

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

Minutes from the Meeting of the Planning Committee held on Monday, 6th December, 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 C Bower, A Bubb, G Hipperson, A Holmes, C Hudson, B Lawton, B Long (sub), C Manning, C Morley (sub), E Nockolds, T Parish, C Rose, J Rust, S Squire, M Storey, D Tyler and D Whitby

PC75: **WELCOME**

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 determine attendees.

PC76: **APOLOGIES**

Apologies for absence were received from Councillors Bone, Lawton (Cllr Morley sub) and Patel (Cllr Long sub).

The Chairman thanked the substitutes for attending the meeting.

PC77: **MINUTES**

The Minutes of the meeting held on 8 November 2021 were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC78: **DECLARATIONS OF INTEREST**

There were none.

PC79: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business pursuant to Standing Order 7.

PC80: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

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

I Devereux	8/1(a)	Snettisham
P Kunes	8/2(c)	South Wootton
J Kirk	8/3(b)	Clenchwarton
C Morley	8/3(d)	Syderstone

PC81: **CHAIRMAN'S CORRESPONDENCE**

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

PC82: **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.

PC83: **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 schedules are recorded in the minutes.

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

(i) **21/00716/F**

Snettisham: Ingol Falls House, Mill Gardens: Proposed detached home study: C Singh

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The Planning Control Manager introduced the report and reminded Members that the application was deferred from the November 2021 Committee meeting. This was due to a conflict between the consultation end date for the latest site notice which detailed that the application would impact a public right of way and the Committee meeting date. Further, extensive additional correspondence from the Open Spaces Society was received.

The site notice end date had now expired and the additional correspondence from the Open Spaces Society was included within the updated report. It was considered that this clarified the previous reasons for deferral and that the application could now be considered by the Committee.

The Planning Control Manager advised that the application proposed a single storey detached outbuilding set within the residential garden space of the existing dwelling, Ingol Falls House.

The application had been referred to the Committee for determination by Councillor Devereux.

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 E Godber (objecting) and Mr K O'Brien (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor Devereux addressed the Committee in relation to the application.

The Legal Advisor gave advice in relation to the footpath issue and explained that the definitive map set out the legal routes of the public rights of way, which were required to be kept open and additional rights of way might be acquired by the public. He also explained that there was a statutory process where a footpath could be stopped up or diverted under Section 257 of the Town and Country Planning Act and this needed to be implemented before development could take place.

Councillor Long asked for clarification as to whether it needed to be conditioned for something that already sat in law. The Chairman advised that on page 22 and 23, it set out exactly what needed to be looked at with regards to the footpath and Members only needed to consider the planning merits of the proposal.

Councillor Parish in opposing the application, proposed that the application be refused on the grounds that the proposed building would be too large and out of keeping in a prominent location. This was seconded by Councillor Squire.

Councillor Long referred to condition 3 which stated that at no time it should the proposed office / study should at no time be used for business or commercial purposes. He asked how this would be enforced. It was therefore proposed that condition 3 be amended to read '*The development hereby approved shall be incidental to the use of the main dwelling*' and the rest of the condition be deleted, and condition 4 be removed as it was unenforceable. This was agreed by the Committee.

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 lost (6 votes for, 10 against and 1 abstention).

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application, subject to the amendment to condition 3 and removal of condition 4, which was carried (10 votes for approval, 7 votes against).

RESOLVED: That the application be approved, as recommended, subject to the amendment of condition 3 to read: *The development hereby approved shall be incidental to the use of the main dwelling* and the rest of the condition be deleted, and removal of condition 4 entirely.

- (ii) **21/00457/F**
Holme next the Sea: Westfield, 27 Peddars Way:
Demolition of existing bungalow, construction of detached two-storey dwelling with garage and garden room:

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The Planning Control Manager introduced the report and reminded Members that the application had been deferred from the September 2021 Committee meeting. The reason given was to clarify the GIA calculations and to seek a reduced scheme.

It was advised that amended plans were provided on 17 September 2021 showing the proposed dwelling reduced by 7 m² by increasing the thickness of the wall construction and the repositioning of the first-floor glazed screens inwards. These changes had resulted in a GIA of 199.92 m² (40% increase from the original bungalow GIA of 142.80 m²).

Officers now considered that the amendments were considered to overcome the original issues and a re-consultation was issued.

The site comprised a single storey detached property and associated garden land. The property was one in a row of residential properties along Peddars Way, Holme next the Sea.

In planning policy terms, the village of Holme next the Sea was identified as a Smaller Village and Hamlet in the Core Strategy and SADMP and did not have a settlement boundary. In this respect the site was within the countryside.

Holme next the Sea now had an adopted Neighbourhood Plan and in this respect the site frontage was within the Neighbourhood Plan settlement boundary, whilst the rear part of the site was outside. The whole village was within the Area of Outstanding Natural Beauty.

The application sought full planning permission for the demolition of the existing bungalow and construction of a detached two storey dwelling with garage and garden room.

The application had been referred to the Committee as the comments of the Parish Council and Norfolk Coast Partnership were contrary to the officer recommendation and at the request of the Planning Sifting Panel. The application was later deferred from 13th September 2021 Planning Committee meeting.

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, Jacqueline Budenorg (objecting), Lynn Devereux (objecting on behalf of the Parish Council) and Christopher Thorogood (supporting) addressed the Committee in relation to the application.

Councillor Long proposed that the application should be refused on the grounds of the impact on the AONB and that it was contrary to the Neighbourhood Plan. This was seconded by Councillor Squire.

The Assistant Director advised that the Committee needed to give consideration to the other modern property that had been built and each application needed to be considered on its own merits.

The Chairman, Councillor Mrs Spikings added that she would like to add a reason for refusal that the building was too large in the street scene.

The Assistant Director advised that the reasons for refusal were its excessive size in the street scene, impact on AONB and that it was contrary to the Neighbourhood Plan.

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 (16 votes for refusal and 1 against).

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

The proposed dwelling, by reason of its excessive size, as well as its design and appearance, would be at odds with the prevailing traditional design characteristics of the locality and would fail to conserve and enhance the street scene, and the AONB in general. The proposed development would therefore be contrary to the NPPF, Policies CS08 and CS12 of the Core Strategy 2011, Policy DM15 of the SADMPP 2016 and Policies HNTS11 and HNTS16 of the Holme-next-the Sea Neighbourhood Plan.

The Committee then adjourned at 10.46 am and reconvened at 11.00 am

(iii) 20/00470/RMM

King's Lynn: Land west of St Peters Road, West Lynn: Reserved matters application for 38 dwellings. Details of layout, scale, appearance, and landscaping. In accordance with Condition 8 of the outline planning permission, the scheme includes a vehicular access to the West Lynn Drain along with a 9m easement strip. In accordance with Condition 26 of the outline planning permission, the scheme includes a 15m exclusion zone around the Anglian Pumping Station: Minister Property Group

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The Senior Planner introduced the report and explained that the application sought reserved matters and 38 dwellings following the granting of outline planning permission under application 16/01105/OM, which was subsequently amended by applications 20/00145/F and 20/00145/NMA_1.

The reserved matters site was slightly smaller than the area granted at outline stage due to landownership issues.

Access was approved at outline stage, so the reserved matters application sought approval of layout, appearance, scale and landscaping.

The application was for 100% affordable housing, although policy requirements and the S106 agreement that accompanied the outline permission only required 15% (6 units).

The application had been referred to the Committee 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, Steven Bowdery (objecting) and Jake Stentiford (supporting) addressed the Committee in relation to the application.

Whilst the Committee welcomed the affordable housing scheme, they did have concerns in relation to the overbearing impact and overshadowing that the scheme would create, particularly on the existing dwellings - 109 and 115 St Peters Road.

Councillor Long added that whilst he welcomed the affordable housing, the scheme would also cause issues for waste collection. He added that some redesign in that locality (around plots 5-10) could resolve

several issues including overshadowing, waste collection and easier access for fire tenders.

Councillor Rust added that she too welcomed the affordable housing but had concerns in relation to flooding, drainage issues, the issues at West Lynn School, and considered that the overshadowing was significant. She also referred to the comments from the Open Space Team.

The Assistant Director advised that given the concerns raised by the Committee, the application could be deferred to give the applicant the opportunity to address the issues raised. This was formally proposed by the Chairman, Councillor Mrs Spikings and seconded by Councillor Holmes and agreed by the Committee.

RESOLVED: That the application be deferred.

(iv) 21/01979/FM

King's Lynn: Public service infrastructure planning application: Proposed construction of a two-storey hospital building (Use Class C2) with associated infrastructure and landscaping: MTX Contracts

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The Senior Planner introduced the report and explained that the full planning permission was sought for a two-storey, c.1958 m² endoscopy building (C2 use) and associated infrastructure and landscaping.

The site was located in a central position within the southern third of the wider hospital site and currently accommodated a 59-space staff car park. A number of protected trees occupied the northern part of the site.

The development would result in the loss of the car park and some of the protected trees although all of the parking spaces were to be accommodated elsewhere on the site, and the trees were to be replaced on a 1:1 basis.

The site was located within the development boundary for King's Lynn and accommodated one of the Borough's main employers and community facilities.

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, Sarah Jones (supporting) and Nichola Hunter (supporting) addressed the Committee in relation to the application.

The Arboricultural Officer explained that 10 trees would be replaced, the 11th tree was dead. The new trees would immediately be covered by the Tree Preservation Order.

Councillor Rust explained that she was pleased with the proposal however she was the Ward Councillor and had been contacted by residents, who had concerns regarding water run-off and drainage. She added that she would like consideration given to this issue as the land at the bottom of the hospital was subject to resident's concerns. She added that following a visit, there appeared to be neglect of ditches and drainage.

The Senior Planner advised that there had been no comments from statutory consultees, but drainage issues had been covered within the report, which did state that the drainage would be improved.

The Chairman, Councillor Mrs Spikings drew the Committee's attention to the need to amend condition 1, delete condition 9 and renumber condition 10 (travel plan) to 9, as outlined in the late correspondence.

A vote was carried on the recommendation to approve the application subject to the amendments outlined in late correspondence and was approved (unanimously).

RESOLVED: That the application be approved, as recommended, subject to the amendments outlined in late correspondence.

(v) 21/01432/FM

South Wootton: Estuary Farm, Edward Benefer Way: Erection of an up to 49.99 MW Solar PV Array and circa 15 MW battery storage, comprising ground mounted solar PV panels, battery storage, vehicular access from the site entrance with internal access tracks, landscaping and associated infrastructure including security fencing, CCTV cameras, client storage containers and grid connection infrastructure, including transformer and substation buildings and off-site cabling: NS Solar 01 Limited

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The Senior Planner presented the report and explained that the application sought full permission for a 49.99 MW Solar PV array and 15MW battery storage with off-site cabling to connect to King's Lynn substation (Austin Street primary) and Recipharm (formerly known as Bepak) and comprised:

- Ground mounted solar PV panels

- Fixed Mounting Structure
- Battery storage
- String combiner boxes
- String inverters
- Vehicular access and internal access tracks
- Landscaping
- Associated infrastructure including:
 - Transformers
 - Substation buildings
 - Temporary site compound

The site measured 56.81 ha and was located in open countryside c.0.9km west of the village of South Wootton, within South Wootton Neighbourhood Plan Area and just north of the development boundary for King's Lynn and North Lynn Industrial Estate.

The application had been submitted following pre-application advice and a public consultation exercise.

The application had been referred to the Committee for determination as the operational area exceeded 1 hectare 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, Beatrice Moda (supporting) and Dale Greetham (supporting) addressed the Committee in relation to the application.

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

Councillor Squire referred to the 11 trees to be removed and asked for additional information regarding them. It was suggested that determination of the application be deferred until later in the meeting to see if additional information could be obtained.

The Committee then adjourned at 12.25 pm and reconvened at 1.00 pm.

Upon reconvening, the Senior Planner highlighted on the plans the area where the 11 trees were proposed to be removed. She explained that none of the trees needed to be removed to enable the development to take place. 55 trees had been assessed and out of those 11 were wholly dead, or almost dead. It had been advised that these trees should be removed for health and safety reasons. The applicant was happy to have a condition attached requiring the replacement of the 11 trees elsewhere on the site.

Councillor Squire proposed that a condition should be imposed requiring the 11 trees to be removed should be replaced elsewhere on the site, which was agreed by the Committee.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application together with the additional condition regarding the replacement of the 11 trees, and after having been put to the vote was carried (15 votes for and 2 abstentions).

RESOLVED: That the application be approved, as recommended, subject to the imposition of an additional condition requiring the 11 trees to be removed to be replaced elsewhere on the site.

(vi) 21/01335/F

**Burnham Market: Mill Wood House, Herrings Lane:
Proposed demolition of existing dilapidated building and
subsequent erection of an incidental outbuilding: Mr Morris**

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The Planning Control Manager presented the report and explained that the land was situated on the south side of Restricted Byway 7, off Herrings Lane, Burnham Market, within the village boundary and the designated Norfolk Coast AONB.

The application was for the construction of a detached single storey office / gym / art studio building for private ancillary use at Mill Wood House, Herrings Lane, Burnham Market following the demolition of the existing building known as Wood Lodge.

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.

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 (16 votes for and 1 abstention).

RESOLVED: That the application be approved as recommended.

(vii) 21/01940/O

**Clenchwarton: Land NE of 69 Ferry Road: Proposed
development of two storey dwelling: Mr N Hurst**

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The Planning Control Manager presented the report and explained that the application site was located in an area classed as 'countryside' on the southern side of Ferry Road opposite its junction with Mill Lane and

Wash Lane, well outside the defined village development area of Clenchwarton.

The proposal sought outline permission for the construction of a two-storey dwelling, with all matters reserved for further consideration.

The site area (0.1ha) was approximately half of that recently submitted under application reference 21/00560/O, which sought outline permission for the construction of 3 no. two storey dwellings and was refused at officer level in July under the scheme of delegation. That application was refused on the grounds of sustainability – development in the countryside, flood risk plus highway and pedestrian safety.

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

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 Wallace (objecting) and Jordan Trundle (supporting) addressed the Committee in relation to the application.

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

The Senior Planner advised that in relation to comments regarding fly tipping on the site, looking at the photographs, he explained that it looked clear that there had been some form of enclosure to the site in the past and there was nothing stopping the site from being secured. He also reminded the Committee that there was no premium on neglect. The site was outside the development area and was countryside and should remain as such.

Councillor Whitby (Ward Member) stated that although the site was outside the development boundary, but all along Ferry Road had been infilled over the years. Fly tipping had taken place and with regards to visibility onto Ferry Road, the entrance for No.69 was worse than this. He added that it would be nice to see the area cleaned up.

The Planning Control Manager showed the site in relation to the development boundary on the plan. Officers had been consistent with policy over a number of years and currently the site looked tidy.

Councillor Parish supported the recommendation to refuse the application.

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 (12 votes for, 2 against and 3 abstentions).

RESOLVED: That the application be refused, as recommended.

(viii) 21/00917/F

Docking: Swallows Rest, High Street: Construction of new 1/2 storey extension while retaining as much of the existing extension as possible: Mr Jonathan Cave

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The Planning Control Manager introduced the report and explained that full planning permission was sought for a single storey cart-shed extension (following demolition of an existing single storey lean-to garage) and alterations to an existing 1/1.5 storey extension to create additional habitable accommodation. A previous application, that was substantially different (for the demolition of the existing single and 1.5 storey extensions and replacement with a new detached dwelling), was refused and dismissed at appeal.

The site was located within the development boundary for Docking in Docking Conservation Area.

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 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 unanimously.

RESOLVED: That the application be approved, as recommended.

(ix) 21/01173/F

Syderstone: Nursery Lodge Farm, The Street: First floor extension to existing dwelling: Mr & Mrs M Cooper

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Councillor Morley left the meeting and later addressed the Committee in accordance with Standing Order 34.

The Planning Control Manager introduced the report and explained that the application proposed a new first floor to the existing single storey dwelling alongside a single storey rear extension.

The proposal had been amended since its original submission to improve the fenestration arrangement and to balance the front elevation. Alongside this, the rear elevation had been amended to improve the wall to glazing ratio and create a more balanced elevation.

The site and existing dwelling were located within Syderstone, amongst an established rural residential area. The site consisted of a large plot with the dwelling well set back to the rear, large open land within the same ownership was located to the rear (south). Neighbouring dwellings were located to the north, east and west.

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

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

Councillor Morley addressed the Committee in accordance with Standing Order 34 objecting to the application.

Councillor Parish proposed that the application be refused on the grounds of the impact on the neighbours by virtue of the excessive size of the extension which had been exacerbated by the topography of the site. This was seconded by Councillor Rust.

The Chairman, Councillor Mrs Spikings proposed that if the application was approved, a condition be imposed to ensure that the roof area was used as a roof terrace to protect the amenity of the neighbours, which was agreed by the Committee.

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 (12 votes for, 3 against and 1 abstention).

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

Notwithstanding the Permitted Development fall-back position of Class AA, the proposed development would appear unduly prominent to neighbouring dwellings, exacerbated by the topography of the locality and would create unacceptable overlooking and overbearing issues to the detriment of neighbour amenity. This is contrary to the provisions of the NPPF, Core Strategy Policy CS08 and Site Allocations and Development Management Policy Plan policy DM15.

- (x) **2/TPO/00616**
Dersingham: 15 Fern Hill: To consider whether Tree Preservation Order 2/TPO/00616 should be confirmed, modified or not confirmed in the light of objections

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The Arboricultural Officer presented the report which detailed the following:

- Reason for making the Tree Preservation Order;
- An outline of objections and representations;
- Response to those objections and representations.

In accordance with the adopted public speaking protocol, David Stacey (objecting) and Alexandra Polaine (supporting) addressed the Committee in relation to the application.

The Democratic Services Officer then carried out a roll call on the recommendation to confirm the Order without modification, which was carried unanimously.

RESOLVED: That Tree Preservation Order 2/TPO/00616 be confirmed without modification.

PC84: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That the reports be noted.

PC85: **UPDATE ON TREE MATTERS**

The Committee received an update on Tree matters.

RESOLVED: That the report be noted.

The meeting closed at 2.40 pm