub) C Hudson, C Joyce, B Lawton, B Long (sub), T Parish, S Patel, C Rose, J Rust, D Tyler and D Whitby

PC34: **WELCOME AND INTRODUCTIONS**

The Chairman, Councillor Mrs Spikings welcomed everyone to the meeting. She advised that the meeting was being recorded and streamed live on You Tube.

The Democratic Services Officer carried out a roll call to confirm attendees.

PC35: **APOLOGIES**

Apologies for absence received from Councillors Mrs Bower (Cllr Long sub), Manning (Cllr Bambridge sub), Mrs E A Nockolds (Cllr Blunt sub), S Squire (Cllr Holmes sub) and M Storey.

The Chairman, Councillor Mrs Spikings thanked the substitutes for attending the meeting.

PC36: **MINUTES**

The Minutes of the meeting held on 12 July and the reconvened meeting held on 15 July 2021 (previously circulated) were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings, subject to an amendment to the minutes of the meeting held on 12 July, which should read in relation to the Dersingham application '*Councillor Bubb explained that **he** shared the concern ...*'

PC37: **DECLARATIONS OF INTEREST**

The following declarations of interest were declared:

Councillors Mrs Spikings and Rose declared a prejudicial interest in item 8/1(d), Upwell and left the meeting during consideration of the application.

PC38: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business under Standing Order 7.

PC39: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillor attended under Standing Order 34:

Councillor Gidney 8/1(a) Hunstanton

In relation to 8/1(a) Hunstanton, the Chairman, Councillor Mrs Spikings read out Councillor Mrs Bower's comments as she was unable to attend the meeting.

PC40: **CHAIRMAN'S CORRESPONDENCE**

The Chairman, Councillor Mrs Spikings advised that any correspondence received had been read and passed to the relevant officer.

PC41: **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.

PC42: **INDEX OF APPLICATIONS**

The Committee noted the Index of Applications.

a **Decisions on Applications**

The Committee considered schedules of applications for planning permission submitted by the Executive Director for Planning & Environment (copies of the schedules are published with the agenda). Any changes to the schedule are recorded in the minutes.

RESOLVED: That the applications 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) **21/01287/F**

Hunstanton: 113 South Beach Road: Variation of condition 1 of Planning permission HU 1260: To remove occupancy restrictions: Mr Michael John Burton

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

The Senior Planner introduced the report and explained that the application site was outside of the development boundary of Hunstanton and was contained within the Coastal Hazard Zone (Hunstanton to Dersingham).

The site comprised of a two-storey terraced house that was granted approval in 1967 subject to a seasonal occupancy condition stating that the property shall only be occupied between 1st April to the 31st October in any calendar year.

The surrounding land uses comprised of residential dwellings and holiday caravan sites.

The application sought consent to extend the seasonal occupancy period to 11 months of the year.

The application had been referred to the Committee for determination as the officer recommendation was contrary to the views of Hunstanton Town 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 Mr M Ruston (supporting on behalf of the Town Council) and Mr M Burton (supporting) addressed the Committee in relation to the application.

Councillor Gidney addressed the Committee in accordance with Standing Order 34 in support of the application.

The Chairman, Councillor Mrs Spikings then read out a statement from Councillor Mrs Bower (Ward Member) in support of the application.

Councillor Parish addressed the Committee in support of the officer recommendation.

Councillor Long stated that there was not a flood history included within the officer's report. He added that these days there was better forecasting, prediction and better flood warnings in place.

The Senior Planner advised that with regards to the previous history, he did not have details of that.

He advised that from speaking to the Emergency Planner, in 2013 part of the tide went over the power boat ramp, which was on the same line as South Beach Road. Also, from speaking to the Emergency Planner, his understanding was that the evacuation route for this particular property would be one of the first places to flood so there would not be

a safe escape route. If this was a replacement dwelling there would be 7 criteria in DM18 to make it safe. This was a property that had been built in 1967 and therefore was unlikely to be able to withstand any kind of flood inundation.

Councillor Long asked if there was any hydraulic modelling.

The Chairman Councillor Mrs Spikings added that it was now a requirement that all caravans were chained.

The Assistant Director added that although there were discussions about historical events, the Environment Agency also looked to the future and virtually all decisions that had been appealed backed-up DM18. If the application were to be refused, then the applicant did have a right of appeal.

Councillor Joyce stated that this was finely balanced. He added that with regards to ground floor safety, the applicant was prepared to sleep upstairs. Despite an objection from the Environment Agency, the Committee had granted permission for a bungalow along the road. He suggested that a condition could be imposed to require sleeping accommodation to be upstairs.

The Assistant Director reminded the Committee that they had considered an application a little while ago, in large block of flats in North Lynn, outside of the Coastal Hazard Zone, where there was a proposal to turn one unit into residential accommodation. At that time the Committee recommended refusal on flood risk grounds, which was upheld by the Planning Inspector at appeal. That was in a lower flood risk area than this application.

In response to a query the Assistant Director explained that a restriction had been imposed on the whole block, however over time the occupants had amended their restrictions. This one had not been amended. The other occupants had been allowed to amend their restrictions because of the policy circumstances at the time.

Councillor Hipperson asked whether there would be any official implications if the Committee went against the recommendation.

The Assistant Director explained that the Environment Agency did keep a record of those applications where the Council went against their recommendation, but he was unsure if there was any outcome of that. He advised the Committee that it was about consistency and there was a right of appeal for the applicant.

The Chairman, Councillor Mrs Spikings reminded the Committee that each application needed to be considered on its own merits and should be in line with the current policy.

Several Members expressed concern over the lack of consistency with regards to the occupancy restrictions.

Councillor Long referred to any proposed condition and stated that they had to be relevant and enforceable. He asked what enforcement was carried out to check that the occupancy conditions were complied with.

The Assistant Director advised that if a complaint was received then this was followed up and checked.

Councillor Parish stressed the importance of complying with DM18 and the Committee being consistent.

Councillor Blunt added that there had been the opportunity to amend the occupancy condition however there was new policy to adhere to. There was also the potential risk to life to consider.

Councillor Joyce proposed that the application be approved on the grounds that the properties either side of the dwelling did not have any restriction and that CS1 also applied. This was seconded by Councillor Lawton.

The Democratic Services Officer then carried out a roll call on the proposal to approve the application and, after having been put to the vote, was lost (8 votes for and 9 against).

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

RESOLVED That, the application be refused as recommended.

(ii) **21/002221/F**
Terrington St Clement: Lane between 14 and 20 Chapel Street: Removal of condition 2 of planning permission 2/93/1113/F: Mr Robert George

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

The Senior Planner introduced the report and explained that the application was for the variation of condition 2 of planning permission 2/93/1113/F, which stated:

‘Before the occupation of the development hereby approved, the car parking associated with the development and shown on the deposited plan shall be laid out and surfaced to the satisfaction of the Borough Planning Authority.’

The reason being: ‘To ensure satisfactory provision of car parking for the proposed development in the interests of highway safety.’

It was explained that planning permission had been granted on 15 October 1993 for the creation of an office building and two residential units at 61 Marshland Street. As part of the original application, the car parking area between 14-20 Chapel Road was indicated to be used as off-road car parking for both the commercial and residential uses at 61 Marshland Street, however it was not conditioned to be retained in perpetuity.

The application sought to remove the aforementioned condition as the parcels of land were no longer in the same ownership.

The application had been referred to the Committee for determination as the officer recommendation was contrary to the views of the Local Highways Authority and the Parish Council and at the request of the Sifting Panel.

The Democratic Services Officer carried out a roll call on the proposal to approve the application and, after having been put to the vote, was carried (11 votes for, 2 against and 4 abstentions).

RESOLVED: That the application be approved, as recommended.

The Committee adjourned at 10.40 am and reconvened at 10.50 am

(iii) 19/00451/F

Upwell: Land and buildings on the south side of Small Lode: Change of use to 4 no. additional traveller pitches including 4 no. mobile homes, 4 no. touring caravans, 2 no. septic tanks, hardstanding and associated works: Mr M Stevens

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The Senior Planner introduced the report and explained that the site was located in an area of countryside on the southern side of Small Lode approximately 760 m east of the defined village development area (Lode Avenue).

The site comprised 0.18 ha of redundant agricultural land. There were two houses – No.204 to the north and No.200 to the west, with an 11 pitch Gypsy and Traveller (G&T) site beyond. To the south was a mobile home and to the east was located agricultural land. To the north of the access point on the opposite side of Small Lode there were two further G&T sites / pitches.

The current proposal sought to create 4 similar sized pitches served off the existing access track which leads to the southern mobile home.

The site layout indicated the standing of a mobile home and touring caravan on each pitch, together with an area of hardstanding for parking of at least two vehicles.

The site was located mostly within Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment.

The application had been referred to the Committee for determination as the officer recommendation was contrary to the views of the Parish Council, and at the request of the Planning Committee 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, Clive Payne (objecting), Prue Lester (objecting on behalf of the Parish Council) and Mark Stevens (supporting) addressed the Committee in relation to the application.

The Chairman then invited Nikki Patton, the Council's Housing Strategy Officer, to address the Committee. She explained that the application was consistent with the need identified in the GTAA, it did identify a need up to the period 2036. It also met the need from newly arising households which were forming from family members which were growing up and needed pitches of their own. It was also important to note that the figures identified in the GTAA were not a quota but were there to inform the Local Plan and the figures that were set out in the GTAA identified a need for 5 pitches for those meeting the definition, but also a need up to 30 additional pitches from households that were identified as unknown at the time of the GTAA. She went on to clarify that meant that was people were not available for the survey or were not able to take part. The needs of those households still needed to be recognised in the GTAA as there were believed to be ethnic G&Ts who may meet the new definition and therefore may need to be identified at the time of submitting an application.

The Senior Planner outlined that the drainage arrangements were covered via a condition.

Councillor Long asked whether improvements could be made to condition 7. He also referred to condition 4 and condition 5. With regards to condition 5, he asked whether that should also include no storage of commercial waste material.

The Assistant Director advised that an additional condition would need to be imposed regarding the storage of commercial waste material. This was formally proposed by Councillor Long and seconded by the Chairman, Councillor Mrs Spikings.

Councillor Joyce queried whether the applicant was a gypsy and traveller and referred to the criteria to determine whether someone was a gypsy and traveller. He referred to the late correspondence, where legal services had come up with a response based on the Freedom of Information Act. He added that the Planning Committee was a

decision-maker and needed to know the information. He needed evidence to demonstrate that the applicant met the definition.

The Housing Strategy Officer advised that the personal information provided by the applicant met the definition contained within the PPTS.

The Legal Advisor gave his advice to the Committee.

The Assistant Director further explained that the advice that been that confidential information could have been redacted but the case officer advised that this had been considered but the amount of information left after redaction would render the document worthless.

The Chairman, Councillor Mrs Spikings added that it was unfair to single out this application when the Committee had considered other applications, consistently and fairly. She considered that the Committee did have enough information to make a decision. She added that the family were gypsies and travellers and she had known the family since the inception of the site. She also had sympathy with the neighbour, Mr Payne, and considered that the drainage issues should have been sorted out before the application was submitted.

Councillor Joyce added that this was the first application of this nature that had come before him. He did not know the applicant, but he did not understand why the questions had not been answered.

The Legal Advisor explained that confidential information had been provided which was why caution had been exercised.

Councillor Parish asked when did a traveller site become development in the countryside, and also referred to the Parish Council objection, which he considered was correct and the Council should object to the application.

The Housing Strategy Officer explained that in terms of the PPTS the Council had to be satisfied that the members of the Gypsy & Traveller community were still travelling for economic purposes or had ceased travelling on a temporary basis on the grounds of health or education. That did not question anyone's position within the community. Travellers had a right to a settled life in terms of their accommodation whilst going about their cultural traditions of travelling for economic purposes, as identified in the PPTS. As a local Housing and Planning Authority the Council was there to meet the needs identified within the GTAA.

The Chairman referred to amended Condition 7 and the Assistant Director outlined the amendments and adding the scheme should be retained 'in perpetuity'.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application together with amended

condition 7 and an additional condition relating to no storage of commercial waste materials, which was carried (13 votes for, 2 votes against, and 1 abstention).

RESOLVED: That the application be approved, as recommended, subject to Condition 7 being amended, as described, and an additional condition to ensure that there was no storage of commercial waste material on the site.

(iv) **21/00127/CU**

Upwell: Five Bells Inn, 1 New Road: Retrospective change of use to holiday let: Mr Robinson and Mr Brightly

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The Chairman Councillor Mrs Spikings and Councillor Rose declared an interest in this application and left the meeting during consideration of the item. The Vice-Chairman took the Chair for the item.

The Senior Planner introduced the report and explained that the application sought retrospective planning consent for a change of use for the Five Bells Inn public house to a large holiday let. The Five Bells Inn was situated centrally within the village of Upwell, on the junction of New Road and Small Lode in a prominent location next to St Peters Church and the River Nene.

Upwell was categorised as a joint Key Rural Service Centre in the adopted Site Allocations and Development Management Policies Plan, recognising its role as a services centre to the wider locality.

The application was for a change of use only and did not propose any physical changes to the building or site.

The application had been referred to the Committee for determination by the Assistant Director given the level of public interest.

The Committee noted the key issues for consideration when determining the application as outlined in the report.

In accordance with the adopted public speaking protocol, Heather Utteridge (objecting) and Tim Slater (supporting) addressed the Committee in relation to the application.

The Senior Planner drew the Committee's attention to the late correspondence and the comments from the Five Bells Inn Preservation Society who advised that they applied to register the public house as an Asset of Community Value.

The Committee discussed the application and referred to the fact that an application had been made to register the public house as an Asset of Community Value and whether by granting permission for the

application would affect the assessment of the public house. Therefore, the Assistant Director suggested that the application be deferred so that the legislation could be fully assessed.

This was formally proposed by Councillor Parish and agreed by the Committee.

The Democratic Services Officer then carried out a roll call on the proposal to defer the application which was carried (13 votes for and 2 abstentions).

RESOLVED: That the application be deferred.

(v) **2/TPO/00605**

Snettisham: Within the garden of The Old Hall, 4 Lynn Road: To consider whether Tree Preservation Order 2/TPO/00605 should be confirmed, modified or not confirmed in the light of objections

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The Arboricultural Officer introduced the report and explained that the mature Holm Oak (T1) was situated in the rear garden of The Old Hall, Lynn Road, Snettisham. He reported that the tree could be seen from Lynn Road and showed this in the presentation to Committee. The tree contributed greatly to the historical setting of the conservation area and to the wider landscape of Snettisham.

The report detailed:

- The reason for making the Tree Preservation Order;
- An outline of the objections and representations; and
- The response to the objections and representations.

RESOLVED: That the Order be confirmed without modification.

PC43: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That the reports be noted.

The meeting closed at 12.10 pm